

City of Henderson

Development Code Update

Administrative Draft

Administration and Enforcement; Interpretations and Definitions

(Presented as part of Module 5 of the Development Code Update)

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Introduction

This report presents draft provisions for Administration and Enforcement, and Interpretations and Definitions in the Development Code. The Development Code will be organized into five parts, in the following order:

Part I – Introductory Provisions

Part II – District Regulations

Part III – Citywide Standards

Part IV – Administration and Enforcement

Part V – Interpretations and Definitions

This report includes two parts (Part IV – Administration and Enforcement and Part V – Interpretations and Definitions), which include a total of 21 chapters. The chapters provided in this report serve as the fifth and final Module of the Administrative Draft Development Code.

Administration and Enforcement

Part IV – Administration and Enforcement includes 19 chapters of administrative and procedural requirements related to the Development Code. Administrative standards and procedural requirements have been largely carried forward, with minor changes related to organization and consistency. The chapters are proposed to be located toward the end of the Development Code to avoid separating related development standards. Existing Chapter 19.6 (Administration) has been split into chapters and sections that bring forward the primary names of the procedure or application.

Power and duties of the relevant decision-making bodies are presented first, followed by a chapter of common procedures. Procedures for specific approval processes are then listed, generally ordered from the most commonly required approvals, such as design review, to more technical and substantive approvals, including use permits and variances. This, combined with the consolidation of relevant provisions, will aid in usability and navigation by clearly stating all administrative requirements for each procedure.

In early 2019, the chapters were reviewed by the City of Henderson attorneys; their comments and highlights have been maintained for City staff review.

Interpretations and Definitions

Part V – Interpretations and Definitions include two chapters that serve as a reference section for previous parts of the Development Code. The chapters are proposed to be located at the end of the Development Code to help elevate the most important sections of the Code – the regulations themselves – above the sections primarily serving as a reference tool. Additionally, locating these chapters at the end of the Development Code maintains the ease with which code users can locate the reference sections when needed.

Interpretation of the Development Code

This Chapter establishes and consolidates rules for language, measurement, calculations, and interpretation in one Development Code location. Items addressed in existing Code Sections 19.12.2 (Rules of Interpretation) and 19.12.3 (Rules of Measurement) have been carried forward with minor refinements for improved organization. Specific rules for calculations and measurements that are required to implement the zoning regulations have been included and reviewed for clear administration.

Definitions of Terms

This Chapter establishes an index of commonly used terms and their definitions in one consolidated Development Code location. Definitions have been carried forward and some new terms have been defined (e.g., façade) to remain consistent with the updated Development Code standards. Sign definitions have been revised consistent with the updated chapter for sign standards.

Administration and Enforcement

Chapter 19.16 Review and Decision-Making Authorities

Sections:

- 19.16.1 Purpose
- 19.16.2 Summary of Review and Decision-making Responsibilities
- 19.16.3 City Council
- 19.16.4 Planning Commission
- 19.16.5 Community Development and Services Director
- 19.16.6 Staff Review

19.16.1 Purpose

This Chapter summarizes the land use and development procedures in this Code and describes the responsibilities of the review authorities that review and decide upon development applications.

19.16.2 Summary of Review and Decision-making Responsibilities

Table XX, Review Procedures and Decision-making Responsibilities, summarizes the review and decision-making responsibilities of the review authorities that have roles in the procedures set forth in this Part. Other duties and responsibilities of these review authorities are set forth in subsequent Chapters of this Part. Where a project requires more than one type of application, all requests shall be reviewed and decided upon by the highest review authority established for any of the applications.

TABLE XX, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Body	Decision Body	Appeal Body
Comprehensive Plan and Zoning				
Comprehensive Plan (Text and Map)	Section XX	Staff Review ¹ Director <Commission>	<Council>	-

TABLE XX, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Body	Decision Body	Appeal Body
Development Code Text Amendment	Section XX	Director	Council	-
Rezoning	Section XX	Staff Review ² Director <Commission>	Council	-
Rezoning to MP or PUD Overlay District	Section XX	Staff Review ² Director <Commission>	Council	-
Land Division				
Parcel Map ³	Section XX	-	Director	Commission
Boundary Line Adjustment ³	Section XX	-	Director	Commission
Tentative Map	Section XX	Staff Review ² Director	Commission	Council
Final Map ³	Section XX	-	Director	Commission
Reversion to Acreage	Section XX	-	Director	Commission
Entitlements				
Conditional Use Permit	Section XX	Director	<Commission>	<Council>
Design Review	Section XX	Staff Review ²	Director ⁴	Commission Council
Redevelopment Area Review	Section XX	-	Director	Redevelopment Agency
Temporary Use Permit	Section XX	-	Director	Commission
Signs				
Master Sign Plan	Section XX	Staff Review	Director	Commission Council
Master Sign Plan with exceptions or modifications	Section XX	Staff Review Director	<Commission> ⁵	Council
Vacation of Public Right-of-Ways and Easements				

TABLE XX, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Body	Decision Body	Appeal Body
Type I (Streets/Non-Municipal Easements)	Section XX	Staff Review Director <Commission>	Council	-
Type II (Municipal Easements)	Section XX	Director	Council	-
Modifications and Appeals				
Administrative Adjustment	Section XX	-	Director ⁶	Commission
Variance	Section XX	Staff Review Director	<Commission>	<Council>
Waiver ^{7 8}	Section XX	Director	<Commission> <Council>	-
Waiver of Standards Application ^{8 9}	Section XX	Director	<Commission> <Council>	-
Appeal	Section XX	-	Commission	Council
Interpretation	Section XX	-	Director	Commission
Other Procedures				
Development Agreement	Section XX	Director <Commission>	<Council>	-
Creation of Landscape Maintenance District	Section XX	Director <Commission>	<Council>	-

Notes:

1 Amendments to the future land use map of the Comprehensive Plan require review of a concept plan by the Development Review Committee.

2 Amendments to the MP Overlay District, design review applications with structures of 50,000 square feet or more of floor area, and Projects of Significant Impact require concept plan review by the Development Review Committee.

3 Recombinations of existing lots resulting in subdivisions of ≤5 lots are reviewed consistent with the procedure for final maps (Section XX); all others are reviewed consistent with the procedure for a parcel map (Section XX).

4 A design review application associated with another type of application, such as a CUP, shall be processed concurrently with the other application, and shall be reviewed and decided by the same review authority deciding the other application.

5 Section XX states that exceptions and modifications of sign regulations are final action at Commission unless appealed.

TABLE XX, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Body	Decision Body	Appeal Body
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6 Administrative adjustments shall be approved prior to final decision on design review applications.

7 Waivers may be requested in conjunction with either a PUD or MP overlay or separately with a Waiver of Standards application.

8 Waivers requested in conjunction with a PUD or MP overlay are final action at Council. Waivers requested with a Waiver of Standards application may be final action at Commission.

9 Waiver of Standards applications associated with another type of application, such as a rezoning/zone change, shall be processed concurrently with the other application and shall be reviewed and decided by the same review authority.

Key:

Director = Community Development and Services Director

<> = Public Hearing

19.16.3 City Council

The City Council (Council) shall have the review and decision-making authority listed in Table XX, Review Procedures and Decision-making Responsibilities.

19.16.4 Planning Commission

A. **Establishment, Duties, and Authority.** The Planning Commission (Commission) is established pursuant to the authority of City Ordinance No. 40, adopted on September 23, 1953. The Commission shall have all powers granted and shall perform all duties imposed by the Charter and NRS 278.030 through 278.260. The Commission shall have the review and decision-making authority listed in Table XX, Review Procedures and Decision-making Responsibilities, and in addition shall have the following duties and responsibilities:

1. Develop and recommend to the Council new policies, ordinances, administrative procedures, and other tools related to land development and re-development;
2. Conduct studies and recommend to the Council any other new plans, goals, and objectives relating to growth, development, and redevelopment of the city;
3. Act in the capacity of the Zoning Board of Adjustment, unless the Board has been otherwise appointed; and
4. Perform any other duties assigned by the Council.

B. Membership.

1. The Commission shall consist of seven members who shall be appointed and shall serve in accordance with the Council's adopted Policy on Board and Commission Appointments.
2. The Commission shall also include three ex officio members: the Mayor; the City Engineer; and the City Attorney.
3. Ex officio members shall serve as members in an advisory capacity only. Ex officio members shall not be counted toward quorum of the Commission and shall not be entitled to vote on matters before the Commission.

C. Compensation. All members of the Commission shall receive compensation as provided by resolution by the Council.

D. Removal of Members. Members of the Commission may be removed, after a public hearing, by a majority vote of the Council for inefficiency, neglect of duty, or malfeasance of office or as otherwise in accordance with HMC Section 2.50.

E. Vacancies. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in accordance with the Council's adopted Policy on Board and Commission Appointments.

F. Bylaws and Rules. In addition to the powers, duties, and authority prescribed by NRS 278.030 through 278.260, inclusive, the Commission shall have the power to adopt rules and bylaws governing the order and procedure of the Commission consistent with HMC Section 2.50.

19.16.5 Community Development and Services Director

The Community Development and Services Director shall have the review and decision-making authority listed in Table XX, Review Procedures and Decision-making Responsibilities.

19.16.6 Staff Review

Staff Review shall have the review authority listed in Table XX, Review Procedures and Decision-making Responsibilities. In addition, Staff Review shall be responsible for review and comment on all concept plans in accordance with Section XX, Concept Plans, and impact statements associated with Projects of Significant Impact in accordance with Section XX, Projects of Significant Impact.

Chapter 19.17 Common Review Procedures

Sections:

- 19.17.1 Purpose
- 19.17.2 Processing Cycles
- 19.17.3 Simultaneous Processing
- 19.17.4 Preliminary Application Procedures
- 19.17.5 Application Review Process
- 19.17.6 Review and Decision
- 19.17.7 Post Decision Procedures

19.17.1 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of review processes provided for in this Code, unless superseded by a specific requirement of this Code or State law.

19.17.2 Processing Cycles

The Community Development and Services Director shall issue timetables for reviewing each type of development application under this chapter. Timetables, which may be revised from time-to-time, may include:

- A. Dates of regular meetings of review authorities and decision-makers;
- B. Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
- C. Routing and scheduling of staff and agency reviews.

19.17.3 Simultaneous Processing

- A. Whenever two or more forms of review and approval are required under this Code (e.g., a rezoning and a CUP), applications for those development approvals may, at the option of the City, be processed simultaneously.

- B. The decision-making authority identified in Table XX, Review Procedures and Decision-making Responsibilities, shall have the authority to review and decide any application for which it is the designated decision-making authority. In cases where an application is submitted in conjunction with another application requiring approval by a separate, higher-level decision-making authority (e.g., the Council), the higher-level decision-making authority shall be responsible for reviewing and deciding both applications.

19.17.4 Preliminary Application Procedures

The procedures in this Section apply to all applications for development permits or approvals under this Code at the beginning of the review process, unless otherwise stated.

- A. **Authority to File Applications.** Applications for review and approval under this Code may be initiated by any of the following:
1. Petition of all the owners of the land that is the subject of the application.
 2. The owners' authorized agent(s).
 3. The official representatives of a homeowner's or property-owner's association in a master-planned development where the master developer has ceded control of the development to the association.
 4. A lot owner or developer of a portion of a master-planned development provided the application is limited to the land under their ownership or control.
 5. City staff acting under the direction of the Commission or Council.
 6. Public or private utility providers.
- B. **Form of Application and Application Filing Fees.** Applications required under this Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee amount that has been established by the Council. Fees are not required with applications submitted by the Council, Commission, Clark County School District, or City agencies or staff. Application fees are nonrefundable, unless otherwise expressly stated.
- C. **Concept Plan Review.**
1. **Purpose.** Concept plan review is intended to allow for a general review of a proposed development before a formal application is submitted.

2. **Applicability.** Unless waived by the Community Development and Services Director, concept plan review shall be required as identified in any part of this Code and for projects that consist of the following:
 - a. A use with 50,000 square feet or more of floor area;
 - b. Development on slopes greater than 15 percent;
 - c. Projects of Significant Impact, defined in Section XX, Definitions; or
 - d. Projects of Regional Significance, defined in Section XX, Definitions.
3. **Pre-Application Meetings.** Applicants are entitled and encouraged to schedule and attend pre-application meetings with the Community Development and Services Department staff prior to submitting a concept plan review application.
4. **Application Filing.** Applications for concept plan review shall be submitted in the form required by the City to the Community Development and Services Director.
 - a. *Projects of Significant Impact.* Projects of Significant Impact, defined in Section XX, Definitions, shall submit impact statements on a form established by the Community Development and Services Director.
 - b. *Projects of Regional Significance.* Projects of Regional Significance, defined in Section XX, Definitions, shall submit impacts assessments that include, at a minimum:
 - i. The number of vehicle trips that the project will generate, estimated by applying to the proposed project the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (ITE) or its successor.
 - ii. The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project will cause to be enrolled in local schools.
 - iii. The distance from the site on which the project will be located to the nearest facilities from which fire-fighting, police and emergency services are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities that have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.

- iv. A brief statement setting forth the anticipated effect of the project on housing, mass transit, common open space, and recreation.
 - v. The proposing agency of a regional infrastructure project shall provide an assessment of the regional and multi-jurisdictional impacts of the proposed project directly to the Southern Nevada Regional Planning Commission (SNRPC) prior to application submittal. The proposing agency shall cooperate with the SNRPC in providing information and communicating about the proposed project.
5. **Review.** Upon receipt of a concept plan review application, the Community Development and Services Director shall, within three days from the deadline date, set a time and place for a meeting of the Staff Review and provide notice of the meeting and one copy of all plans and materials to each member of the Staff Review. Notice of the meeting time shall also be provided to the applicant. The Staff Review meeting shall be held within 10 business days of the date that a complete application is received, unless the applicant requests a later date.
6. **Action.** At the Staff Review meeting, the Community Development and Services Director shall describe the requirements of the review process. Committee members shall:
 - a. Ask questions of the applicant to clarify their understanding of the applicant's intent;
 - b. Ensure the applicant understands all required steps in the development review process; and
 - c. State their concerns based on preliminary review of project plans and materials.
7. **Meeting Notes Provided.** Within three days after the Staff Review meeting, notes from the meeting shall be provided to the applicant summarizing Staff Review comments.

19.17.5 Application Review Process

The common procedures in this Section deal with the processing of an application, which occurs following the completion of preliminary application procedures. This Section applies to all applications for development permits or approvals under this Code, unless otherwise stated.

A. **Application Completeness.**

1. An application will be accepted if it:
 - a. Is submitted in the required form;
 - b. Contains all necessary exhibits and supporting information (including maps, site drawings, analyses, etc.) as required or requested by staff;
 - c. Is accompanied by the appropriate fee(s);
 - d. Includes the minimum number of copies required;
 - e. Is submitted within review schedule timeframe; and
 - f. Follows all required pre-application steps.
 2. Following acceptance, a determination of application completeness shall be made by the Community Development and Services Director following the Staff Review meeting in compliance with the time frame established by, and on file with, the Community Development and Services Director. If an application is determined to be incomplete, the Community Development and Services Director shall provide written notice to the applicant along with an explanation of the application's deficiencies within nine calendar days of the application submittal deadline. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 180 days, the application shall be considered withdrawn.
 3. If the application has been deemed complete and is heard at a public hearing where the Commission or Council have continued the application to allow for submittal of additional information, the application completeness date shall change to the date of the public meeting when the information is deemed acceptable.
- B. **Community Development and Services Director and Agency Review and Referral.** In conducting required reviews, the Community Development and Services Director shall be authorized to distribute the application and other submittals to City departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be included in any required report.
1. ***Projects of Regional Significance.*** Following a determination of application completeness for a Project of Regional Significance, the Community Development and Services Director shall notify the affected jurisdiction(s) and provide the affected local government with copies of any application materials, as well as the impact assessment.

- a. Upon receipt of the referral, the affected local government shall have 15 calendar days within which to provide mitigation comments to the Community Development and Services Director. The mitigation comments may propose ways in which the affected local government believes any negative impacts of the project on the affected local government can be mitigated.
- b. Upon receipt of notice of a regional infrastructure project and the assessment by a proposing agency, the SNRPC will review the proposed project and assessment and take necessary action, including comments on ways in which negative impacts of the proposed project can be mitigated.
- c. The Community Development and Services Director shall give consideration to the mitigation comments and require mitigation of potential negative impacts on the affected local government to the maximum practical extent. The Community Development and Services Director shall make written findings of the way in which the mitigation comments were addressed.

C. **Neighborhood Meetings.**

1. **Purpose.** The purpose of a neighborhood meeting is to provide an informal opportunity to inform the affected neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Code, and to receive public suggestions, identify neighborhood concerns, and encourage dialogue at an early stage in the review process.
2. **Applicability.**
 - a. **Neighborhood Meeting Mandatory.** Unless waived by the Community Development and Services Director, a neighborhood meeting is mandatory for any application that requires concept plan review, as well as an amendment to the official zoning map and an amendment to the Comprehensive Plan.
 - b. **Neighborhood Meeting May Be Required.** A neighborhood meeting may be required as follows:
 - i. The Community Development and Services Director may require an applicant to conduct a neighborhood meeting prior to a public hearing on an application if the Community Development and Services Director determines the application is likely to cause a significant land use, design, traffic, or other public facility impact on neighboring lands.

8. **Staff Attendance.** City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of this Code but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.
 9. **Written Summary of Neighborhood Meeting.** The applicant shall provide staff a signed affidavit indicating that the notification was completed in accordance with the standards of this Code. A written summary of the neighborhood meeting shall be provided to staff within five business days of its conclusion, along with a list of the notified parties. The written summary shall include a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information deemed appropriate. The written summary of the neighborhood meeting also shall be included with the application materials and be made available to the public.
 10. **Response to Summary.** Any person in attendance at the neighborhood meeting may submit an additional written summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the meeting. All written summaries of the neighborhood meeting shall be included with the application materials and be made available to the public.
- D. **Public Notice.**
1. **Content.** All notices required under this Code shall comply with Nevada Revised Statutes (NRS) and shall, at a minimum:
 - a. Indicate the time and place of the public hearing or action;
 - b. Describe the property involved in the application by street address or by legal description and nearest cross-street;
 - c. Describe the nature, scope, and purpose of the application or proposal being advertised;
 - d. Indicate that interested parties may appear at the hearing and speak on the matter; and
 - e. Indicate where additional information on the matter can be obtained.
 2. **Written (Mailed) Notice.**

- a. When the provisions of this Code require that written or mailed notice be provided, unless otherwise stated herein, the City shall be responsible for preparing and mailing the notice at least 10 days in advance of the first public hearing. In addition to the notice requirements specified in Table XX, Public Notice Requirements, written notice shall be provided to the applicant; the nearest 30 real property owners; all advisory boards created by the Council and established in the affected area; and all registered property owners associations, neighborhood associations, and appointed individuals serving as rural neighborhood representatives.
 - b. In cases where a development requiring notice is proposed within or adjacent to an area subject to the RN overlay, the president of the applicable rural neighborhood organization shall be provided with mailed notice of the application.
3. ***Posted Notice.*** When the provisions of this Code require that notice be posted, signs approved by the City shall be posted on the property that is the subject of the application in a manner that makes them clearly visible to neighboring residents and passers-by from each abutting street. Required signs shall be posted at least 10 days before the first public hearing. Installers shall be required to sign an affidavit provided by the City stating that the signs were posted properly and provide a photograph showing each sign after installation. The photograph shall include a landmark that substantiates each sign's location. When the application pertains to a matter that does not affect a specific site (e.g., Comprehensive Plan text amendments), the notice may be posted in the City Hall lobby.
4. ***Published (Newspaper) Notice.*** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the notice and ensuring that it is published in a newspaper that has been selected by the City. The notice shall appear at least 10 days before the public hearing.
5. ***Summary Table of Required Notice and Timing.*** Unless otherwise expressly provided in the Nevada Revised Statutes, or this Code, public notice shall be provided in accordance with Table XX, Public Notice Requirements. Failure to receive notice in accordance with this Section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the City. Bracketed numbers refer to notes at the bottom of the table.

TABLE XX, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ¹	
	Written (Mailed) Notice Recipients	Posted Notice Required
Comprehensive Plan and Zoning		
Comprehensive Plan Text Amendment	None required.	Yes ²
Master Transportation Plan Amendment	None required. Where street name changes, notices are sent to affected parties.	Yes ²
Comprehensive Plan Map Amendment	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. ³	Yes ²
Development Code Text Amendment	None required.	
Rezoning	In addition to the general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. ³	Yes
Land Division		
Parcel Map	None required.	No
Boundary Line Adjustment		
Tentative Map		
Final Map		
Entitlements		
CUP without alcohol sales or hazardous substances	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required. ³	Yes

TABLE XX, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ¹	
	Written (Mailed) Notice Recipients	Posted Notice Required
CUP with alcohol sales outside the CT district; Airports and Landing Strips	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 1,500 feet of the subject site, and the nearest 30 real property owners. Newspaper notification is not required.	Yes
CUP with hazardous substances, per NRS 459.3816	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 1,000 feet of the subject site, and the nearest 30 real property owners, as required in NRS 278.147. Public hearing notices are sent out 30 days prior to Commission meeting.	Yes
Removal proceedings for nonconforming billboards	The applicant, real property owner, and owner of the nonconforming billboard.	No
Any application involving a nonrestricted gaming establishment or gaming enterprise overlay	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 5,000 feet of the subject site, and the nearest 30 real property owners.	Yes
Project of Regional Significance	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. ³	Yes
Redevelopment Area Review	None required.	No
Waiver of Standards	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required.	Yes
Vacation		
Type I Vacation	Owners abutting the proposed area to be vacated shall be notified via confirmation of delivery.	No

TABLE XX, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ¹	
	Written (Mailed) Notice Recipients	Posted Notice Required
Creation of Landscape Maintenance District	The general recipients identified in XX above.	Yes
Modifications and Appeals		
Variance	In addition to the general recipients identified in XX above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required. ³	Yes
Appeal	Same notice as was provided the decision being appealed.	

Notes:

1 All application types listed in this table, except those listed under the Land Division application type and as otherwise noted, require the City to provide published notice in a newspaper selected by the City at least 10 days prior to the public hearing.

2 Posted notice shall be provided by the City in the City Hall lobby.

3 When a project is located in or within 500 feet of a RN Overlay, the notice requirement shall be expanded to 1,000 feet. The 1,000-foot notification shall only apply within the boundaries of the RN) overlay.

6. **Constructive Notice.** Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing, and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review authority shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing upon recommendation from staff.

E. Public Hearings.

1. **Review of Supplemental Materials.**

- a. Other than with respect to an appeal, all documents, exhibits, and other materials that an applicant wishes to use in support of its application in a meeting of the Council must be submitted to the Community Development and Services Director and the City Clerk no later than seven days before the scheduled day of the Council meeting. The purpose of this requirement is to allow time for City staff, the Council, and members of the public to review and consider the supplemental documents, exhibits, and other materials before the Council meeting. Any documents, exhibits or other materials submitted by an applicant after this time may not be used by the applicant during the Council meeting when the application is heard and will not be considered part of the administrative record for purposes of judicial review unless the application is continued to a later meeting.
 - b. A member of the public may submit a document, exhibit or other material in opposition or support of an application being heard by the Council. Voluminous documents, exhibits or other materials submitted on the day of the Council meeting that the Council did not have sufficient time to review will not be considered part of the administrative record for purposes of judicial review unless the application is continued to a later meeting.
2. ***Agenda Sequencing.*** Where provisions of this Code result in a need to assign priority between two or more applications in terms of sequencing on the agenda at a public hearing, the application shall be heard in accordance with the timing of the filing.
 3. ***Continuation of Public Hearings.***
 - a. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Code, provided that the continuance is set for a date and time certain and the date and time is announced at the public hearing. Where required time frames for action are otherwise established by this Code, items may not be continued beyond the required time frame without the consent of the applicant.
 - b. In the case of a public hearing before the Commission, the Commission will not grant more than two continuances for the same case, unless it is determined, upon good cause shown, that the additional continuances are warranted. "Good cause" includes, without limitation, the desire to revise plans or drawings, to engage in negotiations with any person or governmental entity, to retain

counsel, or circumstances relating to the matter that are beyond the control of the applicant.

c. If a public hearing is continued more than three times or for more than 90 days, whichever is less, the public hearing shall be “re-noticed” in accordance with the original notice requirements for the subject application. Unless otherwise approved by the review or review authority at the time of the continuance, the applicant shall pay all costs associated with the re-notification.

4. ***Burden of Proof or Persuasion.*** The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the City or other parties to show that the criteria have not been met.

5. ***City Council Call-Up of Development Applications.*** Whenever the procedures of this Chapter give the Commission decision-making or appeal authority on a development application or permit request, any member of the Council shall be authorized to “call-up” the application for final action at the Council. In order to call-up an application, a Council member must notify the Community Development and Services Director within nine days of the date that the City Clerk received written notice of the Commission’s final action. In the event of Council call-up, public notice shall be provided in accordance with the same procedures that applied to the Commission’s original action. In the event of call-up, the City shall be responsible for all costs associated with the re-notification.

19.17.6 Review and Decision

The provisions of this Section apply to all applications for development permits or approvals under this Code, unless otherwise specified.

A. **Findings.** Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action.

1. ***Projects of Regional Significance.*** In addition to any other required findings, the review authority must make all of the following findings in order to approve a Projects of Regional Significance.

a. The affected local government was notified of the proposed project by the Community Development and Services Director and was afforded 15 calendar days to comment.

- b. The proposed project does not impose undue negative impacts on any neighboring jurisdiction(s).
 - c. The applicant has mitigated any negative impacts, as identified by the affected local government, to the maximum practical extent.
 - d. Public hearing notices were sent to the owners of all affected properties, regardless of jurisdiction, in accordance with this Code and NRS Section 278.315(4).
 - e. The Southern Nevada Regional Planning Commission has made a finding that the project is in conformance with the adopted regional plan or the 60-day period in which it could have passed pursuant to NRS 278.0278.
- B. **Conditions of Approval.** Unless otherwise specified in this Code, the decision-maker may impose conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Comprehensive Plan and this Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code.
- C. **Decision.**
- 1. **Notice of Decision.** Within five days of a decision, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.
 - 2. **Effective Date.** A final decision on an application for any approval subject to appeal shall become effective 10 days following the date of action, unless an appeal is filed.
 - 3. **Presumption of Prejudice.** If a decision is made by a review authority, it shall be presumed to be with prejudice unless stated in the record.
- D. **Appeals.**
- 1. **Applicability.** The appeal procedures of this Section shall apply only when the provisions of this Code state that an appeal may be made.
 - 2. **Effect of Filing.** Once a complete application for an appeal has been received by the Community Development and Services Director, no other development approvals or permits will be issued for the subject property pending a decision on the appeal, unless

it is determined that such a “hold” on permits and approvals would cause immediate peril to life or property.

3. **Aggrieved Party.** Appeals allowed under the procedures of this Code may be filed only by an “aggrieved party” who shall be limited to the following:
 - a. Any person who testified at the public hearing on the application;
 - b. Any person who submitted written comments prior to or during the public hearing on the application;
 - c. Any person who testified or submitted written comments on the application prior to or during a public hearing through an authorized representative; or
 - d. In the case of applications approved by an administrative official, any person who submitted written comments to such administrative official before the end of the appeal period following the date of the administrative official's action.
4. **Consolidation.** Appeals by two or more parties aggrieved by the same decision shall be consolidated into a single appeal in accordance with NRS 278.3195(3) by the Community Development and Services Director.
5. **Initiation.** All appeals taken in accordance with this Section shall be filed with the Community Development and Services Director no more than nine days after the date of the Notice of Final Action for the decision or action being appealed. In the event of an appeal of a decision or interpretation of the Community Development and Services Director, appeals shall be filed with the Community Development and Services Director no more than nine days after the date the applicant or requesting party is/was notified of the final decision.
6. **Contents of Appeal.** The application for the appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of the decision or interpretation, and all relevant supporting materials. An application shall not be deemed complete until it contains a clear statement of these items as determined by the Community Development and Services Director.
7. **Administrative Record.** Upon the timely receipt of the application materials initiating an appeal, the Community Development and Services Director shall assemble all documents, exhibits and other materials presented to the applicable decision-making person or body for the action being appealed, including any additional documents, exhibits and other materials submitted by and through the deadlines stated in this

Section. These materials shall constitute the administrative record to be considered by the reviewing body for purposes of the appeal.

8. ***Notice and Hearing Requirements.*** The requirements for hearings, notices, and approval criteria shall be the same as required of the original action that is the subject of the appeal.
9. ***Appeals of the Decision and Interpretations of the Community Development and Services Director.***
 - a. The Commission shall have the authority to hear and decide all appeals of decisions and interpretations of the Community Development and Services Director. The Commission shall consider the appeal as a new matter and act to affirm, modify, or reverse the decision or interpretation within 45 days of the end of the appeal period.
 - b. In acting on the appeal of an interpretation, the Commission shall grant to the Community Development and Services Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The Commission shall rely on the City Attorney's interpretation of matters regarding state or federal law.
 - c. An appellant is limited to a maximum of two requests to continue an appeal hearing unless it is determined, upon good cause shown, that the granting of additional continuances is warranted.
 - d. The Commission's decision on an appeal of the Community Development and Services Director may be appealed to the Council.
10. ***Appeals of Planning Commission Decisions.***
 - a. The Council shall have the authority to hear and decide all appeals of decisions of the Commission and shall be guided by the statement of the purpose underlying the regulation of the improvement of land expressed in NRS 278.020.
 - b. The Council shall, within 45 days of the end of the appeal period, consider the appeal as a new matter and act to affirm, modify or reverse the Commission decision, or with the consent of the applicant, act to continue the item to a specific date that is not more than 45 days from the day that the appeal was first set to be heard by the Council.

- c. The Council may not grant an appellant more than two continuances on an appeal, unless, if the applicant is not the appellant, the applicant consents to the additional continuances and the Council determines, upon good cause shown, that the additional continuances are warranted. The Council may not grant an applicant more than two continuances on an appeal unless, if the applicant is not the appellant, the appellant consents to the additional continuances and the Council determines, upon good cause shown, that the additional continuances are warranted. If the Council continues the appeal, the Council must take action to affirm, modify or reverse the Commission decision within 90 days of the date the appeal was first set to be heard by the Council.
- d. If an appellant is a party other than the applicant, all documents, exhibits and other materials that such appellant wishes to use in support of its appeal before the Council must be submitted to the City Clerk no later than 10 days before the day the Council will hear the appeal. The purpose of this requirement is to allow time for City staff, the Council, the applicant, and members of the public to review and consider the documents, exhibits and other materials before the Council meeting. Any documents, exhibits or other materials submitted by such appellant after this time may not be used by the appellant during the Council meeting when the appeal is heard and will not be considered part of the administrative record for purposes of judicial review, unless the hearing is continued to a later meeting.
- e. All documents, exhibits, and other materials that an applicant wishes to use in support of its application or in response to an appeal before the Council must be submitted by the applicant to the City Clerk no later than seven days before the day the Council will hear the appeal. The purpose of this requirement is to allow time for City staff, the Council, the appellant (if different than the applicant) and members of the public to review and consider the documents, exhibits or other materials before the Council meeting. Any documents, exhibits or other materials submitted by the applicant after this time may not be used by the applicant during the Council meeting when the appeal is heard and will not be considered part of the administrative record for purposes of judicial review, unless the hearing is continued to a later meeting.
- f. A member of the public may submit a document, exhibit or other material in opposition to or in support of an appeal being heard by the Council. Voluminous documents, exhibits or other materials submitted on the day the appeal is

heard that the Council did not have sufficient time to review will not be considered part of the administrative record for purposes of judicial review, unless the hearing is continued to a later meeting.

- g. The Council's decision is final for the purposes of NRS 278.3195.
- 11. **Notice of Decision on Appeal.** Within five days of a decision on an appeal, the Community Development and Services Director shall mail notice of the decision to the appellant and to the applicant, if not the appellant, and all other parties who have made a written request for notification.
- 12. **Effective Date.** Decisions of the Commission on appeals shall become effective 10 days after the date of the Commission's decision unless a new appeal to Council is filed. Decisions of the Council on appeals shall become effective upon the date of the decision.
- 13. **Successive Applications.** Following the denial of an application or applications that are the subject of an appeal, no new application for the same or substantially the same matter shall be accepted for one year from the date of denial, unless the denial is made without prejudice.

19.17.7 Post Decision Procedures

A. **Lapse of Approval; Extensions of Time.**

- 1. Unless otherwise provided in this Chapter, an approved application shall expire if no activity approved under the permit occurs for six months and an extension is not granted.
- 2. The lapse of approval time frames established by the procedures in this Chapter may be extended only when all of the following conditions exist:
 - a. The provisions of this Chapter must expressly allow the extension;
 - b. An extension request must be filed prior to the applicable lapse-of-approval deadline;
 - c. The extension request must be filed in a form and include all exhibits and fees established by the Community Development and Services Director; and
 - d. Unless otherwise provided in this Chapter, authority to grant extensions of time shall rest with the review authority that granted the original approval (the one being extended).

- B. **Revisions to an Approved Permit.** No revision in the use or structure for which a permit or other approval has been issued is permitted unless the permit is revised as provided in this Code.
1. **Minor Revisions.** The Community Development and Services Director may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions approved by the review authority, do not substantially expand the approved floor area, and would not intensify any potentially detrimental effects of the project.
 2. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same review authority as the approved permit.

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Chapter 19.18 Interpretations

Sections:

19.18.1 Request Filing

19.18.2 Community Development and Services Director's Review and Decision

19.18.3 Form

19.18.4 Official Record of Interpretations

19.18.5 Appeals

19.18.1 Request Filing

Requests for written interpretations of this Code shall be submitted to the Community Development and Services Director.

19.18.2 Community Development and Services Director's Review and Decision

Within 30 days of receipt of a complete request for a written interpretation, the Community Development and Services Director shall:

- A. Review and evaluate the request in light of this Code, the Comprehensive Plan, and any other relevant documents;
- B. Consult with other staff, as necessary;
- C. Consult with the City Attorney on any interpretation that may require the application or interpretation of state or federal law; and
- D. Render a written interpretation with a copy of the written interpretation sent to the members of Staff Review.

19.18.3 Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

19.18.4 Official Record of Interpretations

An official record of interpretations shall be kept on file in the office of the Community Development and Services Director. The record of interpretations shall be available for public inspection in the Community Development and Services Department during normal business hours.

19.18.5 Appeals

Interpretations may be appealed as provided in Section XX, Appeals.

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Chapter 19.19 Design Review

Sections:

- 19.19.1 Purpose
- 19.19.2 Applicability
- 19.19.3 Review Authority
- 19.19.4 Application
- 19.19.5 Procedures
- 19.19.6 Scope of Design Review
- 19.19.7 Design Review Criteria
- 19.19.8 Appeals

19.19.1 Purpose

This Chapter establishes procedures to ensure that new development supports the goals and objectives of the Comprehensive Plan, other adopted plans and guidelines, and the site planning, building design, and architectural standards of this Code. The specific purposes of the design review process are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

19.19.2 Applicability

Design review is required for all new development and site improvements and alterations to any existing development or site improvements, except the following which are exempt from design review.

- A. Any alteration or improvement not affecting the external appearance of a structure;

- B. Any alterations or additions to a legally-established, conforming, single-family, detached dwelling;
- C. Additions or alterations to any nonresidential or mixed-use building with a building permit valuation of less than \$5,000; and
- D. Site plans associated with a master plan or PUD for which site plans and building design/architectural plans have been approved in accordance with the applicable review procedures of this Code.

19.19.3 Review Authority

- A. **Planning Commission.** The Commission shall act as the design review authority for all projects requiring Commission approval (such as CUPs and variances).
- B. **Community Development and Services Director.** The Community Development and Services Director shall act as the design review authority for all projects that do not meet the criteria listed in the above Subsection A. for a decision by the Commission. The Community Development and Services Director may refer items directly to the Commission when in his/her opinion the public interest would be better served by having the Commission conduct design review.

19.19.4 Application

Applications for design review shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. In addition to any other application requirements, the application for design review shall include evidence showing that the proposed design conforms to the review criteria set forth in Section XX, Design Review Criteria.

19.19.5 Procedures

- A. **Concurrent Processing.** When a development project requires a CUP, variance, or any other discretionary approval, the design review conducted and decided upon concurrently with the other required approval.
- B. **Review and Decision.** Design review applications that are not being processed concurrently with other approvals shall be approved, approved with conditions, or denied by the Community Development and Services Director within 30 days or receipt of a complete application.

19.19.6 Scope of Design Review

- A. **Design Review Considerations.** Design review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:
 - 1. Building proportions, massing, and architectural details;
 - 2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
 - 3. Size, location, design, development, and arrangement of on-site parking and other paved areas;
 - 4. Exterior materials and, except in the case of design review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
 - 5. Height, materials, design, fences, walls, and screen plantings;
 - 6. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
 - 7. Size, location, design, color, lighting, and materials of all signs.
- B. **Reduction in Density.** Design review shall not result in a reduction in the residential density.

19.19.7 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the Comprehensive Plan and any other applicable plan or design guidelines. To obtain design review approval, projects must satisfy the following criteria to the extent they apply.

- A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

- C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- E. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.
- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site and help relate the building to the surrounding landscape.

19.19.8 Appeals

Design review decisions may be appealed as provided in Section XX, Appeals.

Chapter 19.20 Master Sign Plans

Sections:

- 19.20.1 Applicability
- 19.20.2 Application Filing
- 19.20.3 Contents of Master Sign Plans
- 19.20.4 Allowable Modifications
- 19.20.5 Review and Decision
- 19.20.6 Required Findings
- 19.20.7 Appeals

19.20.1 Applicability

A master sign plan is required for the following:

- A. Non-restricted or limited gaming establishments.
- B. Any nonresidential development with a cumulative gross floor area of 50,000 square feet or more.
- C. Any development with a cumulative gross site area of 10 acres or more.
- D. Any development whose signage requires, by Commission or Council action, coordination with its surrounding area or coordination with an approved site and design review plan.
- E. Any other development or circumstance expressly subject to a master sign plan.
- F. Proposals seeking modifications or exceptions to applicable sign regulations.

19.20.2 Application Filing

Applications for master sign plans shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. In addition to any other application requirements, the application for a master sign plan shall include evidence showing that the requested master sign plan conforms to the required findings set forth in Section XX, Required Findings.

19.20.3 Contents of Master Sign Plans

A master sign plan shall contain all written and graphic information needed to fully describe the sign program, including the location and dimension of each sign, as well as color schemes, font types, materials, methods of attachment or support, and methods of illumination. A master sign plan shall also include calculation of maximum allowable sign area, and total sign area, for the site.

19.20.4 Allowable Modifications

A master sign plan may provide for deviations from the standards of Chapter XX, Signs.

19.20.5 Review and Decision

- A. **Planning Commission.** The Commission shall be the review authority for any master sign plan application requesting additional sign area, additional height, or an increase in the number of signs otherwise allowed by this Code and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application.
- B. **Community Development and Services Director.** The Community Development and Services Director shall be the review authority for all other master sign plan applications and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application.

19.20.6 Required Findings

The review authority must make all of the following findings in order to approve a master sign plan:

- A. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
- B. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
- C. Directional signage and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.

19.20.7 Appeals

A decision on a master sign plan may be appealed as provided in Section XX, Appeals.

Chapter 19.21 Conditional Use Permits

Sections:

- 19.21.1 Purpose
- 19.21.2 Applicability
- 19.21.3 Review Authority
- 19.21.4 Application Filing
- 19.21.5 Public Hearing Notice
- 19.21.6 Review and Decision
- 19.21.7 Required Findings
- 19.21.8 Appeals

19.21.1 Purpose

The conditional use permit (CUP) review and approval process is intended to apply to uses that are generally consistent with the purposes of the district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

19.21.2 Applicability

Approval of a CUP is required for uses or developments specifically identified in Chapter XX and/or any other section of this Code which requires a CUP.

19.21.3 Review Authority

Unless otherwise stated in another part of this Code, the Commission shall act as the review authority for CUPs based on consideration of the requirements of this Chapter.

19.21.4 Application Filing

Applications for a CUP shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. In addition to any other application requirements, the application for CUP shall include evidence

showing that the requested CUP conforms to the required findings set forth in Section XX, Required Findings.

19.21.5 Public Hearing Notice

Notice of public hearings on CUPs shall be provided in accordance with the requirements of Section XX, Public Notice.

19.21.6 Review and Decision

An application for a CUP shall require a public hearing before the review authority, pursuant to Section XX, Public Hearings.

- A. Within 50 days of receipt of a complete application, the review authority shall hold a public hearing on the proposed CUP request.
- B. At the close of the public hearing, the review authority shall act to approve, approve with conditions, or deny the application, based on Section XX, Required Findings.

19.21.7 Required Findings

The review authority must make all of the following findings in order to approve or conditionally approve a CUP application. The review authority shall deny an application for a CUP if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. The proposed use complies with all applicable provisions of this Code unless otherwise expressly stated;
- B. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- C. Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;
- D. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- E. Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
- F. Adequate assurances of continuing maintenance have been provided; and

- G. Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent.

19.21.8 Appeals

A decision on a CUP may be appealed as provided in Section XX, Appeals.

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Chapter 19.22 Temporary Use Permits

Sections:

- 19.22.1 Purpose
- 19.22.2 Review Authority
- 19.22.3 Application
- 19.22.4 Review and Decision
- 19.22.5 Required Findings
- 19.22.6 Conditions of Approval
- 19.22.7 Effective Date
- 19.22.8 Cleanup of Temporary Site

19.22.1 Purpose

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

19.22.2 Review Authority

The Community Development and Services Director shall act as the review authority for temporary use permits based on consideration of the requirements of this Chapter.

19.22.3 Application

Applications for a temporary use permit shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures, at least 10 days before the use is intended to begin. In addition to any other application requirements, the application for a temporary use permit shall include evidence showing that the requested temporary use permit conforms to the required findings set forth in Section XX, Required Findings.

19.22.4 Review and Decision

Within 10 days of receipt of a complete application, the Community Development and Services Director shall act to approve, approve with conditions, or deny the application based on the findings set forth in Section XX, Required Findings.

19.22.5 Required Findings

The Community Development and Services Director must make both of the following findings in order to approve or conditionally approve a temporary use permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

19.22.6 Conditions of Approval

The Community Development and Services Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a temporary use permit listed in Section XX, Required Findings, including, but not limited to:

- A. Provision for temporary parking facilities, including vehicle ingress and egress;
- B. Measures to prevent or reduce nuisance factors such as glare, excessive illumination, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- C. Regulation of placement, height, size, and location of structures, facilities, landscaping and equipment, including provision for buffering and separation;
- D. Provision for sanitary facilities and for waste collection and disposal;
- E. Measures to promote safety and security;
- F. Regulation of signs and other attention-gaining devices;
- G. Regulation of operating hours and duration of the temporary commercial use;

- H. Regulation of the hours and duration of set-up and dismantling activities;
- I. Compliance with applicable provisions of the HMC; and
- J. Any other conditions that will ensure the operation of the proposed temporary use is conducted in an orderly, efficient manner and in accordance with the intent and purpose of this Code.

19.22.7 Effective Date

An approved temporary use permit shall be effective on the date of its approval.

19.22.8 Cleanup of Temporary Site

The holder of a temporary use permit shall be responsible for leaving the property free of debris, litter, or other evidence of the temporary use immediately upon completion or removal of the use. If the holder of the temporary use permit is not the record owner of the property, the holder and the property owner(s) are jointly and severally responsible for compliance with this Section.

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Chapter 19.23 Administrative Adjustments

Sections:

- 19.23.1 Purpose
- 19.23.2 Applicability
- 19.23.3 Review Authority
- 19.23.4 Application
- 19.23.5 Procedures
- 19.23.6 Required Findings
- 19.23.7 Appeals

19.23.1 Purpose

The purpose of this Chapter is to establish a means of granting administrative relief from locational, developmental, and operational standards where doing so would be consistent with this Code and the Comprehensive Plan, and where it is not practical to approve a variance.

19.23.2 Applicability

Administrative adjustments are authorized as provided in Table XX, Allowable Administrative Adjustments.

TABLE XX, ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Standard	Allowable Modification (%)	
	Within Downtown Districts	All Other Districts
Any zoning district setback, lot size, lot width, or building coverage	20	10
Front setback for single-family attached residential	100	50
Max. building height	20	10
Min. dwelling unit/garage size	10	5
Min. building spacing	10	5
Max. building size	20	10

TABLE XX, ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Standard	Allowable Modification (%)	
	Within Downtown Districts	All Other Districts
Min./Max. number of off-street parking, loading, or stacking spacing	20	10
Required usable open space devoted to active recreation	20	10
Plant units	20	20

19.23.3 Review Authority

The Community Development and Services Director shall act as the review authority for modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Section XX, Procedure.

19.23.4 Application

Applications for a modification shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. In addition to any other application requirements, the application for a modification shall include evidence showing that the requested modification conforms to the required findings set forth in Section XX, Required Findings. The applicant shall also submit plans delineating the requested modification.

19.23.5 Procedures

- A. **Concurrent Processing.** If a request for a modification is being submitted in conjunction with an application for another entitlement, the modification will be reviewed and decided upon as part of the entitlement application.
- B. **Review and Decision.** Unless the Commission or Council is the review authority for another entitlement being processed concurrently with the modification, Community Development and Services Director shall act to approve, approve with conditions, or deny the application based on the findings set forth in Section XX, Required Findings.

19.23.6 Required Findings

The review authority must make all of the following findings in order to approve a modification application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The requested adjustment is consistent with the stated purposes of this Code.
- B. The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- C. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.
- D. The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - E. Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - F. Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or
 - G. Proposed to protect sensitive natural resources or better integrate development with the desert environment.

19.23.7 Appeals

Decisions on modifications may be appealed as provided in Section XX, Appeals.

Chapter 19.24 Variances

Sections:

- 19.24.1 Purpose
- 19.24.2 Applicability
- 19.24.3 Review Authority
- 19.24.4 Application Filing
- 19.24.5 Public Hearing Notice
- 19.24.6 Review and Decision
- 19.24.7 Required Findings
- 19.24.8 Appeals

19.24.1 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Code when necessary to relieve peculiar and exceptional practical difficulties or exceptional and undue hardships resulting from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

19.24.2 Applicability

Variations may be granted only when necessary to relieve exceptional practical difficulties or hardships resulting from the size, shape, or dimensions of a site or the location of existing structures; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity. Variations may be granted for dimensional and performance standards but may not be granted to allow uses or activities that this Code does not authorize for a specific lot or size.

19.24.3 Review Authority

The Commission shall act as the review authority for variance applications based on consideration of the requirements of this Chapter.

19.24.4 Application Filing

Applications for a variance shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. In addition to any other application requirements, the application for a variance shall include evidence showing that the requested variance conforms to the required findings set forth in Section XX, Required Findings.

19.24.5 Public Hearing Notice

Notice of public hearings on variances shall be posted and mailed in accordance with the requirements of Section XX, Public Notice.

19.24.6 Review and Decision

An application for a variance shall require a public hearing before the Commission, pursuant to Section XX, Public Hearings.

- A. Within 50 days of receipt of a complete application, the Commission shall hold a public hearing on the proposed variance request.
- B. At the close of the public hearing, the Commission shall act to approve, approve with conditions, or deny the application, based on Section XX, Required Findings.

19.24.7 Required Findings

The review authority must make all of the following findings in order to approve or conditionally approve a variance application. The review authority shall deny an application for a variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. Because of special circumstances or conditions applicable to the subject property, including narrowness, hollowness, shape, exceptional topography, or other extraordinary or exceptional situations or conditions, strict application of the requirements of this ordinance would result in peculiar and exceptional difficulties or undue hardships for the owner of the property.
- B. The variance may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources, and without detriment or injury to property or improvements in the vicinity of the development site or to the public health, safety, or general welfare.

- C. Granting the variance is consistent with the purposes of this Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.
- D. Granting the variance will not allow a use that is otherwise prohibited in the underlying zoning district.

19.24.8 Appeals

Variance decisions may be appealed as provided in Section XX, Appeals.

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Chapter 19.25 Reasonable Accommodation

Sections:

- 19.25.1 Purpose
- 19.25.2 Applicability
- 19.25.3 Application Requirements
- 19.25.4 Review and Determination
- 19.25.5 Factors of Consideration
- 19.25.6 Conditions of Approval
- 19.25.7 Appeals

19.25.1 Purpose

It is the policy of the City to provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to herein as the “Federal Acts.”) This Chapter provides a procedure for making requests for reasonable accommodations in land use and zoning policies, practices, and procedures of the City to comply fully with the intent and purpose of the Federal Acts. Nothing in this Chapter requires persons with disabilities or operators of Community Residences for persons with disabilities acting or operating in accordance with applicable zoning, licensing, or land use laws or practices to seek reasonable accommodation under this Chapter.

19.25.2 Applicability

- A. **Eligible Applicants.**
 - 1. A request for a reasonable accommodation to any provision of this Code or any related policy or practice may be made by any person with a disability, his or her representative (e.g. family member, care provider, etc.), or a provider of housing for persons with disabilities, when the application of such provision, policy or practice may act as a barrier to affording such person equal opportunity to use and enjoy a dwelling.

2. A person with a disability is a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. While a person recovering from substance abuse is considered a person with a disability, a person who is currently engaging in the current illegal use of controlled substances is not.
3. This Chapter is intended to apply those persons who are defined as disabled or handicapped under the Federal Acts.

B. Eligible Requests.

1. A request for a reasonable accommodation may include a modification or exception to the provisions of this Code, or any policies, rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to use and enjoy a dwelling of his or her choice.
2. The City will provide the assistance necessary to the applicant in making a request for a reasonable accommodation. A request by an applicant for reasonable accommodation may be made orally or in writing, although requests made in writing may be encouraged by city staff to avoid misunderstandings and maintain an accurate record of the request. The City shall assist the applicant by furnishing any information maintained by the City as a public record, such as city ordinances, policies, rules and regulations, necessary for processing the reasonable accommodation request.
3. Notice of the availability of a reasonable accommodation shall be prominently displayed at all public information counters in the City's Community Development and Services Department and City Clerk's Office. Forms for requesting reasonable accommodations shall be available to the public in the Community Development and Services Department or upon request.
4. If the information provided by the applicant includes medical information or records of the applicant, including records indicating medical condition, diagnosis, or medical history of the applicant, the City, to the extent permitted by law, shall treat such information as confidential information of the City. The City shall provide written notice to the applicant and any person designated by the applicant to represent the applicant in the application process, of any request received by the City for disclosure of the medical information or documentation which the applicant has provided to the City. The City will cooperate with the applicant, to the extent permitted by law, in actions

initiated by the applicant to oppose the disclosure of such medical information or documentation.

19.25.3 Application Requirements

- A. The Community Development and Services Department shall provide applicants for a reasonable accommodation with an application form eliciting the following information:
 - 1. The applicant's name, address and telephone number;
 - 2. The name, address, and telephone number of the property owner and the current address for which the request is being made;
 - 3. The current actual use of the property;
 - 4. The basis for the claim that the applicant is considered disabled under the Federal Acts or provides housing for persons considered disabled under the Federal Acts. Only that information necessary to evaluate the reasonable accommodation shall be requested. Medical records and detailed information regarding an individual's disability are usually not necessary for this inquiry. All information submitted in support of the basis of a claim of disability shall be retained in a manner so as to respect privacy rights of the applicant and shall not be made available for public inspection;
 - 5. The Code provision, regulation or policy from which reasonable accommodation is being requested; and
 - 6. An explanation why the reasonable accommodation is necessary to make specific property available for the individual.
- B. The Community Development and Services Department shall assist the applicant in completing the form, as necessary, or shall elicit oral information from the applicant necessary for the Department to complete the form. In the event the Department completes the form by eliciting oral information from the applicant, the Department shall read the completed form to the applicant to ensure its accuracy and shall provide a copy of the completed form to the applicant.
- C. A reasonable accommodation shall not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.

19.25.4 Review and Determination

- A. A request for a reasonable accommodation shall be reviewed, and a determination made, by the Community Development and Services Director.
- B. The Director shall make a written determination within 30 days of the submittal of a complete application and either approve, approve with modifications, or disapprove a request for a reasonable accommodation in compliance with this Chapter.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Director of Community Development and Services may request further information from the applicant consistent with the Federal Acts, specifying in detail the information that is required. In the event that a request for further information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.
- D. The written determination on the request for a reasonable accommodation shall include the Community Development and Services Director's findings and any other relevant information upon which the decision is based. All written determinations shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process.

19.25.5 Factors of Consideration

The written decision to approve or disapprove a request for a reasonable accommodation will be consistent with the Federal Acts and shall be based on consideration of all of the following factors:

- A. Whether the housing, which is the subject of the request, will be used by one or more individuals with a disability as defined under the Federal Acts;
- B. Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Acts;
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City (this determination will be made on a case by case basis and will involve various factors);
- D. Whether the requested accommodation would fundamentally alter the nature of a City program or law, including but not limited to land use and zoning; and
- E. If the City determines that the applicant's request would impose an undue financial or administrative burden on the City, or fundamentally alter a city program or law, it may propose an alternative accommodation that would provide an equal benefit. In the event the City makes

a determination not to accommodate an applicant's initial request, this determination shall be documented.

19.25.6 Conditions of Approval

A grant or grant with modifications of reasonable accommodation made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances, such as in the event that the disabled person vacates the subject property.

19.25.7 Appeals

Reasonable accommodation decisions may be appealed as provided in Section XX, Appeals, however, that the appeal period shall be extended to 20 days rather than nine days.

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Chapter 19.26 Land Division Applications

Sections:

- 19.26.1 Parcel Maps
- 19.26.2 Boundary Line Adjustments
- 19.26.3 Tentative Maps
- 19.26.4 Final Maps
- 19.26.5 Reversions to Acreage

19.26.1 Parcel Maps

- A. **Applicability.** Parcel maps shall be required for all nonexempt subdivisions consisting of four or fewer lots. The procedures of this Section shall apply to all parcel maps.
- B. **Application Filing.** Applications for a parcel map shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures.
- C. **Review and Decision.** The Community Development and Services Director shall, within 45 days of a complete application, act to approve, approve with conditions, or deny the application. Failure to take action within 45 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.
- D. **Required Findings.** No parcel map shall be approved unless the Community Development and Services Director and the City Surveyor find that the map complies with all applicable standards of this Code and NRS Chapter 278.
- E. **Recording; Lapse of Approval.** The applicant shall be responsible for recording approved parcel maps with the Clark County Recorder. If the approved parcel map is not recorded within one year of the date of approval of the parcel map, the parcel map shall lapse and be of no further effect.
- F. **Appeals.** Parcel map decisions may be appealed as provided in Section XX, Appeals.

19.26.2 Boundary Line Adjustments

- A. **Applicability.** The procedures of this Section shall apply to all boundary line adjustments.

- B. **Application Filing.** Applications for a boundary line adjustment shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. Boundary line adjustments shall be accomplished through a record of survey pursuant to NRS 278.5692 and NRS 278.5693.
- C. **Review and Decision.** The Community Development and Services Director shall, within 30 days of a complete application, act to approve, approve with conditions, or deny the application. Failure to take action within 30 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.
- D. **Required Findings.** No boundary line adjustment shall be approved unless the Community Development and Services Director finds that the proposed adjustment complies with all applicable standards of this Code, NRS Chapter 278, and the following:
 - 1. No additional lots shall be created;
 - 2. No parcel shall be created that is smaller than allowed by the underlying zoning district;
 - 3. No parcel shall be created that does not have paved road access; and
 - 4. The application shall comply with all other applicable requirements of this Code and all other applicable regulations.
- E. **Recording; Lapse of Approval.** The applicant shall be responsible for recording approved boundary line adjustments by record of survey with the Clark County Recorder. If the approved boundary line adjustment is not recorded within one year of the date of approval of the boundary line adjustment, the approval shall lapse and be of no further effect. A copy of the recorded record of survey must be returned to the City within 15 days of recording.
- F. **Appeals.** Boundary line adjustments decisions may be appealed as provided in Section XX, Appeals.

19.26.3 Tentative Maps

- A. **Applicability.** Tentative maps shall be required for all nonexempt subdivisions consisting of five or more lots. The property included within the boundaries of the proposed tentative map shall coincide with platted lands or deed boundaries or must be platted prior to the recordation of the first final map.
 - 1. **Exception, Large Parcel Divisions.** Divisions of land where each proposed lot is at least 40 acres in area, including roads and easements, or one sixteenth of a section, as

described by a government land office, but not more than one section or 640 acres, may be processed in accordance with the large parcel division procedures of NRS 278.471 to 278.4725.

- B. **Application Filing.** Applications for a tentative map shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures.
- C. **Review and Decision.** The Commission shall, within 45 days of receipt of a complete application, act to approve, approve with conditions, or deny the application by a vote of a majority of all members, pursuant to NS 278.349(4). If the tentative map application is heard with another application requiring final action by Council, the Council vote shall be by a majority of all members.
- D. **Required Findings.** No tentative maps shall be approved unless the Commission finds that the proposed map complies with all applicable standards of this Code and the following:
 - 1. Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal, and, where applicable, individual systems for sewage disposal;
 - 2. Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
 - 3. Availability and accessibility of utilities;
 - 4. Availability and accessibility of public services such as schools, police and fire protection and accessibility of water services, transportation, recreation facilities, and parks;
 - 5. Consistency with the zoning district regulations;
 - 6. Conformity with the Master Transportation Plan;
 - 7. Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
 - 8. Physical land characteristics, such as floodplain, slope, soil, and elevation differentials with abutting properties;
 - 9. Recommendations and comments of review ;
 - 10. Conformity to the Master Sewer and Water Utility Plan;
 - 11. Compliance with this Code and all other applicable regulations; and

12. The submission by the subdivider of an affidavit stating that the subdivider will make provisions for payment of the real property transfer tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest pursuant to NRS 278.349(3)(k).

E. Lapse of Approval.

1. An approved tentative map shall lapse and be of no further force and effect four years after the date of tentative map approval by the Commission unless one of the following occurs:
 - a. A final map for the subdivision is recorded; or
 - b. The first of a series of final maps covering a portion of the approved tentative map is recorded. Subsequently, the subdivider shall record a series of final maps, each covering a portion of the approved tentative map, within successive two-year periods after the date of recordation of the latest final map in the series.
2. If the subdivider fails to record a final map for any portion of the tentative map within four years after the date of approval of the tentative map or within two years after the date of recordation of the most recently recorded final map, all proceedings concerning the subdivision are terminated.
3. The Commission may grant an extension of time of up to two years for the recordation of any final map in cases where the subdivider is presenting a series of successive final maps. If the subdivider is submitting final maps for a phased subdivision in a timely manner, no new requirements or conditions other than those imposed on each of the final maps in the series may be placed on the final map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws that affect the public health, safety or welfare.

F. Correction and Amendments of Tentative Maps. Tentative maps may be corrected and amended as follows.

1. ***Minor Changes.*** Minor changes in an approved tentative map may be approved by the Director and City Engineer upon application by the subdivider or on the City's initiative, provided that:
 - a. No lots, units or building sites or structures are added;

- b. Changes are consistent with the intent of the original tentative map approval; and
 - c. There are no resulting violations of the Municipal Code.
 - 2. **Substantive Changes.** Amendments of the tentative map that in the opinion of the Director or City Engineer are not minor shall be referred to the Commission for a decision, subject to the procedures for processing a tentative map set forth in Subchapter XX, Tentative Maps.
 - 3. **Effect of Amendments.** Any approved amendment shall not alter the expiration date of the tentative map.
- G. **Appeals.** Tentative map decisions may be appealed as provided in Section XX, Appeals.

19.26.4 Final Maps

- A. **Application Filing.** Applications for a final map shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures, within four years of the tentative map approval pursuant to NRS 278.360(1)(a). The proposed final map shall substantially comply with the finally approved tentative map pursuant to NRS 278.378(2), and all conditions must be met.
- B. **Review and Decision.** The Community Development and Services Director shall act to approve, approve with conditions, or deny the application, based on whether the final map substantially complies with the approved tentative map and whether it complies with this Code and all other applicable regulations pursuant to NRS 278.380(1)(b). If the proposed final map does not substantially comply with the approved tentative map, the request shall be considered a new application.
- C. **Acceptance of Dedications.** In approving a final map, the Community Development and Services Director and the City Surveyor shall be authorized to accept or reject offers of dedications and to require improvements of streets and easements.
- D. **Civil Drawings.** After approval of the tentative map, but prior to submitting the final map or starting construction of any required improvements, civil drawings shall be submitted to the Public Works Parks and Recreation Director for review. Prior to submittal of the final map for City signatures, bonds, fees, and civil drawings must be approved and the applicant shall pay all required fees.

- E. **Certificates and Acknowledgments.** The certificates and acknowledgments required by the applicable provisions of NRS 278 and the City shall appear on a final map.
- F. **Recording; Lapse of Approval.** The applicant shall be responsible for recording the approved final map with the Clark County Recorder. If the approved final map is not recorded within one year of the date of approval of the final map, the approved final map shall lapse and be of no further effect.
- G. **Copy of Recorded Map to be Delivered to City.** Within 15 days of recordation of the final map, the subdivider shall deliver an 11" by 17" conformed copy of the recorded final map, along with an application for street addressing, to the Community Development and Services Department for establishment of street addresses and storage in the City files.
- H. **Effect of Approval.** Following approval of the final map by the Community Development and Services Director, the subdivider may obtain a building permit for the subject property or transfer, sell, agree to sell, or negotiate to transfer or sell the subject lots.
- I. **Title to Dedicated Property.** Title to property accepted for dedication passes when the final map is recorded. If offers of dedication are rejected at the time of final map approval, offers of dedication shall be deemed to remain open. The Council may, by resolution at any later date and without further action by the subdivider, rescind its action of nonacceptance and accept and open the streets for public use, which acceptance shall be recorded in the office of the Clark County Recorder and be so noted on the subdivision map by the Clark County Recorder.

19.26.5 Reversions to Acreage

- A. **Applicability.** The procedures of this Section shall apply to all requests for reversions (to acreage) of any subdivision map, parcel map, map of large parcel division, or any part thereof.
- B. **Mandatory Conference.** Prior to filing an application for a reversion to acreage, an applicant shall conduct a conference with the City Surveyor to ensure the City has full information on the proposal.
- C. **Application Filing.** Applications for a reversion to acreage shall be filed with the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures.
- D. **Review and Decision.** The Community Development and Services Director shall, within 30 days of receipt of a complete application, act to approve or deny the application, based on whether it complies with the standards of this Code and NRS Chapter 278.490.

E. **Merger and Resubdivision Maps.**

1. In lieu of reverting pre-existing parcels to acreage in accordance with NRS 278.490, two or more contiguous parcels may be merged and resubdivided into new parcels or lots in accordance with the procedures of NRS 278.4925.
2. Parcels or lots merged without reversion to acreage must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278 and any applicable local ordinances.

- F. **Recordation.** The applicant shall be responsible for recording the reversionary map with the Clark County Recorder. If the approved reversionary map is not recorded within one year of the date of approval of the reversion to acreage, the approval shall lapse and be of no further effect. The applicant shall return the recorded copy to the City within 15 days of recording.

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Chapter 19.27 Development Agreements

Sections:

- 19.27.1 Applicability
- 19.27.2 Procedures
- 19.27.3 Development Agreement Terms
- 19.27.4 Amendment and Cancellation

19.27.1 Applicability

- A. A development agreement is required for development of those parcels that the Council determined, based on the discretion of the Council and recommendation by the Development Agreement Staff Review (DASR), be developed in accordance with a development agreement.
- B. Development projects that include one or more of the following are subject to a development agreement unless otherwise determined by the DASR:
 - 1. A local improvement district or modification to a local improvement district pursuant to NRS Chapter 271;
 - 2. A refunding agreement entered into pursuant to HMC 14.16;
 - 3. A request to waive residential construction tax;
 - 4. An annexation of any size;
 - 5. Projects with a Sensitive Lands overlay or projects requiring a plan for environmental remediation;
 - 6. A project requiring the preservation or renovation of historic structures;
 - 7. A project for which an owner participation agreement or tax-increment financing is made;
 - 8. A Project of Significant Impact;
 - 9. A project that includes one or more of the following:
 - a. A facility that generates more than 50 megawatts of electricity;
 - b. A natural gas storage or peak-shaving facility; or

- c. A gas regulator station or main that operates or is capable of operating at over 200 pounds per square inch.
10. Property proposed for a master plan development overlay where existing infrastructure is not of sufficient capacity to support the proposed development;
11. Property acquired through a Bureau of Land Management (BLM) land sale;
12. Property acquired through a City sale pursuant to NRS 268.048 et seq.;
13. Property located within the West Henderson Land Use Plan boundary;
14. Property located within a public facilities needs assessment area;
15. Development of a property currently or previously subject to an inactive, non-compliant, or cancelled development agreement;
16. Proposed amendments or development changes to property currently subject to any one or more of the above;
17. A proposal to redevelop or change the use of a golf course, park, open space or PS-zoned land; or
18. A project consisting of or containing an age-restricted community.

19.27.2 Procedures

- A. **Concept Plan Review Required.** For any project that requires a development agreement, the applicant shall submit an application for a concept plan review pursuant to Section XX, Concept Plan Review. Concept plan review for development agreements shall be conducted by the Development Agreement Staff Review (DASR).
- B. **Determination of Appropriateness.** The Community Development and Services Department shall collaborate with the DASR to make a determination whether a development agreement is the appropriate method for development of the project and if so, whether a standard agreement is appropriate.
 1. If the DASR determines that a development agreement is appropriate, the applicant shall submit an application for the development agreement.
 2. If the DASR does not authorize the applicant to proceed using a standard development agreement, the City will then prepare and negotiate the development agreement with the applicant.

3. If the DASR determines that a standard development agreement is appropriate, the City will provide the applicant with a proposal consisting of a standard development agreement. If at any time the applicant elects not to use the standard development agreement, the City will then prepare and negotiate the development agreement with the applicant.
- C. **Entitlements.** Entitlements related to the standard development agreement will follow the normal entitlement process. Standard development agreements will not require Commission approval but shall be executed and approved by ordinance prior to issuance of any building permits.
- D. **Planning Commission Review.** If the development agreement includes the permitted uses of land and development regulations, Commission must review the development agreement and make a recommendation to Council regarding the appropriate action.
- E. **Approval by Ordinance.** All development agreements shall be approved by ordinance in a manner consistent with NRS 278.
- F. **Effect.** Any entitlements related to a property or project that has been determined to be subject to a development agreement will be conditioned to require the execution and approval of the development agreement prior to the issuance of any building permit. Once a development agreement has been adopted by ordinance, no building permit shall be issued unless a valid development agreement remains in effect and the Applicant is not in breach of the development agreement terms.

19.27.3 Development Agreement Terms

A development agreement shall conform to the applicable requirements of NRS 278.0201 et seq. and NRS 278.02591 et seq., and:

- A. Must contain provisions:
 1. Describing the land that is the subject of the development agreement;
 2. Specifying the duration of the development agreement;
 3. Specifying events that constitute breach of the development agreement; and
 4. Providing periods during which any breach may be cured.
- B. May contain provisions specific to the type of development, including:

1. The reservation or dedication of any portion of the land for public use or for the payment of fees in lieu thereof, including, but not limited to rights-of-way, easements, or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules or plans adopted by the City and in effect at the time of entering into the development agreement;
2. The protection of environmentally sensitive lands;
3. The preservation and restoration of historic structures;
4. The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;
5. The conditions, terms, restrictions, and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land;
6. The conditions, terms, restrictions, and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county;
7. The conditions, terms, restrictions, and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to Chapter 271 of NRS;
8. The conditions, terms, restrictions, and requirements relating to any applicable public needs assessment approved for the area in which the subject property is located;
9. A schedule of fees and charges;
10. A description of the laws, ordinances, codes, resolutions, rules, regulations, plans, design, and improvement standards by name and date of adoption applicable to the project. Unless specified in the development agreement or unless directly in conflict with what is specified in the development agreement, the laws, ordinances, codes, resolutions, rules, regulations, plans, and design and improvement standards adopted by the Council and in effect at the time of issuance of any required construction or building permit shall apply;

11. Any conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;
 12. Security for the construction of the required common area and public improvements in an amount sufficient to complete all required improvements and to remove all rubbish, trash, debris, surplus material, and equipment from the area as determined by the DASR. Security shall be by such good and sufficient bond or other security as is deemed appropriate by the Council to protect the public interest;
 13. An indemnity and insurance clause requiring the developer, applicant, and property owner to indemnify the City against certain claims arising out of the development;
 14. An allowance for the waiver of any other provision of the HMC consistent with the purpose of the development agreement;
 15. A review of compliance with the development agreement terms and conditions every 24 months or sooner as specified in the approved development agreement;
 16. Any other matters relating to the development of the land; and
 17. The permitted uses of the land and development regulations including:
 - a. A land use development plan;
 - b. Subdivision design and improvement standards;
 - c. General development standards;
 - d. Standards for signs;
 - e. Provisions for nonconformities;
 - f. The density or intensity of the use of the land; and
 - g. The maximum height and size of any proposed buildings.
- C. Nothing in this Section shall be construed to preclude the City from concurrently utilizing any other entitlement process or processes described in this Code in conjunction with the development agreement prepared pursuant to this Chapter.

19.27.4 Amendment and Cancellation

- A. A development agreement may be amended or cancelled by the City in whole or in part, with or without the consent of the other parties to the development agreement or their successors

in interest, for any reason set forth in NRS 278.0205 and in accordance with procedures set forth in NRS 278.0205 and NRS 278.02053.

- B. If a development agreement has been cancelled in whole or in part pursuant to NRS 278.0205, and unless a new development agreement is entered into to replace the cancelled development agreement or portion thereof, the property previously the subject of the development agreement shall maintain its zoning unless otherwise specified in the development agreement. The property is then subject to a City-initiated zone change application or an applicant-initiated zone change application in conformance with the requirements set forth in Chapter XX, Comprehensive Plan and Zoning Amendments.
- C. Amendments to development agreements that include the permitted uses of land and development regulations must be reviewed by Commission and referred to Council for appropriate action.

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Chapter 19.28 Comprehensive Plan and Zoning Amendments

Sections:

- 19.28.1 Comprehensive Plan Amendments
- 19.28.2 Development Code Text Amendments
- 19.28.3 Zoning Map Amendments (Rezoning)
- 19.28.4 Rezoning to MP Overlay
- 19.28.5 Rezoning to PUD Overlay

19.28.1 Comprehensive Plan Amendments

- A. **Concept Plan Review.**
 - 1. **Land Use Map Amendments.** Applications to amend the future land use map of the Comprehensive Plan shall submit a concept plan prior to application submittal, in accordance with Section XX, Concept Plan Review.
 - 2. **Text Amendments.** Applications to amend the text of the Comprehensive Plan do not require concept plan review.
- B. **Neighborhood Meeting Required.**
 - 1. **Land Use Map Amendments.** Applicants to amend the future land use map of the Comprehensive Plan shall conduct a neighborhood meeting in accordance with Section XX, Neighborhood Meetings, following concept plan review.
 - 2. **Text Amendments.** Applications to amend the text of the Comprehensive Plan do not require a neighborhood meeting.
- C. **Application Filing.** Applications for an amendment to the Comprehensive Plan shall be submitted to the Community Development Director.
- D. **Timing of Review.**
 - 1. **Land Use Map Amendments.** Pursuant to NRS 278.210, the Commission and Council shall hear substantial future land use map amendment applications on a quarterly basis. The Community Development and Services Director shall make a determination as to whether a proposed amendment is substantial for purposes of this provision.

- a. Applications may be filed with the Community Development and Services Department at any time before the specified deadline date but will be held until the next Commission meeting that has been designated for Comprehensive Plan amendment applications.
 - b. After having heard the application, the Commission or Council may continue a Comprehensive Plan amendment to any of their subsequent meetings.
 - c. City-initiated applications are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.
2. **Text Amendments.** Text amendments to the Comprehensive Plan are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.
- E. **Public Hearing Notice.** Notice of public hearings on comprehensive plan amendments shall be provided in accordance with the requirements of Section XX, Public Notice.
- F. **Planning Commission Review and Recommendation.** The Commission shall hold at least one public hearing on the proposed Comprehensive Plan amendment and at the close of the public hearing make a recommendation to the Council.
1. If a Comprehensive Plan amendment application is accompanied by other applications for the same development, the Comprehensive Plan amendment shall be acted upon before all other applications for that project.
 2. The Commission may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Commission meeting. However, if a continuance is requested by the applicant, all applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.
 3. An affirmative vote of two-thirds of the total membership of the Commission shall be required to approve a resolution recommending adoption of the Comprehensive Plan amendment. A two-thirds vote is a vote of at least two-thirds of the votes cast by persons legally entitled to vote, excluding abstentions, at a meeting at which a quorum is present.
 4. If the Comprehensive Plan amendment fails to receive an affirmative vote of two-thirds of the total membership or is recommended for denial by the Commission, all accompanying applications shall be acted on in accordance with the applicable review procedures for the specific application.

- G. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall hold at least one public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the proposed amendment.
1. No applicant-requested change in or addition to an amendment recommended for approval by the Commission shall be made by the Council until the proposed change or addition has been referred back to the Commission for a new public hearing and recommendation. Failure of the Commission to conduct a new public hearing and make a new recommendation within 40 days after the referral, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed change or addition.
 2. The Council may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Council meeting. However, if a continuance is requested by the applicant, the applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.
 3. If a Comprehensive Plan amendment recommended for denial by the Commission is approved by the Council, any applications that accompanied the Comprehensive Plan amendment at the Commission shall be re-noticed and scheduled to be heard and acted upon at the next available Commission meeting.
 4. If a Comprehensive Plan amendment is denied by the Council, all applications that accompanied the Comprehensive Plan amendment are terminated.
- H. **Comprehensive Plan Amendment Approval Criteria.**
1. Comprehensive plan amendments may be approved by the Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:
 - a. There was an error in the original Comprehensive Plan adoption;
 - b. The Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;
 - c. Events, trends, or facts after adoption of the Comprehensive Plan have changed the Council's original findings made upon plan adoption; and/or

- d. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.
2. In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:
- a. That the amendment is not in conflict with any portion of the goals and policies of the plan.
 - b. That the amendment constitutes a substantial benefit to the City and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - c. The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.
 - d. That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.
 - e. That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the City or a portion of the City by:
 - i. Significantly altering acceptable existing land use patterns;
 - ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and which cannot be mitigated to the maximum extent feasible;
 - iii. Adversely impacting environmentally sensitive areas or resources; or
 - iv. Adversely impacting existing uses because of increased traffic on existing systems.
 - f. That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.

- g. In addition to the above-listed criteria, recommendations and decisions on any proposed comprehensive plan amendment that would result in any land use designation permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:
 - i. Whether the site is within ½-mile of the following:
 - (a) The elementary school for which the residence is zoned;
 - (b) An existing or planned city park;
 - (c) An existing grocery store as defined by HMC 4.36.010 or farmer’s market as defined by NRS 268.091 with daily produce sales;
 - (d) An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
 - (e) An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
 - ii. Whether the site is at least 500 feet from a limited-access freeway;
 - iii. Whether there is at least one job for every dwelling unit within a ½-mile radius of the project site;
 - iv. The balance of land uses within ½-mile of the project site;
 - v. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the proposed density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
 - vi. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
 - vii. The need for the use, based upon the characteristics within ½-mile of the project site, such as:
 - (a) Residential Vacancy Rates;
 - (b) Residential Rental Rates;
 - (c) Commercial Vacancy Rates; and

- (d) Commercial Rental Rates;
 - viii. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;
 - ix. Whether the site is located outside the Airport Environs (AE) overlay district; and
 - x. Considerations of the application's furtherance of the City's Comprehensive Plan.
- I. **Appeals.** Appeals of the Council's decision on Comprehensive Plan amendments shall be made to the District Court of Clark County, as provided by law.

19.28.2 Development Code Text Amendments

- A. **Application Filing.** Applications for an amendment to the text of this Code may be filed by the Council, Commission, City Manager, City Attorney, or Community Development and Services Director.
- B. **Public Meeting Notice.** The City Clerk shall provide notice of the public meeting at which the proposed Code text amendment will be read to the Council by title.
- C. **Referral to Committee.** Consistent with Sections 2.090 and 2.100 of the City Charter, the proposed Code text amendment shall be read to the Council by title and referred to a committee for consideration, after which the proposed Code text amendment shall be filed with the City Clerk for public distribution and publication.
- D. **City Council Review and Decision.** After receiving the report of the Committee, the Council shall act to approve, approve with conditions or deny the proposed Code amendment.
- E. **Text Amendment Approval Criteria.** Recommendations and decisions on Code text amendments shall be based on consideration of any or all of the following criteria:
 - 1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
 - 2. Whether the proposed amendment is consistent with the purpose and intent of the Code; or

3. Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

19.28.3 Zoning Map Amendments (Rezoning)

- A. **Applicability.** This section includes the procedure for the review of applications for all amendments to the zoning map (rezonings), except for amendments to the Master Plan (MP) and Planned Unit Development (PUD) overlays, which are covered in subsection D below.
- B. **Neighborhood Meeting Required.** Applications to amend the official zoning map may require a neighborhood meeting held in accordance with the procedures in Section XX, Neighborhood Meetings, after submittal of a formal application.
- C. **Application Filing.** Applications for zoning map amendments shall be submitted to the Community Development and Services Director.
- D. **Public Hearing Notice.** Notice of public hearings on zoning map amendments shall be provided in accordance with the requirements of Section XX, Public Notice.
- E. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed zoning map amendment and at the close of the public hearing make a recommendation to the Council. Approval may be recommended for a less intensive zoning classification than requested by the applicant without re-notification.
- F. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed zoning map amendment. Approval may be granted for a less intensive zoning classification than requested by the applicant without re-notification.
- G. **Map Amendment Approval Criteria.**
 1. Recommendations and decisions on zoning map amendments shall be based on consideration of all of the following criteria:
 - a. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
 - b. Whether the proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section XX, Purpose and Intent.
 - c. Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

- d. Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities, and services to the subject property, while maintaining sufficient levels of service to existing development.
 - e. Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
 - f. Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject property.
 - g. The suitability of the subject property for the existing zoning classification and proposed zoning classification.
 - h. The need for the proposed use at the proposed location.
2. In addition to the above-listed criteria, any proposed amendment that would reduce the density or intensity of uses on property (i.e., result in a “down-zoning”) is subject to additional approval criteria in accordance with NRS 278.260. These criteria apply if at least 20 percent of the property owners to whom notices were sent indicate opposition to the proposed amendment. These criteria require the governing body to:
- a. Consider separately the merits of each aspect of the proposed amendment to which any property owner(s) expressed opposition.
 - b. Make a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.
3. In addition to the criteria listed in Subsection (a) above, any proposed zoning amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:
- a. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impacts identified by the Director of Community Development and Services; and
 - b. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use; and

- c. The preservation of open space beyond what would be required under the requested zoning and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to the protection of open space; and
 - d. Compliance with the closure plan required by Section XX.
4. In addition to the criteria listed in Subsection (a) above, recommendations and decisions on any proposed zoning amendment to any district permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:
- a. Whether the site is within ½-mile of the following:
 - i. The elementary school for which the residence is zoned;
 - ii. An existing or planned park;
 - iii. An existing grocery store as defined by HMC 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;
 - iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
 - v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
 - b. Whether the site is at least 500 feet from a limited-access freeway;
 - c. Whether there is at least one job for every dwelling unit within a ½-mile radius of the projected site;
 - d. The balance of land uses within ½-mile of the project site;
 - e. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
 - f. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
 - g. The need for the use, based upon the characteristics within ½-mile of the project site, such as:
 - i. Residential Vacancy Rates;

- ii. Residential Rental Rates;
 - iii. Commercial Vacancy Rates; and
 - iv. Commercial Rental Rates;
 - h. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;
 - i. Whether the site is located outside the Airport Environs (AE) overlay district; and
 - j. Considerations of the application's furtherance of the City's Comprehensive Plan.
- H. **Appeals.** Appeals of Council decisions on zoning map amendments shall be made to the District Court for Clark County, as provided by law.
- I. **Successive Application.** Following denial of a zoning map amendment request, no new application for the same or substantially the same amendment shall be accepted within one year of the date of denial, unless denial is made without prejudice.

19.28.4 Rezoning to MP Overlay

- A. **Concept Plan Review.** An applicant for rezoning to the MP overlay shall submit a concept plan prior to application submittal, in accordance with Section XX, Concept Plan Review.
- B. **Neighborhood Meeting.** Following review of a concept plan, an applicant for rezoning to the MP overlay shall conduct a neighborhood meeting in accordance with Section XX, Neighborhood Meetings.
- C. **Application.** Applications for MP rezoning approval shall be submitted to the Community Development and Services Director.
- 1. An application for rezoning to the MP overlay shall include a MP prepared to the specifications of the City. Approval of a MP at the time of rezoning is required prior to development in the MP overlay. The MP represents a generalized land use/site plan for the area proposed to be included within a planned development. It is required as a means of allowing early review before detailed planning and engineering work are undertaken and before substantial expenses are incurred.

2. A MP must cover all of the land area to be included in the planned development. The MP shall be accompanied by a terms and conditions statement, which is a textual description of all adopted conditions of approval, a description of how the planned development will meet or exceed the minimum standards of the Code, and the compensating benefits to be provided (if any).
- D. **Public Hearing Notice.** Notice of public hearings on the MP rezoning application shall be published, mailed, and posted in accordance with Section XX, Public Notice.
 - E. **Community Development and Services Director Review and Report.** The Community Development and Services Director shall review each proposed MP rezoning in light of the applicable approval criteria of Section XX, Approval Criteria, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Commission.
 - F. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed MP rezoning and, within 60 days of the date of the public hearing, make a recommendation to the Council, based on Section XX, Approval Criteria.
 - G. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed MP rezoning based on the approval criteria of Section XX, Approval Criteria.
 - H. **Approval Criteria.** A MP rezoning may be approved only if the Council finds that all of the following criteria have been met:
 1. The proposal is consistent with the Comprehensive Plan;
 2. The planned development addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
 3. The planned development complies with the applicable standards of Section XX, Master Plan Development Overlay;
 4. The proposal mitigates any potential significant adverse impacts to the maximum practical extent;

5. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;
6. The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments; and
7. In addition to the above-listed criteria, any proposed master plan amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:
 - a. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impact identified by the Director of Community Development and Services;
 - b. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use;
 - c. The preservation of open space beyond what would be required under the requested master plan amendment and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to protection of open space; and
 - d. Compliance with the closure plan required by Section XX.
8. In addition to the criteria listed in Subsection (a) above, recommendations and decisions on any proposed MP rezoning or amendment that includes a request to allow multifamily residential development in a zoning district in which it is otherwise not permitted shall be based on consideration of all of the following, which must be addressed in the proposed amendment:
 - a. Whether the site is within ½-mile of the following:
 - i. The elementary school for which the residence is zoned;
 - ii. An existing or planned park;
 - iii. An existing grocery store as defined by HMC 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;

- iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
- v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
- b. Whether the site is at least 500 feet from a limited-access freeway;
- c. Whether there is at least one job for every dwelling unit within a ½-mile radius of the project site;
- d. The balance of land uses within ½-mile of the project site;
- e. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
- f. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
- g. The need for the use, based upon the characteristics within ½-mile of the project site, such as:
 - i. Residential Vacancy Rates;
 - ii. Residential Rental Rates;
 - iii. Commercial Vacancy Rates; and
 - iv. Commercial Rental Rates;
- h. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;
- i. Whether the site is located outside the Airport Environs (AE) overlay district; and
- j. Considerations of the application's furtherance of the City's Comprehensive Plan.

- I. **Conditions of Approval.** The following shall be standard conditions of the approval of all applications:
1. The development standards in the applicant's submitted MP shall be deemed to be incorporated within the action of the Council in its approval of the map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the MP overlay district shall comply with the terms of the approved MP.
 2. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the approved MP and as may be further modified by the Council in its approval.
- J. **Appeals.** Appeals shall be made in accordance with Section XX, Appeals.
- K. **Recordation.** The City shall record the adopting ordinance, MP, and the terms and conditions statement with the City. They shall be binding upon the landowners, their successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the MP and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.
- L. **Amendments to an Approved Master Plan.**
1. Any request for amendment to an approved MP that increases the number of dwelling units, increases the project's density, increases the number of building lots, decreases the amount of common open space, alters a road pattern, or requests new waivers of Code requirements shall be initiated and processed in the same manner as a new application.
 2. However, if the Community Development and Services Director determines that the requested changes are, in his or her discretion, minor and do not include substantial alterations to the MP conditions of approval, and are consistent with the intent of the original approval, the Community Development and Services Director may approve the changes.
 3. The following are provided as illustrative examples of the types of amendments that the Community Development and Services Director may reasonably consider to be minor with respect to an approved MP:
 - a. Changes in the size of a particular use;

- b. Changes in the height of a proposed use;
- c. Changes in the housing mix or use-mix ratio; or
- d. Changes that do not result in a change in the character of the development, or the development’s relationship with adjacent lands.

19.28.5 Rezoning to PUD Overlay

- A. **Concept Plan Review.** An applicant for rezoning to the PUD overlay shall submit a concept plan prior to application submittal, in accordance with Section XX, Concept Plans.
- B. **Neighborhood Meeting.** Following review of a concept plan, an applicant for rezoning to the PUD overlay shall conduct a neighborhood meeting in accordance with Section XX, Neighborhood Meetings.
- C. **Application.**
 - 1. *Plan required for Tentative Approval of Rezoning to PUD Overlay.* An application for tentative approval of a PUD overlay must include a plan, as that term is defined in NRS 278A.060, which contains the following elements, as applicable:
 - a. The location and size of the site and the nature of the landowner’s interest in the land proposed to be developed;
 - b. The density of land use to be allocated to parts of the site to be developed;
 - c. The location and size of any common open space and the form of organization proposed to own and maintain any common open space;
 - d. The use and the approximate height, bulk and location of buildings and other structures;
 - e. The ratio of residential to nonresidential use;
 - f. The feasibility of proposals for disposition of sanitary waste and storm water;
 - g. The substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities;
 - h. The provisions for parking of vehicles and the location and width of proposed streets and public ways;

- i. The required modifications in the site standards otherwise applicable to the subject property and
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the PUD are intended to be filed.

PUDs must also meet the standards set forth in HMC 19.4.5, Planned Unit Development Overlay. A plan may also contain the minimum standards of design contained in NRS 278A.230 through NRS 278A.370, inclusive.

2. **Filing.** Applications for PUD rezoning approval shall be submitted to the Community Development and Services Director.
- D. **Public Hearing Notice.** Notice of public hearings on the tentative approval of a PUD rezoning application shall be published, mailed, and posted in accordance with Section XX, Public Notice.
 - E. **Community Development and Services Director Review and Report.** The Community Development and Services Director shall review each tentative PUD rezoning in light of the applicable approval criteria of Section XX, Approval Criteria, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Commission.
 - F. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the tentative PUD rezoning and, within 60 days of the date of the public hearing, make a recommendation to the Council, based on Section XX, Approval Criteria.
 - G. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the tentative PUD rezoning based on the approval criteria of Section XX, Approval Criteria.
 - H. **Approval Criteria.** A tentative PUD rezoning may be approved only if the Council finds that all of the following criteria have been met, written findings of which must be set forth particularly in the minutes:
 1. The proposal is consistent with the Comprehensive Plan;
 2. The PUD addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such

improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;

3. The planned development complies with the applicable standards of Section XX, Planned Unit Development Overlay;
4. The proposal mitigates any potential significant adverse impacts to the maximum practical extent;
5. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
6. The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments;
7. In what respects the plan is or is not consistent with the statement of objectives of a PUD;
8. The extent to which the plan departs from zoning and subdivision regulations, otherwise applicable to the property, including but not limited to density, bulk, and use, and the reasons why these departures are or are not deemed to be in the public interest;
9. The ratio of residential and nonresidential use in the PUD;
10. The purpose, location and amount of the common open space in the PUD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
11. The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
12. The relationship, beneficial or adverse, of the proposed PUD to the neighborhood in which it is proposed to be established; and
13. The case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the PUD in the integrity of the plan.

14. The minutes of record shall also set forth the time in which the application for final approval of the PUD must be filed and a copy must be mailed to the landowner.
 15. In addition to the above-listed criteria, any proposed PUD amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:
 - a. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impact identified by the Director of Community Development and Services;
 - b. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use;
 - c. The preservation of open space beyond what would be required under the requested PUD amendment and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to protection of open space; and
 - d. Compliance with the closure plan required by Section XX.
- I. **Conditions of Approval.** The following shall be standard conditions of approval on all tentative PUD rezoning applications:
1. The development standards in the applicant's submitted PUD shall be deemed to be incorporated within the action of the Council in its approval of the zoning map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the PUD overlay district shall comply with the terms of the finally approved PUD except as otherwise provided in this Section.
 2. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the finally approved PUD and as may be further modified by the Council in its approval.
- J. **Final Approval of a Planned Unit Development.**
1. Staff may approve a final PUD, and a public hearing on an application for final approval of a PUD is not required, if the plan is in substantial compliance with the plan given tentative approval, meaning it does not:
 - a. Vary the proposed gross residential density or intensity of use;
 - b. Vary the proposed ratio of residential to nonresidential use;

- c. Involve a reduction of area set aside for common open space or the substantial relocation of such area;
 - d. Substantially increase the floor area proposed for nonresidential use; and/or
 - e. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.
 2. A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage on an application for final PUD.
 3. If the proposed final PUD plan is not in substantial compliance with the tentatively approved PUD plan, the procedures set forth in NRS 278A.550 shall apply.
- K. **Appeals.** Appeals shall be made in accordance with Section XX, Appeals.
- L. **Recordation.** The City shall record the adopting ordinance, finally approved and certified PUD, and the terms and conditions statement with the City. The City shall also record any amendments to the finally approved PUD. They shall be binding upon the landowners, their successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the finally approved PUD and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.
- M. **Amendments to a Finally Approved Planned Unit Development.**
 1. Once finally approved, an amendment to a PUD modifying, removing or releasing any of the following requires a public hearing:
 - a. Plat of subdivision;
 - b. Covenants relating to use of the land and buildings;
 - c. Location or increased bulk of buildings and other structures;
 - d. Ratio of residential to nonresidential uses; or
 - e. Intensity of use or density of development, private streets, ways and parking facilities, common open space (in terms of quantity and location) or public facilities.
 2. At the public hearing approving an amendment under subsection (1), the Commission must determine that the modification, removal or release of the provisions of the plan:

- a. Is consistent with the efficient development and preservation of the entire PUD;
 - b. Does not adversely affect either the enjoyment of land abutting upon or across a street from the PUD or the public interest; and
 - c. Is not granted solely to confer a private benefit upon any person.
3. If a PUD was originally tied to an underlying tentative map or zoning application, any applicable amendment procedures for such application shall also be followed.
 4. An amendment to a finally approved PUD shall be recorded.

N. **Variances from a Finally Approved Planned Unit Development.** The Community Development and Services Director may grant a deviation of less than 10 percent from requirements established within a PUD without conducting a hearing (i) with the written consent of the owner of any real property that would be affected by the deviation, and (ii) upon a finding that the deviation will not impair the purpose of the PUD or any regulations adopted by the governing body pursuant to NRS 278.250.

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Chapter 19.29 Vacations

Sections:

19.29.1 Type I Vacations

19.29.2 Type II Vacations

19.29.1 Type I Vacations

- A. **Applicability.** The procedures of this Section shall apply to all requests to vacate or abandon any public street, any City easement other than standalone Type II, or the City's interest in any easement owned by agencies other than the City. Requests to vacate only municipal utility easements shall be processed in accordance with Section XX, Type II Vacations.
- B. **Application Filing.** Applications for Type I vacations shall be submitted to the City Surveyor.
- C. **Public Hearing Notice.** Notice of public hearings on Type I vacations shall be provided pursuant to Section XX, Public Notice. Additionally, all owners of property abutting the proposed area to be vacated shall be notified by mail pursuant to a method that provides confirmation of delivery per NRS 278.480.4(a). Notice shall be provided not less than 10 days before and not more than 40 days before the scheduled public hearing.
- D. **Review and Decision.**
1. ***Community Development and Services Director Review and Report.*** The Community Development and Services Director shall review each proposed Type I vacation and distribute the application to other review agencies. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Commission.
 2. ***Planning Commission Review and Recommendation.*** The Commission shall hold a public hearing on the application and, at the conclusion of the hearing, act to recommend that the Council approve, approve with conditions, or deny the application. If, upon public hearing, the Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall recommend the application be approved. The Commission may make the recommendation conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed. The Commission's recommendation shall be based on whether the application complies with the standards of this Code and NRS Chapter 278.

3. **City Council Review and Decision.** The Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Code and NRS Chapter 278. If the Council is satisfied that the public will not be materially injured by the proposed vacation, it shall approve the application. The Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.

E. **Recordation.**

1. The applicant shall be responsible for preparing all vacation documents except the vacation order.
2. The City shall prepare the vacation order and record all documents with the Clark County Recorder at such time as all conditions of the order, if any, have been fulfilled.
3. If the approved vacation order is not recorded within one year of the date of approval, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

19.29.2 Type II Vacations

- A. **Applicability.** The procedures of this Section shall apply to all requests to vacate municipal utility easements.
1. **Exception.** The procedures of this Section shall not apply to requests to vacate public streets, non-municipal utility easements, or the City's interest in any utility controlled by agencies other than the City such as the easements associated with a Type I vacation.
- B. **Application Filing.** Applications for Type II vacations shall be submitted to the City Surveyor.
- C. **Review and Decision.**
1. **Public Works Parks and Recreation Director Review and Report.** The Public Works Parks and Recreation Director shall review each proposed municipal utility easement vacation and distribute the application to other review agencies. Based on the results of those reviews, the Public Works Parks and Recreation Director shall provide a report to the Council.
 2. **City Council Review and Decision.** The Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of

this Code and NRS Chapter 278. If the Council is satisfied the public will not be materially injured by the proposed vacation, it shall approve the application. The Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.

D. Recordation.

1. The applicant shall be responsible for preparing all municipal utility easement vacation documents except the municipal utility easement vacation order.
2. The City shall prepare the municipal utility easement vacation order and record all documents with the Clark County Recorder at such time as all conditions of the order, if any, have been fulfilled.
3. If the approved municipal utility easement vacation order is not recorded within one year of the date of approval of the municipal utility easement vacation, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

Chapter 19.30 Landscape Maintenance Districts

Sections:

- 19.30.1 Applicability
- 19.30.2 Application Filing
- 19.30.3 Public Hearing Notice
- 19.30.4 Review and Decision
- 19.30.5 Required Findings
- 19.30.6 District Coordination Team
- 19.30.7 Recording
- 19.30.8 Dissolution

19.30.1 Applicability

Qualified persons under NRS 278.4787, as amended, may ask the City to create a landscape maintenance district for maintenance of landscaping, public lighting, and security walls.

19.30.2 Application Filing

Applications for landscape maintenance districts in a residential subdivision shall be submitted to the Community Development and Services Director on the prescribed application forms in accordance with the procedures in Chapter XX, Common Procedures. Applications to establish a landscape maintenance district in a new residential subdivision shall be filed at least 120 days before the approval of a final map for the land where improvements to be maintained are located.

19.30.3 Public Hearing Notice

Notice of public hearings on landscape maintenance districts shall be provided pursuant to Section XX, Public Notice.

19.30.4 Review and Decision

- A. **Community Development and Services Review and Report.** The Community Development and Services Director shall review each proposed landscape maintenance district in light of the

required findings in Section XX, Required Findings, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Commission.

- B. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed landscape maintenance district and at the close of the public hearing recommend that the Council approve, approve with conditions, or deny the application, based on the required findings listed in Section XX, Required Findings.
- C. **City Council Review and Decision.** After reviewing the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed landscape maintenance district based on the required findings listed in Section XX, Required Findings. If the Council makes a determination that it is desirable to assume the maintenance of the proposed improvements, the Council shall form a landscape maintenance district by ordinance. The ordinance shall address the items enumerated in NRS 278.4787(4).

19.30.5 Required Findings

Landscape maintenance districts may be approved only if the Council makes all of the following findings:

- A. The petition for a landscape maintenance district meets the City design and construction standards and cost analysis parameters for landscape materials and maintenance.
- B. The maintenance of the proposed improvements on the subject property alone, or cumulatively with other maintenance districts in the City, will not create an unreasonable administrative or financial burden upon the City.
- C. Assumption of the maintenance of the proposed improvements or submitted plan is consistent with the City's accepted standards.
- D. The proposed landscaping, public lighting, or security wall plans are compatible with the character of the area in which they are located.
- E. If within a Master Plan Overlay District, the landscaped areas to be maintained constitute the only common element in the subdivision or development or the property was specifically approved for a Landscape Maintenance District through an annexation agreement or prior master plan approval.
- F. Maintenance of the proposed improvements will be in the best interest of the public and will not be injurious to the health, safety, and general welfare of the community.

19.30.6 District Coordination Team

A maintenance district coordination team shall be created to establish policies and procedures for implementing, operating, and fulfilling the City's obligations for any maintenance districts created pursuant to this Code. The coordination team shall be composed of representatives from Public Works Parks and Recreation, Finance, City Attorney, Neighborhood Services, Utilities, and Community Development and Services.

19.30.7 Recording

The applicant shall be responsible for recording the approved ordinance with the Clark County Recorder.

19.30.8 Dissolution

- A. **Application Filing.** The dissolution of a landscape maintenance district shall be initiated with the submission of a formal request to dissolve the district filed in a landscape maintenance district application to the Community Development and Services Director.
- B. **Review Authority.** Applications for the dissolution of a landscape maintenance district will be considered by the Council.
- C. **Notice.** Notice of public hearings on the dissolution of a landscape maintenance district shall be provided pursuant to Section XX, Public Notice.
- D. **Required Findings.** A landscape maintenance district may be dissolved by the Council if it determines one or more of the following:
 - 1. Improvements within the district are no longer necessary; or
 - 2. It is no longer in the public interest for the City to assume the maintenance for the improvements; or
 - 3. An association for a common-interest community has been formed to maintain landscaping, public lighting, and security walls in lieu of a maintenance district under NRS 278.4787.

Chapter 19.31 Distance Separation Analyses

Sections:

- 19.31.1 Applicability
- 19.31.2 Application Filing
- 19.31.3 Community Development Review and Report
- 19.31.4 Notice of Decision
- 19.31.5 Lapse of Approval
- 19.31.6 Appeals

19.31.1 Applicability

A distance separation analysis is utilized to measure the distances between a proposed use and a protected use, as defined by this Code. This analysis is used to determine if the proposed use meets the required distance separation from one or more protected uses and if waivers, if applicable, are needed for the proposed use to proceed. The distance separation analysis shall be completed by city staff.

19.31.2 Application Filing

Applications for distance separation analysis shall be submitted to the Community Development and Services Director.

19.31.3 Community Development Review and Report

The Community Development and Services Director shall review each proposed distance separation analysis application and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a final determination to the applicant.

19.31.4 Notice of Decision

Within seven working days of submittal of a complete application, the Community Development and Services Director shall provide notice of the decision to the applicant and all other parties who have made a written request for notification.

19.31.5 Lapse of Approval

- A. A distance separation analysis determination for liquor, massage, reflexology, smoke/tobacco shop establishment, teenage dancehall, teenage nightclub, sexually-oriented business, halfway house for recovering alcohol and drug abusers, residential facility for groups, check cashing/deferred deposit/auto title loans, and general day care and group child care facility uses shall lapse 60 days from notice of decision.
- B. A distance separation analysis determination for marijuana establishment use shall lapse 120 days from notice of decision.

19.31.6 Appeals

Appeals of the Community Development and Services Director's distance separation analysis determination shall be made to the Commission in accordance with the appeal procedures of Section XX, Appeals.

Chapter 19.32 Multiple Species Habitat Conservation Plan

Sections:

- 19.32.1 Purpose
- 19.32.2 Imposition of Mitigation Fee
- 19.32.3 Exemptions and Exceptions
- 19.32.4 Land Disturbance/Mitigation Fee Form
- 19.32.5 Compliance Report Fees
- 19.32.6 Fee Administration
- 19.32.7 Incidental Take Permit

19.32.1 Purpose

The purpose of this section is to allow for applicants, by certificate of inclusion, to comply with the federal Endangered Species Act through the Incidental Take Permit issued to the county and implemented through the Multiple Species Habitat Conservation Plan (MSHCP) and Implementing Agreement. MSHCP Mitigation Fees collected are used to implement the terms of the Incidental Take Permit.

19.32.2 Imposition of Mitigation Fee

Except as provided in Section XX, Exemptions and Exceptions, applicants for development permits shall pay the MSHCP Mitigation Fee of \$550 per gross disturbed acre or any portion thereof located within the parcel, as well as the area disturbed by related off-site improvements. No development permit shall be issued or approved without the payment of the mitigation fees required by this section.

19.32.3 Exemptions and Exceptions

- A. A mitigation fee shall not be required for the following types of development:
 - 1. Reconstruction of any structure damaged or destroyed by fire or other natural causes;
 - 2. Rehabilitation or remodeling of existing structures or existing off-site improvements;
 - 3. Disturbance of any lands, including lands conveyed from federal to private ownership, within the City, which are covered by and are subject to the terms and conditions of a

separate habitat conservation plan and incidental take permit approved and issued by the United States Fish & Wildlife Service. Such lands are not covered by or subject to the Incidental Take Permit.

- B. Applicants for development permits who have paid per-acre fees pursuant to Section 7 of the federal Endangered Species Act may be required to pay a portion of the MSHCP Mitigation Fee as follows:
1. If an applicant paid less than \$550 per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall pay the difference between \$550 per acre and the amount per acre paid in Section 7 fees. These acres shall be covered by and subject to the Incidental Take Permit.
 2. If an applicant paid \$550 or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall not pay the MSHCP Mitigation Fee for those acres. Those acres are not covered by or subject to the Incidental Take Permit.

19.32.4 Land Disturbance/Mitigation Fee Form

All applicants for development permits shall, before issuance thereof, complete a Land Disturbance/Mitigation Fee Form furnished by each City department that issues development permits. The Land Disturbance/Mitigation Fee Form must be complete, signed by the applicant for the development permit, and contain, at a minimum, the following information:

- A. The assessor's parcel number.
- B. The number of disturbed acres within the Parcel.
- C. The area disturbed by related off-site improvements.
- D. The amount of mitigation fees actually paid.

19.32.5 Compliance Report Fees

All applicants for development permits who are required to submit a Land Disturbance/Mitigation Fee Form shall pay processing fees per development permit to the Building and Safety Department, based on a fee schedule adopted by the Council.

19.32.6 Fee Administration

All mitigation fees collected pursuant to the provisions of this ordinance shall be deposited into a special reserve fund. The fund, including interest and other income that accrues thereto, shall be expended solely for the implementation of the terms of the Incidental Take Permit and any amendments thereto.

19.32.7 Incidental Take Permit

- A. All persons, firms, or entities located within the City that engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and Off Highway Vehicle activities shall comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit.
- B. All persons, firms, or entities, their agents and employees that comply with the provisions of this ordinance are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued the Incidental Take Permit so long as such person, firm, or entity has complied and continues to comply with the applicable provisions of the Incidental Take Permit as it now exists or may hereinafter be amended.
- C. All persons, firms or entities that are not required to pay a mitigation fee pursuant to the terms of this chapter, but that are otherwise in compliance with the applicable provisions of the Incidental Take Permit, as it now exists or hereinafter is amended, are hereby permitted to incidentally take any species covered by the Incidental Take Permit.
- D. The certificate of inclusion that allows a person, firm or entity to comply with federal Endangered Species Act through the Incidental Take Permit, including the incidental take of species listed in the Incidental Take Permit shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsection 1, 2, or 3 hereof.

Chapter 19.33 Residential Construction Tax

Sections:

- 19.33.1 Imposition of Rate of Residential Construction Tax
- 19.33.2 Collection of Residential Construction Tax
- 19.33.3 Residential Construction Tax Fund
- 19.33.4 Park District Boundaries
- 19.33.5 Refund of Fee
- 19.33.6 Partial Credit
- 19.33.7 Posting Bond for Park or Recreation Facility Improvements
- 19.33.8 Taxes in Addition to Other Real Estate Taxes

19.33.1 Imposition of Rate of Residential Construction Tax

There is hereby imposed and shall accrue and be collected a residential construction tax, as provided in this section, upon the privilege of constructing residential dwelling units, including, without limitation, conventionally constructed houses, apartments, mobile homes, nonresidential structures remodeled for use as dwelling space, room additions, mobile home parks, and mobile home estates within the City. The residential construction tax shall be calculated at the current legal rate for each residential dwelling unit, per NRS. The residential construction tax shall not exceed \$1000 per unit as provided in NRS.

19.33.2 Collection of Residential Construction Tax

Prior to the issuance of any building permit for the construction of any apartment house, residential dwelling unit, installation of a mobile home on any mobile home estates lot, development of any mobile home park, or prior to the issuance of any building permit for any residential addition or for the remodeling of any nonresidential structure for the purpose of residential dwelling use, the applicant for such building permit shall pay to the City the residential construction tax in the amount specified per NRS.

19.33.3 Residential Construction Tax Fund

- A. All of the residential construction tax that is collected pursuant to this section, and all of the interest that accrues thereon, shall forthwith be forwarded to the City Finance Director who shall credit the same to the special revenue fund that is created to receive and account for the same.
- B. The money in such special revenue fund shall be accounted for separately according to the respective park districts from which it was derived and may be used in accordance with NRS.

19.33.4 Park District Boundaries

The City shall be divided into park districts depicted on the map that is entitled “Park District Boundaries,” copies of which are maintained for public inspection in the Office of the City Clerk. Such park districts may, from time-to-time, be amended by the Council by resolution that is duly passed, adopted, and approved.

19.33.5 Refund of Fee

Refund shall be as provided in Nevada Revised Statute or through a park agreement or a development agreement.

19.33.6 Partial Credit

- A. A developer shall be entitled to a partial credit toward the required residential construction tax, or waiver of the residential construction tax, if the City accepts public dedication for a “turnkey” park or determines that a developer has provided alternative recreational facilities of sufficient value to satisfy all or a portion of that developer’s land requirement, as set forth in this section.
- B. The value of the credit available under this Section shall be determined by staff, subject to final approval by Council, and shall be the approximate difference between the value of the recreational facilities proposed and the amount of expected value of the residential construction tax to be generated by the development.

19.33.7 Posting Bond for Park or Recreation Facility Improvements

A developer constructing a park or other recreation facilities as required by a park agreement or a development agreement shall post a bond as required by the City.

19.33.8 Taxes in Addition to Other Real Estate Taxes

The residential construction tax that is provided for in this Section shall be in addition to any and all other real estate taxes that are imposed upon any real property that is the subject of the residential construction.

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Chapter 19.34 Enforcement

Sections:

- 19.34.1 Purpose
- 19.34.2 Violations
- 19.34.3 Responsibility for Enforcement
- 19.34.4 Complaints Regarding Approved Permits
- 19.34.5 Enforcement Procedures
- 19.34.6 Remedies and Enforcement Powers

19.34.1 Purpose

This Chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

19.34.2 Violations

- A. **Violation Defined.** Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.
1. ***Establish Use, Structure, or Sign Without Approval.*** To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.
 2. ***Development or Subdivision Without Approval.*** To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.
 3. ***Development, Subdivision, Use, or Sign Inconsistent with Approval.*** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any approval required in order to engage in such activity.
 4. ***Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval.*** To violate, by act or omission, any term, condition or qualification placed by a City review authority upon any approval.

5. ***Development, Subdivision, or Sign Inconsistent with Development Code.*** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.
 6. ***Making Lots or Setbacks Nonconforming.*** To reduce or diminish any lot area so that the lot size, setbacks, or common open spaces shall be smaller than prescribed by this Code.
 7. ***Increasing Intensity or Density of Use.*** To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.
 8. ***Removing or Defacing Required Notice.*** To remove, deface, obscure, or otherwise interfere with any notice required by this Code.
 9. ***Failure to Remove Signs.*** To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.
 10. ***Other Violations of Code.*** Any other action or inaction contrary to requirements of this Code.
- B. **Continuing Violations.** After receiving notice of the violation from the City, each day that a violation remains uncorrected after any applicable cure period may constitute a separate violation of this Code.
- C. **Responsible Persons.** Any person who violates this Code shall be subject to the remedies and penalties set forth in this Chapter. In addition, where the person violating this Code is not the owner of the property that is the subject of the violation, the property owner and the subject property shall also be subject to the remedies and penalties set forth in this Chapter.

19.34.3 Responsibility for Enforcement

- A. **Building Official.** The Building Official shall have primary responsibility for enforcing provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building or structure.
- B. **Public Works Director.** The Public Works Director shall have primary responsibility for enforcing provisions of this Code related to subdivision, including all standards in Chapter 19.9: Subdivision Design and Improvements.

- C. **Community Development and Services Director.** The Community Development and Services Director shall have primary responsibility for enforcing all other provisions of this Code not listed in subsections A or B above. Other officers of the City as authorized by the Community Development and Services Director shall share responsibility for enforcing provisions of this Code.

19.34.4 Complaints Regarding Approved Permits

CUPs, temporary use permits, variances, and home occupation shall be subject to immediate review upon complaint from any member of the public, whether received from a nearby property owner or other members of the general public, or city enforcement personnel.

- A. The Community Development and Services Director shall notify the property owner and the holder of any relevant approval of each complaint.
- B. The property owner shall:
 - 1. Propose and initiate a remedy, or
 - 2. Dispute the validity of the complaint.
- C. If the Community Development and Services Director determines the complaint is not valid, the complaint shall be dismissed. A notice of dismissal shall be sent to the complainant, the property owner, and the holder of any relevant approval.
- D. If the Community Development and Services Director determines the complaint is valid, the Community Development and Services Director shall monitor the effectiveness of the initiated remedy, if any is proposed and initiated by the property owner or approval holder. If the proposed and initiated remedy resolves the complaint, no further action shall be required.
 - 1. If no remedy is proposed and initiated or if the remedy is ineffective and the Community Development Director determines there is a violation of this Code, the Director shall initiate enforcement procedures in accordance with this Chapter.

19.34.5 Enforcement Procedures

- A. **Non-Emergency Matters.** In the case of a violation of this Code that does not constitute an emergency, do not require immediate attention, or is not subject to a different enforcement procedure or penalty set forth in this Chapter or other applicable Chapter of Title 19, the official responsible for enforcement shall give written notice of the nature of the violation to the property owner, tenant, occupant, other person who is a party to the relevant agreement or to

any applicant for any relevant approval in the manner hereafter stated, after which the persons receiving notice shall have 10 days to correct the violation, unless another time period is prescribed in the notice, before further enforcement action shall be taken. Subsequent violations within a 12-month period at the same property address may constitute a failure to correct the violation for purposes of further enforcement action. Notice shall be given by personal service, by United States certified mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

- B. **Emergency Matters and Other Matters Requiring Immediate Attention.** In the case of violations of this Code that constitute an emergency as a result of safety or public health concerns, or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Chapter without prior notice, but the official responsible for enforcement shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, tenant, occupant, any other person who is party to the relevant agreement, or to applicants for any relevant approval.

19.34.6 Remedies and Enforcement Powers

The City shall have the following remedies and enforcement powers which are cumulative and may be exercised by the City in any order or combination, at any time in addition to any remedies and enforcement powers prescribed by applicable law.

- A. **Withhold Permit.**
1. The City may deny or withhold any approval, building permit, or any other right granted under the City's building code on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of an approval previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
 2. The City may deny or withhold any approval, building permit, or any other right granted under the City's building code on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of an approval

previously granted by the City. This provision shall apply regardless of whether the property for which the approval is sought is the property in violation.

- B. **Permits Approved with Conditions.** Instead of withholding or denying an approval, the City may grant such authorization subject to the condition that the violation be corrected.
- C. **Revoke Permits.** Any development permit or other form of authorization required under this Code may be revoked as follows.
1. ***Applicability.*** This Section shall apply to the process of revocation for any approval granted under this Code other than an approved short-term vacation rental registration, which shall be governed by Section XX.
 2. ***Duties of Enforcement Official.*** The revocation process shall be initiated by the official responsible for enforcement of the subject provision upon a determination by that official that there are reasonable grounds for revocation of the subject approval.
 3. ***Authority to Revoke.*** The review authority that granted the approval shall be authorized to revoke the approval.
 4. ***Notices and Hearing.*** A proposed revocation shall be subject to the same notice and hearing requirements as the subject approval.
 - a. ***Matters Not Subject to Public Notice.*** If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be mailed to the property owner and approval holder at least 10 days prior to the hearing.
 - b. ***Matters Not Subject to Public Hearing.*** Within three working days of a decision on a revocation matter that is not the subject of a public hearing, the review authority shall mail notice of the decision to the property owner and approval holder and to any other person who has filed a written request for such notice.
 5. ***Required Findings.*** The review authority shall revoke the approval upon making one or more of the following findings:
 - a. The approval was issued on the basis of false, erroneous or misleading information or misrepresentation.
 - b. The terms or conditions of approval have been violated, the required plans, conditions or specifications have not been followed, or other laws or regulations, including the provisions of this Code, or other laws or regulations have been violated.

- c. There has been a discontinuance of the exercise of the entitlement granted by the approval for 180 consecutive days.
- 6. **Effective Date.** A decision to revoke an approval shall become final 10 days after the date of the decision unless an appeal is filed in accordance with the procedures set forth in Section XX, Appeals.
- 7. **Appeals.** Any revocation decision may be appealed pursuant to Section XX, Appeals.
- D. **Stop Work.** With or without revoking an approval or building permit, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of an approval issued hereunder or a building permit, in accordance with its power to stop work under the City's building code.
- E. **Injunctive Relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of an approval granted hereunder.
- F. **Abatement.** The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
- G. **Penalties.** Any violation of the provisions of this Code constitutes a misdemeanor pursuant to NRS 278.818 and is subject to the punishment provided by law in such cases, as amended from time to time. The City may also seek such civil penalties as are provided by applicable law.
- H. **Other Remedies.** The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.
- I. **Other Powers.** In addition to the enforcement powers specified in this Chapter, the City may exercise any and all enforcement powers granted by applicable law.
- J. **Continuation.** Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and applicable laws.

Interpretations and Definitions

Chapter 19.35 Interpretation of the Development Code

Sections:

- 19.31.1 Rules of Interpretation
- 19.31.2 Rules of Measurement
- 19.31.3 Sign Interpretations and Measurements

19.35.1 Rules of Interpretation

- A. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent established in Section XX.
- B. **Headings, Illustrations, and Text.** If there is a conflict between the text of this Code and any heading, drawing, table, figure, commentary block, or illustration, the text shall control.
- C. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not be exhaustive of all possibilities.
- D. **Computation of Time.** References to days are calendar days unless otherwise stated. When business days are referenced, they shall include only days when City Hall is open. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a holiday observed by the City or a City Hall non-business day, that day shall be excluded.
- E. **References to Other Regulations, Publications, and Documents.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- F. **Delegation of Authority.** Whenever a provision required the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

- G. **Technical and Non-Technical Terms.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- H. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City, unless otherwise indicated.
- I. **Mandatory and Discretionary Terms.** The words “shall,” “will,” and “must” are mandatory. The words “may” and “should” are advisory and discretionary.
- J. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
1. “And” indicates that all connected items, conditions, provisions, or events apply.
 2. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.
- K. **Tenses and Plurals.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.
- L. **Term Not Defined.** In the event there is a term used in this Code that is not defined in Chapter XX, Definitions of Terms, the Community Development and Services Director has the authority to provide a definition through the procedure established in Section XX.

19.35.2 Rules of Measurement

- A. **Density/Intensity.**
1. ***Acre, Gross.*** Means a measure of land area (43,560 square feet). For purposes of calculating residential density or intensity of development, existing dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries, shall be included.
 2. ***Density.*** Means the number of dwelling units for each acre of land. Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site on which the dwelling units are located. For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated

rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries, shall be included.

- 3. **Transition Density Housing.** Means dwellings in developments or subdivisions at densities greater than six units per acre, but not more than 10 units per acre.

B. Bulk.

- 1. **Building Coverage.** The portion of a lot covered by all principal and accessory buildings and structures, (not including non-building impervious surfaces such as driveways, patio slabs, and decks), as measured from the outside of the building or structure at ground level. Expressed as a percentage of total lot area. See Figure XX.
- 2. **Floor Area, Gross.** The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, basement or attic areas having a height of more than seven feet, and areas with a permanent solid roof even if open on the sides (i.e., covered porch or patio), but excluding areas used exclusively for vehicle parking or loading, areas with partially covered (e.g., lattice-type) roofs, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.
- 3. **Floor Area Ratio (FAR).** The amount of gross floor area of all buildings and structures on a lot divided by the total lot area.

C. Height. The vertical distance in feet between the lowest finished grade adjacent to the building to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof or the average distance between the eaves and apex of a gable, hip, or gambrel roof.

- 1. **Exceptions to Height Limits.** Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and similar structures may exceed the maximum allowed height in the district in which the site is located in compliances with the following:
 - a. Encroachments of up to 10 feet may be authorized with no discretionary review.
 - b. Design review is required for features extending more than 10 feet but less than 20 feet above the base district height limit.

- c. Encroachments of 20 feet or more above the maximum height for a district require a CUP.
 2. **Grade, Finished.** The final elevation of the ground level after topsoil has been applied to graded slopes, as measured six feet from the exterior walls of the structure. For buildings with basements with direct, walk-out access, finished grade means the grade level at the walk-out access of the basement. See Figure XX.
 3. **Grade, Existing.** The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Code.
 4. **Grade, Street.** The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.
 5. **Height, Clear Area.** The height as measured from the floor area to underside of the ceiling.
 6. **Height, Fence or Wall.** The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.
 7. **Height, Tower.** The distance measured from the finished grade of the lot to the highest point on the tower or other structure, including the base pad and any antenna.
- D. **Lot Characteristics.**
1. **Corner Lots.** A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Community Development and Services Director shall determine the location of the front yard. See Figure XX.
 2. **Flag Lots.** The following dimensional standards apply to flag lots:
 - a. The flagpole or panhandle portion of the lot shall be a minimum of 24 feet wide and the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street.
 - b. The flag portion of a flag lot is subject to the lot width/depth requirements for non-flag lots.
 - c. The flagpole or panhandle portion of the lot shall not be included in calculating lot size. See Figure XX.

3. **Lot Area.** The amount of horizontal land area contained inside the lot lines of a lot or site. Rights-of-way shall not be included when calculating lot size.
4. **Lot Coverage.** The proportion of a lot covered by all principal and accessory buildings and structures, as measured from the outside of the building or structure, and all other impervious surfaces such as driveways, patios, and decks, expressed as a percentage of the total net area of the lot. Lot coverage includes, but is not limited to, all principal buildings, all accessory structures such as shed or gazebos regardless of size, patio covers, covered parking, garages, carports, halls, stairways, service rooms, and mechanical equipment rooms.
5. **Lot Depth.** The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. In cases where there is no rear lot line, depth equals the distance from the front lot line to the most distant point on any other lot line.
6. **Lot Width.** The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line. See Figure XX.
7. **Lot or Property Line, Front.** The lot line describing the edge of the lot abutting the street or the right-of-way to which the lot has access and is oriented to for purposes of development. On a corner lot, only one street shall be considered as a front line, and the shorter street or right-of-way frontage shall be considered the front line. In RS-1 and RS-2 districts where lots abut multiple streets or rights-of-way, the front lot or property line shall be determined by the assigned property address.
8. **Lot or Property Line, Rear.** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear-yard depth. See Figure XX. In instances where neither the front lot line nor the rear lot line is a simple straight line and it may not be easy to determine whether any lot line is within 45 degrees of being parallel to the front lot line, the Community Development and Services Director may make the determination of the rear property line.
9. **Lot or Property Line, Interior.** A lot line not abutting a street.
10. **Lot or Property Line, Side.** A lot line that is not a front or rear lot line.

11. **Lot or Property Line, Street.** A lot line abutting a street.

E. **Setbacks.**

1. **Attached Buildings.** Attached buildings, whether principal or accessory, shall be treated as a single structure for the purpose of applying setbacks. This requirement shall not apply to residential patio covers, carports, or open shade structures.
2. **Measurement.** Setbacks shall be measured as the distance between the nearest lot line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.
3. **Setback Line.** A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.
4. **Setback, Front.** Extends across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. The front setback must follow the curvature of the front property line in cases where a lot is on a cul-de-sac or knuckle. See Figure XX.
5. **Setback, Front on Corner Lots.** The front setback of a corner lot shall be measured from the side of the lot designated as the "front." On a corner lot only, one street line shall be considered as a front line, which shall be the shorter street frontage.
6. **Setback, Rear.** Extends across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot, the rear yard shall extend only to the side yard abutting the street.
7. **Setback, Side Interior.** A side setback on that portion of a lot not adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.

- 8. **Setback, Side Street.** A side setback on that portion of a lot adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the rear property line of the site, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.
 - 9. **Build-to Line.** An alignment established at a certain distance from the property line to a line along which the building must be built.
- F. **Pedestrian and Amenity Zone.** The width of pedestrian and amenity zones shall be measured from back of curb.

19.35.3 Sign Interpretations and Measurements

- A. **Sign Area.**
- 1. **Sign Face.** The area of a sign face is based on the outer dimensions of the frame or cabinet surrounding the sign surface area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign’s area.
 - 2. **Channel (Individual) Letter Signs.** The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric shape (e.g., square, rectangle, circle, polygon, etc.) with no more than eight sides that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter. See Figure XX.
 - 3. **Multi-Sided Signs.** When the sign faces of a multi-sided sign are parallel or within 45 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 45 degrees of parallel, all sign faces are counted. See Figure XX.
 - 4. **Projecting, Roof-mounted and Freestanding.**
 - a. Means the sign face of any single-faced freestanding, roof-mounted or projecting sign and the largest side only of any double-faced freestanding, roof-mounted or projecting sign shall be counted in calculating its area. One-half the total area of any spherical, round, oval, elliptical, polygonal, totem, or any other sign having more than two faces shall be counted in calculating its area.

- b. For each sign face the area of the sign shall be measured as a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of all cabinets or modules and their structure where the structure adds mass to the sign. The area within the rectilinear line shall be the total sign area of that face. The perimeter of the measurable area shall not include incidental embellishments such as poles and pole covers 16 inches or narrower, framing, etc., provided that such embellishments do not include any advertising message, announcement, declaration, insignia, or mural, or are otherwise erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. See Figure XX, Sign Area Calculation.

B. **Frontage.** Wall sign regulations are based on either “building frontage” for buildings with a single primary entrance or “tenant frontage” for buildings where each tenant has its own entrance. Regardless of the height, number of stories, or number of tenants in a building, frontage will be determined by one measurement of the horizontal length of the exterior wall at floor plate level. Building frontage must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the wall.

1. **Building Frontage.** The following rules govern the measurement of building frontage: For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that: (1) is adjacent to a street or a parking area or other vehicle or pedestrian circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has two or more building frontages must be calculated based on each individual building frontage. See Figure XX.

2. **Tenant Frontage.**

- a. For tenants that are located on the first or second floors of a building and have their own building entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that directly abuts the tenant’s interior floor space (at floor plate level) and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant that has two or more building frontages must calculate the permitted sign area based on each individual building frontage. See Figure XX.

- b. In no instance may the total combined sign area for all signs exceed the cumulative maximum allowed sign area for the individual tenant frontages, as determined in accordance with the provisions of Section XX, Maximum Area.
- C. **Window Area.** The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area. See Figure XX.
- D. **Sign Height.** The height of a sign must be computed as the distance from the highest point of the sign or sign structure (including any framework or embellishments) to the average finished grade at the base of a freestanding sign. If the ground elevation at the base of a freestanding sign is augmented in a manner that adds height to the sign but not to surrounding buildings, sign height must be measured from the top of curb of the nearest street or road. If no curb exists, height must be measured from the highest point of the sign structure to the centerline pavement elevation of the nearest street or road. When street or road improvements are planned to the nearest street or road, the measurement must be made from the projected, improved curb (or centerline) grade. See Figure XX.
- E. **Sign Clearance.** The vertical distance between the highest point of the ground immediately beneath the sign and the lowest point of the sign itself, including framework and embellishments extending over the ground. See Figure XX.
- F. **Sign Base.** The solid base of a monument sign must be equal to or greater than the width of the sign face with no separations between the sign and base. The supporting base must have a minimum 12-inch vertical height. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.
- G. **Determination of “Visibility” or “Legibility.”**
 - 1. In determining visibility from property used or zoned for residential purposes, it will be assumed that a two-story residence will occupy the property with second-story windows facing the sign.
 - 2. The traffic safety visibility area is determined by measuring 20 feet from the intersection of the extension of the front and street side right-of-way lines (or 10 feet for driveways) and connecting the lines across the property as shown in Figure XX.

Chapter 19.33 Definitions of Terms

Sections:

19.33.1 Definitions

19.33.1 Definitions

A. Definitions.

Abandoned Vehicle. A vehicle as described in Title 15.12 of the Henderson Municipal Code.

Abutting or Adjoining. Two or more uses of land having common district boundaries, lot lines, or being immediately adjacent, including across a street, easement, right-of-way.

Accessory Building or Structure. A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

Accessory Use. A use of land that is incidental to the principal permitted or conditionally-permitted use on a site and is found on the same site or lot.

Accommodation Facility. A day-care facility that is operated by a business licensed to conduct business other than childcare and is an auxiliary service provided for the customers of the primary business.

Action. An act to approve, approve with conditions, or to deny any development review application described in Article XX, Administration, with consideration given to whether the application complies with the Development Code and all other applicable regulations. Acknowledgement of a withdrawal or a continuance are other forms of action.

Active Single-Family Residential Subdivision. A subdivision consisting of single-family lots that are offered for sale to the public by a homebuilder or the master developer of the subdivision.

Administrative Adjustment. Minor deviations from otherwise applicable standards that may be approved by the Community Development and Services Director.

Affordable Housing. Housing affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for Clark County, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for Clark County.

Age-Restricted Community. Any type of housing community governed by a common set of rules, regulations and/or restrictions that prohibit persons under a certain age from residing within the community or limit the number of persons under a certain age who may reside within the community.

Airport Approach Zone (APZ). The airport approach area, as defined in Federal Aviation Regulations Part 77, Surfaces.

Airport Authority. The Clark County Director of Aviation.

Airport Transition Zone. The land areas directly beneath the transition surfaces, as defined in Federal Aviation Regulations Part 77, Surfaces.

Airport Turning Zone. The land areas directly beneath the conical surface and the horizontal surface, as defined in Federal Aviation Regulations Part 77, Surfaces.

Alley. A minor public right-of-way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

Alter. To make any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Animal, Domestic. Small animals of the type generally accepted as household pets including, but not limited to, dogs, cats, birds, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs, or similar animals.

Animal, Exotic. Any species of wild or exotic animals not customarily confined or cultivated by humans for domestic or commercial purposes but kept as a pet or for display. These animals are prohibited unless otherwise allowed in strict compliance with HMC Title 7.

Animal, Large. An animal larger than the largest breed of dogs, including horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Pot-Bellied Pig. A small domesticated pig (native to southeastern Asia), often raised as a house pet, having a saddle-shaped back, a straight tail, potbelly, swayback, and black, white, or black and white coat.

Animal, Small. An animal no larger than the largest breed of dogs, including fish, birds, and mammals customarily kept in kennels.

Appeal. A procedure by which a decision, interpretation, or enforcement action is brought from a lower decision-making authority to a higher authority for determination.

Approval. Written notice by an authorized representative of the City of Henderson approving the design, progress, or completion of work.

Arcade. A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

Articulation. Describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures.

Arts and Crafts Outdoor Show. Outdoor display and sale of painting, sculpture, hand crafts, and similar objects.

Assessed Value. The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Clark County Property Appraiser's office for the purposes of taxation.

A-Weighted Decibels. The ear is not as effective in hearing low-frequency sounds as it is hearing high-frequency sounds. That is, low-frequency sounds of the same dB level are not heard as loudly as high-frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter that is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise. The sound pressure level in decibels is measured with a sound-level meter or noise dosimeter using the A-weighted network. The standard notation is dB(A) or dBA.

Awning. Means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. The awning area is a roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the awning/canopy or cantilevered from the building. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

Axis. The centerline of a structure that divides it into two halves.

B. Definitions.

Background Noise. The term used to describe the noise measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90 percent of a sample period. This is represented as the L90 noise level.

Backhaul Network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network through the use of existing wire line networks, fiber systems, microwave links, or other transport technology.

Balcony. A porch or other outdoor use area associated with the upper floor(s) of a building.

Balloon. A brightly colored bag made of flexible material, inflated with air or other gas and sealed, often to make it rise in the air.

Barrier Plant. A plant that, by its characteristics, would act as a barrier to pedestrian movement.

Basement. A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet (as distinguished from a cellar, which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than 6.5 feet).

Berm. In the context of landscaping or buffer yard requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

Bicycle Parking Space, Long-Term. Intended for bicycle trips where bicycles will be left for a long period of time (generally all day, overnight, or seasonally) in an area secure and protected from weather.

Bicycle Parking Space, Short-Term. Intended for bicycle trips where bicycles will be left for a short period of time (generally fewer than eight hours) in a convenient and easily-accessible area available to the public.

Billboard. A sign that advertises products or services that are not sold on the premises upon which the sign is constructed.

Block Face. The lands abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

Board of County Commissioners. The Board of County Commissioners of the County of Clark, Nevada.

Boulder Highway Linear Park. Continuous landscaped area within the Boulder Highway right-of-way, as defined by the Boulder Highway Corridor Investment Strategy and Landscape Design Manual.

Boundary Line Adjustment. A process where the boundaries of recorded lots are combined or relocated in accordance with the standards in NRS Section 278.

Buffer. A perimeter area around a lot or parcel which, through landscape planning, distance, or structures, is designed to improve nuisances between adjacent land uses or between a land use and a street.

Buffer Yard. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Zone. For purposes of the alcohol and liquor uses of this Code, the Buffer Zone separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed use offering Alcohol and/or Liquor and the property line of the nearest established or approved school, religious facility, or general child care facility.

Building. Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

1. Is permanently affixed to the land;
2. Has one or more floors and a roof; and
3. Is bounded by either open space, yards, or the lot lines of a lot.

Building Official. The building official or his/her designee for the City of Henderson, Nevada.

Building, Principal. The building or structure on a lot used to accommodate the primary permitted use, possibly occurring in more than one building or structure.

Build-To Zone. The Build-To Zone is defined by a minimum percentage of each building façade that shall be built to the minimum setback. The balance of the building shall be built at a distance not to exceed the maximum build-to line.

Bulkhead. The portion of a building's facade closest to the ground.

C. **Definitions.**

Canopy, Building. A rigid, multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

CC&Rs. Codes, covenants, and restrictions.

Certificate of Inclusion. Authorization granted to an applicant to allow for the incidental taking of threatened or endangered species under the provisions of the Incidental Take Permit. Authorization is granted upon receipt of payment of all required mitigation fees.

Channel Letter. Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted.

Character. Those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

City. The City of Henderson, Nevada.

Commercial Message. Words, symbols, logos, pictures, or any combination of elements that identify or direct attention to a business, commodity, service, or entertainment sold or offered for sale or a fee.

Commercial Vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over 10,000 pounds gross unloaded weight, but not including any residential mobile home or motor home. Storage of a commercial vehicle or vehicles constitutes a commercial use of land; but this provision shall not be interpreted to prohibit the parking of a single commercially licensed automobile at a residence.

Community Development and Services Director. The Community Development and Services Director or his/her designee for the City of Henderson, Nevada.

Community Facility.

1. A facility that provides day care to children;
2. A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents; or

3. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Compatible or Compatibility. The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Complete Application. An application for development approval or a permit that has been submitted in the required format, including all mandatory information and accompanied by the established fee.

Comprehensive Plan. The master plan of the City of Henderson, entitled the, “Henderson Comprehensive Plan,” as amended.

Comprehensive Plan Amendment. An application to modify the text or future land use map of the adopted Henderson Comprehensive Plan.

Conditionally Permitted. A use permitted subject to approval of a conditional use permit or temporary use permit.

Connecting Walkway. (1) Any street sidewalk, or (2) Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways and around buildings, or to follow parking lot outlines that are not aligned to a logical route.

Connectivity. The relative degree of connection between streets, sidewalks, or other means of travel.

Construction. Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines, or other property, including land clearing, grading, excavating, and filling.

Continuous Sound. Any sound that exists essentially without interruption for a period of ten minutes or more.

Cornice. A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Council. The City Council of the City of Henderson.

Court. An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unobstructed by structures and open to the sky, except as otherwise provided in this Title.

County. The County of Clark, Nevada.

CPTED. An acronym for "Crime Prevention through Environmental Design." Architectural design, site design, and landscape design principles intended to reduce the fear and incidence of crime, and to improve the quality of life.

Cross-Access. Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUP. Conditional Use Permit. A discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features.

Cupola. A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

Curb. A stone, concrete or other improved boundary usually demarcating the edge of a roadway, parking lot or other paved area.

Cut Slope. The exposed ground surface resulting from the excavation of material from the natural terrain.

D. **Definitions.**

Decibel. A unit of measure of sound (see "sound pressure level"). The level of noise is measured objectively using a sound level meter. This instrument has been specifically developed to mimic the operation of the human ear. The human ear responds to minute pressure variations in the air. These pressure variations can be likened to the ripples on the surface of water but of course cannot be seen. The pressure variations in the air cause the eardrum to vibrate, and this is heard as sound in the brain. The stronger the pressure variations, the louder the sound is heard. The standard notation is dB.

Decision-Making Body. The entity (typically Council, Commission, or the Community Development and Services Director) that is authorized to finally approve or deny an application or permit required under this Development Code.

Deck. A platform, either freestanding or attached to a building, which is supported by pillars or posts.

Design Review. The review of a site plan or other diagrammatic display of a proposed development, including lot lines, public infrastructure, buildings, and site elements such as landscaping, parking, fencing, and similar features.

Developed Residential District. A district zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

Development. The carrying out of any building activity or mining operation and the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see "Subdivision" below).

1. The term "development" includes:
 - a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land.
 - b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development.
 - c. Any change in use of land or a structure.
 - d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland.
 - e. The clearing of land as an adjunct of construction.
 - f. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling, or excavation on a parcel of land.
 - g. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.

for construction activities. Demolition permits and temporary power permits do not constitute a development permit.

Development Review Committee. A committee of City staff charged with review of several application types as established in Table XX, Summary Table of Development Review Procedures, and composed of the following persons or their representatives:

1. The Community Development and Services Director, who shall act as chair;
2. The Public Works, Parks and Recreation Director;
3. The Building Official;
4. The Fire Chief;
5. The Police Chief;
6. The Director of Utility Services;
7. The City Attorney; and
8. A secretary to the committee.

Development Standards. Regulations that limit the size, bulk, or siting conditions of particular types of buildings or uses located within any designated district.

Digital Video Display. An electronic graphic display sign capable of displaying digital videos.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A base or overlay zoning district within which the use of land and structures and the location, height, and bulk of structures are governed by this Code.

Dormer. A window or other projection from a roof that includes its own roof.

Drive-Through Facility. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway. A private roadway providing access to a street or highway from a building or structure.

Driveway, Cluster. Multiple driveways sharing one entrance/exit from the right-of-way.

Dwelling Unit. One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single housekeeping unit.

Dynamic Braking Device. A device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as an engine or “jake” brake.

E. Definitions.

Easement. A grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

Electronic Message Center. A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

Emergency Work. Work required to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

Erosion. Means the wearing away of the ground surface as a result of movement by wind or water.

Excavation. Means the mechanical removal of earth material.

F. Definitions.

FAA. The Federal Aviation Administration.

Façade. The exterior wall of a building that is set along a frontage line.

Family Unit. A family unit is defined as a person living alone or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of related people; or
2. No more than six unrelated people.

The size of a family unit is subject to the maximum dwelling unit occupancy of 20 persons set forth in Section XX. For purposes of this section, “related” means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

Farmers Market. A designated area where on designated days and times, agricultural and home manufactured products may be sold directly to the public in accordance with City regulations. The City shall have the right to relocate or discontinue a market to specify the days and times of its use and to stipulate what goods may be sold.

FCC. The Federal Communications Commission.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fence, Decorative. A continuous permanent or temporary structure designed primarily for aesthetic appeal and not intended or designated as a method of prohibiting entry to a property.

Festoon. A string or garland suspended in a loop or curve between two points.

Fill Slope. The exposed ground surface resulting from the placement of excavated material on the natural terrain.

Final Map. A map prepared in accordance with the provisions of NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955, and any applicable local ordinance, that is designed to be placed on record in the office of the Clark County Recorder.

Fire Lane. A "Fire Apparatus Access Road" as defined in the Fire Code.

Flag. A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

Floodplain. A natural watercourse and adjacent low-land areas that would be inundated by flood waters that are generated from a 100-year storm.

Frontage. See Section XX, Lot or Property Line, Front.

G. **Definitions.**

Garage. A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.

Gate. Any electronically operated barrier or similar device that would allow access or passage to a certain person, group of people, or type of traffic and not to the general public or to through-traffic.

Grade. The vertical alignment of a surface of land as it exists or as rendered by cut or fill activities.

Grading. Rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

Grubbing. The removal of trees and other large plants by their roots.

H. **Definitions.**

Habitable Structure. A structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

Halo Lighting. A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface causing a halo of light around the letter.

Hardscape. The part of a development's grounds consisting of structures, such as patios, retaining walls, and walkways, made with hard materials.

Hazardous Waste or Materials. Chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes and Title 29 of the Code of Federal Regulations, such as: explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, and other health hazards.

Henderson Municipal Code (HMC). The Municipal Code of the City of Henderson, Nevada.

High-Voltage Transmission Line. A facility that transmits a minimum of 69 kilovolts of electrical power.

Hillside. The part of a hill between the summit and the foot with slopes of 15 percent or more.

Hillside Development Plan. A series of words and graphic depictions prepared by an applicant that describe the proposed development of property located within the Hillside Overlay District. See Section XX.

Hillside Regulation Map. A graphic display depicting properties subject to the requirements of the Hillside Overlay District, including parcels with 15 percent or greater slope and sensitive ridgelines that may be incorporated into the official zoning map.

HOA. Homeowners' association.

Hostel. An establishment operated, managed, or maintained under sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or that is licensed by and operated under the rules of Hosteling International (American Youth Hostels), or a comparable hosteling umbrella organization approved by the Council. Such uses provide beds for rent on a daily basis in individual rooms or dormitories, and guests shall be provided toilet and bathing facilities. This use type does not include homeless shelters, honor camps, halfway houses, and for early-release shelters operated through the judicial system or in conjunction with or in lieu of incarceration in a penal institution. Hostels are also distinguished from drug, alcohol, or other rehabilitation facilities or similar institutional facilities providing physical or psychological care.

Hotel or Motel, Residential. An establishment offering transient lodging consisting of five or more guest rooms with kitchenettes or kitchen facilities as part of any guest room and available for occupancy of continuous periods exceeding a weekly basis.

I. **Definitions.**

Illumination, Direct. Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, External. A lighting source that projects light onto a sign surface from an exterior location to the sign itself.

Implementing Agreement. For the purposes of Sec. XX Multiple Species Habitat Conservation only, "implementing agreement" means that certain document entitled Clark County Multiple Species Habitat Conservation Plan Implementing Agreement, approved by the Council on October 3, 2000.

Impulse Sound. A noise containing excursions usually less than one second as measured on a peak un-weighted sound pressure measuring instrument.

Incidental Take Permit. The permit, effective as of February 1, 2001, issued by the Secretary of Interior pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539 which incorporates by reference the Multiple Species Habitat Conservation Plan and Implementing Agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

Infrastructure. Man-made structures that serve the common needs of the population, such as: potable-water systems; waste water disposal systems, solid waste disposal sites or retention

areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

Interpretation. The process whereby the Community Development and Services Director interprets or explains the provisions of this Code in relation to a proposed use or activity.

J. **Definitions.**

No terms beginning with the letter J are defined at this time.

K. **Definitions.**

Kitchen. That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. A kitchen indicates the presence of complete cooking facilities (i.e., stove, oven and/or microwave oven, refrigerator, dishwasher, and sink). For the purposes of this Code, a natural gas stub or a 220-volt electrical outlet/wiring shall classify any food preparation area as a kitchen.

L. **Definitions.**

L-10 Tenth Percentile Noise Level. The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded to one minute in a ten-minute period) and is denoted L10.

L-90 Ninetieth Percentile Noise Level. The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded to nine minutes in a ten-minute period) and is denoted L90.

Landscape Maintenance District. The sum of all legal parcels of real property containing improvements requested by the applicant to be included and maintained within the district in accordance with Section XX, Creation of Landscape Maintenance Districts, and all other applicable City standards.

Landscape Maintenance District, Acceptance of. The date the City accepts maintenance of the area upon which the improvements to be included in a landscape maintenance district are located.

Landscape Maintenance District, Assessment. The amount and time periods as determined by the maintenance district coordination team for property described in an application for a landscape maintenance district.

Landscape Maintenance District, Assessment Unit. Each legal lot or parcel of real property comprising and being included within the boundaries of the maintenance district and upon

which a single-family dwelling unit may be constructed, whether such building unit has been constructed or not.

Landscape Maintenance District, Public Lighting. Works or improvements useful in lighting a street, sidewalk, or other place used for a public purpose as defined in NRS 278.4783.

Landscape Maintenance District, Security Wall. The perimeter wall of a residential subdivision located immediately abutting the maintenance district, but not including gates, as defined in NRS 278.4785.

Landscaping. An area devoted to or developed and maintained with native or exotic plantings; lawn; groundcover; gardens; trees; shrubs and other plant materials; decorative outdoor landscape elements; pools; fountains; water features; paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas); and sculptural elements. Plants on rooftops and porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior Parking Lot. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding walkways providing direct access to the facility, driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter. A landscaped area adjoining the perimeter or exterior boundary of a subdivision, project, parking, loading or similar paved area, excluding driveways or walkways providing access to the subdivision, project or other facility.

Laundromat. A facility where patrons wash, dry, or dry clean clothing or other fabric items in machines operated by the patron.

LED (Light Emitting Diode). A semiconductor diode that emits light when a voltage is applied to it.

Leq (Equivalent Sound Pressure Level). The steady sound level that, over a specified period of time, would produce the same energy equivalence as the fluctuating sound level actually occurring. Denoted as "Leq."

Leq (9HR). The Leq noise level for the period 8:00 p.m. to 5:00 a.m. or commercial and industrial nighttime measurements.

Leq (10HR). The Leq noise level for the period 9:00 p.m. to 7:00 a.m. or residential nighttime measurements.

Leq (14HR). The Leq noise level for the period 7:00 a.m. to 9:00 p.m. or residential daytime measurements.

Leq (15HR). The Leq noise level for the period 5:00 a.m. to 8:00 p.m. or commercial and industrial daytime measurements.

Lighting, Indirect. Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.

Lighting, Halo or Silhouette. A type of indirect sign illumination where a concealed light source illuminates the wall behind sign letters.

Loading Area. An off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

Logo. See Sign, Logo.

Lot. A piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied or intended to be occupied by one or more buildings, structures or uses, together with such open spaces and access to or frontage on a street, as required by this Code.

Loudness. A rise of ten dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB, which is twice as loud as a sound of 65 dB, and so on. That is, the sound of 85 dB is 400 times the loudness of a sound of 65 dB.

M. **Definitions.**

Main Body. As used in the design standards, the primary mass of a house or other building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

Malt Beverage. Beer, ale, porter, stout, or other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

Manufactured Home. A structure that is:

1. Built on a permanent chassis.
2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities.

3. Transportable in one or more sections.
4. Eight feet or more in body width or 40 feet or more in body length when transported or, when erected onsite, contains 320 square feet or more.
5. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

Marijuana. Any of the following, or as defined in NRS 453A and 453D, as may be amended or renumbered:

1. The dried leaves and flowers of any plant of the genus *Cannabis*, and any mixture or preparation thereof that are appropriate for the use of marijuana; and
2. The seeds of a plant of the genus *Cannabis*;
3. The resin extracted from any part of the plant;
4. Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
5. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana, Medical Use of. Means (a) the possession, delivery, production or use of marijuana; (b) the possession, delivery or use of paraphernalia used to administer marijuana; or (c) any combination of the acts described in subsections (a) and (b), as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

Marijuana, Cultivation Facility. An entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers as defined in NRS 435D.030.

Marijuana, Dispensary Facility – Medical. A facility that is registered with the State of Nevada Department of Taxation; acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as defined by NRS 453A.410.

Marijuana, Dispensary Facility – Retail. An entity licensed by the State of Nevada Department of Taxation to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

Marijuana, Edible Marijuana Products. Products that contain marijuana or an extract thereof; which are intended for human consumption by oral ingestion; are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

Marijuana, Establishment. A marijuana cultivation facility, an independent marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or medical marijuana dispensary or a retail marijuana store which is licensed by the State of Nevada Department of Taxation.

Marijuana, Independent Testing Laboratory. An entity licensed by the State of Nevada Department of Taxation to test marijuana and marijuana products, including for potency and contaminants.

Marijuana, Marijuana-Infused Products. Marijuana products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. This term includes, without limitation, topical products, ointments, oils and tinctures.

Marquee. A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

Master Development Plan. A plan establishing the requirements for development in the master plan development (MP) overlay district.

Master Plan. The provisions for development of land including all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

Master Sign Plan. A plan establishing the requirements for the size, location, and design of signs within a development that is constructed or managed as a single development.

Material Structure Value. The cost of labor and materials necessary to erect a sign. The term does not include any revenue or expenses related to the lease of real property upon which the sign is located.

Maximum Extent Feasible. Means that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

Maximum Practical Extent. Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Mini-Storage. See “Warehousing and/or Storage Yard.” Section XX.

Mitigation Fee. The fee imposed pursuant to the provisions of Section XX, Imposition of Mitigation Fee.

Mixed-Use. The development of a site, building, or structure with two or more different uses including, but not limited to, residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

MMFC. Minimum maintainable foot candles.

Mobile Home. A vehicle without motor power designed or equipped for long-term habitation purposes and to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle. This use type does not include travel trailers, commercial coaches, manufactured homes, or any structure built in compliance with the requirements of Chapter 461 of NRS.

Mobile Home Lot. Any area or tract of land designated, designed, or used for the occupancy of a mobile home.

Model Home. A dwelling temporarily used as a sales office and/or as an example of dwelling units available for sale within a residential development that is under construction.

Motor Court. The vehicular access to housing units within a cluster.

Motor Home. Means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or

use as a selling or advertising device, or use for the storage or conveyance of materials, tools, equipment or machinery, and so designed that it is or may be mounted on wheels, used as a conveyance on highways and streets, and propelled by its own motor power.

Multiple Species Habitat Conservation Plan (MSHCP). The Clark County Multiple Species Habitat Conservation Plan approved and adopted by the Council on August 3, 1999, and as thereafter approved and modified.

Multi-Tenant Development. A development (either a single or multiple-building development) consisting of two or more business establishments. The tenants of a multi-tenant development typically share vehicle access and parking facilities. Building entrances may be separate or common.

Mural. A picture or decoration that is applied directly to a wall and does not contain text or a commercial message.

N. **Definitions.**

Nevada Revised Statutes (NRS). The Nevada Revised Statutes, as amended.

Neon. An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

Nits. The standard unit used to measure the luminance of a surface, such as the face of a sign. One nit is equivalent to one candela (i.e. the light output of a common wax candle) per square meter.

Noise. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

Noise Disturbance or Unreasonable Noise. Any sound that annoys, injures, or endangers the safety or health of a reasonable person(s) with normal sensitivities or endangers the comfort, repose, health, hearing, peace, or safety of another person(s), or that causes injury to, or damage to property or business.

Nonconforming Lot. A lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment to conform to all the present requirements of this Code.

Nonconforming Structure. A structure that was lawfully erected but does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in

the regulations for the district in which the structure is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

Nonconforming Use. The use of a structure or land that was lawfully established and maintained but does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

Nonconforming Site. A site that was lawfully established and maintained but does not conform with the applicable development standards (e.g., landscaping, parking) for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

Nonconformity. A nonconforming use, lot, site, structure, or building.

O. **Definitions.**

Off-Street Loading. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking. A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Common. A parcel or parcels of land, an area of water, or a combination of land and water within the site designated that is designated and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

Open Space, Natural. Protected lands that, depending on their resource sensitivity, are conserved in their natural state restored, or improved with appropriate native landscaping to retain a natural or natural-appearing condition and are integrated into an interconnected open space and trails system. Natural open space may include appropriate public trails or other public improvements. Open space is typically publicly-owned and maintained.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable. An outdoor or unenclosed area on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required

front or corner side yard, and excluding any space with a dimension of less than six feet in any direction or an area of less than 36 square feet. The area must be surfaced with lawn, pavers, decking, or sport-court-type that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

Opposite. Walls, windows, signs, districts or property lines are deemed “opposite” if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Activity. Any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot, and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

Outdoor Storage. The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Outparcel. A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development’s street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings. Also known as Pad Site.

Overlay District. A zoning district that encompasses one or more underlying base zoning districts and that imposes additional or alternate requirements to that required by the underlying zone(s).

P. **Definitions.**

Parapet. A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parcel. All real property for which a development permit is applied.

Parcel Map. A subdivision map as provided in NRS 278.461, 278.462, 278.463, 278.464 or 278.466.

Parking Aisle. The traveled way by which cars enter and depart parking stalls or spaces.

Parking Area. Any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Lot. An off-street, ground-level, open area for the temporary storage of motor vehicles.

Parking, Shared. Joint use of a parking lot or area for more than one use.

Parking Space. The space or area in which a vehicle would park in a private or public parking lot.

Parking Structure. A building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

Parkway Street. A public frontage street designed to provide vehicular access to property and public amenities abutting the Boulder Highway, as identified in Chapter 6 of the Boulder Highway Corridor Investment Strategy.

Paseo. A linear park or path designated for walking or recreation.

Peak Commute. The peak morning commute period is 7:00 – 9:00 a.m. and the peak evening commute period is 5:00 – 7:00 p.m.

Pedestrian Arcade. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians.

Pedestrian Orientation. Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

Pedestrian Scale. The use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

Permitted. As related to a particular use type, “permitted” means the use is allowed without a requirement for approval of a use permit or temporary use permit.

Person. Any individual, partnership, company, corporation, association, firm, organization, government agency, administration, or department, or any other group of individuals, or any officer or employee thereof.

Pilaster. A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature. This term is also used for the supporting structures of masonry walls.

Plainly Audible Noise. Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensive of whether a voice is raised or normal, or comprehensible musical rhythms.

Plan. The provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

Planned Unit Development. An area of land controlled by a landowner that is to be developed as a single entity for one or more planned unit developments, one or more public, quasi-public, commercial or industrial areas, or any combination of these uses, as defined in NRS 278A.070.

Plaza. A civic space type designed for civic purposes and commercial activities in the more urban areas, generally paved and spatially defined by building frontages.

Porch. A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

Portico. A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

Power Tool. Any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming, or drilling.

Pre-Existing. A use or condition in existence prior to the effective date of the subject provision.

Pre-Existing Towers and Pre-Existing Antennas. Any tower or antenna for which a building permit, design review, or conditional use permit has been properly issued prior to the effective

date of this Code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not yet expired.

Primary Entrance. A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

Primary Façade. The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

Primary Street. The street adjacent to and facing the primary front facade of a structure.

Principal Use. See “Use, Principal.”

Professionally Crafted Sign. A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled in sign design, fabrication, and installation.

Project. Any proposal for new or changed use, or for new construction, alteration, enlargement or expansion of any property or structure, that is subject to the provisions of this Code.

Project of Regional Significance. As adopted by the Southern Nevada Regional Planning Coalition, “Project of Regional Significance” means any of the following:

1. ***Site-Specific Projects***

- a. Site-specific building or development projects of either a private, public, or quasi-public nature that satisfy one of the following criteria and occur within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area:
 - i. Tentative maps or planned unit developments of 500 units or more;
 - ii. Tourist accommodations of 300 units or more;
 - iii. A commercial or industrial facility generating more than 6,250 average daily vehicle trips, as defined by the Institute of Transportation Engineers or its successor; or
- b. Zoning map amendments or local land use plan amendments that could result in development that exceeds the threshold criteria identified above and that occurs within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area; or
- c. Any conditional use permit request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area.

2. ***Regionally Significant Infrastructure Projects.*** Multi-jurisdictional regional infrastructure projects not under the purview of existing regional agencies (such as the Regional Transportation Commission), including, but not limited to, the following facilities when they impact more than one jurisdiction:
 - a. A transmission line that carries 60 kilovolts or more;
 - b. A facility that generates electricity greater than 50 megawatts;
 - c. Natural gas storage and peak shaving facilities; and
 - d. Gas regulator stations and mains that operate over 200 pounds per square inch.

Project of Significant Impact. A development project that:

1. Results in 500 or more dwelling units;
2. Contains 300 or more hotel rooms;
3. Includes 160 or more acres of nonresidential; or
4. Generates over 3,000 average daily trips (commercial/industrial only).

Property Boundary. An imaginary line at the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person.

Protected Use. School sites, religious assemblies, and day-care centers as defined in Section XX.

Public Facilities Needs Assessment. An analysis that identifies existing public facilities and the structure of network used for the delivery of goods, services, and public safety, including, without limitation, communications facilities, water systems, sanitary sewer systems, storm sewer systems, streets and roads, traffic control systems, sidewalks, parks and trails, recreational facilities, fire, police and flood protection and all related appurtenances, equipment and employee costs, or any combination thereof, intended for use by the general public, or land approved for such use, and evaluates the need for and phasing of additional facilities and services required. A public facilities needs assessment is approved upon adoption by ordinance by the Council.

Public Park. Any land area dedicated to and/or maintained by the city for public purposes generally consisting of landscaped areas, picnic shelters, small play structures, or the like; and which may include programmable facilities such as ball fields, multi-purpose fields, swimming or aquatic facilities, facilities for other recreational purposes, sports complexes, plazas, water

features, and other specific site furnishings, but shall not include: (a) privately-owned amusement parks; or (b) privately-owned or privately-managed golf courses.

Public Playground. Any outdoor facility (including the parking lot); intended for recreation; open to the public and any portion of the playground that has three or more separate apparatus intended for recreation of children (slides, swings, see-saws, etc.)

Public Right-Of-Way. Land owned by the United States of America, the State of Nevada, Clark County, or the City of Henderson, that is used, reserved, or intended for use for pedestrian or vehicular travel.

Q. Definitions.

No terms beginning with the letter Q are defined at this time.

R. Definitions.

Raceway. An enclosed conduit for electrical wiring typically used on a building mounted sign.

Real Property. A lot or parcel of land together with all structures located thereon.

Recreational Vehicle. A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, and converted trucks or buses.

Recyclable Materials. Solid waste including, but not limited to, newspaper, corrugated cardboard, aluminum, yard debris, (i.e. vegetation, green waste), office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste which is intended for reuse, remanufacture, or reconstruction for the purpose of using the altered form.

Redevelopment Area Review. A process where a proposed development is reviewed for consistency with an applicable redevelopment plan for a specific portion of the City that has already been adopted by the Council.

Regional Mall. A commercial development consisting of a minimum of 500,000 square feet connected by an enclosed common walkway, with a minimum of four major anchor stores and where the majority of the commercial tenant spaces have internal-facing commercial storefronts.

Resort Village. A pedestrian-oriented, mixed-use project of at least five acres located in a MC district, MR district, or CT zoning district and within a master-planned development which also contains a resort hotel. The resort village must be adjacent to the resort hotel and developed

in accordance with the purposes and intent of the MC, MR or CT district as set forth in Title 19. A resort village located outside of the Las Vegas Boulevard gaming corridor or in the rural Clark County gaming zone, as such terms are defined in Nevada Revised Statutes Chapter 463, shall not contain more than three taverns. Each of such taverns may be licensed to operate a maximum of 15 slot machines. Parking is to be located predominately at the perimeter of the resort village with no more than one percent of the parking located in the interior of the resort village. These restrictions do not include any parking reserved for the exclusive use of residents of the resort village. Such resident parking must be restricted from public use.

Revegetation. The placement of native living plant materials or seeds on areas where the natural vegetation has been removed. Such areas include disturbed natural areas and manmade cut and fill slopes.

Reversion to Acreage. A process where the lot lines of two or more platted lots within a subdivision are removed or relocated to form a single larger parcel or site.

Review Body. The entity (typically City staff or Commission) that is authorized to recommend approval or denial of an application or permit required under this Code.

Rezoning. A legislative process where the official zoning map designation for a lot, portion of a lot, or group of lots is changed in accordance with the process in NRS Section 278.

Ridge. An elongated crest or series of crests of a hill.

Ridgeline. A ground line located at the highest elevation of and running parallel to the long axis of the ridge.

Rock Crushing. See "Mining and Processing, General" or "Mining and Processing, Short Term." Section XX.

Routine Maintenance. Normal repair and upkeep of a sign's or billboard's structural integrity and appearance. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.

RTC. Regional Transportation Commission of Southern Nevada.

S. **Definitions.**

School Site. A public or private facility recognized by the State of Nevada Board of Education that provides educational instruction to children in grades kindergarten to twelfth grade, has a

minimum enrollment of 50 students, and conducts classes on either a nine-month or 12-month basis, or parcels with an existing use permit for a school.

Secondary Street. A street facing a secondary or side/rear facade of a structure.

Sensitive Ridgeline. A line designated on the Hillside Regulation Map meeting all the following characteristics as viewed from vantage points that are one or more miles apart and below the 15 percent slope line:

1. A series of points that when connected form an uninterrupted line with a definable starting and ending point.
2. Two intersecting side slopes each having a minimum gradient of 15 percent.
3. A starting point where three side slopes intersect at a definable point, which shall be a point at which the elevation is a minimum of 200 vertical feet higher than the closest parcels outside of the 15 percent slope line as designated on the Hillside Regulation Map.
4. An ending point of a sensitive ridgeline shall be the highest vertical elevation along the series of connecting points.

Sexual Activities, Specified. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

Shaded Walkway. For purposes of this Code, a shaded walkway shall be any one of the following:

1. A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.
2. A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.
3. A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

Shade Tree. A tree grown primarily to produce shade, not including palm trees.

Shopping Center. Any structure or group of structures housing any assemblage of commercial and/or retail uses, including personal services, food service, and other ancillary uses, with a minimum 25,000 square feet of gross floor area upon a single lot or parcel of land, or upon

contiguous parcels of land that have common vehicular access and parking facilities. A shopping center may consist of one or more “out parcels” under separate ownership or lease that contain complementary commercial enterprises.

Side or Rear Wings. As used in the design standards, massing forms of a house or building subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are usually smaller than the main body. Wings are typically limited to a maximum width of one third the width of the main facade.

Sign. A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, A-Frame. A temporary sign constructed with two sides attached at the top allowing the sign to stand in an upright position.

Sign, Abandoned. A sign that no longer directs, advertises, or identifies a legal business establishment, product, or activity, or that lacks any required maintenance certification.

Sign, Awning. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

Sign, Balloon Bobber. A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

Sign, Bandit. Any sign that is placed on public property or on private property without the consent of the property owner or as authorized in Chapter XX (Signs).

Sign, Building Identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure

Sign, Cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, Canopy. A sign painted on, printed, on or otherwise attached flat against the surface of a canopy.

Sign, Channel Letter, Pin-Mounted. A wall sign mounted directly on the face of a building wall as channel letters without a raceway or other background other than the background provided by the building wall to which it is attached.

Sign, Channel Letter, Raceway-Mounted. A wall sign mounted directly on a raceway (a metal structure that encloses the electrical components of a sign) as channel letters. Also includes channel letters mounted on a background other than the building wall.

Sign, Changing-Image. A sign or portion thereof that, through the use of moving structural elements, lighting, video, television, or plasma screens, holographic displays, or an electronic message center, to depict or simulate movement, action, scrolling text, or a change in appearance of any manner. Time and temperature, electronic message center, electronic graphic display, and digital video display signs are examples of changing-image signs.

Sign, Directional/Informational. An incidental sign designed to guide or direct pedestrian or vehicular traffic, to specify procedures or to warn of hazards. Directional/informational signs contain no commercial message but may contain a company name or logo if such name or logo enhances the directional or informational message of the sign. For example, a small logo combined with a directional arrow may reduce confusion for drivers looking for a certain driveway entrance.

Sign, Directory. A wall or freestanding sign on a multi-tenant development site that is used to convey directions and tenant information to pedestrians and motorists who have entered the site.

Sign, Electronic Graphic Display. A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

Sign, Flashing. An illuminated sign that contains an intermittent or sequential flashing light source or any other means to attract attention.

Sign, Freestanding. A sign supported by the ground or by freestanding frames, braces, or poles and not attached to any building. This includes ground signs, detached signs, pole signs, and monument signs.

Sign, Fuel Pump Topper. A sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, Illegal. A sign that does not comply with the requirements of this Development Code and that has not received lawful nonconforming status or has lost its lawful nonconforming status.

Sign, Illuminated. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Incidental. A small sign, emblem, or decal pertaining to goods, products, services, or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.

Sign, Logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business or product.

Sign, Marquee. A sign painted on, printed on, or otherwise attached flat against the surface of a marquee.

Sign, Master Development. A permanent off-premises sign that identifies, embellishes, or directs visitors to a planned community or large aggregate collection of developments. A master development sign is generally a permanent project emblem or identity sign, whereas a temporary off-premises kiosk sign is a marketing sign of a more temporary nature.

Sign, Monument. A freestanding sign, with a solid base that is equal to or larger than the width of the sign face. Monument signs are intended for viewing by vehicles travelling on a collector or arterial street.

Sign, Multi-Tenant Development. A sign on the site of a multi-tenant development identifying the name of the development, the address of the development, and two or more tenants within the development.

Sign, Nonconforming. A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed but does not conform with standards of location, size, or

illumination for the district in which it is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

Sign, Off-Premises. A sign that advertises products or services that are not sold on the premises upon which the sign is located.

Sign, Painted-on Wall. A sign painted directly onto the exterior wall of a building and having no sign structure.

Sign, Pennant. A temporary sign made of flexible materials longer than it is wide, often triangular in shape, and frequently displayed with other pennants on a string.

Sign, Permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises

Sign Permit. A permit issued by the Building and Fire Safety Department authorizing the installation, modification, or removal of signage.

Sign, Pole. A free-standing sign, usually double-faced, mounted on a round pole, square tube, or other fabricated member without any type of secondary support.

Sign, Projecting. A sign that is perpendicular to the face of a building and projects outward from the building face. Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 12 inches. Includes blade, suspended, and hanging signs.

Sign, Residential Subdivision. Any sign that is approved for use in association with an Active Single-Family Residential Subdivision.

Sign, Roof. Any sign erected upon or above a roof or parapet wall of a building and that is completely or partially supported by the building.

Sign, Single-Color Or Two-Color LED. A permanent sign composed of single-color or two-color LEDs, including signs with fixed and changeable copy.

Sign, Suspended. A sign suspended beneath a projecting canopy, walkway cover, awning, ceiling, or marquee.

Sign, Temporary. A sign constructed of paper, cloth, vinyl, fabric, or similar material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window. A sign that is temporary in nature, such as temporary real

estate signs and signs advertising occasional sales or promotions, and that are not permitted for permanent placement or to have the functional effect of permanently placed signs.

Sign, Vehicle. A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar vehicle.

Sign, Wall. A sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

Sign, Wall Banner. A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered wall banner signs.

Sign, Window. A sign that is attached, affixed, or placed and intended to be seen in, on, or through a window or door and is visible from the exterior of the building.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on an H-shaped wire frame used for example, for advertising by local businesses or by election campaigns (Synonym: Lawn Sign).

Sign, Yard, Type I. A sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Sign, Yard, Type I. A large typically wooden sign mounted on two posts installed securely in the ground.

Sign Copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign Structure. The supports, uprights, bracing and/or framework of a sign.

Spinner. A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

Single Family Residence. A structure containing one or more dwelling units in which resides a family unit, as defined herein, or a Community Residence as defined in XX.

Single Housekeeping Unit. The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a dwelling unit, including the joint use of

common areas and sharing household activities and responsibilities (i.e., chores, expenses, and meals).

Single Ownership. Holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

Site. A lot or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit that is proposed for development in accordance with the provisions of this Code and is in a single ownership or has multiple owners, all of whom join in an application for development.

Site Disturbance. The area on a lot or parcel, excluding streets, that has been graded, excavated, cleared or grubbed, or contains cut slopes or fill slopes.

Slope Analysis Map. A pictorial representation prepared by the City of the natural topography of property expressed in a series of percentages. See Section XX.

Soil. All earth material of any origin that overlies bedrock and may include a decomposed zone of bedrock that can be excavated by mechanical equipment or blasting.

Solar Reflectance Index (SRI). A composite index used to estimate how hot a surface will get when exposed to full sun. The temperature of a surface depends on the surface's reflectance and emittance, as well as solar radiation. The Solar Reflectance Index (SRI) is used to determine the effect of the reflectance and emittance on the surface temperature and varies from 100 for a standard white surface to zero for a standard black surface. The SRI is calculated using ASTM E1980, "Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces."

Sound. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distance points that evokes an auditory sensation.

Sound Level Meter. A sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications S 1.4-1971. A sound level meter for the purposes of this Code shall contain at least an A-scale and both fast and slow meter response.

Sound Pressure Level. In decibels (dBA), is 20 times the logarithm to the base ten of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is ten micropascals per square meter. Abbreviated LP or SPL.

Standard Drawings. The Uniform Standard Drawings for Public Works Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

Standard Specifications. The Uniform Standard Specifications for Public Works Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

Steady Noise. A sound pressure level that remains essentially constant during the period of observation and does not vary more than six dBA when measured with the slow response of the sound level meter.

Street. An improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

Street, Cul-De-Sac. A minor street with only one outlet, which provides for an adequate turning area for vehicular traffic at its terminus.

Street Frontage. The frontage of the parcel or lot with access to the public right-of-way.

Street, Local. A street designed to provide vehicular access to abutting property and to discourage through-traffic, and that is defined specifically as such on the City's Master Transportation Plan.

Street, Major Arterial. A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials, and that is defined specifically as such on the City's Master Transportation Plan.

Street, Minor Arterial. A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets, and that is defined specifically as such on the City's Master Transportation Plan.

Street, Major Collector. A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City's Master Transportation Plan.

Street, Minor Collector. A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City's Master Transportation Plan.

Street, Private. A street that has not been accepted by the municipality or other governmental entity.

Street, Public. A right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Henderson for perpetual maintenance.

Street Stub. A terminated street intended for future connection.

Structure. Any manmade construction in, on, or over the ground or water, including: buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, improved facilities for drainage, flood control, retention, public recreation, and other facilities.

Substantial Renovation. Any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area or the addition of new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of the calculation, the increase in floor area shall be aggregated over a three-year period.

Swimming Pools and Hot Tubs. Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

T. Definitions.

Tobacco Paraphernalia/Accessories. Includes pipes, pipe tampers and cleaners, cigar cutters, humidors, lighters, cigarette papers or wrappers, holders of smoking materials of all types, hookahs, cigarette rolling machines, and other similar accessories designed for the smoking or ingestion of tobacco products.

Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant's development and may also include a parking study and overall access management plan for the development site.

Trailer. Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or for the conduct of any business, trade or occupation, or for use as a selling or advertising device, or for the storage or conveyance of materials, tools, equipment, machinery, or recreational apparatus, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by the motor power of another vehicle.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Trellage. Two or more trellis structures.

U. Definitions.

Undisturbed Area. The area on a lot or parcel that has not been graded for access, a building pad, or a driveway. Undisturbed areas may include areas that are fenced and landscaped.

Use. The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Use, Principal. The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained.

Use, Similar. A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

V. **Definitions.**

Vacation, Type I. A process where the City abandons interest in any public street or easement.

Vacation, Type II. A process where the City abandons interest in an easement for municipal utility (water or sewer) or controlled by the City. (Municipal Utility Easement).

Variance. A grant by the Commission permitting an owner to use a lot not wholly in accordance with the provisions of this Code because the Commission finds that strict conformance would be an unusual hardship not created by the owner, but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship, but not create detrimental conditions affecting abutting property owners or the public-at-large.

Vegetation. Trees, grass, shrubs, or vines.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle, Antique. Any vehicle older than 40 years.

Vehicle, Classic. Any vehicle between 25 and 40 years old.

Vehicle, Custom. Any vehicle that has been significantly modified after delivery from the manufacturer for the purpose of enhancing engine performance, suspension performance, braking, handling, appearance, or other permanent and significant modifications to the body, electrical systems, parts or engine thereof that distinguish the vehicle from original equipment

manufacturer's (OEM) specifications, other than minor cosmetic modifications including, but not limited to, pin striping or decals.

Visible. Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

Visible Light Transmittance. An optical property that indicates the amount of visible light transmitted. The higher the visible transmittance, the more light is transmitted. A high visible transmittance is desirable to maximize daylight.

W. **Definitions.**

Walkway. A hard-surface passage or path used for walking.

Wall, Decorative. A wall that may include materials such as brick, stone, and similar materials at the discretion of the Planning Director, but shall not include smooth face CMU block, poured concrete, stucco, metal paneling, or similar materials

Wall, Retaining. A wall designed and constructed to withstand lateral earth and hydrostatic pressures.

X. **Definitions.**

No terms beginning with the letter X are defined at this time.

Y. **Definitions.**

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this Code, including a front yard, side yard, or rear yard.

Yard, Corner Side. The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

Yard, Front. The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the front façade or façades of the primary structure.

Yard, Rear. The yard area extending along the entire length of the rear property line and the depth between the rear property line and the rear façade or façades of the primary structure.

Yard, Side. The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.

Z. **Definitions.**

Zoning Map Amendment. A formal application and procedure for amending the official zoning map.

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