

CHAPTER 19.5: USE REGULATIONS

19.5.1. CHAPTER ORGANIZATION

This chapter describes the land uses allowed in Henderson and the applicable use-specific standards.

A. USE CLASSIFICATION

Section 19.5.2, *Use Classification*, establishes the structure and hierarchy of the land uses allowed in this Code, including the general categories and specific use types. This section also includes the procedure for applying use-specific standards to buildings with multiple-use types and the procedure for consideration of unlisted uses.

B. USE REGULATIONS

Sections 19.5.3 through 19.5.6 list the uses allowed in this Code and summarize information related to each use, including the definition, a table showing the districts in which the use is allowed, the procedure under which the use may be approved, use-specific standards (if applicable), the minimum off-street parking requirement, and off-street loading group.

1. Explanation of Tables

The following abbreviations apply for all tables in this chapter:

- (a) “P” (Permitted Use) = use permitted, subject to all applicable regulations of this Code.
- (b) “S” (Standards) = use permitted, subject to additional standards listed for the specific use type in addition to all applicable regulations of this Code.
- (c) “C” (Conditional Use) = use allowed only if reviewed and approved as a conditional use, in accordance with Section 19.6.6.A. Base standards may apply to a CUP approval, as specified in the table for the specific use type.
- (d) “A” (Accessory Use) = use permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered accessory to the primary use.
- (e) “T” (Temporary Use) = use is permitted only by means of a Temporary Use Permit (or a conditional use permit when exceeding the allowed time limit) in accordance with 19.6.6.D, unless otherwise expressly allowed by the HMC. Base standards may apply to a TUP; see standards for the specific use type.
- (f) Blank cell = use not allowed in the respective zoning district.

2. Off-Street Parking and Loading Requirements

The number of off-street parking spaces and loading zone requirements for uses listed in Sections 19.5.3 through 19.5.6 shall be as listed in the tables of that section. The requirements listed are minimums. Other general requirements and standards relating to parking and loading, including those that pertain to location, design, computation and handicapped parking, are as set forth in Section 19.7.4, *Parking and Loading*.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.2 USE CLASSIFICATION | 19.5.2.B DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

3. Use-Specific Standards

- (a) For all uses in this chapter, the “All Districts” standards apply in all districts unless otherwise indicated, and any district-specific standards supplement the all-district standards unless otherwise indicated.
- (b) Any modifications to the use-specific standards of this chapter through the conditional use permit approval process shall be specifically recorded in the approved permit. The use-specific standards of this chapter are not subject to modification through the waiver process.
- (c) The use-specific standards in this chapter include cross-referencing tools that are intended to assist the City and the public in using and applying this Code. These cross-referencing tools are for the sake of convenience and assistance only, and do not diminish the applicability of substantive standards and limitations that appear outside this chapter. Except as otherwise specifically indicated, the absence or omission of a cross-reference in the land use tables of this chapter shall not be deemed to limit or negate any other provision of this Code.

C. ACCESSORY USES AND STRUCTURES

Section 19.5.7, *Accessory Uses and Structures*, sets out the use-specific standards for accessory uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

D. TEMPORARY USES AND STRUCTURES

Section 19.5.8, *Temporary Uses and Structures*, includes the use-specific standards for temporary uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

19.5.2. USE CLASSIFICATION

A. USE CLASSIFICATIONS

Use classifications organize land uses and activities into general “use categories,” and specific “use types” within the categories, based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or housing types, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The use classifications in each of the use tables include: Residential Uses, Public/Institutional Uses, Commercial Uses, and Industrial Uses. Accessory Uses and Temporary Uses are addressed in Sections 19.5.7 and 19.5.8, respectively.

B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

When all principal uses of a building fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, may include only those use types

COMMENTARY:

For example, a development that contains a bookstore, coffee shop, and bakery would be classified in the “Retail Sales and Service” category because all of the development’s principal uses are in that use category.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.2 USE CLASSIFICATION | 19.5.2.C UNLISTED USES

allowed in the base zoning district. For developments that meet the “shopping center” definition, parking for uses may be calculated at one space per 250 square feet.

C. UNLISTED USES

1. Procedure

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this chapter, the Community Development and Services Director may permit the use type upon finding the standards of this subsection are met in accordance with the procedure in Section 19.6.9.F, *Interpretation*. The Community Development and Services Director shall give due consideration to the purpose and intent of this Code concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. Any new use type may be incorporated into this Code through a Development Code text amendment in accordance with the procedure in Section 19.6.4.B.

2. Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zoning district, the Community Development and Services Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (a) The volume and type of sales, retail, wholesale, etc.;
- (b) The size and type of items sold and nature of inventory on the premises;
- (c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- (e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
- (f) The type, size, and nature of buildings and structures;
- (g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
- (i) Trip purposes and whether trip purposes can be shared by other use types on the site;
- (j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;
- (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.A GENERAL STANDARDS FOR ALL RESIDENTIAL USES

emissions required or recommended, and any significant power structures and communications towers or facilities; and

- (m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.

D. PROHIBITED USES

The following uses are prohibited within the City of Henderson:

1. Residential Motels
2. Bed & Breakfast facilities

19.5.3. RESIDENTIAL USES

A. GENERAL STANDARDS FOR ALL RESIDENTIAL USES

The following general standards apply to all residential uses allowed in the City of Henderson.

1. Maximum Dwelling Unit Occupancy

Occupancy by persons living as a single housekeeping unit in a dwelling unit shall be limited to the following: compliance with the definition for a “family unit”; and a dwelling unit with a minimum of 150 square feet of gross floor area for each of the first ten occupants and 300 square feet for each additional occupant, to a maximum of 20 occupants. In no case shall a dwelling unit be occupied by more than 20 persons or as limited by the “family unit” definition. A conditional use permit shall be required for occupancy of a dwelling unit by more than ten persons 18 years or older.

2. Domestic Employees

No shift change involving two or more employees shall take place between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this subsection, “employees” shall include child-care workers, domestic help, contract workers, in-home health-care providers, assisted-living service providers, or any other employee associated with a household living use.

3. Personal Property Sales

A personal property sale is defined as a temporary garage or yard sale of personal property typically conducted on residential land. Sales of personal property shall be limited to a period of not more than three days during each consecutive six-month period.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

B. HOUSEHOLD LIVING

1. Dwelling, Live/Work

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C		C	C	C	C	

(a) Definition

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

(b) General Standards

- (1)** The residential portion within the live/work unit shall be a minimum of 700 square feet in area. Waivers to this standard may be processed through the design review or conditional use permit process.
- (2)** The residential portion shall be contiguous with and an integral part of the working space, with direct access between the two areas, and not a separate stand-alone dwelling unit.
- (3)** Live/work units shall not be located within a single-family detached dwelling but may be located within single-family attached dwellings as well as vertical mixed-use dwellings.
- (4)** Live/work units must be specifically indicated as such on a site plan approved through an entitlement application.
- (5)** Live/work units are not permitted in existing developments unless the original approval for that development is amended.
- (6)** The nonresidential portion within the live/work unit shall be located on the ground floor.
- (7)** Any nonresidential activity shall require a City business license.
- (8)** The nonresidential portion of the building shall comply with all applicable nonresidential Building Code requirements.
- (9)** Employees shall be limited to occupants of the residential portion of the building plus up to two people not residing in the residential portion.
- (10)** Drive-through windows are prohibited.
- (11)** The use shall comply with the landscaping and open space standards for mixed-uses in Chapter 19.7: *Development and Design Standards*.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

- (12) No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
- (13) The following uses are permitted for live/work units:
- i. Business and professional offices.
 - ii. Artist studios.
 - iii. Retail sales of items produced or created on-site as part of the live/work use.
 - iv. Personal services such as photography studios, tailors, seamstresses, shoe repair, and other similar uses but excluding any uses prohibited below.
 - v. Personal improvement services such as music and dance lessons, tutoring, palmistry and fortune-telling, and other similar uses but excluding any uses prohibited below.
 - vi. Other uses may be approved thru the Conditional Use Permit process if determined to be compatible with the overall characteristics of the development or neighborhood.
- (14) A live/work unit shall not be established or used in conjunction with any of the following activities:
- i. Sexually oriented businesses.
 - ii. Cosmetology or hair salons/barber shops.
 - iii. Animal sales and animal-related services.
 - iv. Liquor sales.
 - v. Eating and drinking establishments.
 - vi. Massage establishments.
 - vii. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, etc).
 - viii. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 - ix. Welding, machining, or any open flame work.
 - x. Any other activity or use determined by the Planning Commission to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (15) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use permit to ensure compatibility

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

- (16) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.
- (17) Each of the above standards, as well as those of subsections (c) and (d) below and all other conditions imposed on the Conditional Use Permit, shall be set forth in codes, covenants, and restrictions, which shall be recorded with respect to the property after review and approval of the City Attorney.

(c) Standards for Mixed-Use and Nonresidential Districts

- (1) Manufacturing activities associated with a live/work unit shall be limited to those types of manufacturing that would be classified as “Limited Industry” (Section 19.5.6.G.3(a)) under this Code if operated as a principal use.
- (2) The Planning Commission may, with clear and convincing justification provided by the applicant, allow more than two employees at a live/work unit in the IL and IP districts.
- (3) A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
- (4) If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the chief building official.
- (5) The owner or developer of any nonresidential building containing live/work units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

(d) Standards for Residential Districts

- (1) Manufacturing and retail sales activities shall not be allowed in a live/work unit in a residential district.
- (2) The exterior appearance of the live/work unit shall be designed to be compatible with adjacent and nearby residential uses.
- (3) Building and lot layout shall demonstrate that the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over work needs of the unit in question.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

- (4) Signage shall be limited to one wall sign of 15 square feet.
 - (5) Garages and/or exterior areas shall not be used for work space for a live/work use.
 - (6) Customer visits and deliveries shall be limited to the hours or 8:00 a.m. to 6:00 p.m. Monday through Friday, unless otherwise provided by use permit, and shall not occur on state and federal holidays.
 - (7) No more than one live/work use is allowed per legal dwelling unit on the property.
 - (8) No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.
 - (9) No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
 - (10) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (e) Off-Street Parking Requirement
Residential and nonresidential districts.
- (1) The use shall comply with the parking standards for mixed-uses in Section 19.7.4, *Parking and Loading*. Any off-street surface parking shall be located as far as possible from existing adjacent single-family dwellings.
- (f) Off-Street Loading Group
None.

2. Dwelling, Mansion Apartment

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
				S	S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S					S	S	S	

- (a) Definition
A structure configured to appear as a large single-family dwelling with or without individual entryways, porches, or balconies. These use types include more than two but not more than six individual dwelling units.
- (b) Standards
- (1) Mansion apartments shall incorporate design elements intended to reinforce the building's



Figure 19.5.3-A: Mansion Apartment Example

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

appearance as a single-family home, including a consistent architectural style on all sides of the building.

- (2) Mansion apartments shall comply with the single-family residential design standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.
- (3) The maximum length of the building may not exceed 200 linear feet.
- (4) Except on corner lots, mansion apartments shall be served by a single driveway and off-street parking area.

(c) Off-Street Parking Requirement

1.5 parking spaces per unit.

(d) Off-Street Loading Group

None.

3. Dwelling, Multifamily

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					P	P	P	P				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					P	P	P	

(a) Definition

A building containing seven or more dwelling units, each of which includes a separate household.

(b) Standards

(1) All Districts

Multifamily dwellings shall comply with the multifamily design standards in Section 19.7.6.C., *Multifamily Residential Design Standards*.

(2) CT District

- i. Multifamily uses are allowed only with a conditional use permit as part of a mixed-use project.
- ii. Household living areas may not occupy more than 20 percent of the CT-zoned area of the subject development or master plan.

(c) Off-Street Parking Requirement

(1) Residential and nonresidential districts

- i. 1.5 spaces per 1-bedroom unit
- ii. 2 spaces per 2-bedroom unit
- iii. 2.5 spaces per 3-bedroom unit

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

- iv. 3 spaces per 4-bedroom unit
- v. Plus additional 0.25 space per unit for guest parking

- (d) Off-Street Loading Group
None.

4. Dwelling, Single-Family Attached

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
			P	P	P	P	P	P				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

- (a) Definition
Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall.
- (b) Standards
Single-family attached dwellings shall comply with the applicable standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.
- (c) Off-Street Parking Requirement
2 spaces per dwelling unit.
- (d) Off-Street Loading Group
None.

5. Dwelling, Single-Family Detached

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
P	P	P	P	P	P	P						
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S		P	

- (a) Definition
A residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. This term includes “manufactured home,” which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or more sections and designed to be used with or without a permanent foundation

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

that 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).

(b) Standards

(1) All Districts

- i. Single-family detached dwellings shall comply with the applicable standards in Section 19.7.6.B, Single-Family Residential Design Standards.
- ii. Manufactured homes shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq) and subject to Section 19.7.6.B.6.

(2) MC District

Single-family detached dwellings are not allowed along the Boulder Highway frontage.

(c) Off-Street Parking Requirement

2 spaces per dwelling unit.

(d) Off-Street Loading Group

None.

6. Senior Apartments and Condominiums

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

(a) Definition

An apartment or condominium development in which the ages of all occupants shall be restricted to 62 years of age or older for all units; or, in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older. This use includes multifamily dwelling units that qualify as “housing for older persons” under the provision of federal law, including without limitations housing developments that:

- (1) Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
- (2) Publish and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years of age or older to the extent allowed by applicable state or federal law.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.B HOUSEHOLD LIVING

- (b) Standards**
 - (1)** Personal Services (General) uses may be allowed as accessory uses subject to the following:
 - i. Personal services uses shall be limited to residents of the development and shall not be open to the general public.
 - ii. No exterior signage shall be visible to the public.
 - iii. No more than three individual personal service use types within a development shall be allowed.
 - (2)** The applicant shall record a deed restriction against the property restricting the use to a Senior Apartment or Condominium project. The deed restriction must include the age limitation as stated in the definition for this use. The deed must be recorded and a copy provided to the Community Development Department prior to issuance of a building permit for the first building on the site.
- (c) Off-Street Parking Requirement**
1 space per unit plus a minimum of 1 space per 50 square feet of assembly area.
- (d) Off-Street Loading Group**
None.

7. Accessory Dwelling Unit

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C									
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									C		C	

- (a) Definition**
A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.
- (b) Districts Allowed**
An accessory dwelling unit shall be allowed only through the conditional use process and only as accessory use to a single-family detached residential dwelling unit in the districts referenced in the table above.
- (c) Standards**
Accessory dwelling units shall comply with all requirements in Section 19.5.7.C, *General Standards for All Accessory Uses and Structures*, and also the following:
 - (1)** The setback requirements for the principal dwelling shall apply to the accessory dwelling unit, not the general setback requirements for accessory structures.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.C FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

- (2) In the RS-6 district as of the effective date of this Code, accessory dwelling units may be allowed by conditional use permit only on lots greater than 10,000 square feet.
- (3) Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- (4) Accessory dwelling units shall be the lesser in size of: 25 percent of the square footage of the principal dwelling unit (excluding carports, garages, and unfinished basements) or 1,000 square feet.
- (5) There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
- (6) Accessory dwelling units shall not count toward any applicable maximum residential density requirements.
- (7) Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
- (8) Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days.
- (9) Home occupations shall be prohibited within an accessory dwelling unit.
- (10) Pool houses, cabanas, and casitas shall not be used as accessory dwelling units.
- (11) Only one kitchen is allowed per accessory dwelling unit.
- (12) In the mixed-use districts, an accessory dwelling unit shall only be allowed on a lot occupied by a single-family detached dwelling.
- (d) Off-Street Parking Requirement
1 space for each accessory dwelling unit.
- (e) Off-Street Loading Group
None.

C. FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									C	C	C	

1. Definition

A dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.C FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

include a halfway house for recovering alcohol and drug abusers or a facility as defined in NRS 449.00455. As used in this definition, "person who has been released from prison" means:

- (a) A parolee;
- (b) A person who is participating in:
 - (1) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - (2) A correctional program pursuant to NRS 209.488 or 213.632.
- (c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- (d) A person who, within the past two years, has been released from prison by expiration of his term of sentence.

2. Standards

The standards below cannot be waived.

- (a) The facility must comply on an ongoing basis with all governmental licensing and applicable notification requirements.
- (b) The facility must be located on a parcel with minimum size of 6,500 square feet.
- (c) The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
- (d) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.
- (e) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
- (f) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Facility for Transitional Living for Released Offenders.
- (g) A facility may not be located closer than 1,500 feet (measured by means of the shortest distance from property line to property line) from another Facility for Transitional Living for Released Offenders, a Halfway House for Recovering Alcohol and Drug Abusers, Residential Facility for Groups, religious assembly, school, day care facility, or city park.
- (h) There shall be no more than two live-in facility staff at the subject property.
- (i) The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards:
 - (1) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
 - (2) For each bedroom thereafter:
 - i. A maximum of one adult, for bedrooms less than 100 square feet in area; and

CHAPTER 19.5: USE REGULATIONS

- ii. A maximum of two adults, for bedrooms 100 square feet in area or greater.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 2 residents.

4. Off-Street Loading Group

None.

D. HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

A dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455. The term does not include a facility for transitional living for released offenders. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

2. Standards

- (a) A Halfway House for Recovering Alcohol and Drug Abusers is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
 - (1) Another Halfway House for Recovering Alcohol and Drug Abusers;
 - (2) A Residential Facility for Groups; and
 - (3) Home for Individual Residential Care.
- (b) A conditional use permit is required if the location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below.
 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.D HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS

facility. Upon request, the facility operator shall produce evidence satisfactory to the Director of Community Development and Services that the facility is in compliance with this condition.

- (3) The facility must be located on a parcel with a minimum size of 6,500 square feet.
- (4) The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
- (5) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.
- (6) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
- (7) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.
- (8) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of 100 feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:
 - i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:
 1. Approval of the conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the conditional use permit;
 2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of the halfway house residents into the community or neighborhood in question;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.E HOME FOR INDIVIDUAL RESIDENTIAL CARE

- 3. The proposed facility will be operated in compliance with conditions (b)(1) and (2); and
- 4. The proposed facility will comply with conditions (b)(3) through (7) and condition (b)(9) and (10), unless any such condition has been waived in connection with the approval of a conditional use permit.
- iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.
- (9) There shall be no more than two live-in facility staff at the subject property.
- (10) The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards:
 - i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
 - ii. For each bedroom thereafter:
 - 1. A maximum of one adult, for bedrooms less than 100 square feet in area; and
 - 2. A maximum of two adults, for bedrooms 100 square feet in area or greater.
- 3. **Off-Street Parking Requirement**
 In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 2 residents.
- 4. **Off-Street Loading Group**
 None.

E. HOME FOR INDIVIDUAL RESIDENTIAL CARE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

A dwelling unit of a residential character in which a natural person furnishes food, shelter, assistance, and limited supervision, for compensation, to not more than two persons who are aged, infirmed, mentally retarded, or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing the services. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.E HOME FOR INDIVIDUAL RESIDENTIAL CARE

2. Standards

- (a) A Home for Individual Residential Care is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
 - (1) Another Home for Individual Residential Care;
 - (2) A Halfway House for Recovering Alcohol and Drug Abusers; and
 - (3) Residential Facility for Groups.

- (b) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:
 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
 - (3) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Home for Individual Residential Care.
 - (4) In multifamily developments, these establishments are only allowed in individually owned units.
 - (5) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:
 - i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:
 - 1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.F MOBILE HOME PARK OR SUBDIVISION

location is being considered in connection with the waiver;

2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;
3. The proposed facility will be operated in compliance with condition (b)(1); and
4. The proposed facility will comply with conditions (b)(2) through (4), unless any such condition has been waived in connection with the approval of a conditional use permit.

iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.

3. Off-Street Parking Requirement

No additional parking beyond the required parking for the specific dwelling type.

4. Off-Street Loading Group

None.

F. MOBILE HOME PARK OR SUBDIVISION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
									S			
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definitions

(a) Mobile Home Park

A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured homes, and that may include services and facilities for residents.

(b) Mobile Home Subdivision

A subdivision of individual lots, each containing one single-family mobile home or manufactured home.

2. Standards

(a) All dwelling units and habitable structures shall be served by underground utilities in accordance with City requirements.

(b) Each dwelling unit shall have at least a 2,800-square-foot lot or site area for dwelling placement.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.G RESIDENTIAL FACILITY FOR GROUPS

- (c) Each dwelling unit in the park or subdivision shall be set back at least 15 feet from any other dwelling unit, common driveway, or street.
- (d) All structures shall be set back at least 20 feet from the perimeter boundary of the district.
- (e) Common facilities and recreational features shall be centrally located.

3. Off-Street Parking Requirement

1 space per dwelling unit, plus 0.5 guest space per unit, within each park or subdivision.

4. Off-Street Loading Group

None.

G. RESIDENTIAL FACILITY FOR GROUPS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

An establishment in a dwelling of residential character that furnishes food, shelter, assistance, and limited supervision to ten or fewer persons who are aged, infirmed, mentally retarded, or handicapped. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes. This definition does not include:

- (a) An establishment that provides care only during the day;
- (b) A natural person who provides care for no more than two persons in his/her own home;
- (c) A natural person who provides care for one or more persons related to him/her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the State Department of Human Services.

2. Standards

- (a) A Residential Facility for Groups is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
 - (1) Another Residential Facility for Groups;
 - (2) A Halfway House for Recovering Alcohol and Drug Abusers; and

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.G RESIDENTIAL FACILITY FOR GROUPS

- (3) Home for Individual Residential Care.
- (b) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:

 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) The facility must be located on a parcel with minimum size of 6,500 square feet.
 - (3) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.
 - (4) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
 - (5) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Residential Facility for Groups.
 - (6) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:

 - i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:

 - 1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the waiver;
 - 2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.G RESIDENTIAL FACILITY FOR GROUPS

- 3. The proposed facility will be operated in compliance with condition (b)(1); and
 - 4. The proposed facility will comply with conditions (b)(2) through (5) and condition (b)(7) and (8), unless any such condition has been waived in connection with the approval of a conditional use permit.
 - iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.
- (7) There shall be no more than two live-in facility staff at the subject property.
- (8) The number of occupants within a Residential Facility for Groups shall not exceed the following occupancy standards:
- i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
 - ii. For each bedroom thereafter:
 - 1. A maximum of one adult, for bedrooms less than 100 square feet in area; and
 - 2. A maximum of two adults, for bedrooms 100 square feet in area or greater.
- (9) In connection with approval of a conditional use permit, the Planning Commission may waive any of the occupancy standards in condition (b)(8) for disabled adults, if the applicant demonstrates that:
- i. There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants; and
 - ii. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.
- 3. Off-Street Parking Requirement**
- In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents.
- 4. Off-Street Loading Group**
- None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.3 RESIDENTIAL USES | 19.5.3.I SHORT-TERM VACATION RENTAL

H. TRAVEL TRAILER/RV PARK

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C								

1. Definition

Any lot, tract of land, or facility renting or leasing space on a short-term or long-term basis for the accommodation of two or more owners or users of travel trailers and recreational vehicles, not intended for permanent residence.

2. Standards

In the CT district, travel trailer/recreational vehicle parks may only be approved with a conditional use permit as part of a mixed-use project.

3. Off-Street Parking Requirement

Schedule C (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

I. SHORT-TERM VACATION RENTAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C								

1. Definition

The commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for 30 consecutive calendar days or less. This use type does not include a dwelling or room used as a primary residence.

2. Standards

(a) All unit/property owners within a multifamily development must agree to allow for short-term vacation rentals.

(b) Property owners offering short-term vacation rental properties are subject to the following requirements:

(1) Units may be rented for no less than seven days and no more than 30 days.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.A AIRPORT OR LANDING STRIP

- (2) Each vacation rental unit is permitted a maximum of three guest vehicles on site.
 - (3) A vacation rental unit may not be rented, leased, or furnished to more than one party subject to limitations of two guests per bedroom plus two individuals, with a maximum of eight guests.
 - (c) One hundred percent of a multifamily development located within a CT zoning district may be short-term vacation rental units.
- 3. Off-Street Parking Requirement**
- Based upon type of housing unit being rented. See that use type for parking requirements.
- 4. Off-Street Loading Group**
- None.

19.5.4. PUBLIC/INSTITUTIONAL USES

A. AIRPORT OR LANDING STRIP

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

- 1. Definition**
- Runways and related facilities for aircraft, including rotary-winged and ultralight aircraft, take-off and landing.
- 2. Off-Street Parking Requirement**
- Schedule "C" (Section 19.7.4.C.3)
- 3. Off-Street Loading Group**
- None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.C CLUB OR LODGE

B. CEMETERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

2. Standards

Crematoriums must be separated a minimum of 1,500 feet from residentially zoned property.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

C. CLUB OR LODGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C					C	C	C	C	

1. Definition

Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This use type includes union halls, social clubs, youth centers, fraternal, and veteran’s organizations.

2. Standards

(a) All Districts - Alcohol or Liquor Sales

Clubs or lodges offering alcohol or liquor for onsite or offsite consumption shall comply with Section 19.5.5.A., *General Standards for Alcohol and Liquor Uses and Live Entertainment*.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.D CULTURAL INSTITUTION

(b) IP District

Clubs and lodges shall be limited to labor union and labor organization offices only. Such uses may include kitchens intended for food service to members only, and no food shall be served to the general public. Such uses may offer training classes, provided such classes take place solely within the building.

3. Off-Street Parking Requirement

All districts: 1 space per 100 square feet of assembly area.

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

D. CULTURAL INSTITUTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	P	P	P	P					P	C	P	

1. Definition

Non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use type typically includes but is not limited to libraries, museums, and art galleries.

2. Standards

3. Any use that includes live entertainment shall comply with the standards in Section 19.5.5.A.2, *Live Entertainment*.

4. Off-Street Parking Requirement

Nonresidential districts: 1 space per 90 square feet of assembly area plus 1 space per 300 square feet for the remaining building area.

5. Off-Street Loading Group

Group Three (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.E DAY CARE FACILITY

E. DAY CARE FACILITY

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	S	C	C	S	C	C	C	C	C	C	C	

(a) Definition

Any commercial facility that provides care for more than 12 children or adults on a less-than-24-hour basis. This use may include nursery schools, preschools, accommodation facilities, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(b) Standards

(1) All Districts

- i. Such uses shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds);
- ii. When a day care abuts a residential use, additional buffering may be required to reduce adverse impacts to the residential use.

(2) All R Districts

General day care uses shall:

- i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child-care day care use also located within a residential district;
- ii. Be located on lots that front an 80-foot-wide arterial or greater street as indicated on the Henderson Master Streets and Highways Plan; and
- iii. Be located on a lot of at least 12,000 square feet in size.

(3) IG and IP Districts

General day care uses may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.E DAY CARE FACILITY

(4) CO and CT Districts

A general day care use is required to obtain a conditional use permit, unless the following conditions can be met, in which case the use may be allowed by right:

- i. The primary purpose of the use is to serve employees of the office development in the district;
- ii. The use shall not be the principal use in any freestanding building;
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less;
- iv. The use shall not have an entrance leading directly to the outside; and
- v. No freestanding sign shall be allowed in connection with such use.

(c) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

2. Group Child Care

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C				C			
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A							C	C	C	

(a) Definition

A residential dwelling used primarily as a residence or an accommodation facility that provides care for at least seven children but no more than 12 children on a less-than-24-hour basis. This may include nursery schools, preschools, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(b) Standards

(1) Conditional Use Requirements

- i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child care day care use also located within a residential district;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.E DAY CARE FACILITY

- ii. Be located on lots that front a street right-of-way that is a minimum of 47-feet in width;
- iii. Be located on a lot of at least 10,000 square feet in size; and
- iv. Such uses shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds).

(2) Accessory Use Requirements

- i. The use may only operate as an accommodation facility.
- ii. The primary purpose of the use shall be to serve employees of the onsite business in the district.
- iii. The use shall not be the principal use in any freestanding building.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No freestanding sign shall be allowed in connection with such use.

(c) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

3. Family Home

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
P	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) Definition

A residential dwelling used primarily as a residence, which also provides care for a maximum of six persons on a less-than-24-hour basis, offering non-medical care for children or adults. This use must also comply with all local and state licensing requirements.

(b) Off-Street Parking Requirement

2 spaces.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.G EMERGENCY HEALTH CARE FACILITY

(c) Off-Street Loading Group

None.

F. DETENTION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

2. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

3. Off-Street Loading Group

None.

G. EMERGENCY HEALTH CARE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	P	P	P	S		C	C	C	P	P	P	

1. Definition

A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.

2. Standards

CN and CT Districts: Emergency health care uses shall be limited in size to 7,500 square feet or less, and shall demonstrate that emergency response vehicles and visitor activities will not interfere with existing or anticipated adjacent uses.

3. Off-Street Parking Requirement

(a) 1 space per 200 square feet.

4. Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.I GOVERNMENT OFFICE

H. EMPLOYMENT & TRAINING CENTER, NON-PROFIT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	P
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C		C	C		C	

1. Definition

Facility operated by a nonprofit organization (e.g. Goodwill Industries, Salvation Army, and Opportunity Village) intended to provide employment and training. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative offices, repair and sale of secondhand clothing, and furniture and appliances, and may also include certain facilities for persons with profound mental retardation. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

2. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

3. Off-Street Loading Group

Group Three (Section 19.7.4.D)

I. GOVERNMENT OFFICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											P	P
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	P	P	P	P	P	P	P	

1. Definition

Administrative, clerical, or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles.

2. Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet.

3. Off-Street Loading Group

Group Two (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.K HOSPITAL

J. HELIPORT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	C		C	C			C	

1. Definition

Pads and facilities enabling takeoffs and landings by helicopters and air ambulances.

2. Standards

Heliports shall maintain a minimum separation of 1,000 feet from residential districts. To establish a heliport within this separation distance, an applicant shall demonstrate through the conditional use process that the reduced separation does not adversely impact nearby residential properties.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

K. HOSPITAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
											C	

1. Definition

Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis. This use type includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. A hospital may incorporate a restaurant, florist, pharmacy, and gift shop as accessory uses within the principal structure.

2. Off-Street Parking Requirement

1 space per 400 square feet, including hospital area and medical offices.

3. Off-Street Loading Group

Group Three (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.L INSTITUTIONAL HOUSING

L. INSTITUTIONAL HOUSING

1. Congregate Housing

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) Definition

Specially planned, designed, and managed multi-unit rental housing with self-contained apartments to promote an independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation, and social and recreational activities may also be provided.

(b) Standards

Congregate housing shall be located near neighborhood commercial services so that residents have access to necessary services not provided on site.

(c) Off-Street Parking Requirement

1 space per 100 square feet of assembly area plus 1 space per unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Continuing Care Retirement Community

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S		S	

(a) Definition

An age-restricted development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums, or townhomes offering private or semiprivate rooms, and may be either rentals or owner-occupied units. Such facilities may offer health care and a variety of other personal services.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.L INSTITUTIONAL HOUSING

(b) Standards

- (1)** The ages of all occupants shall be restricted to 62 years of age or older for all units, or in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older.
- (2)** Housing structures exceeding two or more stories in height shall provide elevators or ramps between all levels with a maximum grade of one foot in height for every 12 feet of horizontal distance. Stairs shall not be the sole route between any two levels.

(c) Off-Street Parking Requirement

1 space per 100 square feet of assembly area plus 1 space per bed or dwelling unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Group Living—Assisted

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C		C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C									S	S	S	

(a) Definition

A residential care facility with private or shared sleeping rooms designed primarily for seven or more occupants with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include, but are not limited to, staff-supervised meals, housekeeping, personal care, medication supervision, and social activities.

(b) Standards

- (1)** Such uses shall be considered as residential uses for the purpose of compliance with common open space standards of this Code in Section 19.7.2.
- (2)** Supporting retail or personal services uses may only be permitted as accessory uses and shall only be accessed through the principal structure. This does not apply to single-family detached dwellings.
- (3)** No outdoor signage shall be allowed in connection with such use.
- (4)** The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood or development.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.L INSTITUTIONAL HOUSING

- (c) Off-Street Parking Requirement
 - (1) Residential and nonresidential districts: 1 space per bed plus 1 space per 100 square feet of assembly area.
 - (2) If use is located within a single-family detached dwelling: In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents or as otherwise approved through the conditional use permit.
- (d) Off-Street Loading Group
 - Group One (Section 19.7.4.D)

4. Group Living—General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C	C		C	
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C				S					S	C	S	

- (a) Definition

Shared living quarters for nine or more individuals without separate kitchen or bathroom facilities for each room or unit. This use type includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential or apartment hotels or motels.
- (b) Standards
 - (1) Such uses shall be considered as residential uses for the purpose of compliance with the common open space standards of this Code in Section 19.7.2.
 - (2) Supporting retail or personal service uses may only be permitted as accessory uses and shall only be accessed through the principal structure.
 - (3) No outdoor signage shall be allowed in connection with such use.
- (c) Off-Street Parking Requirement

Residential and nonresidential districts: 1 space per bed/unit plus 1 space per 100 square feet of assembly area.
- (d) Off-Street Loading Group
 - Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.M PARK AND RECREATION FACILITY

5. Skilled Nursing Facility/Hospice

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C						P	P	P	

(a) Definition

A facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident’s physician. These facilities are designed for those individuals who need health supervision, but not hospitalization. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided, but surgical and emergency medical services are not permitted.

(b) Off-Street Parking Requirement

1 space per 2 beds plus 1 space per 100 square feet of assembly area.

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

M. PARK AND RECREATION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C			S	P	P	P	

1. Definition

Noncommercial parks, playgrounds, recreation facilities, and open spaces.

2. Standards

(a) Residential Districts

Private or nonpublic park and recreation facilities shall not include commercial functions.

(b) CN, CO, CC, CH, CT, CA, and IP Districts

Park and recreation facilities shall be a maximum size of two acres.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.O RELIGIOUS ASSEMBLY

(c) PS District

Park and recreation facilities shall be subject to review by the Parks and Recreation Board.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

N. PUBLIC SAFETY FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

1. Definition

Facilities for public safety and emergency services, including police and fire protection, not including detention facilities.

2. Standards

Substations may be allowed as accessory to other primary uses (e.g., station within a recreation center or mall), subject to design review requirements. Stand-alone sub-stations require approval of a conditional use permit.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

O. RELIGIOUS ASSEMBLY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C				C	C	C	C	C	C	

1. Definition

Facilities for religious worship and incidental religious education, but not including private schools as defined by this Code.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.P SCHOOL, PUBLIC OR PRIVATE

2. Standards

- (a) A general day care facility proposed as part of a religious-assembly use shall require approval of a conditional use permit. The applicant must demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.
- (b) Only classes operating in conjunction with religious services may be permitted as an accessory use.

3. Off-Street Parking Requirement

All Districts: 1 space per 50 square feet of seating/assembly area.

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

P. SCHOOL, PUBLIC OR PRIVATE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C						C	C	C	C	

1. Definition

Educational institutions having a curriculum comparable to that required in the public schools or offered in institutions of higher learning in the State of Nevada. Private schools are further defined by NRS Section 394.103 and public schools are further defined by NRS Section 385.007.

2. Off-Street Parking Requirement

- (a) Elementary and middle schools: 1 space per teacher/employee plus all required drop-off/pick-up spaces in accordance with Section 19.7.4.K.10.
- (b) High schools: 1 space per teacher/employee plus 1 space per 5 students plus all required drop-off/pick-up spaces in accordance with Section 19.7.4.K.10.
- (c) Colleges and universities: 1 space per 2 employees plus 1 space per 3 students based on maximum enrollment.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.Q SCHOOL, BUSINESS, TRADE, OR VOCATIONAL

Q. SCHOOL, BUSINESS, TRADE, OR VOCATIONAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	P	S	S	P	P	P	S		S	

1. Definition

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, business, or commerce, and meeting all applicable state requirements for a facility of its type.

2. Standards

(a) CO and CN Districts

The use shall consist of classroom instruction only and may not include any intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair).

(b) CA District

Only automobile driving schools, motorcycle driving schools, and auto-related trade schools are permitted. Auto body classes shall require approval of a conditional use permit unless operated on the premises of an existing auto body shop. The classes must operate in accordance with the existing conditions of approval for that location.

(c) CC, CT, MC, and MR Districts

Schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a conditional use permit.

3. Off-Street Parking Requirements

All Districts: 1 space for each staff member, plus 1 space for every 2 students in class when the school is at maximum capacity.

4. Off-Street Loading Group

None

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.S UTILITY: MAJOR

R. UTILITY: MINOR

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

1. Definition

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water and sewer lines, and utility communication devices.

2. Standards

- (a) Unless excepted in accordance with Section 15.18.22 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.
- (b) Utility communication devices as a permitted use are subject to the standards set forth in Section 19.12.3.C.1, Exceptions to Height.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

S. UTILITY: MAJOR

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

1. Definition

Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

2. Standards

- (a) The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.
- (b) Unless by exception in accordance with Section 15.18.22 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

T. WIRELESS COMMUNICATION FACILITY

1. Wireless Communication Antenna

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, and other communications signals.

(b) Standards

(1) General Standards

See Section 19.5.4.U.4, *General Standards for Wireless Communication Facilities*.

(2) Nonresidential or Mixed-Use Districts

A proposed wireless communication antenna that will not be attached to a tower may be approved by the Community Development and Services Director as an accessory use to any building in a nonresidential or mixed-use district, provided:

- i. The antenna(s) is flush-mounted to the building structure and does not extend above the wall on which it is attached;
- ii. The antenna(s) is painted to match the structure on which it is attached;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

- iii. The antenna complies with all applicable Airport Environs Overlay regulations; and
- iv. The antenna(s) is behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure. (Figure 19.5.4-A)
- v. Any wireless communication antenna that is mounted in such a way that the antenna extends above the wall of the structure upon which it is attached, and requires additional screening that is not integrated with the existing architecture, shall require a conditional use permit.

(3) Residential Districts

A wireless communications antenna proposed in a residential zoning district that will not be attached to a tower shall be subject to conditional use permit review and approval and the following additional standards:

- i. The antenna(s) shall be flush-mounted to the building structure and not extend above the wall on which it is attached.
- ii. The antenna shall not be located on a lot occupied by a single-family dwelling.
- iii. The antenna shall not be located on a residentially zoned lot unless it is co-located on a nonresidential use such as a religious facility, utility, or other like use. This type of use requires a conditional use permit.
- iv. The antenna shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.
- v. The antenna shall be located on the perimeter of a development.
- vi. The antenna shall only be allowed as an accessory use and shall not be located on a vacant lot.

(c) Off-Street Parking Requirement

None.

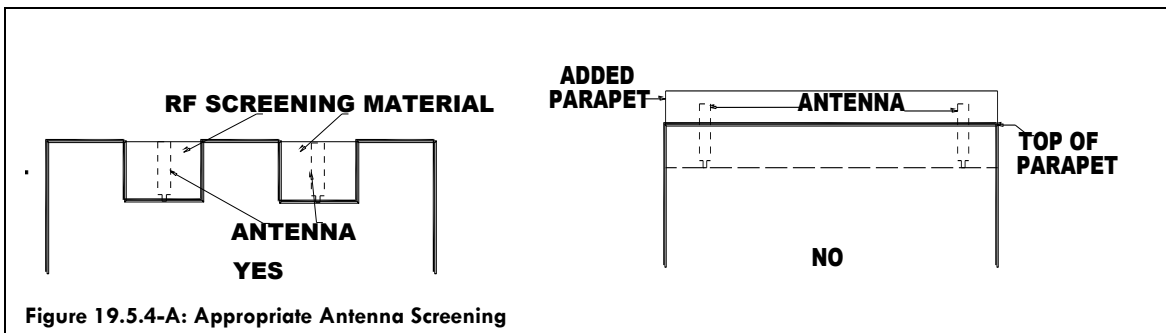


Figure 19.5.4-A: Appropriate Antenna Screening

CHAPTER 19.5: USE REGULATIONS

(d) Off-Street Loading Group

None.

2. Wireless Communication Tower

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

(a) Definition

Any structure and support that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone and similar communications purposes, including monopoles, cellular telephone towers, and the like.

(b) Standards

(1) General Standards

See Section 19.5.4.U.4, *General Standards for Wireless Communication Facilities*.

(2) Conditional Use Permits

The following provisions shall govern the issuance of conditional use permits for wireless communications towers.

- i. In granting a conditional use permit, the Planning Commission may impose necessary conditions to minimize any adverse effect of the proposed wireless communication tower on adjoining properties.
- ii. A licensed professional engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of the conditional use permit application, whether civil, mechanical, or electrical.
- iii. Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.

(3) Factors Considered in Granting Conditional Use Permits

In addition to the approval criteria for conditional use permits, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:

- i. Height of the proposed wireless communication tower;
- ii. Proximity of the tower to residential structures and residential district boundaries;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

- iii. Nature of uses on adjacent and nearby properties;
- iv. Surrounding topography;
- v. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- vi. Proposed ingress and egress; and
- vii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

The Planning Commission may waive or reduce the burden on the applicant of these criteria if the Planning Commission concludes that the goals of this Code are better served by such waiver or reduction.

(4) Setbacks

Setbacks shall be based on the applicable zoning district.

(5) Separation

The following separation requirements shall apply to all wireless communication towers:

- i. Separation from Adjoining Land Uses
 - 1. Wireless communication tower separation shall be measured from the base of the wireless communication tower to the lot line of the adjoining land use.
 - 2. Separation requirements for wireless communication towers shall comply with Table 19.5.4-1: *Wireless Communication Facility Separation*.

TABLE 19.5.4-1: WIRELESS COMMUNICATION FACILITY SEPARATION	
ADJOINING LAND USE (AS DEFINED IN COMPREHENSIVE PLAN)	MINIMUM SEPARATION DISTANCE
Low-density residential uses	Greater of: 200 feet or 300 percent of tower height
Medium- and high-density residential	Greater of: 100 feet or tower height
All other uses	District setbacks only

- ii. Separation Distance between Wireless Communication Towers
 - 1. Separation distance between wireless communication towers shall be applicable for and measured between the proposed wireless communication tower and preexisting wireless communication towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances between towers shall be 600 feet.

2. The Planning Commission may reduce the standard separation requirements if the goals of this section would be better served.

(6) Residential Districts

A wireless communications tower proposed in a residential zoning district shall be subject to conditional use permit review and approval and the following additional standards:

- i. The tower shall not be located on a lot occupied by a single-family dwelling.
- ii. The tower shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.
- iii. The tower shall be located on the perimeter of a development.
- iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.

(7) Tower Modifications to Allow Co-Location

A wireless communication antenna that is proposed to be attached to an existing tower may be approved by the Community Development and Services Director provided such co-location and any tower modifications comply with the following standards:

- i. Form
 1. A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Community Development and Services Director allows reconstruction as an alternative tower structure.
 2. A conditional use permit is required if full-array antennas are added to a "stealth" or "slim-line" pole.
- ii. Height
 1. An existing tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antenna(s). Increases shall not exceed ten feet over the base zoning district height maximum or 70 feet.
 2. The height change referred to above may only occur one time per wireless communication tower. Additional height increase requests shall be processed as conditional use permits.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

iii. Onsite Location

1. A wireless communication tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location subject to the separation requirements listed below.
2. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
3. The onsite relocation of a tower, which comes within the separation distances to residential units or residentially-zoned lands as established in this section, shall only be permitted when approved by the Community Development and Services Director.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

3. Alternative Tower Structure

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A wireless communications tower that may or may not include separate antennas that is designed to camouflage or conceal its presence through its design and placement. Alternative tower structures may be designed to appear as trees, clock towers, bell steeples, light standards, chimneys, or similar projections.

(b) Standards

(1) General Standards

See Section 19.5.4.T.4, *General Standards for Wireless Communication Facilities*.

(2) Separation

The following separation requirements shall apply to all alternative tower structures.

- i. Alternative tower structure separation shall be measured from the base of the tower to the lot line of the adjoining land use.

CHAPTER 19.5: USE REGULATIONS

- ii. Alternative tower structures shall be separated from all adjoining residential land uses at a ratio of one to one (height to separation). There is no separation requirement from nonresidential land uses; only zoning district setbacks apply.

The Community Development and Services Director may reduce the standard separation requirements if the goals of this Code would be better served.

(3) Residential Districts

An alternative tower structure proposed in a residential zoning district shall be subject to conditional use permit review and approval and, in addition, shall be subject to the following standards:

- i. The tower shall not be located on a lot occupied by a single-family dwelling.
- ii. The tower shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.
- iii. The tower shall be located on the perimeter of a development.
- iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.

(4) Towers that Exceed Base District Height

If an alternative tower structure in any district not located on City of Henderson property is proposed to exceed ten feet above the base zoning district maximum height limit, a conditional use permit will be required. The separation requirements for alternative tower structures in this section shall apply.

(5) Alternative Tower Structures on City of Henderson Property

Any new wireless communication facility on City of Henderson property that is not co-located on an existing tower may be approved by the Community Development and Services Director provided:

- i. On non-park City property, the facility is designed as a freestanding, co-locatable alternative tower structure or monopole not to exceed the height of the existing structures on the site or 70 feet, whichever is taller; or
- ii. The facility consists of concealed or slim-line antennas attached to existing or replaced sports-field lights or net posts, but does not increase the height of the line or post structure; and
- iii. On Parks and Recreation sites, the Public Works Parks and Recreation Director has reviewed the proposed wireless communication facility and provided written comments to the Community Development and Services Director; and

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

- iv. The wireless communication facility is located on the property in an area predetermined by the City of Henderson; and
- v. Any alternative tower structure shall be separated from adjoining land uses per Section 19.5.4.T.3(b)(2) above; and
- vi. All associated support equipment not located within an existing building shall be located within an underground vault or within an enclosed structure designed to be architecturally compatible with existing buildings on site or the nearest adjacent buildings. The equipment storage structure shall be designed to accommodate equipment for future locations as well as additional storage as needed.
- vii. An alternative tower structure designed as a flagpole shall display an appropriately sized flag. If an American flag is displayed then it shall comply with the Federal Flag Code (Public Law 94:344). A plaque measuring no more than 12 inches by 12 inches and displaying the facility reference number and a contact telephone number for maintenance of the flag shall be attached to the structure in a means clearly visible to the public.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

4. General Standards for Wireless Communication Facilities

(a) Purpose

The purpose of this section is to establish additional standards for the siting of wireless communications facilities, in addition to those standards established in subsections 1 through 3 above. The term “wireless communications facilities” includes wireless communications antennas, wireless communications towers, and alternative tower structures. The goals of these standards are to:

- (1)** Protect residential areas and land uses from potential adverse impacts of wireless communication facilities.
- (2)** Encourage the location of wireless communication facilities in nonresidential areas.
- (3)** Minimize the total number of wireless communication facilities throughout the community.
- (4)** Strongly encourage the joint use of new and existing wireless communication tower sites as a primary option rather than construction of additional single-use wireless communication towers.
- (5)** Encourage users of wireless communication facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

- (6) Encourage users of wireless communication facilities to configure them in a way that minimizes adverse visual impacts through careful designing, siting, landscape screening, and innovative camouflaging techniques.
 - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 - (8) Consider the public health and safety of wireless communication towers.
 - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of structures.
- (b) Applicability
- (1) New Wireless Communications Facilities

All new wireless communications facilities in the City shall be subject to these regulations.
 - (2) Pre-existing Wireless Communications Facilities

Except for the AE overlay provisions, preexisting wireless communications facilities shall not be required to comply with these standards.
- (c) Administratively Approved Uses
- (1) The Community Development and Services Director may approve administratively the following uses:

 - i. Any wireless communication facility that is allowed subject to a “P” or “S” in sections 1 through 3 above, or
 - ii. Any of the following:

 - 1. Locating wireless communication antennas on existing structures or towers.
 - 2. Locating any alternative tower structure no higher than ten feet above the base district maximum height limit, not to exceed 70 feet in any applicable zoning district, unless the alternative tower structure is located on City of Henderson property.
 - 3. Wireless communication facilities located on the site of an electrical substation or on City of Henderson property if the owner has approved its use. Wireless communication facilities on City of Henderson property are subject to Section 19.5.4.T.3.(b)(5) above.
 - 4. Installing a network using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
 - (2) Applicants for administrative approval shall request approval of a design review or conditional use permit (if amending an existing conditional use permit) application from the Community Development and Services

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

Director and shall follow the appropriate procedures set forth in Chapter 19.6: Administration.

- (3) In connection with any administrative approval, the Community Development and Services Director may, in order to encourage the use of slim-line stealth monopoles, administratively allow the reconstruction of an existing "full-array" tower to slim-line stealth monopole construction.

(d) Conditional Use Permits

If an applicant seeks to establish any type of wireless communications facility (antenna, tower, or alternative tower structure) that is designated as "P" or "S" in subsections 1 through 3 above, yet cannot meet the applicable standards for that facility, the applicant may seek approval of the proposed facility through the conditional use permit procedure.

(e) Standards

(1) FCC Licensing

Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.

(2) GPS Coordinates

Applicants shall provide global positioning system (GPS) coordinates for the proposed wireless communication facility prior to issuance of a building permit.

(3) Principal or Accessory Use

Wireless communications facilities may be considered either principal or accessory uses.

(4) Lot Size

For the purpose of determining whether the installation of a wireless communication facility complies with district-specific standards, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the wireless communications facility may be located on leased parcels within such lot.

(5) Inventory of Existing Sites

Each application for a wireless communication facility shall include an inventory of existing and approved wireless communication facilities that are within one mile of the proposed location, including specific information about the service area, location, height, and design of each facility. The Community Development and Services Director may share such information with other applicants or other organizations seeking to locate a wireless communication facility within the City provided, however, that the Community Development and Services Director is not by sharing such information in any way representing or warranting that such sites are available or suitable.

CHAPTER 19.5: USE REGULATIONS

(6) Aesthetics

Wireless communications facilities shall meet the following requirements:

- i. Wireless communications towers shall, to the extent possible and subject to any applicable standards of the FAA, be architecturally integrated into the surrounding environment so that their purpose as a communications tower is not readily apparent.
- ii. At a wireless communications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- iii. If a wireless communications antenna is installed on a structure other than a wireless communications tower, the antenna and supporting electrical and mechanical equipment shall be painted or screened in a way to match the colors or simulate the materials of the supporting structure.
- iv. Alternative tower structures shall be designed to be consistent with the existing built or natural environment.

(7) Lighting

Wireless communications facilities shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding uses and must comply with Section 19.7.8.E, *Glare and Lighting*.

(8) Airport Environs Overlay

All wireless communications facilities shall meet the height restrictions set forth in Section 19.4.3, *Airport Environs Overlay*.

(9) Measurement

For the purpose of measurement, wireless communications tower and alternative tower structure setbacks and separation distances shall be calculated and applied to all facilities irrespective of municipal and county jurisdictional boundaries.

(10) Non-utility

Wireless communications facilities shall be subject to the standards in this section and shall not be regulated or permitted as major or minor utilities.

(11) Signs

No signs shall be allowed on a wireless communication facility unless required by the FAA, FCC, or other applicable authority.

(12) Buildings and Support Equipment

Buildings and support equipment associated with wireless communication facilities shall comply with the requirements in this section.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

(13) HENNET

Wireless communications facilities shall not have any adverse impact or be constructed within the line of site of any existing or future proposed HENNET facilities operated by the City's Department of Utility Services.

(14) Buildings or Other Equipment Storage

An eight-foot-high solid masonry fence with a solid-metal gate shall surround all equipment not located within an existing building. The fence and gate shall be designed to match existing development on the site. If located on vacant land, the applicant must build the enclosure out of decorative materials such as split-faced block, slump-stone, or stuccoed and painted CMU. No chain-link fencing is allowed.

(f) Availability of Suitable Existing Wireless Communication Towers, Other Structures, or Alternative Technology

No new wireless communication facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission or staff that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antennas. An applicant shall submit information requested by the Planning Commission or staff related to the availability of suitable existing towers, other structures, or alternative technology, which may consist of the following:

- (1)** No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.
- (2)** Existing towers or structures do not have sufficient height to meet applicant's engineering requirements.
- (3)** Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4)** The applicant's proposed antenna would cause or be affected by electromagnetic interference with antenna on the existing towers or structures.
- (5)** The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6)** The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (7)** The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

(g) Removal of Abandoned Wireless Communication Facilities

Any wireless communication facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned facility within said

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.T WIRELESS COMMUNICATION FACILITY

90 days shall be grounds to remove the facility at the owner's expense. If there are two or more users of a single wireless communication tower, then this provision shall not become effective until all users cease using the wireless communication tower.

(h) Nonconforming Uses

(1) Not Expansion of Nonconforming Use

Towers that are constructed and antennas that are installed, in accordance with the provisions of this Code, shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting Wireless Communication Towers

Preexisting wireless communication towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting wireless communication towers. New construction other than routine maintenance on a preexisting wireless communication tower shall comply with the requirements of this Code.

(3) Rebuilding Damaged or Destroyed Nonconforming Wireless Communication Facilities

Notwithstanding Section 19.5.4.T.4(a), bona fide nonconforming wireless communication facilities that are damaged or destroyed may be rebuilt without having to first obtain design review or a conditional use permit and without having to meet the separation requirements specified in these standards. The type, height, and location of the wireless communication tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

(i) Denial

In the event that an application for a Wireless Communication Facility is denied, either by the Community Development and Services Director, the Planning Commission, or the City Council, a written explanation shall be provided to the applicant as well as the governing body, including the following:

- (1)** A list of each procedure and standard that the applicant failed to meet.
- (2)** Each specific ground upon which the denial was based.
- (3)** A record of the documents relied upon for the decision.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.4 PUBLIC/INSTITUTIONAL USES | 19.5.4.U YOUTH DROP-IN CENTER

U. YOUTH DROP-IN CENTER

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C			C		C	C	C	C	

1. Definition

An establishment in a dwelling of residential character or a commercial facility that provides services only during the day, furnishes food, temporary respite, financial assistance, assistance in obtaining permanent residence, counseling, limited medical care for unaccompanied minors. The facility must be operated by a nonprofit organization, as defined by Chapter 82 of the Nevada Revised Statutes. This use must comply with all local and state licensing requirements. This definition does not include a day care facility, a facility that provides immediate and short-term emergency medical care.

2. Standards

(a) All Districts

- (1)** The facility must be located on a parcel with a minimum size of 6,000 square feet unless modified through the Conditional Use Permit process.
- (2)** Only the underlying property owner or qualified supervisor shall be permitted to live at the facility if located within a residence.
- (3)** A qualified supervisor shall be present at all times. A qualified supervisor shall be a minimum of 18-years old, and meet the State of Nevada requirements of NRS 244.
- (4)** The maximum age of a person who utilizes services at the facility shall not be older than 18 years of age.
- (5)** Youth Drop-In Center hours of operation shall be limited from 8:00 a.m. to 6:00 p.m. Those requiring assistance are not allowed to utilize the facility for no more than 2-hours at any given time. The hours of operation can be modified through the conditional use permit if the applicant demonstrates mitigation of potential impacts on other uses and/or surrounding properties.
- (6)** Such uses shall provide an outdoor open space within an enclosed area. Users of the facility shall not congregate outside without qualified supervision.
- (7)** No youth drop-in center may be located within a mile radius of any other youth drop-in center, or any parcel where a general day-care facility is established or approved. This separation requirement is measured by the shortest line between the parcel in the residential district or the occupied space in a nonresidential district to be occupied by the youth drop-in center and the property line of the nearest established youth drop-in center or general day care facility. Waivers or reductions of the

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.A GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

separation requirement may be considered through the conditional use permit process.

(8) Waivers or reductions of the separation distance may be considered in cases where adequate barriers exist between the proposed use and youth drop-in center or day care use. An “adequate barrier” includes, but is not limited to, such items as an approved drainage channel, a freeway, constructed roadway with a minimum width of 100 feet, or a topographical feature that prevents vehicular and pedestrian access.

(9) Loitering in the surrounding neighborhood is prohibited.

(b) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(c) Off-Street Loading Group

Group Two (Section 19.7.4.D)

19.5.5. COMMERCIAL USES

A. GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

1. Distance Limitations for Alcohol and Liquor Uses

Uses involved in the sale or offering of alcohol or liquor shall comply with the requirements in Section 4.36 of the Henderson Municipal Code (HMC), *Liquor – Regulations and Licensing*, and the following standards:

(a) Except for establishments within any resort village (as defined in Title 19 of the HMC), such uses shall comply with the minimum separation requirements in Table 19.5.5-1, Minimum Separation:

TABLE 19.5.5-1: MINIMUM SEPARATION			
PROPOSED USE TYPE	REQUIRED BUFFER ZONE SEPARATION FROM EXISTING AND APPROVED USES {1} {2}		
	SCHOOL SITE	RELIGIOUS ASSEMBLY	GENERAL DAY CARE
	BUFFER ZONE (FEET) {3}		
Category I Uses (tavern; nonprofit club; billiard hall; liquor store)	1,000	500	200
Category II Uses (restaurant with bar; beer, wine, and spirit-based products on or off-sale; full on-sale; full off-sale; convenience market; wine lounge)	500	500	0
NOTES: {1} Buffer zone separation requirements shall be applied regardless of whether the school site, religious assembly, or general day care use is located inside or outside the city.			

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.A GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

{2} Catering, wholesale sale of alcohol or liquor, and retail sale of gift baskets containing alcohol or liquor are exempted from these separation requirements.

{3} For purposes of the buffer zone measurement, accommodation facilities located within or operated as part of limited or non-restricted gaming locations are exempt.

- (b) The foregoing distance separation requirements may be considered to be waived or reduced through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such buffer zone separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.
- (c) In addition, the applicant must demonstrate the proposed use may be conducted in a manner that is harmonious and compatible with existing and/or approved protected uses.
- (d) Demonstration of “by clear and convincing evidence” may include the following:
 - (1) Unique operating and/or locational characteristics of the proposed alcohol and liquor use;
 - (2) A freeway, railroad, or other major roadway with a minimum width of 100 feet;
 - (3) A topographical feature that prevents vehicular and pedestrian access; or
 - (4) An improved drainage facility that prevents vehicular and pedestrian access.
- (e) Sales, services, and distribution of alcohol or liquor is prohibited within a 1,000-foot buffer zone of a sexually oriented business.
- (f) Issuance of a conditional use permit does not guarantee or constitute approval of a liquor license.

2. Live Entertainment

Any use that includes live entertainment as defined in this Code shall comply with the following standards:

- (a) Definition

Regulations pertaining to “live entertainment” in this Code apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use:

 - (1) A musical, dance, or comedic act or event, disc jockey (unless he or she merely plays recorded music and does not perform or entertain the patrons), play, revue, recital, concert, or other similar performances, activity or presentation by one or more persons intended or tending to entertain or amuse, regardless of whether provided in exchange for compensation.
 - (2) A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of performers shall not constitute a change in the type of live entertainment.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.B AGRICULTURE: CROP PRODUCTION

(b) Standards

- (1) A conditional use permit is required.
- (2) A conditional use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new or amended conditional use permit.
- (3) Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.
- (4) Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

B. AGRICULTURE: CROP PRODUCTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C								C	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

The production, keeping, or maintenance for sale or lease of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or land devoted to a soil conservation or forestry management program.

2. Standards

Crop production uses located in a residential base zoning district may not include onsite retail sales or leasing.

3. Off-Street Parking Requirement

None.

4. Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

C. AMBULANCE SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	S			S					S	

1. Definition

Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

2. Standards

- (a) Ambulance service uses shall front or have direct access to an arterial street as designated on the Master Streets and Highways Plan.
- (b) CH and IL districts: A conditional use permit is required if the use will be located within one-half mile of a residential district, school, or park and recreation facility. In approving a conditional use permit, the City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles or other potential adverse impacts.
- (c) CC and MR districts: In approving a conditional use permit, the City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles, or other potential adverse impacts.
- (d) PS district: Ambulance services are permitted as an accessory use to a hospital.

3. Off-Street Parking Requirement

1 space per 500 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

D. ANIMALS AND RELATED SERVICES

1. Purpose

This section contains supplemental regulations governing the care and keeping of animals. These standards are intended to provide for compatibility between such animals and neighboring land uses. These standards are in addition to the general requirements governing animals established by HMC Title 7, *Animals*.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

2. Animal Boarding

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C									C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S	S		C			S	S	S	

(a) Definition

Provision of shelter and care for small animals on a commercial basis. This use type includes activities such as feeding, exercising, grooming, and incidental medical care.

(b) Standards

(1) All Districts

- i. All animals shall be confined within an enclosed area or on a leash at all times.
- ii. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.
- iii. No exterior overnight boarding shall be permitted.

(2) RS-1, RS-2, and DH Districts

- i. Animal boarding is only permitted as an ancillary use to the primary residential use of the property.
- ii. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide odor protection to adjacent properties.
- iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property, unless modified through a conditional use permit. Additional buffering may be required as part of the conditional use permit.

(3) CC and CH Districts

- i. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
- ii. Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential zoned property and shall be screened from view from adjacent streets and adjoining properties.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

- (4)** MC, MN, and MR Districts
 - i. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
 - ii. No outside pens are allowed.
 - iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

- (5)** CT District

Animal boarding may only be allowed on the site of a hotel.

- (c)** Off-Street Parking Requirement

1 space per 400 square feet in all districts except residential. For residential, 1 parking space in addition to the residential parking requirement.

- (d)** Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Animal Grooming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						S	S	S	

- (a)** Definition

Provision of bathing and trimming services for small domestic animals on a commercial basis.
- (b)** Standards
 - (1)** Animals receiving grooming services may only be boarded for a maximum period of 48 hours.
 - (2)** All animals shall be confined within an enclosed area or on a leash at all times.
 - (3)** Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
 - (4)** Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

- (5) The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.
- (c) Off-Street Parking Requirement
All Districts: 1 space per 400 square feet.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

4. Animal Husbandry

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
										C	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

- (a) Definition
Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.
- (b) Standards
 - (1) Conditions may be imposed limiting operations to designated areas to protect water resources from runoff and to protect the public health, safety, and welfare.
 - (2) The number of animals allowed shall be determined as part of the conditional use permit. The location in relation to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.
 - (3) The use shall comply with the standards in Section 19.5.7.D.1, Barns, Stables, and Corrals.
- (c) Off-Street Parking Requirement
None.
- (d) Off-Street Loading Group
None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

5. Animal Retail Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						S	S	S	

(a) Definition

A retail sales establishment that offers domestic animals as well as products and services for the keeping of domestic animals. Such uses may include animal grooming, boarding, and veterinarian services as ancillary uses for animals not for sale.

(b) Standards

(1) All Districts

- i. All animals shall be located within an entirely enclosed building, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection for adjacent properties and users within the same development.
- ii. Incidental boarding of animals for up to 30 days may be permitted.
- iii. The property owner/operator shall comply with all applicable requirements of HMC Title 7, *Animals*, and obtain a Professional Animal Handler permit.

(2) CN District

Animal boarding as an ancillary use requires approval of a conditional use permit.

(c) Off-Street Parking Requirement

All Districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

6. Livestock Farming (Equines/Bovines)

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S									S	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S								

(a) Definition

The raising or keeping of equines or bovines for recreational, entertainment, or training purposes for the owner’s or resident’s use only. The term does not include the breeding or raising of animals for consumption or sale.

(b) Standards

The standards governing equines and bovines are intended to ensure compatibility between uses maintaining animals and neighboring land uses. Conditions may be imposed on such uses that limit operations to designated areas. This use may be permitted in accordance with the following standards:

(1) All Districts

- i. Equines and bovines shall not run free and shall be maintained in a permanently fenced yard, corral, or other enclosure constructed in accordance with the requirements of a fence permit issued by the Building Department.
- ii. Where a yard is surrounded by a fence constructed and inspected subject to a fence permit, inspection of portable corrals within the yard is not required.
- iii. The parcel must be occupied by a residential dwelling.
- iv. All parcels shall be evaluated on actual net lot area.
- v. Must properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
- vi. The keeping of fowl as an ancillary use to the keeping of equines or bovines is subject to the restrictions set forth in HMC Title 7, Animals.
- vii. Keeping equines or bovines shall comply with the standards in Section 19.5.7.D.1, *Barns, Stables, and Corrals*.

(2) RS-1, RS-2, and DH Districts - Equines

- i. A maximum of one horse and one foal up to the age of one year may be kept for each 10,000 square feet of site area.
- ii. For the purposes of this section, regardless of actual square footage, any RS-2 zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

was originally a government-created five-acre parcel, shall be considered to contain 20,000 square feet; and any RS-1 zoned parcel that is less than 40,000 square feet in area, but that is one-fifth or more of the net area of what was originally a government created five-acre parcel, shall be considered to contain 40,000 square feet. All other parcels shall be evaluated based on actual net lot area.

(3) RS-1 and DH Districts - Bovines

- i. The keeping of bovines requires approval of a conditional use permit.
- ii. One bovine is allowed per 40,000 square feet of site area.
- iii. A maximum of two bovines per lot/parcel is allowed.
- iv. Bovines shall be kept within a fenced or walled enclosure at all times.
- v. Enclosures shall be a minimum of six feet in height.
- vi. Open fencing shall not be permitted, unless screen material is installed.
- vii. At no time shall a conditional use permit allow an increase in the number of bovines.

(4) CT District

The keeping of equines is permitted only as a conditional use in conjunction with a resort hotel or similar tourist destination-type use.

(c) Off-Street Parking Requirement

No additional minimum requirement beyond the residential use requirement.

(d) Off-Street Loading Group

None.

7. Stable or Riding Academy

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C									C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Establishments offering facilities for the care and exercise of equines (horses), and for use in providing instructional or recreational activities in horseback riding for persons other than occupants of the premises. This use category also includes related equestrian activities, rings, stables, and exercise areas.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

(b) Standards

- (1)** The maximum number of horses shall be determined as part of the conditional use permit but in no case shall the maximum number exceed one animal per 4,000 square feet of lot area. Location to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.
- (2)** The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
- (3)** The keeping of fowl as an ancillary use to the keeping of horses is subject to the restrictions set forth in HMC Title 7, Animals.
- (4)** Keeping horses shall comply with the standards set forth in Section 19.5.7.D.1, Barns, Stables, and Corrals.

(c) Off-Street Parking Requirement

1 parking space per 4 stalls.

(d) Off-Street Loading Group

None.

8. Veterinary Clinic/Hospital

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		S	S						C	C	C	

(a) Definition

Establishments where animals receive dental, medical, and surgical treatment as well as shelter and care during the time of such treatments. This use may include incidental grooming and boarding services.

(b) Standards

- (1) All Districts**
 - i.** All animals shall be confined within an enclosed area or on a leash at all times.
 - ii.** Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
 - iii.** The property owner/operator shall maintain a 100-square-foot or greater landscape area with turf (or artificial turf), shrubs, and at least one tree for animal use within 20 feet of the entrance.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

- iv. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- v. Incidental grooming and boarding of animals for up to 30 days may be permitted.
- vi. All boarding shall take place within the interior of the structure, and outdoor boarding is prohibited.
- vii. Outdoor daytime activity areas (e.g. walking areas, pens, dog runs) shall be allowed when a minimum of 50 feet away from any residential land use.
- viii. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

(2) CC and CH Districts

Such uses may only be permitted by right in a freestanding single-use building, or as “end” or “corner” uses in multi-tenant buildings.

(c) Off-Street Parking Requirement

All Districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

9. Household Pets

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									A	A	A	

(a) Definition

Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three months old.

(b) Standards

(1) All Districts

- i. Except as otherwise provided in HMC Title 7, Animals in conjunction with any residential use, no person shall keep more than three dogs, three cats, and/or three ferrets over three months of age, at any place, or premises, or in any one residence.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

- ii. Any outdoor enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line.
- iii. Keeping wild and exotic animals, as defined by this Title and HMC Title 7, Animals, is prohibited.
- iv. The keeping of fowl as an ancillary use to a residential dwelling is subject to the restrictions set forth in HMC Title 7, Animals.

(2) Potbellied Pigs

- i. Potbellied pigs are only permitted in the RS-1 and RS-2 zoning districts.
- ii. The keeping of potbellied pigs must be in conjunction with a single-family detached dwelling.
- iii. Every potbellied pig:
 - 1. Shall be registered with a nationally recognized registry for potbellied pigs.
 - 2. Shall be spayed or neutered.
 - 3. Shall not exceed 28 inches in height, measured from the shoulder.
 - 4. Shall not exceed 150 pounds in weight.
 - 5. Shall be appropriately vaccinated.
- iv. A maximum of one potbellied pig may be maintained per property/lot. At no time shall a conditional use permit allow an increase in the number of potbellied pigs.
- v. The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.

(c) Off-Street Parking Requirement

No additional requirement, beyond the residential use requirement.

(d) Off-Street Loading Group

None.

10. Nondomesticated Companion Animals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A									A		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.D ANIMALS AND RELATED SERVICES

(a) Definition

Nontraditional animal species bred and kept in captivity and utilized as pets. These animals that qualify under this definition are: emus, rheas, llamas, and alpacas.

(b) Standards

(1) The permitted number of animals shall be five per acre up to a maximum of ten on a lot or parcel.

(2) The use shall comply with the following standards:

- i.** Must be in conjunction with a single-family detached dwelling.
- ii.** Animals shall be kept within a fenced or walled enclosure at all times.
- iii.** Enclosures shall be a minimum of six feet in height.
- iv.** All non-domestic companion animals shall be kept in such a way that they are not visible to the public from any city street or alleyway. A solid wall or visual barrier must surround the property boundary. All nondomestic companion animals shall be corralled or fenced within the area surrounded by the visual barrier or solid wall. Open fencing shall not be permitted, unless screened material is installed.
- v.** All adjoining property owners must sign an approval statement that includes the proposed use and number of animals. The statements must be provided to Community Development.
- vi.** A design review application shall be submitted. The review of this application is necessary to ensure compliance with the above-listed requirements.
- vii.** If the above requirements are not met, a conditional use permit shall be required. At no time shall a conditional use permit allow an increase in the number of animals.
- viii.** The property owner must comply with all application requirements of HMC Title 7, Animals.

(c) Off-Street Parking Requirement

No additional requirement, beyond the required residential use.

(d) Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.F BAIL-BOND BROKER

E. ARTS AND CRAFTS: ARTISTS' STUDIO

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P		P	P	P	P	P	P	

1. Definition

Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.

2. Off-Street Parking Requirement

All Districts: 1 space per 500 square feet.

3. Off-Street Loading Group

None.

F. BAIL-BOND BROKER

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P						

1. Definition

Person or establishment offering bonds in lieu of confinement by judicial courts.

2. Off-Street Parking Requirement

All Districts: 1 space per 400 square feet.

3. Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.G BANQUET FACILITY

G. BANQUET FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	P	P						P	C	P	

1. Definition

An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption only during an event; and 3) outdoor gardens or reception facilities.

2. Standards

All Districts: Live entertainment uses shall be permitted accessory to banquet facilities, provided they comply with the following standards:

- (a) Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.
- (b) All live entertainment activities shall occur within the banquet facility building or tenant space.
- (c) Banquet facilities hours of operation shall be from 8 AM to 2AM.
- (d) Any of these standards may be waived or modified through the conditions use permit process to ensure compatibility with surrounding uses and zoning districts.
- (e) Banquet facilities shall comply with 19.5.5.A.1.
- (f) Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

3. Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group Two (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.H BREW PUB/MICROBREWERY/CRAFT DISTILLERY

H. BREW PUB/MICROBREWERY/CRAFT DISTILLERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C				S	C	C	C	

1. Definition

An establishment that manufacturers malt beverages and sells those malt beverages at retail; or manufactures distilled spirits (per NRS Chapter 597). Sample products made on site may be offered at no cost to visitors.

2. Standards

(a) All Districts

- (1)** Brew pubs/microbreweries/craft distilleries are subject to the minimum separation requirements for taverns. See Section 19.5.5.O.3, Eating And Drinking Establishment: Tavern.
- (2)** Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses (same requirements as for a Tavern), and all Title 4 requirements for the subject use.
- (3)** Brew pubs/microbreweries/craft distilleries located in and owned or operated by a nonrestricted or limited gaming licensee shall be covered under the licensee’s nonrestricted/limited gaming establishment’s liquor license.
- (4)** A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery/craft distillery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.
- (5)** A brew pub/microbrewery/craft distillery establishment may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of their customers, provided they comply with the standards for such accessory uses in Section 19.5.7.D.8.
- (6)** Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, General Standards for Alcohol and Liquor Uses and Live Entertainment.
- (7)** Distance separations and exemptions for taverns shall also apply to brew pubs/microbreweries/craft distilleries. See Section 19.5.5.O.3(b)(2).
- (8)** Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, Restricted Gaming and Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.I BREWERY

- (b) CT District
Brew pubs/microbreweries/craft distilleries are allowed only as part of a mixed-use project.
- (c) IP District
 - (1) Brew pubs/microbreweries shall be allowed under 15,000 gallons.
 - (2) Brew pubs/microbreweries/craft distilleries must be located in a stand alone building or end unit of a multi-tenant building.
 - (3) Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.

3. Off-Street Parking Requirement

Nonresidential districts: 1 space per every 100 square feet of indoor and outdoor customer service area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

I. BREWERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	P	S				

1. Definition

An establishment that manufactures malt beverages, but does not sell those beverages at retail.

2. Standards

(a) IL District

A brewery may be permitted with a conditional use permit. Unless otherwise specified in the IL (limited industry) use classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a totally enclosed building, and all outside storage of materials and equipment must be behind a minimum eight-foot-high cinder block or comparable masonry fence approved by the City. All storage must be completely screened from view from all neighboring properties and the public rights-of-way.

(b) IP District

General warehousing and the manufacture of products from raw materials are permitted. Unless otherwise specified in the industrial park classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a totally enclosed building, and all storage of materials

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.J BUILDING MATERIALS AND SERVICE

and equipment, except vehicles used for transporting the warehoused or manufactured products, must be within a totally enclosed building. Vehicles used for transporting and warehoused or manufactured products must be screened from view from all neighboring properties and internal and external streets with masonry fencing and landscaping, berms and landscaping, or other comparable screening method approved by the City.

3. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

J. BUILDING MATERIALS AND SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			S	S		C		C	

1. Definition

Retailing, wholesaling, or rental of building supplies or equipment, or the provision of building construction-related services. This use type includes lumber yards, tool and equipment sales or rental establishments, and building contractors’ yards, but excludes establishments exclusively devoted to retail sales of paint and hardware, and activities classified under “Vehicle/Equipment Sales and Services,” including vehicle towing services.

2. Standards

Except for live plants, all outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards in Section 19.7.5.1, *Dumpster Screening*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

3. Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 1,000 square feet of outdoor storage/display area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.L COMMERCIAL RECREATION AND ENTERTAINMENT

K. CATERING SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	P	P	P		P			P	P	P	

1. Definition

Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption.

2. Off-Street Parking Requirement

1 space per 400 square feet.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

L. COMMERCIAL RECREATION AND ENTERTAINMENT

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S	S		C	C	C	C		C	

(a) Definition

Provision of participant or spectator recreation or entertainment. This use type includes theaters (movies, performing arts, etc.), sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, scale-model courses, shooting galleries, sports courts, recreation clubs (as defined in Title 4, Section 4.36.010), and pinball arcades or electronic game centers having more than three coin-operated game machines.

(b) Standards

- (1)** In commercial districts, any outdoor commercial recreation and entertainment use requires a conditional use permit.
- (2)** Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, Live Entertainment.

(c) Off-Street Parking Requirement

- (1)** Bowling alleys: 3 spaces per alley in nonresidential districts.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.L COMMERCIAL RECREATION AND ENTERTAINMENT

- (2) Electronic game centers: 1 space per 250 square feet.
 - (3) Skating rinks: 1 space per 5 fixed seats or 1 space per 60 square feet of seating area if no fixed seats plus 1 space per 200 square feet of floor area not used for seating.
 - (4) Sports courts: 3 spaces per court.
 - (5) Indoor theaters: 1 space per 3 fixed seats or 1 space per 60 square feet of seating area if no fixed seats.
 - (6) Miniature golf courses: 3 spaces per hole.
 - (7) All other commercial recreation/entertainment uses: see Schedule “C” (Section 19.7.4.C.3).
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		P	P	P					P	C	P	

- (a) Definition
Provision of participant or spectator recreation or entertainment as accessory uses occupying less than ten percent of the gross floor area of the primary building. This use type includes indoor movie theaters, performing arts theaters, and establishments with nonrestricted gaming and electronic game centers.
- (b) Off-Street Parking Requirement
Schedule “C” (Section 19.7.4.C.3)
- (c) Off-Street Loading Group
Group One (Section 19.7.4.D)

3. Teenage Dancehall

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C		C	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.L COMMERCIAL RECREATION AND ENTERTAINMENT

(a) Definition

An establishment in which social dances, attended by teenagers, are regularly held or conducted as a substantial part of the business, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage dancehall does not include dance schools, places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor a social dance for teenagers incidental to the entity's purpose.

(b) Standards

The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:

(1) Hours of Operation

The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the City of Henderson are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

(2) Parking

Parking spaces and parking lot shall comply with all applicable standards in this Code regarding lighting, required parking spaces, parking lot material, and landscaping.

(3) Distance Requirement

- i. No teenage dancehall establishment may be located closer than 2,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.
- ii. No teenage dancehall establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved, and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Comprehensive Plan.

The foregoing distance requirements may be waived through the use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforesaid purpose and the general intent of this Code to protect the

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.L COMMERCIAL RECREATION AND ENTERTAINMENT

public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

- (4) Other Requirements**
 - i. Additional conditions may be required as part of the conditional use permit.
 - ii. The use shall conform to the requirements of HMC 4.60 for Teenage Dancehalls and Teenage Nightclubs.
 - iii. There shall be no outside speakers or outside sound systems related to the use.

(c) Off-Street Parking Requirement
1 space per 100 square feet of customer service and assembly area.

(d) Off-Street Loading Group
Group One (Section 19.7.4.D)

4. Teenage Nightclub

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C		C	

(a) Definition
An establishment providing live entertainment as a substantial part of the business in which teenagers regularly gather, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage nightclub does not include places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor live entertainment for teenagers incidental to the entity's purpose.

(b) Standards
The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:

- (1) Hours of Operation**
The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.L COMMERCIAL RECREATION AND ENTERTAINMENT

City of Henderson are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

(2) Parking

Parking spaces and parking lot shall comply with all applicable standards of this Code regarding lighting, required parking spaces, parking lot material, and landscaping.

(3) Distance Requirement

- i. No teenage nightclub establishment may be located closer than 2,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.
- ii. No teenage nightclub establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved; and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Comprehensive Plan.

The foregoing distance requirements may be waived through the use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforesaid purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

(4) Live Entertainment for Teenage Nightclub

- i. Exits and entrances shall not be located opposite an "R" zoning district immediately adjoining the site. This provision does not apply to required emergency entrances and exits.
- ii. The conditional use permit shall include a request for the types of live entertainment. The types of live entertainment shall be included in the description for the advertisement of the conditional use permit.
- iii. The conditional use permit shall apply to the type of live entertainment approved, and a different type of live

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.M CONVENTION

entertainment shall require approval of a new conditional use permit.

(5) Other Requirements

- i. Additional conditions may be required as part of the conditional use permit.
- ii. The use shall conform to the requirements of HMC 4.60 for Teenage Dancehalls and Teenage Nightclubs.
- iii. There shall be no outside speakers or outside sound systems related to the use.

(c) Off-Street Parking Requirement

1 space per 100 square feet of customer service and assembly area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

M. CONVENTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											P	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		A	A	A	A				A		A	

1. Definition

Meetings of professional, fraternal, business, or other organizations that last for five days or less.

2. Standards

Except in the DP and PS districts, conventions are allowed only as an accessory use to a hotel or hotel/casino.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

N. DAILY LABOR SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C			C		C	

1. Definition

Any building or premises that serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned such employment in accordance with whatever employment is available on that particular day. For purposes of this definition, “daily labor” means manual labor, including, without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting, and digging.

2. Standards

- (a) The use shall be located on a primary or secondary arterial as designated on the Master Streets and Highways Plan.
- (b) The use shall not be located within 400 feet of any religious facility, school, general day care facility, city park, or residential zoning district.
- (c) The hours of operation shall be limited to the hours between sunrise and sunset.
- (d) Signage shall be posted on the premises indicating that loitering on the premises is not allowed. The signage may not exceed four square feet in size.
- (e) Persons who are seeking employment must wait for employment within a fully enclosed structure or an area screened from public view.

3. Off-Street Parking Requirement

1 space for each 250 square feet of gross floor area.

4. Off-Street Loading Group

None.

O. EATING AND DRINKING ESTABLISHMENT

1. Restaurant

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P	P	S		S	P	P	P	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

(a) Definition

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed. See HMC 4.36.

(b) Standards

(1) All Districts

- i. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, Outdoor Seating/Outdoor Food Service.
- ii. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- iii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, Live Entertainment.

(2) CO District

A restaurant may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

- i. The primary purpose of the use is to serve employees of the office development in the district.
- ii. The use shall not be the principal use in any freestanding building.
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No freestanding sign shall be allowed in connection with the use.

(3) Limited to an Accessory Use

i. IL and IP Districts

A restaurant may only be permitted as an accessory use with a maximum size of 25 percent of a building's gross floor area.

ii. PS District

A restaurant may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

2. Restaurant with Bar

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	S	S	S	S			C	S	C	S	

(a) Definition

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and has food available for service during all times that alcoholic beverages are sold, and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area. See HMC 4.36.

(b) Standards

(1) All Districts

- i. The hours of operation shall be limited to between 6:00 a.m. and 2:00 a.m. Extended hours of operation beyond the limits stated above may be requested through a Conditional Use Permit. Residential compatibility shall be considered when extended hours of operation are requested. The following items may be considered, but not limited to: location of building ingress and egress, setbacks, parking locations, and loading zones.
- ii. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar (excluding cooking, food preparation, office, storage, restroom, and outdoor seating areas) shall be designated as dining area.
- iii. The actual seating available at all times within the indoor dining area must be able to accommodate at least one hundred persons.
- iv. The use shall conform to the requirements of Title 4.36 for Restaurants with Bar.
- v. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, Outdoor Seating/Outdoor Food Service.
- vi. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

- vii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, Live Entertainment.
- viii. The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.
- ix. Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, Restricted Gaming and Title 4.32.

(2) CO District

A restaurant with bar may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

- i. The primary purpose of the use is to serve employees of the office development in the district.
- ii. The use shall not be the principal use in any freestanding building.
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No freestanding sign shall be allowed in connection with the use.

(3) Limited to an Accessory Use

i. IP District

A restaurant with bar may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.

ii. PS District

A restaurant with bar may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is permitted.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

3. Tavern

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C					C		C	

(a) Definition

An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption, with the ability to request approval for the following ancillary activities: a dance hall, live entertainment, food service, and/or restricted gaming.

(b) Standards

(1) All Districts Standards

- i. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- ii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, Live Entertainment.
- iii. Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, Restricted Gaming and Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Tavern.

(2) Proximity of Taverns

i. Objective

The health, safety, morals, and welfare of the inhabitants of the City are best promoted and protected by requiring a separation between individual taverns and established residential areas.

ii. Separation Distance Requirements

- 1. Unless exempted, a tavern use shall not be located within 2,000 feet as measured by the shortest line between the space to be occupied by the proposed tavern and the occupied space of another existing or approved tavern use, regardless of the jurisdiction where located.
- 2. Residential compatibility shall be considered when a tavern is located within 500 linear feet of any developed residential zoning district with an “R”

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

designation. This distance shall be measured from the occupied space of the proposed tavern to the property line of the closest existing residential dwelling unit. The following items may be considered, but not limited to: location of building ingress and egress, setbacks, parking locations, and loading zones.

3. Nothing in this subsection shall be construed to authorize a proposed tavern use simply because a proposed tavern use may comply with the minimum separation requirements. The City retains all discretion to approve or disapprove a tavern use.

iii. Exemptions

The following taverns are exempted from the standards of this subsection:

1. Lawfully-established taverns in existence prior to July 3, 2001, unless the use is discontinued for a period of six months or more.
2. Taverns located within a resort village or a nonrestricted casino/gaming establishment.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is provided.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Eating and Drinking Establishment with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	C				C	C	C	

(a) Definition

A restaurant with or without seating for patrons that includes service from a building to persons in vehicles through an outdoor service window.

(b) Standards

(1) All Districts

- i. Outdoor speakers or other public address systems that emit sound shall not be located within 500 linear feet of an existing residential dwelling unit. Face-to-face service is required within

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

500 feet of an existing residential dwelling unit. An automated volume control system is required beyond 500 feet from residential dwelling units.

- ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- iv. The above listed conditions may be modified or waived through a request as part of the conditional use permit.

(2) MC, MR, and MN Districts

- i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.
- ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

- i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).
- ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.O EATING AND DRINKING ESTABLISHMENT

Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

5. Wine Lounge

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C	C	C	

(a) Definition

A place where the primary business is the service or sale of wine and similar beverages (but not including alcoholic liquors) at retail either by the glass or the bottle to the general public for consumption in a lounge setting. The sale of beer is permitted as an accessory use. Retail sale of wine for off-premises consumption is permitted as an accessory use.

(b) Standards

- (1)** Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- (2)** The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m.
- (3)** Slot machines are prohibited in the wine lounge.
- (4)** Service to tables/lounge area is required.
- (5)** A bar area with seating is prohibited.
- (6)** Incidental food service is permitted.
- (7)** Self-service wine dispensers are permitted.
- (8)** Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, Outdoor Seating/Outdoor Food Service.
- (9)** Any use that includes live entertainment shall comply with Section 19.5.5.A.2, Live Entertainment.

(c) Accessory Use to a Primary Business

A wine lounge is permitted as an accessory use to an approved Category I or II use, or a use approved by the Planning Commission, subject to the following:

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.P FINANCIAL INSTITUTION

- (1) Total square footage to be used for serving wine shall be limited to 25% of the net floor area (not including offices, restrooms and storage area) or 1000 square feet, whichever is less.
- (2) Standards in Section (b) above shall be met, with the exception of (2).
- (3) The accessory use shall be operated during the hours of operation of the primary business.
- (d) Off-Street Parking Requirement
Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area.
- (e) Off-Street Loading Group
Group One (Section 19.7.4.D)

P. FINANCIAL INSTITUTION

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	P	P			P	P	P	

- (a) Definition
Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This use type includes those institutions whose primary service is the exchange of currency, including banks, credit unions, and other establishments engaged in the onsite circulation of cash money, but does not include bail-bond brokers or check-cashing services.
- (b) Off-Street Parking Requirement
Nonresidential districts: 1 space per 300 square feet.
- (c) Off-Street Loading Group
Group Two (Section 19.7.4.D)

2. Financial Institution with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C	C	S			S	C	C	C	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.P FINANCIAL INSTITUTION

(a) Definition

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses, and that include one or more automobile lanes accessible to persons who remain in their automobiles. This use includes stand-alone automated teller machines.

(b) Standards

(1) All Districts

- i. Stand-alone automated teller machines not located on the same property as the primary financial institution shall require separate design review approval. The design shall be compatible with adjacent buildings.
- ii. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.
- iii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- iv. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- v. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

- i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.
- ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.P FINANCIAL INSTITUTION

(4) MN District

- i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).
- ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet plus required vehicle stacking spaces. (Section 19.7.4.H)

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

3. Check-Cashing, Deferred-Deposit Service, and/or Vehicle Title Loan Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C			S		S			C	

(a) Definition

- (1)** “Check Cashing” is any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.
- (2)** “Deferred Deposit” is any person or establishment offering a transaction in which, pursuant to a written agreement: 1) a customer tenders to a person a personal check drawn upon the account of the customer; and 2) the service provides to the customer an amount of money that is equal to the face value of a check, less any fee charged for the transaction, and agrees not to cash the check for a specified period. Deferred-deposit services are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.
- (3)** “Vehicle Title Loan” is a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.P FINANCIAL INSTITUTION

(b) Purpose

The purpose of regulating such uses is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of check-cashing, deferred-deposit, and/or vehicle title loan services that may result in the displacement of other necessary commercial and financial services.

(c) Standards

The building or portion thereof that is dedicated to the check-cashing, deferred-deposit service, and/or vehicle title loan use shall have a minimum size of 1,500 square feet of building floor area.

(1) Separation Requirements

The following distance requirements shall be applied to all locations:

- i. No such use may be located closer than 1,000 linear feet to any other check-cashing, deferred-deposit service, and/or vehicle title loan use, as measured by the shortest line between the occupied spaces of the existing or approved use and the proposed facilities.
- ii. No such use may be located closer than 200 feet to any parcel with a residential land use designation as depicted in the Comprehensive Plan. This 200-foot separation shall be measured as the shortest line between the space to be occupied by the proposed check-cashing, deferred-deposit service, and/or vehicle title loan facility and the property line of the nearest parcel with a residential land use designation.
- iii. In cases where the check-cashing, deferred-deposit, and/or vehicle title loan use is located at a counter or space within another business (e.g. convenience store, grocery store, executive office), the term “facility” shall mean the entire space of the businesses combined.
- iv. These distance requirements may be reduced through the conditional use permit review process based on the provision of compensating public benefits and evidence from the applicant that the reduction will not compromise the aforementioned purpose and the general intent of this Code to protect the public health, safety, and general welfare of the City.

(2) Building Requirements

- i. The building design shall be subject to review by the Community Development Department to ensure that it will be compatible with the surrounding area in terms of building materials, massing, and architectural style. Bright and/or fluorescent colors are prohibited as a principal exterior building color, but may be used as accent colors.
- ii. Temporary signs are only permitted as described within Section 19.8.9, Temporary Signs, and must receive prior approval.
- iii. The use shall comply with all applicable requirements of HMC Title 4.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Q FOOD AND BEVERAGE SALES

(3) Vehicle Title Loan Facilities

No vehicles may be stored at the location of a vehicle title loan facility.

(d) Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet.

(e) Off-Street Loading Group

Group One (Section 19.7.4.D)

Q. FOOD AND BEVERAGE SALES

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P	P				P	P	P	

(a) Definition

Groceries, delicatessens, and similar commercial establishments engaged in retail sales of food and beverages for offsite preparation and consumption.

(b) Standards

Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Liquor Stores

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C					C	C	C	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.R FUNERAL AND INTERMENT SERVICE

- (a) **Definition**
Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use.
- (b) **Standards**
Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.
- (c) **Off-Street Parking Requirement**
Nonresidential districts: 1 space per 250 square feet.
- (d) **Off-Street Loading Group**
Group One (Section 19.7.4.D)

R. FUNERAL AND INTERMENT SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C		P	P					

1. **Definition**
Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, and columbariums.
2. **Standards**
 - (a) Within the commercial districts, funeral and interment service uses are limited to mortuaries.
 - (b) They may be allowed as an accessory use to a cemetery in the PS district.
 - (c) Crematoriums must be separated a minimum of 1,500 feet from residentially zoned property.
3. **Off-Street Parking Requirement**
Nonresidential districts: 1 space per 35 square feet of seating area.
4. **Off-Street Loading Group**
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.S GAMING ESTABLISHMENT

S. GAMING ESTABLISHMENT

1. Nonrestricted Gaming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C					C		C	

(a) Definition

The operation of 16 or more slot machines, gaming devices, or live games. This license is limited to a resort hotel or other specific nonconforming establishments as defined in Title 19 and Title 4 of the HMC.

(b) Standards

(1) All Districts

Nonrestricted gaming establishments shall comply with the following standards:

- i. New nonrestricted gaming establishments may only be established as part of a resort hotel (as defined in Title 19).
- ii. Existing casino establishments and those approved for development by the City Council prior to July 21, 1998, may only be altered subject to a conditional use permit, requirements in HMC Section 4.32.350.B, and design review.

(2) CT District

Gaming establishments may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 30 square feet of gaming and seating area. Also, additional parking shall be provided for all accessory, non-gaming uses within the nonrestricted gaming establishment (such as bowling alleys, convention spaces, and movie theaters) at the minimum ratios established in this chapter.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.S GAMING ESTABLISHMENT

2. Restricted Gaming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

The operation of 15 or fewer slot machines that are incidental to the primary business at the establishment wherein the slot machines are to be located regardless of ownership of the slot machines; or as may be amended from time to time by the State in NRS Chapter 463. Restricted gaming facilities must comply with Title 4.32.

(b) Standards

(1) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

(2) An establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public shall comply with the following:

i. 1-5 slot machines

1. Restaurant with Bar use shall be subject to the standards as required in Title 19.5.5.O.2 with the addition that all slot machines must be embedded in the bar top;
2. All other restricted gaming locations shall be required to comply with the minimum State standards as stated in NRS 463.161 (regardless of the effective date) with the addition that all slot machines must be embedded in the bar top.

ii. 6-15 slot machines

1. The establishment shall be primarily engaged in the service of meals with selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption;
2. Contain a permanent physical bar per NRS 463.161 (regardless of the effective date);
3. Minimum eight (8) slot machines must be embedded in the bar top. If less than eight (8), all slot machines must be embedded in the bar top;
4. Contain a restaurant which:
 - a. Serves meals ordered by patrons from tables or booths;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.T GOLF COURSE OR DRIVING RANGE

- b. Includes an indoor dining area with seating for at least 75 persons (25 of the seats may include table or booth seating within the bar area) in a room separate from the on-premise kitchen. The stools or chairs at the bar and outdoor dining area may not be counted;
 - c. Includes a kitchen which is operated between the hours of 6 a.m. and 2 a.m.;
 - d. Complies with Title 4.36.
5. The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.

(c) Off-Street Parking Requirement

Parking shall be based upon the requirements of the primary use.

(d) Off-Street Loading Group

Loading shall be based upon the requirements of the primary use.

T. GOLF COURSE OR DRIVING RANGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C								

1. Definition

A tract of land, either public or private, laid out for at least nine holes for playing the game of golf and improved with tee boxes, greens, fairways, and hazards. This use also includes a driving range, which is a limited area on which golf players drive golf balls from a central driving tee. Such uses may include related facilities such as clubhouses, golf schools, and accessory uses such as a restaurant or restaurant with a bar, pro shops, and related facilities.

2. Standards

- (a)** Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- (b)** The use shall comply with applicable turf restrictions in HMC Titles 14 and 19.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.V HORTICULTURE

3. Off-Street Parking Requirement

(a) Golf course: 4 spaces per hole plus spaces provided for accessory uses.

(b) Driving range: 1 space per tee.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

U. HOOKAH LOUNGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C		C		C				

1. Definition

Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a communal hookah, water pipe, or similar device. The business may also sell non-alcoholic beverages and snacks. A hookah, water pipe, or similar device may not be used as a primary or ancillary use where minors are allowed. A Hookah, hooka, or shisha is a single- or multi-stemmed water pipe for smoking.

2. Standards

The sale of alcohol shall be allowed only as part of an approved restaurant with service bar, restaurant with bar, or tavern. Must comply with Clark County Health Department requirements.

3. Off-Street Parking Requirement

1 space per 250 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

V. HORTICULTURE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
										C		
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.V HORTICULTURE

- (a) Definition**
The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures.
- (b) Off-Street Parking Requirement**
1 parking space per 2 acres. Also, if open to the public, 1 space per 375 gross square feet of sales area.
- (c) Off-Street Loading Group**
Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C								C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		S				S	S					

- (a) Definition**
The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored.
- (b) Standards**
 - (1)** No permanent structures shall be erected.
 - (2)** Storage of nursery equipment or materials is prohibited.
 - (3)** Retail sale of plants or plant materials is not permitted within residential base zoning districts.
- (c) Off-Street Parking Requirement**
1 parking space per 2 acres. Also, if open to the public, 1 space per 375 gross square feet of sales area.
- (d) Off-Street Loading Group**
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.X MAINTENANCE AND REPAIR SERVICE

W. LABORATORY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											A	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P		P	P	P	P	C	P	

1. Definition

Establishments providing medical or dental laboratory services or small-scale establishments providing photographic, analytical, or testing services within a building or portion of a building of 5,000 square feet or less. Other laboratories are classified as “Industry, Research and Development.”

2. Standards

PS District

Laboratories are permitted as an accessory use to a hospital.

3. Off-Street Parking Requirement

Nonresidential districts: 1space per 500 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

X. MAINTENANCE AND REPAIR SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	P	P	P		P	P		P		P	

1. Definition

Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.

2. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

Y. MEDICAL MARIJUANA ESTABLISHMENTS

1. Purpose and Intent

The purpose and intent of this section is to provide a procedure for the regulations of medical marijuana establishments within the City of Henderson. These regulations are in addition to the regulations of Title 4 of the Henderson Municipal Code and provide all land use regulations for medical marijuana establishments.

2. Distance Limitations for Medical Marijuana Establishments

Table 19.5.5-2 Minimum Separation [1]

Medical Marijuana Establishment	Protected Uses			Separation between Medical Marijuana Dispensaries (feet)[3]
	Separation to School (feet)[2]	Separation to Community Facility (feet)	Separation to public park or public playground (feet)	
Cultivation Facility	1,000	300	1,000	
Dispensary	1,000	300	1,000	5,280
Infusion or Manufacturing	1,000	300	1,000	
Independent Testing Laboratory	1,000	300	1,000	

Note: The separation from a medical marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the proposed medical marijuana establishment was submitted to the State Health Division.

[1] Distance shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana establishment to the property line of the protected use.

[2] Means a public or private school that provides formal education traditionally associated with preschool through grade 12.

[3] Distance separation between medical marijuana dispensaries shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana dispensary to the property line of the established medical marijuana dispensary. This distance may be waived by City Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

3. Medical Marijuana, Cultivation Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

Means an enclosed facility that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells medical marijuana and related supplies to medical marijuana dispensaries; facilities for the production of edible marijuana products

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

or marijuana-infused products; or other medical marijuana cultivation facilities, as defined in NRS Chapter 453A, as may be amended or renumbered.

(b) Standards

- (1)** Shall comply with all H.M.C. Title 4 regulations.
- (2)** Shall comply with the distance separation requirements of 19.5.5.Y
- (3)** There shall be no emission of dust, fumes or vapors into the environments from the facility. The air filtration system shall be designed by a Nevada licensed engineer and shall be installed prior to certificate of occupancy.
- (4)** Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (5)** There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (6)** There shall be no retail sales at the cultivation facility.
- (7)** Shall be a minimum of 5,000 gross square feet.
- (8)** Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (9)** Signs shall meet the following regulations:
 - i.** Shall be limited to wall signs only.
 - ii.** Maximum sign area shall be 25 square feet.
 - iii.** Wall signs shall be constructed only of pan channel letters (no cabinet or can signs).
 - iv.** Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - v.** No animation or electronic message unit signs are permitted.
 - vi.** Color and design, including lettering shall complement the architecture of the building.
 - vii.** Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
 - viii.** Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
- (10)** Approval of a conditional use permit does not guarantee approval of a business license.
- (11)** The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

- (d) Off-Street Loading Group
Group Two (Section 19.7.4.D.)

4. Medical Marijuana, Dispensary

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C			C	C	C				

(a) Definition

Means a business that is registered with the State of Nevada Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322, as may be amended or renumbered; and 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.

(b) Standards

- (1) Shall comply with all H.M.C. Title 4 regulations.
- (2) Shall comply with the distance separation requirements of 19.5.5.Y
- (3) Shall have operating hours between the hours of 8:00 am and 8:00 pm.
- (4) Drive-through services are prohibited.
- (5) There shall be no emission of dust, fumes or vapors into the environment from the facility.
- (6) Shall be a minimum of 1,400 gross square feet.
- (7) Shall not provide outdoor seating.
- (8) There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
- (9) Shall be located in a permanent building, and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (10) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (11) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (12) Signs shall meet the following regulations:
 - i. Shall be limited to wall signs, monument or freestanding signs.
 - ii. Maximum sign area shall be 25 square feet.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

- iii. A maximum of 25% of the wall sign or tenant panel of a freestanding sign may include a logo.
 - iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - vi. No animation or electronic message unit signs are permitted.
 - vii. Color and design, including lettering shall complement the architecture of the building.
 - viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
 - ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
- (13) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (14) Approval of a conditional use permit does not guarantee approval of a business license.

(c) Industrial Districts

Dispensaries may only be permitted in the same building in conjunction with a cultivation site under the same ownership or management.

(d) Off-Street Parking Requirement

1 space per 250 square feet.

(e) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

5. Medical Marijuana, Infusion or Manufacturing Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

An enclosed facility that produces 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. The term includes, without limitation, topical products, ointments, oils and tinctures, defined in NRS Chapter 453A, as may be amended or renumbered.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

- (b) Standards**
- (1)** Shall comply with all H.M.C. Title 4 regulations.
 - (2)** Shall comply with the distance separation requirements of 19.5.5.Y
 - (3)** Shall be a minimum of 1,400 gross square feet.
 - (4)** There shall be no retail sales at the facility.
 - (5)** Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
 - (6)** There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
 - (7)** Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
 - (8)** Signs shall meet the following regulations:
 - i.** Shall be limited to wall signs only.
 - ii.** Maximum sign area shall be 25 square feet.
 - iii.** A maximum of 25% of the wall sign may include a logo.
 - iv.** Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - v.** Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - vi.** No animation or electronic message unit signs are permitted.
 - vii.** Color and design, including lettering shall complement the architecture of the building.
 - viii.** Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
 - ix.** Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
 - (9)** Approval of a conditional use permit does not guarantee approval of a business license.
 - (10)** The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (c) Off-Street Parking Requirement**
- 1 space per 500 square feet.
- (d) Off-Street Loading Group**
- Group Two (Section 19.7.4.D.)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Y MEDICAL MARIJUANA ESTABLISHMENTS

6. Medical Marijuana, Independent Testing Laboratory

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Means a facility that tests marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada, as defined in NRS 453A, as may be amended or renumbered.

(b) Standards

- (1) Shall comply with all H.M.C. Title 4 regulations.
- (2) Shall comply with the distance separation requirements of 19.5.5.Y
- (3) There shall be no emission of dust, fumes or vapors into the environments from the facility.
- (4) There shall be no retail sales at the facility.
- (5) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (6) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (7) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (8) Signs shall meet the following regulations:
 - i. Shall be limited to wall signs only.
 - ii. Maximum sign area shall be 25 square feet.
 - iii. A maximum of 25% of the wall sign may include a logo.
 - iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - vi. No animation or electronic message unit signs are permitted.
 - vii. Color and design, including lettering shall complement the architecture of the building.
 - viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Z MINI-STORAGE FACILITY

- ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
- (9) Approval of a conditional use permit does not guarantee approval of a business license.
- (10) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (c) Off-Street Parking Requirement
1 space per 500 square feet.
- (d) Off-Street Loading Group
Group Two (Section 19.7.4.D.)

Z. MINI-STORAGE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C					
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		P	P			P	P	C				

1. Definition

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use classification may include limited vehicle storage and quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of onsite management and security.

2. Standards

- (a) All Nonresidential Districts
 - (1) Mini-storage facilities shall comply with all development regulations listed for the zoning district or planned unit development in which the facility is located.
 - (2) All mini-storage facilities shall provide minimum 32-foot-wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors.
 - (3) Resident manager’s quarters, where provided, shall be incorporated into and occupy space on the premises of the mini-storage facility. No freestanding manager’s quarters are permitted within the IP district.
 - (4) Mini-storage facility shall include a single 500-square-foot (minimum) landscaped private recreation area within the mini-storage project adjacent to the caretaker’s quarters for exclusive use by resident manager/caretaker. The landscaped recreation area shall include a minimum of one large shade tree installed at 24-inch-box size, shrubs, and recreation equipment as approved by the Community Development

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Z MINI-STORAGE FACILITY

and Services Director. Recreation equipment shall consist of picnic table and barbecue facilities or other comparable equipment for use by the resident manager.

- (5) All buildings in the mini-storage facility shall be architecturally compatible with the surrounding uses. Architectural compatibility shall be measured as follows:
 - i. Projects constructed abutting residential or public/semipublic zoning shall employ sloped concrete tile or clay roofs and shall display wall relief features and colors commonly found in residential construction;
 - ii. Projects abutting commercial or industrial zoning districts may employ more rigid lines and features;
 - iii. Where a project abuts a residential or public/semipublic zoning district, the residential compatibility requirement shall control;
 - iv. For facilities proposed within existing commercial/shopping centers, the design standards of 19.7.6.D shall control, with special attention given to adhering to any established architectural styles or themes within the center, which may negate the requirement for a sloped/tile roof.
- (6) Hours of public access to mini-storage units abutting one or more residential zoning districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m. daily.
- (7) All setbacks abutting residentially-zoned parcels shall be landscaped.
- (8) Rear and side building setbacks may be reduced to zero feet for single-story buildings when adjacent to commercial or industrial districts.
- (9) Mini-storage uses shall provide a decorative perimeter wall with a maximum height of eight feet, up to 12 feet under certain circumstances where additional height is required to secure storage areas.
- (10) Perimeter walls shall comply with the fence/wall appearance standards in Section 19.7.5.I, Dumpster Screening.
- (11) This use may include outdoor vehicle storage not to exceed a maximum of 20 percent of the site. Where greater than 20 percent of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.
- (12) All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards in Section 19.7.5.I, Dumpster Screening. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- (13) The storage of hazardous materials shall comply with the standards in Section 19.7.8.D, Hazardous Material Storage.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.Z MINI-STORAGE FACILITY

(b) CC and CH Districts

The following additional standard applies: A conditional use permit is required for mini-storage facilities without a resident manager or with more than one resident manager living unit.

(c) CN District

The following additional standards apply:

- (1)** Mini-storage buildings shall be limited to one story, except for the office and caretaker's quarters.
- (2)** No outdoor vehicle storage shall be permitted.
- (3)** No storage or rental of vehicles or equipment utilized for moving shall be permitted.

(d) RM-16, RH-24, and RH-36 Districts

- (1)** Prohibited in developments that include single-family detached and single-family attached dwelling units.
- (2)** Mini-storage facilities within multi-family developments shall be allowed only in locations that meet the following criteria:
 - i.** The development is located within one-half (1/2) mile of a college and/or university as defined by NRS Section 394.103 and NRS Section 385.007; or
 - ii.** The development has at least 500 feet of frontage along a right-of-way with a width of 200 feet or greater.
- (3)** Shall be prohibited when adjacent to a lower-density residential zoning district.
- (4)** Mini-storage facility shall be limited to a maximum height of 8 feet if the roof is flat and 12 feet if roof is pitched unless exempted from the height requirement in this Code.
- (5)** A manager or security official shall remain onsite 24-hours, seven days a week. A manager/security quarters may be permitted within a unit of the multi-family buildings.
- (6)** A maximum of 5 percent of the site may be allocated for all mini-storage facility buildings and accessory storage uses.
- (7)** Mini-storage facilities shall be compatible in design, materials, scale, and roofline architecture with the multi-family buildings.
- (8)** The development shall have frontage along an arterial or collector street as identified in the Master Streets and Highways Plan.
- (9)** Mini-storage uses shall be setback a minimum 5-feet from all property lines, and a minimum of 25-feet from residential buildings.
- (10)** A minimum 5-foot landscape buffer shall be provided between the mini-storage uses and multi-family buildings, unless separated by a private drive aisle.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.AA OFFICE

(11) Hours of public access to mini-storage units shall be restricted to the period from 9:00 a.m. to 5:00 p.m. daily.

(12) No outdoor vehicle storage shall be permitted.

3. Off-Street Parking Requirement

(a) 1 space per 100 lockers/units on the inside of fenced area and at least five spaces outside the fenced area.

(b) Must include one covered parking space for exclusive use by each resident manager quarters.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

AA. OFFICE

1. Business and Professional

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	S	S	S	S	P	P	P	

(a) Definition

Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices, but not including banks and savings and loan associations. This includes establishments providing travel information and travel reservations to individuals and businesses, but not car-rental agencies and reservation services that do not make travel arrangements as a primary function of their operation.

(b) Standards

(1) CA District

Office uses are only allowed on the site of and when directly associated with a car dealership.

(2) IL and IP Districts

Office uses are limited to a maximum of 50 percent of each business's leased area.

(3) IG District

Offices shall only be allowed as an accessory use.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.AA OFFICE

- (c) Off-Street Parking Requirement
Residential and Nonresidential Districts
 - (1) Business and professional offices: 1 space per 300 square feet.
 - (2) Mixed office uses (combination of business/professional and medical/dental offices): 1 space per 250 square feet.
- (d) Off-Street Loading Group
Group Two (Section 19.7.4.D)

2. Medical

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P					P	P	P	

- (a) Definition
Offices for physicians and dentists, medical clinics, outpatient surgical centers, surgical recovery centers, and holistic or alternative health services (including hypnotherapy, reiki, and other similar uses), but not including emergency health care.
- (b) Standards
 - (1) Surgical Recovery Centers: All Districts
Surgical recovery centers are considered an ancillary use to medical office since they contain suites where medically stable guests can recover after surgical procedures for a short time (typically 2-3 days) with medical supervision. Family members may visit without visiting hour restrictions unless restricted through the project's entitlement approvals. Surgical recovery centers shall be limited to:
 - i. Six or fewer suites
 - ii. Maximum length of stay of five days
 - iii. One overnight guest per patient
 - (2) Medical Clinic: PS District
Medical clinics are allowed as conditional uses only when ancillary to a primary use, except that they are permitted by right when ancillary to a hospital. Clinics located on the site of a school shall:
 - i. Be open only to students and faculty/staff, and not the general public; and
 - ii. Be open no more than two hours before and/or after scheduled school times.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.BB PAWNSHOP

- (c) Off-Street Parking Requirement
Nonresidential Districts
 - (1) Medical offices: 1 space per 200 square feet.
 - (2) Mixed office uses (combination of medical and business/professional offices): 1 space per 250 square feet.
- (d) Off-Street Loading Group
Group Two (Section 19.7.4.D)

BB. PAWNSHOP

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			S	S				C	

- (a) Definition
Establishments engaged in the buying or selling of new or secondhand merchandise, and offering loans secured by personal property. This category does not include used autos (auto pawn).
- (b) Standards
 - (1) All Districts
Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.
 - (2) CC and CH Districts
Pawnshops shall obtain a conditional use permit subject to, but not limited to, the following requirements:
 - i. At least 50 percent of the public space in the store shall be dedicated to the display of items for sale.
 - ii. Sale or display of firearms is prohibited.
 - iii. A maximum of one pawnshop is allowed within any single commercial center, which must be located at the intersection of two or more major arterial streets.
- (c) Off-Street Parking Requirement
1 space per 250 square feet.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.CC PERSONAL IMPROVEMENT SERVICE

- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

2. Pawnshop with Vehicles

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S					

- (a) Definition
Businesses dealing exclusively in offering loans secured by automobiles, trucks, motorcycles, recreational vehicles, travel trailers, and similar vehicles, the storage of which requires one or more large parking areas.
- (b) Standards
 - (1) Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.
 - (2) A maximum of one pawnshop is allowed within any single industrial center, which must be located at the intersection of two or more major arterial streets.
 - (3) A dealer may sell unredeemed pawned vehicles, but the sale of new vehicles is prohibited.
 - (4) The applicant must demonstrate that the minimum amount of off-street parking required by this Code will be provided for all uses, and a plan must be submitted to show the location for stored pawned vehicles.
- (c) Off-Street Parking Requirement
1 space per 250 square feet plus one space for each pawned vehicle proposed to be kept on site.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

CC. PERSONAL IMPROVEMENT SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	S	P	P	S	S	C	C	C	P	P	P	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

1. Definition

Provision of instructional services or facilities including photography, fine arts, crafts, dance or music studios, driving schools, hypnotherapy (not in conjunction with a medical office), palmistry and fortune telling, karate schools and similar instructional services, diet centers, fitness studios, health clubs, spas, and weight-reduction establishments.

2. Standards

(a) Commercial Districts

(1) CO and CT Districts: Personal improvement services shall be limited to health clubs, spas, and weight-reduction establishments.

(2) CA District: Only automobile driving schools, motorcycle driving schools, and auto-related trade schools are permitted. Auto body classes shall require approval of a conditional use permit, unless operated on the premises of an existing auto body shop. The classes must operate in accordance with the existing conditions of approval for that location.

(b) Industrial Districts

Personal improvement service uses require a conditional use permit. The applicant must demonstrate that such uses will not adversely affect the health, safety, and welfare of surrounding industrial uses.

(c) PS District

Such uses may be allowed as an accessory use in conjunction with a school, park, or religious assembly.

3. Off-Street Parking Requirement

(a) Personal improvement service uses in nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.

(b) Personal improvement service uses in nonresidential districts in developments of 25,000 square feet or larger: 1 space per 250 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

DD. PERSONAL SERVICE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
				A	A	A	A				C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	S	P	P	S		C	C	C	P	P	P	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

(a) Definition

Provision of frequently needed services of a personal nature, such as: barber and beauty shops, tanning booths/salons, photographic studios, seamstresses, tailors, shoe repair shops, laundry and dry-cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises), and self-service laundries (laundromats).

(b) Standards

(1) All Districts

Please see Section 19.5.7.D.4 for standards for a drive-through/drop-off window accessory use.

(2) Residential Districts

If all criteria below are met, the use shall be allowed as an accessory use:

- i. The use shall comply with the standards in Section 19.7.6.D.6, Residential Compatibility Standards;
- ii. Personal service uses shall be limited to residents of the development and shall not be open to the general public;
- iii. No exterior signage shall be visible to the public; and
- iv. No more than three individual personal services use types within a development shall be allowed.

(3) PS District

- i. Personal services use types may be provided as an accessory use to the uses in the “Institutional Housing” use classification.
- ii. Personal services uses shall be limited to residents of the institutional housing and shall not be open to the general public.
- iii. No exterior signage shall be visible to the public.

(4) CO, IL, IG, IP, and PS Districts

Self-service laundries (laundromats) are not an allowed use.

(5) CT Districts

Self-service laundries (laundromats) require approval of a conditional use permit.

(c) Off-Street Parking Requirement

- (1)** Nonresidential districts in developments 25,000 square feet or larger: 1 space per 250 square feet.
- (2)** Nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.
- (3)** Vehicle stacking spaces shall be required for any drive-up use (Section 19.7.4.H).

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

- (d) Off-Street Loading Group
Group One (Section 19.7.4.4)

2. Dry-Cleaning Agency

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	C	S	S	S					P	P	P	

- (a) Definition
Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.
- (b) Standards
 - (1) All Districts
Please see Section 19.5.7.D.4 for standards for a drive-through/drop-off window accessory use.
 - (2) CN, CC, CH and CT Districts
Dry-cleaning agencies may be permitted by right only in freestanding buildings. Conditional use approval is required if located in a building with attached lease space on one or more sides.
 - (3) CO District
A dry-cleaning agency may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:
 - i. The primary purpose of the use is to serve employees of the office development in the district.
 - ii. The use shall not be the principal use in any freestanding building.
 - iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
 - iv. The use shall not have an entrance leading directly to the outside.
 - v. No outside signs shall be allowed in connection with the use.
- (c) Off-Street Parking Requirement
Nonresidential districts: 1 space per 250 square feet.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

3. Massage

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A		C	C	A	C				C		C	

(a) Definition

Any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use.

(b) Standards

(1) All Districts

i. HMC Requirements

All massage establishments shall conform to the requirements of Title 4.84 of the HMC for Massage Establishments.

ii. Hours of Operation

Massage establishments hours of operation shall be limited from 8:00 a.m. to 10:00 p.m. or as approved through the conditional use permit. If requesting different hours of operation, the applicant shall demonstrate how the modified hours are consistent and compatible to other uses within the same development and with uses on the surrounding properties.

iii. Location Requirements

1. No massage establishment may be located closer than 1,000 feet from any other massage establishment, as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed massage establishment and the occupied space of the nearest established or approved massage establishment.

2. No massage establishment may be located closer than 500 feet from any parcel where a school, religious facility, park, or child care facility are established or approved, and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed massage

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

establishment and the property line of the nearest established or approved school, religious facility, park, child care facility and residential land use category as designated by the Comprehensive Plan.

3. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

iv. Building Design

1. All exterior windows shall not be tinted or covered, as to not allow a view inside the establishment from the exterior of the building.
2. The establishment shall provide a waiting area for patrons separate from any area wherein massages are provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
3. No massage services may be given within any cubicle, room, booth, or area within the massage establishment which is fitted with a door capable of being locked from inside the room, unless the door is an exterior door.
4. No electronic locking device may be utilized on any interior door.
5. No massages shall be performed in any room where table showers or shower apparatus are located.

v. Conditional Use Permits

1. Additional conditions may be required as part of the conditional use permit.
2. All massage establishments must comply with approval criteria for a conditional use permit as listed in Section 19.6.6.A.

(2) CN, CC, CH, CT, CA, MC, and MR Districts

Massage may be permitted by right as an accessory use to a hotel, resort hotel, beauty shop, fitness club, country club, golf course clubhouse, public or private recreation center, or a reflexology establishment, subject to the following:

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

- i. Massage as an accessory use are limited to the hours of operation between 8:00 a.m. to 10:00 p.m. A conditional use permit is required if requesting different hours of operation and the applicant can demonstrate how the modified hours are consistent and compatible to the other uses within the same development and with uses on the surrounding properties.
- ii. No massage services may be given within any cubicle, room, or booth, or any area within the reflexology establishment which is fitted with a door capable of being locked, unless that door is an exterior door.
- iii. No massages shall be performed in any room where table showers or shower apparatus are located.
- iv. The primary business shall be open during all hours massage is offered.
- v. A detailed floor plan shall be submitted to Community Development at the time of licensing and building permit to show compliance with all requirements.
- vi. The use shall conform to the requirements of HMC Title 4.

(3) CC, CH, MC, and MR Districts

A massage establishment may be allowed as a primary use subject to approval of a conditional use permit.

(4) CN and CT Districts

Massage establishments are prohibited as a primary use.

(5) Exemptions

Massage establishments located within a resort hotel and those uses specified in NRS 640C.100 shall not require a conditional use permit.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

None.

4. Reflexology

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S		S					S	S	S	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

(a) Definition

Any establishment that involves the application of specific pressure by the use of the licensed practitioner’s hands, thumbs, and fingers to reflex points in the client’s hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex. This practice does not involve the removal of any clothes other than shoes or socks.

(b) Standards

The following standards apply in all districts:

(1) Hours of Operation

- i. Reflexology establishment hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. or the hours of operation for the specific development, whichever is more restrictive. A conditional use permit is required if requesting different hours of operation, and the applicant shall demonstrate how the modified hours are consistent and compatible to other uses within the same development and with uses on the surrounding properties.
- ii. The primary business of reflexology must be provided during all times the business is open.

(2) Location Requirements

- i. No reflexology establishment may be located closer than 1,000 feet from any other reflexology establishment, as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed reflexology establishment and the occupied space of the nearest established or approved reflexology establishment.
- ii. No reflexology establishment may be located closer than 500 feet from any parcel where a school, religious facility, park, or child care facility are established or approved, and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed reflexology establishment and the property line of the nearest established or approved school, religious facility, park, child care facility, and residential land use category as designated by the Comprehensive Plan.
- iii. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

feet, or a topographical feature that prevents vehicular and pedestrian access.

(3) Building Design Requirements

- i. All exterior windows shall not be tinted or covered, as to not allow a view inside the establishment from the exterior of the building.
- ii. The establishment shall provide a waiting area for patrons separate from any area wherein reflexology is provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- iii. Reflexology shall not take place within an enclosed room. Reflexology rooms shall be defined by walls not taller than three feet in height, as measured from the finished floor of the tenant space.
- iv. No electronic locking device may be utilized on any interior door.
- v. A detailed floor plan shall be submitted to Community Development for review and approval at the time of licensing and building permit to show compliance with all requirements.
- vi. The reflexology use shall conform to the requirements of Title 4.85 of the HMC for Reflexology.

(4) Conditional Use Permit

If a conditional use permit is required, the following additional standards shall apply:

- i. All reflexology establishments must comply with approval criteria for a conditional use permit as listed in Section 19.6.6.A.
- ii. Additional conditions may be required as part of the conditional use permit.

(5) CN, CC, CH, CT, CA, MC and MR Districts

Reflexology establishments may be permitted by right as an accessory use to a personal service use, hotel, resort hotel, beauty shop, fitness club, country club, golf course clubhouse, public or private recreation center, or a massage establishment, subject to the following:

- i. Reflexology as an accessory use is limited to hours of operation between 8:00 a.m. to 10:00 p.m. A conditional use permit is required if requesting different hours of operation and the applicant can demonstrate how the modified hours are consistent and compatible with the other uses within the same development and on the surrounding properties.
- ii. No reflexology services shall take place within an enclosed room. Reflexology rooms shall be defined by walls not taller than three feet in height, as measured from the finished floor of the tenant space.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.DD PERSONAL SERVICE

- iii. No electronic locking device may be utilized on any interior door where reflexology occurs.
- iv. The primary business shall be open during all hours reflexology is offered.
- v. A detailed floor plan shall be submitted to Community Development at the time of licensing and building permit to show compliance with all requirements.
- vi. The use shall conform to the requirements of HMC Title 4.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

None.

5. Tattoo and Body Alteration Parlor

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			C						

(a) Definition

Establishments offering permanent body art or coloring, establishments where decorations or other devices are inserted in human or animal skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent facial make-up, and medical offices are not included in this use type.

(b) Off-Street Parking Requirement

1 space per 250 square feet.

(c) Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.FF RECREATIONAL VEHICLE RESORT

EE. PLANT NURSERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	P			P	P					

1. Definition

Establishments selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group Two (Section 19.7.4.D)

FF. RECREATIONAL VEHICLE RESORT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C								

1. Definition

A commercial establishment providing individual spaces and facilities for recreational vehicles for the purpose of transient lodging or recreation purposes. Such use types may include accessory retail sales, outdoor recreation, and limited personal services establishments for use by resort patrons.

2. Off-Street Parking Requirement

1 space per each recreational vehicle plus one guest space per ten recreational vehicles.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

GG. RETAIL SALES AND SERVICE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P		C	C	C	P	P	P	

(a) Definition

The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, video rental stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (but not including service and installation).

(b) Standards

(1) All Districts

Any proposed alcohol or liquor use shall comply with 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(2) CO District

A general retail sales and services use may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

- i. The primary purpose of the use is to serve employees of the office development in the district.
- ii. The use shall not be the principal use in any freestanding building.
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No outside signs shall be allowed in connection with the use.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

(3) IL, IG, and IP Districts

Limited to sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retailed products. A conditional use permit is required for exceptions to this use requirement.

(c) Off-Street Parking Requirement

(1) Furniture, appliances, and other large consumer goods: 1 per 500 square feet.

(2) All other retail sales uses in nonresidential districts in developments over 25,000 square feet: 1 space per 250 square feet.

(3) All other retail sales uses in nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Auction Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			S			S	S					

(a) Definition

An activity where goods or livestock are sold by auction within an enclosed building or structure or conducted outdoors.

(b) Standards

(1) CH and IL Districts

All activities shall be conducted within an enclosed building.

(2) IG District

Outdoor auctions are only permitted with approval of a conditional use permit.

(c) Off-Street Parking Requirement

1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

3. Convenience Market

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	C	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items.

(b) Standards

(1) All Districts

- i. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, Outdoor Seating/Outdoor Food Service.
- ii. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- iii. Windows shall face all adjacent parking areas.
- iv. All exterior doors shall be provided with individual light sources.
- v. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards of Section 19.7.8.E, Glare and Lighting.

(2) CO District

A convenience market use may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

- i. The primary purpose of the use is to serve employees of the office development in the district.
- ii. The use shall not be the principal use in any freestanding building.
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No outside signs shall be allowed in connection with the use.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

(c) Off-Street Parking Requirement

Residential and nonresidential districts: 1 space per 200 square feet of convenience store/food sales area plus any vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

4. Pharmacy

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P		S			P	P	P	

(a) Definition

Stores or shops licensed by the Nevada Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, dispensed or sold at retail, displayed for sale at retail, or where prescriptions are compounded or dispensed. This classification includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.

(b) Standards

(1) CO District

A pharmacy may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

- i. The primary purpose of the use is to serve employees of the office development in the district.
- ii. The use shall not be the principal use in any freestanding building.
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.
- iv. The use shall not have an entrance leading directly to the outside.
- v. No exterior signage shall be allowed in connection with the use.

(2) IL District

The use is limited to the sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retail products. A conditional use permit is required for exceptions to this use standard.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

- (c) Off-Street Parking Requirement
Nonresidential districts: 1 space per 250 square feet.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

5. Pharmacy with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C					C	C	C	

- (a) Definition
A pharmacy that includes service from a building to persons in vehicles through an outdoor service window.

(b) Standards

(1) All Districts

- i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.
- ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

- i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

- ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

- i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).

- ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

1 space per 250 square feet plus stacking spaces per Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

6. Printing Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P					P	P	P	

(a) Definition

A commercial establishment providing custom reproduction of written or graphic materials on a custom order or self-service basis. These use types typically provide photocopying, blueprint, and photo reproduction services, but do not include bulk or large-scale printing on presses, which is categorized as “limited industry.”

(b) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

- (c) Off-Street Loading Group
Group One (Section 19.7.4.D)

7. Rental Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						C	S	S	

- (a) Definition
The rental of general merchandise and equipment primarily intended for homeowner use, including but not limited to clothing, electronics, videos, tools and garden equipment, furniture, household appliances, special occasion or seasonal items, and similar consumer goods. This use category does not include the rental, storage, or maintenance of large construction equipment; such vehicles are restricted to the broader use category of “Vehicle/Equipment Sales and Rentals.”
- (b) Standards
 - (1) The net site area shall not exceed two acres.
 - (2) All maintenance of equipment must be conducted within a building.
 - (3) All equipment shall be stored within an enclosed area or building.
- (c) Off-Street Parking Requirement
Nonresidential districts: 1 space per 250 square feet.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

8. Secondhand Goods

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C							C	C	C	

- (a) Definition
The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers. This use type does not include antique shops primarily engaged in the sale of used furniture and accessories, other than appliances, that are at least 60 years old, jewelry shops whose primary business

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

is the sale of newly manufactured jewelry, auto dealers, pawnshops, used-book stores, used-baseball-card stores, and stamp- and similar-collectibles stores.

(b) Standards

No outdoor display, sales, or storage of any merchandise shall be permitted unless otherwise permitted through the conditional use permit.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

9. Smoke/Tobacco Shop Establishment

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C	C		C	C	C	C	C	C	

(a) Definition

Establishment in which sales of tobacco products such as cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, dipping tobacco, bidis, and tobacco paraphernalia and accessories consist of ten percent or more of the product display, sales, and storage areas of the space. Smoke/tobacco shop establishments include any person or business that operates a store, stand, booth concession, or other place at which the sales of tobacco products are made to purchasers for personal consumption. Smoke/tobacco shops shall prohibit minors to enter or remain upon the premises, unless the minor is accompanied by the minor’s parent/guardian.

(b) Purpose

The purpose of regulating smoke/tobacco shops is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of smoke/tobacco shop establishments that may result in the displacement of other necessary commercial services.

(c) Standards

A conditional use permit is required subject to, but not limited to, the following standards:

- (1)** No smoke/tobacco shop establishment may be located within 2,000 feet of any other smoke/tobacco shop establishment. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the occupied space of the nearest existing or approved smoke/tobacco shop establishment.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.GG RETAIL SALES AND SERVICE

- (2) No smoke/tobacco shop establishment may be located within 1,000 feet of any parcel where a school, park, or library are established or approved; and 500 feet from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the property line of the nearest established or approved school, park, library, or residential land use category as designated by the Comprehensive Plan.
 - (3) Waivers or reductions of the minimum separation requirements may be considered through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the aforesaid purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, a freeway, railroad, or other major roadway with a minimum width of 100 feet, or a drainage facility or topographical feature that prevents vehicular and pedestrian access.
 - (4) A Smoke/Tobacco Shop Establishment may not be located within the same shopping center or development as a use that provides primarily child-oriented services or goods (i.e. doctors office, day care, recreational centers, retail stores, etc.). Such previously established smoke/tobacco shop establishments shall be exempt.
- (d) Off-Street Parking Requirement
1 space per 250 square feet.
 - (e) Off-Street Loading Group
Group One (Section 19.7.4.D)

10. Swap Meet

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C				S					

- (a) Definition
A location in which multiple vendors, dealers, sellers, or traders have rented, leased, purchased, or otherwise obtained an area from an operator or sponsor for the purpose of selling, bartering, exchanging, or trading new or used articles of personal property. The sale of merchandise may include secondhand items, specialty items, and hand-crafted items where the aggregate value of all such property exceeds the amount of one thousand dollars.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.HH SEXUALLY ORIENTED BUSINESS

- (b) Standards**
 - (1)** No outdoor display, sales, or storage of any merchandise or equipment is permitted, except if outdoor activities have been approved through the conditional use permit or in connection with temporary activities that have been authorized by means of a temporary use permit.
 - (2)** All signage, including any temporary signage, shall comply with Chapter 19.8, Signs.
 - (3)** The swap meet operation shall comply with all applicable requirements of HMC Title 4.
- (c) Off-Street Parking Requirement**
 - (1)** Indoors: 1 space per 175 square feet.
 - (2)** Outdoors: 4 spaces for each retail stall or unit.
- (d) Off-Street Loading Group**
 - Group One (Section 19.7.4.D)

HH. SEXUALLY ORIENTED BUSINESS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

- 1. Definition**

“Sexually oriented business” means adult bookstores, adult novelty businesses, adult video stores, adult motion picture theaters, adult video arcades, adult clubs, commercial adult establishments, escort services, nude modeling agencies, nude modeling studios, outcall promoters, and sex clubs. The terms within this definition are defined in HMC Title 4.
- 2. Standards**
 - (a) All Districts**

Separation Requirements

 - (1)** The applicant shall provide evidence certified by a professional land surveyor licensed in the State of Nevada that the proposed sexually oriented business will be separated a minimum of 1,000 feet from the following, except iii, which requires a minimum 1,500 foot separation:
 - i.** A child care facility;
 - ii.** A religious assembly use;
 - iii.** A property with a residential land use category as designated by the Comprehensive Plan;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.HH SEXUALLY ORIENTED BUSINESS

- iv. A property designated with a mixed-use zoning designation;
- v. A hospital;
- vi. A school (public or private);
- vii. A governmental office;
- viii. A public park;
- ix. A Teenage Dancehall;
- x. A Teenage Nightclub;
- xi. Another sexually oriented business.

(2) All Districts

Measurement of the required 1,000 foot separation:

- i. The separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the property line of the above-listed items (except for another sexually oriented business).
- ii. The separation requirement for another sexually oriented business is to be measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the occupied space of the nearest established or approved sexually oriented business establishment.
- iii. The foregoing distance requirements may be waived, except for 2(a)(1)iii – *A property with a residential land use category as designated by the Comprehensive Plan*, through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

(3) IP and IG Districts

Only adult bookstores, adult novelty businesses, and adult video stores as defined in HMC 4.110.010 may be considered within these zoning districts with approval of a Conditional Use Permit.

(b) Other Requirements

All Districts

- (1)** The use must comply with all approval criteria for a conditional use permit as listed in Section 19.6.6.A.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- (2) Additional conditions may be required as part of the conditional use permit process.
- (3) The use shall conform to the requirements of HMC 4.110 for Sexually Oriented Businesses.
- (4) Businesses known as "outcall promoter and outcall entertainer" and "escort and escort service" shall also be subject to the requirements and regulations imposed by the provisions of HMC Chapter 4.110.
- (5) Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any state or federal laws.

(c) Exemptions

The provisions of this section do not apply to those businesses that:

- (1) Operate a manufacturing or wholesale business, licensed in accordance with HMC Chapter 4.04, Section 4.05.010;
- (2) Are prohibited from conducting retail sales;
- (3) Prohibit public access to the premises; and
- (4) Meet all zoning requirements pursuant to HMC Title 19; or
- (5) Personal introduction businesses.

3. Off-Street Parking Requirement

- (a) Adult clubs: 1 space per 100 square feet.
- (b) All other adult uses: 1 space per 250 square feet.

4. Off-Street Loading Group

None.

II. VEHICLE/EQUIPMENT SALES AND SERVICE

1. Auto Broker

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S		S	S	S	S				

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

(a) Definition

A facility or area used primarily for the wholesaling of motor vehicles, typically on an intermediary basis between an auction house and a car dealership. The term does not include a facility or area used for the retail sales of vehicles.

(b) Standards

- (1)** No more than two vehicles may be stored on the property.
- (2)** No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- (3)** The repair or servicing of vehicles is not allowed.
- (4)** No retail sales of vehicles to the public are allowed.

(c) Off-Street Parking Requirement

1 space for each 300 square feet of gross floor area, plus 2 additional spaces for vehicle storage.

(d) Off-Street Loading Group

None.

2. Car Wash, Attended

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S		S				S		S	

(a) Definition

An establishment providing wash functions controlled manually by a car-wash employee where vehicle interiors and exteriors are cleaned and a customer's vehicle is automatically moved through the car wash.

(b) Standards

- (1) All Districts**
 - i.** Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
 - ii.** The location of display racks and vending machines shall be specified on the site plan as part of the design review application.
- (2) Mixed-Use Districts**
 - i.** Car washes are permitted only accessory to a service station.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- ii. All car-washing activities shall be carried on within an enclosed building.
- iii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.
- iv. Design of the car wash drive lanes and stacking spaces shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Car Wash, Unattended

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	P		S				C		C	

(a) Definition

An unattended or automatic establishment providing car wash functions automatically controlled or controlled by the customer where the customer drives the vehicle through the wash equipment. The car wash is for the vehicle exterior only but equipment for cleaning the interior may be available.

(b) Standards

(1) All Districts

- i. Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
- ii. The location of display racks and vending machines shall be specified on the site plan as part of the design review application.
- iii. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

(2) Mixed-Use Districts

- i. Car washes are permitted only accessory to a service station.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- ii. All car-washing activities shall be carried on within an enclosed building.
- iii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.
- iv. Design of the car wash drive lanes and stacking spaces shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

4. Commercial (Retail) Fueling Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C		C	C	C	C	C		C	

(a) Definition

Any building, land or other premises used for the retail dispensing or sales of vehicular fuels or oils and accessories for the motor-vehicle trade.

(b) Standards

- (1) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - i. The dispensing of petroleum products, water, and air from pump islands.
 - ii. The sale of items from a vending machine which shall be located next to the main structure.
- (2) No automotive repair may take place on the premises or within any building.
- (3) No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.
- (4) No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- (5) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
- (c) Off-Street Parking Requirement
Vehicle stacking spaces required by Section 19.7.4.H.
- (d) Off-Street Loading Group
None.

5. Commercial Parking Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												C
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	C	C					C	C		C	

- (a) Definition
Surface parking lot or parking structure offering short- or long-term vehicle parking services to the public for a fee.
- (b) Standards
 - (1) CO District
Commercial parking facilities are allowed only in conjunction with an office principal use.
 - (2) DP Districts
To maintain an active street presence, the ground-floor perimeter space within commercial parking facilities that face Water Street, Pacific Avenue, or Basic Road shall not include parking and shall be reserved for commercial uses.
 - (3) MC District
When located within the Boulder Highway Corridor, commercial parking facilities shall only be permitted within 1,500 feet of a transit stop if contained within a parking structure.
- (c) Off-Street Parking Requirement
None.
- (d) Off-Street Loading Group
None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

6. Fleet Fueling Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			P	P	C				

(a) Definition

An unmanned facility for the fueling of vehicle fleets that may include fuel for certain gasoline vehicles. This use type is primarily intended to serve diesel trucks, taxicabs, and similar fleet-type vehicles employing charge account fuel billing. This use type does not include service stations, convenience stores, or other retail services except vending machines.

(b) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

(c) Off-Street Loading Group

None.

7. Service Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	S	C	S	C	C		C		C	

(a) Definition

Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This use type also includes express oil-change facilities. This use type does not include auto body or repair of heavy trucks or vehicles.

(b) Standards

(1) All Districts

i. Vehicle Repair

In the CC, IL, IG, and MC districts, major vehicle repairs, including drivetrain, engine, transmission, and differential repair and installation may be allowed as a conditional use in conjunction with the primary use of dispensing vehicular fuels, if specifically

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

indicated in the public hearing notice and if approved by the Planning Commission and/or City Council.

ii. Site Layout

1. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.
3. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.

(2) Mixed-Use Districts

- i. All car-washing and repair activities shall be carried on within an enclosed building.
- ii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.
- iii. Design of the drive lanes and stacking spaces shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and shall demonstrate how the drive lanes and stacking spaces will not be a negative impact on the pedestrian environment or the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of convenience store/food sales area plus 1 space per service bay and vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

8. Smog-Check Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S		S	S	S	S	S		S	

(a) Definition

A facility for the testing of vehicle emissions.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- (b) Standards**
 - (1)** All equipment must be stored within an enclosed structure, which shall be designed to be architecturally compatible with the principal structure on the site.
 - (2)** When operated as a primary use, no other automobile repair shall be permitted in conjunction with the facility.
 - (3)** A design review application is required to ensure compliance with these standards, parking, and other Code requirements.
- (c) Off-Street Parking Requirement**

1 employee space plus each station shall require a stacking lane or designated parking spaces that will accommodate at least 3 cars. No parking spaces required for this use or another onsite use shall be used or eliminated in order to provide smog services.
- (d) Off-Street Loading Group**

None.

9. Vehicle/Equipment Auction

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		A	C	C	A	C	C					

- (a) Definition**

Auction of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance.
- (b) Standards**
 - (1) CC and CA Districts**

Vehicle auctions may only be permitted as an accessory use to vehicle/equipment sales establishments.
 - (2) IL and IG Districts**

All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- (c) Off-Street Parking Requirement**

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

Schedule “B” (Section 19.7.4.C.2)

(d) Off-Street Loading Group

None.

10. Vehicle Dispatch

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	C	C	C	

(a) **Definition**

An area or facility used for the dispatching of vehicles with the incidental storage of dispatch vehicles only.

(b) **Standards**

(1) No more than 2 dispatch vehicles may be stationed on-site in commercial or mixed-use districts. To station more than 2 dispatch vehicles requires approval of a Conditional Use Permit.

(2) In all districts, the screening or indoor storage of dispatch vehicles stationed on-site may be required as part of a Conditional Use Permit.

(c) **Off-Street Parking Requirement**

One space per employee, plus one space for each vehicle that is stationed at the facility.

(d) **Off-Street Loading Group**

Group One (Section 19.7.4.D)

11. Vehicle/Equipment Rental

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	A	C	C	A	P	C	C		C		A	

(a) **Definition**

Rental of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

(b) Standards

(1) All Districts

- i. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- ii. Required customer parking spaces shall not be used for vehicle/equipment rental display.

(2) CO, CT, and MR Districts

Freestanding vehicle/equipment rental uses are prohibited. Automobile and motorcycle rental uses may only be permitted as an accessory use to a hotel, motel, or parking structure.

(3) CC, CH, and MC Districts

The use is limited to the rental of automobiles and motorcycles only.

(c) Off-Street Parking Requirement

- (1)** Automobile and truck rental uses: 1 space per 400 square feet plus 1 space for each rental vehicle.
- (2)** All other rental uses: 1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

12. Vehicle/ Equipment Repair

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	S		S	S	S		C		C	

(a) Definition

Repair of automobiles, trucks, motorcycles, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts. This use type includes auto repair shops, body and fender shops, vehicle upholstery shops, wheel and brake shops, and tire sales and installation, but does not include vehicle dismantling or salvage and tire retreading or recapping.

(b) Standards

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- (1)** All Districts

 - i. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.
 - ii. Only one display rack of automobile products is allowed per street frontage, and such rack shall be no more than four feet wide and located within three feet of the principal building.
 - iii. Storage of unlicensed or inoperable vehicles shall be prohibited.
 - iv. Site Layout:

 - 1. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
 - 2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.
- (2)** CC and MC Districts

Body and fender shops are prohibited.
- (3)** CH and CA Districts

Body and fender shops shall obtain a conditional use permit.
- (4)** MC District

 - i. When located along Boulder Highway, bays may not face the public right-of-way unless there is an intervening building between the proposed use and the public right-of-way.
 - ii. Design of the drive-through facilities (including the drive lanes and stacking spaces) shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.
- (5)** MR District

 - i. Body and fender shops are prohibited.
 - ii. No building, structure, canopy, gasoline pump, or storage tank shall be located within 300 feet of a residential zoning district, unless otherwise approved through a conditional use permit.
 - iii. The following activities and equipment are permitted only within an enclosed building:

 - 1. Lubrication equipment;
 - 2. Motor vehicle washing equipment;

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- 3. Hydraulic hoists and pits; and
- 4. Tire repair and installation.
- iv. Bays shall not face a local, collector, or arterial street, but may face an alley or rear lot line.

(c) Off-Street Parking Requirement

See Schedule “B” (Section 19.7.4.C.2) plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

13. Vehicle Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	S	C	C		S		S	

(a) Definition

Sales of automobiles, motorcycles, trucks, or recreational vehicles, including incidental storage and incidental maintenance.

(b) Standards

(1) All Districts

Establishments engaged in the retail sale of used vehicles shall include at least one area for the display of vehicles for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use’s ability to comply with the standards in this Code.

(2) Commercial Districts

- i. New car sales are prohibited in all commercial districts except the CA district.
- ii. All such uses in the CA district shall comply with all District Specific Standards for the CA District. See Section 19.7.7.F.
- iii. In all commercial districts except the CO and CN districts, sale of used vehicles may be permitted with a conditional use permit, subject to the following standards:
 - 1. Vehicle display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all vehicle display and sales shall take place within an enclosed structure.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

2. Required customer parking spaces shall not be used for vehicle display.
3. Vehicle display shall not be located within required landscaping areas.
4. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.
5. A master sign plan shall be required, and banners, balloons, pennants, festoons, rooftop signs, or displays shall be prohibited.
6. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.

iv. IL and IG Districts

Sales of vehicles on lots in the IL and IG districts shall be limited to the following:

1. Used vehicle sales made between licensed dealers with no sales made directly to the general public.
2. Used vehicle sales as an accessory to an automobile dismantling/wrecking use.
3. Used vehicle sales as an accessory to an automobile salvage or towing use.
4. Sales of classic, custom, and antique vehicles provided vehicles are displayed and stored indoors.

v. MC and MR Districts

The use is limited to the sale of motorcycles or similar small vehicles. All storage, display, and sales shall be contained within an enclosed building.

(c) Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

14. Equipment Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C	C					

(a) Definition

Sales of all-terrain vehicles, boats, construction or agricultural equipment, and similar equipment, including incidental storage and incidental maintenance.

(b) Standards

(1) CC, CH, IL, and IG Districts

- i. Establishments engaged in the retail sale of equipment shall include at least one area for the display of equipment for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use’s ability to comply with the standards in this Code.
- ii. Sale of equipment may be permitted with a conditional use permit, subject to the following standards:
 - 1. Equipment display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all equipment display shall take place within an enclosed structure.
 - 2. Required customer parking spaces shall not be used for equipment display.
 - 3. Equipment display shall not be located within required landscaping areas.
 - 4. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.
 - 5. A master sign plan shall be required, and banners, balloons, pennants, festoons, rooftop signs, or displays shall be prohibited.
 - 6. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.II VEHICLE/EQUIPMENT SALES AND SERVICE

- (c) Off-Street Parking Requirement
1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

15. Vehicle Storage

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	C		S	C	C					

- (a) Definition
Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles.
- (b) Standards
 - (1) CC and CA Districts
Vehicular storage may only be permitted as an accessory use to vehicular sales establishments.
 - (2) CH District
Recreational vehicle storage is limited to lots in the CH district, and shall comply with the following standards:
 - i. Recreational vehicle storage uses shall obtain a conditional use permit; and
 - ii. Recreational vehicle storage shall take place within an enclosed structure, or screened from all offsite views by a solid, decorative, masonry wall of at least eight feet in height.
 - (3) IL and IG Districts
All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- (c) Off-Street Parking Requirement
Schedule “B” (Section 19.7.4.C.2)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.JJ VISITOR ACCOMMODATION

(d) Off-Street Loading Group

None.

JJ. VISITOR ACCOMMODATION

1. Hotel/Motel

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	P	P						P		P	

(a) Definition

- (1) “Hotel” means every building or other structure kept, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests on a less-than-weekly basis. Hotels must have a minimum of 90 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through a foyer and hallways. A hotel may also contain a restaurant and personal-service shops.
- (2) “Motel” means every building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms as sleeping accommodations offered at a daily rate to transient guests on a less-than-weekly basis where access to the rooms used for sleeping accommodations in a single or connected structure is through a foyer and enclosed hallways. A motel may also contain incidental food service.
- (3) This use category does not include bed-and-breakfast, residential hotel/motel uses, or hostel facilities.

(b) Standards

- (1) All Districts
Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.
- (2) CT District
Hotels and motels may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 0.75 space per guest room.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.JJ VISITOR ACCOMMODATION

- (d) Off-Street Loading Group
 - Group One (Section 19.7.4.D)

2. Resort Hotel

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					C		C	

(a) Definition

- (1) A building or group of buildings kept, used, maintained, advertised, and held out to the public to be a hotel or motel where sleeping accommodations are offered to transient guests, in which more than 200 rooms are used for sleeping accommodations, and the premises on which the building or group of buildings are located are a minimum of 25 acres or more, and that has a minimum of the following amenities, all of which are directly connected to the building or group of buildings upon the premises.
 - i. One main bar with more than 30 permanent seats wherein alcoholic liquors are dispensed by the drink to customers at such bar;
 - ii. One service bar wherein alcoholic liquors are prepared for service only at tables and not direct to customers at such bar;
 - iii. Entertainment that includes at least one of the following:
 - 1. One facility with at least 25 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artist) on a regularly scheduled basis or;
 - 2. One facility with at least 300 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artists) on a semi-regular basis (at least six times per year).
 - iv. One restaurant open for service to the public 24 hours per day, seven days per week, which is used, kept, maintained, advertised or held out to the public to be a place where meals are served and that has a seating capacity of more than 60 persons at one time at tables;
 - v. Room service to all rooms including, without limitation, service of meals;
 - vi. A recreational facility that includes at least one of the following:

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.JJ VISITOR ACCOMMODATION

1. Four regulation tennis courts with locker rooms and attendant facilities;
2. One swimming pool that is swimmable and adequate in relationship to the size of the resort hotel as approved by the City Council;
3. One regular golf course consisting of at least nine holes comprising at least 50 acres;
4. One gymnasium with dimensions of at least 40 feet in width, 60 feet in length, and 20 feet in height and equipped with exercise equipment.

(2) When determining whether a particular applicant complies with the resort hotel definition, the City Council may consider: (1) the physical layout of buildings and facilities, (2) the unity of title and ownership of the buildings or group of buildings, (3) the operation and management relationship of gaming to hotel administration, and (4) the proximity of the proposed resort hotel to residential development.

(3) When determining whether a particular applicant complies with the requirement of the resort hotel definition that the premises on which the building or group of buildings are located are a minimum of 25 acres or more, the City Council may exempt from this requirement those premises within a master-planned development provided that all other requirements of the resort hotel definition shall continue to apply to the particular applicant.

(b) Standards

Resort hotels shall comply with all applicable standards in Title 4.32 of the HMC and this Code.

(c) Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Time-Share Project

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					C		C	

(a) Definition

A project or building in which a purchaser receives the right, for a specified duration, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room,

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.5 COMMERCIAL USES | 19.5.5.JJ VISITOR ACCOMMODATION

or segment of real property. This right of use or occupancy may be annually or on some other seasonal or periodic basis. This use type may include time-share estates, interval ownership establishments, vacation licenses or leases, club membership, time-share uses, and hotel/condominium structures operating on a time-share basis.

(b) Standards

(1) CT District

- i. Time-shares may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses are increased by at least one foot for each one foot increase in height above 100 feet.
- ii. Such uses are allowed only as part of a mixed-use project, shall obtain a conditional use permit, and shall comply with the following standards:
 - 1. All time-share units must be affiliated with and located within a resort complex containing at least one hotel with 200 rooms or more.
 - 2. No time-share unit shall serve as a primary residence.
 - 3. Conversion of one or more individual time-share units to permanent residential use is prohibited unless all time-share units are being converted and the project complies with all the use-specific standards for multifamily development.

(2) MC and MR Districts

- i. No time-share unit shall serve as a primary residence.
- ii. Conversion of one or more individual time-share units to permanent residential use is prohibited unless all time-share units are being converted and the project complies with all the use-specific standards for multifamily development.

(c) Off-Street Parking Requirement

1 space for each time-share unit plus 10 spaces for each 1,000 square feet of accessory uses.

(d) Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.A GENERAL STANDARDS FOR ALL INDUSTRIAL USES

KK. WEDDING CHAPEL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		P	P	P					P	C	P	

1. Definition

Establishments performing marriage or wedding services for a fee. This use type does not include religious assembly uses.

2. Off-Street Parking Requirement

Nonresidential districts: 1 space per 60 square feet of seating area.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.6. INDUSTRIAL USES

A. GENERAL STANDARDS FOR ALL INDUSTRIAL USES

1. Prohibited Industrial Uses

The following uses are specifically prohibited in all industrial zoning districts, unless otherwise noted:

(a) Feedlots

(b) Petroleum and Coal Products Manufacturing

All establishments falling within North American Industry Classification System (NAICS) Major Group 3241, Petroleum and Coal Products Manufacturing, as identified in the 2007 U.S. NAICS Manual.

(c) Primary Metal Manufacturing

All establishments falling within NAICS Major Group 331, Primary Metal Manufacturing, as identified in the 2007 U.S. NAICS Manual.

(d) Fabricated Metal Product Manufacturing

All establishments falling within NAICS Major Group 332, Fabricated Metal Product Manufacturing, as identified in the 2007 U.S. NAICS Manual. Uses within this category may be considered through a Conditional Use Permit if the use(s) is operated in a way that would not cause safety or environmental concerns as determined by the Community Development and Services Director through the Development Review Committee.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.B COGENERATION FACILITY

(e) Electric Power Generation Facilities

All electric power generation facilities falling within NAICS Major Groups 221111, Hydro Electric Power Generation, 221112, Fossil Fuel Electric Power Generation, 221113, Nuclear Electric Power Generation, and 221119, Other Electric Power Generation, as identified in the 2007 U.S. NAICS Manual, but not including cogeneration facilities.

(f) Natural Gas Distribution

All establishments falling within NAICS Major Group 22210, Natural Gas Distribution, as identified in the 2007 U.S. NAICS Manual.

(g) Animal Slaughtering and Processing

All establishments falling within NAICS Major Groups 311611, Animal (except Poultry) Slaughtering, 311615, Poultry Processing, 311999, All Other Miscellaneous Food Processing, and 311613, Rendering and Meat Byproduct Processing, as identified in the 2007 U.S. NAICS Manual.

(h) Seafood Processing

All establishments falling within NAICS Major Groups 311711, Seafood Canning, and 311712, Fresh and Frozen Seafood Processing, as identified in the 2007 U.S. NAICS Manual.

B. COGENERATION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

1. Definition

A facility for the simultaneous production of useful thermal energy and electricity from the same fuel source.

2. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

3. Off-Street Loading Group

None.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.C COMMERCIAL LAUNDRY

C. COMMERCIAL LAUNDRY

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P	P					

(a) Definition

A business that launders and dry cleans clothing and other fabric articles in bulk quantities. The term includes cleaning services for hospitals, restaurants, hotels, and similar clients, as well as rug and dry-cleaning plants.

(b) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C				P	P					

(a) Definition

A “limited” commercial laundry is a business that launders clothing and other fabric articles in bulk quantities. This use type does not include dry cleaning.

(b) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.E CONCRETE PRODUCT PRODUCTION

D. COMMUNICATION FACILITIES

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P	P	P				

1. Definition

Broadcasting, recording, and other communication services accomplished through electronic mechanisms, but excluding Utilities, Major. This classification includes radio, television, or recording studios, telephone switching centers, telegraph offices, and similar uses within an enclosed building. This classification excludes communication towers and other large outdoor communication facility equipment.

2. Off-Street Parking Requirement

1 space per 500 square feet (Manned Facility)

3. Off-Street Loading Requirement

Group Two (Section 19.7.4.D)

E. CONCRETE PRODUCT PRODUCTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

1. Definition

Establishments that produce concrete products from raw materials on site, including concrete blocks, cinder blocks, and similar products. These use types often include stockpiling of raw materials and storage of products produced on site (including concrete ready-mix plants).

2. Standards

- (a) Conditions may be imposed to ensure that fugitive dust, mud on adjacent roads, and other external environmental impacts are controlled.
- (b) All finished concrete products shall be stored indoors or screened from view from neighboring properties and all public rights-of-way.

3. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

CHAPTER 19.5: USE REGULATIONS
SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.G INDUSTRY

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

F. CONSTRUCTION STORAGE YARD

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	C				

1. Definition

A facility utilized for the storage of vehicles, equipment, and materials utilized in the construction industry.

2. Standards

- (a) All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- (b) No pile of raw material stockpiled outdoors shall exceed eight feet in height, unless approved by a conditional use permit.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

G. INDUSTRY

1. Custom

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Establishments primarily engaged in onsite production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.G INDUSTRY

- (b) Standards**
 - (1)** Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, Hazardous Materials Storage.
 - (2)** All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- (c) Off-Street Parking Requirement**
Schedule “B” (Section 19.7.4.C.2)
- (d) Off-Street Loading Group**
Group One (Section 19.7.4.D)

2. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	C				

- (a) Definition**
Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involve a high incidence of truck or rail traffic, and outdoor storage. This use type includes such items as food processing and packaging and stonework. This use type does not include noxious industrial uses, such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries.
- (b) Standards**
 - (1) All Districts**
 - i.** Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, Hazardous Materials Storage.
 - ii.** All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.G INDUSTRY

(2) IL District

General warehousing is allowed; all other general industry uses require a conditional use permit. All warehousing and manufacturing processes shall be conducted within a totally enclosed building.

(3) IP District

General warehousing is allowed; all other general industry uses require a conditional use permit. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Provision of limited industrial services including manufacturing of finished parts or products, primarily from previously prepared materials, within an enclosed building. This use type includes laboratories, printing, processing, fabrication, assembly, treatment, and packaging, custom bookbinding, ceramic studios, candle-making shops, and custom-jewelry manufacture, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.

(b) Standards

Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*. All limited industry uses shall comply with the following:

- (1)** Any single piece of mechanical equipment associated with the manufacturing process shall not exceed a maximum of two horsepower.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.G INDUSTRY

- (2) Such uses are limited to a single kiln with a maximum power usage of eight kilowatts or less.
- (3) Incidental direct sale to consumers shall be limited to only those goods produced onsite.
- (c) Off-Street Parking Requirement
Schedule “B” (Section 19.7.4.C.2)
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

4. Research and Development

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	C	S			S	S	S				

- (a) Definition
Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Community Development and Services Director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and non-toxic computer component manufacturers.
- (b) Standards
Uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.
- (c) Off-Street Parking Requirement
1 space per 400 square feet.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.I MAINTENANCE AND SERVICE FACILITY

H. JUNKYARD

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C					

1. Definition

Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk or junk vehicles.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

I. MAINTENANCE AND SERVICE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			C	S					

1. Definition

Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.J MINING AND PROCESSING

landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

J. MINING AND PROCESSING

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

(a) Definition

Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.

(b) Off-Street Parking Requirement

Schedule “C” (Section 19.7.4.C.3)

(c) Off-Street Loading Group

None.

2. Short Term

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

(a) Definition

Places or plants in place for more than two days but less than 18 months primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oils, or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.K RECYCLING

crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.

(b) Standards

- (1)** The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be ½ mile (2,640 feet). The only exceptions to this distance requirement shall be for temporary mining and processing equipment as described in Section 19.5.8.D.4 or by approval of a variance. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the ½ mile distance, the facility shall be allowed to continue operation until the end of the approved time limit stipulated by the conditions of the use permit or as stipulated by the conditions on any extensions of time for the use permit.
- (2)** All applicants shall provide documentation of the existing distance between a short-term mining and processing facility and any existing, occupied, residential dwelling units. Such documentation shall be provided at the time a use permit application is submitted to the Henderson Community Development Department for processing.

(c) Off-Street Parking Requirement

1 space per employee plus 1 space per facility vehicle.

(d) Off-Street Loading Group

None.

K. RECYCLING

1. Recycling Drop-off Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S			S	S	S				

(a) Definition

A collection site for the acceptance or purchase of recyclable material from the public.

(b) Standards

- (1) All Districts**
 - i.** A facility will be reviewed and approved in accordance with the design review procedures.
 - ii.** Power-driven processing equipment and collection vehicles are prohibited.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.K RECYCLING

- iii. The facility shall be no larger than 3,000 square feet in size.
- iv. Storage of recyclable materials, bins, boxes, and/or containers shall be within an enclosed building.
- v. Recycling Drop-Off Center establishment's hours of operation shall be limited from 8:00 a.m. to 10:00 p.m., or as approved through a conditional use permit.
- vi. The facility shall comply with 19.7.8.H, *Odors*, and no noxious odor for the subject use shall be detectable beyond property lines.
- vii. Noise levels produced by the activities at the facility shall comply with 19.7.8.G, *Noise*.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2) and queuing/stacking spaces.

(d) Off-Street Loading Group

Minimum of one Type 'A' space per 19.7.4.D but additional spaces may be required during the design review process depending on the operation of the center.

2. Recycling Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

Facility which collects, processes, repackages, and markets recyclable materials' eventual reuse in new products. Processing of recyclable materials includes, but is not limited to, bailing, compacting, flattening, crushing, shredding, cleaning, and any other mechanical sorting.

(b) Standards

(1) All Districts

- i. Recycling Center establishment hours of operation shall be between the hours of 7:00 a.m. and 10:00 p.m. Facilities located within 500 feet of a parcel of land with a residential land use category as designated by the Comprehensive Plan shall be permitted to operate only during the hours between 9:00 a.m. to 7:00 p.m. The hours of operation may be modified through the conditional use permit.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.K RECYCLING

- ii. The storage of materials on the bare ground is prohibited. Storage of recyclable materials shall be in bins, boxes, containers, and/or on an impervious surface.
 - iii. Hazardous, prohibited, and putrescible waste as identified by the Southern Nevada Health District shall not be accepted at this facility.
 - iv. No dust shall be detectable beyond the property lines for the facility.
 - v. The facility shall comply with the 19.7.8.H, *Odors*, and no noxious odor, fumes, or smoke for the subject use shall be detectable beyond property lines.
 - vi. Applicants shall provide documentation of the *proposed* haul routes to and from the recycling center at time of submittal to the City. Haul routes shall be approved by the Community and Services Development and Public Works Parks and Recreation Directors. A traffic study may be required by the Public Works Parks and Recreation Director.
 - vii. The applicant shall demonstrate the following:
 - 1. The use meets the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City
 - 2. The use may be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as outlined in the Comprehensive Plan.
 - 3. The site is physically suitable for the type and intensity of land use being proposed.
 - 4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.
 - viii. Noise levels produced by the activities at the facility shall comply with 19.7.8.G, *Noise*.
 - ix. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- (c) Off-Street Parking Requirement
Schedule “B” (Section 19.7.4.C.2) and queuing/stacking spaces.
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.L WAREHOUSING AND/OR STORAGE YARD

L. WAREHOUSING AND/OR STORAGE YARD

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	S				

(a) Definition

A building or tract of land used primarily for the storage of goods and materials including tank storage, commodity warehouses, refrigerated warehouses, and general merchandise warehouses.

(b) Standards

(1) All Districts

- i. All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- ii. Warehousing and storage yards storing hazardous materials shall comply with the standards in Section 19.7.8.D, Hazardous Materials Storage.

(2) IL District

General warehousing and the manufacture of products from raw materials may be permitted with a conditional use permit. Unless otherwise specified in the IL (limited industry) use classifications, no other general industry uses are allowed. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(3) IP District

General warehousing and the manufacture of products from raw materials are permitted. Unless otherwise specified in the industrial park classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.L WAREHOUSING AND/OR STORAGE YARD

totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, must be within a totally enclosed building. Vehicles used for transporting and warehoused or manufactured products shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening

- (c) Off-Street Parking Requirement
Schedule "B" (Section 19.7.4.C.2)
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	C				

- (a) Definition
Structures of 5,000 square feet or less that provide storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This use type does not include wholesaling, distribution, and storage, mini-storage, and vehicle storage uses.
- (b) Standards
Limited warehousing and storage use storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.
- (c) Off-Street Parking Requirement
Schedule "B" (Section 19.7.4.C.2)
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.M WHOLESALING, DISTRIBUTION, AND STORAGE

M. WHOLESALING, DISTRIBUTION, AND STORAGE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Establishments primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers.

(b) Standards

(1) All Districts

All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IL District

All wholesaling and distribution functions shall take place within an enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(3) IP District

All wholesaling, distribution, and storage shall take place within an enclosed building. Vehicles used for transporting and warehoused or manufactured products and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.6 INDUSTRIAL USES | 19.5.6.M WHOLESALING, DISTRIBUTION, AND STORAGE

- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

2. Small-Scale

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			P	P	P				

- (a) Definition
Establishments of 5,000 square feet or less primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers, and having no more than two docks or service bays.
- (b) Off-Street Parking Requirement
Schedule “B” (Section 19.7.4.C.2)
- (c) Off-Street Loading Group
Group One (Section 19.7.4.D)

3. Trucking Terminal

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	P	S				

- (a) Definition
Storage and distribution facilities having more than six heavy trucks on the premises. This use type does not include trucking accessory to limited or general industry uses. For purposes of this definition, a “heavy truck” is one with a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds.
- (b) Standards
 - (1) IL District
All wholesaling and distribution must be conducted within a totally enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.B APPROVAL PROCEDURE

berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IP District

All wholesaling, distribution, and storage of materials and equipment, except vehicles used for transporting the warehoused products, shall be conducted within a totally enclosed building. Vehicles used for transporting the warehoused products shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.7. ACCESSORY USES AND STRUCTURES

A. PURPOSE

This subsection authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow a range of accessory uses, provided they:

1. Are located on the same site as the principal use;
2. Comply with the standards set forth in this subsection; and
3. Do not create adverse impacts on surrounding lots or sites.

B. APPROVAL PROCEDURE

1. Generally

Any principal use listed in Sections 19.5.3 through 19.5.6, or any of the accessory uses identified in this Section 19.5.7, may be allowed as accessory to an authorized principal use provided that:

- (a)** The proposed accessory use is allowed in the base district or overlay district where proposed; and
- (b)** The proposed accessory use or structure is consistent with the general and specific standards for accessory uses in this subsection.

2. Subsequent to a Principal Use

- (a)** Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed subsequent to a principal use. Freestanding accessory structures of 120 square feet or less are exempted from the building permit requirement unless a mechanical or electrical permit is required.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.C GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

- (b) The Community Development and Services Director may also require design review (Section 19.6.6.B) to ensure compliance with the requirements of this subsection and other parts of the Code.

C. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. Use-Specific Standards

Unless otherwise provided in this Code, an accessory use or structure is subject to all regulations applicable to the principal structure on the site.

2. Size

All accessory uses and structures shall:

- (a) Be clearly subordinate in area, extent, and purpose to the principal use or structure;
- (b) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure; and
- (c) In a commercial district, not exceed 14 feet in height at the property line when the accessory structure is located on the property line.

3. Function

All accessory uses and structures shall directly serve the principal use or structure, and be accessory and clearly incidental to the principal use or structure.

4. Timing

Except for temporary construction trailers, accessory uses and structures shall not be constructed or established prior to the start of construction of the principal use or structure.

5. Location

Accessory uses or structures shall be located on the same lot as the principal use or structure and shall comply with the following requirements:

- (a) Accessory structures shall not be located within platted or recorded easements or over underground utilities.
- (b) An accessory structure in a required interior side yard shall be a minimum of five feet from the side property line or located on the property line under certain conditions; and in a required rear yard shall be a minimum five feet from the rear property line or located on the property line under certain conditions. Structures located five feet or less from the property line require walls and eaves to have no penetrations or openings and have a minimum one-hour fire rating, in accordance with the International Building Code.
- (c) For nonresidential or mixed-use developments, the location of accessory structures shall comply with Section 19.7.6.D.6, Residential Compatibility Standards.

6. Design Compatibility

- (a) Except where exempted, all accessory structures shall be designed to be aesthetically compatible with the principal structure and the neighborhood character. Compatibility shall be measured in terms of building materials, building

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.C GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

orientation, building placement, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 300 square feet or less are exempted from this compatibility requirement.

- (b) Applicants for accessory structures not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse impacts on neighboring properties. This review shall be in accordance with the design review process.
- (c) A storage/shipping container may be allowed as an accessory structure in the RS-1, RS-2, and DH districts in conjunction with an approved primary use. Containers must comply with accessory uses and structure standards. Containers shall not be stacked.

7. Ownership

Accessory uses or structures shall be owned or operated by the same person as the principal use or structure.

8. Residential Districts

In addition to complying with all standards in subsections 1 through 7 above, accessory uses and structures in residential districts shall comply with the following:

(a) Size

Except for accessory dwelling units, the total combined floor area of all detached accessory structures shall not exceed ten percent of the lot size or 50 percent of the floor area of the principal structure, whichever is greater.

(b) Location

(1) Detached accessory structures larger than 120 square feet shall:

- i. Be separated from all other buildings by at least six feet;
- ii. Not be located within a required front or corner side yard setback; and
- iii. Not project beyond the front building line of the principal structure. See Figure 19.5.7-A.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.C GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

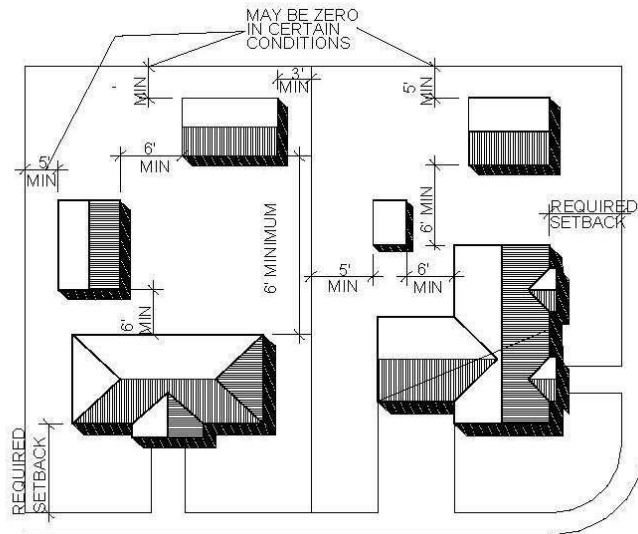


Figure 19.57-A: Accessory Structure Setbacks

(2) Any accessory structure constructed closer than six feet to a principal residential structure, located in the front or corner side yard, or located projecting beyond the front building line of the principal structure, must be attached to the principal structure.

- i. Once attached, the accessory structure is no longer considered accessory, but rather a part of the principal structure and must be designed with the same wall and window materials as the principal structure with the connecting wall being of a height equal to the top-plate height of either the accessory structure or the principal structure.
- ii. If the accessory structure is connected to the principal structure by a roof, it must have its roof slope and roofing materials identical to the principal structure. The connecting roof shall be a minimum of ten feet wide or the width of the accessory structure, whichever is less.
- iii. For setback purposes, the attached buildings (accessory or principal) shall be treated as a single structure.
- iv. This restriction is intended to be applied to buildings such as casitas, garages, and sheds that are enclosed. This restriction does not apply to residential patio covers, carports, or similar open shade structures.

(c) Function

Except for accessory dwelling units, accessory structures shall not include more than three plumbing fixtures unless more are approved during the design review process (see Section 19.6.6.B). Any three of the following fixtures may be used in combination provided any single fixture is not duplicated: sink, toilet, shower, bathtub or combination bathtub/shower fixture, or washing machine connections.

(d) Height and Roof Form

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

- (1) Except in the RMH district, accessory structures shall be limited to a maximum height of 24 feet if roof is pitched and 20 feet if the roof is flat unless exempted from the height requirements in this Code. See Figure 19.5.7-B.
- (2) Accessory structures within the RMH district shall be limited to a maximum height of 15 feet, except that the maximum height may be increased up to 30 feet from the finished grade for recreational facilities.

D. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

The following use types may be permitted as accessory uses to a lawfully established principal use.

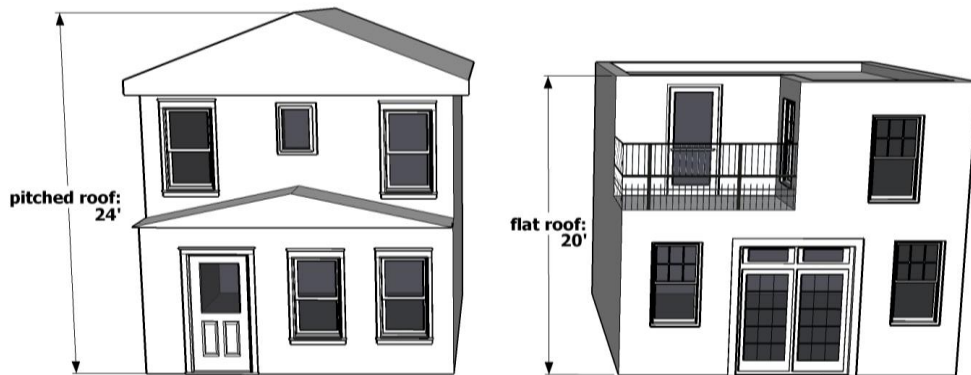
1. Barns, Stables, and Corrals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A										A	
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Standards

- (1) Stables, barns, corrals, paddocks, or other approved fenced enclosures

Figure 19.5.7-B: A



Accessory Structure Height

shall be in a rear or side yard a minimum of 75 feet from the front property line.

- (2) Corrals or other approved enclosures for the keeping of equine, bovines, or livestock shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bibb within ten feet of the fenced enclosure.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

- (3) Stables and barns shall be setback a minimum of 30 feet from any adjacent primary residential dwelling.

2. Carports and Garages

(a) Standards

Any garage or other accessory building used or intended for use as vehicle storage shall maintain a minimum distance of 20 linear feet or more from the right-of-way to the vehicle-entry point into the structure, unless otherwise permitted in Section 19.7.4, *Parking and Loading*, or Section 19.7.6.B, *Single-Family Residential Design Standards*.

3. Caretaker’s Quarters

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A							

(a) Definition

Accessory housing for an employee acting as caretaker, custodian, or security personnel for principal use on the same property.

(b) Standards

- (1) The living area of caretaker’s quarters shall not exceed 800 square feet of net interior floor area.
- (2) Caretaker’s or resident manager’s quarters associated with a mini-storage use shall comply with the standards in Section 19.5.5.Y, *Mini-Storage Facility*.

(c) Off-Street Parking Requirement

1 parking space per unit.

4. Drive-Through/Drop-Off Window Uses

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S	S	S				S	S	S	

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

(a) Definition

An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

(b) Standards

This is an accessory use to the primary use of the building/tenant space where it is located. These standards are to be used for a use not specifically listed in the use section that includes a drive-through facility. The proposed drive-through must be approved by the Community Development and Services Director through design review process.

(1) All Districts

- i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan is located between the drive-through service and the residential district boundary.
- ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

- i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.
- ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

- (4)** MN District

 - i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).
 - ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

- (5)** MR District

 - i. A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.
 - ii. Stacking Space Requirement: Vehicle stacking spaces required by Section 19.7.4.H for the most similar use as determined by the Community Development and Services Director.

5. Home Occupations

- (a)** Definition

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building. This does not include live/work dwellings.

- (b)** Where Authorized

A home occupation is permitted as an accessory use in all districts that allow residential uses.

- (c)** Standards

Home occupations shall comply with the following standards.

 - (1)** Size/Area

A home occupation shall occupy no more than 20 percent of the building floor area, excluding garage space.

 - (2)** Employees

No one other than a resident of the dwelling shall be employed onsite or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.

 - (3)** Operational

 - i. There shall be no stock-in-trade other than items that are used for product demonstration or samples or products fabricated by artists or artisans.
 - ii. A home occupation shall be conducted entirely within a portion of a building, not within a required parking area.
 - iii. No home occupation may have customers or clients come to the home except by prior appointment, and no more than three customers or clients per hour are allowed.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

- iv. There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.
- v. No kilns exceeding ten cubic feet in size shall be permitted, and a home occupation shall comply with the performance standards in Section 19.7.8. There shall be no electrical or mechanical equipment not normally found in a residential structure.
- vi. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district.

(4) Exterior Appearance and Outdoor Storage

- i. No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed.
- ii. No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.

(5) Parking/Vehicles/Traffic

Not more than one truck or vehicle incidental to a home occupation shall be kept on the site or on any adjacent street. Commercial vehicles as defined by this Code are not permitted.

(d) Prohibited Home Occupations

- (1) No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards, the storage of hazardous materials, or any other nuisance to a greater degree than normally experienced in the district in which the permit is granted.
- (2) The following uses and activities shall not be conducted as a home occupation:
 - i. Vehicle/Equipment repair;
 - ii. Beauty or barber shop; or
 - iii. Restaurants.
- (3) No home occupation shall be allowed that is prohibited by the City of Henderson Building Code.

(e) Revocation

In cases where the use is not operated in accordance with these standards, authorization to operate a home occupation shall be revoked after 30 days written notice, unless the home occupation is altered to comply.

(f) Appeal

Decisions of the Community Development and Services Director regarding home occupations may be appealed by the applicant or owners of property located within 300 feet of the proposed home occupation in accordance with the procedure established in Section 19.6.9.E, *Appeals*.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

6. Outdoor Display/Sale

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A		A	A	A	A	A	A		A	A	A	

(a) Definition

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

(b) Standards

Outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

- (1)** Outdoor display/sales activities shall be limited to the CN, CC, CT, CH, CA, IL, IG, and mixed-use districts;
- (2)** Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;
- (3)** Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;
- (4)** Display/sales areas shall not exceed eight feet in height;
- (5)** Such uses shall take place on an improved surface such as paved area; and
- (6)** Display/sales areas shall not be located within landscaped areas.

These standards shall not apply to establishments engaged in the sale or rental of vehicles or equipment.

7. Parking/Storage of a Commercial Vehicle

Standards

Parking or storage of a commercial vehicle (as defined in this Code) overnight shall be prohibited within any residential base zoning district. This provision shall not be construed to prohibit temporary parking of a moving van, vehicle making a delivery, or vehicle used in making repairs provided all activity associated with the commercial vehicle (e.g., loading/unloading/repairs) is actually occurring.

8. Outdoor Seating/Outdoor Food Service

Standards

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

(a) CC, CO, CH, CT, IP, PS, and Mixed-Use Districts

A principal use may, with approval of the Community Development and Services Director, provide outdoor seating and outdoor food service on the site of the principal use at tables provided by the establishment for the use of their customers. When food service is provided, it shall be provided by employees of the establishment. In approving outdoor seating and outdoor food service, the Community Development and Services Director shall be authorized to impose conditions relating to the location, configuration, and operational aspects (such as visual screening, lighting, litter control, and hours of operation) of such outdoor seating and outdoor food service areas to ensure that such area is compatible with surrounding uses and maintained in an attractive manner.

(b) DP District

Outdoor seating areas and outdoor food service may be permitted as an accessory use to an eating and drinking establishment in accordance with the following standards:

- (1)** Such uses may be located adjacent to the main building or the curb provided a five-foot-wide unobstructed pedestrian pathway is maintained.
- (2)** Outdoor seating areas wider than one table shall be surrounded by railings that complement the architectural style of the building, subject to design review approval.
- (3)** Flower boxes and other decorative elements may be attached to railings or located on the sidewalk provided they do not interfere with the required pedestrian pathway.
- (4)** Umbrellas shall be secured so as not to create a hazard in windy conditions.
- (5)** Furnishings shall be compatible with the overall design of the building and should express the restaurant’s theme or image.

9. Wind Energy System

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A	A	A	A	A	A	A	

(a) Definition

A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics mounted to a tower or building that has a rated capacity of not more than 10 kilowatts (kW) for residential use or 100 kilowatts (kW) for nonresidential uses and that is intended to primarily reduce on-site consumption of utility power.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

(b) Standards

(1) RS-1 and RS-2 Districts

A Conditional Use Permit is required for all freestanding wind energy systems. Wind energy systems mounted to buildings require a Design Review and may be approved administratively.

(2) RS-4, RS-6, RS-8, RM-10, RM-16, RH-24, and RMH Districts

Freestanding wind energy systems are not permitted. All wind energy systems must be mounted to buildings. A Design Review is required and may be approved administratively.

(3) All Other Districts

All wind energy systems shall require a design review and may be approved administratively.

(4) Location

In single-family residential areas, wind energy systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, wind energy systems shall be integrated into the design and architecture of accessory structures or used as decorative elements if placed between a principal structure and the public right-of-way.

(5) Setback

- i. No part of the wind energy system structure, including guy wire anchors, shall be located within five feet of adjacent property lines or ten feet of other structures. Electrical equipment may encroach into these setbacks if it complies with Section 19.7.5.H, Mechanical Equipment Screening.
- ii. When adjacent to residentially zoned property, all parts of a freestanding wind energy system shall be setback a minimum distance equal to its total extended height.

(6) Height

- i. For residential properties subject to subsection (1) above, freestanding tower height shall be determined through the Conditional Use Permit.
- ii. The maximum height of wind energy systems attached to buildings located within all residential zoning districts shall not exceed ten feet above the maximum height permitted within the zoning district, unless additional height is approved through a conditional use permit.
- iii. For nonresidential, mixed use, and residential districts not listed in subsection (1) above, the maximum allowable height shall be 70 feet. Requests for additional height shall be subject to approval of a conditional use permit.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

(7) Noise

Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall comply with Section 19.7.8.G, *Noise*. The maximum noise level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

(8) Appearance, Color, and Finish

- i. When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.
- ii. When mounted to a tower outside of residentially zoned districts, wind energy systems shall either be designed to blend or complement the color of the site on which it is located or be used as a decorative feature.
- iii. The appearance of all wind energy systems shall be subject to approval by the Community Development and Services Director.

(9) Clearance

The blade tip or vane of any wind energy system shall have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways, or sidewalks.

(10) Signage

All signs on a wind generator, tower, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

(11) Lighting

No illumination of the turbine or tower shall be allowed unless required by the FAA.

(12) Access

Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.

(13) Compliance with FAA Regulations

Wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

(14) Utility Notification

No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(15) Abandonment

If a wind turbine is inoperable for six consecutive months the owner shall, within six months of receiving a notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the tower, the Community Development and Services Director may pursue legal action to have the wind energy system removed at the owner's expense.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

10. Solar Collection System

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A	A	A	A	A	A	A	

(a) Definition

Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

(b) Standards

(1) Setbacks, Location, and Height

- i. In single-family residential areas, solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and architecture of accessory structures if placed between a principal structure and the public right-of-way.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.7 ACCESSORY USES AND STRUCTURES | 19.5.7.D STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

- ii. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-family residential areas, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.
- iii. In single-family residential areas, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the primary structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.
- iv. Restrictions regarding placement and location shall comply with all applicable state laws, including NRS 111.239.

(2) Appearance

- i. A structure-mounted solar collection system that is visible from a single-family residential area or public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.
- ii. Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a solar collection system shall comply with Section 19.7.5.H, *Mechanical Equipment Screening*.

(3) Code Compliance

Solar collection systems shall comply with all applicable building and electrical codes contained in Title 15 of the Municipal Code, *Buildings and Construction*.

(4) Solar Easements

A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the County Recorder.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

11. Swimming Pools and Hot Tubs

Standards

Swimming pools, spas, and hot tubs shall be secured by protective barriers and constructed in accordance with the International Building Code.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.C GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

12. Vending Machines

Standards

Internally illuminated vending machines within a residential district or within 300 linear feet of a residential district shall be screened from view from all streets.

19.5.8. TEMPORARY USES AND STRUCTURES

A. PURPOSE

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

B. APPROVAL PROCEDURE

Any use listed in this Section 19.5.8 may be permitted as a temporary use provided:

1. If applicable, the proposed temporary use obtains a temporary use permit in accordance with the requirements in Section 19.6.6.D, Temporary Use Permits; and
2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this subsection.
3. Temporary uses permitted for a period exceeding 30 days or otherwise limited for the specific use shall require approval of a conditional use permit in accordance with Section 19.6.6.A, Conditional Use Permits.
4. The Community Development and Services Director may also require design review (Section 19.6.6.B) to ensure compliance with the requirements of this subsection.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses, structures, or events shall:

1. Obtain a temporary use permit (Section 19.6.6.D), as appropriate;
2. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
3. Be compatible with the principal uses taking place on the site;
4. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
5. Not include permanent alterations to the site;
6. Not maintain temporary signs associated with the use or structure after the activity ends;
7. Not violate the applicable conditions of approval that apply to a site or use on the site;
8. Not interfere with the normal operations of any permanent use located on the property; and

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

- 9. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

D. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

“T” in a table cell indicates that the temporary use and/or structure is allowed in the respective district subject to approval of a temporary use permit. “P” indicates that the temporary use and/or structure is allowed in the respective district by right.

1. Circuses and Carnivals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T		T	T	T					T	T	T	

(a) Definition

Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure.

(b) Standards

Circuses and carnivals shall be limited to a maximum of seven days per occurrence.

2. Commercial Filming, Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(a) Definition

A temporary use involving commercial motion picture or video photography at the same location for six or fewer days per quarter of a calendar year.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

3. Holiday Events and Sales/Rental

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T		T	T	T	T	T	T	T	T	T	T	

(a) Definition

Retail sales or rental of goods and products, or activities associated with nationally recognized holidays including but not limited to haunted houses, pumpkin sales, and holiday tree sales, which are not associated with a primary business on the subject site. Merchandise is typically displayed outside, and the use is seasonal or temporary in nature.

(b) Standards

- (1)** Such sales, when located outdoors, shall take place only on fully improved, paved lots with a lawfully established principal use, unless otherwise approved by the City.
- (2)** A temporary use permit is not required for a lawfully established principal use to sell holiday merchandise on-site during normal business hours, so long as the holiday merchandise is of a nature typically sold by the business year-round.

4. Mining and Processing, Temporary

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses are rock-crushing and power-screening facilities.

(b) Purpose

The intent of this subsection is to permit certain self-propelled material processing equipment to operate on construction sites for a short time, generally limited to no more than two days, to allow certain site cleanup and materials processing

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

activities without meeting the distance and conditional use permit requirements imposed on standard rock-crushing operations.

(c) Standards

Temporary mining and processing equipment shall comply with the following standards:

- (1)** Temporary mining and processing shall not take place for a period exceeding 48 hours. Material processing equipment must not be operated in a stationary position for more than two calendar days.
- (2)** Processing equipment shall be self-propelled by means of its own on-board engine.
- (3)** Processing equipment must have a self-contained watering system of sufficient size and design to control dust, and shall be used continuously while the equipment is in operation.
- (4)** Materials for processing or having been processed shall not be stacked more than ten feet in height.
- (5)** Processed materials shall remain on the site where processed, and shall not be moved more than 1,000 feet from their source or origin.
- (6)** Materials for processing shall not be imported to the site from another site.

5. Storage/Shipping Containers

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T		T	T	

(a) Definition

Standardized, reusable shipping vessels used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis for movement by truck trailer or loaded on a ship (also referred to as cargo containers, freight containers, or sea vans). This definition includes portable storage units.

(b) Standards

Temporary storage/shipping containers may be permitted as a temporary use in accordance with the following standards:

- (1) Nonresidential Districts**
 - i.** Temporary storage/shipping containers are permitted without a temporary use permit on construction sites with a valid building

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

permit provided the containers are not stacked, and provided the containers are removed following completion or expiration of all construction permits.

- ii. Storage/shipping containers may be located within City-approved outdoor storage yards provided the containers are not stacked. No conditional use permit shall be required.
- iii. Temporary storage/shipping containers may be permitted as a temporary use for a maximum period of three months per site per year.
- iv. Temporary storage/shipping containers shall not be stacked.

(2) Residential Districts

- i. Temporary storage containers may be utilized by a residential use on its own lot for a period of up to two weeks without a temporary use permit (Section 19.6.6.D). Use of a temporary storage container for a period longer than two weeks shall require a temporary use permit.
- ii. Use of a temporary storage container for a period exceeding 30 days shall require a conditional use permit (Section 19.6.6.A).
- iii. A maximum of one temporary storage/shipping container may be permitted as a temporary use on a lot in a residential district with a principal structure for a maximum of three occurrences per site per year.
- iv. Temporary storage/shipping containers must be located on an improved surface such as a parking or paved area and at least five feet from any lot line.
- v. Storage containers may not be stacked.

6. Street Fairs

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T				T	T	T	

(a) Definition

Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

7. Temporary Construction Trailer

(a) Onsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(b) Offsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(c) Definition

A temporary portable unit for construction office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(d) Standards

The owner of a construction project may utilize a temporary office for use by construction and security personnel in accordance with the following standards:

- (1) The temporary trailer is permitted by right if located on the site of the construction activity. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.
- (2) The temporary trailer shall not be located within 25 feet of any residential use.
- (3) The sanitary plumbing requirements can be waived by the building official provided adequate sanitary plumbing is available elsewhere on the site.
- (4) The temporary trailer shall be removed ten days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed with ten days of sale or lease of all dwelling units.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

8. Temporary Development Lodging

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				T					T	T	T	

(a) Definition

Lodging associated with and on the site of a development project that is used on a temporary basis only by prospective buyers of land or residential dwelling units within that development or another project owned by the applicant within the city.

(b) Standards

Temporary development lodging shall comply with the following requirements:

- (1)** Temporary development lodging shall not consist of more than three living units on any lot, and the maximum number units shall not exceed five percent of the total number of units approved for the development.
- (2)** Lodging is intended only for potential dwelling unit purchasers, and the lodging period shall not exceed 14 consecutive nights for any one guest.
- (3)** Lodging shall be limited to residential structures located on the same site as the proposed development.

9. Temporary Dwelling Unit

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S		S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

(a) Definition

A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.

(b) Standards

Up to one temporary dwelling unit (consisting of a manufactured home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in accordance with the following standards:

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

- (1) Temporary dwelling units may only be sited and occupied in accordance with the standards in Section 15.60.040 of the HMC; and
- (2) Except as authorized by HMC Section 15.60.040, the temporary dwelling unit may be in place for a maximum period of 12 months.

10. Temporary Live Entertainment Events

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T				T	T	T	

- (a) Definition
Live Entertainment events lasting less than five days.
- (b) Standards
Conditions may be added to ensure compatibility with surrounding properties.

11. Temporary Event

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

- (a) Definition
Events held during a fixed period of time including flea markets/swap meets, auctions, farm stands, seasonal sales, arts and crafts shows, animal shows, racing meets, parades, and other similar outdoor or indoor events.
- (b) Standards
Events shall not exceed a maximum of three days and a site may host a maximum of six events per year.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

12. Temporary Religious Assembly

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		T	T			T	T	T	T	T	T	

(a) Definition

Religious services conducted on a site that is not permanently occupied by a religious assembly use.

(b) Standards

Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.

13. Temporary Real Estate Sales Office

(a) Onsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(b) Offsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(c) Definition

A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

(d) Standards

Temporary sales offices serving residential subdivisions shall be operated in accordance with the following standards:

(1) Purpose

The primary use of a temporary sales office shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility, except that additional sites under construction by the same developer up to two miles away may be represented, subject to the maximum duration limitation applicable to the initially approved subdivision.

(2) Maximum Duration

- i. The Community Development staff may approve an onsite temporary sales office for a maximum of 12 months, unless an extension of time application is approved.
- ii. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.
- iii. The Planning Commission may approve, as a conditional use, an offsite temporary sales office for a period of longer than 30 days, up to a maximum of six months.

(3) Authorization for Offsite Location

- i. The proposed location must be within one mile of the nearest portion of the first phase of the subject subdivision, with public access to the interior of the first phase either unavailable or unsafe as the result of conditions beyond the control of the developer.
- ii. To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a recorded final map, has completed all onsite grading for at least the first phase, and has commenced construction of at least five dwelling units.

(4) Appearance

The temporary locations may be established using a “Gelco-style” modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not permitted as temporary sales offices.

(5) Configuration

- i. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

- ii. Parking shall be provided at a minimum ratio of one space for each 100 square feet of gross floor area, but in no case shall less than six spaces be provided.
- iii. Off-street parking areas shall be paved or improved with an alternate material approved by the Public Works Department.
- iv. Water-efficient landscaping shall be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of the required landscaping material may be in above-ground containers.
- v. Indoor sanitary facilities shall be provided.
- vi. Sewer and water service may be provided by temporary connection or through other non-permanent facilities such as holding tanks, provided such temporary tanks or supply facilities are completely screened from public view in a manner consistent with the temporary office structure. Temporary holding tanks require a letter from Utility Services to the Health District.

(6) Removal

Immediately following the end of the time period granted for operation, all sales office facilities must be removed from the site, and the site returned to a safe and clean condition and be graded in a manner consistent with requirements for drainage and dust controls established by the Public Works Department.

14. Temporary Security Trailer

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A temporary portable unit for security office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(b) Standards

- (1) A residential or nonresidential use requiring security protection during hours of closure may include a travel trailer for that purpose for a maximum period of up to six months.
- (2) The temporary trailer shall not be located within 25 feet of any residential use.

CHAPTER 19.5: USE REGULATIONS

SECTION 19.5.8 TEMPORARY USES AND STRUCTURES | 19.5.8.D STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

15. Trade Fair

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	T	T	T	T	T	T	T	T	T		T	

(a) Definition

Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

16. Temporary Vehicle/Equipment Sales and Auctions

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		T	T	T	T	T	T	T			T	

(a) Definition

The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions.

(b) Standards

The number of events allowed at each site is limited to seven days per quarter per site.