City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
COUNCIL MEMBERS: OSCAR B. GOODMAN, MAYOR (At-Large)
COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)
STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)
RICKI Y. BARLOW (Ward 5), STAVROS S. ANTHONY (Ward 4)

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

February 2, 2011

Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION – REVEREND LINDA KELLY, MOUNTAIN VIEW PRESBYTERIAN CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF BLACK HISTORY MONTH
7. RECOGNITION OF FIRE STATION 6 FOR SUSTAINABLE DESIGN
8. RECOGNITION OF NATIONAL JOB SHADOW DAY
9. RECOGNITION OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S CRIME STOPPERS PROGRAM

BUSINESS ITEMS - MORNING

10. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

11. Approval of the Final Minutes by reference of the regular City Council meeting of January 5, 2011

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FIELD OPERATIONS - CONSENT

12. Approval of a Water Rights Agreement between the City of Las Vegas and the Las Vegas Valley Water District to allow the Las Vegas Valley Water District use of the City's Water Rights at Angel Park located at 100 South Rampart Boulevard - Ward 2 (Wolfson)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

13. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

14. Approval of a Change of Location for an Alcoholic Beverage Caterer License, Events Catering, LLC, dba Absolute Beverage & Spirits Service, From: 8170 West Sahara Avenue, Suite 113, To: 8290 West Sahara Avenue, Suite 158, Lynn Barbarite, 100% - Ward 1 (Tarkanian)

15. Approval of an extension of a Temporary Beer/Wine/Cooler Off-sale License, Dora Verastegui, dba Fremont Mini Mart, 1404 Fremont Street, Dora Verastegui, Owner, 100% - Ward 3 (Reese)

16. Approval of an extension of a Temporary Restricted Gaming License, Dora Verastegui, dba Fremont Mini Mart, 1404 Fremont Street, Dora Verastegui, Owner, 100% - Ward 3 (Reese)

17. Approval of a Change of Ownership for a Package License, From: Sam Hamika, To: The Hamika Family Trust, dba Kwiky Mini Mart, 790 North Eastern Avenue, Sam Hamika, Co-Trustee, 100% jointly with spouse and Soondis Hamika, Co-Trustee, 100% jointly with spouse - Ward 3 (Reese)

18. Approval of a Restricted Gaming License, The Hamika Family Trust, dba Kwiky Mini Mart, 790 North Eastern Avenue, Sam Hamika, Co-Trustee, 100% jointly with spouse and Soondis Hamika, Co-Trustee, 100% jointly with spouse - Ward 3 (Reese)

19. Approval of a new Beer/Wine/Cooler On-sale License, El Mambi Business Corp, dba Varadero Cuban Restaurant, 5081 North Rainbow Boulevard, Suite 100, Mary Gonzalez, Pres, Secy, 50% and Roger Dominguez, Treas, Dir, 50% - Ward 6 (Ross)

20. Approval of an extension of a Temporary Restricted Gaming License, Bells Market LLC, dba Bells Market II, 515 East Oakey Boulevard, Naseem Shoshani, Mgr, 100% jointly with spouse and James Shoshani, Managing Mmbr, 100% jointly with spouse - Ward 3 (Reese)

21. Approval of a new Burglar Alarm Service License, Advantage Security and Low Voltage Systems, LLC, dba Advantage Security and Low Voltage Systems, LLC, 500 Copper View Street, Jason Sutherland, Managing Mmbr, 100% - Henderson

22. Approval of an extension of a Temporary Locksmith License, Expert Locksmith, Inc., dba Expert Locksmith, 1426 East Charleston Boulevard, Ofir Ohana, Pres, Secy, Treas, Dir, 100% - Ward 3 (Reese)

23. Approval of a new Locksmith and Safe Mechanic License, Mr. Rekey of Nevada Corporation, dba Mr. Rekey Locksmith Services, 90 Karen Avenue, Suite B-219, Daniel Dyess, Pres, Secy, Treas, Dir, 100% - County

24. Approval of a Change of Location for a Martial Arts Instruction License, Victory Martial Arts Corporation, dba Champion Martial Arts, From: 7920 West Tropical Parkway, Suite 110, To: 7900 West Tropical Parkway, Suite 110, Karen Bratton, Pres, 100% - Ward 6 (Ross)

25. Approval of a Change of Location for a Massage Establishment License subject to the provisions of the fire code, Massage & Wellness Group Inc, dba Massage Pro, From: 5300 West Sahara Avenue, Suite 101, To: 5300 West Sahara Avenue, Suite 200, Parley Call Jr., Pres, 100% - Ward 1 (Tarkanian)

26. Approval of a Change of Business Name and Change of Location for a Massage Establishment License, Red Rock Chiro, LLC, dba From: Red Rock Chiropractic, 500 South Rancho Drive, Suite 1, To: Red Rock Chiropractic & Wellness Center, 2085 Village Center Circle, Suite 110, Margaret Colucci, Owner, 100% - Ward 2 (Wolfson) [NOTE: This is an ancillary license to an existing chiropractic business - Red Rock Chiropractic & Wellness Center]

27. Approval of a new Psychic Arts and Science License, Laurie Long, dba Lady Loreena, 6848 West Charleston Boulevard, Laurie Long, Owner 100% - Ward 1 (Tarkanian) [NOTE: This license is located in an existing business – Psychic Eye Book Shop]

28. Approval of an extension of a Temporary Class II Secondhand Dealer License, TVI, Inc, dba Savers, 8530 West Lake Mead Boulevard, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 4 (Anthony)

29. Approval of a Change of Business Name for a Class II Secondhand Dealer License, TVI, Inc, dba From: Savers Thrift Department Store, To: Savers, 3121 North Rancho Drive, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 5 (Barlow)

30. Approval of a Change of Business Name for a Class II Secondhand Dealer License, TVI, Inc, dba From: Savers Thrift Department Store, To: Savers, 1100 East Charleston Boulevard, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

31. Approval of award of Agreement No. 110135-TF, Master Planning, Community Outreach and Architectural Programming Services for Westside School & Variety Early Learning Center located at 330 West Washington Avenue - Department of Public Works - Award recommended to: KME ARCHITECTS LLC ($301,600 - General Capital Projects Fund) - Ward 5 (Barlow)

HUMAN RESOURCES - CONSENT

32. Approval to incorporate the City of Las Vegas Risk Management Manual into the Safety Loss Control Manual and authorizing the Human Resources Director to make future revisions to the manual as necessary to maintain compliance with Nevada Revised Statutes Chapters 616, 617 and 618 and the Occupational Safety and Health Administration (OSHA) Rules and Regulations

PLANNING & DEVELOPMENT - CONSENT

33. Approval of Centennial History Grant funding in the amount of $300,000 to fund a master plan for the Historic Westside School and Variety Early Learning Center and Historic Preservation Plan for the Historic Westside School located at 330 West Washington Avenue– Ward 5 (Barlow)

PUBLIC WORKS - CONSENT

34. Approval of an encroachment request from Fairway Property Advisors on behalf of Mahogany Run, Inc., owner (Rome Boulevard west of Riley Street) - Ward 6 (Ross)

35. Approval of an encroachment request from Spanish Oaks Homeowners Association, owner (Spanish Oaks Drive between Sahara Avenue and El Camino Avenue) - Ward 1 (Tarkanian)

36. Approval of a Cooperative Agreement with the State of Nevada Department of Transportation (NDOT) to define maintenance responsibility for the storm drain being installed within Rancho Drive between Rainbow Boulevard and Lone Mountain Road as a part of the Gowan Outfall Lone Mountain Branch Rancho to Decatur Storm Drain project - Ward 6 (Ross)

37. Approval of Interlocal Agreement No. 114003 between the City of Las Vegas and the Las Vegas Valley Water District for water service for Charleston Boulevard Median Island Landscaping on Charleston Boulevard between 6th Street and Maryland Parkway ($14,789 - Public Works Capital Project Fund [CPF]) - Ward 3 (Reese)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

38. Report from Steve Holloway, Executive Vice President of Associated General Contractors Las Vegas, on the Building Jobs Coalition - All Wards

39. Discussion and possible action regarding the ratification of Karen Coyne as the Chief Officer of Public Safety ($150,000 + benefits - General Fund)

40. Discussion and possible action regarding the ratification of Candace Falder as Director of Finance ($141,640 + benefits - General Fund)

BUSINESS DEVELOPMENT - DISCUSSION

41. Discussion and possible action regarding a Real Property Purchase and Sale Agreement between ARPM Realty, Inc., and the City of Las Vegas for the purchase of approximately 4.08 acres of land located at 2400 North Tenaya Way within the Las Vegas Technology Center (APN 138-15-810-009 and 010 - Ward 1 (Tarkanian) [NOTE: This item is related to Council Item 46 (R-2-2011)]

42. Discussion and possible action regarding an Exclusive Negotiation Agreement between the City of Las Vegas and the Nevada Health Centers, Inc., for the development of a medical office building on approximately 2.42 acres in Enterprise Park, located at 1888 Stella Lake Street (APN 139-21-313-016) - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

43. Discussion and possible action regarding a Temporary Tavern License, Paovis Enterprises Inc, dba Fongs Garden China Mex, 2021 East Charleston Boulevard, Mercy Mejia, Pres, Secy, Treas, Dir, 100% - Ward 3 (Reese)

44. Discussion and possible action regarding a Six Month Review of a Temporary Work Card for Brandon Dial, db at Chef's Pantry Catering, 2215 Thomas W Ryan Boulevard - Ward 4 (Anthony)

NEIGHBORHOOD SERVICES - DISCUSSION

45. Discussion and possible action on the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board recommendations to allocate $23,000 for 23 youth initiated projects - All Wards

RESOLUTIONS - DISCUSSION

46. R-2-2011 - Discussion and possible action regarding a Resolution finding the Real Property Purchase and Sale Agreement between the City of Las Vegas and ARPM Realty, Inc., concerning the proposed sale of 2400 North Tenaya Way located within the Las Vegas Technology Center, Las Vegas, Nevada, is in the best interest of the public (APN 138-15-810-009 and 010) - Ward 1 (Tarkanian) [NOTE: This item is related to Council Item 41]

47. R-3-2011 - Discussion and possible action regarding a Resolution to support any and all efforts by the State Legislature to mandate increased responsibility over the inventory of foreclosed properties in the City of Las Vegas by financial institutions that own foreclosed properties - All Wards

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

48. ABEYANCE ITEM – Bill No. 2010-31 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

49. Bill No. 2010-51 – Updates certain administrative provisions of the Municipal Code relating to management functions and the names of City departments. Sponsored by: Councilman Gary Reese

50. Bill No. 2011-1 – Amends the Downtown Centennial Plan to include updated highway-related information and to allow a number of additional uses within the district known as "18b The Las Vegas Arts District." (TXT-39836) Sponsored by: Mayor Oscar B. Goodman

51. Bill No. 2011-2 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

52. Bill No. 2011-4 – Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. Sponsored by: Mayor Oscar B. Goodman

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

53. Bill No. 2011-3 – Grants to tw telecom of nevada llc a non-exclusive franchise for the purpose of installing, operating and maintaining a telecommunications service within the City, subject to and in accordance with the terms and conditions of the franchise agreement incorporated by reference into this Ordinance. Proposed by: Bradford R. Jerbic, City Attorney

NEW BILLS - DISCUSSION

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

54. Bill No. 2011-5 – Updates permitting, identification and securing requirements for news racks, including authorization for permit sticker fees. Sponsored by: Councilman Steven D. Ross

55. Bill No. 2011-6 – Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian. Sponsored by: Councilman Steve Wolfson

56. Bill No. 2011-7 – Adopts by reference a Unified Development Code for the City. (TXT-39391, TXT-39392, TXT-39750, DIR-40341) Proposed by: Flinn Fagg, Acting Director of Planning and Development

CLOSED SESSION

57. Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

58. Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED "FOR APPROVAL". ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

59. EOT-40578 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-36552) FOR A PROPOSED 1,624 SQUARE-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suites #110 and #115 (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

60. EOT-40580 - EXTENSION OF TIME - APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-36551) FOR A PROPOSED 1,079 SQUARE-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suite #105 (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

PLANNING & DEVELOPMENT - ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE CITY COUNCIL NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

61. RESCIND - EOT-39951 - EXTENSION OF TIME - REZONING - APPLICANT/OWNER: CHARLES & GAIL SHIELDS - Request for an Extension of Time of a previously approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Ross). Staff recommends APPROVAL.

62. REHEAR - EOT-39951 - EXTENSION OF TIME - REZONING - APPLICANT/OWNER: CHARLES & GAIL SHIELDS - Request for an Extension of Time of a previously approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Ross). NOTE: THIS REQUEST IS TO ADD REZONING (ZON-4635) TO THE EXTENSION OF TIME REQUEST AND DELETE THE TEXT "ON A PORTION OF" SO AS TO INCLUDE THE ENTIRE 0.96 ACRES Staff recommends APPROVAL.

PLANNING & DEVELOPMENT - DISCUSSION

63. SUP-38534 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO SUP-38533 - PUBLIC HEARING - APPLICANT: LOANEX - OWNER: DECATUR-OAKEY PLAZA LIMITED PARTNERSHIP - Request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER USE (JEWELRY) WITHIN AN EXISTING 750 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED at 1620 South Decatur Boulevard, Suite A (APN 163-01-602-005), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

64. VAR-39433 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on 14.49 acres at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

65. SUP-39432 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-39433 - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Special Use Permit FOR A PROPOSED 65-FOOT TALL 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

66. RQR-40547 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: PRINCESS MASSAGE - OWNER: CHETAK DEVELOPMENT, INC. - Request for a Required Review of a previously approved Special Use Permit (SUP-11419) WHICH ALLOWED A 1,200 SQUARE-FOOT EXPANSION OF AN EXISTING MASSAGE ESTABLISHMENT WITH A WAIVER OF THE MINIMUM 1,000 FOOT SEPARATION REQUIREMENT FROM THREE EXISTING MASSAGE ESTABLISHMENTS at 2212 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

SET DATE

67. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

68. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

COUNCIL MEMBER RECOGNITION

69. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

City of Las Vegas Agenda Item No.: **1.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
INVOCATION – REVEREND LINDA KELLY, MOUNTAIN VIEW PRESBYTERIAN CHURCH

City of Las Vegas Agenda Item No.: **4.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
PLEDGE OF ALLEGIANCE

City of Las Vegas Agenda Item No.: **5.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE CITIZEN OF THE MONTH

City of Las Vegas Agenda Item No.: **6.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF BLACK HISTORY MONTH

City of Las Vegas Agenda Item No.: **7.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF FIRE STATION 6 FOR SUSTAINABLE DESIGN

City of Las Vegas Agenda Item No.: **8.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF NATIONAL JOB SHADOW DAY

City of Las Vegas Agenda Item No.: **9.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S CRIME STOPPERS PROGRAM

City of Las Vegas

Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **11.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council meeting of January 5, 2011

City of Las Vegas Agenda Item No.: **12.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FIELD OPERATIONS
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Water Rights Agreement between the City of Las Vegas and the Las Vegas Valley Water District to allow the Las Vegas Valley Water District use of the City's Water Rights at Angel Park located at 100 South Rampart Boulevard - Ward 2 (Wolfson)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The City of Las Vegas approved an Interlocal Agreement with the Las Vegas Valley Water District concerning the use of the City's Water Rights at Angel Park on May 26, 1995, which expired on November 26, 2010. This agreement will allow the Las Vegas Valley Water District's continued use of the City's Water Rights at Angel Park, specifically represented by Permits, 61282, 61283 and 61284 which diverge with the District's Well 89. Neither party has monetary or cost obligations.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Water Rights Agreement

WATER RIGHTS AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this ___ day of _____, 2011, between the Las Vegas Valley Water District, a political subdivision of the State of Nevada ("District"), and the City of Las Vegas, a municipal corporation of the State of Nevada ("City"), pursuant to the authority granted by Nevada Revised Statutes Chapter 277.180. For convenience the District and the City are referred to herein individually as "Party" and collectively as the "Parties."

RECITALS

WHEREAS, on May 26, 1995, the Parties entered into an Interlocal Cooperative Agreement (the "1995 Agreement") regarding 133.05 acre-feet per year ("afy") of water rights owned by the City that the District put to beneficial use on behalf of the City; and

WHEREAS, pursuant to the 1995 Agreement, the City paid a portion of the construction, operation, and maintenance costs for a District-owned well to pump and put to beneficial use the 133.5 afy owned by the City; and

WHEREAS, the City effectively received a discounted water rate from the District for the City's first 133.05 afy of water use; and

WHEREAS, the 1995 Agreement expired on November 26, 2010; and

WHEREAS, the Parties desire to enter into a new agreement and continue to encourage local cooperative efforts to make the best public use of available resources and employee expertise.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties do agree as follows:

AGREEMENT

1. Definition. As used in this Agreement, the term "City Water Rights" means the 133.05 afy represented by Permits 61282, 61283, and 61284 (Certificates 14940, 14941, and 14942, respectively) which currently have a point of diversion corresponding with the District's Well 89.

2. Expiration of the 1995 Agreement. Both Parties agree that the 1995 Agreement has terminated and all conditions and terms are of no further force or effect.

3. Use of City Water Rights. Each year, the District shall make practicable and reasonable efforts to put to beneficial use the entire 133.05 afy of the City Water Rights by serving the City Water Rights to District customers within the District service area.

3.1. If at any time the District's Well 89 is unavailable to pump the City Water Rights and the District desires to move the City Water Rights to a different well, the District shall notify the City in writing, and the District shall prepare and file the required change applications at the District's expense. The City hereby allows the District to act as the City's agent when filing change applications pursuant to this Agreement.

3.2. Upon request, the District shall provide the City with pumping records for the City Water Rights.

3.3. The District recognizes that the use of the City Water Rights is a usufructuary right and does not constitute a sale or transfer of ownership or title. The City recognizes that no ownership or usufructuary right to well equipment or facilities is accrued or obtained by allowing the District's use of the City Water Rights under this Agreement or as a result of the 1995 Agreement.

3.4. The Parties agree that the District's use of the City Water Rights is in the spirit of cooperation and neither Party has monetary or cost obligations to the other Party as a result of entering this Agreement. The City will not be required to contribute construction, operation, maintenance, and/or repair costs to the District and the City will not receive a discounted water rate from the District for any of its water use.

4. Cooperation. Each Party, upon reasonable request of the other, shall take such further actions as may be necessary or appropriate in order to affect the purposes of this Agreement and to assist in matters regarding the City Water Rights. Each Party agrees to take no action to adversely affect the City Water Rights during the term of this Agreement.

5. Term. Once executed by all Parties, this Agreement shall take effect as of January 1, 2011, and continue until December 31, 2012. This Agreement may be extended by mutual written agreement of the Parties for one additional two year term.

6. Termination. Either Party may terminate this Agreement at any time by providing thirty (30) days' prior written notice to the other Party.

7. Notices. If notice is required to be sent to the Parties, the addresses are as follows:

If to the City:

Real Estate & Utilities Administrator
City of Las Vegas
333 N. Rancho Drive, 8th Floor
Las Vegas, Nevada 89106

If to the District:

General Manager
Las Vegas Valley Water District
1001 S. Valley View Blvd.
Las Vegas, Nevada 89153

With a copy to:

General Counsel
Las Vegas Valley Water District
1001 S. Valley View Blvd.
Las Vegas, Nevada 89153

8. Assignment and Delegation. The City shall not delegate, transfer or assign its interest in the City Water Rights or this Agreement without the prior written consent of the District. Any delegation, transfer, or assignment performed without the District's prior written consent shall be void.

9. Governing Law and Venue. This Agreement shall be governed in accordance with the laws of the State of Nevada. Any legal action will only be filed in the Clark County District Court or, if applicable, the United States District Court, Southern Division, for the District of Nevada.

10. Amendment. This Agreement may be amended only by mutual written agreement of the Parties.

11. Binding on Successors. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective personal representatives, successors, transferees and assigns.

12. No Third Party Beneficiaries. It is mutually agreed by the Parties hereto that nothing contained in this Agreement shall be construed in any way as being for the benefit of any third party not a Party to this Agreement and no third party cause of action is created by this Agreement.

13. Counterparts. This Agreement may be executed in any number of counterparts and when so executed, each such counterpart shall be deemed to be an original hereof as against any Party who has signed it.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges MMC, City Clerk

Approved as to form:

_____
Deputy City Attorney
City of Las Vegas

John S. Ridilla
Deputy City Attorney

LAS VEGAS VALLEY WATER DISTRICT

By: _____
Patricia Mulroy, General Manager

Approved as to form:

_____
Dana Walsh, Deputy Counsel
Las Vegas Valley Water District

City of Las Vegas Agenda Item No.: **13.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $74,060,268.71
Funding Source: All Funds
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
Summary of Cash Expenditures for the period 01/01-01/15/11

City of Las Vegas

Summary of Cash Expenditures

For period of 12/15/10 to 12/31/10

Total Services & Materials Checks :	**$10,457,604.37**
Total Services & Materials EFT Payments :	**$3,592,024.40**
Total Wire Transfers:	**$23,384,213.90**
Total Payroll Checks:	**$12,880,489.01**
Grand Total:	**$50,314,331.68**

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

Mark R. Vincent
Chief Financial Officer

Beverly K. Bridges, MMC
City Clerk

On January 19, 2011 the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

City of Las Vegas Agenda Item No.: **14.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for an Alcoholic Beverage Caterer License, Events Catering, LLC, dba Absolute Beverage & Spirits Service, From: 8170 West Sahara Avenue, Suite 113, To: 8290 West Sahara Avenue, Suite 158, Lynn Barbarite, 100% - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Location for an Alcoholic Beverage Caterer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **15.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Beer/Wine/Cooler Off-sale License, Dora Verastegui, dba Fremont Mini Mart, 1404 Fremont Street, Dora Verastegui, Owner, 100% - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Beer/Wine/Cooler Off-sale License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **16.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Restricted Gaming License, Dora Verastegui, dba Fremont Mini Mart, 1404 Fremont Street, Dora Verastegui, Owner, 100% - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Restricted Gaming License for 15 slots.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative.

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

City of Las Vegas Agenda Item No.: **17.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Ownership for a Package License, From: Sam Hamika, To: The Hamika Family Trust, dba Kwiky Mini Mart, 790 North Eastern Avenue, Sam Hamika, Co-Trustee, 100% jointly with spouse and Soondis Hamika, Co-Trustee, 100% jointly with spouse - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Transfer of Interest for a Package License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **18.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Restricted Gaming License, The Hamika Family Trust, dba Kwiky Mini Mart, 790 North Eastern Avenue, Sam Hamika, Co-Trustee, 100% jointly with spouse and Soondis Hamika, Co-Trustee, 100% jointly with spouse - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Transfer of Interest for a Restricted Gaming License for 7 slots.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **19.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Beer/Wine/Cooler On-sale License, El Mambi Business Corp, dba Varadero Cuban Restaurant, 5081 North Rainbow Boulevard, Suite 100, Mary Gonzalez, Pres, Secy, 50% and Roger Dominguez, Treas, Dir, 50% - Ward 6 (Ross)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Beer/Wine/Cooler On-sale License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **20.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Restricted Gaming License, Bells Market LLC, dba Bells Market II, 515 East Oakey Boulevard, Naseem Shoshani, Mgr, 100% jointly with spouse and James Shoshani, Managing Mmbr, 100% jointly with spouse - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Restricted Gaming License for 8 slots.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **21.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Burglar Alarm Service License, Advantage Security and Low Voltage Systems, LLC, dba Advantage Security and Low Voltage Systems, LLC, 500 Copper View Street, Jason Sutherland, Managing Mmbr, 100% - Henderson

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Burglar Alarm Service License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

City of Las Vegas Agenda Item No.: **22.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Locksmith License, Expert Locksmith, Inc., dba Expert Locksmith, 1426 East Charleston Boulevard, Ofir Ohana, Pres, Secy, Treas, Dir, 100% - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Locksmith License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative and subject to the following conditions:

1. All business vehicles will be clearly marked with business name.
2. All persons who perform the function of a locksmith or safe mechanic will wear identifiable uniforms with business name.
3. All persons who perform the function of a locksmith or safe mechanic will maintain valid work cards.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **23.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Locksmith and Safe Mechanic License, Mr. Rekey of Nevada Corporation, dba Mr. Rekey Locksmith Services, 90 Karen Avenue, Suite B-219, Daniel Dyess, Pres, Secy, Treas, Dir, 100% - County

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Locksmith and Safe Mechanic License.

RECOMMENDATION:
Recommend approval subject to the following conditions:

1. All business vehicles will be clearly marked with business name.
2. All persons who perform the function of a locksmith or safe mechanic will wear identifiable uniforms with business name.
3. All persons who perform the function of a locksmith or safe mechanic will maintain valid work cards.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **24.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for a Martial Arts Instruction License, Victory Martial Arts Corporation, dba Champion Martial Arts, From: 7920 West Tropical Parkway, Suite 110, To: 7900 West Tropical Parkway, Suite 110, Karen Bratton, Pres, 100% - Ward 6 (Ross)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Location for a Martial Arts Instruction License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **25.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for a Massage Establishment License subject to the provisions of the fire code, Massage & Wellness Group Inc, dba Massage Pro, From: 5300 West Sahara Avenue, Suite 101, To: 5300 West Sahara Avenue, Suite 200, Parley Call Jr., Pres, 100% - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Location for a Massage Establishment License.

RECOMMENDATION:
Recommend approval subject to the provisions of the fire code.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Business Name and Change of Location for a Massage Establishment License, Red Rock Chiro, LLC, dba From: Red Rock Chiropractic, 500 South Rancho Drive, Suite 1, To: Red Rock Chiropractic & Wellness Center, 2085 Village Center Circle, Suite 110, Margaret Colucci, Owner, 100% - Ward 2 (Wolfson) [NOTE: This is an ancillary license to an existing chiropractic business - Red Rock Chiropractic & Wellness Center]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name and Change of Location for a Massage Establishment License.

RECOMMENDATION:
Recommend approval subject to the following conditions:

1. Area dedicated for massage does not exceed 150 sq feet.
2. No exterior signage advertising massage.
3. Hours of operation are limited to the period between 8:00 a.m. and 9:00 p.m. and cannot exceed those of the primary business.
4. Massage therapists have valid State Massage licenses and City Business Licenses.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Psychic Arts and Science License, Laurie Long, dba Lady Loreena, 6848 West Charleston Boulevard, Laurie Long, Owner 100% - Ward 1 (Tarkanian) [NOTE: This license is located in an existing business – Psychic Eye Book Shop]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Psychic Arts and Science License.

RECOMMENDATION:
Recommend approval subject to the following conditions:

1. Rates must be posted in a conspicuous place, visible to patrons, on a sign of at least 8" x 10" in size, with lettering no smaller than one inch.
2. If the licensee operates by donation or indirect method of payment, including remuneration that is at the discretion of the customer, the signage shall indicate such to the patron.
3. The rates published shall be the only rates charged.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **28.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Class II Secondhand Dealer License, TVI, Inc, dba Savers, 8530 West Lake Mead Boulevard, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Class II Secondhand Dealer License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative and subject to the following conditions:

1. Limited to the sales of used clothing and household items.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **29.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Business Name for a Class II Secondhand Dealer License, TVI, Inc, dba From: Savers Thrift Department Store, To: Savers, 3121 North Rancho Drive, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name for a Class II Secondhand Dealer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

City of Las Vegas Agenda Item No.: **30.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Business Name for a Class II Secondhand Dealer License, TVI, Inc, dba From: Savers Thrift Department Store, To: Savers, 1100 East Charleston Boulevard, Kenneth Alterman, Dir, Pres; Robert Hoglund, Dir, Treas, Secy; and Joe Rooney, Dir - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name for a Class II Secondhand Dealer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **31.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of award of Agreement No. 110135-TF, Master Planning, Community Outreach and Architectural Programming Services for Westside School & Variety Early Learning Center located at 330 West Washington Avenue - Department of Public Works - Award recommended to: KME ARCHITECTS LLC ($301,600 - General Capital Projects Fund) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $301,600
Funding Source: General CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:

Consultant services include but are not limited to: the provision of historic preservation and programming services, community outreach services and architectural master planning services for the Westside School and Variety Early Learning Center. Funding for this project is provided by the Commission of the Las Vegas Centennial.

PCC: T. Fernandez
POC: Kelvin Haywood - (702) 888-2088

RECOMMENDATION:

That City Council approve award of Agreement No. 110135-TF, Master Planning, Community Outreach and Architectural Programming Services for Westside School & Variety Early Learning Center to KME Architects LLC in the amount of $301,600. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

1. Agreement No. 110135-TF
2. Certificate - Disclosure of Ownership/Principals

MASTER PLANNING, COMMUNITY OUTREACH AND ARCHITECTURAL PROGRAMMING SERVICES AGREEMENT
FOR
WESTSIDE SCHOOL & VARIETY EARLY LEARNING CENTER

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **CITY OF LAS VEGAS**, a municipal corporation within the State of Nevada (herein the "City") whose address is **400 Stewart Avenue, Las Vegas, Nevada 89101**, and fax number is **(702) 229-2091**, and **KME ARCHITECTS**, (the "Consultant"), a **Limited Liability Company**, whose address is **231 West** Charleston Boulevard, Suite 140, **Las Vegas Nevada, 89102**, and fax number is **(702) 888-2088**.

W I T N E S S E T H:

WHEREAS, the City intends to construct the **Westside School** & Variety Early Learning Center (herein the "Project"); and

WHEREAS, the City desires to retain the Consultant who will be responsible for providing the professional services more fully described below and in the exhibits attached hereto; and

WHEREAS, the Consultant is properly licensed pursuant to NRS Chapter 623, 623A, or 625, whichever is legally required for the services to be provided within the State of Nevada, and is in compliance with NRS 623.349 for architects, interior designers, and residential designers and NRS 623A.250 for landscape architects, which requires that control and no less than two-thirds ownership of the business organization or association be held by persons registered or licensed in the State of Nevada pursuant to NRS Chapters 623, 623A, or 625, and possesses the special knowledge, skills and expertise to perform the services hereinafter set forth within the time required under this Agreement.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree to the following terms, conditions and covenants set forth in Sections One through Ten hereof:

SECTION ONE
CONSULTANT RESPONSIBILITIES

1.01 ***Description of Consultant's Services.*** For the compensation set forth in Section Seven, the Consultant hereby agrees to perform the basic services set forth in the Scope of Services, **Exhibit "A"** attached hereto and incorporated herein as a part of this Agreement and, if so requested, the additional services set forth in the Additional Compensation, **Exhibit "E"** attached hereto and incorporated herein as a part of this Agreement and to provide the submittals described in the Required Submittals **Exhibit "B,"** attached hereto.

1.02 ***Performance Standards.*** In performing the services set forth in this Agreement, the Consultant shall follow the practices consistent with the generally accepted standards in the profession of the services being provided to the City pursuant to this Agreement.

1.03 ***Document Review.*** The Consultant shall be responsible for reviewing each document prepared by the Consultant and its subconsultants including, without limitation, the plans, drawings and specifications for the purpose of ensuring that such documents are technically sound, in conformance with applicable federal, state and local laws and other regulations, and do not violate or infringe upon any patent rights.

1.04 ***Waiver.*** The City's approval of any documents or services furnished by the Consultant shall not in any way relieve the Consultant of responsibility for the professional and technical accuracy of its documents or services. The City's review, approval, acceptance or payment for any of the Consultant's services shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause of action arising out of the performance of this Agreement. The Consultant shall remain liable for any damages to the City caused by the Consultant's negligent act or omission committed in the performance of this Agreement.

1.05 ***Designation of Consultant's Representative.*** The Consultant's representative is the individual identified in the Key Personnel List, **Exhibit "F"** attached hereto (the "Consultant Representative") to act in that capacity, who shall be responsible for the services required under this Agreement. The services specified by this Agreement shall be performed by the personnel identified in the Key Personnel List provided that such associates and employees perform under the personal supervision of the Consultant Representative.

If any person or sub consultant who is expected to provide any of the services required under this Agreement is objectionable to the

City for any reason, the Consultant shall, without additional compensation, replace such person or sub consultant with someone acceptable to the City.

If the Consultant's personnel are unable to complete their responsibilities for any reason under this Agreement, or the Consultant desires for any reason to substitute personnel assigned to the Project, the Consultant agrees to obtain the approval of the City for the substitution. The City shall not unreasonably deny approval unless the City adjudges the substitution not be in the interest of the City or the Project.

If the Consultant fails to make an acceptable replacement within thirty (30) days, the City may terminate this Agreement for default as provided in Section 10.03 of this Agreement.

1.06 ***Correspondence Review.*** The Consultant shall furnish the City Representative copies of each correspondence, if any, sent to any contractor involved with the Project, and to any regulatory agencies, for approval and review prior to mailing such correspondence.

1.07 ***Cooperation with the City.*** The Consultant agrees that its officers, associates, employees and subconsultants will cooperate with the City in providing the services under this Agreement and will be, with advance notice, available for consultation with the City at such reasonable times as to not conflict with the City's other responsibilities.

1.08 ***Responsibility for Construction Document Revisions.***

A. ***Applicability.*** The Consultant's responsibility described in this Section applies only if the Consultant is responsible for providing a construction cost estimate and preparing construction documents for the Project.

B. ***Responsibility for Revisions.*** The Consultant does not warrant or represent that the bids or proposed price received by the City to construct the Project will come within the Construction Cost Budget set forth in the Scope of Services or as may be otherwise agreed upon in writing by parties. If the bids or proposed price received by the City exceeds the Construction Cost Budget, the Consultant agrees to cooperate with the City in revising the requirements of the Project as required to lower the cost to within the Construction Cost Budget and to modify the construction documents without additional compensation. In order to meet the Construction Cost Budget, the Consultant may, with the approval of the City, segregate portions of the work as separate alternate bid items so that bids received by the City to construct the Project will come within the Construction Cost Budget.

"Construction Cost Budget" as used herein means the monetary limit established by the City for construction of the Project which limit includes the cost of the contractor's labor, materials, equipment, expenses, overhead and profit, but excludes the Project's soft costs, cost of change orders and other cost impacts encountered after award of the construction contract.

SECTION TWO
CITY RESPONSIBILITIES

2.01 ***City Representative.*** The Director of Public Works or his authorized representative identified in the Key Personnel List is hereby designated as the City's representative (the "City Representative") with respect to this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services of the Consultant. The City Representative is not authorized to change or waive any of the provisions set forth in Sections 1.01 through 10.24 of this Agreement.

2.02 ***Review of Consultant's Services and Documents.*** The services to be performed by the Consultant shall be subject to periodic review by the City Representative. To prevent an unreasonable delay in the Project, the City Representative will endeavor to examine and comment in writing on the documents furnished by the Consultant including, without limitation, the plans, drawings, specifications, test results, evaluations, and reports within twenty-one (21) days of receipt of such documents, unless the Contract provides for a different review time with respect to the document.

2.03 ***Access to Records.*** The City shall, without charge, furnish a copy to, or make available for examination or use by, the Consultant, as it may request, any documents and data which the City has available including, without limitation, reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations, and other documents related to the services required under this Agreement. The City shall assist the Consultant in obtaining data and documents from public agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services required by this Agreement.

2.04 ***Cooperation with Consultant.*** The City agrees that its officers and employees will cooperate with the Consultant in the

performance of this Agreement and will be, with advance notice, available for consultation with the Consultant at such reasonable times as to not conflict with the Consultant's other responsibilities. The City shall provide access to the Consultant on to the Project site as may be required to perform the services under this Agreement.

SECTION THREE
CHANGES TO CONSULTANT'S SERVICES

3.01 ***Requested Changes.*** The City may at any time, by written order, make a change in the services to be performed by the Consultant under this Agreement.

3.02 ***Adjustment of Compensation.*** If the change requested by the City causes an increase or decrease in the cost or time required to perform any of the services required under this Agreement, an equitable adjustment shall be made in the compensation to be paid to the Consultant under Section Seven, or in the performance schedule under Section Eight, or both, and this Agreement shall be modified in writing accordingly. Each claim for adjustment under this Section must be asserted in writing within thirty (30) days from the date of receipt by the Consultant of written notification of the change, unless the City grants in writing an extension. Provided proper notice has been given to the City as required herein, the claim for an adjustment shall be handled pursuant to the provisions of 10.20B and 10.20C of this Agreement. The failure to provide notification of the claim within the time required herein shall constitute a waiver of the right to seek any equitable or legal adjustment in compensation with respect to that change.

SECTION FOUR
ADDITIONAL SERVICES OF CONSULTANT

4.01 ***Additional Services.*** The Consultant shall provide the additional services described in the Additional Compensation if, and only if, so requested in writing by the City. Payment for the additional services will be made to the Consultant in accordance with Section Seven of this Agreement.

4.02 ***Attendance at Meetings or Public Hearings.*** The Consultant shall notify the City in advance of any additional costs which may be incurred prior to attending any meetings or public hearings as may be necessary in connection with the services performed by the Consultant under this Agreement.

SECTION FIVE
SUBCONSULTANT AGREEMENT

5.01 ***Sub consultant Provisions.*** If, with the approval of the City as required pursuant to Section 10.07, the Consultant enters into an agreement with a sub consultant for the performance of any of its obligations under this Agreement, the Consultant agrees to include in each sub consultant agreement a provision that:

(i) the Consultant agrees to pay the sub consultant when paid by the City for that portion of the services provided to the City and that no liability arises on the part of the Consultant for payment of the sub consultant services until payment has been made by the City. If the City has paid the Consultant for the sub consultant services, the sub consultant's only recourse is against the Consultant and not against the City, either through the institution of legal or equitable action or the attachment of any lien,

(ii) the subconsultant shall have no more rights against the City than that of the Consultant,

(iii) the subconsultant agrees to be bound by the terms, conditions and obligation of this Agreement unless the City has approved any deviation, change or modification in writing, and

(iv) unless otherwise approved in writing by the City Representative, the subconsultant shall obtain and maintain professional liability insurance (Errors and Omissions coverage) in connection with the subconsultant services in an amount equal to that required of the Consultant in this Agreement.

SECTION SIX
TERM OF AGREEMENT

6.01 ***Term.*** This Agreement shall commence on the day it is approved by the City (which date shall be inserted in the introductory

paragraph of this Agreement) and shall remain in force and effect until the Project is completed unless terminated earlier pursuant to Section 10.02 or 10.03 of this Agreement. Such termination shall not release either party from any of its continuing obligations under this Agreement.

6.02 ***Disputes.*** This Section shall not be construed to preclude the filing of any dispute arising out of the performance of this Agreement or in connection with the subject matter hereof, nor shall this Section be construed to change the date or the time on which a cause of action arising out of the performance of this Agreement or in connection with the subject matter hereof, would otherwise accrue under the statutes of limitation or doctrines of law.

SECTION SEVEN
COMPENSATION AND TERMS OF PAYMENT

7.01 ***Compensation: Basic Services.*** For the services to be performed by the Consultant under this Agreement and set forth in the Scope of Services, the City agrees to pay the Consultant the fee in the amount identified in the Fee Breakdown, **Exhibit "D"** attached hereto, pursuant to invoices submitted in accordance with Section 7.04 of this Agreement.

7.02 ***Compensation: Additional Services.*** For any services not set forth in the Scope of Services, the City shall pay to the Consultant either a lump sum fee, or an hourly fee based on the hourly labor rate schedule set forth in the Additional Compensation, whichever is agreed to by the parties, provided prior written approval for such services is given by the City Representative.

7.03 ***Compensation: Reimbursable Expenses.*** The Consultant agrees that all of its direct and indirect expenses are included in the fee for Basic Services and the agreed upon compensation for any Additional Services, except as may be specifically allowed for reimbursable expenses as part of the Additional Compensation.

7.04 ***Payment Invoicing.*** The Consultant may submit an invoice for payment for the services provided by the Consultant based on the manner or method of payment set forth in the Fee Breakdown. The City Representative will notify the Consultant of any problems regarding the invoice within fourteen (14) days from receipt thereof. If no response is received from the City Representative within the aforementioned period of time, the Consultant may expect payment within a period of (60) days from the date of receipt by the City. If payment has not been received within the sixty (60) days, the Consultant agrees to contact the City Representative to resolve the problem causing the delay. If resolution of the delay is not satisfactory to the Consultant, the Consultant may submit a claim pursuant to Section 10.20A of this Agreement.

7.05 ***Right to Off-Set.*** The City Representative may subtract or offset from any unpaid invoice from the Consultant any claims which the City may have for failure of the Consultant to comply with the terms, conditions or covenants of this Agreement, or any damages, costs and expenses caused by, resulting from, or arising out of the negligent act or omission of the Consultant in the performance of the services under this Agreement including, without limitation, any error or deficiency in the report or other documents prepared by the Consultant. The City Representative shall provide a written statement to the Consultant of the off-set which has been subtracted from any payment to the Consultant along with appropriate documentation and receipts, if any, and a description of the failure, error or deficiency attributed to the Consultant. If the Consultant disputes the right or amount of the off-set made by the City, the Consultant may file a claim pursuant to Section 10.20 of this Agreement.

7.06 ***Final Payment.*** Upon completion of the services required under this Agreement, and acceptance thereof by the City (which acceptance will not be unreasonably withheld), the Consultant will, within sixty (60) days of the City's acceptance, be paid the balance of any money due for such services.

SECTION EIGHT
PERFORMANCE SCHEDULE

8.01 ***Performance Schedule.*** The Consultant shall perform and complete the services required under this Agreement according to the schedule (the "Performance Schedule") set forth in the Schedule of Performance, **Exhibit "C"** attached hereto. If the performance of services is delayed or submittals are not delivered in the time period as outlined in the Performance Schedule, the Consultant shall notify the City Representative in writing of the reasons for the delay and include a plan which brings the Consultant's performance into compliance with the Performance Schedule.

SECTION NINE
AUDIT: ACCESS TO RECORDS

9.01 ***Records.*** The City shall have the right to audit the Consultant's books, records and other documents directly pertinent to the performance of this Agreement. The Consultant agrees to maintain books, records and other documents directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles and practices. The Consultant shall also maintain the financial information and data used to prepare or support the invoices submitted to the City. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards, procedures and guidelines of the City, or its designated representative. The City, or its duly authorized representatives, shall have access to such books, records, and documents for the purpose of inspection, audit and copying. The Consultant will provide proper facilities for such access and inspection.

9.02 ***Disclosure.*** The Consultant shall be afforded the opportunity for an audit entrance and exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report, and that the final audit report will include the written comments, if any, of the Consultant.

9.03 ***Period of Maintenance.*** The books, records and other documents under Sections 9.01 and 9.02 of this Agreement shall be maintained for three (3) years after the date of the final payment for the services under this Agreement. In addition, those records and other documents which relate to any arbitration, litigation or the settlement of any claim arising out of this Agreement, or to which an audit exception has been taken, shall be maintained and made available until three (3) years after the date that the arbitration, litigation or exception has been resolved.

9.04 ***Subcontract Provisions.*** The Consultant agrees to include Sections 9.01 through 9.03 of this Agreement in all its subcontracts directly related to performance of services specified in this Agreement which are in excess of $10,000.

SECTION TEN
MISCELLANEOUS PROVISIONS

10.01 ***Suspension.*** The City may suspend, without cause, the performance by the Consultant under this Agreement for such period of time as the City, in its sole discretion, may prescribe by providing written notice to the Consultant. The suspension shall be effective as of the date set forth in the written notice. With such suspension, the City agrees to pay to the Consultant the amount of compensation earned as of the effective date of suspension less all previous payments. The Consultant shall not provide any further services under this Agreement after the effective date of suspension until otherwise notified in writing by the City. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of suspension.

If, after notice to resume performance has been given by the City, the suspension was for a period in excess of ninety (90) days, which has resulted in an increase in the performance of the Agreement to the Consultant and:

(i) the Consultant was not a contributing cause for the suspension,
(ii) the Consultant has not received an equitable adjustment under another provision of this Agreement, and
(iii) the Consultant could not mitigate the increase in the performance cost,

then the Consultant's fee shall be reviewed by the City and, if justified, equitably adjusted to provide for any additional expenses resulting from the suspension.

10.02. ***Termination for Convenience.*** The City reserves the right to terminate this Agreement without cause or default on the part of the Consultant with ten (10) days' prior written notification to the Consultant served pursuant to Section 10.18 of this Agreement. In the event of termination, without cause or default, the City agrees to pay to the Consultant the reasonable value for the services performed as of the date that notification of termination is received by the Consultant. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of termination.

10.03 ***Termination for Cause or Other Resolution.***

A. ***Default.*** The occurrence of any of the following events shall constitute a default by the Consultant hereunder (herein "Event of Default"). If, during the term of this Agreement, the Consultant:

(i) defaults in the due observance and performance of any term, condition or covenant contained in this Agreement,

(ii) (a) voluntarily terminates operations or consent to the appointment of a receiver, trustee or liquidator of the Consultant for all or a substantial portion of its assets, (b) is adjudicated bankrupt or insolvent or files a voluntary petition in bankruptcy, or admits in writing to the inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or

answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by the Consultant for the purpose of effecting any of the foregoing,

(iii) allows any warrant, execution or other writ to be issued or levied upon any property or assets of the Consultant which continues unvacated and in effect for a period of thirty (30) days, or

(iv) fails, in the judgment of the City, to provide the services hereunder properly and with proper dispatch in accordance with the time schedule set forth in this Agreement,

and the default continues five (5) days after written notice is given to the Consultant pursuant to Section 10.18.

B. ***City's Rights.*** Upon the occurrence of an Event of Default, and without prejudice to any other right or remedy it may have at law or equity, the City may:

(i) terminate this Agreement, suspend payment of all pending invoices otherwise due to the Consultant hereunder, and finish this Agreement by such means as deemed appropriate by the City, reserving the right to deduct from any balance due Consultant the cost of completing this Agreement. In the event the cost of finishing the Consultant's performance of this Agreement exceeds the balance due the Consultant, the excess shall be paid by the Consultant to the City within five (5) days of invoicing by the City,

(ii) terminate this Agreement, and the obligations imposed hereunder, including the obligation of any further payment for the services of the Consultant except for the reasonable value for the services performed to the date of termination, or

(iii) Continue with performance by the Consultant and serve within a reasonable time after completion of the Agreement a request to arbitrate the Event of Default as a claim or dispute pursuant to the arbitration procedure set forth in Section 10.20.

In the event that the City elects to implement (i) above, the costs and expenses of completing this Agreement shall be computed and audited by the City's designated representative. The audit shall be conducted in accordance with generally accepted accounting principles and the cost thereof shall be paid by the Consultant.

10.04 ***Ownership of Documents.***

A. ***Architectural Works.*** To the extent that the Consultant's services involves the design of an architectural work as defined herein, the Consultant shall retain all common law and statutory rights of ownership, including copyrights, to the drawings and specifications prepared by the Consultant for this Project. The Consultant is deemed to be the author of the drawings and specifications as instruments of service to the City. Notwithstanding the foregoing, the Consultant hereby grants to the City the right to use (including the right of reproduction and use in the creation of new documents) the drawings and specifications for the purpose of completing the Project or for any subsequent maintenance, repair, renovation, remodeling or addition thereto. The rights granted herein to the City shall extend and include any new consultant which the City may retain for the aforementioned purposes. The Consultant hereby releases the City, and any new consultant retained by the City for the aforementioned purposes, from any and all claims in connection with the use or reproduction of the drawings and specifications. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection.

B. ***Other Works.*** To the extent that the Consultant's services does not involve the design of an architectural work, the City shall have all common law and statutory rights of ownership, including copyrights, to the plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies, excepting any proprietary forms, templates, and checklists specifically listed for City ownership exclusion elsewhere in this Agreement) (collectively herein the "Documents") prepared or assembled by the Consultant, or any of its subconsultants, for this Project. The Consultant hereby releases the City, and any new consultant retained by the City from any and all claims in connection with the use or reproduction of the Documents. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection. The Consultant shall be entitled to retain a reproducible copy of the documents furnished to the City.

C. ***Definition of Architectural Work.*** For purposes of this Agreement, "architectural work" shall have the same definition as set forth in Architectural Works Copyright Protection Act of 1990, P. L. 101-650, Title VII, Section 70 et. seq.

D. ***Delivery of Documents.*** In the event of the completion, suspension or termination of this Agreement, the City shall have the right to require delivery of any and all of the plans, drawings, specifications, and all other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies), including the magnetic or electronic media of the aforementioned

documents, not in the possession of the City.

E. ***Confidentiality.*** The plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies) (including the magnetic or electronic media of the aforementioned documents) which are prepared or assembled by the Consultant, or its subconsultants, under this Agreement shall not be made available to any individual or organization without the prior written consent of the City. Except for marketing pamphlets and submittals to clients, the Consultant shall not publish, submit for publication, or publicly display the Project without the written consent of the City. The obligations of confidentiality shall survive the termination of this Agreement.

F. ***Contractual Rights.*** Notwithstanding the provisions of 10.04 A above, the City is hereby licensed to use all design concepts developed by the Consultant and subconsultants under this Agreement, including the right to construct derivative works of the Project, and to use the design concepts for other projects of the City. The design concepts include, but are not limited to, the form, aesthetic appeal, site layout, the arrangement and composition of spaces and elements, the use of colors and materials, system designs, construction methods and interior design.

10.05 ***Insurance.*** The Consultant shall procure and maintain, at its own expense, during the entire term of the Agreement, the following insurances:

A. ***Worker's Compensation Insurance.*** This insurance shall protect the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

B. ***Commercial General Liability Insurance.*** This insurance shall protect the Consultant, its agents and vehicles used to provide the services required under this Agreement from claims of personal injury (including death) and property damage. Such coverage shall be in a minimum amount of $1,000,000 combined single limit for the period of time covered by this Agreement. The Consultant's general liability insurance policies shall be endorsed to include the City as an additional insured.

C. ***Commercial Automobile Liability Insurance.*** This insurance shall protect the Consultant from claims of limits no less than $1,000,000 combined single limit per occurrence for bodily injury and property damage to include, but not be limited to, coverage against all insurance claims for injuries to persons or damages to property which may arise from services rendered by Company and any auto used to the performance of services under this Contract. The policy must insure all vehicles owned by the Company and include coverage for hired and non-owned vehicles. The Consultant's automobile liability insurance policies shall be endorsed to include the City as an additional insured.

D. ***Professional Liability Insurance (Errors and Omissions Coverage).*** This insurance shall protect the Consultant from claims arising out of performance of professional services caused by a negligent act, error, or omission for which the insured is legally liable. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement.

E. ***Cancellation or Modification of Coverage.*** The Consultant's Commercial General Liability and Professional Liability Insurance Policies shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, and with respect to its Commercial General Liability Policy, to waive subrogation against the City, its officers, agents, servants and employees. The policies shall provide that the City will be given thirty (30) days' notice in writing of any cancellation of, or material change in, the policies.

F. ***Certificates and Endorsements.*** The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed $25,000 without the written approval of the City. The Consultant shall deliver to the City's authorized designated representative named in **Exhibit "B"** (Required Submittals) certificates indicating that such insurance is in effect before any services are provided under this Agreement and renewal certificates not less than 30 days prior to the expiration date of any policy.

G. ***Period of Coverage.*** If the insurance coverage is underwritten on a "claims made" basis, the retroactive date shall be prior to or coincident with the date of this Agreement and the Certificate of Insurance shall state that coverage is "claims made" and the retroactive date. Upon availability, the Consultant shall maintain coverage for the duration of this Agreement and for two years following completion of this Agreement.

10.06 ***Indemnity.*** Notwithstanding any of the insurance requirements set forth in Section 10.05, and not in lieu thereof, the Consultant shall defend, indemnify and hold the City, its Mayor, Councilmen, officers, employees and agents (herein the "Indemnities"), harmless from any and all claims (including, without limitation, patent infringement and copyrights claims), damages, losses, expenses, suits, actions,

decrees, judgments, arbitration awards or any other form of liability (including, without limitation, reasonable attorney fees and court costs) (collectively herein the "Claims") to the extent that such Claims are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the Consultant, its employees, subcontractors, agents or anyone employed the Consultant's subcontractors or agents, in the performance of this Agreement.

As part of its obligation hereunder, the Consultant shall, at is own expense, defend the Indemnitees against the Claims brought against them, or any of them, which is caused by the negligence, errors, omissions, recklessness or intentional misconduct of the Consultant, its employees, subcontractors or agents, for and against which the Consultant is obligated to indemnify the Indemnitees pursuant to this Section, unless the Indemnitees, or any of them elect to conduct their own defense which, in such case, shall not relieve the Consultant of its obligation of indemnification set forth herein. If the Consultant or the Consultant's insurer fails to defend the Indemnities as required herein, the Indemnitees shall have the right, but not the obligation, to defend the same and, if the Consultant is adjudicated by the trier of fact to be liable, the Consultant agrees to pay the direct and incidental costs of such defense (including attorney fees and court costs) which is proportionate to the liability of the Consultant.

As used in this Section 10.06, "agents" means those persons who are directly involved in and acting on behalf of the City or the Consultant, as applicable, in furtherance of the contract or the public work to which the contract pertains.

10.07 ***Assignment.*** The City and the Consultant each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except the Consultant shall not assign, sublet or transfer any obligation or benefit under this Agreement without the written consent of the City. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of the City.

10.08 ***Waiver.*** No consent or waiver, express or implied, by either party to this Agreement, or of any breach or default by the other in the performance of any obligations hereunder, shall be deemed or construed to be a consent or waiver of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act, or failure to act of the other party, or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection, payment, or tentative approval or acceptance by the City or the failure of the City to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release the Consultant of any of its obligations hereunder.

10.09 ***Consultant Warranties.*** The Consultant hereby represents and warrants that:

(i) it is financially solvent, able to pay its debts as they mature, and is possessed of sufficient working capital to complete this Agreement; that it is experienced, competent, qualified and able to furnish the plant, tools, materials, supplies, equipment and labor which is used to perform the services contemplated by this Agreement, and that it is authorized to do business in the City of Las Vegas and the State of Nevada,

(ii) it holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license,

(iii) its computer hardware, software, and firmware will continue functioning without interruption, and will continue to accurately process date, time, and data necessary to the performance of this Agreement, and

(iv) it has, pursuant to the requirements of Resolution 79-99 adopted by the City Council on August 4, 1999, (effective October 1, 1999), as amended by resolution 105-99 (adopted by the City Council on November 17, 1999), disclosed on the form attached hereto as **Exhibit "G"** (Disclosure of Ownership/Principals) all of the principals, including partners, of the Consultant, as well as all persons and entities holding more than a one percent (1%) interest in the Consultant or any principals of the Consultant. If the Consultant, or its principals or partners, are required to provide disclosure under federal law (such as Securities and Exchange Commission or the Employee Retirement Income Act) and current copies of such federal disclosures are attached to **Exhibit "G,"** the requirements of this Section shall be deemed satisfied. During the term of this Agreement, the Consultant shall notify the City in writing of any material change in the above disclosure on **Exhibit "G"** within fifteen (15) days of such change.

10.10 ***Consultant's Employees.*** The Consultant shall be responsible for maintaining satisfactory standards of competency, conduct and integrity, of personnel assigned to the Project, and shall be responsible for taking such disciplinary action with respect to such personnel as may be necessary. In the event the Consultant fails to remove any employee from the work of this Agreement whom the City deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the City to be contrary to the public interest, the City reserves the right to require such removal as a condition for the continuation of this Agreement.

10.11 ***Independent Contractor.*** It is hereby expressly agreed and understood that in the performance of the services required herein, the Consultant and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or

employee of the City.

10.12 ***Applicable Law.*** This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

10.13 ***Compliance with Laws.*** The Consultant shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Agreement including, without limitation, the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or national origin.

10.14 ***Severability.*** In the event that any provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

10.15 ***Confidentiality.*** The Consultant shall treat the information relating to the Project, which has been produced by the Consultant or provided by the City, as confidential and proprietary information of the City and shall not permit its release to other parties or make any public announcement or publicity release without the City's written authorization. The Consultant shall also require each subconsultant to comply with this requirement. The submission or distribution of documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication relieving the Consultant of its confidentiality obligation imposed herein.

10.16 ***Site Inspection.*** The Consultant represents that it has visited the location of the Project and has satisfied itself as to the general condition thereof and that the Consultant's compensation as provided for in the Agreement is just and reasonable compensation for performance hereunder including reasonably foreseen and foreseeable risks, hazards and difficulties in connection therewith based on such above-ground observations.

10.17 ***Modification.*** All modification or amendments to this Agreement are null and void unless reduced in writing and signed by the parties hereto.

10.18 ***Notice.*** Any written notice required to be given under Sections 1.01 through 10.24 of this Agreement shall be deemed to have been given when the written notice is (i) received by the party to whom it is directed by personal service (ii) telephonically faxed to the telephone number set forth in the introductory paragraph to this Agreement, provided confirmation of the transmission is received by the sender, or (iii) deposited with the United States Postal Service, postage prepaid, addressed to the City Representative or the Consultant Representative, whomever is the proper recipient, and mailed to the address set forth in the introductory paragraph to this Agreement.

10.19 ***Prohibition Against Contingent Fees.*** The Consultant warrants that no person or entity has been employed or retained to solicit or secure this Agreement with the Agreement or understanding that a commission, percentage, brokerage or contingent fee would be paid to that person. For breach or violation of this provision, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation to be paid to the Consultant, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10.20 ***Claim or Dispute Resolution.***

A. ***Notice of Claim or Dispute.*** For each claim or dispute which the Consultant has against or with the City (except for any claim for an equitable adjustment under Section 3.02 which is subject to the 30-day limitation set forth therein), notice thereof must be submitted in writing to the City Representative within a reasonable time after the claim or dispute arises, but no later than thirty (30) days after final payment is made to the Consultant. The purpose of written notification is to place the City on notice so that proper measures can be taken to properly defend against the claim or dispute, and the failure to give such notice shall preclude the Consultant from subsequently arbitrating that particular claim or dispute pursuant to Section 10.20C of this Agreement, and the Consultant shall have no further recourse against the City. Pending a final decision on the claim or dispute under Sections 10.20B or 10.20C, the Consultant shall proceed diligently with the performance of this Agreement.

B. ***Resolution by Management.*** The City Representative and the Consultant Representative shall meet within a reasonable time after receipt of the written notice received pursuant to Section 10.20A in an attempt to resolve the claim or dispute to the mutual satisfaction of the parties. If the matter is not disposed of by mutual agreement between the City Representative and the Consultant Representative, the claim or dispute shall be decided by the Director of Public Works, whose decision shall be reduced to writing and mailed or otherwise furnished to the Consultant. The decision of the Director of Public Works shall be final and conclusive unless, within thirty (30) days after the date on which the Consultant receives its copy of such decision, the Consultant mails or otherwise furnishes to the Director of Public Works a written request to arbitrate the claim or dispute, in which event the parties shall proceed with the arbitration pursuant to provisions of Section 10.20B. The failure to make such request shall preclude the Consultant from proceeding any further on the claim or dispute, and the Consultant shall

have no further recourse against the City.

C. ***Resolution by Arbitration.*** Upon receipt of the request to arbitrate authorized pursuant Section 10.03B or Section 10.20B, the City and the Consultant shall come to an agreement as to the appointment of an arbitrator for purposes of hearing the appeal. If the parties cannot reach an agreement, then each party shall select an arbitrator for purposes of the appeal, and the two shall select a third arbitrator within 20 days of their appointment. If the selected arbitrators are unable to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association or the Nevada Arbitration Association, whichever is designated by the City. Each party shall be afforded an opportunity to be heard and to offer evidence in support of or against the appeal. The decision of the arbitrator, or arbitrators, as the case may be for the determination of the appeal, shall be final, conclusive and enforceable under the laws of the State of Nevada.

D. ***Right of Consolidation.*** Any arbitration arising out of or relating to this Agreement may include, by consolidation, joinder or in any other manner, any additional party or parties who are not a party to this Agreement if so requested by the City or the Consultant. Any consent to arbitration involving an additional party or parties shall not constitute consent to arbitrate any claim or dispute not described as a part of the original arbitration unless otherwise agreed to by the parties.

E. ***Right of Joinder.*** In the event the City is named as a party to any arbitration, or the City commences an arbitration against a party other than the Consultant, which arbitration is related to, or connected with, the construction of the Project or the performance of the Consultant's services hereunder (such as, without limitation, any arbitration between the City and the contractor awarded the contract to construct the Project), the Consultant agrees and irrevocably consents to be joined as a party in the arbitration proceeding and to be bound by any decision resulting therefrom. The decision of the arbitrator or arbitrators, as the case may be, in the arbitration to which the Consultant has been joined as a party, shall be binding and enforceable against the parties thereto under the laws of the State of Nevada.

If the Consultant is named as an additional party by the City, the Consultant shall not be entitled to any additional compensation from the City as a result of preparing for, and participating in, the arbitration.

F. ***Discovery.*** In the event of arbitration, the parties agree that all means of discovery including, but not limited to, depositions and interrogatories, will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules of discovery provided under the Nevada Rules of Civil Procedure.

G. ***Award Final.*** The award rendered by the arbitrator shall be final, and judgment may be entered upon its accordance with applicable law in any court having jurisdiction thereof.

H. ***Mediation.*** Subsequent to the commencement of any arbitration pursuant to Section 10.20C, and prior to any decision arising therefrom, the parties may endeavor with written mutual consent to settle disputes by mediation in accordance with the mediation rules of the mediation service agreed by the parties. The cost of the mediation shall be shared equally by the parties.

10.21 ***Attorney Fees.*** The prevailing party in any litigation or arbitration brought to enforce the provisions of this Agreement shall be entitled to reasonable attorney fees and court costs.

10.22 ***Calendar Day.*** All references in this Agreement to days are to calendar days unless otherwise indicated.

10.23 ***Exhibits.*** All exhibits referenced in this Agreement are hereby incorporated by this reference as a part of this Agreement. Any conflict between the provisions of this Agreement and the Exhibits incorporated herein shall be governed by the provisions of this Agreement.

10.24 ***Counterparts; Electronic Delivery.*** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

10.25 ***Agreement Version.*** This document reflects the current standard provisions for the City's Professional Services Agreement updated as of April 8, 2008.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

ATTEST

Beverly K. Bridges, MMC, City Clerk Date

CITY OF LAS VEGAS

By_____
Kathleen C. Rainey, Manager, Purchasing & Contracts

APPROVED AS TO FORM

Robert S. Sylvain 1-11-11
Deputy City Attorney Date

CONSULTANT

By_____
Kelvin Haywood, President, KME Architects

LIST OF EXHIBITS

EXHIBIT " A " SCOPE OF SERVICES

EXHIBIT " B " REQUIRED SUBMITTALS

EXHIBIT " C " PERFORMANCE SCHEDULE

EXHIBIT " D " FEE BREAKDOWN

EXHIBIT " E " ADDITIONAL COMPENSATION

EXHIBIT " F " KEY PERSONNEL LIST

EXHIBIT " G " DISCLOSURE OF OWNERSHIP/PRINCIPALS

EXHIBIT "A"

SCOPE OF SERVICES

ARTICLE 100: GENERAL

100.1 Upon authorization to proceed as described in **Exhibit "C"**, the Consultant shall provide the following in accordance with the Schedule (**Exhibit "C"**) included herein.

100.2 PROJECT DESCRIPTION

100.2.1 It is understood by the parties to this Agreement that the Project definition is going to be developed during the course of the work of this Agreement and that little information may be currently available upon the signing of this Agreement. The projected description and scale of the Project upon signing of this Agreement is:

100.2.1.1 Project Type and Description: Both the Westside School and the Variety Early Learning center addressed as an entire campus.

100.2.1.2 Site Address, Parcel Number, Location: Areas bounded by Jefferson Ave, C Street, D Street and Washington Ave. 990 D Street, 1050 D Street, and 330 W Washington Ave. Parcel #139-27-211-053, 058, 059, and 060

100.2.1.3 Gross Site Acreage: 4.74 Acres
100.2.1.4 Gross Building Size: TBD (To be determined)
100.2.1.5 Anticipated Use: TBD
100.2.1.6 Construction Cost Budget: TBD

100.2.2 Should the preceding projected site or building sizes change during the course of the work by less than fifty percent (50%), the Consultant shall continue to provide the scope of services without additional compensation or reduction in fee.

100.2.3 Should any of the preceding projected site or building sizes change during the course of the work by fifty percent (50%) or more, or the project type or location be revised, the Consultant may make an Additional Service request to the degree that the Consultant can demonstrate additional work is required due to the change, and the City may make seek a reduction in fee to the degree that the City can demonstrate a reduction in the work required.

100.3 SCOPE OF SERVICES

100.3.1 The following scope of services is in addition to the scope required elsewhere in this Agreement. This scope is to be considered preliminary and may be altered as this Project develops. If increased scope or workload is encountered, the Consultant is to notify the City in writing, and an adjusted fee will be negotiated prior to any work.

100.4 GENERAL REQUIREMENTS

100.4.1 The Consultant agrees to include in all its subcontracts related to the Project, and require the same of all sub-subconsultant contracts at all tiers, the provisions of this Agreement related to the City's and Consultant's rights (including copyright), ownership and uses of the concepts, designs, documents, intellectual property, and tangible property.

100.4.2 Should any portions of the Project contain works provided protection under the Visual Artists Rights Act of 1990 ("VARA"), the Consultant and his subconsultants at all tiers agree to waive and do hereby waive voluntarily all rights to attribution and integrity with respect to any and all claims as may arise under VARA, Nevada Revised Statutes "Works of Art" NRS 597, or any other local, state, foreign, or international law, as currently drafted or as may be hereafter amended, that conveys the same or similar moral rights with respect to any or all portions of the Project, including but not limited to display, removal from display, exhibition, installation, restoration, conservation, storage, study, alteration, destruction, relocation, and any other activities conducted by the City, its officers, employees, agents, contractors, licensees, successors or assigns. The Consultant acknowledges that all such decisions concerning the Project shall be made in the sole discretion of the City, its officers, employees, agents, contractors, licensees, successors or assigns. In addition to the extent such rights may not be waived, Consultant and his subconsultants at all tiers covenant not to assert such rights against the City, its officers, employees, agents, contractors, licensees, successors or assigns.

100.4.3 Each submittal shall be in accordance with the appropriate submittal requirements listed herein. Incomplete submittals shall be rejected. All costs associated with the re-submittal shall be borne by the Consultant. Prior to each submittal, check all documents for technical accuracy, compliance with applicable codes and ordinances, complete incorporation of all City review comments, and coordination within and between design disciplines.

100.4.4 The Consultant shall be responsible for all coordination with its subconsultants. Each submittal to the City shall be organized by discipline and shall be thoroughly crosschecked to avoid conflicts between Consultant and subconsultant documents. Vague references to Project requirements on other discipline's plans shall not be permitted. Where references to others' plans are necessary for direction, reference notes shall specifically state the document, drawing number, or specification section, as appropriate. It shall be the Consultant's responsibility to advise each subconsultant of this requirement. Historically significant structures to conform with Federal Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings

100.4.5 STANDARDS. All work shall be in compliance with the applicable City of Las Vegas "Design Standards for Buildings, Parks, and Parking Facilities" ("Design Standards"), incorporated herein by reference, and that any failure in this regard shall be at the sole expense of the Consultant.

100.4.6 RESPONSIBILITY. No disclaimers are allowed on any documents, except as specifically authorized by the Owner in writing. The Consultant agrees that no approval of pre-design programming and site analysis, schematic design, pre-project planning, or study deliverables by any person, body, or agency shall relieve it of the responsibility for the adequacy, fitness, suitability, and correctness of the study prepared in accordance with sound and accepted principles applicable to the study.

100.4.7 MEETINGS. Throughout the phases of the Project, participate in regularly scheduled weekly meetings with the City. Coordinate attendance of subconsultants and other parties as appropriate to the progress of the work and to avoid delay. Unless the City elects to do so and provides written instrument stating such, record, prepare and distribute to all attendees and other affected parties, a meeting summary documenting decisions made and actions required by attendees and other affected parties, in a format acceptable to the City, within five days following each meeting. The consultant requires attendance and participation during community outreach meetings on a regular basis.

100.5 DEFINITIONS

100.5.1 "Pre-Project Planning" as used herein is the process of developing sufficient strategic information with which the City can address risk and feasibility of options, determine costs and commitment of resources, make applications for funding or other agency participation, and utilize as the basis for subsequent Project Phases.

100.5.2 "Construction Cost Budget" as used herein is the cost to construct the Project. The Construction Cost Budget includes the cost of construction labor, materials, and equipment furnished, contractor insurance and bonding, construction general conditions expenses, and the contractor's overhead and profit, but excludes the cost of construction change orders and other construction cost impacts encountered after award of the construction contract. An estimate of the Construction Cost Budget during the course of the design may include designer, scope, estimating, market factor, price escalation, and other contingencies as appropriate to the level of Project definition to account for anticipated costs including unknown and undefined Project elements, and the potential cost of identified but unmitigated Project risks. An estimate of the Construction Cost Budget is a prediction of the lowest bona fide construction bid received at the scheduled bid opening.

100.5.3 "Construction Cost Estimate" as used herein is a forecast of the probable construction cost prepared on the basis of detailed analysis of materials and labor for all items of work.

100.5.4 "Total Project Cost Budget" is the entire expense required to achieve the completion of the Project and includes the Construction Cost Budget plus the cost of construction change orders, compensation of the Consultant and other consultants, the cost of land, financing costs, interest payments, permits, utility fees, inspections, printing bid and construction documents for construction, the City's construction management oversight, surveys and reports, testing, commissioning, constructability and value engineering reviews, the City's internal labor, site signage, furnishings, furniture, and equipment.

ARTICLE 101: THE CITY'S RESPONSIBILITIES

101.1 The City will be responsible for performing all work necessary to complete their obligation to the Consultant to allow the Consultant to complete their work.

101.2 INFORMATION PROVIDED BY THE CITY

101.2.1 The following information is being furnished by the City for inclusion in the report(s). The Consultant can rely on the accuracy of this information and has no responsibility other than including it in the proper location in the report(s):

101.2.1.1 Total Project Cost Budget.
101.2.1.2 Proposed Project Schedule and Funding Plan.

101.2.2 The following information is being provided by the City to assist the Consultant in the performance of the Agreement. The Consultant can rely on the accuracy of this information for the purpose of this Agreement:

101.2.2.1 City Design Standards.

101.2.3 The following information is being provided by the City for review and verification by the Consultant. The Consultant is responsible for determining the current accuracy, correctness, or soundness of this information:

101.2.3.1 As-built and construction drawings, if any exist.
101.2.3.2 Any other information required to complete the work, if readily available to the City, which is not in the Consultant's Scope of Services.

101.3 ADDITIONAL OBLIGATIONS BY THE CITY.

101.3.1 The City shall:

101.3.1.1 Arrange and provide for access for the Consultant to enter upon public and private property as required to perform their services.
101.3.1.2 Provide review comments to be incorporated into the documents.
101.3.1.3 Acquire any required rights to the Project site or air rights to adjacent sites as deemed necessary by the City.
101.3.1.4 Designate a management team to conduct meetings, oversee the Pre-Project Planning work, review concepts and designs, issue responses on behalf of the City, administer contractual provisions, and to work with the Consultant to achieve an acceptable strategic plan, refined Program and Schematic Design.

ARTICLE 102: THE CONSULTANT'S RESPONSIBILITIES

102.1 The Consultant shall be responsible for performing all work necessary to complete the following schedule of work, more fully described following:

102.1.1 Programming and Site Analysis Phase

102.1.2 Schematic Design and Master Planning Phase

102.1.3 Pre-Project Planning Study, to be prepared upon successfully completing and incorporating the preceding phases of work.

102.1.3.1 Utilities. Provide all research, coordination, and meeting representation for utility survey, capacity, and preliminary project design analysis of all utilities required for the Project. Applications for service are not anticipated as part of the work of this Agreement.

102.1.4 FEES. Notify the City of any required utility, application, permit and review fees, which shall then be the responsibility of the City to pay.

102.1.4.1 CPM NOT A REGULATORY AUTHORITY. The Consultant does hereby acknowledge, understand and agree that the Capital Project Management Section of the Department of Public Works (CPM), acting as the City's representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of other departments of the City acting in a regulatory capacity including, but not limited to, the Building Department, Fire Department, Planning Department and Department of Public Works of the City of Las Vegas. The City's representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the City receives a quality product, delivered on schedule, for a fair price. Furthermore, the Capital Project Management Section of the Department of Public Works does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the Capital Project Management Section of the Department of Public Works. The Consultant agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the City, and that the Consultant's interaction with each regulatory authority is to be conducted without assistance from the City.

102.1.4.2 APPROVAL. The City shall give approval of documents prior to being submitted to any regulatory agency for permit review and approval

102.1.4.3 HABS Report HABS consists of four varying levels of documentation. The consultant shall provide Level 1 documentation which is the highest degree of required documentation including full measured drawings, large format photographs of both the interior and exterior of the building, and history narrative. Work will be completed in accordance with *The Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation.*

As part of the HABS submittal, the consultant will include one (1) original photo data set, one archival photocopy set, three (3) bound copies, and one (1) electronic copy (pdf) on CD. This will be delivered to the City for the City's internal recordation or for submission to the Library of Congress.

The Consultant will field verify existing plan and elevation dimensions of the 1923 Las Vegas Grammar School No. 1 building and the 1948 Classroom Addition building. Destructive testing or investigation will not be required. Field investigation will need to be conducted to complete the documentation. Field work will also include field photography, an assessment of the existing conditions, character-defining features, and architectural integrity. These items will be included in the HABS report.

The Consultant will research the history of the Las Vegas Grammar School and gather documentation according with *The Secretary of the Interior's Standards for Architectural and Engineering Documentation: HABS/HAER Standards.* The Consultant will utilize all existing background information provided by the City including, but not limited to the National Register of Historic Places nomination form, existing site records, school files and records, personal interviews, oral histories, existing videotapes, historic photographs, and news articles as part of the research to produce the HABS written documentation.

The Consultant will provide HABS Level 1 large format photographs of the site in accordance with *HABS/HAER Photographs Specifications and Guidelines.* A total of 20 photographs of the exterior views as well as interior photographs will be included. At least one exterior view of each building will include a scale stick per HABS standards. Two sets of archival processed 8 X 10 prints will be provided with the Final HABS submittal along with sleeved large format negatives. Photographs and negatives will be labeled in accordance with HABS standards and provide a corresponding photo key.

Supplemental photographs will be taken using a high-resolution digital camera. Supplemental photographs may include site photos, photographs of other on-site buildings or equipment, and additional views of the documented buildings. An estimated total of 25-30 supplemental photos will be submitted with the HABS documents. These photos will be printed on bond with photo captions describing the views. A photo key for the supplemental photos will not be included.

The Consultant will provide:
Level 1 historical and descriptive narrative of the Westside School. Written documentation will include:

- History and description of the 1923 Las Vegas Grammar School No. 1 building and the 1948 Classroom Addition building.
- Research methodology.
- Name and date of research.
- A list of sources.

The HABS written documentations will be prepared in accordance with the National Park Service, *Historic American Buildings Survey Guidelines for Historical Reports.* Written histories will place the site and related structures within the appropriate context, addressing both the historical and the architectural aspects of its significance.

102.2 PROGRAMMING AND SITE ANALYSIS PHASE

102.2.1 Upon authorization by the City to Proceed with the Programming and Site Analysis Phase, the Consultant shall:

102.2.1.1 SITE SURVEY. Prepare a boundary and topographic survey for the Project.

102.2.1.2 GENERAL REQUIREMENTS. Receive from the City the preliminary space requirements list for current and future needs, budget and other requirements for the Project.

102.2.1.3 PROGRAM. Work with the City in detailing the program for the Project, including size, relationship and needs of the spaces and activities. Prepare a program analysis for the City's approval detailing all goals, needs, spatial requirements, relationship matrices, adjacencies, special performance requirements, fixed fixtures, and bubble diagrams. This work is to be independent of the site conditions.

102.2.1.4 LEED CREDITS REPORT. In meetings with the City Representative and stakeholders the Consultant shall analyze, recommend, and report the potential LEED Credits to pursue for certification.

102.2.1.5 SITE ANALYSIS. Analyze the site conditions affecting the Project including but not limited to ownership verification, utilities, drainage, surrounding uses, applicable Federal acts, site history, access, traffic, condition of existing improvements and vegetation, historic restoration, and site issues affecting Project schedule.

102.2.1.6 REVIEW. Participate in design review meetings in which the City will discuss comments generated during the review of the program analysis, and site analysis. Incorporate the City's review comments.

102.2.1.7 SUBMITTAL. Provide a formal Programming and Site Analysis Submittal, which includes the program analysis, site analysis, and probable Cost Estimate. Furnish six (6) copies of the submittal to the City. The City shall review, make comments, advise of any adjustment required, and request additional documents as required of the program and budget. The City shall approve in writing the Programming and Site Analysis Submittal prior to the Consultant proceeding with the basic services under the Schematic Design Phase.

102.3 SCHEMATIC DESIGN PHASE

102.3.1 Upon authorization by the City to proceed with the Schematic Design Phase, the Consultant shall:

102.3.1.1 REVIEW. Review the program, schedule and probable Construction Cost Budget confirmed by the City to ascertain the requirements of the Project and arrive at a mutual understanding of such requirements with the City and advise the City of any problem issues.

102.3.1.2 DESIGN ALTERNATIVES. Based on the mutually agreed upon program, schedule and probable Construction Cost Budget, the Consultant shall prepare preliminary design studies consisting of drawings and other documents illustrating the scale and relationship of each component of the Project. Review with the City Representative, alternative approaches to the design and construction of the Project. **A maximum of TWO functional and varied design alternates will be required.**

102.3.1.3 LEED CREDITS REPORT. Update the list of LEED credits being pursued.

102.3.1.4 INTERIM ESTIMATE. If and when requested by the City during the Schematic Design Phase, prepare an interim Construction Cost Estimate of the design alternatives to confirm the feasibility of the Project program and design.

102.3.1.5 SPECIFICATIONS. Prepare schematic level outline specifications.

102.3.1.6 REVIEWS. Participate in design review meetings in which the City will discuss comments generated during the review of the alternative designs, specifications, and probable Construction Cost Estimate. Incorporate the City's review comments. All incorporated changes shall be fully coordinated within and between disciplines.

102.3.1.7 SITE DEVELOPMENT PLAN REVIEW. Based on the City's selected design alternative as further development into an approved schematic design, provide all applications, documentation, submittals and meeting representation for the Planning Department's Site Development Plan Reviews, including those required by review boards such as Summerlin, Centennial Hills, redevelopment agencies, historical review boards and similar organizations where applicable to the site and Project. Incorporate comments and requirements into the design.

102.3.1.8 SUBMITTAL. Prepare a formal Schematic Design Submittal. Schematic documents shall include site master plan, floor plans, elevations, sections, finishes and other drawings as necessary to describe the Project, the outline specification, and a revised Construction Cost Estimate. Provide six (6) copies of the documents from this phase.

102.3.1.9 REVIEW. Participate in a Design Review Meeting in which the City will present and discuss comments generated during review of the Schematic Design Submittal. Incorporate the City's review comments in the Pre-Project Planning Study.

102.4 PRE-PROJECT PLANNING STUDY

102.4.1 DRAFT. Provide a draft copy of the study for the City's approval and comment. Incorporate comments and add materials as directed by the City until the draft is approved by the City for final printing.

102.4.2 FINAL. Provide:
102.4.2.1 Ten bound copies,

102.4.2.2 One clean unbound reproducible copy, and
102.4.2.3 One compact disk (CD or DVD) in PDF (Adobe Acrobat) format
of the final approved Pre-Project Planning Study using the following format, in a manner and at a level of detail appropriate for the Project's type, complexity, size, and site characteristics.

102.4.3 CONTENTS.

1. Table of Contents
2. Executive Summary
3. Project Analysis
    a. Project Description
    b. Project Scope
    c. Background
    d. Expected Use and Users
    e. Analysis
    f. Project Implementation Plan
4. Program Analysis
    a. Programmed Activities, Occupants, and Uses
    b. Relation Matrices
    c. Common Area Space Program for Building Projects
    d. Exterior Space Program and Requirements
    e. Special Performance Requirements
    f. Future Growth
5. Site Analysis
    a. Existing Conditions and Suitability
    b. Evaluation of Site to Meet Requirements
    c. LEED Credits being pursued
6. Project Cost Estimate
    a. Total Project Cost Budget (provided by City)
    b. Proposed Project Schedule and Funding Plan (provided by City)
    c. Proposed Construction Cost Estimate
    d. Design Assumptions
    e. Estimating Assumptions
7. Operations and Maintenance Impacts
8. Design Documents
    a. Program Bubble Diagram(s)
    b. Site Analysis Diagram(s)
    c. Schematic Design Site Plan and Elevation Drawings
    d. Outline Specifications
9. Appendix
    a. Reference codes, standards, guidelines, prior studies, completed similar project documentation.

102.4.4 DESCRIPTION OF STUDY SECTIONS

102.4.4.1 EXECUTIVE SUMMARY. The executive summary section presents essential and high-level information about the Project. It summarizes material that is presented in the subsequent sections related to the purpose and function of the Project, description of project type, size (e.g., gross square footage, number of floors, etc.), location, recommended project delivery method, and probable Construction Cost Estimate and Total Project Cost Budget (provided by City). **The information contained in the executive summary should not require a technical background to understand.** Significant unresolved or incomplete issues to be addressed in subsequent project activities (such as plans to prepare an environmental impacts report) should also be identified.

102.4.4.2 PROJECT ANALYSIS. The project analysis section describes the scope of the Project, provides background information, documents the Project need, identifies alternatives considered to meet the need, and presents how the proposed solution meets those needs. The project analysis section should discuss the following topics as appropriate to the Project:

Project Description
- Project Sponsor Name - Name of City department requesting the Project.
- Project Title – Provided by the City Representative.

· Contacts - Name, title, telephone, and email address of Project Sponsor and City Representative.
· Consultant Contacts – Firm, address, telephone, and email address of key consultants conducting the Pre-Project Planning Study.

Project Scope
· Mission - Brief mission statement of the sponsor department as it relates to the requested facility.
· Goals and objectives - Describe the specific goals and objectives that will be met by the Project.
· Design Philosophy - Brief statement of the reasoning for the type of design recommended in the document. For example, if the building is an addition to an existing building, the design should complement the existing structure. If the building is a new building on an existing site, is the intent to conform to previous buildings or to create a "flagship" building?
· Organizational Culture - What type of culture is supported and fostered by the facility (e.g., open vs. secured, formal vs. informal)?
· Operational Intent - Brief statement on the operational intent of the Project. For example, will it be open twenty-four hours a day, seven days a week, or eight hours a day for weekdays only? Will it be open to the general public, clients, or restricted to state employees? What type of organizational culture should the facility support?

Background
· Existing Facilities - Description of any other existing facilities that will be directly or indirectly affected by this Project (amount of freed up space made available by relocation to proposed facility, addition to an existing facility, renovation to or demolition of an existing facility, changes in egress to adjacent facilities, etc.).
· Proposed Project's relationship to sponsor department, strategic goals, and master plans.
· Previous Action Taken – Provide history of Project planning. Describe if the Project is in the City's current five-year capital plan. If not, provide a short explanation.

Expected Use and Users (staff, visitors, clients, public, etc.)
· Describe the proposed uses of the facility (i.e., classroom, office, etc.) and the type, daily and peak number of intended users and occupants by category (i.e., by City employees, general public, department clients, students, etc.).

Analysis
· Purpose of the Project - Problem Statement - A description that defines the specific problem or objective that creates the need for the Project. The Project should be consistent with the function, objectives, and policies of the department and the City.
· Project Proposal - Solution - Describe in brief and accurate detail the proposed solution to the problem and quantify how the proposed Project meets those short term and long range objectives. Identify the total Project cost and anticipated Project milestones, including anticipated date of completion. Include a discussion of the major Project/funding milestones planned for the proposed Project.
· Alternatives Considered - A brief description of major alternatives considered and the reasons for rejecting alternatives not recommended, such as renovation *vs.* new construction, building layouts, or program reconfigurations.
· Participating Organizations - List any other state, federal, or local agencies or public or private sector organizations directly affected by, or potentially involved in this Project related to implementation, reviews, approvals, use, or funding.

Project Implementation Plan
In addition to the pre project planning phase being used to develop key Project information, such as the Project scope and program requirements, site analysis, and cost estimates, another critical aspect is to pull all this information together in a Project implementation plan. The Project implementation plan presents how the Project is expected to be managed and funded, and its overall schedule. Much of this information will be provided to the Consultant by the City.
· Management Plan
- Management Organization - This section describes the City's proposed intent in regards to the management of the design and construction of the Project. Roles and responsibilities between the City sponsor and stakeholder agencies should be noted such as CDBG, RTC, and RFC funding requirements, as well as if the Project is going to be managed by CMP or others. Any costs for special consultant services should be included in the Total Project Cost Budget.
- Methods of Accomplishment - Identify the proposed project delivery method to be used. If an alternative to the traditional design-bid-build delivery method is proposed, identify the alternative project delivery method recommended and the rationale and basis for its selection. The selection of an alternative delivery method may influence the Project cost, schedule, and timing of required funding actions. Discuss how building commissioning will be performed.
Schedule
A reasonable milestone and duration master schedule for the Project, including, design, and construction. The schedule should be compatible with the recommended Project delivery method. Overly optimistic compaction of design or construction phases due to unrealistic schedule durations or unlikely funding actions should be avoided.

The Project Analysis section will require the direct participation of the City Representative and Project sponsoring staff to present a clear and comprehensive overview of the Project consistent with the implementation plans.

102.4.4.3 PROGRAM ANALYSIS. The programming activity defines the complete and specific needs of the user translated into facilities terms. The program will identify the requirements of all architectural spaces, equipment, and any special needs which define the Project and will be included in the eventual design of the facility. This includes defining the Project's functional needs, interior and exterior functional requirements (including space sizes, contents, activities), and relationships. A project program serves not only as a basis for design and a source of information about the Project, but is also the basis to develop the Construction Cost Budget.

The program analysis may be the most extensive and most important section of the study. The requirements should not be unnecessarily restrictive in nature, but should clearly and directly express the existing and future potential needs of the agency. Consultants likely will be needed to conduct or assist in the program analysis. However, it is important that the sponsor be heavily involved in the process by providing initial guidance and information and then actively involved in the review of the analysis. All final decisions should be made by the sponsor.

The City has established guidelines for the allocation of space for various workstation types. The Design Standards prepared by the City contain instructions for their application. Consultants preparing design documents should follow these standards. If Project specific space, parking, telecommunications, or other standards are used, they should be referenced in this section and explicitly included in the report Appendix. The program describes the scope (what, and how much) and quality (the level of performance and amenity) to be accommodated. Scope, quality, and site conditions are key factors in establishing the Project cost. Programming and costing should be seen as both simultaneous and reciprocal and may involve several iterations as trade-offs and alternatives are developed and considered.

Programmed Activities, Occupants, and Uses

For building projects, prepare a space requirement information outline and room/space data sheet for each room. For parks and other projects without significant enclosed building spaces, prepare similar information data for each activity and use area on the site. Consultants are free to use any consistent format for this information. It should generally cover the following level of detail:

1. Use/Functional Component (Div., Dept., Etc.)
2. Name of space
3. Total number of rooms/spaces like this
4. Occupants per room/space
5. Purpose
6. Desired NSF floor area
7. Architectural features
    a. Ceiling height
    b. Suggested materials for Floor, Walls, Ceiling
    c. Acoustical requirements (special)
    d. Lighting requirements (special)
    e. Other special requirements
8. Relationship to other areas
9. Fixed equipment
10. Loose equipment and furniture
11. Codes and regulations; constraints/requirements
12. Comments

Relation Matrices

For both building projects and non-building projects, to assist the future Project designer in maintaining functional layouts during the development of the design, record preliminary information about the ideal arrangement among the programmed activities. Based upon information gathered from future facility users and their current representatives, convert desired proximity relationships into an affinity matrix capable of indicating at a glance whether activities should be adjacent, close, neutrally-placed or remote from one another.

Loose Equipment and Furniture

From the programmed space data sheets, total the loose equipment and furniture needs, cost estimate and included in the Total Project Cost Budget. Costs need to be estimated within the Project schedule at the time of purchase, not current costs.

Common Area Space Program for Building Projects (Building Efficiency)

List common spaces and areas in the approved schematic design that are not part of the net assignable space program, such as walls, columns, mechanical chases, electrical and communications risers, air handler rooms, vestibules, corridors, main restrooms, stairs, elevator shafts and equipment rooms, custodial closets, electrical and communications closets, and main mechanical and electrical rooms. Include in this listing the NSF floor area and requirements for each common area space. Total the common area for the Project and

compare to industry standard efficiency factors for similar building type and size; reference the industry standard source used in this section or the appendix.

Exterior Space Program and Requirements
Often-overlooked aspects of a new building project are requirements outside of the exterior of the building. These may include parking spaces, access and circulation roads, sidewalks, entrance plazas, lighting, fencing, landscaping, and signage. Specific exterior items should be identified and quantified in this section of the report, and also included as part of the Construction Cost Estimate.

Special Performance Requirements
Architectural style, use of materials and detailing may be important considerations during design, and they should be addressed during pre-project planning to a reasonable extent and incorporated in the Construction Cost Estimate. Any issues which relate to historical districts or landmark building status (in the case of a renovation) should be documented, along with the restrictions that will be placed on the Project and the processes and/or agencies involved in securing approvals for the Project.

Future Growth & Phasing
Identify design measures and features that allow for future growth and change. Identify elements subject to probable change, both in the short and long term. Assess probabilities of change and indicate where expansion, contraction, or alteration should be provided in design. Provide a phasing plan analysis for large projects and projects that anticipate funding to be apportioned over time.

102.4.4.4 SITE ANALYSIS. The study should clearly present how the site analysis findings impact and are incorporated into the Project's scope and cost estimate.

Existing Conditions and Suitability
The determination of the site suitability for the program requires an analysis of the following site-specific needs and may include:
- Land use, ownership, control (provided by City)
Verification of the property ownership, control, and deed restrictions (provided by City)
- Economic Value (professional appraisals, if required, will be provided by the City)
- Site history and cultural factors to the extent of previous uses of the site.
Archeological sites in the immediate area (provided by City)
- Physical Issues
Topography, categorize existing conditions, use existing information to determine risk of construction on site.
Geo-technical/Soils, categorize soils in area, (provided by City)
Perform limited soil borings and soils investigation necessary to analyze conditions present in area where the proposed Project is physically located. (provided by City)
Make preliminary determination of bearing capacity of soil.
Identify unstable, expansive, caliches soils, and fill materials.
Review surface drainage, storm water, and groundwater characteristics
- Utility Systems Survey of Availability, Compatibly, and Existing Capacities
Water
Sewer
Gas
Electricity
Telephone
Cable
Other
- Environmentally Sensitive Conditions
Steep Slopes
Riparian washes, springs, wells, wetlands
Protected species and critical habitats, tortoise, bear poppy, etc.
Other
- Hazardous Materials - Review title and site records for history of underground or surface storage of hazardous materials such as:
Asbestos-containing materials
Lead paint
Toxic waste
Underground storage tanks
Due diligence survey to determine previous environmental contaminants
- Site Boundary and Topographic Survey
- Regulatory Factors

Zoning codes, verify proper General Plan and Zoning classifications
Use Permits
- Building Codes and Requirements
Local codes or special code needs, ADA
Conduct a preliminary review with the Building Department of the schematic design to determine feasibility of the plan and issues to be addressed in the final design.
Adverse cost impacts
Historical restoration requirements
Any delays that may be imposed in the design or construction phase

Evaluation of Site to Meet Requirements
The evaluation of the site to ensure compatibility with all elements of the Project and program to include the following issues as appropriate and applicable to the Project:
- Information to support determination if the Project may significantly adversely affect the quality of the environment and if an environmental effects reports is required.
- Building footprint(s)
- Configuration of the building
- The site coverage of the building, parking and other impervious areas
- Suitability of soil to support proposed building
- Degree of earthwork and grading required for the Project
- Vehicle access, parking, circulation, and delivery
Set by zoning ordinances, Design Standards, and other regulations
- Circulation and Open Space Requirements
- Special Constraints and Requirements
Utility easements
Set backs
Rights-of-way
Need for retention/detention ponds
Flood areas
Environmental
Historical/Archeological
Ecological preserves
Other
- Access Issues
Site Accessibility, ADA, CAT Bus stops
Impact of Project on traffic flows
Identify required improvements
Identify rights-of-way or additional land that may be needed to provide access to the site
- Utilities
Identify type, capacity, and tie-in requirements for all utilities
Water
Gas
Telephone
Electricity
Cable
Sewer
Other

102.4.4.5 PROJECT COST ESTIMATE

The probable Construction Cost Estimate must pull together the program requirements, site conditions, and Project/facility design assumptions to develop the estimate. Although the potential cost magnitude of the Project must be kept in mind throughout the process, the detailed schematic design Construction Cost Estimate should not be prepared until other portions of the study have been completed, and should take into consideration all of the scope elements and site conditions of the proposed Project.

Total Project Cost Budget
Provided by City.

Proposed Project Schedule and Funding Plan (Provided by City)
The Project schedule for the remaining phases of the work through completion and use of the facility will be provided by the City Representative for inclusion in the study, together with the fiscal year funding plan required to accomplish the work schedule. It must be clear to a reader of the study that this schedule is a proposed schedule, dependent on timely funding of the work, and that should the proposed schedule for completion be delayed for funding or any other cause, the **Project costs will increase from those shown in the study**. Accordingly the schedule should provide for a reasonable number of unknown delays and not be overly optimistic. Provide a funding plan and cost estimate for each phase of phased projects.

Construction Cost Estimate
Provided by Consultant.

Design Assumptions
Building assumptions, such as architectural treatments, building systems/components, and any special accommodations (i.e., security, parking, environmental constraints, etc.) not previously identified should be defined and documented in this section. The objective is to understand and document the assumptions and associated cost impacts that are used for the basis of the Construction Cost Estimate.
This section should describe the assumptions used in preparing the cost for each item in the category, defend more expensive choices and discuss any trade-offs that were considered (i.e., sloped *vs.* flat floor, or standing seam *vs.* built-up roof, etc.).

Estimating Assumptions
State the relative accuracy of the estimate, such as +50% to -30%, or +10% to -10%, and the logic and industry standard reference for stating the particular percentage of accuracy.

The assumptions made by the Consultant, professional estimator, and the City related to the Construction Cost Estimate and the Total Project Cost Budget need to be detailed for the reader, such as the following:

- Construction cost escalation rate, reasons for using this percentage, local historical references, and reasons for any variation between the City and Consultant's estimator and the rationale for the numbers used in the budget. (The construction cost escalation is used to escalate the construction estimate from current year dollars to the mid-point of the construction period per the Project's schedule. The mid-point of the construction phase is used rather than the bid opening date since this should provide a more accurate estimate of the contractor's actual escalated costs due to him buying half of his labor and materials prior to the mid-point and the remaining half after the mid-point. For projects in construction less than a year, the difference is minimal, but on large projects spanning several years, using the mid-point rather than the bid date is significant.)

- Design contingency, logic for using the percentage used. (Because space and specification assumptions may be revised during the design phases, the use of a "design contingency" may be appropriate, generally at a rate not to exceed 10% total cost. This design contingency is also used to cover items that are in the designer's mind but not yet put down on paper for the estimator to see and include in the cost, therefore it is generally shifted and "used up" over the course of the design as the contingency is reduced and the known construction costs are increased to cover these items.)

- Estimating contingency, logic for the percentage used for this stage of the Project's development. (Estimating contingencies account for the relative development of the project program definition, unknown site conditions, unknown regulatory requirements, partial designs not yet approved by the project owner, users, or building department, and other similar risks. As the project progresses from conceptual design to final construction documents during Phase III, the estimating percentage is reduced from over approximately 50% to 10% at bid opening as the risks are investigated and included in the construction documents.)

- Change Order contingency, reasons for using the percentage shown, project type and City historical past experience references.

102.4.4.6 OPERATIONS AND MAINTENANCE IMPACTS

The Operations and Maintenance Impacts section defines the potential Project impact on the annual operating budget for the City.

102.4.4.7 DESIGN DOCUMENTS

Program Bubble Diagram(s)
- Functional / bubble diagrams consisting of activities and generalized spaces representing program elements organized in realistic relationships and scaled to show relative size, for building projects and non-building projects.
- Typical room layouts.

Site Analysis Diagram(s)
- Site diagrams illustrating site layouts such as site survey, site location, utility location, topography, etc.
- Site vicinity location map showing the location within the City.
- Aerial photo of the site showing adjacent land uses.
- Photographs of the site and neighboring properties with special attention paid to adjacent structures and any unique existing conditions.

Schematic Design Site Plan, Floor Plans and Elevation Drawings
- Schematic level site plan showing all proposed uses and amenities, access, pedestrian circulation, buildings, parking, landscaping, walls, fences, major signage, trash enclosures, shade structures, equipment, theming, and hardscapes.
- Schematic Building floor plans showing the layout and arrangement of all programmed and non-programmed spaces
- Building elevations and recommended colors and spatial proportions.
- Phasing plans for phased projects.

Outline Specifications
- Brief narrative specifications presented in CSI format appropriate to the appropriate level of project development including all major materials and systems.

102.4.4.8 APPENDIX

The study should have an Appendix to include a reference list of the codes, standards, guidelines, prior studies, etc., which were used in performing the work through schematic design. It should also include copies of any supplemental information such as City space, functional, and performance planning or programming standards and guidelines that were used in the study that will also be relevant for use during design, as well as copies of reference surveys, geotechnical reports, and other documents.

END OF EXHIBIT "A"

EXHIBIT "B"

REQUIRED SUBMITTALS

ARTICLE 200: GENERAL

200.1 For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall deliver the following minimum submittals and deliverables for the Project, which shall be accomplished as a prerequisite to payment for each related task and service. All reports shall be on white, acid-free paper, 8-1/2 x 11 inches, suitable for photocopying and bound in booklet form. All Drawings shall be prepared using Autodesk's AutoCAD Release 2004 or newer release in accordance with industry accepted standards, including the American Institute of Architects (AIA) Computer Aided Design (CAD) Layer Guidelines. Specifications shall be prepared in Construction Specification Institute (CSI) format using the software program Microsoft Word 2000 or newer release.

200.2 The Consultant understands, acknowledges and agrees that the deliverables from this Agreement may be utilized and incorporated into a Professional Services Agreement for the design and construction of the Project, and that the selection of a firm for that contract or work will be made separately from this Agreement. Accordingly, the Consultant will receive no preference for selection, and may or may not be the selected Consultant for additional design or construction work for the Project.

200.3 The City may make and distribute copies of the reports as necessary in connection with the Project without incurring obligation for additional compensation.

200.4 Certificates of Insurance

The Consultant shall deliver to Insurance Tracking Services, Inc. (ITS), the City's authorized designated representative, a certificate of insurance with respect to each required policy to be provided by the Consultant under this Agreement. The required certificates must be signed by the authorized representative of the insurance company shown on the certificate with proof that such person is an authorized representative thereof, and is authorized to bind the named underwriter(s) and their company to the coverage, limits and termination provisions shown thereon.

Submit certificates of insurance to:

City of Las Vegas
C/O Insurance Tracking Services, Inc. (ITS)
P.O. Box 21919
Long Beach, CA 90801

Account Manager: Michael Palacios
Phone: (888) 435-2955 ext. 503 • Fax: 562-435-2999
Email: michael.palacios@instracking.com

A certified, true and exact copy of each of the project specific insurance policies (including renewal policies) shall be provided to the City upon request.

The Consultant shall promptly deliver to ITS a certificate of insurance with respect to each renewal policy, as necessary to demonstrate the maintenance of the required insurance coverage for the terms specified herein. Such certificate shall be delivered to ITS not less than 30 days prior to the expiration date of any policy and bear a notation evidencing payment of the premium thereof.

ARTICLE 201: PROJECT DELIVERABLES

201.1 Programming and Site Analysis Phase
201.1.1 Program Analysis
201.1.2 Site Analysis
201.1.3 LEED Credits Report
201.1.4 Probable Construction Cost Estimate

201.2 Schematic Design Phase
201.2.1 Drawings

201.2.2 Specifications
201.2.3 LEED Credits Report
201.2.4 Probable Construction Cost Estimate

201.3 Pre-Project Planning Study

END OF EXHIBIT "B"

EXHIBIT "C"

PERFORMANCE SCHEDULE

ARTICLE 300: NOTICE TO PROCEED

300.1 The start date for the Consultant's scope of services shall be, without any further notice requirement, the date of this Agreement. The Scope of Service set forth in this Agreement and the compensation to the Consultant for said Scope of Services is based upon the Consultant and the City each performing its responsibilities in a timely manner.

300.2 Site access is hereby provided to the Consultant by the City for the scope of services contained in this Agreement. The City either has title to the property and the right of entry, or the City has secured permission from the present owner and tenant for entry to the property.

ARTICLE 301: PHASE SCHEDULE

301.1 For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall accomplish the services in accordance with the following schedule. The maximum allowed time to complete and deliver each phase of the work is shown in the following table, barring circumstances beyond the Consultant's control that force a delay:

PHASE	CALENDAR DAYS TO COMPLETE	REMARKS
Programming and Conceptual Design	2/16/11 to 6/16/11	Includes 2 week City review period.
Schematic Design	6//11 to 10/5/11	Includes 2 week City review period.
Pre-Project Planning Study	10/6/11 to 11/17/11	Includes 2 week City review period.
TOTAL	**2/16/11 to 11/17/11**	

301.2 The City review periods shown in the table may occur over several periods during each phase or may occur at the conclusion of each phase. Unused review days may be carried forward for use in successive phases of the Project.

END OF EXHIBIT "C"

EXHIBIT "D"

FEE BREAKDOWN

ARTICLE 400: TOTAL COMPENSATION

400.1 The total compensation to be paid to the Consultant for performance of this Agreement including Basic Services, Additional Services, and Reimbursable Expenses shall not exceed $301,600.00. Increases to total compensation may only be authorized by written amendment to this Agreement. This total compensation amount is comprised of the parts described in this Exhibit "D" (Fee Breakdown).

ARTICLE 1: BASIC SERVICES PAYMENT BASED ON THE COMPLETION OF PHASES

1.1 For the services set forth in Exhibit "A" (Scope of Services), the City agrees to pay to the Consultant the fixed fee assigned for each phase of the Project identified in this Exhibit "D" (Fee Breakdown). The Consultant agrees to perform the services required under this Agreement Exhibit "A" (Scope of Service) for the amount of the fixed fee set forth in this Exhibit "D" (Fee Breakdown). Payment shall be made for each phase pursuant to monthly invoices submitted in accordance with the Agreement based upon the percentage of completion for each phase. The fixed fee shall constitute the entire compensation to be paid to the Consultant regardless of the number of man-hours actually expended to complete the performance of the services set forth in Exhibit "A" (Scope of Services).

PHASE	PERCENT of TOTAL	FIXED FEE	REMARKS
Programming and Conceptual Design	40%	$102,640.00	
Schematic Design and Master Planning	40%	$102,640.00	
Design Development	20%	$51,320	
Construction Documents	%	$TBD	Will be provided in Phase III and Phase IV
Bidding	%	$TBD	Will be provided in Phase III and Phase IV
Construction	%	$TBD	[The combined Fee for Construction and Post Construction phases shall not be less than 25% of the total Fee.]
Post Construction	%	$TBD	Drafting As-Built Drawings, Punch List
	TOTAL	$256,600.00	

Fee Breakdown for Reference only

PROJECT NAME

EXHIBIT D - BASIC SERVICES FEE BREAKDOWN **JAN 10,2011**
KME ARCHITECTS

TASK	DESCRIPTION	Project Manager	Engineer/ Architect	Technician	Designer/Principal	Specification Writer	Drafter/CAD	LEED Accredited Professional	Clerical	HOURS SUBTOTAL	Direct Expenses	Lump Sum Task Amounts
	hourly rate	$145	$165	$65	$180	$90	$60	$125	$55			
102	CONSULTANT RESPONSIBILITIES											
102.1.4.3	FABS Report & Variety Early Learning Center Research Analysis Report	8	82	8	16	16	202	16	20	368	$41,580.00	$55,580.00
102.2	PROGRAMMING AND SITE ANALYSIS PHASE											
102.2.1.1	Site Survey	40	24	16	40	8	16	32	8	184	$6,500.00	$8,360.00
102.2.1.4	LEED Credits Report	32	16	8	32	24	16	56	8	192		$14,880.00
102.2.1.5	Site Analysis	32	32	16	40	24	16	32	24	216	$7,500.00	$23,810.00
										969		$102,640.00
102.3	SCHEMATIC DESIGN PHASE and Master Planning											
102.3.1.2	Design Alternatives	56	24	48	64	24	48	32	24	320	$10,466.00	$33,670.00
102.3.1.6	Reviews	48	24	16	56	24	32	32	24	256	$7,568.00	$25,950.00
102.2.1.7	Submittal	54	48	8	54	16	48	20	16	264	$7,965.00	$35,110.00
										840		$102,500.00
102.4	PRE-PROJECT PLANNING STUDY											
102.4.1	Draft	32	16	8	32	12	0	16	4	120	$1,200.00	$12,840.00
102.4.4.2	Project Analysis	16	8	0	8	12	0	0	0	44	$2,500.00	$8,840.00
102.4.4.3	Program Analysis	8	8	0	16	4	0	0	0	36		$5,890.00
102.4.4.4	Site Analysis	8	8	0	16	0	0	0	0	32	$5,000.00	$3,650.00
102.4.4.5	Project Cost Estimate	8	8	0	8	0	0	0	4	28		$4,310.00
102.4.4.6	Operations and Maintenance Impacts	16	8	0	8	0	0	0	4	36		$2,850.00
102.4.4.7	Design Documents	16	16	0	24	0	0	0	8	64		$9,890.00
										360		$51,320.00
	Total Basic Services Hours									2,169		
	Total Basic Services Fee										$90,679.00	$256,500.00

Contract No.:
CLVrev11-03-08

Page 1 of 1

ARTICLE 2: ALLOWANCE FOR ADDITIONAL SERVICES

2.1 A Not-To-Exceed Allowance for Additional Services is hereby established as set forth below. The City Representative has authority to pre-authorize in writing Additional Services up to the Total Not-To-Exceed Cost. Services performed prior to receiving the required written authorization or in excess of the Total Not-To-Exceed Cost shall not be obligated for compensation.

2.2 Additional Services are services that are not set forth in Exhibit "A" (Scope of Services).

2.3 The Consultant shall be compensated for Additional Services in accordance with the Additional Services fees set forth in Exhibit "E" (Additional Compensation), or if no Additional Service fee has been established for the service, in accordance with the Consultant Hourly Rates established in Exhibit "E" (Additional Compensation). Additional Service compensation disputes shall be resolved in accordance with the claims and disputes provisions of this Agreement and shall not be cause for the Consultant to delay providing requested services. Payment shall be made for each completed Additional Service pursuant to invoices submitted in accordance with the Agreement.

2.4 Increases to this Total Not-To-Exceed Cost for Additional Services may only be authorized by written amendment to this Agreement.

ADDITIONAL SERVICES ALLOWANCE		ALLOWED SERVICES
NOT-TO-EXCEED COST	$35,000.00	Additional historical building HABS 1 report(s) on Variety Early Learning center building(s)
NOT-TO-EXCEED COST	$10,000.00	Additional services to designate Variety Early Learning center building(s) on historical register(s)
TOTAL NOT-TO-EXCEED COST	$45,000.00	

END OF EXHIBIT "D"

EXHIBIT "E"

ADDITIONAL COMPENSATION

ARTICLE 500: CONSULTANT HOURLY RATES

500.1 The following hourly rates are to be used as the basis for negotiation of added and reduced services. These hourly rates are valid for the duration of the Project and include salary costs, overhead, administration and profit. The overhead included in these rates covers all support personnel who normally work on non-specific project tasks including but not limited to receptionists, senior executives together with their assistants, financial accounting personnel, and facility, equipment, and IT maintenance personnel.

CLASSIFICATION		
Project Manager	$145.00	Per Hour
Engineer / Architect	$165.00	Per Hour
Technician/CADD Operator	$65.00	Per Hour
Designer (Principal)	$180.00	Per Hour
Specification Writer	$90.00	Per Hour
Drafter/CAD Operator	$60.00	Per Hour
LEED Accredited Professional	$100.00	Per Hour
Clerical	$55.00	Per Hour

ARTICLE 501: ADDITIONAL SERVICES RATES

501.1 The cost of the following potential future Additional Services have been negotiated as of the date of this Agreement.

ADDITIONAL SERVICE	SUBMITTALS	SCHEDULE IMPACT	FIXED FEE
None authorized or anticipated as of the date of this Agreement.	TBD		$0
	TBD		$0
	TBD		$0

501.2 These fees are valid for the duration of the Project and include salary costs, equipment, overhead, administration and profit. For Additional Services of sub-consultants, the City shall compensate the Consultant a multiple of **one and five hundredths (1.05)** times the amounts billed to the Consultant for such services, which multiple has been included in the Additional Services fees shown herein.

ARTICLE 502: REIMBURSABLE EXPENSES

502.1 The following Reimbursable Expenses are allowed:

REIMBURSABLE EXPENSE
None authorized or anticipated as of the date of this Agreement.

502.2 For Reimbursable Expenses of the Consultant, the City shall compensate the Consultant a multiple of **one and five hundredths (1.05)** times the actual direct costs incurred by the Consultant. The multiplier includes all compensation for overhead and profit.

502.3 Reimbursable Expenses are limited to specific pre-authorized items or services purchased from third parties to this Agreement, dedicated to only this Project. Additions to the above allowed Reimbursable Expenses may only be granted as a written amendment to this Agreement.

END OF EXHIBIT "E"

EXHIBIT "F"

KEY PERSONNEL LIST

ARTICLE 600: CITY PERSONNEL

600.1 CITY REPRESENTATIVE: **Samuel Tolman AIA** NCARB

ARTICLE 601: CONSULTANT'S PROJECT STAFF

601.1 The following personnel will be assigned by the Consultant to work on the Project. Any changes require City approval.

601.1.1 CONSULTANT REPRESENTATIVE: **Melvin D. Green RA**

601.1.2 LEED PROJECT ADMINISTRATOR (Accredited by USBGC): David Schmidt, AIA, NCARD, LEED AP

601.1.3 TECHNICIAN: Emanuele Arguelles, NCARB, LEED AP

601.1.4 CLERICAL: Lindsey Rodriguez

601.1.5 RESPONSIBLE IN CHARGE PERSON : Melvin D. Green RA

601.1.6 IN CHARGE PERSON'S STATE OF NEVADA LICENSE NUMBER
List Architect license number: 2249

ARTICLE 602: CONSULTANT'S SUBCONSULTANTS

602.1 The following sub consultants will be contracted with and utilized by the Consultant to work on the Project. Any changes require City approval.

602.1.1 Hamilton Anderson, 1435 Randolph Street, No. 200, Detroit Michigan, 48226
602.1.2 Wright Engineers, 7425 Peak Drive, Las Vegas Nevada, 89128
602.1.3 Heritage Architecture & Planning, 625 Broadway, Suite 800, San Diego California, 92101
602.1.4 O'Connor Construction Management, Inc., 2821 West Horizon Ridge Parkway, Suite 211, Henderson Nevada, 89052
602.1.5 The Sayles Group, Las Vegas Nevada, 6847 West Charleston Boulevard, Las Vegas Nevada 89117
602.1.6 Ninyo & Moore, 6700 Paradise Road, Suite E, Las Vegas Nevada, 89119
602.1.7 JBA Consulting Engineers, 5155 W. Patrick Lane, Las Vegas Nevada 89118
602.1.8 Susanne Thomas, 212 Woodley Street, Las Vegas Nevada 89106

END OF EXHIBIT "F"

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1	**Contracting Entity**
Name	KME Architects LLC
Address	231 West Charleston Boulevard, # 140
Telephone	702 888 2088
EIN or DUNS	27-0763475

Block 2	**Description**
Subject Matter of Contract/Agreement:	Master Planning, Community Outreach, and Architectural Programming Services
RFP #:	

Block 3	**Type of Business**							
☐	Individual	☐	Partnership	☒	Limited Liability Company	☐	Corporation

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 **Disclosure of Ownership and Principals**

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Melvin D Green, Principal (42%)	231 West Charleston Blvd., Ste. 140 Las Vegas, NV. 89102	702.888.2088
2.	Kelvin D. Haywood, President (33%)	231 West Charleston Blvd., Ste. 140 Las Vegas, NV 89102	702.888.2088
3.	Emanuele Arguelles, Principal (25%)	231 West Charleston Blvd., Ste. 140 Las Vegas, NV. 89102	702.888.2088
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: _____

Block 5 **Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity.

Melvin D. Green _____
Name

10/19/10
Date

Subscribed and sworn to before me this 19th day of October, 2010.

Amanda M Arguelles
Notary Public

AMANDA M. ARGUELLES
Notary Public, State of Nevada
Appointment No. 10-2117-1
My Appt. Expires April 19, 2014

City of Las Vegas Agenda Item No.: **32.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: DAN TARWATER ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to incorporate the City of Las Vegas Risk Management Manual into the Safety Loss Control Manual and authorizing the Human Resources Director to make future revisions to the manual as necessary to maintain compliance with Nevada Revised Statutes Chapters 616, 617 and 618 and the Occupational Safety and Health Administration (OSHA) Rules and Regulations

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
In order to enhance the City's current safety program, the Insurance Services Division has revised and updated the Safety Loss Control Manual, including incorporation of the City's updated Risk Management Manual, to achieve compliance with Nevada Revised Statutes Chapter 616, 617 and 618 as well as the Rules and Regulations of OSHA. To ensure continued compliance, the Director of Human Resources should be authorized to approve future revisions to the expanded Safety Loss Control Manual.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Safety Loss Control Manual

City of Las Vegas

Safety Loss Control Manual

Approved and adopted by City Council on July 17, 1991

Insurance Services Division
Department of Human Resources
Revised April 1995, January 1997, March 1999,
July 2001, February 2002, September 2003,
January 2004, February 2004, April 2004, December 2004,
May 2005, August 2005, October 2005, December 2006,
April 2007, August 2008, May 2009, September 2009, July 2010 and December 2010.

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POLICY STATEMENT

People are the City's most important asset, and their safety our greatest responsibility. It is the City's policy to provide safe and healthful working conditions and to establish and adhere to procedures that will protect employees and the public.

This Safety Manual contains rules, regulations, and procedures to prevent accidents and injuries, the safety responsibilities of City employees, and the administration of the City's Loss Control program.

This manual does not attempt to include the many federal and state codes and regulations pertaining to safety in the workplace; to list all regulations here would be unnecessarily cumbersome. Departments are responsible for knowing and complying with all laws and regulations applicable to the functions of that department. Regulations pertinent to specific jobs or work areas and policies established by department rule are contained in materials developed by individual City departments.

Administration of the City's Loss Control Program is the responsibility of the Department of Human Resources, Insurance Services Division, with the assistance of the Safety Oversight Committee. Any questions concerning material in this Manual should be directed to the Insurance Services Division. Changes, revisions, and additions will be issued as necessary, after review and approval by the Safety Oversight Committee and the City Manager.

Overall responsibility for good safety practices is the job of all City employees. With the sincere cooperation and safety consciousness of all employees in following these rules, we will have a successful safety program.

Elizabeth J. Fretwell, City Manager

Oscar B. Goodman, Mayor

DEFINITIONS

Act - The Nevada Occupational Safety and Health Act, contained in Nevada Revised Statute, Chapter 618, and the Occupational Safety and Health Standards for General Industry (29 CFR 1910) and Construction (29 CFR 1926).

ANSI - American National Standards Institute.

Citation - A written notice issued by the Department of Business and Industry, Division of Industrial Relations, Occupational Safety and Health Enforcement Section that a violation of the Act, standard, rule, or order has occurred and corrective action (abatement) must be taken by a set date. This generally includes a monetary fine. The abatement of violations can be enforced through court action.

Compliance Safety and Health Officer (CSHO) - A representative of the State of Nevada , Department of Business and Industry, Division of Industrial Relations, Occupational Safety and Health Enforcement Section (Nevada OSHA) with the power to enter any place of employment at any time, inspect and investigate, and cause a citation to be issued.

Employee representative - Any employee designated by a recognized bargaining group to accompany a State Safety and Health Representative during an inspection or investigation. The employee representative should be familiar with the area and operations being inspected.

Emergency - An unforeseen combination of circumstances or the resulting state that calls for immediate action, and in which danger of death or severe physical harm to a person or persons is imminent.

Environmental health hazard - A bacteria, chemical particulate, gas, or vapor that may cause sickness, impaired health, or disease; noise, radiation, and temperature extremes, and ergonomic stresses present in the workplace.

Hazard - A source of danger to the safety and health of any person.

Imminent danger - Any condition or practice in any place of employment which is such that a danger exists, that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act.

Injury and personal injury – means a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result, including injuries to artificial limbs. Any injury sustained by an employee while engaging in an athletic or social event sponsored by his employer shall be deemed not to have arisen out of or in the course of employment unless the employee received remuneration for participation in the event.

Nevada OSHA - The State of Nevada , Occupational Safety and Health Enforcement Section.

Occupational illness – is defined as a disease caused by certain hazardous conditions or materials when there is a direct causal connection between the conditions under which the work is performed and the occupational disease.

Personal protective equipment (PPE) - Any clothing or device for protection against injury or disease.

Safe/safety - The maximum protection of persons from danger to life or injury as the nature of the employment, process, operation, and task will reasonably permit.

Standard - The Occupational Safety and Health Standards for General Industry (29 CFR Part 1910) and for the Construction Industry (29 CFR Part 1926), all standards incorporated by reference (such as Electrical, Fire, and Mechanical Codes, and standard setting organizations such as ANSI), declared in force by the State of Nevada Department of Business and Industry, Division of Industrial Relations, Occupational Safety and Health Enforcement Section.

Supervisor - An employee that has charge and/or responsibility of a unit, operation, process, or place of employment.

Threshold limit value - A value adopted to designate a safe degree of exposure the hazard, to a vapor, gas or particulate.

Variance - A rule or order issued by the Director of Nevada OSHA to use practices, means, methods, operations, or processes that differ from a standard. This is issued in lieu of the standard in order to protect against a citation covered by the standard.

Willful violation - An intentional disregard, indifference, or neglect to meet a Safety and Health requirement to provide protection which may be required or to make a reasonable effort to eliminate a hazardous condition. Willful implies deliberate, voluntary, or intentional as distinguished from inadvertent, accidental, or ordinary negligence.

CHAPTER I

Section I: General Rules and Responsibilities

Maintaining a safe working environment, conducting work in a safe manner, and protecting the safety of other employees and the public, are conditions of employment with the City of Las Vegas. All City employees are required to adhere to both City-wide and departmental safety regulations, including rules pertaining to the use of proper safety equipment, personal protective equipment, and machine guards. Supervisory staff is responsible for monitoring working conditions, instructing employees in the safe conduct of their work and enforcing safety regulations.

This program is established to emphasize an integral part of management procedures that enhance the best use of City capital and personnel assets through effective loss control. Although profit is not a purpose of municipal operations, the same efficiency is desired to ensure full utilization of each tax dollar available.

All employees of the City are responsible for assuring safe and healthful working conditions and practices, for protecting the safety of the public, and for complying with the State of Nevada , Chapter 618 of the Nevada Revised Statutes Occupational Safety and Health Act, hereafter referred to as "the Act."

Management Responsibilities

1. Department Directors

Each Department Director has the full authority and total responsibility for maintaining safe and healthful working conditions within the Director's jurisdiction, whether it is out in the field, in the shop, or in the office. Although personnel exposure to hazards varies widely from department to department, it is expected that an unrelenting effort will be directed toward preventing injuries, accidents, liabilities and waste of materials in each. Therefore, each Department Director will:

- Budget the resources necessary to support safety and health activities within the Department.
- Ensure sufficient time is allotted to all personnel in carrying out their safety functions and duties as described in this manual.
- Evaluate each Deputy Director/Division Manager’s overall safety performance as part of their annual PERFORMANCE EVALUATION for the areas they oversee and/or are responsible.
- Each Deputy Director/Division Manager is required to include an employee's safety record in the basic criteria used to judge each formal PERFORMANCE EVALUATION. An employee, who causes accidents to happen through negligence or failure to follow safety rules or procedures, has specific performance deficiencies that must be recognized, itemized, and corrected. To ignore the deficiency and reward substandard performance is a disservice to the individual concerned and detrimental to the efforts of management.
- Maintain the Safety/Loss Control Manual and ensure that the policies and procedures set forth herein are enforced by all personnel under his direction.
- Provide the leadership and positive direction essential in maintaining firm loss prevention policies as a prime consideration in all operations.

- Devote a portion of staff meetings, as necessary, to a review of departmental losses (accidents) and to discuss plans to bring about more positive loss reduction results. This will vary with the frequency and severity of losses and degree of hazardous operations involved in each department.
- Hold each Deputy Director and Division Manger fully accountable for an explanation of the preventable injuries, collisions, and liabilities incurred by the Division's employees. An excessive number is an indication that some management policies and practices need re-evaluation.
- Demonstrate a personal concern in departmental losses by interviewing directly or through a responsible Deputy Director each employee (and the employee's supervisor) who has:
    - Lost work time from an industrial injury because of negligence.
    - Been involved in a vehicular collision because of failure to drive defensively or to comply with traffic laws.

2. Deputy Directors/Division Managers

Each Division Manager will be fully responsible and accountable to the Department Director for compliance within the Division. Each Deputy Director/Division Manager will ensure that:

- Budget requirements include anticipated costs for protective equipment and facility modifications to meet Nevada OSHA specifications.
- Supervisors are allotted sufficient time to fulfill safety duties and responsibilities as mandated by the Safety Loss Control Manual.
- Any individual appointed to safety committees attends scheduled meetings.
- Each supervisor is required to include an employee's safety record in the basic criteria used to judge each formal PERFORMANCE EVALUATION. An employee, who causes accidents to happen through negligence or failure to follow safety rules or procedures, has specific performance deficiencies that must be recognized, itemized, and corrected. To ignore the deficiency and reward substandard performance is a disservice to the individual concerned and detrimental to the efforts of management.
- All hazardous tasks are covered by specific, published work procedures and are implemented.
- All employees are briefed and fully understand their Division's work procedures and existing policies which enforce their use.
- The City's Safety/Loss Control Manual and Hazard Communication Program, chemical inventory list and material safety data sheets are updated and maintained for their Division.
- Occupational safety and health training documentation is maintained for all employees. Training documentation includes all safety training, monthly safety meetings, employee orientation annual training requirements and periodic or refresher safety and health training.
- All employees, new and old are trained, and when necessary retrained, in the accepted way each hazardous job must be performed.
- All employees are instructed and understand the use and need for protective equipment for specific hazardous jobs.

- Necessary safety equipment and protective devices for each job are available, are used, and used properly.
- Employees' monthly safety meetings are conducted to review accidents, analyze their causes, and promote a free discussion of hazardous work problems and possible solutions.
- Safety suggestions and written comments from employees are encouraged, and those that are feasible are adopted. Those ideas with possible general application are forwarded to the Safety Loss Control Officer for comment and/or implementation.
- Equipment acquisition specifications are reviewed so that specifications conform to the current safety requirements of the Nevada OSHA, American National Standards Institute (ANSI) and other applicable standards prior to soliciting bids.
- All accidents are thoroughly investigated, recorded and promptly reported in accordance with existing directives.
- Prompt, corrective action is taken wherever hazards are recognized or unsafe acts are observed.
- Each supervisor is held accountable for the preventable injuries, collisions, and liabilities incurred by his employees. A supervisor's capability to supervise is measured by the efficiency of his operation.

3. Supervisory Personnel

Each supervisor has full responsibility and will be accountable for the safe performance of machines and equipment within the supervisor's operating area, with full authority to enforce the provisions of this manual and their Division's work practices, to keep losses at an absolute minimum. Each supervisor will:

- Assume full responsibility for safe and healthful working areas for all employees while they are under the supervisor's jurisdiction.
- Ensure they include an employee's safety record in the basic criteria used to judge each formal PERFORMANCE EVALUATION. An employee, who causes accidents to happen through negligence or failure to follow safety rules or procedures, has specific performance deficiencies that must be recognized, itemized, and corrected. To ignore the deficiency and reward substandard performance is a disservice to the individual concerned and detrimental to the efforts of management.
- Investigate employee accidents.
- Be fully accountable for preventable injuries, accidents, and liabilities caused by the employees.
- Ensure that all management policies pertaining to safety and loss control are fully implemented for maximum efficiency of each job and maintain the corresponding manuals and directives.
- Conduct monthly safety meetings.
- Conduct safety inspections of employee worksites and facilities at least quarterly, or more frequently in hazardous environments. All inspections shall be documented and maintained by the Division for 1 year. The City's Safety Officers may request copies of the inspections.

- Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, employee job knowledge, or attitudes that adversely affect City loss control efforts.
- Be firm in enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt to give recognition to those who perform well.
- Ensure that each employee is fully trained for the job the employee is assigned to do, and familiar with the published Department or Division work rules, by certifying in writing that he/she understands that compliance is mandatory. Forward all safety training documentation to the Division's safety training designee.
- Shut down operations considered to be an imminent danger to employees or remove personnel from hazardous jobs when they are not wearing or using the prescribed protective equipment.

4. Employees

Each employee has full responsibility and accountability for following the safety rules, wearing the appropriate personal protective equipment, and expecting safe and healthful working conditions. They will:

- Comply with the Safety and Health Standards and all rules, regulations and orders applicable to personal actions and conduct.
- Refrain from removing, displacing, damaging or destroying safety devices or safeguards, furnished for conducting work or installed on City equipment or property.
- Report unsafe conditions or possible violations of a safety standard to your supervisor, safety committee member, or Safety Officers, without fear of reprisal or discrimination. Employees may choose to remain anonymous in their safety concerns. Please contact the Safety Loss Control Officer at 229-5048 or 274-3093 to voice such concerns.
- Immediately report all accidents or near miss incidents to your supervisor.
- Operate only those machines and equipment for which the employee has been trained and authorized to operate.
- Wear protective equipment when it is required to perform a particular job.
- Notify the supervisor, prior to the beginning of the work shift if he or she is taking legally prescribed medication, therapeutic drug or any over the counter non prescription drug or cold medicine that carries a warning label or contains alcohol. The use of prescription drugs that does not alter the employee's work performance is acceptable only when prescribed by a qualified physician.

5. Safety/Loss Control Officer and Safety and Health Officers

The Safety/Loss Control Officer is responsible for the staff direction and administration of the loss control program to prevent injury, occupational disease, vehicle accidents, liability, and damage to equipment and material. The Safety/Loss Control Officer and Safety and Health Officers will:

- Acquire and make available to department directors, supervisors and employees the applicable Nevada OSHA standards and requirements.

- Maintain accident and occupational injury and illness records, and submit reports required by the Act.
- Assist directors, managers and supervisors in the interpretation and application of the laws and standards applicable to their jobs and work areas.
- Secure help, advice, and specialized assistance from outside sources when necessary.
- Coordinate and/or conduct safety training programs that are beyond the scope of individual supervisors or managers.
- Provide employees with information concerning their rights under the Act.
- Perform ongoing evaluations of the City's safety program and make recommendations to City management for improvements.
- Investigate any employee complaint.
- Conduct formal and informal inspections of work areas and work practices to evaluate the safety of work environment and work operations. The Safety Loss Control Officer and Safety and Health Officers have full authority to stop hazardous jobs when prescribed safety precautions are not being enforced.
- Review and analyze accident reports and investigations for causes and corrective actions.
- Establish a review of procedures to ensure the proper investigation of accidents.
- Process Nevada OSHA citations received by the City.
- Consult directly with management and employees on loss prevention matters and provide guidance to assure effective program administration.
- Chair the Safety Oversight Committee and the Subcommittees for Driver Safety and Employee Injuries and Illnesses.
- Make recommendations on the use, approved type and source of safety equipment essential for hazardous operations.
- Contact suppliers to determine the specific chemicals and substances contained in products and obtain chemical Material Safety Data Sheets (MSDS) upon request of the using departments.
- Evaluate contractor safety programs; participate in new construction plan review, and throughout the project as necessary.
- Conduct formal inspections on construction projects where City personnel have potential exposure to occupational safety and health hazards.

6. <u>Fleet Services, Department of Operations and Maintenance Responsibilities</u>

- Assure that equipment purchased, repaired or modified meets applicable safety standards and the State of Nevada vehicle laws.
- Maintain records of inspections and tests required by Nevada OSHA standards.

7. **Fire Prevention, Department of Fire and Rescue Responsibilities**

- Conduct an inspection at least every two years of all City facilities to determine compliance with applicable fire prevention standards.
- Establish and evaluate emergency procedures for City facilities and personnel.

8. **Department of Public Works, Operations and Maintenance and Building and Safety Responsibilities**

- Assure that the design of new construction and modification of City establishments meets applicable safety codes and standards.
- Coordinate construction plan review and design with Safety Officers to assure construction modification meets applicable codes and standards.

9. **City Attorney Responsibilities**

- Prepare formal applications for variances from standards after initial preparation has been performed by the requesting department and the Safety/Loss Control Officer.
- When requested by the Safety/Loss Control Officer, assist in response to NEVADA OSHA citations and represent the City at hearings conducted under the Act.

10. **Purchasing and Contracts, Department of Finance Responsibilities**

- Coordinate with Safety Officers and requesting departments to ensure that any purchase made or contract entered into meets applicable safety standards, i.e., any purchase of new chemicals, equipment, machinery, safety supplies, etc.
- Require contractor that will be performing work at City facilities, to submit their companies Safety Loss Control Programs to Human Resources, Insurance Services Division for review.

11. **Employee Unions and Associations Responsibilities**

- Assist in informing employees of their obligations and rights under the Act.
- Designate employee representative(s) to accompany Compliance Safety and Health Officers during Nevada OSHA inspections of City facilities.

12. Record-Keeping Requirements

The Occupational Safety and Health Act require records of occupational injury and illness be maintained. To simplify record maintenance, the requirements are met as follows:

- The Log - The Log is a calendar record that classifies injuries and illnesses and the extent and outcome of each. A central log is maintained in the Insurance Services Division, Department of Human Resources. Annually, a current log listing injuries and illnesses by Department/Division will be prepared by the Insurance Services Division and forwarded to Department Directors, Deputy Directors and Administrative Secretaries.

- The Supplementary Record - For every entry on the log except first-aid cases, additional information must be recorded and kept on file in the workplace. The workers compensation claim forms for each injury and illness meet this requirement. The Insurance Services Division will keep on file a copy of each completed form.

- The Summary - At the end of each calendar year, the Insurance Services Division will prepare a summary (OSHA Log 300-A Supplemental form) of the log entries. This summary must be posted from February 1 until April 30, in a place where all employees are likely to see it. The log will be maintained by the Safety Loss Control Officer for five (5) years after the year to which it relates. The summary is forwarded to all Department Directors, Deputy Directors and Administrative Secretaries for posting.

- A poster explaining the protection and obligations of employees under the Occupational Safety and Health Act must be displayed in each workplace. The poster can be obtained on line at www.4safenv.state.nv.us.

13. Prohibited Employee Activities

- The use or possession of alcoholic beverages and illegal drugs while on duty is prohibited.

- Employees will not report for duty while under the influence of alcohol or drugs which may affect their behavior or the ability to work in a safe manner. The only exception is an employee using drugs prescribed by a physician. These employees must inform their supervisor of such, so that any work limitation necessary can be determined and enacted. Employees have an obligation to notify their supervisor if there is an inability to perform the job; i.e. drive, use equipment, chronic health condition such as low blood sugar, chronic pain, etc. When requested, the employee will provide documentation from their physician explaining they can safely perform their job.

- Employees are prohibited from using City time, equipment and/or materials for personal projects or personal use, i.e., using City tools on your personal vehicle, using City equipment for home projects, etc.

- Under the Influence means that the effect of drugs or alcohol on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent to observation.

- Horseplay - Employees will not engage in horseplay, including running or pushing, tripping others, throwing things, directing compressed air at another person, or otherwise engaging in acts which startle or distract other employees.

- Weapons - While on duty or on City property, employees will not bring, carry, or have in their possession firearms or other lethal weapons. The only exceptions to this rule will be those employees covered by Nevada Revised Statutes 202.3673(4) (c) for employees and Nevada Revised Statutes 202.350(5) for peace officers.

- Personal Items - The City of Las Vegas accepts no liability for personal items that an employee brings into the workplace, when they are lost, stolen or damaged. This includes microwaves, coffee pots, personal cell phones or computers, etc.

14. Violations of Safety Rules

- Any employee who violates a safety standard, rule, law or statute, practice or procedure will be subject to disciplinary action up to and including termination in accordance with the gravity and seriousness of the violation.

- Any employee whose willful violation of a safety standard, rule, law or statute, practice or procedure of the City, State, or Federal government results in death, an injury or near miss incident, will be suspended and terminated in accordance with applicable disciplinary procedures.

- Any employee who knowingly causes an imminent danger situation through his own actions or failure to perform necessary actions will be suspended and terminated in accordance with applicable disciplinary procedures.

- Any Director, Deputy Director, Manager or Supervisor who knowingly causes or allows a condition, practice, method, operation, or process that has substantial probability to result in death or serious physical harm will be reduced in grade, suspended, or terminated in accordance with applicable disciplinary procedures.

- Any Director, Deputy Director, Manager or Supervisor, or any other representative of the City, who fails to cease operations or correct an imminent danger situation upon notification by City Safety Officers, Nevada OSHA, Compliance Safety and Health Officers, or a higher level of supervision, or when it becomes known by the supervisor or representative himself, will be reduced in grade, suspended, or terminated in accordance with applicable disciplinary procedures.

15. Physical and Medical Requirements

City classifications are assigned specific medical standards based upon the physical demands of the job. The standards are used to determine the medical fitness for employment of job applicants and for continued employment of employees in their particular job position.

If an employee becomes unable to meet the medical standards established for a position, the employee may be reassigned or removed from that position until the standards are met; the employee is reclassified to another job, or is terminated.

If an employee becomes unable to perform the required duties in a job position because of physical or health conditions, and if the condition was caused by a job-related illness or injury, the following will apply:

- Temporary Disability - The employee may be assigned temporary duties compatible with the employee's physical condition.
- Permanent Disability - Rehabilitation services as prescribed in Nevada Revised Statutes Chapter 616 will be offered to aid the employee to change occupations.

If an employee is unable to meet the performance requirements of the job, or appears to be a safety or health hazard to him/her, other employees, or the public because of physical or health reasons, the supervisor will remove the employee from the job until the condition is corrected or certified acceptable by a physician.

The employee is responsible to obtain, release, or otherwise make known to the City any medical information necessary for making decisions affecting job status.

Section II: Safety Oversight Committee

To assure that departments have the necessary level of input and access to safety review and monitoring, the City Manager has established an inter-departmental committee known as the Safety Oversight Committee. The goals of the Safety Oversight Committee are:

- To communicate safety issues between management and employees;
- To inform management of safety hazards observed or reported;
- To disseminate safety information throughout City work operations; and
- To receive and review suggestions, comments, or complaints of City employees on matters pertaining to safety.
- To abide by the Safety Oversight Committee Charter Guidelines.

The Safety Oversight Committee will consist of between five and sixteen members. The President of the City Employee's Association (CEA) will appoint six committee members from different divisions to represent the Association on the committee. The City Manager will appoint the remaining committee members.

The Safety/Loss Control Officer Chair the meeting, keep the minutes of the committee meetings and prepare an agenda prior to each meeting date. The Safety Oversight Committee will meet monthly, or more often as needed.

Hazard recognition training for committee members will be conducted monthly during its regular meeting. The minutes of the meeting will contain the subject matter and those members who attended.

The Committee may request the staff assistance of any department in conducting Committee activities. The Committee may recommend the establishment of subcommittees, either special or standing, subject to the approval of the City Manager. Subcommittees for Driver Safety and Employee Injuries and Illnesses have been established. These committees meet monthly to review incident reports and provide recommendation to reduce future incidents. See Chapter II, Section III and IV of this manual regarding Driver Safety and Employee Injuries and Illnesses.

Safety Oversight Committee members will assist in the development of Safety Policies/Procedures. The Safety Loss Control Officer will review the procedures and forward to the City Manager for approval. New or revised procedures will be provided to all Department Directors, Deputy Directors and Administrative Secretaries for update and distribution. These Policies/Procedures prescribe the Safety and Health requirements which are applicable to all City of Las Vegas employees. Revisions or additions to these Safety Policies/Procedures will be made as required.

Section III: Subcommittee on Driver Safety

To promote the use of safe driving practices, the Safety Oversight Committee will maintain a standing Subcommittee on Driver Safety. The Subcommittee on Driver Safety will serve as an advisory committee to City management for review of driving practices, driver training, and vehicular accidents.

The Subcommittee will include not less than three or more than seven members of the Safety Oversight Committee, appointed to the Subcommittee by the Safety Oversight Committee chairperson. The Subcommittee will meet monthly. The activities of the Subcommittee will include:

- Review of City driver training and refresher courses.
- Review of all monthly reports pertaining to driver safety.
- Review of vehicular accidents to determine preventability, driver error or misconduct, and/or the cause of the accident.
- Recommendation to City management of policies, procedures, or actions that may reduce the frequency of vehicular accidents.
- Evaluation of the effectiveness of management practices in accident prevention.

The Subcommittee may request the appearance of any City staff having information pertaining to a vehicular accident under review by the Subcommittee. Any written information pertinent to the accident will be made available to the Subcommittee for purposes of review. Subsequent to any formal review of an accident by the Subcommittee, the Subcommittee will forward a written report of its findings to the City Manager's office.

The existence of the Subcommittee does not prohibit and should not inhibit the use of internal review boards or other mechanisms within a department to assist department directors in accident prevention or review functions. Disciplinary action against employees who cause a preventable vehicle accident shall be administered by the Department in accordance with the City's Disciplinary Policy.

Section IV: Subcommittee on Employee Injuries and Illnesses

To promote a safe and healthful workplace, the Safety Oversight Committee will maintain a standing Subcommittee on Employee Injuries and Illnesses. The Subcommittee will serve as an advisory committee to City management to review all employee incident reports as they relate to either injuries and/or illnesses that occur in the workplace.

The subcommittee will include not less than three or more than seven members of the Safety Oversight Committee, appointed by the Chairperson of the Safety Oversight Committee. The Safety/Loss Control Officer will request that representatives from the Insurance Services Division, Worker Compensation Section attend the monthly meetings of the Subcommittee.

The activities of the Subcommittee will be to:

- Review the incident reports to determine complies with the City's Safety Policies/Procedures.
- Provide recommendations to City management to reduce the frequency of incidents.

The Subcommittee may request the appearance of any City staff having information pertaining to an employee injury under review by the Subcommittee.

CHAPTER II

Section I: Operation of City Vehicles and Equipment and Motor Vehicle Collision Control

The Fair Labor Standards Act as amended on October 31, 1998, restricts teenage workers from driving on the job. Therefore, the City of Las Vegas prohibits those licensed drivers under the age of 18 years from operating cars and trucks on behalf of the City. City employees who drive or operate City vehicles are responsible for the safe operation of those vehicles and for the safety of passengers.

The operation of vehicles and equipment is indispensable in conducting City business and how each vehicle is handled directly affects the production of each respective City Department and Division. Vehicular collisions are potentially the most costly losses we can incur when the summation of property damage, bodily injury, fatalities and liability are considered. And, unless perfect driving is the rule, the cost can amount to proportions that will adversely affect every Division in its efforts to accomplish its mission and maintain good public relations.

1. Department Directors, Deputy Directors and Division Managers Responsibilities:

- Assume full responsibility for the driving record of their employees while they are on duty.
- Establish and adhere to firm internal requirements for personnel to fully adhere to the policies established herein and frequently check on their compliance.
- Personally review decisions on collisions and take all steps necessary to prevent recurrence.
- Establish and adhere to firm policies on disciplinary actions in accordance with the City policy regarding actions that will be taken against employees who show a repeated disregard for good driving practices.
- Insist that all assigned vehicles and other equipment are maintained adequately for safe operation.
- Implement the monthly vehicle inspection checklist for safety discrepancies, malfunctions, signs of abuse, unreported damage and cleanliness. Have repairs made as soon as possible.
- Fully support the City's 8-hour Defensive Driving training program to promote defensive driving and require employees attend training at least every 3 years.
- Review each vehicle collision and preventable Equipment/Vehicle Accident Report with the employee and his Supervisor to emphasize management's intolerance of irresponsibility behind the wheel.
- Establish an aggressive campaign to enforce the wearing of seat belts on all trips.
- Strongly discourage the use of personal vehicles for City business, encouraging the use of fleet vehicles whenever possible.

2. Supervisor Responsibilities:

- Ensure that employees do not drive any City vehicle unless they have a **VALID** driver's license and are familiar with State and City driving rules and regulations.
- Ensure that only authorized personnel be allowed to operate City vehicles, special purpose vehicles and trucks. This includes but is not limited to vans, boom trucks, forklifts, aerial lifts, scissor lifts or other heavy equipment.
    - An employee shall not be authorized to operate a special purpose vehicle until they have satisfactorily demonstrated their complete familiarity with its functions. The employee shall thoroughly understand the manufacturer's instructions, vehicle limitations, and emergency procedures and be able to successfully pass an operator's test to the satisfaction of the Supervisor or Safety Officers.
    - These procedures shall be accomplished for each type of special purpose vehicle or equipment the operator is required to operate.
    - All safety training documentation must be maintained by the Division.
- Must be alert in observing unsafe practice of City employees and ensure that action is taken immediately to correct the operator.
- Review all preventable vehicle collisions with employees at monthly safety meetings and discuss each unsafe act that was responsible so that something can be gained from the loss.
- Periodically ride with the operator to ensure compliance with operating instructions and traffic regulations.
- Ensure unsafe vehicles are not driven until safety discrepancies have been corrected by Fleet Services.
- Fully utilize the decisions and recommendations handed down by the Safety Oversight Committee and Subcommittees.
- Ensure employees attend the 8-hour Defensive Driving training course at least every 3 years.
- Ensure that all employees are briefed and understand that the use of seat belts while driving or riding in a City vehicle is **MANDATORY**.

3. Employee Responsibilities:

Inspect the vehicle or equipment which they are about to drive, in accordance with established work rules and/or vehicle checklists

- If there is evidence of vehicle damage, the employee shall report it to their Supervisor before leaving. Otherwise, they could be charged for the accident they did not have.
- If the vehicle is found to be unsafe, the employee shall report it to their supervisor and request another vehicle.
- Vehicles having steering or braking defects shall not be driven. They will be towed to Fleet Services and repaired before being returned to service.
- Report to the supervisor in writing all defects noted during the trip.
- It is the employee's responsibility to notify the supervisor, prior to the beginning of the work shift if he or she is taking legally prescribed medication, therapeutic drug or any over the counter non prescription drug or cold medicine that carries a warning label or contains alcohol. The use of prescription drugs that does not alter the employee's work performance is acceptable only when prescribed by a qualified physician.
- It is **MANDATORY** that all operators and passengers wear seat belts at all times while the vehicle is being operated.
- If involved in an accident, follow the procedures outlined in Section III of this Chapter.

4. Driver's License

- Whenever driving City vehicles or equipment, employees must have in their possession a valid driver's license. Employees will notify their supervisor if their license is suspended, revoked, or expired.
- City employees who drive vehicles, which require a Commercial Driver's License (CDL), will comply with the Nevada State Department of Motor Vehicles' requirements for medical examinations and license renewal.
- Supervisors will maintain a system that ensures all employees operating City vehicles have the proper class of license and check licenses for current status at frequent intervals.
- Insurance Services reviews each employees driving record every six months and communicates any driving record concerns to the Department Director.
- The City may review the driving record of persons hired or promoted into jobs that require operation of City vehicles. An invalid license or a poor driving record may result in disqualification for the position. Records of employees in driving jobs may be checked periodically. Driving with a suspended license may result in disciplinary action, demotion, or termination.
- Each employee involved in a preventable, at fault vehicular accident, whether it involves the public or not, will be required to attend the 8-hour Defensive Driving Course. The Safety Loss Control Officer will make the necessary arrangements and notify the employee.

5. Driver Training

- All City employees that are required to drive a City vehicle at least 4 hours a month, and as part of their job duties, will attend the City's Defensive Driving Course or equivalent as soon as possible after hire (or promotion). Employees in classifications that require vehicle operation on a daily basis will attend a driver-refresher course every three years.

- Employees being trained in the operation of a vehicle or piece of equipment will have an instruction permit for the class of vehicle they are learning to drive and a qualified trainer with them at all times. The trainer retains the driver responsibilities listed in this manual.

6. Operation of City Vehicles

- City vehicles may include cars, trucks, trailers, heavy equipment, golf carts, etc.

- The driver is responsible for checking the safety and general condition of the vehicle, including gas, lights, and brakes. With the assistance of Fleet and Transportation Services Division, supervisors will furnish vehicles with checklists. If there is something wrong with the vehicle which may affect safety, repairs will be made before use. Operators will initiate work order requests for all items needing repair that appear during checks and operation. The checklists will be maintained by the Division for a period of 6 months. The Safety Officers may request copies of the checklist. The driver is responsible for passenger safety, ***by ensuring that all vehicle occupants wear the seat belts provided***, cargo and equipment loading and tie down, and the attachment of towed equipment.

- Department Responsibility - All permanent full time employees are only authorized to operate city vehicles/equipment that their valid driver's license is issued. Hourly paid employees may be authorized by Department Directors to drive specific City vehicles/equipment under 26,001 pounds. It is the Department's responsibility to verify that the hourly employee has a valid driver's license prior to driving any vehicle/equipment.

- Vehicle Abuse - No employee will use a vehicle or equipment for any purpose for which it was not designed, operate it beyond its designed limits, and operate it in areas or locations for which it was not designed, or cause damage through neglect, misuse, improper driving techniques, or improper handling.

- Transporting Employees in City Vehicles - No more than three City employees will ride in the front seat or cab of a City vehicle. Each position will be equipped with a seat belt, and each person will use the seat belt provided. No City employee will be authorized to ride or work from the bed or rear of a vehicle while it is in motion.

- Traffic Laws - Employees will adhere to all traffic laws and regulations when operating City vehicles. An employee will at all times operate a City vehicle in such a manner as to avoid injury to persons or damage to property.

- Unauthorized Use of Vehicles - City vehicles are to be used for City business only. Persons found using City vehicles for their personal errands or lunchtime transportation may be subject to disciplinary action.

- Out of State Operation of City Vehicles Prohibited - No employee will be permitted to drive a vehicle which is owned by the City outside of the State of Nevada or to drive their personal vehicle on City business outside the State of Nevada unless they provides proof of adequate liability insurance as required by Finance and Business Services Travel Policy.

- Field Trips and Excursions - Transportation for all field trips and other excursions, which are sponsored by the City, shall be furnished only by adequately ensured transportation services, and no vehicle which is owned by the City and no employee's personal vehicle will be used for such purpose.

- Car Rental - Arrangements for obtaining a rental car for an employee will be made by the Department's Travel Coordinator. This will be performed in accordance with current travel policy and adequate liability insurance will be provided.

- Unauthorized Personal Equipment - Personal property not directly related to the employee's job duties may not be used, stored, or transported in a City vehicle. This includes radios, stereos, headphones, radio headsets, and tape or record players of any kind. Personal property may not be attached to or installed in a City vehicle. The Fleet Services Division or the employees immediate supervisor may remove any non-City furnished or installed equipment or items found in any City vehicle.

- Operation and Occupancy of City of Las Vegas Vehicles - Only employees of the City of Las Vegas will be permitted to drive vehicles owned by the City of Las Vegas. Non-employees of the City will be allowed to ride in City of Las Vegas vehicles when they are participating in official City business or programs.

- Use of One City Vehicle to Move Another Vehicle - Except in extraordinary situations, no employee may use a City vehicle to push or pull another vehicle or object, unless the City vehicle is specifically equipped or designed for this purpose.

- Eating and Drinking in Vehicles Prohibited - Eating or drinking is not permitted in a moving City vehicle, either by the driver or the passenger.

- Parking Vehicles - All employees will park their vehicles in a legal and proper manner. Employees will remove the keys and lock the vehicles, except when specifically instructed otherwise. Employees will not park on the wrong side of a street or highway, unless it is mandatory to park in such a location to perform a job. All signs, cones, lights, and warning devices as required by law will be used when vehicles are parked or in use in a public travel lane. Employees will use all safety brakes, lockout devices, lowered buckets and blades, and other parking safety methods when parking equipment.

- Use of Personal Vehicles for City Business - The Department Director will identify and authorize those employees who are required, as part of their normal job duties to use their personal vehicle

to conduct City business. The employee's own insurance policy is the primary coverage and, therefore, the City of Las Vegas will not be responsible for any claims that arise out of any motor vehicle accident that the employee is involved while operating their personal vehicle. The mileage reimbursement the employee receives is intended to fully cover all costs of the operation of the employee's personal vehicle including but not limited to fuel, maintenance, repairs, insurance, etc.

- Transporting Equipment - Employees using City vehicles will exercise caution when transporting equipment, packages or other materials in the driver/passenger compartment that would became flying projectiles in the event of an accident. Such items as briefcases, laptop computers, tools, etc. need to be transported in the trunk of passenger vehicles. Pickups, whether standard cab or extended, should have secured storage capabilities in the bed of the vehicle such as tool storage or camper shells if they are used with any regularity in the transport of items that could injure the driver or passenger(s) in the event of an accident. Vans used in the regular transport of such items should have screen type barriers between such cargo and the driver/passenger compartment. It is always important to keep the driver/passenger as free as possible of objects that could distract their attention or could cause injury from unexpected movement.

7. Vehicle and Equipment Accident Investigation

All accidents involving motorized equipment will be investigated. The investigation of minor accidents involving City property only, is the responsibility of the Department involved. The investigation of accidents involving damage or injury to a third party is the responsibility of Insurance Services Division and the City's Insurance Adjuster.

The Safety Loss Control Officer may investigate any accident resulting in serious property damage, injury or death to a City employee or when an apparent violation of City policy or law has occurred; or in which unusual circumstances involving City employees are present. All accidents must be reviewed by the Safety Oversight Committee. The City Manager may initiate any other investigations deemed appropriate.

Drug and alcohol testing may be conducted on any City driver involved in a preventable accident, or an accident in which citizens are injured. Such testing may also be conducted when an accident results in reasonable suspicion that the driver was under the influence of drugs or alcohol. However, if the accident involved a City driver with a Commercial Driver's License (CDL) a drug and alcohol test is **ALWAYS** required, regardless of fault.

Insurance coverage is available only for repair and replacement of City vehicles and equipment damaged through no fault of the employee. Therefore, it will be the responsibility of each department to provide the necessary funds to repair the damage cost incurred from each preventable vehicle or equipment accident.

Section III: Reporting Vehicle Accidents

REPORTING CITY VEHICLE ACCIDENTS

OPERATOR

- Call 229-0291. (Fire Services Communication) Give Location. (Fire Services Communication will notify Metro and the Insurance Adjuster.)
- Call 9-1-1 immediate, if injuries.
- Notify your supervisor.
- DO NOT MOVE VEHICLE until told to by Metro.
- Do not admit or voice any judgments concerning liability. Do not make statements to the public or press.
- Obtain names, addresses, and telephone numbers of all witnesses.
- Do not leave scene until Metro and Insurance Adjuster authorizes you to leave.
- Complete SECTION I - OPERATOR'S REPORT of the Vehicle/Equipment Accident Investigation Report.
- Take vehicle (if drivable) immediately for inspection and estimate. Give 2nd copy of the Accident Report to Vehicle Services.

SUPERVISOR

- Go to the scene; identify yourself to the Metro and Insurance Adjuster. Offer to assist as needed.
- Advise all City personnel not involved as either a participant or a witness to leave the scene.
- Notify Department Director/Division Manager.
- Complete SECTION II - SUPERVISOR'S REPORT of the Vehicle/Equipment Accident Investigation Report.
- Ensure that vehicle (if drivable) is taken to Fleet Services for inspection and estimate.

VEHICLE ACCIDENTS WITH ONLY CITY VEHICLE (S)

OPERATOR

- DO NOT MOVE VEHICLE. Immediately notify your Department and do not leave the scene until told to do so by your supervisor.
- Notify your supervisor and explain the accident.
- Complete SECTION I - OPERATOR'S REPORT of the Vehicle/Equipment Accident Investigation Report.
- Take vehicle to Fleet Services (if drivable) immediately for inspection and estimate. Give 2nd copy of the Accident Report to Vehicle Services.

SUPERVISOR

- Complete SECTION II - SUPERVISOR'S REPORT of the Vehicle/Equipment Accident Report.
- Ensure that vehicle (if drivable) is taken to Fleet Services for inspection and estimate.

CHAPTER III

Section I: Fire Evacuation Procedures

City departments located in City Hall will make accessible to all employees a copy of the City of Las Vegas City Hall Emergency Procedures Flipchart. This plan is periodically updated by Insurance Services Division, Human Resources. Each department will develop a similar plan for all facilities and work areas other than City Hall.

Every City department will appoint one Safety Warden and at least one Alternate Safety Warden for all work areas within the department. The Safety Wardens will be responsible for periodically reviewing the applicable Emergency Procedures and for assuring that all persons within their area are aware of fire drill practices, exit routes, and lockdown/shelter-in-place and evacuation refuge areas.

Section II: Fire Prevention Provisions

All City employees are responsible for maintaining their work areas in a manner conducive to the prevention of fires. Specifically:

- Fire extinguishing systems will be provided and maintained per National Fire Prevention Association (NFPA) Standards.
- Vehicles transporting paints, solvents, or more than five gallons of flammable or combustible liquids or gases, vehicles equipped with welding, cutting, and heating units and Commercial Vehicles will carry a fire extinguisher rated not less than 10 BC.

Supervisors will ensure that the following inspections are performed at regular intervals and defects found are corrected. Supervisors will ensure that:

- Trash and scrap are removed and not allowed to accumulate.
- Flammable liquids are properly stored; containers are closed when not in use.
- Exits are clearly marked; burned-out bulbs in exit lights are replaced.
- Exit doors, aisle ways, and means of egress are clear; doors are not locked or blocked.
- Broken windows and wall, and ceiling holes are repaired.
- Electrical equipment and cords are in good working order; defective equipment is removed from service.
- Emergency numbers are conspicuously posted.
- “No Smoking" areas are posted, and no smoking in those areas is enforced.

Fire Extinguishing Systems

Facilities Management will be responsible for the inspection of all fire extinguishing systems to assure that they are in proper working condition.

CHAPTER IV

First Aid Kits

First aid kits are required and will be easily accessible in work locations when medical personnel are not immediately available. The Safety/Loss Control Officer will determine which work locations require first aid kits. All first aid kits will meet the minimum requirements set forth below:

Item	Quantity
Antiseptic spray	1 container
Antibacterial towelettes	1 box
Tri-cut tape	1 roll
Eye wash 4 oz.	1 bottle
Eye and skin buffering solution 8 oz.	1 bottle
Butterfly closures, medium 10 each	1 box
Fingertip bandages, regular 40/box	1 box
Dura strip bandages 1" x 3" 100/box	1 box
Large patch	3 each
Telfa pads 2" x 3" 12/box	1 box
Painaid extra strength	1 box
Ibutab	1 box
Antibiotic ointment 25/box	1 box
Burn spray	1 container
First aid guidebook	1 each
Ice pack, small	1 each
Compress, extra large	1 each
Latex gloves 2 pair/package	1 package

The following items are optional if necessary for the work environment:

Finger splint	1 each
Tweezers, disposable	1 each
Burn gel	3 each
Electrolyte Tablets	1 box

To prevent pilferage and contamination of supplies, kits should not be placed in areas accessible to the public. Supervisors will ensure the kits are stocked at all times with the minimum required/necessary materials. Replacement items may be procured through normal requisition procedures.

Any work crew that does not have reasonable access to an Emergency Medical Service or to a medical facility because of distance or lack of communication will have an employee trained in first aid available at the work site to render first aid.

CHAPTER V

Section 1 - Industrial Accidents and Workers' Compensation

All classified, appointed and hourly personnel who receive injuries arising out of and in the course of employment within the City of Las Vegas are eligible for workers' compensation benefits. Departments that employ volunteers must have on file with Human Resources a Volunteers Application on each program and submit a roster of active volunteers each month.

Industrial Injuries Reporting Procedures

Timely reporting of any accident is mandatory. Insuring full employee benefits and reasonable liability adjustments at the lowest cost to the City is totally dependent upon proper reporting. It is the responsibility of each employee to report all accidents in accordance with this chapter.

Reporting of Industrial Injuries

Employee shall report all injuries to his supervisor immediately, or as soon as possible, during the current shift as is practicable.

Employees injured on the job must file their claim for benefits by filling out a C-1 "Notice of Injury or Accident". Send the original (white) to Insurance Services, provide the pink copy to the injured employee and retain the yellow copy for the Department Director. Upon receipt of the C-1, Insurance Services Division will determine the validity and acceptance of the claim. Under Nevada Statutes, the employee must provide written notice within seven (7) days of the accident. The City of Las Vegas procedures require that the employee complete the C-1 form as soon as is practicable, but in no case should the reporting time exceed seven (7) days.

Upon receipt of the C-1, from the injured employee ***(or whenever the supervisor is aware of an injury/accident)***, the supervisor must investigate the circumstances of the accident, interview all witnesses and complete the C-3 "Employers Report of Industrial Injury" and the Supervisors Accident Investigation Report (purple and white form). Send the original C-3 (white) to Insurance Services Division, provide the pink copy to the injured employee and retain the yellow copy for the Department Director.

Fatality Reporting

The death of an employee or the hospitalization of three (3) or more employees, as a result of an injury by accident arising out of and in the course of employment shall be reported to Insurance Services Division **immediately by telephone.** Nevada law requires any fatality or hospitalization of three or more employees be reported to Nevada OSHA within 8 hours of occurrence. The supervisor in charge shall be responsible notifying Insurance Services and providing as much initial information as possible. Insurance Services Division shall immediately notify the City Manager and Nevada OSHA upon receipt of a fatality report.

Severe injuries occurring to employees during duty hours requiring **emergency medical treatment** (i.e. Marshals, ambulance or paramedics called), shall be reported to Insurance Services Division **by telephone**, as soon as possible.

Exposure to Communicable Disease

Employees exposed to communicable disease through such instances as needle sticks or exposure to body fluids should notify their supervisor as soon as practicable and report to an assigned workers' compensation physician for preventative treatment. Any employee who has such an exposure must fill out a C-1 form.

A C-3 form must be submitted in accordance with Section 1 of this Chapter, "Reporting of Industrial Injuries".

The Safety Loss Control Officer will maintain an annual sharps injury log. See Policy/Procedure 89-5 regarding the City's Bloodborne Pathogen Program.

Exposure to Toxic Materials

All exposures to a toxic material must be reported on a C-1 form whether treatment at the time of exposure was required or not. The report must include the specific chemical involved (if known), if contact was by skin contact, breathing, oral or other and an estimate of how much of the substance the employee was exposed to.

All records pertaining to an employee exposure record shall be forwarded to Insurance Services Division, in accordance with Occupational Safety and Health Standards.

Section 2 - Disability From a Previous Injury

Should an employee experience recurrence of a previously reported industrial injury, it should be reported to their supervisor immediately. The employee shall contact Insurance Services Division to determine if the claim is open or closed.

- If the claim is still **open**, the employee shall go to the physician who previously provided treatment and advise the physician that further treatment is required for the previous industrial injury. If a special consultation is needed, Insurance Services Division will make the necessary arrangements.
- If the claim is **closed**, it is the employee's responsibility to petition the City to have the claim **reopened.**

Employee Responsibility

On any recurrence of a previous injury, the employee, according to the law, must initiate action to have their case reopened.

The employee must submit a letter requesting their claim file be reopened to the Workers' Compensation Section of Insurance Services Division. Mail it or hand carry directly to Insurance Services Division. The physician will be required to furnish substantiating information and may be mailed separately.

Under Nevada Statute, the cost of the physician's examination required for reopening of a claim is the responsibility **OF THE EMPLOYEE**. Reimbursement to the employee for this expenditure will be made only if the claim is reopened.

The physician's letter, by Statute, must document using objective medical evidence that the employee's condition has worsened since claim closure and contain information regarding suggested future treatment.

BENEFITS WILL NOT BEGIN UNTIL THE CLAIM IS OFFICIALLY REOPENED BY THE WORKERS' COMPENSATION SECTION OF Insurance Services.

Accident Compensation Time

Time lost because of a new injury is compensable when it is a valid claim within the definition of Workers' Compensation Law.

Time lost because of a recurrence of a previous injury is compensable only when the disability is confirmed as a recurrence by the treating physician and when the **Letter to Reopen** has been received from the employee and approved by Insurance Services Division.

Supervisory personnel shall be responsible for closely monitoring Accident Compensation time lost by their employees by:

- Insuring that the employee has been given a signed disability slip by the treating physician.
- Periodically checking on the progress of recovery.
- Insuring that the employee returns to work on the date the physician releases them. Any disability claim in excess of that indicted by the doctor shall be considered unauthorized and the employee shall be carried on leave without pay status.
- Making every attempt to put the employee to work on modified duty when authorized by the treating physician.
- The City has a Structured Return-To-Work Program. Please consult Insurance Services Division, Workers' Compensation personnel for details.

Denied Claims

Occasionally a claim for industrial injury is not accepted because the accident, as reported, does not meet the requirements of a workers' compensation claim. If the employee chooses to protest the denial through the appeal process, a period of time elapses before a hearing can be scheduled and a legal determination is made. In the interim, the employee may be placed on sick leave status until the case is resolved.

If a decision is made in favor of the employee and their claim is accepted:

- Upon notification from the Insurance Services Division that the claim is accepted, the Department shall reinstate the sick leave used by notifying the Finance Department, Payroll Supervisor, requesting payroll status be changed to "Workers' Compensation Paid" effective as of the date of disability.
- Upon notification from the Department that the claim has been accepted, the Payroll Clerk shall reinstate the sick leave used and ensure the credit is properly entered in the leave records.

Section 3 – Investigation of Industrial Injuries

Investigation of any accident is an invaluable tool in controlling losses. Thorough investigation, reporting, recording and corrective follow-up of each accident can be time consuming, but devoting necessary time

and effort to prevent recurrence of each accident is an investment that pays compounded benefits to employees and management as their number decreases.

Each industrial injury shall be investigated by the **Supervisor** of the injured employee as soon as possible after it occurs and the following procedures shall be adhered to as closely as possible:

- Notify the Insurance Services Division Manager or Safety Loss Control Officer.
- Conduct an investigation of the scene where the accident occurred. Carefully examine where the injury occurred.
- Reconstruct as much as possible the chain of events leading up to the injury and attempt to determine the single event that caused the injury.
- Draw a diagram of the location if it will be helpful in arriving at a conclusion.
- Make a sketch of machinery, equipment and any other nearby physical objects, together with the places where witnesses were standing.
- Take notes on all facts that may relate to the causes of the injury. As an example, "employee complained of dizziness" or "the employee had not used proper equipment" etc.
- Obtain a copy of the operating procedure or document any procedure used, misuse of equipment or other factors that are not in accordance with published work rules or safety policies.
- Document any unsafe conditions in work areas, defective tools, faulty equipment noted or housekeeping.
- Don't forget to document other items such as the time of the accident, time of the investigation, lighting conditions, weather conditions and a description of any other supplementary evidence and conversation having a bearing on the case.

If any injury or near miss incident occurs when machine parts or structures fail, it is essential to determine what failed and why. This can frequently be conducted without laboratory analysis and corrective action can be initiated without great expense. If, however, a detailed study is determined to be essential, then all components shall be collected and submitted for study immediately. Do not hesitate to contact the Safety Loss Control Officer for any assistance.

It is important to interview witnesses separately at the scene as soon as possible. Request a written statement from each witness.

When interviewing the victim, timing is important. If the injury is minor, the interview should be conducted as soon as the investigation of the scene and a review of the medical report are complete.

If the injury is serious, selecting the right time is a judgment factor. Too soon afterward and the victim may be confused and inaccurate. Waiting too long may cause him to be cautious and evasive. Let the employee tell his story as he wishes, but a complete picture should be encouraged. The interview must be comprehensive and it may be necessary to question the employee or witnesses several times.

Weighing the evidence is essential in order to eliminate any inconsistencies in the testimony of the injured or witnesses, even if further questioning is required. When assembled, all facts should be reviewed for completeness before submission to Insurance Services Division.

Prepare the C-3 Form in detail and forward to Insurance Services Division, Workers' Compensation Section within three (3) working days.

Section 4 – Medical Treatment of Industrial Injuries

An industrial injury is a personal injury by accident, arising out of and in the course of employment. Treatment for these injuries is outlined below and supervisory personnel shall ensure compliance.

For all serious emergencies, call Fire Rescue at 9-911. Serious injuries requiring immediate emergency medical treatment such as profuse bleeding, broken bones, head injury, unconsciousness, shock, etc. shall warrant emergency treatment. The injured person shall be transported to the nearest hospital.

Unless you are certified, **DO NOT** attempt to administer first-aid or CPR.

Fatalities and injuries within this emergency category shall be reported by telephone to the Safety Loss Control Officer at 274-3093. Provide the name of the victim, where and how the accident occurred and the nature of the conditions causing the accident. Complete the appropriate workers' compensation forms and submit to Insurance Services Division.

All injured employees requiring non-emergency medical attention as a result of an on the job injury should report to an initial medical care provider on the Workers' Compensation Preferred Provider List. The workers' compensation medical packet should be completed and provided to the medical facility.

The employee must advise the medical facility that the City of Las Vegas is self-ensured and all bills must be submitted to Insurance Services Division, 400 Stewart Avenue, Las Vegas, Nevada 89101 for payment.

Upon notification that an employee has been injured on the job, the Supervisor shall ensure that:

- First aid is self administered, if possible.
- Transport the employee to a medical facility if medical treatment is required. The employee must use a provider from the Workers' Compensation Preferred Provider List.

Superficial injuries such as minor cuts, bruises, small punctures, scratches, etc., shall be self treated in the field or office. Failure of the employee to report injuries at the time of occurrence may result in delays or loss of benefits if medical treatment is needed at a later date.

An individual injured off duty, who **FALSELY** claims an on the job injury or an individual who collaborates in a false claim is committing a misdemeanor and shall be subject to full penalties provided by law.

After treatment of an industrial injury, bills for medical treatment and medicines are normally sent directly to Insurance Services Division for payment. However, bills are sometimes inadvertently sent to the employee for payment and the employee frequently ignores them until threatening letters are received from a collection agency. Employees have a responsibility to forward such bills to Insurance Services Division for payment and processing.

The City of Las Vegas has contracted for pharmacy services with Catalyst Rx. Workers' compensation prescriptions should be taken to the nearest Walgreens. The employee should show his employee

identification and a copy of the C-4 form to the pharmacist and indicate the prescription is required for a workers' compensation injury. The pharmacy reference is "CLVWC". No co-pay will be required.

If the injury is reported to the Insurance Services Division through filing a C-1, the employee may seek medical treatment if the need should arise at any time for 90 days. After 90 days, if no medical treatment is sought, the incident will be closed.

Section 5 – Disability Compensation

Maintenance and compensation for employees unable to work because of a service incurred accident or illness will be provided in accordance with current employee labor contracts and the City of Las Vegas Human Resources Policies and Procedures Manual.

To initially receive these benefits, the injured employee must provide Insurance Services Division with a certificate stating that the employee is unable to work for the period of disability being claimed.

To continue to receive these benefits, the injured employee must:

- Keep the Department Director, or their designee, informed of their medical condition at intervals specified by the Department Director, or their designee, and provide physician's certificates of disability covering the period of disability.
- Be at their place of residence, a medical facility, or physician's office while disabled, or notify their supervisor of their whereabouts.
- Adhere to the treatment prescribed by a qualified physician and not engage in any injurious practices that tend to retard recovery. (This may also result in termination of benefits and closure of the claim.)
- Employees **will not be authorized to take vacation leave** during any period of disability that has been certified by a physician.
    - EXCEPTION: An employee may use vacation leave if sick leave has been exhausted to make up the difference between the workers' compensation payments, and their normal salary in order to receive 100% pay for the disability period. The leave must have been previously scheduled and approved annual leave. The employee must obtain documentation from the physician that he is medically stable to travel and travel will not hinder his care.

Disability compensation for an industrial injury is paid to the employee under provisions of Nevada Revised Statute 616. The employee receives 66 2/3 of the state average monthly wage, if the employee is disabled for five (5) days within a twenty (20) day period. The City of Las Vegas, by labor contract with its employees, pays its employees 100% of their pay from the first calendar day of absence and continues 100% of pay for a period of time as specified by the individual contract, provided the employee has been authorized for the disability leave by his treating physician.

Persons employed by the City on a contract basis are not eligible for maintenance of income benefits, unless expressly authorized in writing by the City Manager.

Section 6 – Accounting and Pay Procedures

The following provisions apply to employee time card reporting. If there has been an industrial injury:

- Report the injury to the Insurance Services Division and record any time lost as a result of the accident on the time card as W/C Paid. As a result, for the duration of the contractually agreed upon time the employee will receive full pay and full benefits. Approximately 2/3 of the employee's average monthly wage will be charged to the Workers' Compensation Fund and 1/3 to the Department.

- As the contractually agreed upon time period for maintenance of income varies with the individual contract, the Supervisor should maintain contact with the Finance, Payroll Section to determine when income maintenance terminates.

Note: After the termination of the City-funded income maintenance, the employee may choose to use accrued sick or vacation time to supplement the amount paid by the Workers' Compensation Fund. This will enable the employee to continue to receive a full paycheck.

When an employee elects this option, the supervisor should code the entire time off for Workers' Compensation to either W/C Sick or W/C Vacation. Payroll will then credit back to the employee any sick or vacation hours not required to bring the employee up to 100%.

This option could continue for as long as medically approved and as long as the employee has available leave. The use of any other type of leave must be authorized by the Department Director.

Once sick and vacation leave have been exhausted, or if the employee elects not to use accrued leave time to receive full pay:

- Record the total number of hours off on Workers' Compensation WOP. As a result, the employee will receive only the amount of money they are eligible for under workers' compensation coverage which is approximately 2/3 of the average monthly wage. The City will not take any deductions from the workers' compensation check and direct deposit is not available with this option. The employee will receive their check by mail to their home address.

CHAPTER VI

INDUSTRIAL INJURY AND ILLNESS CONTROL

Section 1 – Physical Examinations and Employee Health

Physical fitness of employees is a prime requisite in preventing a significantly large number of personal injuries. The City of Las Vegas seeks to ensure employees are able to perform their assigned duties with the lowest possible risk of injury through the use of pre-placement testing, fit for duty exams, and annual physicals for specified positions.

All required pre-employment screening or routine annual physical examinations will be administered by Human Resources Department.

Each individual selected to be a permanent employee or a provisional employee intended to be permanent shall satisfactorily pass a pre-placement examination, if required by the City, **BEFORE** being put to work. These tests are designed to objectively assess the applicant's physical ability to perform the essential functions of the job.

Employee positions designated in State Occupational Safety & Health regulations, Civil Service Regulations, NRS 617 and any other position specified by the City Manager will receive an annual physical examination.

Annual physical examinations showing a need for medical treatment will be forwarded to the Human Resources Department for the employee's medical file. Insurance Services Division will arrange for medical treatment, maintain the medical file and results of the physical examination.

Department Directors and Division Managers shall be responsible for insuring that the employee complies with the doctor's recommendations for treatment. The employee will utilize sick leave, if necessary, for the required medical treatment.

Special Physical Evaluations (Fitness For Duty)

Any employee whose physical condition is a result of non-industrial accident or illness for one or more of the reasons listed below will be required to undergo an independent medical evaluation. Departments will request and schedule evaluations through Insurance Services Division as soon as the need is determined to minimize delays in returning the employee to work.

- An inability to do a satisfactory job because of a physical or mental problem.
- Return from an extended absence because of a non-industrial injury or illness when time lost has exceeded thirty (30) days and the individual is not in a sedentary position.
- Any employee whose physical condition constitutes a safety hazard to themselves or other employees.
    - Return from resignation or leave-without-pay status of six (6) months duration.
    - Return from resignation or leave-without-pay status of any duration, when the health status of the employee is questionable.

- Employees transferring to a job that requires greater physical capability.

All departments will request and schedule evaluations through Insurance Services Division for employees who return from an industrial injury when absence has exceeded thirty (30) days and the individual is not in a sedentary type position.

On all conditions listed above, the employee shall not be returned to work until their condition has been determined to be satisfactory by an independent medical evaluation.

When absence has not exceeded thirty (30) days, a Supervisor shall not allow an employee to return to work unless he receives a signed authorization from the treating physician for **FULL DUTY** or the employee has been released for restricted duty by his treating physician or an independent medical examination in a fitness for duty exam.

Human Resources Department only, will notify applicants of medical qualification or disqualification. No certificate or report of fitness or disqualification shall be issued to the examinee. Notice of all medical determinations shall be sent to the Human Resources Department on their forms and in accordance with their procedures. Extreme care must be taken that medical reports are not accessible to unauthorized persons.

Confirmed alcoholism is acknowledged as a disease and therefore may be treated as any other illness. An alcoholic employee is potentially hazardous to themselves and to others. When the need for treatment of an alcoholic employee is indicated, contact Human Resources Department for assistance.

An employee reporting to work who is obviously under the influence of alcohol or drugs shall not be allowed to work under these conditions. A Supervisor who believes an employee is under the influence of alcohol or drugs should act in accordance with Section 9.02 of the Personnel Policies Manual. If reasonable suspicion of such abuse exists, the employee should be transported for a drug test and/or a fitness for duty exam. Contact the Employee and Organizational Services Division of Human Resources for specific instructions.

It is the employee's responsibility to notify the supervisor, prior to the beginning of the work shift if he or she is taking legally prescribed medication, therapeutic drug or any over the counter non prescription drug or cold medicine that carries a warning label or contains alcohol. The use of prescription drugs that does not alter the employee's work performance is acceptable only when prescribed by a qualified physician.

An employee taking strong or multiple medications which causes dizziness, blackouts, drowsiness, double vision, impaired judgment or other abnormal reactions shall not attempt to work nor shall a Supervisor allow them to work. Multiple medications made up of relatively mild ingredients individually can cause a systemic interaction which sometimes affects the individual's ability to act and perform normally. When this is evident, the individual shall be required to consult with their physician for an adjustment in medication.

Section 2 – Restricted Duty Policy

Temporary Disability means an injury or illness that temporarily limits the ability of an employee to perform the primary task(s) of their regularly assigned work.

Job-Related Injury or Illness means injury or illness incurred in the performance of the job and accepted by Insurance Services Division as a workers' compensation claim under the provisions of NRS 616 and 617.

Transitional Work Assignments (TWA) means modified work assignments provided on a temporary basis to industrial injured employees which meet their temporary physical restrictions allowing them to transition back to their regular full duty job.

When available, TWA's:

- Will be offered on a temporary basis to any employee with a job-related injury or illness who has been released by his/her physician to perform restricted duty work.
- Will be provided as long as there is legitimate work to do and as long as the employee's treating physician anticipates his/her ultimate return to pre-accident duty. TWA's cannot be provided for an employee after a treating physician determines the employee has permanent restrictions and must be accommodated on a permanent basis.

Insurance Services Division will determine the nature and location of the TWA and conform to the requirements of NRS 616-617 and NAC 616-617, and be consistent with business necessity.

Transitional Work Assignment Procedures

When an employee is disabled and off work due to an industrial injury the Workers' Compensation Section will contact the treating physician to determine if and when the employee may return to work, with or without limitations, and if full recovery is expected.

When a treating physician advises the Workers' Compensation Section that an employee is able to return to work in a temporary restricted duty capacity, Workers' Compensation will contact the employee's Department to determine if they can accommodate the employee's restrictions with a TWA.

NOTE: First preference is given to the employee's Department because wages paid will be charged to that Department, regardless of the location of the TWA.

If a TWA is available within the employee's Department, the Supervisor will fill out a Transitional Work Assignment form and have the employee sign and date the form and forward it to the Workers' Compensation Section.

If a TWA is not available within the employee's Department, the Workers' Compensation Section will attempt to place the employee in a Temporary Transitional Work Assignment in another Department. Workers' Compensation will fill out the Transitional Work Assignment form and contact the employee to complete for form before reporting to the assignment.

If no TWA is available for an employee released to restricted duty, the employee will remain off duty until an appropriate assignment is identified or until he/she is returned to full duty by the treating physician. If the employee has an accepted workers' compensation claim, he/she will be eligible to collect temporary, total disability benefits.

The duty status of employees placed in a TWA will be reviewed on a monthly basis by the Workers' Compensation Section. This review will be conducted by contacting the treating physician to determine the expected date of return to full duty, no less than every 30 days. In addition, those Departments with employees assigned to other Departments will be contacted to determine if a TWA has become available.

While the employee is working on a TWA, the regular duty Department will maintain the time card and show the employee as working regular duty hours.

Whenever the employee working in a TWA is absent from their assignment, the Department in which they are working **must** notify both the employee's regular duty Department and the Workers' Compensation Section **immediately**.

Any employee in a TWA for more than 90 days will be considered at risk for non-return to their previous position. Their physician will be specifically requested to provide reporting on the prognosis for return to pre-accident duty. In addition, the employee will be required to undergo a vocational assessment with a certified vocational rehabilitation counselor to identify transferable skills and/or areas in which training may enhance their ability to be placed in an alternative position, if it becomes necessary due to permanent restrictions.

An employee assigned to a TWA whose physician has determined he/she has permanent restrictions which must be accommodated, will be advised as follows:

- The City of Las Vegas is no longer able to offer the TWA. Therefore, the assignment will end 30 days from the date the employee was given permanent restrictions.
- A vocational counselor will be provided to the employee to determine their current transferable skills so that available openings may be reviewed to determine if a position for which they are qualified is currently open.
- If there are no positions currently vacant for which the employee is qualified, the employee will be provided with a vocational counselor to assist in job search activities, including vocational training programs, if required.
- During the vocational rehabilitation period, the duration of which is determined by the percentage of disability found in the permanent, partial disability rating examination (as required by Nevada statute), the employee will be eligible to collect rehabilitation maintenance benefits, equal to their temporary, total disability benefits.
- Employees who undergo formal retraining as part of a vocational rehabilitation program will remain employees of the City of Las Vegas until they are successfully re-employed or a period of sixty (60) days has elapsed since the completion of the program (whichever comes first). During a program of vocational rehabilitation, they will be considered on Leave Without Pay (LWOP) and will continue to be covered by the City's group health insurance program. Upon re-employment or the elapse of the sixty days since program completion, the employee will be separated from City employment.
- If a permanent partial disability rating examination has not already been scheduled, one will be scheduled immediately.

Medical Appointments While on a Transitional Work Assignment

Administrative Leave will be used for City of Las Vegas employees, with open, accepted workers' compensation claims when either physician or physical therapy appointments cannot be scheduled before or after work. The following provisions apply:

- Employees shall schedule all medical appointments before or after normal working hours, whenever possible.
- In those cases where appointments cannot be scheduled before or after normal working hours, the following procedure is applicable:
    - The employee will be required to present, to the supervisor, an appointment slip from the doctor of physical therapist, stating the date and time of the appointment.
    - Upon return to work from the appointment, the employee will be required to present to the supervisors, a slip from the doctor or physical therapist, stating the time the employee left the office.
    - Thirty (30) minutes will be allowed for travel to and from appointments.
    - The total time away from work will be recorded on the time card as WC Admin.

Non-Covered Injury or Illness

Employees are not eligible for assignment if an injury incurred off the job or a non-occupational disease, or any injury was:

- Caused by the employee's willful intention to injure themselves; or
- Caused by the employee's willful intention to injure another; or
- Caused by intoxication or the use of drugs; or
- Caused or aggravated by refusal or neglect to follow medical treatment, failure to refrain from unsanitary or injurious practices which are reasonable to promote recovery from injury or illness or failure to maintain the physical and mental ability necessary to perform in the present job; or
- Gross negligence on the job.

Salary-Job Related Injury or Illness

The employee will remain at current pay status with all benefits while assigned to a transitional duty status.

Annual Physical Examinations

An employee may be assigned to an alternative work assignment (transitional or modified duty) for one of the following reasons:

- Medical Examination: When the results of an annual or special medical examination determine that an employee may endanger themselves, co-workers or the general public due to an injury or medical condition, the employee may be assigned to modified duty status, pending re-testing or further medical testing.
- If further medical testing show the employee does not meet the medical standards to return to his regular duties, and their medical condition is not job related, the employee may be placed in sick leave or leave without pay status, pending reassignment or personnel action.

Section 5 – Rehabilitation and Reclassifications

For the purpose of this policy, permanent partial disability means an injury or illness resulting in a permanent disability that may or may not restrict the employee from fully performing the duties of their present classification.

Permanent total disability means incapacity which prevents the employee from performing any occupation for which they are fitted or could become fitted by education, training or experience.

Permanent Partial Disability

When an employee suffers a job-related permanent disability and a medical report from a treating physician or an independent medical evaluation indicates the employee will not recover sufficiently to return to their full duty position, the following policy shall govern the assignment of the employee:

Step 1: Workers' Compensation Section sends the employee's Department Director a memo outlining the restrictions and asking if they can be accommodated, or if there is another vacant position within the department for which the employee could qualify with their present limitations.

Step 1A: If **YES** - The Department Director shall advise by return memo within seven (7) days the Workers' Compensation Section of the position title, a copy of the job description and pay status.

Step 1B: If **YES** - The Department Director assigns the employee to modified duty for no longer than thirty (30) days, pending assignment under provisions of NRS Chapter 616.

Step 1C: If **YES** - The Department Director shall schedule a meeting with the employee and a Workers' Compensation representative in order to:

- Advise the employee that their physician has provided restrictions which cannot be accommodated and prevent a return to their previous position.
- Advise the employee of all options open to them, including the open position.
- If reassignment is accepted by the employee, actions for this reassignment will be handled by the Personnel Services Division of Human Resources.

Step 2: If accommodation is not possible and **NO** position is available within the department, the Department Director will:

- Advise the Workers' Compensation Section by memo, within seven (7) days, of no available position.
- Place employee in Modified Duty Status pending further administrative action by Human Resources Department.

Step 3: The Workers' Compensation Analyst will send Personnel Services Division a memo requesting vacant positions within the City for which the employee could qualify and which do not represent a promotion. The position considered must be equal or lesser in classification that at the time of pre-injury illness.

Step 4: The Personnel Services Division will respond by memo, advising:

- No positions are available, or

- Listing vacant positions by job title, job description and salary.

Step 5: If an appropriate position is vacant, the Workers' Compensation Section will work with Personnel Services Division to offer the position to the employee, under NAC 616.

Step 5A: If Personnel Services Division approves the new job offer, the Workers' Compensation Section will schedule a meeting with the employee and make the new job offer under provisions NAC 616.

If no appropriate job is vacant within the City, the Worker' Compensation Section will schedule the employee for a meeting with a Vocational Rehabilitation Counselor. The Vocal Rehabilitation Counselor will assist the employee in obtaining alternative employment through job search or retraining, if necessary.

Permanent Total Disability

Within ten (10) days after permanent total disability has been determined by Insurance Services Division, the employee may:

- Elect Permanent Total Disability under provisions of NRS 617.455 or 617.457 (if applicable).
- Elect to be rehabilitated into another position or assigned to a rehabilitation counselor for retraining.
- Elect retirement, if eligible. Employees electing retirement shall process their retirement expediently to be effective within sixty (60) days.
- Resign.
- Employees determined to be permanently, totally disabled due to a compensable injury, will receive monthly benefits for as long as they continue to meet the criteria for such benefits, as determined by NRS 616 and 617.

CHAPTER VII

Section I - Liability Control

Liability claims resulting either directly because of some action by a City employee or indirectly because of an unsafe condition of City facilities constitute a significant financial drain upon City capital. While some liability potential is beyond control, a high percentage can be kept within reasonable limits when efforts are directed toward eliminating the causes. It shall be the responsibility of every employee to include such efforts as an integral part of their everyday duties, whenever possible.

City Field Inspections – Department Directors who are responsible for maintenance of field facilities shall ensure that inspections are conducted at a frequency determined to be adequate for controlling defects. Such inspections performed by Divisions in their own respective areas of concern shall include, but are not limited to the following:

- Condition of all City streets, gutters and sidewalks with respect to holes, roughness, drainage, cracks, breaks, irregularities and excessive amounts of gravel or sand on pavement.
- Conditions of main and branch sewer lines as well as freedom from restrictions.
- Conditions of public easements with respect to accumulated piles of trash, illegal fencing or structures that endanger City personnel working in the easement or that constitute a fire hazard.
- Condition of recreation areas, parks, pools, golf courses, etc., with respect to glass, cans and debris on the grounds and the presence of structural hazards which can cause cuts, tripping, bumping and falling injuries.
- Condition of alleys for obstructions to passage, excessive holes, weeds and rough surfaces that could throw a vehicle out of control or cause injuries.
- Condition of trees and shrub growth along streets and sidewalks which could damage vehicles, injure the public or create blind areas at intersections.
- Condition of drainage ditches to ensure good flow of water and proper guarding of street drains and drain ducting.
- Proper placement of regulatory signs.
- Condition of pavement striping and marked crosswalks.

City Building Inspections – Occupants of City buildings shall make periodic inspections to keep hazards at a minimum in work areas and public facilities. Following is a general list of items that should be inspected:

- Housekeeping
- Condition of stair treads, floor tiles and carpet for trip hazards.
- Exposed floor electrical and telephone outlets for trip hazards.
- Loose stairway railings.
- Windows for cracked glass.
- Walls and door frames for protrusions.
- Office furniture and office machines in need of repair.
- Proper storage of materials.
- Adequate lighting and ventilation.
- Freedom from insects and other pests.
- Exit signs and emergency lighting.

- Isles and passageways unobstructed.
- Fire extinguishers (current inspection tag) and First Aid Kits stocked.
- Locks on security doors and gates, in good condition and used.

Outside Contractors – Outside contractors and other municipalities are **prohibited** from utilizing City owned equipment.

Section 2 - Damage Loss Reports – Recovery of City property damaged by a third party is an important factor in reducing expenses of the Department for repair or replacement of damages. Therefore, all Departments are responsible for reporting any damage or loss of City property to Insurance Services Division. A City of Las Vegas Equipment Damage or Loss Report form must be submitted to Insurance Services Division, accompanied by a Deputy City Marshal's Event Number and a quote from a vendor for replacement. ***Note: Deputy City Marshals are not required to file an event number in cases involving lost cellular telephones, radios or graffiti.*** Once the claim is processed, a check will be issued to the vendor for replacement.

Insurance Services Division will ***normally*** replace losses under the following circumstances:

- A non-preventable vehicular accident.
- Stolen and/or vandalized City property or equipment
- Acts of nature (on a case by case basis)

Insurance Services Division **will not** pay to replace damage or loss under the following circumstances:

- Preventable vehicular accidents.
- Employee negligence/irresponsibility
- Loss not reported within 30 days of occurrence.

Section 3 - Citizen Incident Report – This form should be utilized to document a citizen injury on City property. Once completed, the form should be submitted to Insurance Services Division for processing.

Section 4 – Notice of Claim Form – This form is utilized when a citizen wants to file a claim against the City for damage and/or loss.

Any City employee that is made aware of an unsafe condition at a City facility should immediately notify Insurance Services Division at 229-5048 or 229-5049. ***Any employee*** that receives a complaint advising of any unsafe condition within the City such as sidewalks, streets, traffic lights, sewer covers, etc., from the general public, should obtain the location and immediately call Insurance Services Division.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	87-5.1
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Accident Prevention Signs and Tags

SCOPE:

These specifications apply to the design, application and use of signs or symbols intended to indicate and, insofar as possible, define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public, or both, or to property damage. These specifications are intended to cover all safety signs except those designed for streets, highways, railroads, and marine regulations. These specifications do not apply to bulletin boards or to safety posters.

PURPOSE:

Ensure adequate warning is provided to reduce or eliminate accidental injury to City employees and the public.

STANDARD:

State of Nevada, Division of Occupational Safety and Health Enforcement Section, General Industry Standards 29 CFR 1910.144, 29 CFR 1910.145, 29 CFR 1910.1030, Construction Industry Standard 29 CFR 1926.200, and American National Standard Institute (ANSI) Z35.1, or the latest Edition.

POLICY:

Definitions – "SIGN" means a surface prepared for the warning of, or safety instructions of industrial workers or members of the public who may be exposed to hazards. Excluded from this definition however, are new releases, displays commonly known as safety posters, and bulletins used for employee education.

Type of Accidental Prevention Signs

Danger Signs

- There will be no variation in the type of design of signs posted to warn of specific dangers and radiation hazards.
- Danger signs indicate immediate danger and special precautions are necessary.
- The colors red, black and white will be those of opaque glossy samples as specified in Table 1, Fundamental Specifications of Safety Colors for CIE Standard Source "C", American National Standard Z53.1-1967 or the latest edition.

Caution Signs

- Caution signs are used to warn against potential hazards or to caution against unsafe practices.

- Caution signs indicate a possible hazard against which proper precautions should be taken. The caution sign is used to mark physical hazards such as: striking against, stumbling, falling, tripping, and caught in-between.

- The basic color for the background of caution signs is yellow, and the panel, black with yellow letters. Any letters used against the yellow background are black. See Section II.A.3.

Exit Signs

- All exits will be marked by a readily visible sign.

- In all cases where the exit or the way to reach the exit is not immediately apparent, a sign reading "exit," with an arrow indicating the direction to travel to reach the exit, will be posted.

- All doors, passages, or stairways, which are neither exits nor ways of exit access, will be identified by a sign, reading “NOT AN EXIT”.

- Exit signs will be lettered in red letters not less than 6 inches high on a white field and the principal stroke of the letters will be at least 3/4 of an inch in width.

Safety Instruction Signs

- Safety instruction signs will be used where there is a need for general instructions and suggestions for safety measures.

- The basic color of the background for safety instruction signs will be white, and for the panel, green with white letters. Any letters used against the white background will be black. See Section II.A.3.

Slow-Moving Vehicle Emblem

- The emblem is intended as a unique identification for, and for use on vehicles which by design move slowly (25 M.P.H. or less) on the public roads. The emblem is not a clearance marker for side machinery, nor is it intended to replace required lighting or marking of slow-moving vehicles.

- This emblem consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight, and creates a hollow red triangle in the path of motor vehicle headlights.

Biological Hazard Signs and Labels

- Will contain the symbol found in General Industry Standard 29 CFR 1910.1030 (g).

- Signs and labels will be fluorescent orange-red.

- Red bags or red containers, with the legend imprinted on them, may be substituted for labels.

Types of Accident Prevention Tags

- Biological Hazard Tags will be used to identify the actual or potential presence of a biological hazard (those infectious agents presenting a risk of death, injury or illness), and will be used to identify equipment, container, or rooms that contain or are contaminated with hazardous biological agents.

- Danger Tags will be used in major hazard situations where an immediate hazard presents a threat of death or serious injury.

- Caution Tags will be used in minor hazard situations where a non-immediate or potential hazard or unsafe practice presents a lesser threat of injury.

- Warning Tags will be used to represent a hazard level between "Caution" and "Danger," instead of the required "Caution" tag, provided they contain a signal word of "Warning," and appropriate major message.

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Aerial and Scissor Lifts

SCOPE:

This policy/procedure provides guidelines for the safe operation of aerial and scissor lifts.

PURPOSE:

To ensure City of Las Vegas employees are protected to the greatest degree possible when performing work from aerial and scissor lifts.

STANDARD:

State of Nevada , Occupational Safety and Health Administration, General Industry Standard 29 CFR 1910.67, Construction Industry Standard 29 CFR 1926.453 and .454, and ANSI/SIA A92.2, A92.3, A92.5 and A92.6.

POLICY:

Only employees of the City of Las Vegas who have received general instructions regarding the inspection, application and operation of aerial devices, including recognition and avoidance of hazards associated with their operation and who have been authorized by their supervisor may operate this equipment.

Requirements

A visual walk-around inspection of the equipment shall be conducted in accordance with manufacturer's operation manual prior to the use of the equipment. When defects are noted, the equipment will be shutdown, red tagged and repaired before being used:

- Instruction and warning labels will be legible; if not, they will be replaced.
- The controls will be plainly marked as to their function.
- Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.
- Aerial and scissor lifts shall not be "field modified" without written approval from the manufacturer.

- Attaching overhanging loads to the platform or increasing the platform size with unauthorized deck extensions or attachments is prohibited.

- In aerial lifts, a full body harness shall be worn by employees working from the basket with the lanyard attached to equipment anchorage points. Under no circumstances shall the lanyard be attached to a pole, the structure, or other equipment.

- In scissor lifts, the guardrail system provides fall protection. Access gates or openings shall be closed and secured in place.

- Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices to elevate work position.

- Boom and basket load limits specified by the manufacturer shall not be exceeded.

- Equipment shall be positioned on a smooth, level, and firm surface before elevating the platform. Equipment shall not be operated on grades, slopes or ramps exceeding those specified by the manufacturer.

- The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial and/or scissor lift on an incline.

- An aerial and/or scissor lift shall not be moved when the boom is elevated in a working position with workers in the basket, except for equipment which is specifically designed for this type of operation in accordance with the manufacturer's operation manual.

- Check clearances above, below, and on sides and bottom of platform when rising and lowering platform.

- An aerial and/or scissor lift shall not be used near electrical power lines unless the lines have been de-energized or adequate clearance is maintained. A minimum of 10 feet shall be maintained at all times.

- When other moving equipment and/or vehicles are present, special precautions shall be taken, such as the use of flags, barricades, etc.

- Aerial and/or scissor lifts shall not be used in outside work activities when severe wind conditions exist.

- When a lift is utilized to gain access to a structure, 100% fall protection will be required.

- Fleet and Transportation Services will maintain all maintenance records.

Training

- Each Division Manager and Supervisor will ensure that each worker that utilizes an aerial and/or scissor lift has been properly trained and certified prior to equipment use. The Division will forward training documentation to Human Resources, Insurance Services for issuance of training cards.

- Refresher training shall be conducted if there is an accident or near miss incident, when unsafe observation and evaluation of the operator indicates it is necessary, and/or if there is a change in the equipment utilized.

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Automotive Brake and Clutch Repair Operations

SCOPE:

To establish guidelines for City of Las Vegas employees during the repair/replacement of automotive brakes and clutches.

PURPOSE:

To reduce City of Las Vegas employee's exposure to asbestos fibers below the action level of 0.1 fibers per cubic centimeter (f/cc).

STANDARD:

Nevada Occupational Safety and Health (NVOSHES) General Industry Standard, 29 CFR 1910.1001, Appendix F.

POLICY:

Asbestos exposure occurs during the replacement of clutch plates and brake pads, shoes and linings. Asbestos fibers may become airborne when an automotive mechanic cleans and removes the asbestos-containing residue that has been deposited as brakes and clutches wear.

The use of compressed air to clean parts and employee or dry or wet brushing to clean parts is prohibited.

Acceptable Work Practices

Negative Pressure Enclosure/High Efficiency Particulate Air (HEPA) Vacuum System Method consists of:

- The brake and clutch inspection, disassembly, repair and assembly shall be enclosed to cover and contain the brake or clutch assembly.
- The enclosure shall allow the clear view of the work and be provided with impermeable sleeves to handle the work.
- A HEPA-filtered vacuum shall be used to first loosen the asbestos containing residue and then to evacuate the material from the enclosure.

Low Pressure/Wet Cleaning Method consists of:

- A catch basin that shall be placed under the brake assembly, positioned to avoid spills or splashes.

- The reservoir shall contain a surfactant or water wetting agent. The flow of liquid shall be controlled to gently flood the brake assembly and to prevent the asbestos fibers from becoming airborne.

- After removing the brake drum, the wheel hub and back of the brake assembly shall be thoroughly wetted to suppress dust.

- The brake support plates, brake shoes and brake components used to attach the brake shoes shall be thoroughly washed before removing the old shoes.

Wet Method consists of:

- Place a collection pan under the assembly.

- A spray bottle, hose nozzle, or other implement capable of delivering a fine mist of water or amended water at low pressure shall be used to first thoroughly wet the brake or clutch parts

- Parts are then wiped with a rag.

Disposal of Contaminant Materials

The vacuum's filter shall first be wetted, then removed and disposed in an impermeable container. The container will be properly labeled.

Contaminated rags shall be placed in an impermeable container, properly labeled and disposed.

When contaminated work uniforms or rags are laundered, these materials will be placed in labeled plastic bags and kept separate from similar materials. The laundered/cleaner will be advised that the material has been contaminated with asbestos fibers.

Hygiene Practices

Food or beverages will not be consumed or stored, nor will smoking be allowed until the hands and face are thoroughly washed with soap and hot water.

Training

Training will be conducted upon initial hire or assignment for this type of work activity. Refresher training shall be conducted when an unsafe observation or evaluation occurs.

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Bloodborne Pathogens

SCOPE:

To establish guidelines for all occupational exposures to blood or other potentially infectious materials.
PURPOSE:

To reduce the risk of contracting and spreading disease caused by bloodborne pathogens, including but not limited to Hepatitis B Virus (HBV) Hepatitis C Virus (HVC) and Human Immunodeficiency Virus (HIV).

STANDARDS:

OSHA General Industry Standard 29 CFR 1910.1030.

POLICY:

Definitions

Definitions specific to this Safety Policy/Procedure will be found in Appendix I.

Responsibility

All employees will follow the established guidelines when involved with a communicable disease or when a parenteral or mucous membrane exposure to blood or other potentially infectious body fluids occurs.

Confidentiality

Information regarding each exposure or potential exposure will be considered CONFIDENTIAL and will be only released to those persons directly involved in the follow-up care of the employee.

Exposure Determination

Each Department listed in this section will be required to develop a written Exposure Control Plan. The Exposure Control Plan will be submitted to the Human Resources, Insurance Division for review. Appendix II was used to determine that the following employees are covered by this Safety Policy/Procedure:

- Fire and Rescue - Fire Operation Division.
- Municipal-Court Marshals
- Neighborhood Services - Code Enforcement Officers, Maintenance Workers, and Painters.

- Detention and Enforcement - Correction Officers, Classification/Intake Aides, Animal Control Officers and Marshals.
- Public Works - Environmental Division - All personnel.
- Public Works - Traffic Engineering, Traffic/Electrical Field Operations - All personnel.
- Field Operations - Facilities Management Division, Fleet and Transportation Division, Parks and Open Spaces Division and Streets and Sanitation Division - All personnel.

Implementation Schedule and Methodology

Compliance Method

- Universal precautions will be observed in order to prevent contact with blood or other potentially infectious material. All blood or other infectious materials will be considered infectious regardless of the perceived status of the source.

- Engineering and work practice controls will be utilized to eliminate or minimize exposure to employees. Where occupational exposure remains, personal protective equipment will be used. A list of the type of engineering controls (e.g., sharp disposal containers, self-sheathing needles, sharps with engineered injury protections and needleless systems) and work practice controls (e.g., prohibiting recapping of needles by a two-handed technique) will be developed.

- The engineering and work practice controls will be examined and maintained on a regular basis. An inspection schedule will be developed indicating whether the inspection is required daily, once per week, etc., as well as who will be responsible to inspect and review the effectiveness of the individual controls.

- Hand washing facilities will be made readily accessible to employees who incur exposure to blood or other infectious materials. A list the hand washing locations will be developed. When hand washing facilities are not feasible antiseptic cleaner in conjunction with a clean cloth/paper towels or antiseptic towelettes. If these alternatives are to be used, then the hands will be required to be washed with soap and running water as soon as possible. When alternatives to readily accessible hand washing facilities are used a list of the locations, tasks and who will be responsible to ensure maintenance and accessibility of these alternatives.

- Contaminated needles and other contaminated sharps will not be bent, recapped, removed, sheared or purposely broken. If such action is required, then the recapping or removal of the needle must be done by the use of a mechanical device or a one-handed technique. A list of procedures and mechanical devices to be used or alternatively if a one handed technique will be used.

- Sharps containers will be puncture resistant, leak proof and labeled with a biohazard label. A list of where sharps containers are located and who will be responsible for the disposal of full containers will be developed.

- Employees will not eat, drink, apply cosmetics or lip balm, smoke or handle contact lens in work areas (e.g., rescue units) where there is a likelihood of exposure to blood or other potentially

infectious materials. These activities will be done in the designated areas only (e.g., employee break rooms).

- When equipment or a work area becomes contaminated with blood or other infectious materials the equipment or area will be decontaminated. A list of proper decontamination methods and designated areas will be developed.

- All personal protective equipment, cleaning, laundering and disposal will be provided without cost to the employees. Personal protective equipment will be chosen based on the anticipated exposure to blood or other infectious materials. The protective equipment will be considered appropriate only if it does not permit blood or other infectious material to pass through or reach the employees' clothing, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used. A list of the type of personal protective equipment required for each procedure and who will be responsible for the distribution will be developed.

- All garments which are contaminated with blood will be removed immediately and be placed in the appropriate labeled containers. A list of container locations will be developed.

- Gloves will be worn where it is reasonably anticipated that employees will have hand contact with blood, other infectious materials, non-intact skin and mucous membranes. A list of procedures that require the use of gloves and the locations where gloves will be available will be developed.

- Disposable gloves will not be washed or decontaminated for re-use. They shall be replaced when they become contaminated or if they are torn, punctured or when their ability to function as a barrier is compromised. Dispose of gloves in the biohazard containers that have been provided.

- Masks in combination with eye protection devices, such as goggles or glasses with side shields or chin-length face shields will be required to be worn whenever splashes, spray, splatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonable anticipated. A list will be developed of those situations where such protection will be required.

- Laundry contaminated with blood or other potentially infectious materials will be handled as little as possible. Such laundry will be placed in appropriately marked red bags at the location where it is used. Such laundry will not be sorted or rinsed in the area of use. All employees who handle contaminated laundry will use personal protective equipment to prevent contact with blood or other potentially infectious materials. When contaminated laundry is sent off-site, the laundry service will be notified in writing and a copy of the letter will be maintained as part of this Safety Policy/Procedure.

<u>Hepatitis B Vaccination Program</u>

- All employees who have been identified as having reasonably anticipated exposure to blood or other potentially infectious materials will be offered Hepatitis B vaccinations, at no cost to the employee. The vaccine will be offered within ten (10) working days of their initial assignment to

work involving the potential for occupational exposure to blood or other potentially infectious materials, unless the employee has previously had the vaccine or wishes to submit to antibody testing which shows the employee to have sufficient immunity.

- Employees who decline the Hepatitis B vaccination will sign the waiver found in Appendix III. The original signed waiver will be forwarded to Human Resources, Insurance Services Division and placed in the employee's medical file. Employees who initially decline the vaccine but who later wish to have it will have the vaccination provided at no cost.

- Each Department covered by this Safety Policy/Procedure will designate a responsible party to ensure that the vaccine is offered and the waivers are signed.

Post-Exposure Evaluation and Follow-up

- When an employee incurs an exposure incident, it will be reported immediately to the supervisor and reported to Human Resources, Insurance Division within twenty-four (24) hours of the incident.

- A confidential medical evaluation will be scheduled. The health care provider will offer the appropriate counseling concerning the precautions to be taken after the exposure incident. The employee will also be given information on what potential illnesses to be aware of and to report any related symptoms to the appropriate personnel.

- A Notice of Injury or Occupational Disease, Form CLV 7040, an Employers Report of Industrial Injury, Form CLV 7034 and an Employee's Claim for Compensation/Report of Initial Treatment, Form CLV 7041 will be completed and forwarded to Human Resources, Worker Compensation Section.

- A Disease Exposure Report will be completed and forwarded to Human Resources, Insurance Services Division.

Interaction with Health Care Professionals

- A written opinion will be obtained from the health care professional who evaluates employees. The written opinions will be obtained when:

    - When an employee is sent to obtain the Hepatitis B vaccine.
    - When an employee is sent to a health care professional following an exposure incident.

- The health care professional will be instructed to limit their opinion to:

    - Whether the Hepatitis B vaccine is indicated and if the employee has received the vaccine or for evaluation following an incident.
    - That the employee has been informed of the results of the evaluation.
    - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials.

Training

- Training will be conducted prior to initial assignment where occupational exposure may occur.
- Training for employees will include explanations of:

    - ❖ The Bloodborne Pathogens Standard.
    - ❖ Epidemiology and symptomatology of bloodborne disease.
    - ❖ Modes of transmission of bloodborne pathogens.
    - ❖ The City of Las Vegas Infectious Control Plan.
    - ❖ Procedures which might cause exposure to blood or other potentially infectious materials.
    - ❖ Control methods which will be used to control exposure to blood or other potentially infectious materials.
    - ❖ Personal protective equipment available and who should be contacted concerning availability.
    - ❖ Post-exposure evaluation and follow-up procedures.
    - ❖ Signs and labels that are used.
    - ❖ Hepatitis B vaccination program.

- Training will be classroom instruction, using videotapes and written materials. The training materials will be located in the Department of Human Resources, Insurance Services Division

- Refresher training will be conducted on an annual basis.

Infectious Control Plan Review

- The plan will be reviewed and updated annually to reflect new or modified tasks and procedures.

- The review should reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and document effective safe medical devices designed to eliminate or minimize occupational exposure.

- Solicit non-managerial employee's comments on the identification, evaluation and selection of effective engineering and work practices.

Recordkeeping

The Sharp's Injury Log will be maintained by Human Resources, Insurance Services Division.

APPENDIX I

Definitions

AIDS: Acquired Immune Deficiency Syndrome.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include but are not limited to hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Cleaning: Removing by scrubbing and washing, as with hot water, soap or suitable detergent or by vacuum cleaning, of infectious agents and of organic matter from surfaces on which and in which infectious agents may find favorable conditions for surviving and multiplying.

Communicable Disease: An illness due to a specific infectious agent which arises through transmission of that agent from an infected person, animal, or object to a susceptible host, either directly or indirectly.

Contact: A person or animal that has been in such association with an infected person or animal or a contaminated environment as to have had opportunity to acquire the infective agent.

Contamination: The presence of or the reasonable anticipated presence of blood or other potentially infectious materials on an item or surface.

Decontamination: A process or method whereby an object or material is freed of biological contaminants and rendered safe for human handling.

Disinfection: Killing infectious agents outside the body by chemical or physical means directly applied.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin or parental contact with blood or other potentially infectious materials that result from the performance of an employees duties.

Engineering Controls: Controls that isolate or remove bloodborne pathogen hazards from the workplace (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as, sharps with engineered injury protections and needleless systems).

HBV: Hepatitis B Virus.

HCV: Hepatitis C Virus.

HIV: Human Immunodeficiency Virus.

HIV antibody test: Blood test for antibody to the AIDS virus.

HIV – Antibody positive: Positive blood test (including Western Blot test) meaning infection at some time with the AIDS virus.

Host: The organism from which a parasite obtains its nourishment.

Incubation period: The time interval between exposure to an infectious agent and appearance of the first sign or symptom of the disease in question or the first time transmission is possible.

Infectious waste: Blood and blood products, contaminated sharps, pathological wastes, and microbiological wastes.

Infectious disease: A clinically apparent disease of man or animals resulting from an infection.

Mucous membrane exposure: Splash to the eyes or mouth.

Occupational exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. This definition excludes incidental exposures that may take place on the job, and that are neither reasonably nor routinely expected and that the worker is not required to incur in the normal course of employment.

Other potentially infectious materials: The following body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and any body fluid that is visibly contaminated with blood, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

- Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

- HIV or HBV-containing cell or tissue cultures, organ cultures, and HIV or HIB containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Needleless systems: A device that does not use needles for (1) the collection of bodily fluids or withdrawal of bodily fluids after initial venous and arterial access is established; (2) the administration of medication of fluids; or (3) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasion.

Prophylaxis: Preventative treatment.

Seronegative: Negative blood test.

Seroconvert: Blood test change from negative to positive.

Sharps: any object that can penetrate the skin including, but not limited to, needles, scalpels, and broken capillary tubes.

Sharps With Engineered Sharps Injury Protections: A non-needle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Suspect: A person whose medical history and symptoms suggest that he may have or be developing some communicable disease.

Universal precautions: Is an approach to infectious control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV and other bloodborne pathogens.

Work Practice Controls: Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

APPENDIX II

The following information is provided as a quick reference guide to when personal protective equipment is required to be worn.

Personal Protective Equipment	Nature of Task	Equipment should be:	
		Available	Worn
I	Direct contact with blood or body fluids to which universal precautions apply exposure to skin/mucous membrane to victim's body fluid.	YES	YES
II	Activity performed without blood exposure but exposure might occur in an emergency.	YES	NO
III	Task/activity does not entail predictable or unpredictable exposure to blood.	NO	NO

APPENDIX III

HEPATITIS B VACCINE DECLINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis vaccine, at no charge to me. However, if I decline the hepatitis B vaccination at this time, I understand that by declining this vaccine I will continue to be at risk of acquiring hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccine series at no charge to me.

I understand that this vaccine is made from common baker's yeast cells through genetic engineering and does not contain any human blood products. The vaccine is given by injection on three (3) separate dates; the first two doses are given one (1) month apart and the third dose is given five (5) months after the second. After three doses, the Hepatitis B vaccine is 85%-95% effective in preventing Hepatitis B infection.

****

_____ With full knowledge of the above statements, I elect to receive the vaccine.

_____ With full knowledge of the above statements, I decline the Hepatitis B vaccination at this time. I understand that I can receive the vaccination series, at no charge and at a later date if I continue to have an occupational exposure.

Employee's Name (Print)

Employee's Signature (Date)

Distribution - Original to Risk Management
Copy to Employee

City of Las Vegas SAFETY POLICY/PROCEDURE	NO: 07/1 DATE: 4/07 REVISED APPROVED 4/07 REVIEWED 4/07

Card Lock & City ID Badges Fuel Use

SCOPE:

All City Departments and employees utilizing City owned vehicles and equipment requiring fueling.

PURPOSE:

To provide guidelines for the proper use of City issued Compressed Natural Gas (CNG) card-lock fueling system cards and City identification cards issued to fuel at the City owned and operated gasoline and biodiesel, diesel fueling sites.

POLICY:

As a key component of promoting the City's efforts to guard the City's assets and good business practices, the need to safeguard those assets that operate City vehicles operating on liquefied and gaseous fuels is of paramount importance.

General Requirements

- All card-lock fuel access cards - primarily those used for compressed natural gas (CNG) - have PIN numbers allowing for fuel access and the confidentiality of those numbers are of paramount importance.

- PIN numbers are NOT to be posted in a public manner or in such a way that public accessibility is easy or obvious.

PROCEDURE:

- Card-lock cards primarily issued through an outside vendor to access various CNG fueling sites throughout the City are issued through the Fleet and Transportation Services Division of the Department of Field Operations only.

- Points of contact are: In the West area of the City - 2950 Ronemus Drive - phone 229-5159. In the East area of the City - Mojave/Bonanza - phone 229-5170.

- City issued identification badges act as the control point of entry for all vehicles and equipment using the City owned fueling network. Once activated by an authorized City employee, the automated fuel system prompts the user to several sequential steps before fueling commences.

Lost or Stolen Cards

- A lost card-lock card must be reported immediately to the Fleet and Transportation Services Division so that a new one(s) can be issued and the lost card de-activated. Points of contact by location see Procedure item # 2 above.

- A stolen card-lock card must be reported immediately to BOTH Detention and Enforcement phone 229-6444 AND Fleet and Transportation Services Division phone 229-6971, so that they can be de-activated and new card(s) issued expeditiously.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	93-2
	DATE:	2/93
	REVISED	4/01
	APPROVED	2/93
	REVIEWED	9/10

Commercial Driver's License Procedure

SCOPE:

To establish alcohol and drug testing guidelines for City of Las Vegas employees who are required to have a Commercial Driver's License (CDL) and a procedure to obtain a Commercial Driver's License (CDL).

PURPOSE:

To comply with the Omnibus Transportation Employee Testing Act of 1991 and the alcohol and drug testing rules mandated by the U. S. Department of Transportation (DOT) and The Federal Highway Administration (FHWA). City employees who have a Commercial Driver's License (CDL) shall be subject to policies and procedures developed from the U. S. Department of Transportation and Federal Highway Administration rules.

STANDARDS:

U. S. Department of Transportation (DOT), The Federal Highway Administration and the State of Nevada , Department of Motor Vehicles Regulations.

POLICY:

Because alcohol and drugs use can detrimentally affect job performance and employee safety, the City of Las Vegas is committed to achieving and maintaining an alcohol and drug free workplace. While the City has no intention of intruding into the private lives of its employees, any impairments (both mental or physical) as the result of drug and alcohol use, we will be firm in identifying and disciplining those employees. These impairments may endanger the health and safety of fellow employees, the public at large, or interfere with the operations of the City.

Human Resources, Insurance Services Division will conduct Alcohol and Drug Awareness Training Programs to inform CDL holders and their supervisors about the dangers of alcohol misuse and drug use in the workplace, the disciplinary action that may be imposed upon CDL holders for alcohol misuse and drug use violations in the workplace and the available counseling assistance or rehabilitative programs. Violations of these rules may mean loss of an employee's CDL, loss of income and even loss of employment. Employees with substance abuse problems are strongly encouraged to voluntarily seek self-help through the City's Employee Assistance Program (EAP).

All CDL holders' alcohol and drug testing results and records are maintained under strict confidentiality by Human Resources, Insurance Services Division, the drug testing laboratory and the Medical Review Officer (MRO). This information cannot be released to others **without the written consent of the CDL holder**.

Any questions regarding the Mandated Alcohol and Drug Testing Policy can be answered by contacting the Human Resources, Insurance Services Division.

Procedure

Effective January 1, 1995, the DOT alcohol and drug testing rules require local government employees be tested if they have a CDL and perform the following safety-sensitive job functions:

- Operates a single or combination motor vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;

- Operator a vehicle designed to carry more than 15 persons, including the driver;

- Operate a vehicle requiring hazardous material placard to be displayed.

Safety-Sensitive employees are those employees who:

- Are required as part of their job classification to have a CDL;

- Voluntarily have a CDL and occasionally serve in an acting capacity which requires the license;

- Voluntarily has a CDL and operates a City vehicle that would normally require a CDL operator. (Participation in testing is required even if the employee was working out of his or her classification, and it only occurred once.)

- City employees shall not work or be at work while under the influence of alcohol, illegal drugs or controlled substances. Neither shall the employee consume alcoholic beverages, use illegal drugs, or use controlled substances while on paid time.

- The use of prescription drugs that would not alter an employee's work performance is acceptable if a qualified physician prescribes the drugs. It is the employee's responsibility to notify the supervisor prior to beginning the work shift, if he or she is taking legally prescribed medication, therapeutic drug, or any over-the-counter non-prescription drug or cold medicine that carries a warning label or contains alcohol.

- For purposes of this policy ON-DUTY TIME will mean the time a driver begins work, or is required to be in readiness to work, up until the time the driver is relieved from all work related responsibilities.

- For the purposes of this policy MAXIMUM DRIVING TIME will mean that a driver will not be permitted to drive:

    - ❖ More than 10 hours following 8 consecutive hours off duty; or

    - ❖ For a period after having been on duty 15 hours following 8 consecutive hours off duty.

Required Alcohol and Drug Tests

All drug and alcohol tests will be administered at the expense of the City of Las Vegas. Testing will be required under the following conditions:

Pre-Employment Testing

All employees being hired into a safety-sensitive position requiring a CDL license are required to take Alcohol and Drug Pre-Employment Test before hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. If the driver has participated in a drug testing program that meets the federal requirements within the last 30 days the pre-employment test is not necessary.

Transfers

Testing for controlled substances is required when an existing employee is transferred to a safety-sensitive position. If the driver has participated in a drug testing program that meets the federal requirements within the last 30 days the pre-employment test is not necessary.

Post-Accident Testing

- The City of Las Vegas will require alcohol and drug testing be conducted for all accidents involving a commercial motor vehicle.

- The alcohol breath test must be administered within two (2) hours following the accident and cease attempts after eight (8) hours. The drug test must be administered within thirty-two (32) hours of the accident; after 32 hours all attempts must be ceased.

- An employee who is subject to Post-Accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing.

- Federal Highway Administration Subpart B, Section 382.303 Post Accident testing does not require the driver be removed from driving, but only when the driver tests positive for controlled substances or alcohol. The City policy requires that the driver not operate a vehicle until they are tested. It is at the discretion of the Department/Division whether or not the employee is returned to a non safety-sensitive function prior to receiving the laboratory test results.

Reasonable Suspicion Testing

- Conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol or drug misuse.

- When the trained supervisor has observed appearance, behavior, speech or body odor of an employee that is characteristic of drug or alcohol misuse, the Division Manager should be present when the supervisor completes the “Supervisor’s Report of Reasonable Suspicion” found on page eleven (11) of this policy.

- Once the form is completed, the supervisor is to immediately transport the employee to the nearest collection site.

Random

- Drug and alcohol tests shall be conducted on a random, unannounced basis and spread reasonably throughout the calendar year. Each driver shall have an equal chance of being tested when selections are made.

- Alcohol testing shall equal at least 10 percent of eligible employees each year and shall be conducted just before, during or after an assigned safety-sensitive function.

- Drug testing shall equal at least 50 percent of all eligible employees each year and does not have to be conducted in immediate time proximity to performing a safety-sensitive function.

- Random testing shall always occur during the course of the workday. Testing will not interfere with the employee's personal time off.

- The selection process will be performed through the use of a statistically valid computer random selection method.

- Random testing will be administered at the expense of the City of Las Vegas.

Return-To-Duty and Follow-Up Testing

- Return to duty test is required when an employee violates the City's CDL Drug and Alcohol Policy. The employee must undergo a return to duty drug and alcohol test before the employee may return to a safety-sensitive position.

    - ❖ The alcohol breath test results must have an alcohol concentration of less than 0.02; and,

    - ❖ A verified negative result for controlled substances.

- Follow-up tests are unannounced, random and a minimum of six (6) tests will be conducted in the first 12 months after an employee's return to duty. Testing over the minimum will depend on the outcome of the Disciplinary Hearing. Upon recommendation of the Substance Abuse Professional (SAP), follow-up testing may be extended for up to 60 months following an employee's return to duty.

Alcohol and Drug Testing

Drug Testing

- THE UNAUTHORIZED USE OF ANY CONTROLLED SUBSTANCE IS STRICTLY PROHIBITED IN ALL SITUATIONS.

- All drug testing is performed at a laboratory certified and monitored by the U. S. Department of Health and Human Services (DHHS) and is done by analyzing an employee's urine specimen. All urine specimens are analyzed for the following drugs:

    - ❖ Marijuana
    - ❖ Cocaine
    - ❖ Amphetamines
    - ❖ Opiates (including heroin)
    - ❖ Phencyclidine (PCP)

- Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request the split specimen be retested at the same laboratory or be sent to another (DHHS) certified laboratory for analysis, at the employee's expense.

- An employee who fails to notify the City within seventy-two (72) hours, of receiving the results of the positive test, of their desire to have the split specimen tested shall be deemed to have waived their right to seek testing of the split specimen.

- All drug test results are reviewed by a physician (Medical Review Officer-MRO) before the test results are reported to the City. An employee will be interviewed by an MRO any time there is a positive, adulterated or substituted drug test to determine if there is an alternative medical explanation for the positive, adulterated or substituted drug test. For all drugs except PCP, there are some limited, legitimate medical uses that may explain the positive test results. If an employee provides appropriate and acceptable documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as “negative” to Human Resource, Insurance Services Division. Testing for drugs does not have to be conducted in immediate time proximity to performing a safety sensitive function. Test results are confidential and may only be released to Human Resource, Insurance Services Division, the Substance Abuse Professional (SAP) and/or Medical Review Officer (MRO).

<u>Alcohol Testing</u>

- Safety-sensitive employees may not consume alcohol:

    - ❖ Within four (4) hours before performing a safety-sensitive function;

    - ❖ While performing a safety-sensitive function;

    - ❖ After an accident unless the employee has been tested or eight (8) hours have elapsed from the actual time of the accident.

- Once an employee is notified of their selection for testing, they must proceed immediately to the appropriate testing location.

- Alcohol testing is conducted just before, during or just after an employee performs a safety sensitive function or as required by a covered accident.
- Employees shall be required to submit to breath testing using an approved evidential breathing testing (EBT) device. A State certified Breath Alcohol Technician (BAT) shall administer the testing process.

- If the alcohol concentration is greater than 0.02, a second or confirmation test must be conducted, 15 minutes after the initial test, and not more than 30 minutes.

- The employee and the Breath Alcohol Technician (BAT) will complete an alcohol testing form to ensure that the results are properly recorded.

Consequence of Positive Alcohol Testing

- Any employee who tests positive for alcohol concentrations greater than 0.02 is subject to discipline, up to and including termination.

- When the confirmation test level is between 0.02 and 0.039, the employee shall be removed from the safety-sensitive function and either retested or removed from their position for a minimum of twenty-four (24) hours.

- When a confirmation alcohol test measures greater than 0.04, the employee shall be immediately removed from their safety-sensitive position.

- The employee will not be permitted to drive his/her own vehicle home at the time of a positive result. The employee must make alternative transportation arrangements in order to leave the collection or employment site.

- Based on the severity of the situation, the employee will not be permitted to return to work nor be assigned to a non-safety-sensitive position. The employee may also be placed on administrative leave until the disciplinary hearing.

- Before returning the employee to a safety-sensitive function:

    - ❖ The employee must have a return to duty alcohol breath concentration level below 0.02.

    - ❖ The employee shall be refer to the City's EAP for assessment of an alcohol problem and a determination of whether participation in a treatment program is necessary; and,

    - ❖ A Substance Abuse Professional (SAP) shall determine that the employee has successfully completed any required rehabilitation; and,

- Follow-up testing may be required to monitor the employee's continued abstinence from alcohol use. Testing will consist of a minimum of six (6) random follow-up tests or based on the outcome

of the Disciplinary Hearing. Testing will be random and unannounced during the next year, with the possibility of follow-up testing up to 60 months.

- Employees participating in recognized counseling and rehabilitation programs, if unable to work, may use accumulated sick and annual leave.

- The employee is responsible for any evaluation or treatment costs not covered by the City of Las Vegas, EAP or Medical Insurance.

Consequence of Positive Controlled Substance Testing

- An employee who tests positive for controlled substances is subject to discipline, up to and including termination.

- The employee shall be immediately removed from the safety-sensitive position when Human Resources, Insurance Services Division are notified of a positive test.

- The employee shall be referred to the City's EAP for assessment and subsequent compliance with recommended rehabilitation after a determination of a drug problem has been made;

- The employee shall be evaluated by a SAP or MRO and determined to be fit to return to work prior to their release of the employee; and,

- The employee shall have a negative test result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use may be required.

Prescription Drugs

- THE MISUSE OR ABUSE OF LEGAL DRUGS WHILE PERFORMING CITY BUSINESS IS PROHIBITED.

- It is the employee’s responsibility to notify the supervisor prior to beginning the work shift, if he or she is taking legally prescribed medication, therapeutic drug or any over-the counter non-prescription drug or cold medication that carries a warning label or contains alcohol.

- If the supervisor has reason to question the employee’s ability to perform assigned duties while on prescription medication, clearance from a qualified physician may be required.

- Before a physician prescribes medication to a safety-sensitive employee, it is the responsibility of the employee to advise the physician of his/her safety-sensitive function.

Refusal to Take Alcohol or Drug Test

An employee who refuses to be tested shall NOT be permitted to operator a commercial motor vehicle. A refusal shall be treated as a positive test and all provisions relating to a positive test results shall be applicable.

Procedure to Obtain a Commercial Drivers License (CDL)

- The employee will obtain the Commercial Driver's License Handbook and application form from the Department Of Motor Vehicles.

- The employee can schedule the required medical examination by contacting the Human Resources, Insurance Services Division. These medical examinations are provided at no cost to the employee.

- The employee will submit the CDL application and medical examination results to the Department of Motor Vehicles at the time of the written examination. The employee is responsible for making the necessary arrangements to take the test directly with the Department of Motor Vehicles.

- The employee will pay all applicable fees, initial and renewal, and submit a receipt to the Department/Division for reimbursement.

- When the employee has obtained a CDL permit, arrangements must be made with the City's in-house trainers and certifiers for training and testing. When the employee has completed the necessary training, the employee will be tested on the skills and driving portion by the City certifier.

Written Tests

- The written tests that are to be taken depending on class of license (A or B) and endorsements (T-Doubles & Triples, P-Passengers, X-Hazardous and Tankers, N-Tankers, etc.) are required.

- The CDL knowledge tests include:

    - ❖ General Knowledge Test, taken by all applicants.
    - ❖ Passenger Transport Test, taken by all bus/trolley drivers.
    - ❖ Air Brake Test, if the vehicle has air brakes.
    - ❖ Combination Vehicle Test, to drive combination vehicles.
    - ❖ Hazardous Materials Test, to haul hazardous materials.
    - ❖ Tanker Test, to haul liquids in bulk.
    - ❖ Doubles/Triples Test, to pull double or triple trailers.

- It is the responsibility of the employee to assure that all applicable tests are taken.

- The Commercial Driver's License Handbook contains the necessary study materials to pass these tests. The employee will need to study this material and fully understand it before taking the test.

Skills Test

- After passing the required written knowledge tests, the Department of Motor Vehicles will issue a permit to the employee. This permit will allow the employee to operate a commercial vehicle for

the class and with the proper endorsements for the vehicle to be driven ONLY when another employee with a valid Nevada CDL is in the vehicle.

- The City of Las Vegas has been certified by the State of Nevada to administer the skills and driving test. The Department/Division will contact Human Resources, Insurance Services Division to arrange for these tests.

Prohibitions

- No employee will be assigned or allowed to drive a commercial vehicle without the proper class of license and endorsements, if required.

- No employee will be assigned or allowed to operate a commercial vehicle, with only a permit.

Determination of Legal Weight Limits

- According to Nevada Revised Status 484.739, a combination vehicle SHALL NOT exceed the legal weight determined by using the Bridge Formula.

- The legal weights have been calculated for those commercial vehicles in the City's fleet affected by the formula.

Vehicle Number	Gross Vehicle Weight	Legal Weight
900	80,000	76,000
902	80,000	76,000
949	52,000	49,000
2116	33,000	52,000
2125	33,000	52,000
2161	52,000	49,000
2215	33,000	48,000
2554	54,000	52,000
2555	54,000	52,000
2836	21,500	43,000
2873	30,000	45,000

- When picking up a load it shall be the responsibility of the driver to double-check the weight slip to ensure that the load does not exceed the legal weight.

- It shall be the responsibility of the operator of the vehicle for any citations issued for "Improper Weight".

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	90-5
	DATE:	3/90
	REVISED	8/07
	APPROVED	12/07
	REVIEWED	9/10

Confined Space Entry

SCOPE:

This policy/procedure establishes practices and procedures for entry into and work within confined spaces.

PURPOSE:

To ensure City of Las Vegas employees are protected to the greatest degree possible from the hazardous atmospheres and other conditions which are immediately dangerous to life or health (IDLH).

STANDARD:

State of Nevada , Occupational Safety and Health Administration, General Industry Standard 29 CFR 1910.146.

DEFINITIONS:

ATTENDANT means an individual stationed outside the permit required confined space who monitors the authorized entrants and who performs all attendants' duties as assigned.

AUTHORIZED ENTRANT means an employee who is authorized by the employer to enter a permit required confined space.

CONFINED SPACE means a space which:

- Is large enough and so configured that an employee can bodily enter and perform assigned work;
- Has limited or restricted means for entry or exit, such as (but not limited to) tanks, vessels, storage bind, hoppers, vaults, pits and diked area;
- Is not designed for continuous employee occupancy.

ATMOSPHERE means an atmosphere that contains:

- Flammable gas, vapor or mist in excess of 10% of its lower explosive limit;
- Airborne combustible dust at a concentration that meets or exceeds its lower explosive limit;

- An oxygen concentration below 19.5% (oxygen deficient) or above 23% (oxygen enriched);

- An atmospheric concentration in excess of the Permissible Exposure Limit (PEL) found in the State of Nevada , Occupational Safety and Health Administration, General Industry Standards, Subparts G and Z.

ENTRANT SUPERVISOR means the person responsible for determining if acceptable conditions are present at a permit required space where entry is planned, for authorizing entry and overseeing entry operations, and for terminating entry.

NONPERMIT CONFINED SPACE means a confined space that does not contain or with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

PERMIT REQUIRED CONFINED SPACE (PRCS) means a confined space that has one or more of the following characteristics:

- Contains or has the potential to contain a hazardous atmospheres;

- Contains a material that has the potential for engulfing on the entrant'

- Has an internal configuration such that an entrant could be trapped or asphyxiated by inward converging walls or by a floor which slopes downward and tapers to a smaller cross section; or

- Contains any other recognized serious safety hazard.

POLICY:

Non-Permit Required Confined Space

A permit will not be required under the following conditions:

- When it can be demonstrated that the only hazard is an actual or potential hazardous atmosphere.

- Where it can be demonstrated that continuous forced air ventilation ***alone*** is sufficient to maintain safe entry.

- When developing monitoring and inspection data that supports the demonstrations listed above; and

- The determinations and supporting data will be made available to all employees.

Entry into a non-permit required confined space will be conducted according to the following:

- Conditions which make it unsafe to remove an entrance cover will be eliminated.

- When entrance covers are removed, the opening will be guarded to prevent falling through the opening and falling objects from entering the space.

- Before entry is made, the internal atmosphere will be tested for oxygen content, flammable gases and vapors and any other air contaminants.

- When the established PEL's are exceeded, entry ***WILL NOT BE MADE.***

- When forced air ventilation is required it will be used as follows:

    - ❖ Entry ***WILL NOT BE MADE*** until the forced air ventilation has eliminated any hazardous atmosphere.
    - ❖ The forced air ventilation will be directed at the immediate area where the employee(s) are or will be working
    - ❖ The forced air ventilation will be continuous until ALL employees have left the space.
    - ❖ The forced air ventilation will be from a clean source.
    - ❖ The space will be continuously tested to ensure that the forced air ventilation is preventing the accumulation of a hazardous atmosphere.

- When a hazardous atmosphere is detected after entry, the following steps will be taken:

    - ❖ All employees will leave the space ***IMMEDIATELY.***
    - ❖ The space will be evaluated to determine how the hazardous atmosphere developed.
    - ❖ Corrections will be made and the space will be re-evaluated, the internal atmosphere tested and forced air ventilation will be required.

- The form in Appendix A will be completed as written certification that the space is safe to enter and will be made available to all affected employees. The certification will be kept on file with the Department/Division for review by Human Resources, Insurance Services Division.

- When a non-permit required confined space changes in its use or configuration, it will be re-evaluated and if necessary, reclassified as a permit required confined space (PRCS)

Permit Required Confined Space (PRCS)

- Before entry is authorized, the permit in Appendix A will be completed for any PRCS identified.

- The permit will be completed and signed by the entry Supervisor and posted at the entry. The entry supervisor will terminate entry and cancel the entry permit when:

    - ❖ The work covered by the permit is completed; or,
    - ❖ A condition that is not allowed by the permit arises in or near the permit space.

- The duration of the permit will ***NOT*** exceed the time it takes to complete the work.

- Permits will be retained for one (1) year and reviewed annually so revision can be made, if required.

- The following equipment will be supplied, if required:

    - ❖ Testing and monitoring equipment
    - ❖ Ventilating equipment, capable of obtaining acceptable entry conditions;
    - ❖ Communication equipment to allow the attendant to monitor and alert the entrants of the need to exit the space;
    - ❖ Personal protective equipment when engineering and work practices do not protect the employee(s).
    - ❖ Lighting equipment that will adequately light the space and is listed as intrinsically safe;
    - ❖ Ladders for safe ingress and egress;
    - ❖ Rescue and emergency equipment, except to the extent that the equipment is provided by outside rescue services; and,
    - ❖ Any other equipment that is necessary for the safe entry and exit from the space.

- Tests will be performed in the permit space to determine if acceptable entry conditions exist before entry is authorized.

- The permit space will be tested continuously while employees are in the space to ensure acceptable conditions are being maintained.

- One (1) attendant will be provided outside of the space to monitor the authorized entrant during the duration of the entry operation.

Rescue and Emergency Services

The Entry Supervisor will contact the City's Fire Department by dialing 229-0291 and advise them of the confined space entry. They will provide rescue and emergency services.

Training

Three levels of training will be required and provided annually relating to the Authorized Entrant, Attendant and Entry Supervisor.

<u>Duties of Authorized Entrant</u>

- Recognizes the hazards which may be present during entry.

- Knows the modes, signs or symptoms and consequences of exposure to the hazards.

- Is aware of the behavioral effects of the hazard exposure.

- Is aware of the personal protective equipment requirements needed for safe entry and exit and their use.

- Uses all required equipment according to the instructions given.
- Maintains communication contact with the attendant.
- Notifies the attendant when the entrant initiates self-evacuation.
- Alerts the attendant whenever the entrant recognizes any warning signs or symptoms or exposure.
- Alerts the entrant if a prohibitive condition is detected.
- Exits the space whenever
    - ❖ Ordered to do so by the attendant or Entry Supervisor.
    - ❖ The entrant recognizes any warning signs or symptoms of exposure.
    - ❖ The entrant detects a prohibitive condition.
    - ❖ An evacuation alarm is activated.

<u>Duties of the Attendant</u>

- Recognizes the hazards which may be present during entry.
- Knows the modes, signs or symptoms and consequences of exposure to the hazards.
- Is aware of the behavioral effects of the hazard exposure.
- Continuously maintain an accurate count of the authorized entrants in the permit space.
- Remains outside of the permit space during entry operation until relieved by another attendant.
- Alerts the entrant of any hazard detected outside of the space that could affect the entrant. The attendant will warn unauthorized person(s) that they must stay away, advise the unauthorized person(s) that they must exit immediately if they have entered the space and inform the authorized entrants and Entry
- Supervisor when unauthorized person(s) have entered the PRCS.
- Is aware of the personal protective equipment requirements needed for safe entry and exit and their use.
- Uses all required equipment according to the instructions given.
- Monitors the status of authorized entrant(s).
- Alerts the entrants of the need to evacuate.

- Alerts the entrant if a prohibitive condition is detected.
- Summons the City's Fire Department when it has been determined that the entrant may need assistance.

Duties of Entry Supervisor

- Recognizes the hazards which may be present during entry.
- Knows the modes, signs or symptoms and consequences of exposure to the hazards.
- Verifies that the appropriate entries have been made on the PRCS form.
- Ensures that all tests specified by the PRCS have been conducted.
- Verifies that all procedures and equipment specified by the permit are in place.
- Ensures that rescue and emergency services are available and the means to summon them are operable.
- Signs the permit ***before*** allowing entry to begin.
- Terminates and cancels the PRCS permit whenever:
    - ❖ The entry operation covered by the permit is completed.
    - ❖ Tests indicate that safe levels are exceeded.
    - ❖ A condition not allowed under the entry permit arises in or near the PRCS.

Outside Contractors

Contractors will be required to submit their Confined Space Entry Program to the City of Las Vegas for review. The City of Las Vegas will provide the contractor with all available information on permit required confined space hazards.

Permit Required Confined Spaces

A review of the existing City facilities has identified the following types of spaces that require a PRCS:

- Sewers – sanitary and storm
- Box culverts.
- Lift stations
- Electrical vaults
- Irrigation pump stations.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	87-7
	DATE:	10/87
	REVISED	2/05
	APPROVED	12/87
	REVIEWED	2/05

Electrical Safety Program

SCOPE:

To provide guidelines in electrical safety requirements.

PURPOSE:

To ensure the safeguarding of City of Las Vegas employees from the hazards of electric shock and electrocution.

STANDARD:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standards, Subpart I, 29 CFR 1910.137 and Subpart S, 29 CFR 1910.303 through 308 and 29 CFR1910.331 through 335; Construction Industry Standards, Subpart K, 29 CFR 1926.400 through 449, and the appropriate National Electrical, Fire Protection, ASTM Codes and Safety Policy/Procedure No. 89-1, Lock Out/Tag Out.

POLICY:

General Requirements

- Only listed or labeled equipment will be utilized or installed.
- Flexible cords will be used only in continuous lengths. The repairing spliced cords are PROHIBITED.
- Where multiple outlets at the end of an extension cord are needed, Facilities Management will be contacted to obtain the appropriate multi-plex strips and/or equipment.
- Each disconnecting means (circuit breaker) will be marked to indicate its purpose.
- Materials will not be stored within 3 feet of circuit-breaker boxes, motor control centers, or transformers. This includes file cabinets, office equipment, drums, pallets, stacked materials, etc. The circuit breaker boxes, motor control centers and transformers are required to be accessible for repair or in emergency situations to gain access to the disconnecting means.
- Where light fixtures are 7 feet or less from the floor, or if storage shelves are at or above the fixture level, the bulbs will be guarded.

- All electrical repairs, including the changing of plug and receptacle ends of flexible cords, will only be performed by a qualified electrician. A “qualified electrician” is one that has been trained in the proper repair procedures and the hazards of the job.

- All cord sets, plugs and receptacles will be visually inspected for defects before each day's use. Equipment found to be damaged will not be used. The following types of equipment shall be inspected for defects; i.e., power tools (saws, grinders, drills, etc.), buffers, shampoo machines, vacuum cleaners, extension cords, lights or items which are connected to an outlet by cord and plug. Office equipment is not required to be inspected prior to each day’s use.

- Unused openings in cabinets, cutout boxes, fittings, and circuit-breaker boxes will be effectively closed.

- During periods of inclement weather, i.e. rain, fog, snow, no work will be performed on outdoor energized electrical circuits due to the nature and extent of the associated hazards of electrical shock or electrocution.

- Electrical circuits will be tested using the appropriate test equipment. The use of a Wiggy Solenoid Voltage Tester is PROHIBITED.

Grounding Program

- No grounded conductor will be attached to any terminal to reverse the designed polarity.

- The path to ground from circuits, equipment and enclosures will be permanent and continuous.

- The following types of equipment or tools connected by cord and plug will be grounded or protected by double insulation:

    - ❖ Refrigerators, freezers and air-conditioners;

    - ❖ Clothes-washing, clothes-drying and dishwashing machines, swamp coolers, and electrical aquarium equipment;

    - ❖ Hand-held motor-operated tools;

    - ❖ Motor-operated appliances of the following type: hedge clippers and lawn mowers; and

    - ❖ Portable hand lamps.

Ground-Fault Circuit Interrupter (GFCI) Program

- All 120-volt, single-phase, 15 and 20 ampere receptacle outlets on construction sites and as part of the permanent wiring of the building or structure, and which are in use by employees, will have approved ground-fault circuit interrupters (GFCI) for personnel protection.

- Portable tools, extension cords or equipment used in damp or wet locations will be protected by a GFCI.

- When a ground-fault circuit interrupter trips the tool or appliance, the cord set, plugs and receptacles will be visually inspected for defects. Contact Facilities Management immediately so they can make the appropriate determination regarding repair or replacement.

- The bypassing or removal of a GFCI by any employee, except removal for repair or replacement by Facilities Management electricians, is PROHIBITED.

- Receptacles on 2-wire, single-phase portable or vehicle-mounted generators rated not more than 5KW are exempt when circuit conductors are insulated from the generator frame and all other grounded surfaces.

Flexible Cords

Flexible cords will NOT be:

- Used as a substitute for the fixed wiring of a structure;

- Run through walls, ceilings or floors;

- Run through doorways, windows or similar openings;

- Attached to building surfaces; or

- Concealed behind building walls, ceilings or floors.

- Two wire extension cords are PROHIBITED.

Safety Related Work Practices

- Live parts of electrical equipment operating at 50 volts or more shall be guarded against accidental contact by deenergizing, isolating or insulating.

- Live electrical parts to which an employee may be exposed shall be deenergized before an employee works on or near them, unless it is demonstrated that deenergizing introduces additional or increased hazards or it is infeasible due to equipment design or operational limitations (See Safety Policy/Procedure No. 89-1, Lock Out/ Tag Out).

- Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts when work is performed near or on equipment or circuits that are or may be energized. The specific safety related work practices shall be consistent with the nature and extent of the associated electrical hazards.

- When the exposed live parts are not deenergized, Personal Protective Equipment (PPE) shall be used to protect employees who may be exposed to electrical hazards (see Section VI of this Policy).

Selection of PPE

- The wearing of leather gloves when working on live energized parts operating at 50 volts or more, is PROHIBITED.

- Only Flame Retardant (FR) clothing will be worn when working on live energized parts. Cleaning of the FR clothing will be performed by the supplier. Employees are PROHIBITED from washing the clothing at home.

- Low voltage gloves, Type O or OO, will be worn when working on live energized parts operating at 50 volts to 600 volts. Protector gloves shall be worn over the insulted gloves at all times, unless the criteria identified below under Use of Insulated Gloves, is met.

- High voltage gloves, Type 2, will be worn when working on live energized parts operating at 600 volts or more. Protector gloves shall be worn over the insulted gloves at all times.

- Insulated gloves shall be electrically tested every six (6) months or replaced.

- Insulated tools, face shields, hard hats, blast suits and electrically safe designated footwear will be utilized.

Use of Insulated Gloves

- Protector gloves may be omitted for Class O low voltage gloves, where small equipment and parts manipulation requires unusual good finger dexterity.

- Under the same conditions, Class OO gloves may be used without protector gloves, but only at voltages up to and including 250 Volts ac.

- Other classes of gloves may be used without protector gloves for similar conditions only where the possibility of physical damage to the gloves is unlikely and provided the voltage class of the glove used is one class above the voltage exposure.

- Rubber insulting gloves that have been used without protector gloves shall not be used with protector gloves until visually inspected and an electrical retest is performed.

- Cloth gloves may be worn inside of insulating gloves for warmth in cold weather and to absorb perspiration in hot weather.

Inspection of Insulated Gloves

- Visual inspection of insulated and protector gloves shall be made before each use, over their entire surface and shall be rolled gently between the hands to expose defects and embedded materials or texture changes, i.e., swelling, softening, hardening, becoming sticky or inelastic, holes, tears, punctures or cuts. Defective PPE will not be used and replaced immediately.

- Before each use, the wearer shall perform an air test by rolling the cuff tightly toward the palm in such a manner that air is entrapped inside the glove. The glove shall be examined for punctures. Punctures can be detected by listening for escaping air or holding the glove against your cheek to feel for escaping air.

- Insulated gloves shall not be marked, and adhesive tape or labels must not be applied.

Inspection of Protector Gloves

- Protector gloves shall be inspected at the same time as the insulated gloves for:

    - ❖ Holes, tears or cuts;

    - ❖ Contamination from oils, chemicals or other materials; and,

    - ❖ Sharp or pointed objects on the inner surface.

- Defective protector gloves shall not be used and replaced immediately.

- Protector gloves that have been used for any other purpose shall not be used to protect insulated gloves.

Storage of Gloves

- Gloves shall be stored in a cool, dark and dry location. The location shall be free of ozone, chemicals, oils, solvents, damaging vapors and fumes and away from electrical discharges and sunlight.

- Gloves shall be stored in their natural shape and NEVER folded, creased or compressed.

- Gloves should be kept inside the manufacturer's protector bag, box or container.

Insulating Equipment

- Insulating equipment found to have defects that might affect its insulating properties shall be removed from service and returned for testing.

- Insulating equipment shall be cleaned as needed to remove foreign substances.

- Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone and other injurious substances.

- Insulating equipment failing to pass inspection or electrical tests may not be used by employees and shall be removed from service.

Training

- Training will be provided in accordance with 29 CFR 1910.333 through 399 and 29 CFR 1910.137.

- Training will be provided when the employees' work requires them to be exposed to parts of electrical equipment operating at 50 volts or more.

- The training can be of the classroom or on-the-job type and the degree of training will be determined by the risk to the employee. All training must be documented.

- Retraining may be conducted to reestablish employee proficiency.

	City of Las Vegas **SAFETY POLICY/PROCEDURE**	NO: xxx DATE: xxx REVISED xxx APPROVED xxx REVIEWED xxx

Excavations

SCOPE:

To establish guidelines for City of Las Vegas employees to enter excavations.

PURPOSE:

To reduce injuries/fatalities to City of Las Vegas employees when working in excavations.

STANDARD:

State of Nevada , Occupational Safety & Health Enforcement Section, Construction Industry Standard 29CFR1926.650, 29CFR1926.651, and 29CFR1926.652.

Protective Equipment

Employees will be provided with the following personnel protective equipment.

- Head (hard hat), eye (safety glasses with side shields) protection, and safety shoes.
- Where employees are exposed to vehicular traffic, on an excavation site, a warning vest of reflective material is required to be worn.
- The protective equipment required by Items 1 and 2 will be provided and worn when employees are on the excavation site.

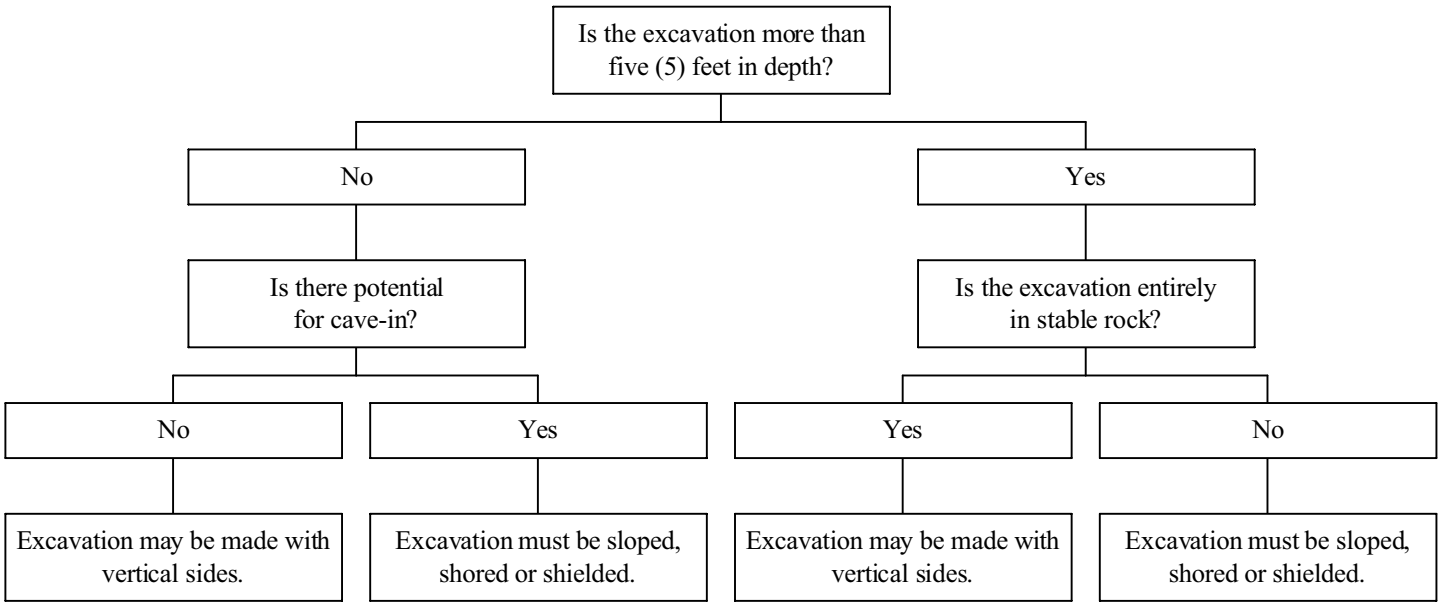
Hazard Recognition

- Excavated material will be at least two (2) feet from the edge of the excavation.
- Where heavy equipment such as power shovels, trucks, etc. is operated near an excavation, or when the excavation is near a City street with vehicular traffic, which in either case causes extra

pressure due to the load, the sides of the excavation are required to be sheet-piled, shored and braced.

- When conditions that would affect the stability of the walls of the excavation are noted, the excavation will NOT be entered. Such conditions are, but not limited to, accumulation of water or material from the walls, undercutting of the sidewall, etc.

- The following will be used to determine if sloping, shoring or shielding is required before entering the excavation:



- Portable trench boxes or sliding trench shields can be used in lieu of shoring, to meet the requirements. Either the shoring or the trench shield will be in place while the City employee is in the excavation.

- An adequate means of exit (i.e. ladder or steps), are required when the excavation is four (4) feet or more in depth and be within twenty-five (25) feet of the employee.

- The employee may request the excavation plan from the Competent Person. The excavation plan may indicate the required protective system.

- When walkways are provided over excavations, the walkway or bridge will be provided with standard guardrails. All wells, pits shafts, etc. will be barricaded or covered.

- To prevent exposures to harmful levels of atmospheric contaminates, the contractor is required to test the atmosphere of excavations, greater than four (4) feet in depth, prior to employees entering them.

- NO entry into an excavation is allowed if the excavation contains less than 19.5% oxygen and/or a concentration of a flammable gas in excess of 20% of the lower explosive limit of the gas.

- Entry into the excavation would be allowed only if proper respiratory protection and/or ventilation are provided.

Procedure

- When the conditions in Section II have NOT been met, the employee will NOT enter the excavation.

- The employee will contact their Supervisor, who will request the City's Safety/Loss Control Officer to inspect the excavation.

- The Safety/Loss Control Officer will contact the Competent Person to inspect the excavation, and request that the area of concern be corrected.

- When the Competent Person does not correct the conditions, the Safety/Loss Control Officer will make a referral to Nevada DEISH.

- Employees will NOT enter the excavation until the Safety/Loss Control Officer verifies compliance with the excavation standards.

Competent Person's Duties

- To be qualified as a Competent Person contact Human Resources, Insurance Services Division to schedule the required training class.

- The Competent Person will complete the checklists found in Appendixes A, B and C.

- The checklists will be kept as a permanent record with the project file and a copy will be forwarded to Human Resources, Insurance Services Division.

APPENDIX A

EXCAVATION CHECKLIST

SITE LOCATION: _____

DATE: _____ TIME: _____ COMPETENT PERSON _____

SOIL TYPE (See Appendix B) _____

SOIL CLASSIFICATION _____ EXCAVATION DEPTH: _____ EXCAVATION WIDTH: _____

TYPE OF PROTECTION SYSTEM USED: _____

Indicate for each item YES – NO - N/A for not applicable

1. General Inspection of Jobsite

A. Excavations, adjacent areas and protective systems inspected by a competent person daily prior to the start of work. _____

B. Competent person has the authority to remove employees from the area immediately. _____

C. Surface encumbrances removed or supported. _____

D. Employees protected from loose rock or soil that could pose a hazard by falling or rolling into the excavation. _____

E. Hard hats worn by all employees. _____

F. Spoils, materials and equipment set back at least 2 feet from the edge of the excavation. _____

G. Barriers provided at all remotely located excavations, wells, pits, shafts, etc. _____

H. Walkways and bridges over excavations 4 feet or more in depth are equipped with standard guardrails and toe boards. _____

I. Warning vests or other highly visible clothing provided and worn by all employees exposed to public vehicular traffic. _____

J. Employees are required to stand away from vehicles being loaded or unloaded. _____

K. Warning system established and utilized when mobile equipment is operating near the edge of the excavation. _____

L. Employees prohibited from going under suspended loads. _____

M. Employees prohibited from working on the face of slopped or benched excavations above other employees _____

2. Utilities

A. Utility companies contacted and/or utilities located. _____

B. Exact location of utilities marked. _____

C. Underground installations protected, supported or removed when excavation is open. _____

3. Means of Access and Egress

A. Lateral travel to means of egress no greater than 25 feet in excavations 4 feet or more on depth. _____

B. Ladders used in excavations secured and extended 3 feet above the edge of the trench. _____

C. Structural ramps used by employees designed by a competent person. _____

D. Structural ramps used for equipment designed by a registered professional engineer (RPE). _____

E. Ramps constructed of materials of uniform thickness, cleated together on the bottom, equipped with no-slip surfaces. _____

F. Employees protected from cave-in when entering or exiting the excavation. _____

4. Wet Conditions

A. Precautions taken to protect employees from accumulation of water. _____

B. Water removal equipment monitored by a competent person. _____

C. Surface water or runoff diverted or controlled to prevent accumulation in the excavation. _____

D. Inspections made after every rainstorm or other hazard increasing occurrence. _____

5. Hazardous Atmosphere

A. Atmosphere within the excavation tested where there is a reasonable possibility of an oxygen deficiency, combustible or other harmful contaminant exposing employees to a hazard. _____

B. Adequate precautions taken to protect employees from exposure to an atmosphere containing less than 19 % oxygen and/or to other hazardous atmospheres. _____

C. Ventilation provided to prevent employee exposure to an atmosphere containing flammable gas in excess of 10% of the lower explosive limit of the gas. _____

D. Testing conducted often to ensure that the atmosphere remain safe. _____

E. Emergency equipment, such as breathing apparatus, safety harness and lifeline, and/or basket stretcher readily available where hazardous atmospheres could or do exist. _____

F. Employees trained to use personal protective and other rescue equipment. _____

G. Safety harness and lifeline used and individually attended when entering bell bottom or other deep confined excavation. _____

6. Support Systems

A. Materials and/or equipment for support systems selected based on soil analysis, trench depth and expected loads. _____

B. Materials and equipment used for protective systems inspected and in good condition. _____

C. Materials and equipment not in good condition have been removed from service. _____

D. Damaged materials and equipment used for protective systems inspected by a registered professional engineer (RPE) after repairs and before being placed back in service. _____

E. Protective systems installed without exposing employees to the hazard of cave-ins, collapses or threat of being struck by materials or equipment. _____

F. Members of support system securely fastened to prevent failure. _____

G. Support system provided to insure stability of adjacent structures, buildings, roadways, sidewalks, walls, etc. _____

H. Excavations below the level of the base or footing supported and approved by the RPE. _____

I. Removal of support systems progresses from the bottom and members are released slowly as to note any indication of possible failure. _____

J. Backfilling progresses with removal of the support system. _____

K. Excavation of material to a level no greater than 2 feet below the bottom of the support system and only if the system is designed to support the loads calculated for the full depth. _____

L. Shield system placed to prevent movement. _____

M. Employees are prohibited from remaining in shield system during vertical movement. _____

Corrective Action and Comments

_____

_____

_____

_____

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	87-4
	DATE:	10/87
	REVISED	9/99
	APPROVED	9/99
	REVIEWED	xxx

Exposure to Hazardous Substances

SCOPE:

To establish guidelines for the reporting of suspected exposure to hazardous substances during construction, repair, rehabilitation or demolition of City buildings or equipment and employee access to relevant exposure and medical records.

PURPOSE:

To ensure that City of Las Vegas employees are not exposed to dust fibers, gases, fumes or vapors above the acceptable industrial hygiene limits established for those substances and have access to relevant employee exposure records.

STANDARDS:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standard 29CFR1910, Subpart Z, Construction Standard 29CFR1926.55, and/or the latest edition of the American Conference of Governmental Industrial Hygienist (ACGIH), "Threshold Limit Value and Biological Exposure Indices" and 29CFR1910.1020, Access to Employee Exposure and Medical Records.

POLICY:

Procedure

During the construction, repair, rehabilitation or demolition of any City building or equipment, where suspected hazardous substances are encountered, the following course of action will be taken:

- Work will be stopped.
- The Safety/Loss Control Officer will be contacted.
- A survey will be conducted to determine the employee's level of exposure.

- Samples will be collected when required, to determine what the hazardous substance(s) may be.

- A plan will be developed to reduce or eliminate the employee's exposure.

Access to Employee Exposure Records

- Employee exposure records means environmental (workplace) monitoring or measuring of a toxic substance, biological monitoring, Material Safety Data Sheet and employee medical record(s).

- Whenever an employee or their designated representative requests an employee exposure record, the request will be in writing, submitted to the Department of Human Resources, Insurance Services Division. The City will have fifteen (15) working days to response with the information. If there is a delay the City will advise the requester of the reason for the delay.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO: 87-3 DATE: 10/87 REVISED 2/01 APPROVED 3/90 REVIEWED 9/02

Hazard Communication Program

SCOPE:

To establish guidelines for providing information to City of Las Vegas employees about the chemical hazards associated with the products they use in their course of employment.

PURPOSE:

To provide information on the hazards of chemicals used by City of Las Vegas employees by means of a comprehensive Hazard Communication Program (HCP), which includes a chemical inventory list, container labeling, Material Safety Data Sheets (MSDS) and employee training.

STANDARDS:

State of Nevada , Occupational Safety and Health Administration, General Industry and Construction Standards 29 CFR 1910.1200.

POLICY:

The Division Manager shall select a designee responsible for maintaining their Hazard Communication Program (HCP). The Division Manager shall ensure this policy/procedure is implemented and followed.

Definitions:

CHEMICAL means any element, chemical compound or mixture of elements and/or compounds.

EXPOSURE or EXPOSED means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g. accidental or possible) exposure.

FORESEEABLE EMERGENCY means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

HAZARDOUS CHEMICAL means any chemical which is a physical hazard or a health hazard.

HAZARD WARNING means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazard of the chemical in the container.

HEALTH HAZARD means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term HEALTH HAZARD includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

MATERIAL SAFETY DATA SHEET (MSDS) means written or printed material concerning a hazardous chemical.

PHYSICAL HAZARD means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

SAFETY TEAM MEMBERS include the Safety/Loss Control Officer and the Safety and Health Officers for Public Works and Field Operations.

PROGRAM ELEMENTS

Chemical Inventory List

An inventory of all chemicals purchased will be maintained by each Division utilizing chemicals. Appendix A provides a sample inventory list that can be used to record this information.

The inventory list will be updated as new products are purchased by the HCP designee.

When a chemical is no longer used, the information will **not** be removed from the Inventory. However, the Chemical Inventory List will note the date the product was no longer used. A copy of the updated inventory list will be forwarded to Human Resources, Insurance Services Division.

The Material Safety Data Sheet is a permanent record as defined by 29 CFR 1910.20, and is required to be kept for 30 years.

A Master Log of all Chemical Inventory Lists will be maintained by Human Resources, Insurance Services Division. Each Department/Division is responsible for maintaining their complete Hazard Communication program, chemical inventory list, MSDS and training records.

Container Labeling

Upon receipt of a hazardous chemical, it will be verified by the Division Manager or the HCP designee that the label, tag or markings contain the following:

- Identity of the hazardous chemicals contained therein.
- Appropriate hazard warning. The warning must denote the hazard as specifically as possible. For example, if a chemical causes lung damage, a general warning such as "caution," "danger," or "harmful if inhaled" is not sufficient. The appropriate warning is "causes lung damage." A more general warning such as "harmful if inhaled," is appropriate only if a target organ cannot be identified.

When a label, tag or markings do not contain the appropriate information, and before the container is placed in the work area, the following procedure will be followed:

- If a MSDS is on file, a copy will be affixed to the container.
- If a MSDS is not on file, the manufacturer and/or distributor must be contacted to obtain the required information. Contact a Safety Team Member if you have difficulty obtaining an MSDS.

Labels will not be removed or defaced unless the container is immediately marked with the required information. All labels and other warnings will be legible and in English.

Portable containers into which hazardous chemicals are transferred will be labeled with the identity and specific hazard, i.e. “Danger-Flammable”, “Caution-Combustible” or “Warning-Eye Irritant”, of the chemical. The identity used will permit cross references to be made among the chemical inventory record, label and MSDS.

Material Safety Data Sheets (MSDS)

Material Safety Data Sheets will be obtained by the HCP designee for each chemical on the Chemical Inventory List.

The Safety Team Members will review the MSDS to ensure they contain the required information. When deficiencies are found, a Safety Team Member will contact the distributor/manufacturer to obtain the required information.

Prior to the replacement of products in use with new products, a MSDS for the new product will be obtained. Division Managers or the HCP designee will contact the Safety Team so that a comparison can be made to ensure that the new product is not more hazardous than the product in use.

The Chemical Inventory List and MSDS will be maintained by each Division in a location accessible to their employees.

Employee Training

Employees exposed to hazardous chemicals will be trained by the HCP designee or their immediate supervisor, prior to use of any hazardous chemical.

When a hazardous chemical is introduced into the workplace, all affected employees will receive training on the hazards associated with the chemical.

Elements of employee training will consist of the following:

- Information on the requirements of the Hazard Communication Regulation 29 CFR 1910.1200.

- Information on safety and operating procedures in their work areas where hazardous chemicals are present.
- An explanation of MSDS with respect to the physical and health hazards of the chemicals and the container labeling system.
- Methods which employees can use to protect themselves, such as work practices and the use of personal protective equipment, if necessary.
- The location and availability of the written Hazard Communication Program, MSDS file, and Chemical Inventory List.
- If employees will be exposed to hazardous chemicals while performing non-routine tasks, they will be advised of the protective measures to be followed by the HCP designee or their immediate supervisor. If employees are assigned to work areas containing vessels or pipes which are unlabelled, or to areas which contain hazardous chemicals, the employee will be advised of the hazards and protective measures in case of spill or other potential exposure.
- Information on the monitoring system employed by the City, and other methods (including how to read a MSDS), as well as observations that may be used to detect the presence or release of a hazardous chemical in the workplace.
- An explanation of the existing safety rules, the new rules required by this Hazard Communication Program, and a statement of the disciplinary actions which will be taken for any violations.

The attached Hazard Communication Training Record (Appendix B) will be completed by the HCP designee or the immediate supervisor. These records will be maintained by the Division and a copy forwarded to Human Resources, Insurance Services Division.

Outside Contractors

Prior to the commencing of work by an outside contractor, the contractor will be required to provide a copy of their company's Hazard Communication Program to the City of Las Vegas. The contractor's program will be submitted to Human Resources, Insurance Services Division for review by the Safety Team.

Prior to the commencing of work by an outside contractor, the contractor will be advised by Purchasing and Contracts of the City of Las Vegas' Hazard Communication Program. The contractor will be informed of the hazardous chemicals in the work area to which his employees may be exposed so that he can take the appropriate precautions to protect his employees.

APPENDIX A
Chemical Inventory List

Department/Division_____

Location_____

Product Name	Manufacturer	Index

APPENDIX B

Example

SAFETY TRAINING
Date
City of Las Vegas

Department of Human Resources

Insurance Services Division

Subject: Hazard Communication Training

Instructor: _____

Print Name	Signature

Please be safe. You are an important part of our team!

	City of Las Vegas **SAFETY POLICY/PROCEDURE**	NO: xxx DATE: xxx REVISED xxx APPROVED xxx REVIEWED xxx

Hearing Conservation Program

SCOPE:

This policy covers the establishment and implementation of procedures to determine City of Las Vegas employees' exposure to noise, annual hearing testing and training.

PURPOSE:

To reduce the loss of hearing to City of Las Vegas employees who operate noisy equipment.

STANDARD:

State of Nevada , Occupational Safety & Health enforcement Section General Industry Standard 29CFR1910.95 and Construction Industry Standard 29CFR1926.52 and 29CFR1926.101

Program Elements

Monitoring

A sampling program will be conducted to identify employees for inclusion in the program and to enable the proper selection of hearing protectors.

- Where the circumstances such as high worker mobility, significant variations in sound level, or a significant component of impulse noise make area monitoring generally inappropriate, personal sampling will be used to determine employee exposure.
- All continuous, intermittent and impulse sound levels from 80 decibels (db) to 130 db, shall be integrated into the noise measurements.
- Monitoring will be repeated whenever a change in production, process, equipment or controls increases/decreases noise exposure.

Audiometric Testing Program

- Audiometric testing will be made available to employees whose exposure equals or exceeds an 8-hour time-weighted average (TWA) of 85 db.
- The program will be provided at no cost to the employees.

- ❖ Audiometric tests will be performed by a licensed or certified audiologist, otolaryngologist or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation.
- ❖ A valid baseline audiogram will be obtained within six months of the employee's first exposure to the action level of 85db.
- ❖ Audiometric testing will be completed annually thereafter. The annual audiogram will be compared to the baseline audiogram to determine:

    - If the audiogram is valid;
    - If a standard threshold shift has occurred.

Follow-up Procedures

- If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift, the employee will be informed in writing within 21 days of the determination.

- Unless a physician determines that the standard threshold limit is not work-related or aggravated by occupational noise exposure, the following steps will be taken when the standard threshold shift occurs:

    - ❖ Employees not using hearing protectors will be fitted with hearing protectors, trained in their use and care, and required to use them.
    - ❖ Employees already using protectors will be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation, if necessary.
    - ❖ If additional testing is necessary or, if it is suspected that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors, the employee will be referred for a clinical audiological evaluation or an ontological examination, as appropriate.

- If a medical pathology of the ear is unrelated to use of hearing protectors, the employee will be informed of the need for further ontological examination.

Hearing Protector Requirements

- Hearing protectors will be made available to all employees exposed to an 8-hour TWA of 85 db or greater at no cost to the employees. Hearing protectors will be replaced as necessary.

- Training will be provided in the use and care of all hearing protectors provided to employees.

- It will be ensured that initial fitting is proper, and corrected use of all hearing protectors will be supervised.

- Hearing protector attenuation will be evaluated for the specific noise environments in which the protector will be used.

    - ❖ Hearing protectors must attenuate employee exposure at least to an 8-hour TWA of 90 db.

- ❖ For employees who have experienced a standard threshold shift, hearing protectors must attenuate employee exposure to an 8-hour TWA of 85 db or below.
- ❖ The adequacy of hearing protector attenuation will be reevaluated whenever employee's noise exposure increase to the extent that the hearing protectors provided may no longer provide adequate attenuation.

Training Program

- A training program will be established for all employees who are exposed to noise at or above an 8-hour TWA of 85db.

- The training program will be repeated annually for each employee included in the Hearing Conservation Program. Information provided in the training program will be updated to be consistent with changes in protective equipment and work processes.

- Each employee will be informed of the following:

  - ❖ The effects of noise on hearing;
  - ❖ The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions of selection, fitting, use and care; and
  - ❖ The purpose of audiometric testing and an explanation of the test procedures.

Recordkeeping

- An accurate record of all employee exposure measurements will be maintained. All employee audiometric test records will include:

  - ❖ Name and job classification;
  - ❖ Date of the audiogram;
  - ❖ The examiner's name;
  - ❖ Date of the last acoustic or exhaustive calibration of the audiometer;
  - ❖ Employee's most recent noise exposure assessment;
  - ❖ An accurate record of the measurements of the background sound pressure levels in the audiometric test room.

Noise Surveys

- Noise surveys help pinpoint areas where problems exist and provide records/documentation to help prove compliance with the noise and recordkeeping requirements. Surveys must be made:

  - ❖ Annually of all facilities;
  - ❖ Of specific noise sources in work areas;
  - ❖ At the location where the employee spends the greater part of his work day.
  - ❖ Noise measurements will be taken in the employee's hearing zone.

Noise Controls

Administrative Controls simply involve a reduction in the amount of time an employee is subjected to excessive noise. The following are examples of this type of control:

- Rotating/rescheduling personnel;
- Shutting down a noisy machine when it is not in use.
- Rescheduling high noise operations to hours when only a small number of employees would be exposed.

Engineering Controls involve reduction in the noise level or exposure itself. This can be accomplished by two approaches:

- Reduce the noise at the source through use of such means as:

    - ❖ Noise dampers (mufflers);
    - ❖ Maintenance and repair;
    - ❖ Use a less noisy manufacturing process (welding instead or riveting).

- Reduce the amount of noise that reaches the employee through the use of:

    - ❖ Acoustic absorption material;
    - ❖ Enclosures or barriers between equipment and the employee;
    - ❖ Increase of distance between the employee and noise source.

Personal Protective Equipment is direct protection of the employee. This type of control can only be used if the first two methods fail to successfully lower the noise levels. Any hearing protective equipment issued will meet the requirements of ANSI Standard Z24.22 or latest Edition.

- In those areas with high noise levels, wearing protective equipment will be mandatory not only for permanently assigned personnel but also for any employee who is in that area long enough to have a noise exposure.

- Employees will be informed of locations where hearing protection must be worn and those areas should be posted to this effect with warning signs.

- Radio/CD type headsets are NOT an approved type of hearing protection and DO NOT provide any noise reduction. Employees are PROHIBITED in wearing these types of devices during working hours.

MEMOFORM FOR TRAINING PROGRAM

TO: _____ DATE: _____

SUBJECT: Acknowledgment of Mandatory Hearing Protector Requirement

On _____ undersigned employee attended a Hearing Conservation Training Program. The training program included the following topics:

- The effects of noise on hearing.
- The purpose of hearing protectors.
- The advantages, disadvantages, and attenuation of hearing protectors.
- Instructions on the selection, fitting, use and care of hearing protectors.
- The purpose of audiometric testing.
- An explanation of the test procedures.

I UNDERSTAND THAT THE WEARING OF HEARING PROTECTORS IS MANDATORY WHEN OPERATING ASSIGNED EQUIPMENT IN THE PERFORMANCE OF MY DUTIES.

_____

Employee Signature Date

City of Las Vegas SAFETY POLICY/PROCEDURE	NO: xxx DATE: xxx REVISED xxx APPROVED xxx REVIEWED xxx

Ladders & Stairwells

SCOPE:

This policy covers the establishment and implementation of procedures covering the care and use of portable wood and metal ladders, job-made ladders, fixed ladders and stairways.

PURPOSE:

To reduce serious injuries to City of Las Vegas employees in those job classifications requiring the use of ladders and stairways.

STANDARDS:

The State of Nevada , Division of Enforcement For Industrial Safety and Health (DEISH) Standards, 29CFR1910.24, 29CFR1910.25, 29CFR1910.26, 29CFR1910.27 and 29CFR1926.1050 to 1060.

POLICY:

When a City employee notes a deficiency, the equipment will not be used and will be reported to his/her supervisor. The Supervisor will report it to the City's Safety/Loss Control Officer and will contact the appropriate authority to correct the deficiencies.

Definitions

- CLEAT means a ladder crosspiece of rectangular cross section placed on edge upon which a person may step while ascending or descending a ladder.
- EXTENSION TRESTLE LADDER means a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable extension section, with a suitable means for locking the ladders together.
- FIXED LADDER means a ladder that cannot be readily move or carried because it is an integral part of a building and structure.
- A SIDE-STEP FIXED LADDER is a fixed ladder that requires a person getting off at the top to step to the side of the ladder side rails to reach the landing.

- A THROUGH FIXED LADDER is a fixed ladder that requires a person getting off at the top to step between the side rails of the ladder to reach the landing.

- HANDRAILS means a rail used to provide employees with a handhold for support.

General Requirements

- The use of ladders with broken or missing rungs or steps, broken or split side rails, rungs contaminated with grease or oil, missing safety feet, damaged hardware connections, or side rails with dents/bends is prohibited.

- Portable ladders will be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders will not be used in a horizontal position as platforms, runways, or scaffolds.

- Ladders will not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted unless protected by barricades or guards.

- The bottom rails of ladders will be supplied with insulating non-slip material for the safety of the user.

- The side rails will extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, will be installed.

- Portable ladders in use will be tied, blocked, or otherwise secured to prevent their being displaced.

- Portable metal ladders will not be used for electrical work or where they may contact electrical conductors.

- Only Type I - Industrial or Type II - Commercial Stepladders will be purchased for City of Las Vegas employees. When ladders are supplied by contractors for use by City of Las Vegas employees, they will be of the Type I or II. Type III - Household ladders will not be purchased or used by City of Las Vegas employees.

- Based on the nominal length of the ladder, each section of a multi-section ladder will overlap the adjacent section by at least the number of feet stated in the following:

Normal Length of Ladder (Feet)	Overlap (Feet)
Up to and including 36	3
Over 36, up to and including 48	4
Over 48, up to 60	5

Extension ladders will be equipped with positive stops to insure the overlap requirements are met.

- A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position will be a component of each stepladder. The spreader will have all sharp points or edges covered or removed to protect the user.

Portable Wooden Ladders – General Industry

- The spacing of rungs or steps will be on 12-inch centers.

- Stepladders greater than 20 feet will not be used.

- The minimum width between side rails at the top, inside to inside, will be not less than 11 ½ inches. From top to bottom, the side rails will spread at least 1 inch for each foot of length of the stepladder.

- Two-sectioned extension ladders longer than 60 feet will not be supplied. All ladders of this type will consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

- Single ladders longer than 30 feet will not be supplied or used.

Portable Metal Ladders – General Industry

- Spacing of rungs and steps will be 12 inches apart.

- The minimum width between side rails of a straight ladder or any section of an extension ladder will be 12 inches.

- The length of single ladders or individual sections of ladders will not exceed 30 feet. Two-sectioned ladders will not exceed 48 feet in length and over two-sectioned ladders will not exceed 60 feet in length.

- Rungs and steps of ladders will be corrugated, knurled, dimpled or coated with skid resistant materials.

Job Made Ladders – Construction Industry

- Ladders will be constructed to carry four (4) times the maximum intended load.

- Rungs, cleats and steps will be parallel, level and uniformly spaced.

    - ❖ Rungs, cleats and steps of ladders will be spaced not less than 10 inches nor more than 14 inches apart.
    - ❖ Rungs, cleats and steps of step stools will be spaced not less than 8 inches nor more than 12 inches apart.
    - ❖ Rungs, cleats and steps of the base section of extension trestle ladders will be spaced not less than 8 inches nor more than 18 inches apart.

- ❖ Rungs on the extension section of the extension trestle ladder will be spaced not less than 6 inches nor more than 12 inches.

- The minimum clear distance between the sides of individual-rung/step ladders and side rails of other fixed ladders will be 16 inches.

- The minimum clear distance between side rails for all portable ladders will be 11 ½ inches.

Fixed Ladders – General Industry

- All rungs will have a minimum diameter or ¾ inch if metal, or 1 1/8 inches if wood. They will be a minimum of 16 inches wide and should be spaced uniformly no more than 12 inches apart.

- Cages, wells, or ladder safety devices for ladders affixed to towers, water tanks, or chimneys will be provided on all ladders more than 20 feet long. Landing platforms will be provided each 30 feet of length, except where no cage is provided, landing platforms will be provided for every 20 feet of length.

- Tops of cages on fixed ladders will extend 42 inches above top of landing, unless other acceptable protection is provided, and the bottom of the cage will be not less than 7 feet nor more than 8 feet above the base of the ladder.

- Side rails will extend 3 ½ feet above the landing.

- The distance from the centerline of rungs, cleats, or steps to the nearest permanent object behind the ladder will be not less than 7 inches.

- The side rails of through or side-step ladder extensions will extend 3 ½ feet above parapets and landings. For through ladder extension, the rungs will be omitted from the extension and will have not less than 18 inches nor more than 24 inches in clearance between the rails.

- Ladder safety devices may be used on tower, water tank, and chimney ladders over 20 feet in unbroken length in lieu of cage protection. No landing platform is required in these cases.

Fixed Ladders – Construction Industry

- The minimum perpendicular clearance between fixed ladder rungs, cleats and steps and any obstruction will be 7 inches (4 ½ for pit ladders).

- The minimum perpendicular clearance between the center line of fixed ladder rungs, cleats and steps and any obstruction on the climbing side of the ladder will be 30 inches.

- When unavoidable obstruction are encountered, the minimum perpendicular clearance between the centerline of fixed ladder rungs, cleats and steps and the obstruction on the climbing side of the ladder way be reduced to 24 inches, provided that a deflection device is installed to guide employees around the obstruction.

- Through fixed ladders at their point of access/egress will have a step-across distance of not less than 7 inches nor more than 12 inches as measured from centerline of the rungs or steps to the nearest edge of the landing area. If the normal step-across distance excess 12 inches, a landing platform will be provided to reduce the distance to the specified distance.

- Fixed ladders without cages or wells will have a clear width to the nearest permanent object of at least 15 inches on each side of the centerline of the ladder.

- Fixed ladders will be provided with cages, wells, ladder safety devices or self-retracting lifelines where the length of the climb is less than 24 feet above the lower level.

- Where the total length of a climb equals or exceeds 24 feet, fixed ladders will be equipped with either a ladder safety device, self-retracting lifelines and rest platforms at intervals not to exceed 150 feet or a cage or well and multiple ladder section, each ladder section will not exceed 50 feet in length. Ladder sections will be offset from adjacent sections and landing platforms will be provided at 50 feet intervals.

Uses of Ladders

- Ladders will be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder will be so placed as to prevent slipping, or it will be lashed, or held in position. Ladders will not be used in a horizontal position as platforms, runways, or scaffolds.

- Ladders will not be used by more than one person at a time, nor with ladder jacks and scaffold planks.

- Portable ladders will be so placed that the side rails have a secure footing. The top rest for portable rung ladders will be reasonably rigid and will have ample strength to support the applied load.

- Ladders will not be placed in front of doors opening toward the ladder unless the door is locked or guarded.

- Ladders will not be placed on boxes, barrels, or other unstable bases to obtain additional height.

- Ladders with broken/missing steps, rungs, or cleats, broken side rails, or other faulty equipment will not be used; no improvised repairs will be made.

- Short ladders will not be spliced together to provide long sections.

- Ladders made by fastening cleats across a single rail will not be used.

- Ladders will not be used as guys, braces, or skids, or for other than their intended purposes.

- Tops of stepladders will not be used as steps.

- No ladder will be used to gain access to a roof unless the top of the adder will extend at least 3 feet above the point of support, at eave, gutter, or roofline.
- When ascending or descending, the climber must face the ladder.

- When ascending or descending, the climber will not carry tools or equipment in his/her hands.

- Job-made wood ladders with spliced rails will be used at an angle such that the horizontal distance is 1/8 of the working length of the ladder.

Stairways – General Industry

- Stairways will be provided for access from one structure level to another where operations require regular travel between levels.

- Spiral stairways will not be permitted except for special limited usage and secondary access situations where it is not practical to provide conventional stairways.

- Stairways will be designed and constructed to carry a load of five times the normal live load anticipated but never less strength than to carry safely a moving concentrated load of 1,000 pounds.

- Stairways will have a minimum width of 22 inches.

- Stairs will be installed at angles to the horizontal of between 30 and 50 degrees.

- Treads will be slip-resistant and nosing will be of a nonslip finish.

- Rise height and tread width will be uniform throughout any flight of stairs.

- Stairway platforms will be no less than the width of a stairway and a minimum of 30 inches in length measured in the direction of travel.

- Standard railings will be provided on the open sides of all exposed stairways and stair platforms. Handrails will be provided on at least one side of closed stairways, preferably on the right side descending.

- Vertical clearance above any stair tread to an overhead obstruction will be at least 7 feet measured from the leading edge of the tread.

Stairways – Construction Industry

- Stairways that will not be part of the permanent structure will have landings of not less than 30 inches in the direction of travel and extend at least 22 inches in width at every 12 feet or less of vertical rise.

- Stairs will be installed between 30 and 50 degrees from the horizontal.

- Riser height and tread depth will be uniform and not verify over ¼ inch in any stairway system.

- Where doors or gates open directly on a stairway, a platform will be provided and the swing of the door or gate will not reduce the effective width of the platform to less than 20 inches.

- Metal pan landings and treads, if used, will be secured in place before filling with concrete or other materials.

- All parts of stairways will be free of hazardous projections, such as protruding nails. Slippery conditions on stairways will be eliminated before use to reach other levels.

- Except during stairway construction, foot traffic is prohibited on stairways with pan stairs where the treads and/or landings are to be filled in with concrete at a later date, unless the stairs are temporarily fitted with wood or other solid material at least to the top edge of each pan. This material will be replaced when worn.

- Except during stairway construction, foot traffic is prohibited on skeleton metal stairs where permanent treads and/or landings are to be installed at a later date, unless the stairs are fitted with secured temporary treads and landings long enough to cover the entire tread and/or landing area.

- Stairways having four or more risers or risers more than 30 inches, whichever is less, will be equipped with at least one handrail and one stair rail system along each unprotected side or edge.

- Stair rails will not be less than 36 inches from the upper surface of the stair rail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

- Midrails will be located at a height midway between the top edge of the stair rail system and the stairway step.

- Screens or mesh, when used, will extend from the top rail to the stairway step and along the entire opening between top rail supports.

- When intermediate vertical members, such as balusters, are used between posts, they will be not more than 19 inches apart.

- When other structural members are used, they will be installed such that there are no openings in the stair rails system that are more than 19 inches wide.

- Handrails and the top rail of stair rail systems will be capable of withstanding, without failure, a force of 200 pounds applied within 2 inches of the top edge, in any downward or outward direction, at any point along the top edge.

- The height of handrails will be no more than 37 inches nor less than 30 inches from the upper surface of the handrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.
- When the top edge of a stair rail system also serves as a handrail, the height of the top edge will be no more than 37 inches nor less than 36 inches from the upper surface of the stair rail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

- Stair rail systems and handrails will be so surfaced as to prevent injury to employees from punctures or lacerations and to prevent snagging of clothing.

- Handrails will provide an adequate handhold for employees grasping them to avoid falling.

- The ends of stair rail systems and handrails will be constructed so as not to constitute a projection hazard.

- Handrails that will not be a permanent part of the structure will have a minimum clearance of 3 inches between the handrail and walls, stair rail system and other object.

- Unprotected sides and edges of stairway landings will be provided with guardrail systems.

Training

- Each Division Manager and Supervisor will ensure that each employee has been properly trained prior to performing work from a ladder. The Division will forward training documentation to Human Resources, Insurance Services.

- Refresher training shall be conducted if there is an accident or near miss incident, when unsafe observation and evaluation indicates it is necessary, and/or if there is a change in the type of ladder equipment utilized.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	89-1
	DATE:	11/89
	REVISED	10/05
	APPROVED	10/05
	REVIEWED	10/05

Lock Out / Tag Out

SCOPE:

This policy/procedure covers the servicing or maintenance of machines, equipment or processes in which the unexpected energization, start-up or release of stored energy could cause injury to employees.

PURPOSE:

To prevent injuries to City of Las Vegas employees from the unexpected energization, start-up or release of stored energy from machines, equipment or processes when employees are engaged in the activities of servicing or maintaining machines, equipment or processes.

STANDARDS:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standards, 29CFR1910.147 and Safety Policy/Procedure No. 87-7, Electrical Safety Program.

POLICY:

Definitions

- AFFECTED EMPLOYEE means an employee whose job requires them to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tag out or whose job requires them to work in an area in which such servicing or maintenance is being performed.

- AUTHORIZED EMPLOYEE means an employee who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment.

- CLOSED CIRCUITS means a completed electrical circuit around which current flows or a signal circulates.

- ENERGIZED means connected to an energy source (mechanical, electrical, hydraulic, etc.) which has not been isolated.

- ENERGY ISOLATING DEVICE means a device that physically prevents the transmission or release of energy such as: a manually-operated switch, a slide gate, a slip blind, a line valve or

blocks. The term does not include push buttons, selectors, switches and other control circuit-type devices.

- ENERGY SOURCE means any electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy source that is capable of causing injury to employees.

- OPEN CIRCUITS means an incomplete electrical circuit in which no current flows.

- SERVICING AND/OR MAINTENANCE means workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

- STORED OR RESIDUAL ENERGY SOURCE means those sources such as springs, elevated machine members, rotating flywheels, hydraulic systems and air, gas, steam or water pressure, etc.

Program

- All energy-isolating devices used for the control of hazardous energy sources will be permanently marked and labeled.

- An annual inspection will be conducted to verify that the energy control procedures are being implemented. These inspections will be certified and include the identity of the equipment, the date of inspection, and the name of the person performing the inspection.

- Training will be provided as follows to ensure that the purpose and function of the energy control procedures are understood. A safety training sign-in sheet will certify each employees name and date of training.

- Employees will be trained in:

    - ❖ The recognition of hazardous energy sources.
    - ❖ The use of the methods and means for energy isolation and control.
    - ❖ The purpose and use of the energy control procedure.
    - ❖ Affected employees will be trained in the energy control procedure and how it affects their work operation.

Procedure

- Prior to commencement of work, those employees that will be affected by the lockout/tag out will be contacted and advised of the reason and duration of the shutdown.

- The authorized employee will ensure that the equipment is turned off or shutdown by locating all energy-isolating devices that are needed to control the energy involved and affixing his lock/tagout device.

- Where multiple locks/tags are required and the energy-isolating device cannot accept them, a multiply clasp will be used.

- All stored or residual energy will be stopped, blocked, disconnected, restrained and rendered safe.

- The authorized employee will verify, prior to starting work, that the equipment has been isolated and de-energized in the following manner:

    - ❖ Attempt to operate the equipment by use of the operating controls with the return of these controls to the "off" or "safe" position
    - ❖ Visually inspect the equipment to determine that the energy isolation is effective.
    - ❖ If applicable, test the electrical equipment to ensure it is deenergized.

Release from Control Procedure

- Prior to removing the lock/tag devices, inspect the areas for non-essential items, such as:

    - ❖ Tools, materials, mechanical restraints, etc.;
    - ❖ Replace all guards;
    - ❖ Cover all electrical wiring;
    - ❖ Ensure piping and valves that were open for repair or drained will be closed and connected.
    - ❖ Ensure all employees have been safety positioned and removed.
    - ❖ The responsibility for the removal of these devices is limited to the employee who affixes the device. EXCEPTION: When the authorized employee who applied the lockout or tag out device is not available to remove it, that device may be removed under the direction of the employer, providing:

        - That the employer has verified that the authorized employee who applied the device is not available.
        - A reasonable effort is made to contact the authorized employee to inform him/her that the device has been removed.
        - Ensuring that the authorized employee has this knowledge before they resume work.

Procedure to Transfer Control Measures During Shift or Personnel Changes When Individual Locks are assigned

- The authorized employee will be responsible to ensure the release locks/tags.

- The oncoming employee will place his locks/tags on the equipment before the off-going employee may remove his.

Outside Contractors

- The outside contractor will submit their Lock Out/Tag Out program to the City of Las Vegas for review.

- The City of Las Vegas will provide they outside contractor with a copy of the City's Lock Out/Tag Out program.

- The outside contractor will ensure that their employee comply with the restriction and prohibition found in the City of Las Vegas Lock Out/Tag/ Out program.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	87-6
	DATE:	10/87
	REVISED	2/90
	APPROVED	6/01
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Office Ergonomics

SCOPE:

To provide guidelines in the use of office workstations.

PURPOSE:

To reduce potential Musculoskeletal Disorders (MSD) to City of Las Vegas employees.

STANDARD:

None.

POLICY:

This policy has been designed to match capabilities and limitations of the human body and the design of the office workstation and covers the elements of: Chair, Keyboard and Mouse, Computers Monitor, Copyholder, Visual Comfort and Work Habits.

Chairs

- Office workstations will have adjustable chairs, where the seat height can be set so that your thighs are parallel to the floor and your feet are flat on the floor.
- The seat pan depth, the distance from the front to the back of the seat, will be such that you can sit back comfortably against the backrest. The front of the seat will be rounded so it does not press into the back of your knees.
- Chair armrests should not be so high to force your shoulders upward or so wide as to force your elbows away from your body.
- Chair backrests should adjust and support your back. The chair should allow you to lean back about 10 to 25 degrees.
- The chair should be stable, mobile, swiveling easily and roll smoothly.
- When chairs cannot be adjusted, they can be improved temporarily, until a proper chair can be purchased, by:

- ❖ Attaching a pillow or rolled towel to the lower part of the chair back, which will support the lower part of your back.

- ❖ If your feet cannot reach the floor, use a footrest that allows your heels to be lower than your toes.

Keyboard And Mouse

- The height of the keyboard and mouse should be such that when you are seated in a comfortably position, your arms should rest at your side, forming a 90 degree angle at each elbow. Your forearms, wrists and hands should be relaxed and aligned. Adjustable keyboard trays allow you to change the height and angle of the keyboard and tray.

    - ❖ When adjustable trays are not available, the following measures can be used to adjust the height of your keyboard and mouse:
    - ❖ When the keyboard and mouse are too low, raise them by placing pads of paper or a flat piece of wood under them.
    - ❖ When the keyboard and mouse are to high, adjust your chair height and add a footrest.
    - ❖ When working at a keyboard always hold your wrists in the neutral position. Your fingers should rest flat or level on the work surface in order to keep your wrist in the neutral position.

- Use a wrist or palm rest, which allows you to relax your arms and keep your wrists straight while working at a keyboard or mouse. Never rest your wrist on the keyboard or against the hard edge of the workstation.

- Always align the keyboard with the computer monitor; both need to be positioned directly in front of you, which allow you to maintain proper head and neck position.

- The mouse and mouse pad need to be position next to the keyboard to allow you to keep your wrist straight and to avoid making long reaches.

- When using the button on the mouse, keep your index finger relaxed by resting it on and around the mouse, rather than holding it poised above the button.

Computer Monitor

- To maintain correct posture and proper head and neck position, while seated at the computer, your eye level should be at or just below the top of the monitor screen.

- The monitor needs to be positioned 24 to 30 inches from your face–about an arm's length.

- Always align the computer monitor with the keyboard to avoid having to turn your head or bend your neck to look at the monitor.

- Be sure to adjust the computer monitor controls for brightness and contrast.

Copyholder

- Copyholders can help in reducing eye motion and discomfort and allow you to maintain proper neck posture.

- Place the copyholder between you and the monitor or directly next to the monitor on either side.

- Always position the copyholder at the same height and distance from your face-about an arm's length.

Visual Comfort

- There should be sufficient lighting to allow you to read documents, but this does not mean bright light. The goal is to prevent or reduce glare.

- Direct Glare is caused by intensely bright light sources, such as sun shining in windows or bright light fixtures shining down from the ceiling.

- Reflected Glare includes bright spots that are caused when light reflects on a computer monitor or work surface.

- To improve visual comfort, reduce glare and shadows the following needs to be considered:

    - ❖ Indirect lighting.
    - ❖ Diffusers on overhead lights.
    - ❖ Task lightening directed at specific documents, so general lighting can be lowered.
    - ❖ Shades on windows.
    - ❖ Remove one of the fluorescent light tubes.
    - ❖ To control glare on the computer monitor any one of the following methods can be used:
    - ❖ Install blinds on windows near the monitor.
    - ❖ Adjust the controls for brightness and contrast on the monitor.
    - ❖ Use a non-glare filter to cover the screen on the monitor.
    - ❖ Tilt or move the monitor so that it does not reflect light sources.
    - ❖ Position workstations so the light source is perpendicular to the monitor, rather than directly behind you or the monitor.
    - ❖ Lower the level of area lights.

Work Habits

- To work efficiently, the human body needs to change positions throughout the day. Concentration will increase and fatigue will decrease when you spread out or break up tasks when possible.

- Take regular stretch breaks, after one hour of continuous work at the computer, by performing a series of stretching and relaxation activities. Perform each of the following three times, holding the position for 10 to 20 seconds:

    - ❖ Lower Back – Place hands on your hips and bend back gently.
    - ❖ Shoulders, Arms And Upper Back – With your fingers interlaced and your head hands locked behind your head, gently move your shoulder blades together and then apart. Do not push on your head. Stretch your arms out and down. You should feel the stretch in your chest and upper back.
    - ❖ Neck – Lean your head gently to one shoulder. You should feel the stretch in your neck on the opposite side that you are leaning. Repeat in the opposite direction.
    - ❖ Wrist – With your palm up, stretch your wrist gently backward by leaning on a firm surface. You should feel the stretch in the front of your forearm.
    - ❖ Hands – Make a fist with each hand and open it, spreading out your fingers as far as you can.
    - ❖ Eyes – Move your eyes in all directions: up, down, around and diagonally. Close your eyes for a few seconds. Look across the room and focus on something at least 20 feet away.

- While typing, remember to keep your wrist straight or flat in the neutral position. Your hands, writs and forearm should be on the same plane – parallel to the floor.

- Whenever you stop typing or keying, drop your hands into your lap for a rest. Avoid resting your wrists on the edge of the workstation or other sharp corners can cause discomfort.

- Keep a soft touch on the keys; light strokes will save your fingers, hands, wrist and forearms.

- If you share your workstation with someone else, take the time before starting to readjust the chair, computer monitor, keyboard and mouse, so you can maintain proper body and wrist posture.

- Telephone headsets can be used to ensure proper head and neck posture while working at the computer and talking on the telephone.

Ergonomic Questions

Any questions or concerns about what is ergonomically correct should be forwarded to Human Resources, Insurance Services Division.

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Parking & Backing of Motorized Vehicles

SCOPE:

To establish guidelines for City of Las Vegas employees to follow when parking and backing motorized vehicles.

PURPOSE:

To reduce the risk of bodily injury and property damage due to vehicular accidents.

STANDARD:

Nevada Department of Motor Vehicles Regulations.

POLICY:

All City of Las Vegas employees will adhere to the following procedures when parking and backing motorized vehicles.

Parking Motorized Vehicles

- Select a space where you can pull through so you can drive forward when leaving.
- Select a parking space that is away from congested areas.
- Avoid parking next to vehicles that severely obstruct your vision, such as, campers, vans, high clearance pickups, etc.
- The parking brake should be set on standard transmissions, vehicles should be parked with the parking brake set and the gear shift placed in first gear. On automatic transmissions, the parking brake should also be set and the gear shift should be placed in park.
- On an upgrade, the front wheels should be turned to the left. On a downgrade the front wheels should be turned to the right. Wheel chalks shall be used when necessary.
- After exiting the vehicle, set a traffic cone in close proximity to the right rear bumper. [1] (exemptions)

- Before leaving the parking space, pick-up the traffic cone and place it in the vehicle's trunk/bed. **WALK AROUND YOUR VEHICLE TO OBSERVE THE AREA BEHIND YOUR VEHICLE FOR ANY HAZARDS.**

Backing A Motorized Vehicle

- Exercise extreme caution when backing a vehicle to avoid injury to persons and to prevent property damage.

- After starting your vehicle and placing it in reverse, continuously check to your LEFT AND RIGHT for other vehicles or pedestrians while backing into the travel lane.

- If needed, use a spotter when you are backing, especially for vehicles with restricted visibility, i.e. construction vehicles, vans, boom and utility trucks, etc.

- If the motorized vehicle is equipped with an audible back-up alarm it must be operable.

- If needed, use your horn to warn others of vehicular movement.

Training

- This policy will be provided to those employees that are required to attend the City's Defensive Driving class.

- All employees that operate City vehicles must attend the City's one-hour Defensive Driving Class at least every other year.

[1] Exemptions

- City vehicles responding to emergencies and unmarked City vehicles are exempt from using cones.

- City vehicles parked at the East and West Service Centers.

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Personal Protective Equipment

SCOPE:

To provide guidelines in the selection, use and care of Personal Protective Equipment (PPE).

PURPOSE:

To reduce the potential for injury to City of Las Vegas employees.

STANDARDS:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standards, 29CFR1910.132, 29CRF1910.133, 29CFR1910.135, 29CRF1910.136, 29CFR1910.137; Construction Standards 29CFR1926.95, 29CFR1926.96, 29CFR1926.100 , 29CFR19126.102, ANSI/ISEA 107-2004 , ASTM F2143-05 & ANSI Z89.1.

POLICY:

Protective equipment, including PPE for eyes, face, head and extremities, protective clothing, respiratory devices and protective shields and barriers are provided and will be used and maintained in a sanitary and reliable condition whenever it is necessary by reason of hazards of processes or environment. These hazards include those of chemical irritants or of a mechanical nature encountered in a manner capable of causing injury or impairment to the function of any body part through absorption, inhalation or physical contact.

Protective equipment is defined as any device designed to prevent injury, illness or death, from machine guards to safety shoes to seat belts in cars. All protective equipment, whether furnished by the employer or employee, will meet the standards set by law or the recognized standard and specifications for that equipment.

Where employees provide their own protective equipment, the supervisor will be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.
As a condition of employment, the wearing of PPE may be specified for a particular task and its use is MANDATORY. Supervisors are responsible for the enforcement and education of employees regarding the reasons for using the equipment and the possible injury that can result when the need is ignored.

Safety Footwear

- Certain occupations and job duties require special footwear, i.e. Electricians, firefighters and/or when work is performed in wet locations. All employees are required to wear footwear applicable to their jobs and duties.

- Steel toe footwear will be capable of withstanding a Class 75 impact resistance and a Class 75 compression resistance at a minimum, as specified in American Standard Testing Materials ASTM F2413-05. Steel toed shoes or boots will be worn anytime an employee performs work to protect them from the following hazards; handling of heavy materials, impact hazards from falling or moving objects, abrasive or sharp objects or tools, etc.

- In addition to the steel toed requirements, Human Resources, Insurance Services or the Department's Safety Officer have established applicable hazard assessments that all shoes will meet for each employee's particular job. These standards may include the following requirements: oil resistant soles, slip resistant soles or moisture or chemical resistant. Tennis shoes steeled toed or otherwise are PROHIBITED.

Head Protection

- Employees working where there is a possible danger of head injury from impact, falling or flying objects, or electrical shock and burns will wear protective helmets.

- Helmets will conform to ANSI Z89.I latest edition. Only Type II, Class G and E will be supplied. Type II are intended to reduce the force of impact resulting from a blow to the top or sides of the head.

    - ❖ Class G (General) helmets are intended to reduce the danger of contact with low voltage conductors.

    - ❖ Class E (Electrical) are intended to reduce the danger of contact with higher voltage conductors.

    - ❖ Class C (Conductive) are not intended to provide protection against contact with electrical hazards.

- Long hair will be covered or confined where it could become entangled in moving machinery.

Hand and Arm Protection

- When necessary to protect the hands and arms from cuts, bruises, abrasions, contact from chemicals, electrical contact and heat, suitable hand protection will be worn to minimize or eliminate injury.

- Gloves will NOT be used while working on moving machinery such as drill presses, lathes, table saws or other such rotating or moving equipment that might catch on the glove and pull it and the employee's hand into a hazardous area.

- Live parts of electrical equipment operating at 50 volts or more shall be guarded against electrical contact by deenergizing, isolating or insulting. See Safety Policy/Procedure No. 87-7.

- **INTER.** When working with acids, caustics or chemicals, the use of chemical resistant face shields or goggles and acid-resistant gloves will be considered as minimum protective equipment. Under certain conditions, aprons or disposal clothing may be required.

- For personnel engaged in operations where hands and arms are subject to heat, flame, sparks, molten metal and splashes, etc., gloves, gauntlets, and/or sleeves of suitable flame and heat resistance materials will be provided and worn.

- When sheet metal, glass, sharp wire or other sharp objects are handled, gloves that provide protection against cuts, punctures, and slivers will be provided and worn.

Eye and Face Protection

- Eye protection will be provided and used whenever foreign objects may enter the eyes due to work operations. Protective equipment will conform to ANSI Z87.l latest edition.

- Protective eye and face equipment will be required where there is a reasonable probability of injury that can be prevented by such equipment. They will provide adequate protection against the particular hazards for which they are designed and employees will use the protectors. No unprotected employee will knowingly be subjected to a hazardous environmental condition. Suitable eye protectors will be worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards. (See Table 1 for proper selection of equipment.)

- Employees whose vision require the use of corrective lenses in spectacles and who are required to wear eye protection will wear goggles or a face shield covering the lenses. Prescription safety glasses with side shields are permitted.

- Only safety glasses, full cover goggles, or face shields that fit properly and are kept clean at all times will be worn when an employee is engaged in or close to work involving:

    - ❖ Drilling or chipping stone, brick, concrete, paint, pipe coatings, metal, tile, masonry or terracotta ducts.
    - ❖ Power grinding, buffing or wire brushing, whether there is a built-in barrier shield or not.
    - ❖ Dust or flying articles (such as using compressed air or water to clean materials or machinery).
    - ❖ Flame welding, cutting or burning. Approved colored lenses will be used, (see Table 2).
    - ❖ Drilling with hand or electric drill overhead.
    - ❖ Pouring hot compounds or the use of other hot or injurious substances.

- ❖ Handling acids, caustics, toxicants, or other similar liquids or gases,
- ❖ Exposure to electrical arc or flash.
- ❖ Cleaning or scalding pipe.
- ❖ Flying particles caused by others if the employee is within the range of such particles.
- ❖ Injurious light or heat rays or any other danger of injury to eyes (welding, cutting, soldering).
- ❖ Work under motor vehicles.
- ❖ Cleaning operations using compressed air, steam, water or silica sand.
- ❖ Using powder actuated tools.
- ❖ Tree pruning or cutting underbrush, grinding, or loading brush and limbs.
- ❖ Handling battery cells and solutions and taking battery readings with a hydrometer.
- ❖ Removing or rearranging strand or open wire.
- ❖ Performing lead sleeve wiping and soldering.
- ❖ Demolition or tear down of buildings, walls, structures.
- ❖ Any situation where the supervisor in charge considers that the use of eye protection is necessary.

- It is the supervisor's responsibility to ensure that eye protection devices are used and worn by an employee with optical correction that meet ANSI Standard Z87.1. Industrial quality eyewear will be marked with each manufacturer's individualized symbol and Z87 will be stamped on the frame.

Hazard Assessment

- The workplace will be assessed to determine what hazards are present or likely to be present that would require personal protective equipment.

- Based upon the assessment, personal protective equipment will be selected and provided to employees.

- Human Resources, Insurance Services or the Department's Safety Officer will provide a certified written assessment to the Department.

- Annual training will be provided to employees by their Division and will contain the following:

  - ❖ When PPE is required;
  - ❖ What PPE is required;
  - ❖ How to properly don, doff, adjust and wear the PPE;
  - ❖ The limitations of the PPE; and,
  - ❖ The proper care, maintenance, useful life and disposal of the PPE.

- For further information, see Safety Policy/Procedure No. 01-1.

Safety Vest

- For daytime use, safety vests shall meet the requirements of Class 2 garments per ANSI/ISEA 107-2004.

- For nighttime use, safety vests shall meet the requirements of a Class 3 garment per ANSI/ISEA 107-2004.

  NOTE: Regardless of the area of material used, a sleeveless garment or vest alone shall not be considered Class 3.

- During the months of May through September, consideration must be given to the health effects that may be caused from the elevated ambient temperatures. During these months, Class 2 mesh vests will be allowed to be worn during daytime and nighttime operations.

- See Safety Policy/Procedure 87-5.0.

Respirator Protection

- See Safety Policy/Procedure 90-3.

Hearing Protection

- See Safety Policy/Procedure 89-3.

Fall Protection

- When working on elevated work platforms (i.e. aerial lifts, boom trucks, etc.), a full body harness with a six (6) foot lanyard attached to the handrail or bucket will be required.

Table 1 – Eye and Face Protector Selection Guide

1. GOGGLES, Flexible Fitting, Regular Ventilation
2. GOGGLES, Flexible Fitting, Hooded Ventilation
3. GOGGLES, Cushioned Fitting, Rigid Body
•4. SPECTACLES, Metal Frame, with Sideshields
•5. SPECTACLES, Plastic Frame, with Sideshields
•6. SPECTACLES, Metal-Plastic Frame, with Sideshields
•• 7. WELDING GOGGLES, Eyecup Type, Tinted Lenses (Illustrated)
7A. CHIPPING GOGGLES, Eyecup Type, Clear Safety Lenses (Not Illustrated)
•• 8. WELDING GOGGLES, Coverspec Type, Tinted Lenses (Illustrated)
8A. CHIPPING GOGGLES, Coverspec Type, Clear Safety Lenses (Not Illustrated)
•• 9. WELDING GOGGLES, Coverspec Type, Tinted Plate Lens
10. FACE SHIELD (Available with Plastic or Mesh Window)
••11. WELDING HELMETS

* Non-side shield spectacles are available for limited hazard use requiring only frontal protection.

** See Table E-2, in paragraph (b) of this section, Filter Lens Shade Numbers for Protection Against Radiant Energy.

Applications		
Operation	*Hazards*	*Recommended Protectors: Bold Type Numbers Signify Preferred Protection*
Acetylene—Burning Acetylene—Cutting Acetylene—Welding	Sparks, Harmful Rays, Molten Metal, Flying Particles	7, 8, 9
Chemical Handling	Splash, Acid Burns, Fumes	2, 10 (For severe exposure add 10 over 2)
Chipping	Flying Particles	1, 3, 4, 5, 6, 7A, 8A
Electric (Arc) Welding	Sparks, Intense Rays, Molten Metal	9, 11 (11 in combination with 4, 5, 6, in tinted lenses, advisable)
Furnace Operations	Glare, Heat, Molten Metal	7, 8, 9 (For severe exposure add 10)
Grinding—Light	Flying Particles	1, 3, 4, 5, 6, 10
Grinding—Heavy	Flying Particles	1, 3, 7A, 8A (For severe exposure add 10)
Laboratory	Chemical Splash, Glass Breakage	2 (10 when in combination with 4, 5, 6)
Machining	Flying Particles	1, 3, 4, 5, 6, 10
Molten Metals	Heat, Glare, Sparks, Splash	7, 8 (10 in combination with 4, 5, 6, in tinted lenses)
Spot Welding	Flying Particles, Sparks	1, 3, 4, 5, 6, 10

TABLE 2

Filter Lens Shade Numbers for Protection Against Radiant Energy

Welding Operation	Shade Number
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	10
Gas-shielded arc welding (non-ferrous) 1/16', 3/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding (ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 3/16-, 7/32-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10-14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting over 6 inches	5 or 6
Gas welding (light), up to 1/8-inch	4 or 5
Gas welding (medium), 1/8-inch to 1/2-inch	5 or 6
Gas welding (heavy), over 1/2-inch	6 or 8

City of Las Vegas SAFETY POLICY/PROCEDURE	NO: 01-1 DATE: 6/01 REVISED 7/05 APPROVED 7/05 REVIEWED 6/05

Personal Protective Equipment Hazard Assessment

SCOPE:

To provide guidelines in the determination of the appropriate Personal Protective Equipment (PPE).

PURPOSE:

To reduce the potential for injuries to City of Las Vegas employees.

STANDARD:

State of Nevada , Occupational Safety & Health Enforcement Section, General Industry Standards, 29CFR1910.132 through 138.

POLICY:

Hazard Assessment

- Human Resources, Insurance Services Division will perform a hazard assessment of the workplace to determine what hazards are present or likely to be present, which will require the use of personal protective equipment (PPE).

- The assessment will consider the following hazard categories:

  - Impact
  - Penetration
  - Compression
  - Chemical
  - Heat
  - Dust
  - Light Radiation

- When such hazards are found, the appropriate PPE will be selected, provided and worn by the employees.

- A written PPE Hazard Assessment will be prepared and provided to those divisions where the hazards exist.

Training

- The Division Managers will provide annual training to their employees on the following:

    - ❖ When personal protective equipment (PPE) is necessary;
    - ❖ What personal protective equipment (PPE)is necessary;
    - ❖ How do properly don, doff, adjust and wear personal protective equipment (PPE);
    - ❖ The limitations of the personal protective equipment (PPE); and,
    - ❖ The proper care, maintenance, useful life and disposal of the personal protective Equipment (PPE).

- The Divisions written Personal Protective Equipment Hazard Assessments will be provided with a PPE Training Certification, which will be used in the training of the employees.

- The PPE Training Certification will be completed at the time of the training and returned to Human Resources, Insurance Services Division.

Defective And Damaged Equipment

- The use of damaged or defective PPE is PROHIBITED.

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Powered Industrial Trucks

SCOPE:

This safety policy/procedure covers the safe operation of Powered Industrial Trucks operated by City of Las Vegas employees.

PURPOSE:

To prevent injuries to City employees and damage to City equipment.

STANDARD:

NEVADA OSHA General Industry Standard 29CFR1910.178, Construction Industry Standard 29CFR1926.602, National Fire Protection Association (NFPA) No. 505-1969, and American National Standard Institute (ANSI) B56.1-1969, or Latest Edition.

POLICY:

Only employees of the City of Las Vegas who have been certified through the City of Las Vegas Powered Industrial Truck Training Course and who have been authorized by their supervisor will operate these units.

Modification

- Modifications and additions which affect capacity and safe operation will not be performed by City of Las Vegas employees without manufacturer's prior written approval. Capacity, operation and maintenance instruction plates, tags or decals will be changed accordingly.

- The City of Las Vegas will see that all nameplates and markings are in place and are maintained in a legible condition.

Lighting for Operating Areas

Where general lighting is less than 2 lumens per square foot, auxiliary directional lighting will be provided on the truck.

Control of Noxious Gases and Fumes

Concentrations of carbon monoxide gas created by powered industrial truck operations will not exceed 50 parts per million (ppm) when operated indoors.

Truck Operation Safety Rules

- Trucks will not be driven up to anyone standing in front of a bench or other fixed object.
- No person will be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.
- The operator of the truck will not transport personnel on the body or forks of the truck.
- Arms or legs will not be placed between the uprights of the mast or outside the running lines of the truck.
- The operation of the forklift controls will be done in the seated position, and not while standing on ground level.
- When forklift is left unattended, load-engaging means will be fully lowered, controls will be neutralized, power will be shut off, and brakes set. Wheels will be blocked if the truck is parked on an incline. A forklift is unattended when the operator is 25 feet or more away from the vehicle which remains in his view, or whenever the operator leaves the vehicle and it is not in his view.
- When the operator of the forklift is dismounted and within 25 feet of the truck, still in his view, the load-engaging means will be fully lowered, controls neutralized, and the brakes set to prevent movement.
- Use of a safety platform secured to the lifting carriage and/or forks will be used to elevate personnel.

Traveling Safety Rules

- All traffic regulations will be observed, including authorized plant speed limit. A safe distance will be maintained approximately 3 truck lengths from the vehicle ahead, and the fork lift kept under control at all times.
- Seat belts will be worn during the use of the equipment.
- The right-of-way will be yielded to other vehicles in emergency situations.
- Other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations will not be passed.

- The driver will be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver will be required to travel with the load trailing.

- The driver will be required to look in the direction of, and keep a clear view of the path of travel.

- Grades will be ascended or descended slowly.

- When ascending or descending grades in excess of 10 percent, loaded trucks will be driven with the load upgrade. On all grades, the load and load-engaging means will be tilted back, if applicable, and raised only as far as necessary to clear the road surface (6 inches).

- Under all travel conditions, the truck will be operated at a speed that will permit it to be brought to a stop in a safe manner.

- Stunt driving and horseplay will not be permitted.

- The driver will be required to slow down for wet and slippery surfaces.

- When forklifts are towed on City streets, they will be towed by a two-axle vehicle. The operator of the towing vehicle will be required to have a valid Class B State of Nevada driver's license in his possession. The forks of the truck will be repositioned so that they point inward during the towing of the unit.

- Running over loose objects on the roadway surface will be avoided.

- While negotiating turns, speed will be reduced to a safe level by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very slow speed, the hand steering wheel will be turned at a moderate, even rate.

- The mast of the forklift will not be raised or lowered while the vehicle is moving either backwards or forwards.

Loading Safety Rules

- Only stable or safely arranged loads will be handled. Caution will be exercised when handling off-center loads which cannot be centered.

- Only loads within the rated capacity of the truck will be handled.

- Long or high loads (including multiple-tiered) which may affect capacity will be adjusted.

- Forklifts equipped with attachments will be operated as partially-loaded trucks when not handling a load.

- There will be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

- The forks of the truck will be placed under the load as far as possible; the mast will be carefully tilted backwards to stabilize the load.

Operation of the Truck

- If at any time the forklift is found to be in need of repair, defective, or in any way unsafe, the truck will be taken out of service until it has been restored to safe operating condition.

- Fuel tanks will not be filled while the engine is running. Spillage will be avoided.

- Spillage of oil or fuel will be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

- No truck will be operated with a leak in the fuel system until the leak has been corrected.

- Open flames will not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

Maintenance of Fork Lifts

- Any forklift not in safe operating condition will be tagged and removed from service. All repairs will be made by authorized personnel.

- A forklift in need of repairs to the electrical system will have the battery disconnected prior to such repairs.

- All parts of the forklift requiring replacement will be replaced only by parts equivalent to those used in the original design.

- The fork lift will not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor will they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts. Additional counterweighting of fork trucks will not be done unless approved by the forklift manufacturer.

- Forklift trucks will be examined before each use according to the Pre-Operation Check List, Appendix A. Defects found will be immediately reported and corrected. The Pre-operation checklist will be maintained by the Department/Division that is operating the lift.

- The forklift will be kept in clean condition, free of lint, excess oil, and grease. Noncombustible agents will be used for cleaning the forklift.

Training

- Each designated operator will be required to attend a training program before they can operate the powered industrial truck.

- Training will consist of a lecture, discussion, video tape and other written material covering the following topics:

Truck Related Topics

- Operating instructions, warnings and precautions for the types of truck the operator will be authorized to operate;
- Differences between the truck and the automobile;
- Truck controls and instrumentation: where they are located, what they do and how they work;
- Engine or motor operation;
- Steering and maneuvering;
- Visibility, including restrictions due to load;
- Fork and attachment adaptation, operation and use limitations;
- Vehicle capacity;
- Vehicle stability;
- Vehicle inspection and maintenance that the operator will be required to perform;
- Refueling and/or charging and recharging of batteries will be done by designated employees only;
- Operating limitations; and,
- Any other instructions, warnings or precautions listed in the operator's manual for the type of vehicle that the employee is being trained to operate.

Workplace-Related Topics

- Surface conditions where the vehicle will be operated;
- Composition of loads to be carried and load stability;
- Load manipulation, stacking and unstacking;
- Pedestrian traffic in areas where the vehicle will be operated;
- Narrow aisles and other restricted places where the vehicle will be operated;
- Hazardous classified locations where the vehicle will be operated;
- Ramps and other sloped surfaces that could affect the vehicle's stability;
- Closed environments and other areas where insufficient ventilation may lead to the buildup of carbon monoxide or diesel exhaust; and,
- Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

Refresher training will be conducted when:

- The operator has been observed to operate the vehicle in an unsafe manner;
- The operator has been involved in an accident or near-miss incident;
- The operator has received an evaluation that reveals that the operator is not operating the truck safely;
- The operator is assigned to drive a different type of truck; or
- A condition in the workplace changes in a manner that could affect safe operation of the truck.
- An evaluation of each powered industrial truck operator's performance will be conducted at least once every three (3) years by the operator's supervisor. The Performance Tests For Lift Truck

Operators will be completed, signed by the supervisor and forwarded to the Department of Human Resources, Insurance Services Division.

APPENDIX A

PRE-OPERATION CHECKLIST

TRUCK NO. _____ MAKE _____ DATE _____ SHIFT _____

	PASS	FAIL
Is the forklift's appearance in good CONDITION and free of lint, excess oil and grease?		
Is the Manufacturer's DATA PLATE clean and readable?		
LIFT CHAINS - Check for equal tension, broken pins and extra wear.		
Check the FORKS for damage.		
Check for loose bolts and cracks on OVERHEAD GUARD, BACKREST and TILT CYLINDERS.		
Check TIRES for cracks or other signs of wear. If inflatable tires, does air pressure meet the manufacturer's specifications?		
Do all the LIGHTS work, if available?		
Any signs of oil, coolant or fuel leaks UNDER THE FORKLIFT?		
Check the FLUID LEVELS for the brake fluid, engine oil, hydraulic tank and coolant.		
Start the engine and check the DASHBOARD GAUGES for proper readings.		
Check that the PARKING BRAKE is working properly.		
Make sure there is not excessive free play in the STEERING WHEEL.		
Does the HORN work?		
Do the MAST and Forks raise, lower and tilt smoothly?		
Check that the Clutch engages properly. Does it shift roughly?		
Hold the BRAKE down with your foot for 10 seconds. Is there any noticeable drift with the pressure?		
If an electric forklift, is the BATTERY in good condition and charged? Are connections tight? Is the discharge indicator in the green when you turn the key?		

Operator's Signature _____

APPENDIX B

PERFORMANCE TEST FOR CITY OF LAS VEGAS LIFT TRUCK OPERATORS

Operator's Name _____ Date _____

Evaluator _____ Dept./Div._____

Rating: 1 = Poor 2 = Fair 3 = Good 4 = Excellent

1. Operator performed inspection for safe operation of forklift prior to use:
   - _____ Forklift appearance in good condition
   - _____ Check overhead guard, backrest, seat belt, tilt cylinder
   - _____ Data plate legible
   - _____ Check lift chains, chain tension, broken or worn pins
   - _____ Check forks for damage
   - _____ Check tires
   - _____ Check lights
   - _____ Check for signs of oil, coolant or fuel leaks
   - _____ Check dashboard gauges (fluid levels)
2. Operator understands proper use of forklift instrumentation and controls:
   - _____ Clutch operation
   - _____ Inching control
   - _____ Tilt control
   - _____ Lift control
   - _____ Attachment control
   - _____ Brake control
   - _____ Horn
3. Maneuvering Skills:
   - _____ Mast and forks; raise, lower and tilt smoothly
   - _____ Smooth starting and stopping
   - _____ Proper speed
   - _____ Looks in direction of travel
   - _____ Carries fork low

_____ Clear obstacles by safe distance

_____ Sounds horn at intersections and corners

_____ Drove backwards when required

4. Load Handling

_____ Approach load properly

_____ Lifted load properly

_____ Travel with load at proper height

_____ Smooth stopping and starting

_____ Smooth lifting and lowering slowly

_____ Load balanced properly

_____ Forks under load properly

_____ Placed load within marked area

_____ Stacked load evenly and neatly

5. Operator aware of the following environmental conditions:

_____ Pedestrian Traffic

_____ Narrow Aisles

_____ Overhead Obstructions

_____ Wet, oily and rough surfaces

_____ Other equipment and vehicles operated in the area

_____ Potential atmospheric hazards

6. Shutdown Procedures

_____ PARKED PROPERLY

_____ Neutralized all controls

_____ Lowered forks to ground

_____ Set Brakes

_____ Turned off engine

TOTAL SCORE: _____ Maximum Score = 176 Points Passing Score = 125 Points

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	90-4
	DATE:	2/90
	REVISED	8/05
	APPROVED	7/91
	REVIEWED	8/95

Respiratory Protection Program

SCOPE:

To set forth standard operating procedures for the selection, fitting, use and maintenance of respirators.

PURPOSE:

To provide employee protection in those situations where engineering controls or process design do not reduce exposures below acceptable industrial hygiene levels.

STANDARDS:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standard, 29CFR1910.134, Construction Standard 29CFR1926.103 and the latest edition of the American National Standard Institute (ANSI) Z88.2.

Responsibilities

Management

- The City of Las Vegas will be responsible for providing annual training of employees in the selection, fitting, use and maintenance of respiratory protective equipment.
- The City of Las Vegas will provide a Medical Surveillance Program to assure that employees are not assigned to tasks requiring respirators unless they are physically able. Human Resources, Insurance Division will coordinate the operation of this program.
- The City of Las Vegas will assure the availability of approved respiratory protective equipment and the necessary facilities for cleaning and sanitizing the equipment.
- The City of Las Vegas will allow volunteer use of respirators at the request of an employee, if it does not in itself create a hazard.
- When voluntary use is requested, the employee will be provided with “Information For Employees Using Respirators When Not Required Under The Standard”.

- ❖ Employees using a respirator voluntarily will be required to participate in the City's Medical Surveillance Program, Section II and will ensure that the respirator is cleaned, stored and maintained according to the City's Respirator Maintenance Program, Section VII.
- ❖ The requirements of Section A.4.a & b do not apply to employees who voluntarily use dust masks.

Coordinator

The Safety/Loss Control Officer will be responsible for:

- Establishment of respirator selection procedures;
- Establishment of an annual respirator training program for employees;
- Establishment of a continuing program of cleaning, storing and inspection of equipment;
- Establishment of accounting procedures for and issuance of respiratory protection equipment;
- Establishment of respirator fit testing program;
- Establishment of procedures to obtain necessary respirators, spare parts and other personal protective equipment;
- Establishment of an air monitoring program to determine the level of employee exposure; and,
- Establishment of procedures to evaluate the above to assure program effectiveness;

Employees

- Each employee will be responsible to:
- Select, use and maintain respiratory protection equipment in conformance with instructions and training received.
- Cooperate with the Coordinator in the proper fitting of respirators.
- Wear only those respirators for which they are fitted.
- Conduct a quick visual inspection of respiratory protection equipment for defects before putting the equipment to use.

  Important: Modification to approved respirators, unauthorized by the approving agencies, automatically voids the respirator approval and may seriously jeopardize the health and safety of the employee.

- Perform a negative and positive pressure test prior to using.

- Report any malfunction of the respirator to the Coordinator.

- Protect respiratory protection equipment from damage and abuse.

- Inform the Coordinator of any problems arising from the use of respiratory protection equipment.

- Facial hair, moustaches, sideburns or beards, lying between the sealing surface of a respirator face piece and the wearer skin will prevent a good face seal. Employees will ensure that they are clean-shaven when they are required to wear a respirator.

- Contact lenses will not be worn while wearing any type of respiratory protection device. Contaminants may get into eyes and cause severe discomfort. Chemicals inadvertently splashed into the eyes while wearing a half-mask may cause severe ocular damage as the chemical becomes trapped between the contact lens and the surface of the eye.

- Participate in the Medical Surveillance Program.

Medical Surveillance Program

The City of Las Vegas has established a Medical Surveillance Program to ensure that employees will not be assigned to tasks requiring the use of respirators unless they have been found physically able to do the work while wearing the respirator.

- Respirator user will be required to complete a Respirator Medical Evaluation Questionnaire. To obtain the questionnaire contact Human Resources, Insurance Services Division.

- The completed questionnaire will be reviewed by a physician or other licensed health care professional and will perform any medical testing they deem necessary to determine if the employee is medically able to wear the respirator.

- Physical examination for Fire Fighters will be conducted annually according to the latest edition of the National Fire Protection Association (NFPA) 1582, Medical Requirements For Fire Fighters and Information For Fire Department Physicians.

Selection and Use of Respirators

- The correct respirator will be specified for each job based on the following factors:

    - ❖ The nature of the hazard;
    - ❖ Monitoring of the hazard;
    - ❖ Characteristics of the hazardous operation or processes;
    - ❖ The respiratory protection fit factor; and
    - ❖ The Material Safety Data Sheet for the product.

- Negative pressure, full or half mask respirators with the appropriate organic vapor cartridges and/or filters will be used for spraying operations or operations that generate dusts. Additionally, either a

Power Air-Purifying Respirator (PAPR) or Supplied Air Respirator with a disposal hood would be acceptable.

- For operation that contains atmospheres that are immediately dangerous to life and health (IDLH) or are oxygen deficient, a self-contained breathing apparatus (SCBA) with a full-face piece will be used.

- The air supplied to respirators from cylinders will be certified Grade D air.

- When a compressor is used to supply air only an oil-less pump will be used.

- All respiratory equipment will contain a National Institute Of Occupational Safety & Health (NIOSH) approval number.

Respirator Fit Testing Procedures

- Qualitative fit testing will be conducted according to acceptable protocols. Fit testing will be conducted prior to initial use, whenever a different face piece is used or when there are changes in the employee's physical condition. Fit testing will be conducted by the Coordinator and records will be maintained by Human Resources, Insurance Services Division.

- The respirator wear will be required to perform a positive and negative test after donning the respirator to obtain a proper face piece to face seal.

Employee Training

Training will be provided to all employees who are required to use a respirator in the performance of their duties and whenever the Coordinator deems necessary for the employee to maintain their proficiency.

Training will include the following:

- Nature of the respiratory hazards, which may be encountered during routine situations and emergencies.

- An explanation of the engineering controls provided in their work area to minimize exposure to respirator hazards.

- Reasons for selection of the particular type of respirator, which has been provided for their use.

- Capabilities and limitations of the selected respirators.

- Methods of donning, removing the respirators and checking the fit of the respirator.

- Proper wearing of the respirator.

- Procedures and schedules for cleaning, disinfecting, storing, inspecting and repairing the respirator.

- Recognition of the medical signs and symptoms that may limit or prevent the effective use of the respirator.

Respirator Maintenance Program

Inspections

- All respirators will be inspected by the wearer immediately before, after each use and during cleaning.

- Inspection will include:

    - ❖ Checking the condition of the respirator for wear, distortion and missing parts that would compromise the respirator function and effectiveness.
    - ❖ Checking the respirator for dirt or other contaminant residues that would affect the use of the respirator.

Repairs

- All repairs to the respirator will be done per the manufacturers recommendations.

- All respirator or parts found defective will be discarded immediately.

- Respirator parts are not interchangeable between different respirator manufacturer's units. Only approved parts by the respirator manufacturer will be used.

- An adequate supply of respirator parts will be maintained and available for employee use.

Cleaning and Disinfecting

- Respirators, which are intended, for further use will be maintained in a clean and sanitary condition.

- Respirators will be cleaned using a mild detergent solution in warm water.

- Respirators will be thoroughly dried before being stored.

Storage

- Respirators will be placed in zip lock bags and stored in such a manner to protect the respirator from environmental damage and distortion.

Change Schedule

- The coordinator will evaluate the respiratory hazards in the workplace and implement a schedule for cartridges and filters that is based on objective information or data to ensure they are changed before the end of their service life.

Respirator Program Evaluation

The following procedures will be utilized in evaluating the respirator program.

- Wearer Acceptance. The effectiveness of a respirator program is largely determined by the degree of worker acceptance. Respirator wearers will be requested to submit their comments and suggestions on the type of respirators in use.

- Examination of Respirators in Use. Periodic inspections by the wearer's supervisor will be conducted to insure that the respirators have been properly selected, used, cleaned and stored.

	City of Las Vegas	NO: 93-1
		DATE: 2/93
	SAFETY POLICY/PROCEDURE	REVISED 3/95
		APPROVED 3/93
		REVIEWED 9/02

Safe Lifting Program

SCOPE:

To establish guidelines for City of Las Vegas employees in safe lifting techniques.

PURPOSE:

To ensure City of Las Vegas employees use the proper lifting techniques, to reduce on-the-job back injuries.

STANDARDS:

None.

POLICY:

It is not the intent of this policy to require an employee to use a back belt when lifting material. However, when a back belt is used in combination with proper body mechanics lifting techniques, injuries to the back can be prevented. DO NOT rely on the back support device as a SUBSTITUTE for practicing proper lifting techniques (see Section I and II).

It is understood that persons who are required to wear special safety gear such as chemical suits, turn out gear, etc., may not be able to wear the back belt during some operations.

The back belt should be loosened during breaks and other non-lifting periods.

The back belt should have orange shoulder straps and side panels, allowing them to be worn when an employee is working in the roadway.

Employees who are issued a back belt will be required to attend a training program on the use, care and proper lifting techniques.

The Department/Division will purchase the back belt for their employees or if the back belt becomes unusable due to wear and tear. When the back belt is no longer useable, it will be returned to the supervisor for replacement. It will be the employee's responsibility to pay for the device if it is lost or damaged due to the employee's negligence. Contact the Department of Human Resources, Insurance Division, for the proper ordering information.

Safe Lifting Techniques

- Your back supports your whole body. It is made up of a spinal column, ligaments connected to vertebrae (bones) and muscles. Your back is meant only to hold you up. When you use your back, instead of your legs to lift, injuries will occur.

- Safe lifting means using your head. The following practices will be used in combination with the support device that has been provided.

Loading

- Establish a firm footing and balance the load.

- BEND YOUR KNEES, NOT YOUR BACK.

- Stand close to the load. Bring it into your body for more power and less strain. Keep your arms and elbows close to your body.

- Grab the load with your hands, not just your fingers.

- LET YOUR LEGS DO THE WORK. First, raise your head and shoulders. Then push your body upward with your legs.

- Make sure that the load does not block your view of the walking surface.

- DO NOT TWIST YOUR BODY. If you have to change directions, move your feet first.

- Buddy-up. Get help with heavy loads.

Unloading

- Face the area where the load is to be deposited.

- BEND YOUR KNEES, NOT YOUR BACK. Remember let your legs do the work.

- Lower the load slowly.

- Keep your fingers from the bottom of the load; place the load on the edge of the surface and slide the load back.

Unusual Lifting Practices

High Placed Shelves, etc.

- Use a platform rather than a ladder.

- Break the load down into smaller pieces.
- Raise the load before lifting to see how heavy it is.
- Grasp the load firmly and slide it down.

Lifting Overhead

- Lifting heavy objects overhead should be avoided.
- Use a mechanical device to raise a load from a lower to a higher level.

Awkward Objects-Chairs, etc.

- Spread your feet and BEND YOUR KNEES.
- Grasp the bottom inside and top outside corners.
- Keep your back straight and USE YOUR LEGS TO LIFT.
- Buddy-up. Get help with heavy loads.

Cylinders, barrels and drums.

Use a specialized piece of equipment such as a wheelbarrow, forklift, hand truck, dolly or other type of material handling equipment.

Use and Care of the Support Device

- Wear the support device low on your hips.
- Continuous wearing of the support device off the job may cause loss of stomach muscle tone.
- The support device will be hand washed, using mild soap and warm water. Lay it flat and dry at room temperature.

Training

- Each employee who receives a support device will attend a training program.
- Training programs will be scheduled for newly hired employees.
- The Department/Division can contact the Department of Human Resources, Insurance Division to arrange for the required training.

Disciplinary Action

- It is the responsibility of the supervisor/foreman to ensure that this Safety Policy/Procedure is being followed.

- Violations of the Safety Policy/Procedure will be noted and disciplinary action will follow the City of Las Vegas Positive Discipline Program.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	90-1
	DATE:	1/90
	REVISED	2/01
	APPROVED	7/91
	REVIEWED	9/02

Scaffolds

SCOPE:

This policy covers establishment and implementation of procedures covering the erection and use of scaffolding by City of Las Vegas employees.

PURPOSE:

To reduce serious injuries to City of Las Vegas employees in those classifications requiring the use of scaffolds.

STANDARDS:

The State of Nevada , Occupational Safety and Health Enforcement Standards 29CFR1910.28 and 29CFR1926.450 through 452.

POLICY:

For All Scaffolds

When any one of these requirements is not met, the employee will not use the scaffold and will report it to his supervisor. The supervisor will contact the City's Safety/Loss Control Officer. The Safety/Loss Control Officer will contact and work with the appropriate authority to correct any deficiencies.

General Requirements

- Scaffold braces, brackets, trusses, screw legs, ladders, etc. will be in good condition.
- Scaffold legs need to be adequately supported by base plates.
- Unstable objects such as barrels, boxes, loose bricks or concrete blocks will not be used to support scaffolds or planks.
- The unevenness of the ground will be compensated for by the use of adjustable screws.
- Scaffolds will be level and plumb at all times.

- Top and intermediate guardrails will be used on all open sides and ends of scaffolding l0 ft. in height (4 ft. in height if the minimum dimension in either direction is less than 45 inches). Toeboards will be used over l0 ft. in height.

- Ladders will be used to gain access to the desired level. While the ends of some scaffolds look like ladders, they do not meet the requirement and they will not be used to gain access.

- Overhead protection will be provided for workers on scaffolds exposed to overhead hazards.

- Anchor running scaffold to wall at least every 30 ft. in length and 26 ft. in height.

- Do not use ladders or makeshift devices on top of the scaffold to increase the height.

- Scaffold is not to be placed in the proximity of power lines unless special precautions are taken.

- Scaffolds will be properly braced by cross-bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces will be of such length as will automatically square and align vertical members, so that the erected scaffold is always plumb, square, and rigid. All brace connections will be made secure.

- Scaffolds will be capable of supporting at least 4 times the maximum intended load.

TYPE	WEIGHT RATING	LENGTHS
Light Duty	25 lbs. per sq/ft	10
Medium Duty	50 lbs. per sq/ft	8
Heavy Duty	75 lbs. per sq/ft	6

- The employee will estimate (overestimate) the weight of individuals and tools/equipment on the scaffold, and apply the following:

    - ❖ Three l50-pound employees and 50 pounds of equipment (intended load): 500 lbs. x 4 (safety factor) = 2000 lbs.

    - ❖ Determine the type of scaffold to be used, or in use, i.e. light, medium or heavy duty.

    - ❖ Determine square footage of working platform. Scaffold lengths are standard at l0 feet, 8 feet and 6 feet. However, scaffold widths may vary from 3 feet to 5 feet.

    - ❖ Multiply the square footage by the weight rating for the type of scaffold in use to determine if the scaffold will support the intended load.

TYPE	SQUARE FOOTAGE	WEIGHT RATING	WEIGHT
Light Duty, 10′ x 5′	50 sq/ft	25 lbs.	1250 lbs.
Medium Duty, 8′ x 5′	40 sq/ft	50 lbs.	2000 lbs.
Heavy Duty, 6′ x 5′	30 sq/ft	75 lbs.	2250 lbs.

In the above example, only a heavy duty scaffold will safely support 4 times the intended load of 2,000 pounds.

Planking

- All planking will be scaffold grade of sound quality, straight-grained and free from knots. Broken/split planking will not be walked on.
- All planking will have at least 12 inches of overlap and extend 6 inches beyond support (bearer) or be cleated at both ends.
- Do not overload scaffolds. Maximum allowable spans for nominal thickness lumber are:

Span Feet	Load Pounds per Sq. Inch
6	75
8	50
10	25

- Scaffold platforms will be fully planked.
- Scaffold planks will be secured when necessary to prevent uplift or displacement.

Manually Propelled Mobile Scaffolds

- Rolling towers will be level and plumb at all times.
- Rolling towers will be no higher than 4 times the minimum base dimension.
- Caster brakes will be applied at all times when scaffold is not being moved.
- Casters will be attached to the frame leg by pins or other suitable means.
- Rolling towers will be fully braced on both sides.
- Horizontal diagonal bracing will be used on the bottom and 20 ft. thereafter to prevent rocking.

- All frames will be locked together.

- Top and mid-guardrails (approximately 42 inches) in height and toe boards will be installed on all open sides and ends on all scaffolds over l0 feet high.

- Ladders will be used to gain access to the tower platform. The tower structure will not be climbed to gain access.

- Tower platform will be fully planked and secured in place.

- Rolling scaffolds will not be ridden.

Training

Each Division where scaffolding is used will provide their employee with training on the proper erection and care of the scaffolding annually.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	89-4
	DATE:	12/89
	REVISED	2/01
	APPROVED	2/90
	REVIEWED	9/02

Single and Multi-Piece Rim Wheels

SCOPE:

This policy covers the establishment and implementation of safe operating procedures for the servicing of single and multipiece wheels.

These servicing procedures address only the inflating, deflating, installing, removing and handling of single and multipiece rim wheels by City of Las Vegas employees. The mounting and demounting of single and multipiece rim wheels will not be done by City of Las Vegas employees, but will be done on a contractual basis by an outside vendor.

PURPOSE:

To reduce serious injuries to City of Las Vegas employees in those job classifications requiring them to service single and multipiece rim wheels.

STANDARD:

The State of Nevada , Occupational Safety and Health Enforcement Section General Industry Standard 29CFR1910.177.

POLICY:

Tire Servicing Equipment

The following equipment will be supplied at the locations, fixed or mobile, where tires are serviced:

- A clip-on chuck.
- An in-line valve with a pressure regulator.
- A sufficient length of hose between the clip-on chuck and the in-line regulator, to allow the employee to stand outside the potential path or route (trajectory) that a rim wheel component may travel during an explosive separation or sudden release of the pressurized air.
- Current charts and rim manuals containing instructions for the types of wheels being serviced will be available for employee use.

- Only tools recommended in the Rim Manuals will be used.

Safe Operating Procedure for Multipiece Wheels

Multipiece wheels are vehicle wheels consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated. For those wheels which are serviced by City of Las Vegas employees, the following safety procedure will be followed:

- Tires will be completely deflated by removing the valve core before a wheel is removed from the axle.

- If a tire on a vehicle is under-flated but has more than 80% of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle, provided remote control inflation equipment is used and no employees remain in the trajectory during inflation.

- No attempt will be made to correct the seating of side and lock rings by hammering, striking, or forcing the components while the tire is pressurized.

- Cracked, broken, bent or otherwise damaged rim components will not be reworked, welded, brazed, or otherwise heated.

- Whenever multipiece rim wheels are being handled, employees will stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

- No heat will be applied to a multipiece wheel or wheel component.

- Tires will be mounted only on compatible wheel mating head diameter and width.

Safe Operating Procedure for Single Piece Wheels

Single piece wheels are vehicle wheels consisting of one part designated to hold the tire on the wheel when the tire is inflated. It does not include wheels used on automobiles or pickup trucks, and vans utilizing automobile tires or truck tires designated "LT" (Light Truck). For those tires serviced by City of Las Vegas employees, the following safety procedures will be followed:

- Tires will be inflated only when contained within a restraining device, positioned behind a barrier, or bolted on the vehicle with the lug nuts fully tightened.

- Tires will not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

- Employees will stay out of the trajectory when inflating a tire.

- Tires will not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

- Heat will not be applied to a single piece wheel.

- Cracked, broken, bent, or otherwise damaged wheels will not be reworked, welded, brazed, or otherwise heated.

- Tires will be mounted only on compatible wheel of mating head diameter and width.

Safe Operating Procedure for Tires on Automobiles, Pick-up Trucks, Vans, or Tires Designated "LT" (Light Truck)

For the above tires, the following safety procedure will be followed:

- A tire changing machine will be used to mount, demount, inflate and/or deflate tires.

- The rim hold down device will remain in place throughout the entire demounting, mounting and inflation procedure.

- Tires will be completely deflated by removal of the valve core before demounting.

- Mounting and demounting of tires will be done only from the narrow ledge side of the wheel. Care will be taken to avoid damaging the tire beads.

- Tires will be mounted only on compatible wheel of mating bead diameter and width.

- If a bead expander is used, it will be removed before the valve core is installed, and as soon as the rim wheel becomes airtight.

- Tires will not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

- Employees will stay out of the trajectory when tire is being inflated.

- Heat will not be applied to a single piece wheel

- Cracked, broken, bent or damaged wheels will not be reworked.

- Non-flammable rubber lubricant will be applied to bead and wheel mating surfaces before assembling the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

Training Program

- A training program will be provided to those City of Las Vegas employees who service single, multipiece and automobile tires.

- Training will consist of instruction in the correct procedure of servicing the type of wheel being serviced and the safe operating procedures described in this policy.

- Annually, the supervisor will evaluate the employee's ability to safely service the types of wheels in use.

- The attached evaluation form will be used for this purpose. The original will be maintained at the site, and a copy forwarded to the Insurance Division for review.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	87-5.0
	DATE:	10/87
	REVISED	5/07
	APPROVED	6/07
	REVIEWED	5/07

Street Barricades

SCOPE:

This policy/procedure provides guidelines for the safe work practices when working in the public right of way or City alleys.

PURPOSE:

To ensure City of Las Vegas employees are protected to the greatest degree possible when performing work in the public right of way.

STANDARD:

US Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition or latest revision, State of Nevada , Occupational Safety and Health Administration, Construction Industry Standard 29 CFR 1926.200 through 203 and ANSI/ISEA 107-204.

POLICY:

- No employee will work in or alongside a public right of way or alley without the protection of traffic cones, barriers, warning flags, signs, or lights placed in accordance with the MUTCD.

- For daytime use, safety vests shall meet the requirements of Class 2 garments and for nighttime use, safety vests shall meet the requirements of Class 3 garments per ANSI/ISEA 107.204.

  NOTE: Regardless of the area of material used, a sleeveless garment or vest alone shall not be considered Class 3.

- During the months of March through October, consideration must be given for the health effects that can be caused by elevated ambient temperatures. During these months, Class 2 mesh vests will be allowed to be worn during daytime and nighttime operations.

- A flag person will be used when required and they will be trained and certified.

- Arrow boards will be maintained in good repair with all lights illuminated and maintained clean and highly visible.

- Vehicles that perform “stop and go” or moving/mobile operations that require a wide turn radius or make sudden turns or stops will be appropriately signed on the rear of the vehicle.

- All slow moving vehicles will display the slow moving vehicle emblem on the rear.

Training

Each Division will provide annual training to their employees on the proper practices required to set street barricades. The Division will forward training documentation to Human Resources, Insurance Services.

	City of Las Vegas SAFETY POLICY/PROCEDURE	NO: xxx DATE: xxx REVISED xxx APPROVED xxx REVIEWED xxx

Tree Trimming and Removal

Could not find this policy in the old manual.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	3-02
	DATE:	6/03
	REVISED	3/03
	APPROVED	7/03
	REVIEWED	7/03

Trailer Towing

SCOPE:

To provide guidelines in the inspection of trailer hitches.

PURPOSE:

To reduce the potential damage to City of Las Vegas equipment.

STANDARD:

State of Nevada , Motor Vehicle Code.

POLICY:

- There is a lot more to towing a trailer than just hitching up and taking off down the road. Tow vehicles must be compatible with hitching, braking and wiring systems to ensure safety.

- Trailer types range from no brakes to surge brakes, electric brakes and hydraulic brakes with a pull cord or air brakes.

- For a trailer with a load weight of more than 1500 pounds, a separate braking system and a breakaway switch located on the tongue is required to activate the trailer brakes in the event the trailer separates from the tow vehicle.

- Ball mounted attachments are to be removed and stored in the vehicle between uses. The operator will be responsible for storing and maintaining the ball mount attachments in good condition. Fleet and Transportation Services will replace the ball mount attachments when, in their opinion, the unit has reached its end of service live. Missing, stolen or damaged units will be replaced at the Department/Division's expense. Ball mount attachments will be replaced upon request accompanying a Vehicle/Equipment Accident Investigation form signed by the supervisor.

- To ensure safe operation, the Pre-Departure Safety check list will be completed prior to each use. All defects must be reported to your supervisor and Fleet and Transportation Services. The unit will be tagged out of service until the defects are corrected.

- When the weight of the trailer and its load are less than 10,000 pounds and the towing vehicle is greater than 26,001 pounds a Class B Commercial Drivers License (CDL) is required.

- When the weight of the trailer and its load exceeds 10,001 pounds and the towing vehicle is greater than 26,001 pounds a Class A Commercial Drivers License (CDL) is required.

TRAILER TOWING
PRE-DEPARTURE SAFETY CHECKLIST

- ☐ Inspect tires for correct tire pressure with a tire pressure gauge. Visually inspect wheel lug nuts to ensure they are present on the tow vehicle and trailer.

- ☐ Be sure that the hitch, coupler, draw bar and other equipment that connects the trailer and the tow vehicle are properly secured and adjusted.

- ☐ Ensure the wiring harness is properly connected – not touching the road, but loose enough to make turns without disconnecting or damaging the wiring.

- ☐ Make sure all running lights, brake lights, turn signals and hazard lights are working.

- ☐ Verify that the brakes on the tow vehicle and trailer are operating correctly.

- ☐ Ensure all items are securely fastened/secured on and in the trailer.

- ☐ Be sure that the trailer jack, tongue support and any attached stabilizers are raised and locked in place.

- ☐ Check load distribution to make sure the tow vehicle and trailer are properly balanced front to back and side to side.

- ☐ Check side and rearview mirrors to make sure you have good visibility.

- ☐ Safety chains (2) with hooks (2). When connected, safety chains should have some slack to permit sharp turns but should not drag on the road. They should cross under the trailer tongue to help prevent the tongue from dropping to the road in the event the trailer separates from the tow vehicle.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	95-1
	DATE:	3/95
	REVISED	11/06
	APPROVED	12/06
	REVIEWED	11/06

Use of Cellular Phones and Computers

SCOPE:

To establish guidelines for City of Las Vegas employees to follow when using cellular phones while operating motor vehicles.

PURPOSE:

To reduce the risk of bodily injury and property damage due to vehicular accidents.

STANDARDS:

Nevada Revised Statutes, Chapter 484.

POLICY:

The following procedures shall be used by all City of Las Vegas employees for receiving incoming and making outgoing calls on cellular phones.

If it is not possible, the following procedure applies:

- Receiving incoming calls:
  - ❖ Answer the call and advise the caller to hold.
  - ❖ Safely pull to the side of the road.
  - ❖ Place vehicle in park.
  - ❖ Respond to the caller.
- Making outgoing calls:
  - ❖ Calls WILL NOT be initiated until the vehicle has been pulled safely to the side of the road and the vehicle has been placed in park.
  - ❖ Use of headsets is prohibited. While these devices allow the operator of the vehicle to have both hands free, the operator of the motor vehicle is still distracted by communicating with the caller lessening their ability to concentrate on roadway hazards.

Training

- Information on this policy shall be made available every 2 years to those drivers required to attend the City's Defensive Driving Training.

- See Chapter II of the Safety/Loss Control Manual regarding Defensive Driving and Remedial Driver Training attendance requirements.

Discipline

- Failure to follow this Safety Policy/Procedure will result in disciplinary action and in accordance with City of Las Vegas policies and procedures.

City of Las Vegas SAFETY POLICY/PROCEDURE	NO:	90-4
	DATE:	2/90
	REVISED	8/05
	APPROVED	7/91
	REVIEWED	8/05

Welding and Cutting

SCOPE:

To provide guidelines for the safe operation of welding and cutting operations.

PURPOSE:

To reduce City of Las Vegas' employee exposure during welding and cutting operations.

STANDARD:

State of Nevada , Occupational Safety and Health Enforcement Section, General Industry Standard 29CFR1910.252 through 29CFR1910.255 and Construction Industry Standards 29CFR1926.350 through 354.

POLICY:

General Requirements for Storage of Compressed Gas Cylinders

- Compressed gas cylinders will be labeled to identify the gas content with either the chemical name or the trade name of the gas.

- Compressed gas cylinders will be kept away from heat sources or where they might become part of an electrical circuit.

- Compressed gas cylinders when stored inside buildings will be:

    - In designated areas away from elevators, stairways or passageways;
    - In well ventilated areas;
    - In a dry location;
    - At least 20 feet from combustible materials; and
    - With the valve protection cap in place.

- Acetylene compressed gas cylinders will be stored valve end up and should NEVER be laid on their side.

- Oxygen compressed gas cylinders will be separated from fuel-gas cylinders or combustible materials by either:

    - ❖ A minimum of 20 feet; or
    - ❖ A non-combustible barrier at least 5 feet high, having a fire resistance rating of at least one-half hour.

Operating Procedures for Oxygen-Fuel Gas Systems

- Compressed gas cylinders, cylinder valves, couplings, regulators, hoses and apparatus will be kept free from oily or greasy substances.

- Compressed gas cylinders will not be dropped or permitted to strike each other violently.

- Valve-protection caps will not be used for lifting purposes nor will bars be placed under valves or through valve protection caps to pry cylinders loose.

- Compressed gas cylinders not having fixed hand wheels will have keys, handles, or non-adjustable wrenches ON the valve stems while the cylinder is in service.

- Compressed gas cylinder valves will be closed:

    - ❖ Before moving cylinder;
    - ❖ When work is finished; and
    - ❖ When the cylinder in empty.

- Compressed gas cylinders will never be used as rollers or supports.

- Compressed gas safety devices in cylinders or valves will not be tampered with.

- Compressed gas cylinder valves will not be opened by the use of a hammer or wrench if valves cannot be opened by hand, the supplier will be contacted.

- Before connecting a regulator to a cylinder valve, the valve will be opened slightly and closed immediately to check the valves function.

    - ❖ Stand to one side.
    - ❖ Never crack a fuel gas cylinder near other welding work or other sources of ignition.
    - ❖ When leaky valves or fittings are found which cannot be stopped by closing the valve, the cylinder will be taken outdoors away from sources of ignition and slowly emptied.

- Acetylene cylinder valves will not be opened more than one and one-half turns and preferably no more than three-fourths of a turn.

- Flash-back (check valve) protection will be provided by an approved device that will prevent flame from passing into the fuel-gas system.

- Hose(s) showing leaks, burns, worn places or other defects will be replaced.

General Requirements for Arc Welding/Cutting Systems

- Employees designated to operate equipment will be properly instructed and qualified to operate the equipment.

- Terminals for welding leads will be protected from accidental electrical contact by employees or metal objects by dead-front receptacles for plug connections; recess openings with non-removable covers; heavy insulating sleeves or taping.

- Chains, wire ropes, cranes, hoists and elevators will not be used to carry welding current.

- The work lead will be firmly attached to the work, clamped and will be free of metal particles on the contact surface(s).

- Grounding of the welding machine frame will be checked.

- Electrode holders when not in use will be placed so they cannot make electrical contact with persons, conducting objects or compressed gas cylinders.

- Electrodes will be removed from the holder when the unit is not in use.

- Cables with splices within l0 feet of the holder will not be used.

- Welding electrode cables will not be coiled or looped around the welders' body.

- Machines that have become wet will be thoroughly dried and tested before being used.

- All equipment defects or safety hazards will be reported to the operator's supervisor. Repairs to equipment will be made only by qualified personnel.

Fire Prevention and Protection

- If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity will be taken to a safe place.

- If the object to be welded or cut cannot be moved and if all the fire hazards cannot be removed, then guards will be used to confine the heat, sparks, and slag, and to protect the immovable fire hazards.

- Restrictions: If the requirements stated in (A) and (B) cannot be followed then welding and cutting will not be performed.

- When the nature of the work to be performed falls within the scope of (B), certain additional precautions will be necessary:

    - ❖ Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions will be taken so that no readily combustible materials on the floor below will be exposed to sparks which might drop through the floor. The same precautions will be observed with regard to cracks or holes in walls, open doorways and open or broken windows.

    - ❖ Suitable fire extinguishing equipment will be maintained in a state of readiness for use.

    - ❖ A fire watch will be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

        - Combustible material, in building construction or contents, closer than 35 feet to the point of operation.

        - Combustibles are more than 35 feet away but are easily ignited by sparks.

        - Wall or floor openings within a 35-foot radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

        - Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

        - The fire watcher will have fire extinguishing equipment readily available and be trained in its use. They will be familiar with facilities for sounding an alarm in the event of a fire. They will watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch will be maintained for a least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

        - Before cutting or welding is permitted, the area will be inspected by the individual responsible for authorizing cutting and welding operations. He will designate precautions to be followed in granting authorization to proceed by completing the Hot Work Permit (See Appendix A).

        - Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor will be swept clean for a radius of 35 feet. Combustible floors will be kept wet, covered with damp sand, or protected by fire-resistant shields. Where floors have been wet down, personnel operating arc welding or cutting equipment will be protected from possible shock.

        - Cutting or welding will not be permitted in the following situations:

            - ➢ In areas not authorized by the supervisor.

- In sprinklered buildings while such protection is impaired.
- In the presence of explosive atmospheres (mixtures of flammable gases, vapors, liquids, or dusts with air), or explosive atmospheres that may develop inside uncleaned or improperly prepared tanks or equipment.
- In areas near the storage of large quantities of exposed, readily ignitable materials.

- Where practicable, all combustibles will be relocated at least 35 feet from the work site. Where relocation is impracticable, combustibles will be protected with flameproof covers or otherwise shielded with metal, guards or curtains.

- Ducts and conveyor systems that might carry sparks to distant combustibles will be shut down.

- Where cutting or welding is done near walls, partitions, ceiling or the roof of combustible construction, fire-resistant shields or guards will be provided to prevent ignition.

- If welding is to be conducted on a metal wall, partition, ceiling or roof, precautions will be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work will be provided.

- Welding will not be attempted on a metal partition, wall, ceiling or roof having combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

- Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs will not be undertaken if the work is close enough to cause ignition by conduction.

- The Supervisor will:

    - Be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

    - Determine what combustible materials and hazardous areas are present or likely to be present in the work location.

    - Protect combustibles from ignition by the following:

        - Have the work moved to a location free from dangerous combustibles.

        - If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition.

        - See that cutting and welding are so scheduled that operations that might expose combustibles to ignition are not started during cutting or welding.

    - Issue authorization for the cutting or welding operations.

- ❖ Determine that the cutter or welder assures his approval that conditions are safe before going ahead.
- ❖ Determine that fire protection and extinguishing equipment are properly located at the site.
- ❖ Where fire watches are required, he will see that they are available at the site.

Employee Protection

- Helmets will be used by the welder during all arc welding and cutting operations.
- Goggles will be used by the welder during all gas welding or oxygen cutting operations.
- Helpers will be required to wear proper eye protection. The following guide will be followed to select the proper shade number for the lenses to be used:

Welding Operation	Shade No.
Shielded metal-arc welding:	
1/6, 3/32, 1/8, 5/32-inch electrodes.....	10
Gas-shielded arc welding (non-ferrous)	
1/16, 3/32, 1/8, 5/32-inch electrodes.....	11
Gas-shielded arc welding (ferrous):	
1/16, 3/32, 1/8, 5/32-inch electrodes.....	12
Shielded metal arc welding:	
3/16, 7/32, 1/4-inch electrodes.....	12
5/16, 3/8-inch electrodes.....	14
Atomic hydrogen welding.....	10-14
Carbon arc welding.....	14
Soldering.....	2
Torch brazing.....	3 or 4
Light cutting, up to 1 inch.....	3 or 4
Medium cutting, 1 inch to 6 inches.....	4 or 5
Heavy cutting, 6 inches and over.....	5 or 6
Gas welding (light) up to 1/8 inch.....	4 or 5
Gas welding (medium) 1/8 inch to 1/2 inch....	5 or 6
Gas welding (heavy) 1/2 inch and over.....	6 or 8

- Workers adjacent to the welding areas will be protected from the rays by non-combustible or flameproof screens or shields or will wear the appropriate goggles.

- The appropriate protective clothing will be worn during welding and cutting operations.

- When working in confine spaces, City of Las Vegas Safety Policy/Procedure No. 90-5 will be followed.

Ventilation and Health Protection

Ventilation

- When welding screens are used, they will be so mounted that they are about 2 feet above the floor so as not to restrict the ventilation.

- Mechanical ventilation will be provided when welding and cutting is preformed indoors on materials containing the following compounds:

    - ❖ Fluxes, coverings, or other materials which contain fluorine;
    - ❖ Zinc-bearing base or filler metals or metals coated with zinc-hearing materials;
    - ❖ Lead-base metals;
    - ❖ Beryllium-containing base or filler metals;
    - ❖ Cadmium-bearing or cadmium coated;
    - ❖ Metals coated with mercury-bearing materials including paints;
    - ❖ Cutting of stainless steel;
    - ❖ In a space of less than 10,000 cubic feet per welder;
    - ❖ In a room having a ceiling height of less than 16 feet; and
    - ❖ In confined spaces.

- Ventilation will be at the minimum rate of 2,000 cubic feet per minute per welder, except where local exhaust hoods or fixed enclosures are provided.

    - ❖ Local exhaust hoods are:

        - Freely movable hoods intended to be placed by the welder as near as practicable to the work being welded and provided with a rate of airflow sufficient to maintain a velocity in the direction of the hood of l00 linear feet per minute in the zone of welding when the hood is at its most remote distance from the point of welding. The rates of ventilation required to accomplish this control velocity using a 3-inch wide flanged suction opening are shown in the following:

Welding Zone	Minimum Air Flow/CFM*	Duct Diameter Per Sq. Inch2
4 to 6 inches from arc or torch	150	3
6 to 8 inches from arc or torch	275	3-1/2
8 to 10 inches from arc or torch	425	4-1/2
10 to 12 inches from arc or torch	600	5-1/2

*Cubic Feet Per Minute

[1] When brazing with cadmium bearing materials or when cutting on such materials, increased rates of ventilation may be required.

[2] Nearest half-inch duct diameter based on 4,000 feet per minute velocity in pipe.

- ❖ Fixed enclosure: A fixed enclosure with a top and not less than two sides which surround the welding or cutting operations and with a rate of airflow sufficient to maintain a velocity away from the welder of not less than 100 linear feet per minute.

- Oxygen will NEVER be used for ventilation.

Health Protection

Local exhaust or general ventilating systems will be provided and arranged to keep the amount of fumes, gases or dust below the maximum allowable concentration as specified in Subpart Z, 29CFR1910.1000 or the latest edition of the American Conference of Governmental Industrial Hygienist (ACGIH), Threshold Limit Values and Biological Exposure Indices.

Prohibition

NO welding, cutting or other hot work will be performed on used drums, barrels, tanks or other containers.

Personal Protective Equipment

Division Managers, which require welding and cutting activities will ensure that the appropriate personal protective equipment (PPE) is provided and used according to their Division's Personal Protective Equipment Assessment. See Safety Policy/Procedure 01-1.

Training

Division Managers which require welding and cutting activities will provide annual training to those employees engaged in welding and cutting operations.

APPENDIX A

WARNING!

HOT WORK IN PROGRESS

WATCH FOR FIRE!

REQUIRED CHECKLIST

☐ Available sprinklers, hose streams and extinguishers are in service/operable.
☐ Hot Work equipment in good repair.

REQUIREMENTS WITHIN 35 FEET OF WORK

☐ Flammable liquids, dust, lint and oily deposits removed.
☐ Explosive atmosphere in area eliminated.
☐ Floors swept clean.
☐ Combustibles floors wet down, covered with damp sand or fire-resistive sheets.
☐ Remove other combustibles where possible. Otherwise protect with fire-resistive tarpaulins or metal shields.
☐ All wall and floor openings covered.
☐ Fire-resistant tarpaulins suspended beneath work.

WORK ON WALLS OR CEILINGS

☐ Construction is noncombustible and without combustible covering or insulation.
☐ Combustibles on other side of walls moved away.

WORK ON ENCLOSED EQUIPMENT

☐ Enclosed equipment cleaned of all combustibles.
☐ Containers purged of flammable liquids/vapors.

FIRE WATCH/HOT WORK AREA MONITORING

☐ Fire Watch will be provided during and for 30 minutes after work, including any breaks.
☐ Fire Watch is supplied with suitable extinguishers.
☐ Fire Watch trained in use of this equipment and sounding alarm.
☐ Fire Watch is required for adjoining areas, above and below.
☐ Monitor Hot Work area 4 hour after job is completed.
☐ Other precautions taken. _____

INSTRUCTIONS

1. Employees doing Hot Work: Indicate time started and post permit at Hot Work location. After Hot Work, indicate time completed and leave permit posted for Fire Watch.
2. Fire Watch: Prior to leaving area, do final inspection, sign and leave permit posted and notify supervisor.
3. Final inspection, sign and return permit to supervisor.

Hot Work being done by:

☐ Employee ☐ Contractor: _____

Date Location/Building & Floor: _____

Nature of Job: _____

Name of Person Doing Hot Work: _____

Signed: _____

Time Started _____ AM PM Time Finished _____ AM PM

Permit Expires: Date _____ Time _____ AM PM

FIRE WATCH SIGN OFF

Work area and all adjacent areas to which sparks and heat have spread were inspected during the Fire Watch period and were found fire safe.

Signed _____

FINAL CHECKUP

Work area was monitored and found fire safe.

Signed _____

THIS PERMIT IS TO BE RETURNED TO THE SUPERVISOR AND KEPT ON FILE BY THE DIVISION WHICH IS DOING THE HOT WORK

	City of Las Vegas **SAFETY POLICY/PROCEDURE**	NO: xxx DATE: xxx REVISED xxx APPROVED xxx REVIEWED xxx

Working Outdoors in Warm Climates

SCOPE:

This policy covers the establishment of safe operating procedures for employees that perform work outdoors when exposed to heat and sun hazards.

PURPOSE:

To ensure City of Las Vegas employees are protected from heat stress and heat stroke hazards when performing work outdoors in warm climates.

POLICY:

All employees must be familiar with the potential hazards associated with working in warm outdoor climates as listed below:

SUN - Sunlight contains ultraviolet (UV) radiation, which causes premature aging of the skin, wrinkles, cataracts, and skin cancer. There are no safe UV rays or safe suntans. Be especially careful in the sun if you burn easily, spend a lot of time outdoors, or have any of the following physical features: numerous, irregular, or large moles; freckles, fair skin; or blond, red, or light brown hair.

Methods to block those harmful rays:

- Cover up. Wear loose-fitting, long-sleeved shirts and long pants.
- Use sunscreen with a sun protection factor (SPF) of at least 30. Be sure to follow application directions on the bottle or tube.
- Wear a hat. A wide brim hat, not a baseball cap, works best because it protects the neck, ears, eyes, forehead, nose and scalp.
- Wear UV-absorbent sunglasses (eye protection). Sunglasses should block 99 to 100 percent of UVA and UVB radiation.
- Limit exposure. UV rays are most intense between 10 a.m. and 4 p.m.

HEAT – The combination of heat and humidity can be a serious health threat during the summer months. If you work outside, you may be at increased risk for heat-related illness.

Take precautions:

- Drink small amounts of water frequently.
- Wear light-colored, loose-fitting, breathable clothing – cotton is good.

- Take frequent short breaks in the shade.
- Eat smaller meals before work activity.
- Avoid caffeine and alcohol or large amounts of sugar.
- Work in the shade, when possible.
- Find out from your health care provider if your medications and heat don't mix.
- Know that equipment such as respirators or work suits, such as Tyvek, can increase heat stress.
- Temperatures are highest between 10 a.m. and 4 p.m. so a heavy workload should be limited between these time periods when possible.

If excessive heat warning is issued, workers must be protected from heat-related illness.

There are three kinds of major heat-related disorders – heat cramps, heat exhaustion, and heat stroke, which can be fatal. You need to know how to recognize each one and what first aid treatment is necessary.

Symptoms of heat exhaustion include:

- Headaches, dizziness, lightheadedness or fainting
- Weakness and moist skin.
- Mood changes such as irritability or confusion.
- Upset stomach or vomiting.

Symptoms of heat stroke include:

- Dry, hot skin with no sweating.
- Mental confusion or losing consciousness.
- Seizures or convulsions.

<u>Training</u>

Each Division will ensure that all employees in those job classifications that work outdoors are trained annually to protect themselves. The Division will forward all safety training documentation to Insurance Services Division.

City of Las Vegas Agenda Item No.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
Approval of Centennial History Grant funding in the amount of $300,000 to fund a master plan for the Historic Westside School and Variety Early Learning Center and Historic Preservation Plan for the Historic Westside School located at 330 West Washington Avenue– Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $300,000
Funding Source: Commission for the Las Vegas Centennial
Dept./Division: Planning & Development

PURPOSE/BACKGROUND:
The Planning & Development Department has been awarded $300,000 of Centennial History Grant funds to be used for a Master Plan for the Historic Westside School site and the adjacent Variety Early Learning Center site, a Rehabilitation Plan for the Historic Westside School, and minor improvements and educational materials regarding the project. The Centennial Grant to be provided to the City may be used on any qualified costs in furtherance of the Project, including, but not limited to, costs for the materials, equipment, labor, consultants, studies and other related expenses for the Project.

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:
Memorandum of Understanding between the City of Las Vegas and the Commission for the Las Vegas Centennial

MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF LAS VEGAS AND THE COMMISSION FOR THE LAS VEGAS CENTENNIAL

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this _____ day of _____, 2011, by and between the Commission for the Las Vegas Centennial, a Nevada non-profit corporation ("Commission") and the City of Las Vegas ("City").

RECITALS

WHEREAS, the City is the owner of Historic Westside School ("School"), located at 330 W. Washington Road, Las Vegas, Nevada, which includes two historic buildings and structures, including the original schoolhouse constructed in 1923 and the classroom addition constructed in 1948;

WHEREAS, the School is listed on the Nevada Register of Historic Places, the National Register of Historic Places, and the city of Las Vegas Historic Property Register; and

WHEREAS, the City desires to conduct studies and create a Master Plan for the School site and the adjacent Variety Early Learning Center site, located at 990 D. Street, and a Rehabilitation Plan for the School; and

WHEREAS, the City desires to make minor improvements to the School as part of the rehabilitation of the School; and

WHEREAS, the City desires to provide printed and web-based educational materials about the progress of the Master Plan and Rehabilitation Plan of the School; and

WHEREAS, the Commission is able to provide the Centennial grant funds for the Master Plan for the School site and the adjacent Variety Early Learning Center site, Rehabilitation Plan for the School, and minor improvements and educational materials subject to the terms of this MOU.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

ARTICLE I
IMPROVEMENTS AND GRANT FUNDS

1.1 Grant of Funds. Subject to the terms of this MOU, the Commission hereby agrees to provide to the City a grant in the total amount of Three Hundred Thousand Dollars ($300,000) (the "Centennial Grant") to be used for a Master Plan for the School site and the adjacent Variety Early Learning Center site, Rehabilitation Plan for the School, and minor improvements and educational materials (collectively the "Project"). The Master Plan includes recommendations for the following: (a) Site development of the School to include landscaping, parking lot, ADA access, and pedestrian and vehicular access improvements; (b) Improved pedestrian connection

between the School and Variety Early Learning Center. The Rehabilitation Plan includes recommendations for: (a) rehabilitation of the historic School buildings and site; (b) ADA upgrades to the School and site; (c) minor improvements as deemed necessary during the Master Plan process. Educational materials to include: (a) materials as necessary for public meetings and workshops to discuss Master Plan and Rehabilitation Plan progress; (b) historical brochures or flyers about the School and neighborhood; (c) equipment as necessary to record and archive historic materials pertaining to the School. The Centennial Grant to be provided to the City may be used on any qualified costs in furtherance of the Project, including, but not limited to, costs for the materials, equipment, labor, consultants, studies and other related expenses for the Project.

1.2 Project. City represents and covenants that it is the owner of the School, including the buildings and structures therein which is where the Project shall take place. The City shall be responsible for the administration of the Project.

1.3 City and Other Governmental Permits. At such time as required by law, City shall, at its expense, secure or cause to be secured any and all required permits and pay any and all fees which may be required by the City or any other governmental agency affected by the administration of the Project.

1.4 Rights of Access. For the purposes of assuring compliance with this MOU, representatives of the Commission shall have reasonable access to any area where the work for the Project is taking place without charge or fee and at normal business hours.

1.5 Local, State and Federal Laws. City shall carry out the Project work, or cause such work to be carried out, in conformity with all applicable laws, including, without limitation, all applicable federal and state labor standards, safety and environmental laws.

1.6 Funding. The Commission shall provide the City with the Centennial Grant of Three Hundred Thousand Dollars ($300,000) to be utilized by the City for the Project. The Commission shall provide the Centennial Grant Funds to the City, provided that the City complies with the requirements of this MOU. The Commission shall not provide any additional funding for the Project other than the Centennial Grant provided herein, except for any additional funds approved by the Commission.

1.7 City Funding Requests. When the City is in need of funds to be provided from the Centennial Grant, City shall furnish the Executive Director with a requisition for the expenditure, which shows the amount, a description of the Project items completed, copies of related invoices and a statement from the City that the work was completed. The Executive Director will, during the next succeeding fifteen (15) business days review the disbursement request and the work (if applicable) performed to see if it complies with this Agreement. If the payment should be so made, the Executive Director shall approve the request and issue a check or have the amount requested transferred to the City.

1.8 Cost Overruns. If the cost of the Project, or any portion thereof, exceeds the amounts set forth in the City's contracts for the Project, City shall pay the amount of the excess

from the City's own funds or any other funds obtained by the City or pledged to the City to pay any such excess, so long as such excess amounts are not paid from the Centennial Grant Funds.

1.9 Term. The Centennial Grant provided herein shall be available to be disbursed to the City for a period of two (2) years from the date of this MOU ("Effective Date") unless, upon request by the City, the term is extended by the Centennial Commission. Except for any provisions which survive the expiration or termination of this MOU or any extensions of the term, this MOU shall terminate upon the satisfactory completion of those Project to be funded by the Centennial Grant or the second anniversary date from the Effective Date, whichever occurs first.

ARTICLE II
MISCELLANEOUS COVENANTS

2. Inspections and Reviews. The City covenants that it will allow the Commission to inspect its books and records pertaining to the Project and this MOU at all reasonable times and upon reasonable notice.

ARTICLE III
DEFAULTS

3.1 Events of Default. Each of the following shall be deemed an "Event of Default" under this MOU.

A. Any party to this MOU fails to pay an amount under this Agreement when due.

B. Any party to this MOU fails to perform any of its duties or obligations hereunder or to abide by any covenant or representation contained in this MOU.

Notwithstanding the provisions stated above, no default, including one of the above described defaults, shall constitute an Event of Default unless one or more of the other parties to this MOU gives the defaulting party to this MOU notice in writing of the default and such default remains uncured for a period of thirty (30) days if the default is capable of cure. If such default is capable of cure, but not within thirty (30) days, it shall not be an Event of Default if the defaulting party commences to cure the same within the above-referenced thirty (30) day period and prosecutes such cure to completion with all due diligence.

3.2 Remedies for Default.

A. Remedies of Commission. If the City is the defaulting party, and an Event of Default has occurred, the City shall be entitled to exercise all rights that it has under the terms of this MOU and may withhold further funding. In addition, subject to Section 4.5 of this MOU, upon an Event of Default by the City, the Commission shall have the right to bring any suit, action or proceeding at law or in equity to enforce its rights under the provisions of this MOU and to require that the City carry out the agreements that it has made hereunder. The suit may be

for specific performance, for damages, or for both, and the Commission may also, by action in equity, enjoin any acts or things which are unlawful or in violation of the Commission's rights under this MOU.

B. Remedies of City. Subject to Section 4.5, in the Event of a Default by the Commission hereunder, the City shall be entitled to bring a lawsuit at law or in equity seeking damages from the Commission on account of the breach, and the City shall also be entitled to bring a lawsuit for specific performance to order the Commission to comply with its duties under this MOU, or bring an action for an injunction to enjoin acts of the Commission which may be unlawful or in violation of the rights of the City under this MOU.

3.3 Mutual Remedies. In addition to the remedies stated in Sections 3.1 and 3.2 of this MOU, the Commission and the City shall have all other rights and remedies afforded them by law or in equity for the enforcement of this MOU if an Event of Default has occurred and one of the other parties is the defaulting party. Subject to Section 4.5, no right or remedy conferred by this MOU is intended to be exclusive of any other right or remedy, and each and every said right or remedy is cumulative in addition to any other right or remedy given under this MOU or now or hereafter existing at law or in equity, or by statute.

3.4 No Implied Waivers. The delay or omission of any party in exercising any right or power accruing upon any event of default hereunder shall not exhaust or impair any such right or power, and shall not be construed to be a waiver of any such default or acquiescence therein. Every power or remedy given by this MOU or at law or in equity may be exercised from time to time and in any manner as may be deemed expedient.

3.5 Effect of Waiver. No waiver of any individual default hereunder by any party shall extend toward any subsequent or other event of default hereunder, or shall impair any rights or remedies for any such subsequent or other event of default hereunder.

ARTICLE IV
MISCELLANEOUS

4.1 Indemnification.

A. Subject to the limitation of NRS Chapter 41, the City agrees to protect and indemnify and hold the Commission, its directors, officers and employees and agents and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees, and court costs which the Commission, its directors, officers, employees or agents or any combination thereof may suffer or which may be sought against or recovered or obtained from the them as a result of or by reason of or arising out of or in consequence of (i.) the rehabilitation and/or restoration improvements made to the School; (ii) any environmental or hazardous waste condition hereafter existing on any of the property which is a part of the School under the control of such indemnifying party which was caused by the action of the City, or any contractor, subcontractor, agent, licensee or anyone who is directly employed by the City, or any of its contractors, subcontractors or agents, in connection with the Project, or (iii) any act or omission, negligent or otherwise, of the City, or any of its contractors,

subcontractors, agents, licensees or anyone who is directly employed by the City, or any of its contractors, subcontractors, agents or licensees, in connection with the Project.

B. Subject to NRS Chapter 41, the City agrees that it shall at its sole cost and expense defend the Commission, its directors, officers, employees and agents and each of them in any suit or action for which the City has agreed to indemnify the Commission, its directors, officers, employees or agents. The Commission shall promptly notify the City of any claim made against it for which it may seek indemnification and shall fully cooperate with the City in the defense and/or settlement thereof. If the City fails to defend the Commission as herein provided, the Commission shall have the right but not the obligation to defend the same and charge all of the direct or incidental costs of such defense, including, without limitation, any attorneys' fees or court costs to, and recover the same from, the City.

C. No indemnification is required to be paid by the City for any claim, loss or expense arising from the willful misconduct or gross negligence of the Commission or its directors, officers or employees.

D. The provisions of this Section 4.1 shall survive the termination of this MOU for a period of twelve (12) months thereafter. It is not intended by the parties hereto that the indemnification provided in this Section 4.1 revive any claim of, or extend, any statute of limitations, which has run or expired against any party or third party.

4.2 No Third-Party Beneficiaries. None of the provisions of this MOU is intended to, and none shall, constitute the general public, any member thereof, or any other person a beneficiary or third party beneficiary hereunder or to authorize anyone who is not a party to this MOU to maintain any suit for personal injuries, other damage, or any other cause of action, pursuant to this MOU.

4.3 Delay of Performance. The parties' respective obligations hereunder are subject to the following:

A. Force Majeure. In the event timely performance is prevented by an occurrence beyond the control of and without the fault of the party that is required to perform (financial inability excepted), such as, but not limited to, an act of God, the act of war, flood, earthquake, labor dispute, governmental regulations (other than existing applications of existing regulations of which the parties could reasonably be expected to be aware on the date hereof) or control and shortage of materials, the time in which performance is required to occur shall be continued for a reasonable period of time, not less than the number of days the party was delayed by the occurrence.

B. Reasonable Requests for Extension. If the party expected to perform reasonably requests an extension of time to perform, that request will not be unreasonably denied. This clause shall not apply to any delay exceeding one (1) year from the date for performance specified herein.

4.4 Contract Interpretation. All questions concerning interpretation or clarification of this Agreement will be resolved if possible by the representatives of the Commission and the City administering this Agreement. If those parties are unable to resolve the question, any party to this Agreement involved in such dispute may request in writing a meeting of the City Manager of the City, and the Executive Director or designee to attempt to resolve the question. The parties involved in such dispute agree to use their best efforts to cause those individuals to meet within five (5) days of a request. If there is no resolution to the question within ten (10) days after such request any party involved in such dispute may request binding arbitration as provided in Section 4.5.

4.5 Arbitration. All claims, disputes, or other questions that may arise between the Commission and the City concerning any provision or provisions of this MOU which cannot otherwise be settled and which have not been waived, must be submitted to and be finally settled by binding arbitration in the manner set forth in this Section. After expiration of the ten (10) day period referred to in Section 4.4, any party, by written notice to the other, may demand arbitration. The notice to arbitrate shall provide a complete statement of the nature of the claim and the amount of money in dispute, if known. The notice to arbitrate shall be null and void if received beyond the time allowed by law for the presentation of the claim to the Commission Board of Directors, if applicable, or filing of a lawsuit, whichever occurs first, presenting the same claims as those presented in the notice to arbitrate. Except as provided to the contrary in these provisions on arbitration, the arbitration shall be in conformity with and subject to applicable rules and procedures of the American Arbitration Association. If the American Arbitration Association is not then in existence or for any reason fails or refuses to act, the arbitration shall be in conformity with and subject to the provisions of the Nevada Uniform Arbitration Act as they stand amended at the time of the notice. The arbitrators shall be persons knowledgeable about the subject matter of the arbitration and they shall be bound by this Agreement. All arbitrators shall be impartial and unrelated, directly or indirectly, so far as employment of services is concerned, to any party. The Commission and the City shall pay one-half the cost of arbitration including, without limitation, arbitrators' fees. Within twenty (20) days after notice requiring arbitration, the Commission and the City shall appoint one arbitrator and give notice of the appointment to the other party included in the dispute. The two arbitrators shall choose a third arbitrator within ten (10) days after appointment of the second. If any party fails to appoint an arbitrator, or if the two arbitrators fail to choose a third, the appointment shall be made by the then presiding judge of the Eighth Judicial District Court of the State of Nevada, acting in his or her individual and nonofficial capacity, on the application of any party involved in the dispute and on five (5) days' notice to the other parties involved in the dispute; provided that any party involved in the dispute may, by notice given before commencement of the arbitration hearing, consent to arbitration by the arbitrator appointed by another party. In that event, no further appointments of arbitrators shall be made and any other arbitrators previously appointed shall be dismissed. All arbitration proceedings shall be held in Clark County, Nevada. The arbitrator(s) shall investigate the facts and shall hold hearings at which the parties may present evidence and arguments, be represented by counsel and conduct cross-examination. The arbitrator(s) shall render a written decision upon the matter presented to them by majority vote within ninety (90) days after the date upon which the last arbitrator is appointed. The parties waive any right to a trial de novo and the decision rendered in such arbitration shall be final and binding on the parties and judgment thereon may be entered by any court having jurisdiction thereof. All fees, costs and/or expenses of the arbitration, excluding preparation and presentation,

shall be assessed equally against the Commission and the City. The City shall carry on the work and maintain progress, and the Commission shall continue to perform, during any arbitration, court proceedings or any other disputes, unless the duty of such party to so perform is the subject of the dispute or a reasonable person would consider it imprudent to proceed further because of the default in question. The Commission and the City shall each pay their own costs for preparation of and presentation of all claims. For purposes of payment of an arbitrated claim under the terms of this MOU, the definition of "due and payable" of a claim, shall be the date of the arbitration decision of that claim, plus forty-five (45) calendar days. Interest will be allowed from the date the arbitrators decide payment should have been made at the prime rate referred to in NRS 99.040 plus 2 % per annum.

4.6 Successors: Assignments. This MOU shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Except as otherwise permitted herein, no assignment of this MOU or any right or obligation hereunder by any party hereto shall be valid unless the other party hereto consents to such assignment in writing.

4.7 Entire Agreement. This MOU, including any exhibits hereto constitutes the entire agreement of the parties hereto. The parties may modify this MOU, but only by a written instrument signed by each party.

4.8 Further Assurances. The City and the Commission agree to do such further acts and things and to execute and deliver to the other such additional certificates, documents and instruments as they may reasonably require or deem advisable to carry into effect the purposes of this MOU. Without limit or foregoing, the Commission will execute and acknowledge the instruments reasonably requested by the City evidencing termination of this MOU.

4.9 Notices. All notices, demands, instructions and other communications required or permitted to be given to or made upon any party hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the Commission:

Commission of the Las Vegas
c/o Executive Director
400 Stewart Avenue, 8th Floor
Las Vegas, Nevada 89101

If to the City:

City of Las Vegas
Attention: City Manager
400 Stewart Avenue, 8th Floor
Las Vegas, Nevada 89101

Notices delivered personally shall be deemed received on delivery and notices by mail shall be deemed received upon receipt or first attempted delivery, whichever first occurs. Any party hereto may change the above addresses by notice delivered to the other parties as provided in this

Section, provided that a notice of change of address shall not be effective against any party until actually received by such party.

4.10 Severability. If any provision of this MOU is deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof that can be given effect without the invalid or unenforceable provision and the parties agree to replace such invalid or unenforceable provision with a valid provision which has, as nearly as possible, the same effect.

4.11 Authorized Representatives. Each party hereto shall by written notice to the other parties designate an authorized representative, who will be responsible for all acts and approvals on behalf of that party except as otherwise specified in that notice. The authorized representative may be changed from time to time by notice to the parties designating the new authorized representative. Any such designation by the Commission must be signed by the Executive Director. Until another person is designated, the City hereby designates Elizabeth Fretwell, Deputy City Manager, as its authorized representative and the Commission hereby designates its Executive Director as its authorized representative.

4.12 Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of Nevada.

4.13 Interpretation. The captions appearing at the commencement of the Articles and Sections hereof are descriptive only and for convenience in reference to this Agreement and in no way whatsoever define, limit or describe the scope or intent of this MOU, nor in any way affect this MOU.

4.14 Termination Date. Except as otherwise provided in Section 4.1D hereof, and in this Section, this MOU shall be in effect from the date and year first mentioned above until the Improvements have been completed and all obligations pursuant to this MOU fulfilled.

4.15 Time Calculation. Whenever in this MOU a reference is made to a period of days, the same shall mean calendar days unless otherwise specified, provided that should any time period so computed end on a non-business day, the time shall be extended to the next business day.

4.16 Counterparts. This MOU may be executed in one or more counterparts, each of which shall be regarded as an original and all of which shall constitute the same MOU.

. . .
. . .
. . .
. . .

IN WITNESS WHEREOF the Commission and the City have caused this MOU to be executed as of the day and year first mentioned above.

COMMISSION FOR THE LAS VEGAS CENTENNIAL

By: _____
Oscar B. Goodman, President

ATTEST:

_____
Esther Carter, Secretary

APPROVED AS TO FORM:

J. Pinkerton 1/12/11
Date

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges, MMC, City Clerk

APPROVED AS TO FORM:

J. Pinkerton 1/12/11
Date

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an encroachment request from Fairway Property Advisors on behalf of Mahogany Run, Inc., owner (Rome Boulevard west of Riley Street) - Ward 6 (Ross)

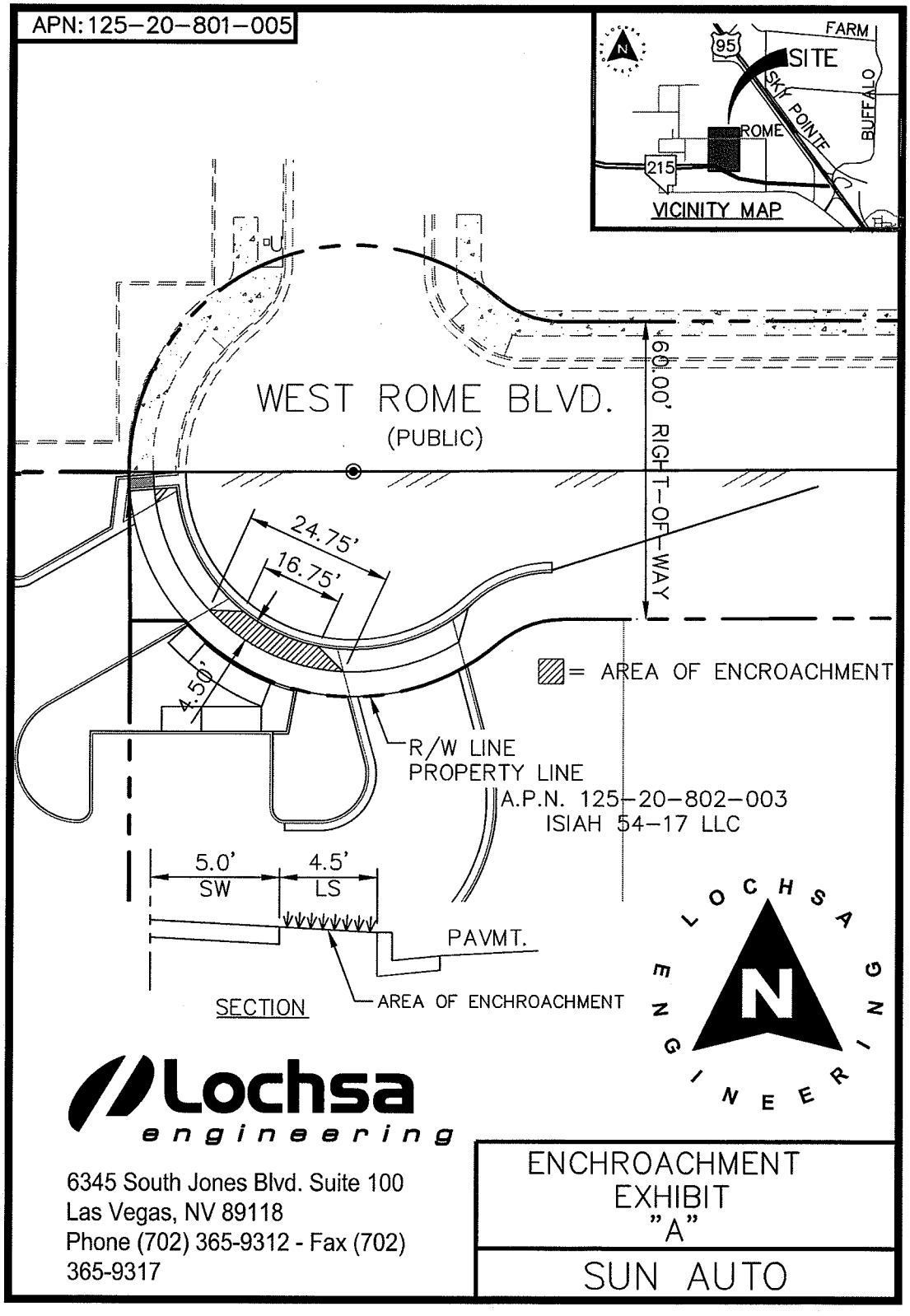
Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This request is for landscaping of approximately 112 square feet in the amenity zone between the sidewalk and curb consisting of shrubs, ground cover and an irrigation system.

RECOMMENDATION:
Approval. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

BACKUP DOCUMENTATION:
Copy of Encroachment Exhibit "A" (Rome Boulevard west of Riley Street)



Lochsa engineering

6345 South Jones Blvd. Suite 100
Las Vegas, NV 89118
Phone (702) 365-9312 - Fax (702) 365-9317

ENCHROACHMENT EXHIBIT "A"

SUN AUTO

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an encroachment request from Spanish Oaks Homeowners Association, owner (Spanish Oaks Drive between Sahara Avenue and El Camino Avenue) - Ward 1 (Tarkanian)

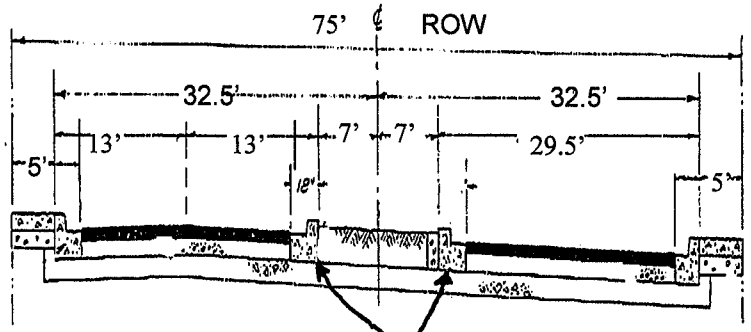
Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

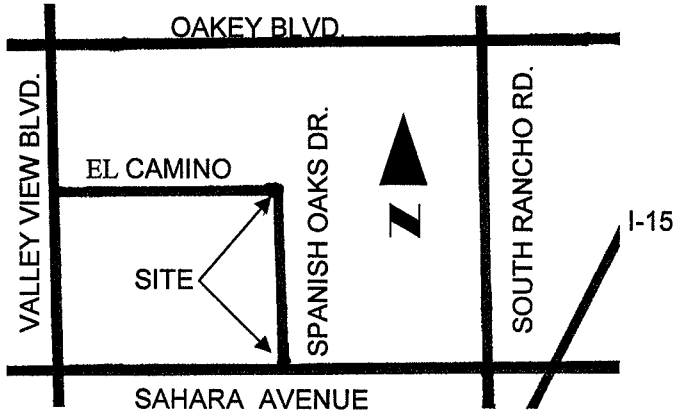
PURPOSE/BACKGROUND:
This request is for landscaping of two medians on Spanish Oaks Drive between Sahara Avenue and El Camino Avenue. The south median is approximately 255 feet long and varying in width from 4 feet to 14 feet and the north median is approximately 272 feet long varying width from 4 feet to 14 feet. The landscaping for both medians will consist of trees, shrubs, ground cover and an irrigation system.

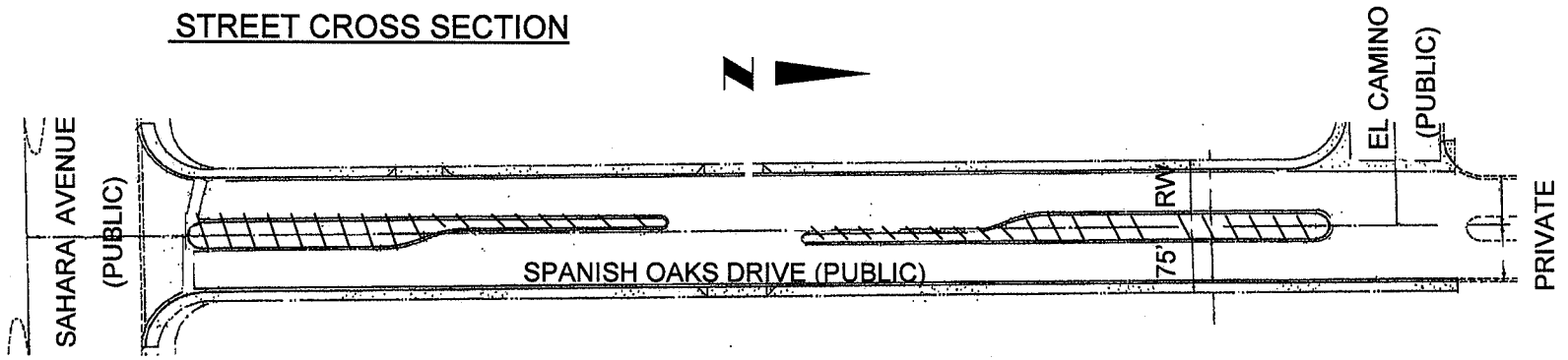
RECOMMENDATION:
Approval. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

BACKUP DOCUMENTATION:
1. Copy of Encroachment Exhibit "A" (Spanish Oaks Drive-location of medians)
2. Copy of Encroachment Exhibit "B" (Spanish Oaks Drive-location of landscaping)



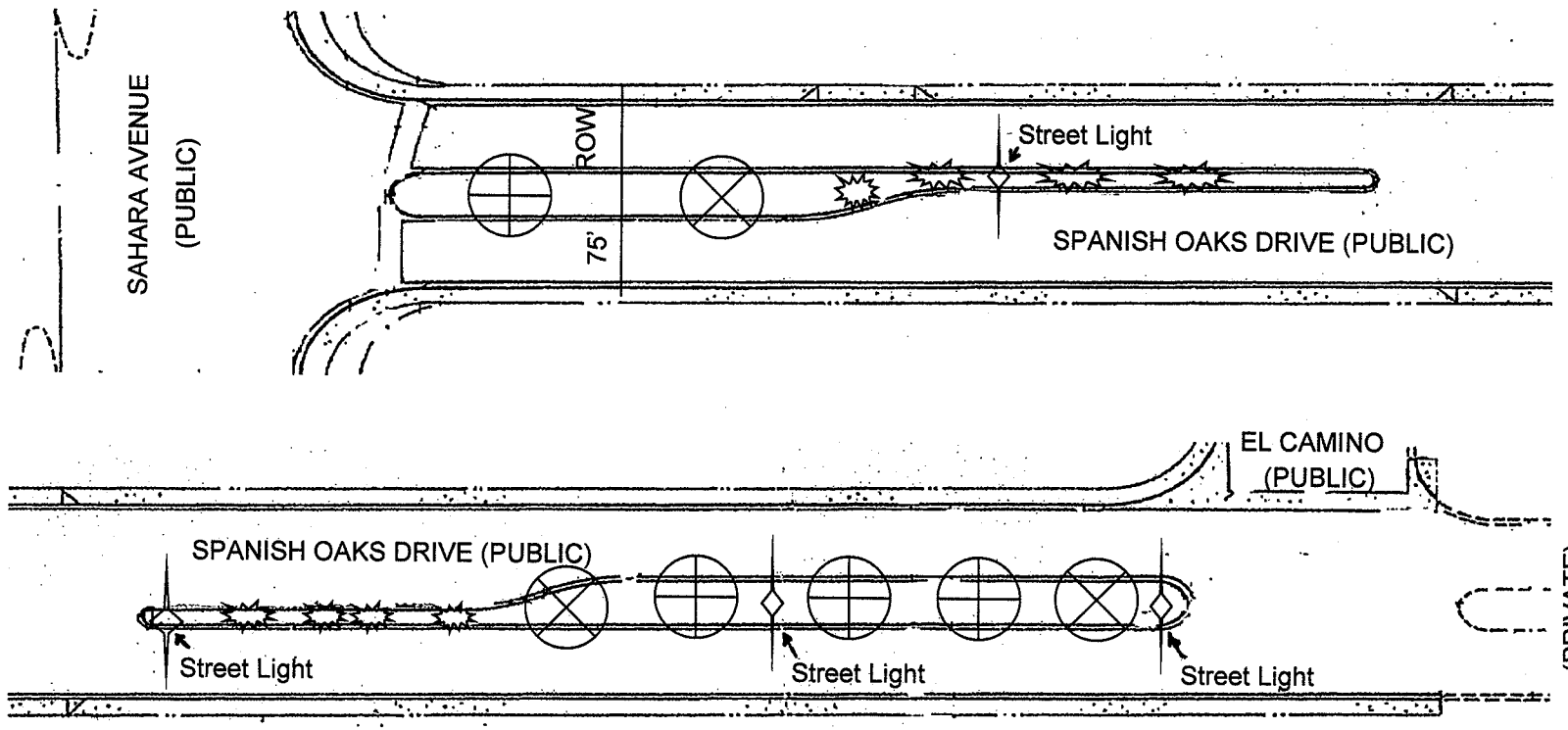
STREET CROSS SECTION





AREA OF ENCROACHMENT

ENCROACHMENT EXIBIT A



ENCROACHMENT EXIBIT B

2 OF 2

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Cooperative Agreement with the State of Nevada Department of Transportation (NDOT) to define maintenance responsibility for the storm drain being installed within Rancho Drive between Rainbow Boulevard and Lone Mountain Road as a part of the Gowan Outfall Lone Mountain Branch Rancho to Decatur Storm Drain project - Ward 6 (Ross)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This Cooperative Agreement will establish maintenance responsibility for the portion of the Gowan Outfall Lone Mountain storm drain that is within the NDOT right-of-way.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Cooperative Agreement

Agreement Number _____

COOPERATIVE AGREEMENT

This Agreement is made and entered into this ____ day of _____, _____ by and between the STATE OF NEVADA, acting by and through its Department of Transportation, hereinafter called the DEPARTMENT, and the City of Las Vegas, a political subdivision of the State of Nevada, hereinafter called the CITY

WITNESSETH:

WHEREAS, a Cooperative Agreement is defined as an agreement between two or more public agencies for the "joint exercise of powers, privileges and authority;" and

WHEREAS, pursuant to the provisions contained in Chapter 408 of the Nevada Revised Statutes, the Director of the DEPARTMENT may enter into agreements necessary to carry out the provisions of the Chapter; and

WHEREAS, NRS 277.110 authorizes any two or more public agencies to enter into agreements for joint or cooperative action; and

WHEREAS, the parties to this Agreement are public agencies and authorized to enter into agreement in accordance with NRS 277.080 to 277.110; and

WHEREAS, the CITY is constructing a new drainage system in the Rancho Drive right of way as part of "Gowan Outfall Lone Mountain Branch-Rancho to Decatur Storm Drain Project", hereinafter called the PROJECT, that will be within DEPARTMENT right of way; and

WHEREAS, the purpose of the agreement is to establish maintenance and responsibility for the new drainage system in Rancho Drive right of way; and

WHEREAS, the maintenance services to be provided by the CITY will be of benefit to the CITY, the DEPARTMENT, and to people of the State of Nevada; and

WHEREAS, the CITY is willing and able to perform the services described herein;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

ARTICLE I – CITY AGREES:

1. To notify the DEPARTMENT, in advance, of work that will be performed within the DEPARTMENT right of way. Work within the right of way will require the submission of traffic control plans to the DEPARTMENT's Assistant District Engineer for Maintenance seventy two (72) hours in advance of the of the performance of work. Work outside of the right of way will require a twenty four (24) hour advanced notification provided to the DEPARTMENT Assistant District Engineer for Maintenance prior to the performance of the work.

2. To maintain, rehabilitate, or reconstruct the underground drainage structures within the DEPARTMENT right of way in accordance to the construction plan, all applicable

ordinances, regulations, standards, and Clark County Regional Flood Control District's (CCRFCD) Operation and Maintenance Manual when warranted due to impacts of normal storm water conveyance activities. The CITY shall repair damages in a timely manner to their original improved state.

3. To remove all rubbish, trash, debris, and surplus materials from the inside of the underground drainage structures per CCRFCD Operation and Maintenance Manual.

4. To assume all costs for maintenance of the underground drainage facilities constructed with PROJECT within DEPARTMENT right of way per the CCRFCD Operation and Maintenance Manual.

5. To notify DEPARTMENT of any maintenance concerns or damages to surface drainage structures identified by the CITY.

6. The CITY must obtain approval from the DEPARTMENT for any modifications and/or repair within DEPARTMENT right of way to the medians, landscaping, curb and gutter, and pavement required to perform maintenance on the drainage structure.

ARTICLE II – DEPARTMENT AGREES:

1. To perform diligent review of the CITY'S permit application for maintenance, rehabilitation, or reconstruction, within 10 working days.

2. To allow immediate access to the right of way during an emergency conditions.

3. To waive all fees necessary for obtaining permits and approvals from the DEPARTMENT for maintenance, rehabilitation, or reconstruction.

4. To keep the surface drainage structure clear of debris that would prevent the collection and conveyance of flow. To keep the culverts, inlets and catch basins free of debris, dirt, and gravel. To maintain the gutters and grates at the openings of the drop inlet structures to promote the positive drainage of flow. Maintain unlined swales, channels, and ditches to promote the positive drainage of flow.

5. To obtain approval from the CITY for any modification, reconstruction, and extension of drainage structures constructed with the PROJECT. The cost and expense of any modification, reconstruction, and/or extension of the PROJECT, including costs for adjustment of manholes and/or drop inlets, is the sole responsibility of the DEPARTMENT.

6. To notify CITY of any maintenance concerns or damages to underground drainage structure identified by the DEPARTMENT.

7. To allow the CITY forces to access the drainage structures within DEPARTMENT right of way to perform maintenance, rehabilitation, or reconstruction on the underground drainage structures.

8. To issue a right of way occupancy permit for the drainage system, after all review comments have been satisfied.

ARTICLE III – IT IS MUTUALLY AGREED:

1. The term of this Agreement shall be from the date first written above through and including the 31st day of July 14, 2014 or until construction of all improvements contemplated herein have been completed and accepted by the DEPARTMENT, save and except the responsibility for maintenance as specified herein, whichever occurs first, and shall remain in full force and effect unless otherwise terminated.

2. This Agreement may be terminated by either party prior to the date set forth above, provided that a termination shall not be effective until thirty (30) days after a party has served written notice upon the other party. This agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause accept as stated in Article III paragraph IT IS MUTUALLY AGREED. The parties expressly agree that this agreement shall be terminated immediately if for any reason Clark County Regional Flood Control District funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

3. All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile or electronic mail with at: simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below

FOR DEPARTMENT:

Susan Martinovich, P.E., Director
Attn: Mohamed Rouas, Nevada Department of Transportation
Assistant District Engineer for Maintenance
123 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 385-6503
Fax: (702) 385-6511
E-mail: mrouas@dot.state.nv.us

FOR THE CITY OF LAS VEGAS:

Jorge Cervantes, P.E., P.T.O.E.
Director of Public Works/City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101
Phone: (702) 229-6276
Fax: (702) 382-3232
E-mail: jcervantes@lasvegasnevada.gov

4. To the fullest extent of NRS Chapter 41 liability limitations, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, caused by the negligence, errors, omissions, recklessness or intentional misconduct of its own officers, employees and

agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described herein. This indemnification obligation is conditioned upon the performance of the duty of the party seeking indemnification (indemnified party), to serve the other party (indemnifying party) with written notice of actual or pending claim, within 30 days of the indemnified party's notice of actual or pending claim or cause of action. The indemnifying party shall not be liable for reimbursement of any attorney's fees and costs incurred by the indemnified party due to said party exercising its right to participate with legal counsel.

5. The parties do not waive and intend to assert available NRS Chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. Actual damages for any State breach shall never exceed the amount of funds which have been appropriated for payment under this Agreement, but not yet paid, for the fiscal year budget in existence at the time of the breach.

6. Failure to declare a breach or the actual waiver of any particular breach of the Agreement or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

7. An alteration ordered by the CITY or DEPARTMENT which substantially changes the services provided for by the expressed intent of this Agreement will be considered extra work, and shall be specified in an Amendment which will set forth the nature and scope thereof. The method of payment for extra work shall be specified at the time the amendment is written.

8. This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Agreement.

9. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement and this Agreement shall be construed as if such provision did not exist. The unenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

10. All or any property presently owned by either party shall remain in such possession upon termination of this Agreement, and there shall be no transfer of property between the parties during the course of this Agreement.

11. Each party agrees to keep and maintain under generally accepted accounting full, true and complete records and documents pertaining to this Agreement and present, at any reasonable time, such information for inspection, examination, review, audit and copying at any office where such records and documentation is maintained. It is specifically agreed between the parties executing this Agreement that it is not.

12. The parties are associated with each other only for the purposes and to the extent set forth in this Agreement. Each party is and shall be a public agency separate and distinct from the other party and shall have the right to supervise, manage, operate, control and direct performance of the details incident to its duties under this Agreement. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to

otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

13. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Agreement without the prior written consent of the other party.

14. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to engage in the cooperative action set forth herein.

15. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interests.

16. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Agreement.

17. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

18. Neither party shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including without limitations, earthquakes, floods, winds or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Agreement after the intervening cause ceases.

19. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

20. This is Agreement constitutes the entire agreement of the parties and such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Attorney General.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

City of Las Vegas, Nevada

Oscar B. Goodman, Mayor

Attest

City Clerk

Approved as to Form:

John S. Ridilla

Attorney

John S. Ridilla
Deputy City Attorney

State of Nevada, acting by and through its DEPARTMENT OF TRANSPORTATION

Director

Approved as to Legality & Form:

Deputy Attorney General

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Agreement No. 114003 between the City of Las Vegas and the Las Vegas Valley Water District for water service for Charleston Boulevard Median Island Landscaping on Charleston Boulevard between 6th Street and Maryland Parkway ($14,789 - Public Works Capital Project Fund [CPF]) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $14,789
Funding Source: Public Works CPF
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
A necessary part of this project is the installation of water service. Before the Las Vegas Valley Water District will sign the service connection documents and allow the City to install water service, the Interlocal Agreement with conditional water commitment must be executed and the required fees paid. The funding source for this project is 50/50 matching Nevada Department of Transportation Landscape and Aesthetics Community Program Grant and 1 Percent Room Tax. This Interlocal Agreement is scheduled for adoption by the LVVWD Board of Directors on February 1, 2011.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Interlocal Agreement No. 114003

INTERLOCAL AGREEMENT FOR
CITY OF LAS VEGAS
CHARLESTON BOULEVARD MEDIAN ISLAND LANDSCAPING

THIS AGREEMENT made and entered into by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter called "CITY", and the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation of the State of Nevada, hereinafter called "DISTRICT".

RECITALS

WHEREAS, the DISTRICT is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the CITY is engaged in a landscape median beautification project generally located in Charleston Boulevard right-of-way, east of 7th Street, and further referenced as Clark County Assessor's Road Parcel Number 139-34-499-001, and is desirous of receiving potable water from the DISTRICT and has made application for water service to said project; and

WHEREAS, the CITY has approved the landscape median beautification project and has authorized a distribution of water for the development subject to the DISTRICT'S Service Rules; and

WHEREAS, DISTRICT is willing to serve said property with water pursuant to its Service Rules as adopted by its Board of Directors and subject to the CITY performing all of the terms, conditions and provisions hereinafter set forth and required of the CITY; and

WHEREAS, the CITY is willing to construct at its sole cost and expense the required water service connections and appurtenances for the purpose of providing water service to said real property; and

WHEREAS, both the CITY and the DISTRICT are authorized to enter into interlocal agreements pursuant to NRS 277.180.

NOW, this Agreement WITNESSETH:

ARTICLE I

CITY AGREES:

A. That this Agreement provides a water commitment on a conditional basis only for median island landscaping irrigation, located in Charleston Boulevard right-of-way, east of 7th Street. The conditional water commitment is provided in accordance with the DISTRICT'S Service Rules, which are made a part of the Agreement by reference and applies only to the development identified in this paragraph.

B. The water commitment will be conditional until all water facilities identified in paragraph E of this Article I are constructed by the CITY and accepted by the DISTRICT for the complete development described in paragraph A of this Article I.

C. That in the event the use of the property changes and modifications to the water facilities are required, the CITY will be required to either obtain a new conditional water commitment from the DISTRICT, or at the option of the DISTRICT, to amend the Agreement.

D. That the CITY has had the opportunity to review the Service Rules and agrees to comply with the Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process.

E. At CITY'S sole cost and expense to furnish all necessary materials, labor, and equipment for the construction of the service connections and appurtenances which may include, but not be limited to, the connection to the main and the lateral pipe, a meter, or battery thereof, a meter box or vault, valves, and backflow prevention assembly hereinafter called "WATER FACILITIES", from the main to the point where the water being delivered leaves the piping owned by the DISTRICT. The location and type of said WATER FACILITIES are identified on the plan entitled:

CHARLESTON BOULEVARD MEDIAN ISLAND LANDSCAPING
Utility Plan

F. That said WATER FACILITIES may be sized to ultimately provide water service to development other than described herein, however the conditional water commitment is only for that portion of the project described herein and any additional construction requires a separate and additional conditional water commitment from the DISTRICT.

G. That said WATER FACILITIES shall be constructed in the location shown, and in accordance with the above-mentioned plan, as approved by the DISTRICT, and in conformance with DISTRICT specifications.

H. That all work shall be subject to inspection and approval by an authorized representative of the DISTRICT and the DISTRICT shall be notified a minimum of 48 hours in advance of actual construction start and 24 hours prior to an inspection of any part of the work, in order that necessary inspection can be arranged.

I. To comply with the DISTRICT'S Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process and construction of the WATER FACILITIES identified in Article I, paragraph E above.

J. At CITY'S sole cost and expense, to perform all survey work necessary to ensure installation of the WATER FACILITIES to the location and grades called for in the plans.

K. At CITY'S sole cost and expense, to disinfect and pressure test the WATER FACILITIES to the satisfaction of the DISTRICT and the health authorities having jurisdiction.

L. That connections to existing mains shall be made only in the presence of an authorized representative of the DISTRICT and at the times specified by the DISTRICT.

M. That the WATER FACILITIES shall be located outside of driveways, driveway approaches, or other areas subject to vehicular traffic. In the event the WATER FACILITIES are located within those areas either inadvertently or otherwise, the CITY shall cause such WATER FACILITIES to be relocated outside of the driveways, driveway approaches or other areas described above, in accordance with DISTRICT'S requirements, or shall reimburse the DISTRICT for the cost of relocating said WATER FACILITIES. If extraordinary conditions exist that would prevent compliance with this requirement, the CITY may submit to the DISTRICT a written request for a waiver of this requirement pursuant to the DISTRICT'S Service Rules.

N. To furnish to the DISTRICT easements, in a form satisfactory to the DISTRICT, where WATER FACILITIES are approved to be installed in other than dedicated street or alleys. Said easements shall conform to the requirements as indicated on the approved water plans and be perpetual. The conditions of said easements shall be such that no buildings, structures, trees, shrubs, or other improvements which would interfere with its use by DISTRICT can be placed upon it, that DISTRICT will have the right to operate, maintain, repair, replace, and/or change the size and/or number of WATER FACILITIES; and that proper access to all parts of the easement by DISTRICT forces and equipment is provided. The conditions of said easements shall further provide that the property owner agrees to pay any and all costs incurred by the DISTRICT to make and/or maintain said easements accessible to the DISTRICT. It may be provided that other utility lines can be installed in said easement, so long as they do not interfere with its use by DISTRICT, and are in compliance with state laws and regulations.

O. Should any defective material or workmanship affecting the WATER FACILITIES installed by the CITY be disclosed within one (1) year of the date of completion and acceptance of the WATER FACILITIES by the DISTRICT, the CITY shall immediately cause the defect to be corrected, or shall reimburse DISTRICT for its cost to correct said defect. For the purpose of this Agreement, failures including, but not limited to, any leak or break in the WATER FACILITIES, or any pavement settlement, shall be considered conclusive evidence of defective materials and/or workmanship.

P. That upon completion of construction of the work and acceptance of the work by the DISTRICT, the CITY will provide final acceptance of all work associated with the project and the final acceptance shall include providing the DISTRICT with all its right, title, and interest, in and to the WATER FACILITIES. The CITY will warrant at the time of said final acceptance that there are no encumbrances for material and labor claims.

Q. That installation of said WATER FACILITIES does not assure or guarantee that a complete water service will be available in the future. Until such time as a complete service connection is approved by the DISTRICT and a water commitment is obtained from the DISTRICT, no water may be taken from the new WATER FACILITIES installed under this Agreement.

R. That all water will be taken through metered service connections, in accordance with DISTRICT'S Service Rules. The CITY will require its contractor to install the meters in a timely manner.

S. To require its contractor to protect all existing water facilities during construction and to promptly undertake the repair of damaged facilities upon authorization of the DISTRICT.

T. If required as a condition of the DISTRICT'S Service Rules, the CITY will pay any additional Regional Connection Charges based on a confirmed audit of annual water usage by the above-described property within the first three (3) years of operation. All assessments will be based on the Regional Connection Charge Rates paid at time of project approval.

U. That any of the water facilities installed under this Agreement, once disinfected and tested to the satisfaction of the DISTRICT and once connected to existing DISTRICT facilities, must maintain established water quality standards throughout the installed system. Should the DISTRICT determine that water quality standards are not being maintained following the connection of the approved facilities to the DISTRICT's system, a Water Quality Mitigation Plan (WQ Plan) will be required for review and implementation at the sole expense of the CITY.

ARTICLE II

DISTRICT AGREES:

A. That upon completion of construction of the WATER FACILITIES, acceptance of same by the DISTRICT, and fulfillment by the CITY of all requirements of this Agreement, to supply water to, and to thereafter operate and maintain the WATER FACILITIES installed pursuant to this Agreement in accordance with the DISTRICT'S Service Rules as the same are established and amended.

B. That construction water may be provided through metered fire hydrants and/or metered service connections in accordance with the DISTRICT'S Service Rules.

C. If required as a condition of the DISTRICT'S Service Rules, to refund to the CITY any overpayment of Regional Connection Charges based on a confirmed audit of annual water usage by the above-described property within the first three (3) years of operation. All payments will be based on the Regional Connection Charge Rates paid at the time of project approval.

ARTICLE III

IT IS MUTUALLY AGREED:

A. That the parties understand that this Agreement does not create "water rights", but only rights to conditional water service as a potential customer. This Agreement does not create a property interest in such water service and the CITY is not deemed a DISTRICT water customer until the water facilities and development identified herein are completed as specified.

B. That the WATER FACILITIES installed under this Agreement shall be and remain the exclusive property of the DISTRICT, and shall become a part of the DISTRICT'S general water distribution system after acceptance by the District.

C. That in the event a portion of the WATER FACILITIES are constructed but this Agreement terminates, the above-described property shall have no water commitment by virtue of the installation of the WATER FACILITIES. Requests for future use of said WATER FACILITIES if retained in place, shall require that a new water commitment be obtained before the WATER FACILITIES can be utilized.

D. That this Agreement shall terminate and the conditional commitment shall be void if any of the following occurs:

1. Construction of the water facilities covered by the plan or plans identified in Article I, paragraph E of this Agreement is not diligently commenced within one (1) year from the date of DISTRICT approval of said plan or plans; or
2. If active construction work is discontinued for a period of one (1) year; or if such construction is commenced within said one (1) year period, but is not diligently prosecuted to completion in a manner acceptable to the DISTRICT.

E. That if this Agreement terminates in accordance with its terms, right, title and interest of all or any portion of the WATER FACILITIES installed, as determined solely and exclusively by the DISTRICT, shall become the exclusive property of the DISTRICT for the DISTRICT to use, modify, or to dispose of as the DISTRICT deems appropriate.

F. That noncompliance or violation of the DISTRICT'S Service Rules or any provision of this Agreement by the CITY or its officers, employees, agents, contractors, licensees or invitees shall be cause for the District, at its sole discretion, to discontinue water service to CITY'S project without challenge by CITY and without liability for any damages caused by said discontinuation.

G. That the CITY will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement. Without waiving the limitations on governmental liability set forth in NRS Chapter 41, as amended, the CITY shall protect, indemnify, and hold the DISTRICT, its officers, employees, and agents harmless from and against any and all claims, damages, losses, expenses, suits, actions, judgements, and awards including attorney's fees and court costs which may be brought against it or them as a result of or by reason of or arising out of or as a consequence of the construction of the WATER FACILITIES contemplated in this Agreement.

H. That this Agreement shall not be deemed to be for the benefit of any entity or person who is not a party hereto,and is not a commitment for water service, and neither this Agreement, nor any interest therein, may be assigned without the prior written consent of the non-assigning party. This Agreement is not intended by the parties to create any right in or benefit to parties other than the District and the CITY. This Agreement does not create any third party beneficiary rights or causes of action

I. That this Agreement represents the entire understanding of the CITY and the DISTRICT relative to the installation of the WATER FACILITIES in conjunction with the CITY'S project.

J. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid, or unenforceable, any other part of this Agreement.

K. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.

L. That each party shall not discriminate against employees or applicants based on race, color, religion, sexual orientation, sex, age, or national origin, and shall take affirmative action to ensure that applicants are employed and employees are treated without regard to the above-mentioned factors and agrees to post in conspicuous places for employees and applicants' notices provided by the Equal Employment Opportunity Commission setting forth these provisions. Each party further agrees that solicitation for employees shall state that qualified applicants will receive consideration without regard to the above-mentioned factors and will send to labor unions or collectives with which he/it has an agreement a notice of the commitments required herein and each party will comply with all local, state and federal laws prohibiting discrimination in hiring or employment opportunities.

IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement on the _____ day of _____, 20_____.

APPROVED AS TO FORM:

John S. Ridilla for
BRADFORD JERBIC
City Attorney

John S. Ridilla
Deputy City Attorney

ATTEST:

CITY OF LAS VEGAS

_____
BEVERLY K. BRIDGES, MMC, City Clerk

BY: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

LAS VEGAS VALLEY WATER DISTRICT

_____
PATRICIA MULROY, Secretary
Las Vegas Valley Water District

BY: _____
President, Board of Directors

APPROVED:

_____
CHARLES K. HAUSER, General Counsel

THIS DOCUMENT AND SUBSEQUENT PAYMENT OF FEES DOES NOT AFFECT THE OUTCOME OR THE REQUIREMENT TO OBTAIN A WATER COMMITMENT FOR THE PROJECT. A WATER COMMITMENT MUST BE OBTAINED FROM THE DISTRICT THROUGH THE PROCESS DESCRIBED IN THE DISTRICT SERVICE RULES. THIS DOCUMENT AND PAYMENT OF FEES IS NOT A COMMITMENT FOR WATER SERVICE.

Las Vegas Valley Water District
APPLICATION FOR CONNECTION AND REQUEST FOR SERVICE

AGREEMENT NO. 114003 SERVICE POINT # _____
BY: Linda P. 12/28/2010
CHECKED BY: _____
JOB ORDER # _____ F/A# _____ DATE _____

Project Name: CLV - CHARLESTON BOULEVARD MEDIAN ISLAND LANDSCAPING

Service Location(s): Charleston Boulevard - 700 Block

Service Address: _____

Developer: City of Las Vegas (3)

Social Security or Tax I.D. No.: 88-6000198

Billing Address: 400 Stewart Avenue

Las Vegas, NV 89101-2913

Telephone No. ( ) 229-6739

Property Owner: City of Las Vegas

FEES, CHARGES AND DEPOSITS

SERVICE CONNECTION INSTALLATION
COMPLETE SERVICE / SERVICE EXCLUDING METER (27301)
SIZE: _____ $ _____

METERS ONLY (25700)
1 STD 1 *@ $ 100. / ea. $ 100.
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____

AUTOMATED METER READING DEVICE (AMR) (27301 R-7723)
1 @ $ 104. / ea. $ 104.

SERVICES > 2" INSTALLED BY PRIVATE CONTRACTOR
_____ * TYPE: _____ $ - 0 -
_____ * TYPE: _____ $ - 0 -

BACKFLOW PREVENTION (27301) (BY PRIVATE CONTRACTOR)
1 1 * TYPE: DCVA $ -0-
_____ * TYPE: _____ $ _____

INSTALLATIONS/REMOVALS ON ACTUAL COST BASIS - DEPOSIT (25703)
SIZE: _____ * TYPE: _____ $ _____

FACILITIES CONNECTION CHARGE (27312)
1 STD 1 *@ $ 3,600. / ea. $ 3,600.
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____

FRONTAGE CONNECTION CHARGE*
70 LF @ $ 17. / ea. $ 1,190.
_____ LF @ $ _____ / ea. $ _____
_____ LF @ $ _____ / ea. $ _____

OVERSIZING CHARGE (27313)
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____

APPLICATION FEE (41300)
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____

INSPECTION FEE (41301)
1 STD 1 *@ $ 185. / ea. $ 185.
_____ *@ $ _____ / ea. $ _____
_____ *@ $ _____ / ea. $ _____

OTHER CHARGES / CREDITS:
_____ $ _____
_____
_____
_____

SUBTOTAL: $ 5,179.

REGIONAL CONNECTION CHARGE (30601) **ADD ONE:**
BY 01/05/2012 $ 9,610.
BY _____ $ _____
BY _____ $ _____

TOTAL: $ 14,789.00

ACKNOWLEDGEMENT

Developer and Property Owner understand and agree:

1. Water service will be provided in accordance with the Las Vegas Valley Water District Service Rules.
2. All water delivered through a service connection will be metered and billed to the Developer until the Developer requests that the service be shut off. The use of idlers is prohibited. Meters must be installed by the Developers' contractor before any water is drawn through the service connection.
3. In the event of abandonment or cessation of construction, prepaid installation and connection charges may be used by the District to pursue completion of all or part of the project.
4. Location and elevation of service connections to be installed by the District must be identified (staked) by owner prior to installation. The cost of adjustment to location or elevation after installation will be borne by owner.
5. Service connection(s) identified on this application to be installed or removed on an actual cost basis are subject to audit of final cost. If final costs exceed the deposit amount, the property owner promises to pay the difference within 30 days after receipt of notice.
6. Failure to pay any charges when due will subject the property to a lien and/or discontinuance of water service.
7. If box is marked see attached form for special pressure advisement. ☐

Developer:

X _____
Signature

X _____
Print or Type Name and Title

Property Owner:

X _____
Signature

X _____
Print or Type Name and Title

General Comments:
APN: 139-34-499-001

OFFICE USE

Fees Paid By: _____
Customer Will Stake By: _____ M/R # _____
Cross Street: E/O 7th Street
Cross Street: _____
Side of Street: Median P.Z.: 2168
O.S.: 139-34-SW Land Use: 15-499
Main Size / Type / Loc / DWG _____
Service Removal Requested For:
Service No. _____ Meter Size: _____
Service No. _____ Meter Size: _____
Service No. _____ Meter Size: _____
STATUS COMMENTS: _____

***FRONTAGE CONNECTION CHARGE DISTRIBUTION**

23113	$ _____	Refundable
27306	$ _____	Retainable SRM NO. _____
24111	$ _____	_____
24111	$ _____	_____
24111	$ _____	_____
27309	$ 1,190.00	District

CASHIER'S VALIDATION

WHITE-DEVELOPMENT SERVICES YELLOW-CUSTOMER PINK-CASHIER
BLUE COPY-DISTRIBUTION GREEN COPY-METER SERVICES WHITE COPY-INSPECTION
WHITE COPY-ACCOUNTING WHITE COPY-ENGINEERING SERVICES WHITE COPY-WATER QUALITY
LVVWD Form # 01109 (Rev. 12/07)

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Report from Steve Holloway, Executive Vice President of Associated General Contractors Las Vegas, on the Building Jobs Coalition - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Associated General Contractors Las Vegas (AGC) is a founding member of the Building Jobs Coalition (Coalition), a broad-based group formed to identify, research, vet and advocate on behalf of jobs creation strategies throughout the state of Nevada. In January 2011, the Coalition released the first edition of its "Creating 100,000 Nevada Jobs" report. Mr. Holloway will provide an overview of the work of the Coalition and its first report.

RECOMMENDATION:
Report only, no action required

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding the ratification of Karen Coyne as the Chief Officer of Public Safety ($150,000 + benefits - General Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $150,000 + benefits
Funding Source: General Fund
Dept./Division: City Manager

PURPOSE/BACKGROUND:
Karen Coyne has served as the Director of Detention and Enforcement since April 26, 2006.

RECOMMENDATION:
Approve and ratify the appointment of Karen Coyne to the position of Chief Officer of Public Safety

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding the ratification of Candace Falder as Director of Finance ($141,640 + benefits - General Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $141,640 + benefits
Funding Source: General Fund
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
Candace Falder is currently serving as Deputy Director of Finance. Ms. Falder was hired in March 1998 as a Budget Manager and was promoted to Deputy Director in September 2005. Before joining the City of Las Vegas, Ms. Falder was the Cost Accounting Manager for Bechtel. Ms. Falder earned her Bachelor's Degree in Accounting from UNLV and is a Certified Public Accountant.

RECOMMENDATION:
Approve and ratify the appointment of Candace Falder to the position of Director of Finance and Business Services

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a Real Property Purchase and Sale Agreement between ARPM Realty, Inc., and the City of Las Vegas for the purchase of approximately 4.08 acres of land located at 2400 North Tenaya Way within the Las Vegas Technology Center (APN 138-15-810-009 and 010 - Ward 1 (Tarkanian) [NOTE: This item is related to Council Item 46 (R-2-2011)]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The City of Las Vegas owns the real property located at 2400 North Tenaya Way, Las Vegas, Nevada. ARPM Realty, Inc. is the existing Tenant under the ground leases dated January 29, 1986 and February 18, 1987 between the City of Las Vegas and L.V. Tech Center Limited Partnership. ARPM Realty, Inc. proposes to purchase the two land parcels totaling approximately 4.08 acres from the city for $1,025,000 (equal to high appraised value) for which the lease hold interest is located. The purpose of this Purchase and Sale Agreement is to set forth the terms by which ARPM will purchase the property from the City.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Real Property Purchase and Sale Agreement
2. Public Purpose/Impact Analysis

REAL PROPERTY PURCHASE AND SALE AGREEMENT

THIS AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY ("Agreement") is made and entered into this _____day of _____, 2011 ("*Effective Date*"), by and between the City of Las Vegas, Nevada, a political subdivision of the State of Nevada ("*Seller*"), and ARPM Realty, Incorporated, a Nevada corporation ("*Purchaser*"). Seller and Purchaser individually or collectively are referred to herein as the "*Party*" or "*Parties.*"

WITNESSETH

WHEREAS, Seller owns two parcels of land located within the Las Vegas Technology Center, commonly known as 2400 North Tenaya Way, Las Vegas, Nevada also identified as Assessor's Parcel Number(s): 138-15-810-009 and 138-15-810-010 (the "*Property*");

WHEREAS, the Property is designated as "not a part" of the "Las Vegas Technology Center Declaration of Covenants, Conditions and Restrictions" and all subsequent Amendments therein (CC&R's) as recorded with the Clark County Recorder;

WHEREAS, Seller desires to sell to Purchaser, and Purchaser desires to purchase, the Property from the Seller;

WHEREAS, the Property is subject to the Ground Leases (hereinafter defined) and Purchaser is the current owner by assignment of the tenant's interest in the Ground Leases;

WHEREAS, Purchaser is currently occupying the Property and is the owner of all improvements on the Property; and

WHEREAS, the Parties desire to set forth in this Agreement the terms and conditions of the purchase and sale of the Property.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and conditions contained herein, the Parties agree as follows:

1. GENERAL PROVISIONS

1.1 Definitions.

"*Agreement*" has the meaning set forth in the preamble to this Agreement.

"*Cash Balance Due*" has the meaning set forth in Section 5.2.

"*City*" means the City of Las Vegas, Nevada, a political subdivision of the State of Nevada.

"*Close of Escrow*" means the time when Escrow Agent shall have recorded all of the instruments to be recorded as set forth in Section 9.5.

"*Closing Date*" has the meaning set forth in Section 10.1.

"*Deed*" has the meaning set forth in Section 9.3(a)(i).

"*Earnest Money Deposit*" has the meaning set forth in Section 5.1.

"*Effective Date*" has the meaning set forth in the first paragraph of this Agreement.

"*Escrow Agent*" has the meaning set forth in Section 9.1.

"*Ground Leases*" means those certain ground leases dated January 29, 1986 and February 18, 1987, between the CITY, as landlord, and L.V. Tech Center Limited Partnership, a Nevada limited partnership, as tenant.

"*Ground Leases Termination Agreement*" means that certain agreement in the form of Exhibit "F" attached hereto terminating the Ground Leases.

"*Indemnitor*" has the meaning set forth in Section 8.

"*Information Return*" has the meaning set forth in Section 9.5(d).

"*Non-Foreign Transferor Declaration*" has the meaning set forth in Section 9.3(a)(iii).

"*Party*" has the meaning set forth in the preamble to this Agreement.

"*Parties*" has the meaning set forth in the preamble to this Agreement.

"*Person*" means any individual, corporation, partnership, limited liability company, joint venture, association, joint-stock company, trust, unincorporated organization or government, or any city or political subdivision thereof.

"*Purchase Price*" has the meaning set forth in Section 4.

"*Recorder's Office*" means the Office of the Recorder of Clark County, Nevada.

"*Property*" has the meaning set forth in the first Recital of this Agreement.

"*Title Policy*" has the meaning set forth in Section 12.

2. THE PROPERTY. The Property consists of approximately 4.08 acres of land, identified as APN(s): 138-15-810-009 and 138-15-810- 010, and is generally depicted in Exhibit "A" and is legally described in "Exhibit B", both of which are attached hereto.

3. PARTIES TO THE AGREEMENT

3.1 Seller. The office of Seller is located at 400 Stewart Avenue, Las Vegas, Nevada 89101. Seller shall have no right to assign its interest under this Agreement.

3.2 Purchaser. Purchaser is ARPM Realty, Incorporated, a Nevada corporation. Purchaser's principal office is located at 2680 South Jones Boulevard, Suite 1, Las Vegas, Nevada 89146. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Purchaser warrants that it has disclosed, on the form attached hereto as Exhibit "C", all principals, including partners or members, of Purchaser, as well as all persons and entities holding more than one percent (1%) interest in Purchaser or any principal, partner or member of Purchaser (excluding primary, secondary or high yield financiers). Purchaser shall provide CITY with written notification of any material change in the above disclosure within thirty (30) days of any such change.

3.3 Assignments and Transfers. The qualifications and identity of Purchaser are of particular concern to the City, and it is because of such qualifications and identity that CITY has entered into this Agreement with Purchaser. Purchaser and CITY agree that:

(a) No voluntary or involuntary successor in interest of Purchaser shall acquire any rights or powers under this Agreement.

(b) Purchaser shall not directly or indirectly transfer or assign all or any part of this Agreement without the prior written approval of CITY, which approval may be withheld at CITY's sole discretion. Purchaser agrees that a transfer of the equity interests in Purchaser shall constitute a transfer or assignment of Purchaser's interest in this Agreement.

This Agreement may be terminated by CITY if there is any change (voluntary or involuntary) in the membership, management or control of Purchaser except as expressly provided herein.

4. ACQUISITION OF THE PROPERTY AND PURCHASE PRICE. CITY agrees to sell, and Purchaser agrees to purchase, the Property on the terms and conditions provided herein. The purchase price for the Property is One Million Twenty-Five Thousand Dollars ($1,025,000.00) (the "Purchase Price") (which is equal to high appraised value in leased fee interest per Kent Appraisal Services File No. 119-10-ZH dated September 28, 2010), less any customary prorations and, if applicable, any credits or adjustments in favor of Purchaser and required by this Agreement, and is payable at the Close of Escrow in accordance with the provisions of Section 5 (the "*Purchase Price*").

5. PAYMENT OF THE PURCHASE PRICE. The Purchase Price shall be paid as follows:

5.1 Earnest Money Deposit. Within ten (10) calendar days of the effective date of this Agreement, Purchaser shall deliver to the Escrow Agent a deposit (the "*Earnest Money Deposit*") in the amount of Fifty-One Thousand Two Hundred Fifty Dollars ($51,250.00). The Earnest Money, along with all earnings thereon, shall be paid to Seller at the Close of Escrow. Any interest that is earned on the Earnest Money Deposit shall be for the benefit of Purchaser and applied in payment of the Purchase Price.

5.2 Cash Balance Due. Upon the Close of Escrow, Purchaser shall pay into Escrow an amount equal to the Purchase Price less the Earnest Money Deposit and all earnings thereon, plus Purchaser's closing expenses as set forth in Section 9.2 below (the "*Cash Balance Due*").

6. GROUND LEASES

6.1 Ground Leases. The Property is subject to the Ground Leases. The Parties agree that at the Close of Escrow the Parties shall enter into the Ground Lease Termination Agreement which will terminate the Ground Leases and release the landlords and tenants thereunder from any liability or obligations under the Ground Leases.

7. GENERAL REPRESENTATIONS AND WARRANTIES

7.1 CITY's Representations. CITY represents and warrants that as of the date hereof and the date of the Close of Escrow:

(a) CITY has all requisite power and authority to enter into and perform its obligations under this Agreement and the Declaration.

(b) By proper action of CITY, CITY's signatories have been duly authorized to execute and deliver this Agreement.

(c) The execution of this Agreement or the Declaration by CITY does not violate any provision of any other agreement to which CITY is a party.

(d) Except as may be specifically set forth herein, no approvals or consents not heretofore obtained by CITY are necessary in connection with the execution of this Agreement or the Declaration by CITY or with the performance by CITY of its obligations hereunder or under any of the attached exhibits.

(e) There are no leases, encumbrances or options to lease or purchase affecting the Property except for the Ground Leases.

(f) To CITY's actual knowledge, no condemnation, eminent domain or similar proceedings have been instituted or threatened against the Property.

(g) To CITY's actual knowledge, there are no legal actions, suits or proceedings pending or threatened before any judicial body or any governmental or quasi-governmental authority against the Property or against CITY which would inhibit CITY's ability to perform its obligations under this Agreement or the Declaration.

(h) To CITY's actual knowledge, there are no legal actions, suits or proceedings, pending or threatened, before any judicial body or any governmental or quasi-governmental authority, against or affecting the Property.

(i) To CITY's actual knowledge, the execution, delivery and performance of this Agreement and the Declaration by CITY will not (i) conflict with or be in contravention of any provision of law, order, rule or regulation applicable to CITY or the Property; or (ii) result in any lien, charge or encumbrance of any nature on the Property other than as permitted by this Agreement.

(j) To CITY's actual knowledge there are no defaults of either of the respective landlords and tenants under the Ground Leases.

7.2 Purchaser's Representations. Purchaser represents and warrants to CITY that as of the date hereof and the date of Close of Escrow:

(a) Purchaser is a corporation duly organized and existing under the laws of the State of Nevada.

(b) Purchaser has all requisite power and authority to carry out business as now and whenever conducted and to enter into and perform its obligations under this Agreement and the Declaration.

(c) By proper action of Purchaser, Purchaser's signatories have been duly authorized to execute and deliver this Agreement and the Declaration.

(d) The execution of this Agreement by Purchaser does not violate any provision of any other agreement to which Purchaser is a party.

(e) Except as may be specifically set forth in this Agreement, no approvals or consents not heretofore obtained by Purchaser are necessary in connection with the execution of this Agreement by Purchaser or with the performance by Purchaser of its obligations hereunder or the Declaration.

(f) Neither Purchaser nor any of its principals is currently a debtor in a case under the Bankruptcy Code (Title 11 U.S.C.), is the subject of an involuntary petition under the Bankruptcy Code, has made an assignment for the benefit of creditors or is insolvent and unable to pay its debts as they become due.

(g) To Purchaser's actual knowledge, there are no legal actions, suits or proceedings pending or threatened before any judicial body or any governmental or quasi-

governmental authority against Purchaser which would inhibit Purchaser's ability to perform its obligations under this Agreement.

(h) To CITY's actual knowledge there are no defaults of either of the respective landlords or tenants under the Ground Leases.

8. BROKERS. Each Party warrants and represents to the other that no broker, finder or other intermediary hired or employed by it is entitled to a commission, finder's fee or other compensation based upon the transaction contemplated hereby and each Party (the "*Indemnitor*") shall indemnify and hold harmless the other Party from and against any and all liens, demands, liabilities, causes of action, judgments, costs, claims, damages, suits, losses and expenses, or any combination thereof, including attorneys' fees, of any nature, kind or description, caused by or arising out of the claim of any broker, finder or other intermediary alleging to have been employed or hired by the Indemnitor, to a commission, finder's fee or other compensation based upon the transactions contemplated hereby. Purchaser and Seller acknowledge that Purchaser is a licensed real estate broker and is representing itself in connection with this transaction. Purchaser acknowledges and agrees that Purchaser is not entitled to any commission in connection with this transaction.

9. ESCROW

9.1 Escrow and Escrow Instructions. The parties have opened escrow number 287446 DM with National Title Company, ("*Title Company*"), Debbie Miller, Branch Manager, 7251 West Lake Mead Suite 350, Las Vegas Nevada, 89128 as escrow agent ("*Escrow Agent*"). This Agreement constitutes the joint escrow instructions of CITY and Purchaser, and a fully executed copy of the Agreement shall be delivered to Escrow Agent upon the opening of escrow. CITY and Purchaser shall provide such additional escrow instructions as shall be necessary and consistent with this Agreement. Escrow Agent hereby is empowered to act under this Agreement, and, upon indicating its acceptance of the provisions of this Section 9 in writing, delivered to CITY and to Purchaser after the opening of the escrow, shall carry out its duties as Escrow Agent hereunder.

9.2 Purchaser's Escrow Deposits.

(a) Not later than one (1) business day prior to the Close of Escrow, Purchaser shall deposit and deliver to Escrow Agent the following items:

(i) immediately available funds in an amount equal to the Cash Balance Due plus any prorations due from Purchaser pursuant to Section 13 below;

(ii) two (2) original copies of the Ground Leases Termination Agreement duly executed and acknowledged by Purchaser; and

(iii) any other documents, instruments, data, records, correspondence or agreements called for under this Agreement which have not been delivered.

(b) Purchaser shall deposit into Escrow the following fees, charges and costs after Escrow Agent has notified Purchaser of the amount of such fees, charges and costs, but not earlier than one business day prior to the scheduled date for the Close of Escrow:

(i) one-half (1/2) of the premium and costs for the CLTA portion of the Title Policy;

(ii) all of the ALTA portion of the Title Policy and for any special endorsements to be paid by Purchaser as set forth in Section 12 below;

(iii) all of the state, county or city documentary transfer tax; (Real Property Transfer Tax R.P.T.T);

(iv) one-half (1/2) of the escrow fees;

(v) one half (1/2) of the total appraisal fees;

(vi) one half (1/2) of the miscellaneous escrow fees (not to exceed $100.00);

(vii) all of the recording fees;

(viii) all final inspection fees;

9.3 CITY's Escrow Deposits.

(a) Not later than one business day prior to the Close of Escrow, CITY will deposit with Escrow Agent the following:

(i) the Deed duly executed and acknowledged by CITY in the form attached hereto as Exhibit "D";

(ii) two (2) original copies of the Ground Leases Termination Agreement duly executed and acknowledged by CITY;

(iii) a non-foreign transferor declaration in customary form (the "*Non-Foreign Transferor Declaration*") duly executed by CITY; and

(iv) any other documents, instruments, data, records, correspondence or agreements called for under this Agreement which have not been delivered.

(b) CITY shall be charged with the following fees, charges and costs after Escrow Agent has notified CITY of the amount of such fees, charges and costs, which shall be deducted from CITY's proceeds at the Close of Escrow:

(i) one-half (1/2) of the premium and costs for the CLTA portion of Title Policy;

(ii) one-half (1/2) of the total appraisal fees;

(iii) one-half (1/2) of the escrow fees;

(iv) one-half (1/2) of the miscellaneous escrow fees (not to exceed $100.00); any prorations due from CITY pursuant to Section 13 below.

9.4 Additional Escrow Deposits. The Parties shall also timely deliver into Escrow (a) any transfer declarations, returns or other similar documents satisfying federal or Nevada state law requirements, if any; (b) evidence reasonably satisfactory to the other Party and Escrow Agent respecting the authorization and execution of the documents required to be delivered hereunder; and (c) such additional documents as may be reasonably required by the other Party or Escrow Agent in order to consummate the transactions provided hereunder.

9.5 Closing Instructions. On the Closing Date, Escrow Agent is authorized and instructed to:

(a) Record the Deed.

(b) Deliver to CITY by wire transfer or intrabank transfer funds in an amount equal to the Purchase Price and CITY's closing costs in accordance with Section 9.3(b) above.

(c) Deliver to Purchaser the Title Policy.

(d) Prepare and submit to the Internal Revenue Service the information return and statement concerning the closing of the Escrow (the "*Information Return*") required by Section 6045(e) of the Internal Revenue Code of 1986, unless the Information Return is not required under the regulations promulgated under Section 6045(e).

9.6 Instructions Upon Recordation. The instruments that are required to be recorded and/or delivered under this Agreement shall provide that the Recorder's Office shall return them to Escrow Agent after recordation, and upon receipt thereof, Escrow Agent shall deliver the following:

(a) to CITY: (i) a copy of the Deed as recorded, (ii) an original of the Ground Leases Termination Agreement and (iii) plain copies of the real property transfer declaration; and

(b) to Purchaser: (i) the original of the Deed as recorded; (ii) plain copies of the real property transfer declaration, (ii) an original of the Ground Leases Termination Agreement and (iii) the original of the Non-Foreign Transferor Declaration.

9.7 Funds. All funds received in Escrow shall be deposited by Escrow Agent with other escrow funds of Escrow Agent in a general interest-bearing escrow account or accounts with any state or national bank doing business in the State of Nevada. Such funds may be transferred to any other such general interest-bearing escrow account or accounts. All disbursements shall be made by check of Escrow Agent. All adjustments shall be made on the

basis of a thirty (30) day month. Any interest that is earned on funds deposited by Purchaser under this Agreement shall be for the benefit of Purchaser and applied to the Purchase Price.

9.8 Escrow Cancellation. If Escrow is not in a condition to close before the Closing Date, the Party who shall have fully performed the acts to be performed before the conveyance of title may, in writing, terminate this Agreement and demand the return of its money, papers and documents. The Party who has not fully performed shall be solely responsible for any escrow cancellation charges. No termination or demand for return shall be recognized until five (5) days after Escrow Agent shall have mailed copies of such demand to the other Party or Parties. If any objections are raised within the five (5) day period, Escrow Agent is authorized to hold all money, papers and documents with respect to the Property until instructed in writing by both CITY and Purchaser or, upon failure thereof, by a court of competent jurisdiction. If no such demands are made, Escrow shall be closed as soon as possible. Nothing in this Section 9.8 shall be construed to impair or affect the rights or obligations of CITY or Purchaser to the respective rights and remedies granted to them pursuant to Section 16 below.

9.9 Amendments to Escrow Instructions. Any amendment of these escrow instructions shall be in writing and signed by both CITY and Purchaser. At the time of any amendment, Escrow Agent shall agree to carry out its duties as Escrow Agent under such amendment. All communications from Escrow Agent to CITY or Purchaser shall be directed to the addresses and in the manner established in Section 17.5 below for notices, demands and communications between CITY and Purchaser.

9.10 Liability of Escrow Agent. The liability of Escrow Agent under this Agreement is limited to performance of the obligations imposed upon it under Sections 9 to 13 of this Agreement.

10. CLOSE OF ESCROW, CONVEYANCE OF TITLE

10.1 Closing Date. Provided that Purchaser and CITY are not in default under this Agreement and all conditions precedent to the Close of Escrow have occurred, the Close of Escrow *shall occur* on or prior to February 25, 2011 (the "*Closing Date*").

10.2 Conditions to Purchaser's Obligation to Close. Notwithstanding any other provision of this Agreement, Purchaser's obligation to proceed with the Close of Escrow is subject to the fulfillment or waiver by Purchaser of each of the conditions precedent described below, which are solely for the benefit of Purchaser and which shall be fulfilled or waived prior to the Close of Escrow:

(a) CITY shall not be in violation of any of its material obligations under this Agreement, including, without limitation, CITY having executed, acknowledged where required, and deposited with Escrow Agent all of the documents and deposits required to be delivered and made by CITY as required herein; and

(b) Escrow Agent is prepared to issue the Title Policy as required herein.

10.3 Conditions to CITY's Obligation to Close. Notwithstanding any other provision of this Agreement, CITY's obligation to proceed with the Close of Escrow is subject to the fulfillment or waiver by CITY of each of the conditions precedent described below, which are solely for the benefit of CITY and which shall be fulfilled or waived prior to the Close of Escrow:

(a) Purchaser shall not be in violation of any of its material obligations under this Agreement, including, without limitation, Purchaser having executed, acknowledged where required, and deposited with Escrow Agent all of the documents and deposits required to be delivered and made by Purchaser as required herein.

10.4 Possession. Purchaser acknowledges they are in possession of the Property.

11. CONDITION OF TITLE. CITY shall convey to Purchaser fee simple title subject to those exceptions and matters shown on the Preliminary Title Report issued by National Title Company as set forth on Exhibit "E" attached hereto.

12. TITLE INSURANCE. Concurrently with recordation of the Deed, and as a condition of closing, Escrow Agent and any required co-insurer shall provide and deliver to Purchaser a title insurance policy in the amount of the Purchase Price issued by Escrow Agent insuring that title is vested in Purchaser and/or its assignee in the condition required by Section 10.4 of this Agreement (the "*Title Policy*"). CITY shall only be required to pay the CLTA portion of the title insurance and Purchaser shall pay the cost of the ALTA portion of the Title Policy and the cost of any special endorsements.

13. PRORATIONS. All rent due under the Ground Leases shall be prorated as of the close of Escrow. No other income or expenses shall be prorated between the Parties and all expenses shall be borne by Purchaser pursuant to the Ground Leases.

14. FEASIBILITY REVIEW; AS-IS SALE

14.1 Feasibility Review. Purchaser agrees and acknowledges that Purchaser has had completed a full and complete due diligence investigation of the Property and the feasibility of the development and operation of the Property, including, without limitation, any and all physical investigations of the Property as required by Purchaser. Purchaser acknowledges that it has had full and complete access to the Property at all times as required by Purchaser and has received the full and complete cooperation of CITY.

14.2 As Is Nature of Transaction. Purchaser acknowledges and agrees that the Property is to be sold and conveyed to and accepted by Purchaser in an "as is" condition with, if any, all faults and defects. Purchaser acknowledges that it is currently in possession of the Property and is the owner of all improvements located on the Property and that it is knowledgeable in all respects as to the condition and operation of the Property and all such improvements. CITY makes no representations or warranties of any kind whatsoever, either expressed or implied, with respect to the Property and/or such improvements or any of such related matters; in particular, but without limitation, CITY makes no representations or

warranties with respect to the use, condition, title, occupation or management of the Property and/or such improvements, compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to leasing, zoning, subdividing, planning, building, fire, safety, health or environmental matters, compliance with covenants, conditions and restrictions (whether or not of record), other local, municipal, regional, state or federal requirements, or other statutes, laws, codes, ordinances, regulations or requirements affecting or relating to the Property and/or such improvements. Purchaser acknowledges that notwithstanding any prior or contemporaneous oral or written representations, statements, documents or understandings, this Agreement constitutes the entire understanding of the Parties with respect to the subject matter hereof and the purchase and sale of the Property and supersedes any such prior or contemporaneous oral or written representations, statements, documents or understandings. Purchaser agrees that CITY is making no representations or warranties regarding the environmental conditions or any other condition of the Property and/or such improvements.

15. CONVEYANCE FREE OF POSSESSION. Except for the tenants currently in possession of the Property pursuant to the ground Leases, the Property shall be conveyed free of any possession or right of possession by any other person or entity except subject to the title matters set forth in Section 10.4 above.

16. DEFAULT AND REMEDIES

16.1 Purchaser Event of Default. The occurrence of any of the following prior to the Close of Escrow, shall be a Purchaser event of default hereunder:

(a) The failure by Purchaser to timely deliver (i) the Earnest Money Deposit as required by Section 5.1; (ii) the Cash Balance Due; or (iii) the deposits as required by Sections 9.2 and 9.4 above, unless such failure is as a result of the failure to be satisfied of one or more of Purchaser's conditions precedent to the Close of Escrow set forth in Section 10.2 above;

(b) The filing of a petition or the institution of proceedings of, by, or against Purchaser pursuant to the Bankruptcy Reform Act of 1978, as amended, or any successor statute or pursuant to any state bankruptcy, insolvency, moratoria, reorganization, or similar laws which is not dismissed within ninety (90) days; or Purchaser's making a general assignment for the benefit of its creditors or the entering by Purchaser into any compromise or arrangement with its creditors generally; or Purchaser's becoming insolvent in the sense that Purchaser is unable to pay its debts as they mature or in the sense that Purchaser's debts exceed the fair market value of Purchaser's assets;

(c) Except for defaults pursuant to Section 16.1(a) above, the failure of Purchaser to perform any material act to be performed by it, to refrain from performing any material prohibited act or to fulfill any material condition to be fulfilled by it under this Agreement, or under any agreement referred to herein or attached hereto as an exhibit, which failure is not cured by Purchaser within the relevant cure period set forth below. Purchaser shall cure any monetary default within five (5) business days after receipt of written notice from CITY. Purchaser shall cure any nonmonetary default within ten (10) business days after receipt of written notice from CITY; *provided, however*, (i) that in the event that such nonmonetary default is of a nature that it cannot be cured within such ten (10) business day period, then

Purchaser shall commence to cure such failure within such ten (10) business day period and shall diligently prosecute such cure to its completion; and (ii) no such cure period shall in any way extend the Closing Date and Purchaser's obligation to close the purchase of the Property by the Closing Date; or

(d) Any of Purchaser's representations and warranties set forth in Section 7.2 above to be untrue in any material way as of the Closing Date.

16.2 CITY'S REMEDY. IN THE EVENT (A) THIS AGREEMENT IS TERMINATED PURSUANT TO SECTIONS 3.3 OR 9.8 OF THIS AGREEMENT; OR (B) AN EVENT OF DEFAULT BY PURCHASER HAS OCCURRED PURSUANT TO SECTION 16.1 ABOVE, CITY MAY, BY WRITTEN NOTICE TO PURCHASER AND ESCROW AGENT, TERMINATE THIS AGREEMENT AND RETAIN AS ITS SOLE AND EXCLUSIVE REMEDY, THE EARNEST MONEY DEPOSIT TOGETHER WITH ALL EARNINGS THEREON AS CITY'S LIQUIDATED DAMAGES FOR THE BREACH OF THIS AGREEMENT BY PURCHASER. IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN CITY AND PURCHASER THAT CITY'S ACTUAL DAMAGES FOR ANY SUCH BREACH BY PURCHASER HEREUNDER WOULD BE SUBSTANTIAL BUT EXTREMELY DIFFICULT TO ASCERTAIN.

INITIALS:
CITY: _____
PURCHASER: _____

16.3 CITY's Event of Default. The occurrence of any of the following prior to the Close of Escrow, shall be a CITY event of default hereunder:

(a) the failure of CITY to perform any act to be performed by it, to refrain from performing any prohibited act or to fulfill any condition to be fulfilled by it under this Agreement unless such failure is as a result of the failure to be satisfied of one or more of CITY's conditions precedent to the Close of Escrow set forth in Section 10.3 above; or

(b) any of CITY's representations and warranties set forth in Section 7.1 above shall be untrue in any material way as of the Closing Date.

16.4 Purchaser's Remedies. In the event of a default by CITY prior to the Close of Escrow, Purchaser's sole remedy shall be to pursue one, and only one, of the following remedies:

(a) to waive such default;

(b) to terminate this Agreement and on such termination CITY shall have no liability or obligation hereunder in which case (i) the Escrow Agent shall pay to Purchaser the Earnest Money Deposit within ten (10) days of such termination; and (ii) CITY shall have no liability whatsoever to Purchaser, including, without limitation, any liability for Purchaser's costs and expenses incurred in connection with its undertakings under this Agreement; or

(c) to demand specific performance of CITY's obligations under this Agreement without an abatement in the Purchase Price or other consideration and without any liability whatsoever on the part of CITY for damages resulting from CITY's event of default.

17. MISCELLANEOUS PROVISIONS

17.1 Time of the Essence. Time is of the essence of this Agreement and every obligation hereunder.

17.2 Survival. The representations and warranties contained in this Agreement, and the covenants that extend beyond the conveyance of title, shall survive the recordation of any deed and shall not be deemed merged into such deed.

17.3 Successors and Assigns. This Agreement shall inure to the benefit of and bind the successors and assigns of the respective Parties hereto, subject to the provisions of this Agreement regarding assignment.

17.4 Non-Liability of City Officials and Employees. No official or employee of CITY or the City shall be personally liable to Purchaser for any default or breach by CITY, for any amount which may become due to Purchaser or for any obligation of CITY under the terms of this Agreement.

17.5 Notices. Formal notices, demands and communications between Purchaser and Seller shall be sufficiently given if made in writing and dispatched by registered or certified mail, postage prepaid, return receipt requested or by personal delivery, to the principal offices of Purchaser and Seller as set forth in this Section 17. Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate in writing.

If to the Purchaser:
ARPM Realty, Inc.
Attn: Susan Ackerman
2680 S. Jones Blvd., Suite 1
Las Vegas, NV 89146

If to the Seller:
City of Las Vegas
Attn: William Arent
Office of Business Development
400 Stewart Avenue
Las Vegas, Nevada 89101

If to Escrow Agent:
National Title Company
Attn: Debbie Miller
7251 West Lake Mead, Suite 350
Las Vegas, Nevada 89128

17.6 Entire Agreement, Amendments and Waivers. This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original. This Agreement includes Exhibit "A" through Exhibit "F", inclusively, attached hereto and incorporated herein by reference, all of which constitute the entire understanding and agreement of the Parties.

This Agreement is intended by the Parties to be the final expression of their agreement with respect to the subject matter hereof, and is intended as the complete and exclusive statement of the terms of the agreement between the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

All amendments hereto must be in writing and signed by the appropriate authorities of CITY and Purchaser.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of CITY and Purchaser and no waiver of one provision shall be construed as a waiver of that provision in the future or as a waiver of any other provision.

17.7 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalidated, it shall be deemed to be severed from this Agreement and the remaining provisions shall remain in full force and effect.

17.8 Governing Law. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

17.9 Captions. The captions contained in this Agreement are for the convenience of the Parties and shall not be construed so as to alter the meaning of the provisions of the Agreement.

17.10. Counterparts. Each counterpart of this Agreement shall be deemed to be an original and all of which together shall be deemed to be one and the same Agreement. Delivery of this Agreement may be accomplished by facsimile transmission of this Agreement. In such event, the Parties hereto shall promptly thereafter deliver to each other executed counterpart originals of this Agreement.

17.11 No Third Party Beneficiaries. Nothing in this Agreement shall confer upon any Person, other than the Parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Agreement.

17.12 Days. All references to "*days*" in this Agreement are to consecutive calendar days unless business days are specified.

17.13 Construction. The Parties acknowledge that each Party and its counsel have reviewed and approved this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

SELLER

CITY OF LAS VEGAS NEVADA, a political subdivision of the State of Nevada

By: _____
Name: Oscar B. Goodman
Mayor

ATTEST:

_____
Beverly K. Bridges, MMC, City Clerk

APPROVED AS TO FORM:

_____ ESQ
Date 1-11-11

PURCHASER

ARPM REALTY INCORPORATED, a Nevada corporation

By: _____
Susan Ackerman
President

LIST OF EXHIBITS

EXHIBIT "A"	PROPERTY DEPICTION
EXHIBIT "B"	LEGAL DESCRIPTION
EXHIBIT "C"	PRINCIPAL DISCLOSURES
EXHIBIT "D"	GRANT DEED
EXHIBIT "E"	TITLE REPORT
EXHIBIT "F"	GROUND LEASES TERMINATION AGREEMENT

EXHIBIT "A"

SITE MAP

2400 N. Tenaya Way

Legend

2400 N. Tenaya

0 50 100 200 Feet

N

W E

S

This map is a graphic representation of an area.
It is not guaranteed to be accurate.
This map is only for planning purposes.

4/30/10

EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL I:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF SAID SOUTHEAST QUARTER (SE ¼); THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°39'29" WEST, 187.27 FEET TO A POINT OF TANGENCY WITH A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°41'34", AN ARC DISTANCE OF 39.14 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°02'05" EAST, 420.14 FEET; THENCE SOUTH 89°39'29" EAST, 211.83 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL II:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 15; THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'17" WEST, 445.01 FEET; THENCE SOUTH 89°39'29" EAST, 188.17 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET; THENCE NORTH 89°39'29" WEST, 188.17 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT "C"
CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity
Name AAPM Realty Inc.
Address 2680 S. Jones Blvd #1 LV NV 89146
Telephone (702) 597-0222
EIN or DUNS 26-1632849

Block 2 Description
Real Property Purchase and Sale Agreement Ground Lease Termination

Block 3 Type of Business					
☐ Individual	☐ Partnership	☐ Limited Liability Company	☒ Corporation	☐ Trust	☐ Other

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS

(CONTINUED)

Block 4 Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Susan Ackerman / Presid	2680 S Jones Blvd #1	(702) 597-0222
2.	Sasha Ackerman	2400 N Tenaya Rd	(702) 982-8800
3.			
4.			
5.			
6.			
7.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: _____.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document:

_____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROXANA FIERRO
Appt. No. 08-10230-1
My Appt. Expires Aug. 28, 2014

Name

Date 1/13/2011

Subscribed and sworn to before me this 13 day of January, 2011

Notary Public

EXHIBIT "D"

APN No(s): 138-15-810-009 and 138-15-810-010

WHEN RECORDED MAIL TO:

_____

_____

_____

Attention:_____

MAIL TAX STATEMENTS TO:

_____

_____

_____

Attention:_____

GRANT BARGAIN AND SALE DEED

For valuable consideration, the receipt of which is hereby acknowledged, the CITY OF LAS VEGAS, NEVADA, a political subdivision of the State of Nevada ("*Grantor*"), does hereby grant, bargain, sell and convey to ARPM, Realty, Incorporated, a Nevada corporation ("*Grantee*") all right, title, and interest in and to that certain real property situated in the City of Las Vegas, Clark County, Nevada bounded and legally described in Exhibit A attached hereto and incorporated herein by this reference (the "*Real Property*").

Together with, all and singular, the tenements, hereditaments and appurtenances belonging, or in anywise appertaining.

To have and to hold, the Real Property described above with the appurtenances, unto Grantee, and to Grantee's heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on by its officer thereunto duly authorized this ____ day of _____, 2011.

Signature on the next page.]

GRANTOR:

CITY OF LAS VEGAS NEVADA

By: _____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges, MMC
City Clerk

APPROVED AS TO FORM:

_____
Date

STATE OF NEVADA }
} ss.
COUNTY OF CLARK }

This instrument was acknowledged before me on _____, 2011 by Oscar B. Goodman as Mayor of the City of Las Vegas Nevada.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC, in and for said
County and State

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL I:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF SAID SOUTHEAST QUARTER (SE ¼); THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°39'29" WEST, 187.27 FEET TO A POINT OF TANGENCY WITH A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°41'34", AN ARC DISTANCE OF 39.14 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°02'05" EAST, 420.14 FEET; THENCE SOUTH 89°39'29" EAST, 211.83 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL II:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 15; THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'17" WEST, 445.01 FEET; THENCE SOUTH 89°39'29" EAST, 188.17 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET; THENCE NORTH 89°39'29" WEST, 188.17 FEET TO THE TRUE POINT OF BEGINNING.

Preliminary Title Report – Front Page

EXHIBIT "E"

TITLE OFFICE LOCATION
7251 West Lake Mead,
Las Vegas, Nevada 89128
Telephone (702) 873-7020 - Fax (702) 873-2223

1st Amended
PRELIMINARY TITLE REPORT

When replying please contact:

Debbie Miller
Sr. Escrow Officer
7251 W Lake Mead #350
Las Vegas, NV 89128
702-873-7020
702-499-3544 Cell
702-967-3508 Fax
mailto:debbie@nationaltitlecompany.com

PROPOSED PURCHASER/BORROWER:

ARPM Realty

Our Order No.: 287446

Your Order No.:

Today's Date: December 17, 2010

In response to the above referenced application for a policy of title insurance, National Title Co and First American Title Insurance Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. Printed Exceptions and exclusions from coverage are contained in the policy or policies to be issued. Copies of the Policy forms should be read. They are available from the office which issued this Preliminary Title Report.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of: December 10, 2010 at 8:00 a.m.

PROPERTY ADDRESS:

2400 N Tenaya Way
Las Vegas, Nevada 89128

Teri St. Pierre
Title Officer

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee Simple

Title to said estate or interest is vested in:

City of Las Vegas

The land referred to herein is situated in the County of Clark, State of Nevada described as follows:

See Attached Legal Description

Exhibit A
LEGAL DESCRIPTION

File Number: 287446

Parcel One (1):

That portion of the of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE ¼) of Section 15, Township 20 South, Range 60 East, M.D.M., described as follows:

Commencing at the Southwest corner of said Southeast Quarter (SE ¼); thence south 89°39'29" East, along the South line thereof, 252.17 feet; thence North 00°00'17" West, 50.00 feet to the True Point of Beginning; thence North 89°39'29" West 187.27 feet to a point of tangency with a curve concave Northeasterly and having a radius of 25.00 feet; thence Northwesterly along said curve, through a central angle of 89°41'34", an arc distance of 39.14 feet to a point of tangency; thence North 00°02'05" East , 420.14 feet; thence South 89°39'29" East 211.83 feet; thence South 00°00'17" East, 445.01 feet to the True Point of Beginning.

Parcel Two (2):

That portion of the of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE ¼) of Section 15, Township 20 South, Range 60 East, M.D.M., described as follows:

Commencing at the of the Southwest corner of the se of Section 15; thence South 89°39'29" East, along the South line thereof, 252.17 feet; thence North 00°00'17" West, 50.00 feet to the True Point of Beginning; thence continuing North 00°00'17" West, 445.01 feet; thence South 89°39'29" East, 188.17 feet; thence South 00°00'17" East, 445.04 feet; thence North 89°39'29" West, 188.17 feet to the True Point of Beginning.

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions in a Policy of Title Insurance are as follows:

1. Taxes for the fiscal year 2010-2011:
   Parcel No. : 138-15-810-009
   District : 200

First installment due on or before August 16, 2010:	$6,965.71	PAID
Second installment due on or before October 4, 2010:	$6,965.72	PAID
Third installment due on or before January 3, 2011:	$6,965.72	NOT YET DUE
Fourth installment due on or before March 7, 2011:	$6,965.72	NOT YET DUE
Total amount due:	$27,862.87	

2. Taxes for the fiscal year 2010-2011:
   Parcel No. : 138-15-810-010
   District : 200

First installment due on or before August 16, 2010:	$3,918.81	PAID
Second installment due on or before October 4, 2010:	$3,918.80	PAID
Third installment due on or before January 3, 2011:	$3,918.80	NOT YET DUE
Fourth installment due on or before March 7, 2011:	$3,918.80	NOT YET DUE
Total amount due:	$15,675.21	

3. The lien of supplement taxes, that may be due, but not assessed, for new construction by the Clark County Assessor per N.R.S. 361.260.

4. Any taxes that may be due, but not assessed as provided under SB509 Section 28, which amends Section 5 of Chapter 20, Statutes of Nevada 2005.

5. Water Rights, Claims or Title to water, whether or not shown by the public records.

6. Mineral rights, reservations and exclusions contained in the Patent from the United States of America
   Recorded: January 8, 1986
   Document No.: 00613 Book No.: 860108
   Official Records, Clark County, Nevada.

7. Mineral rights, reservations and exclusions contained in the Patent from the United States of America
   Recorded: January 21, 1986
   Document No.: 00596 Book No.: 860121
   Official Records, Clark County, Nevada.

8. A Right of Way and Easement over, under, upon and across a portion of said land
   Granted To: Las Vegas Valley Water District
   For: Construction, operation, maintenance, repair, renewal, reconstruction and removal of pipelines for conducting water with the right of ingress and egress and incidental purposes
   Recorded: july 31, 1986
   Document No.: 00681 Book No.: 860731
   Official Records, Clark County, Nevada.

9. Covenants, Conditions and Restrictions (but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604 (C), of United States Codes) as set forth in the document
Recorded: June 13, 1988
Document No.: 00392 Book No.: 860613
Official Records, Clark County, Nevada.

Amendment to covenants conditions and restrictions
Recorded: May 12, 1989
Document No.: 00681 Book No.: 890512
Official Records, Clark County, Nevada.

Amendment to covenants conditions and restrictions
Recorded: January 9, 1991
Document No.: 00470 Book No.: 910109
Official Records, Clark County, Nevada.

10. Dedications and Easements as indicated or delineated on Parcel Map on file in File 50 of Parcel Maps, Page 41, Official Records.

11. Dedications and Easements as indicated or delineated on Parcel Map on file in File 54 of Parcel Maps, Page 60, Official Records.

12. A Right of Way and Easement over, under, upon and across a portion of said land
Granted To: Central Telephone Company
For: power and communication purposes and incidental purposes
Recorded: November 15, 1989
Document No.: 00719 Book No.: 891115
Official Records, Clark County, Nevada.

13. Dedications and Easements as indicated or delineated on the Subdivision Map on file in Book 38 of Plats, Page 91, Official Records.

14. Terms and provisions of the unrecorded leases, or a memorandum thereof
Dated: January 29, 1986 and February 18, 1987
Lessor: City of Las Vegas
Lessee: Lockhead Federal Credit Union
Assignee: ARPM Realty, Inc.
Disclosed by: Consent to Assignment of Ground Leases
Recorded: May 21, 2010 in Book 20100521
Document No.: 03836, Official Records.

Terms, covenants, conditions and provisions contained in an Instrument entitled "Consent to Assignment of Ground Leases"
Recorded: May 21, 2010
Document No.: 03836 Book No.: 20100521
Official Records, Clark County, Nevada.

15. The Company requires a satisfactory statement from the Lessor and Lessee that:

a) There are no unrecorded amendments, modifications, or transfers affecting the lease which have not been disclosed to the Company.
b) The lease is current and not in default and there is no breach of any terms of the lease.
c) The current transaction is authorized by the Lessor.

16. The Company requires satisfactory evidence of the termination and surrender of possession of the lease. At that time, the Company may make additional requirements or exceptions.

17. Rights and claims of parties in possession by reason of unrecorded leases, if any, that would be disclosed by an inquiry of the parties, or by an inspection of said land.

18. A Corporate Resolution from ARPM Realty, Inc. authorizing the proposed transaction will be required prior to the Close of Escrow.

19. The requirement that proof is furnished to the satisfaction of the Company, as to the authority of those executing the proposed documents on behalf of the City of Las Vegas.

20. An inspection will be required prior to close of escrow. Additional exceptions may be added due to any facts, rights, interests or claims which are not shown by the public records, but which may be ascertained by the inspection of said premises or by making inquiry of persons in possession thereof.

Should the inspection of the real property disclose any work of improvement in progress, Mechanic's Lien Insurance will be deleted from coverage in our policy when issued, unless prior approval to commence work has been obtained.

END OF EXCEPTIONS

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of National Title Co and **First American Title Insurance Company.**

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

7251 W. Lake Mead Ste 350
Las Vegas, NV 89128
Phone (702) 873-7020 • Fax (702) 873-2223

Date:

Escrow Number: 287446

WIRING INSTRUCTIONS:

Bank of Nevada
(702) 252-6178
7251 West Lake Mead Blvd., Ste 208
Las Vegas, Nevada 89128
ABA # 122401778

Final Credit To:
NATIONAL TITLE CO. – Escrow Trust Account
ESCROW ACCOUNT # 7501148104

PLEASE REFERENCE:

File Number:	287446
Escrow Officer:	Debbie Miller
Property Address:	2400 N Tenaya Way Las Vegas, Nevada 89128
Buyer/Borrower:	ARPM Realty

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11x17 ORIGINAL

0 50 100 200 400 600 800

AVERAGE OA VALUE 45

ASSESSOR'S PARCELS - CLARK CO., NV.

W. W. Schofield, Assessor

MAP LEGEND

- PARCEL BOUNDARY
- SUBD BOUNDARY
- ROAD EASEMENT
- PM/LD BOUNDARY
- NON-PARCEL LOT LINE
- MATCH LINE / LEADER LINE
- 55 ROAD ID NUMBER
- 061 1.00 PARCEL NUMBER ACREAGE
- 202 PARCEL SUB/SEQ NUMBER
- PLAT RECORDING NUMBER
- BLOCK NUMBER
- LOT NUMBER
- GOV. LOT NUMBER

MDB T20S R60E SEC 15

	R59E	R60E	R61E
T19S	126	125	124
T20S	137	138	139
T21S	164	163	162

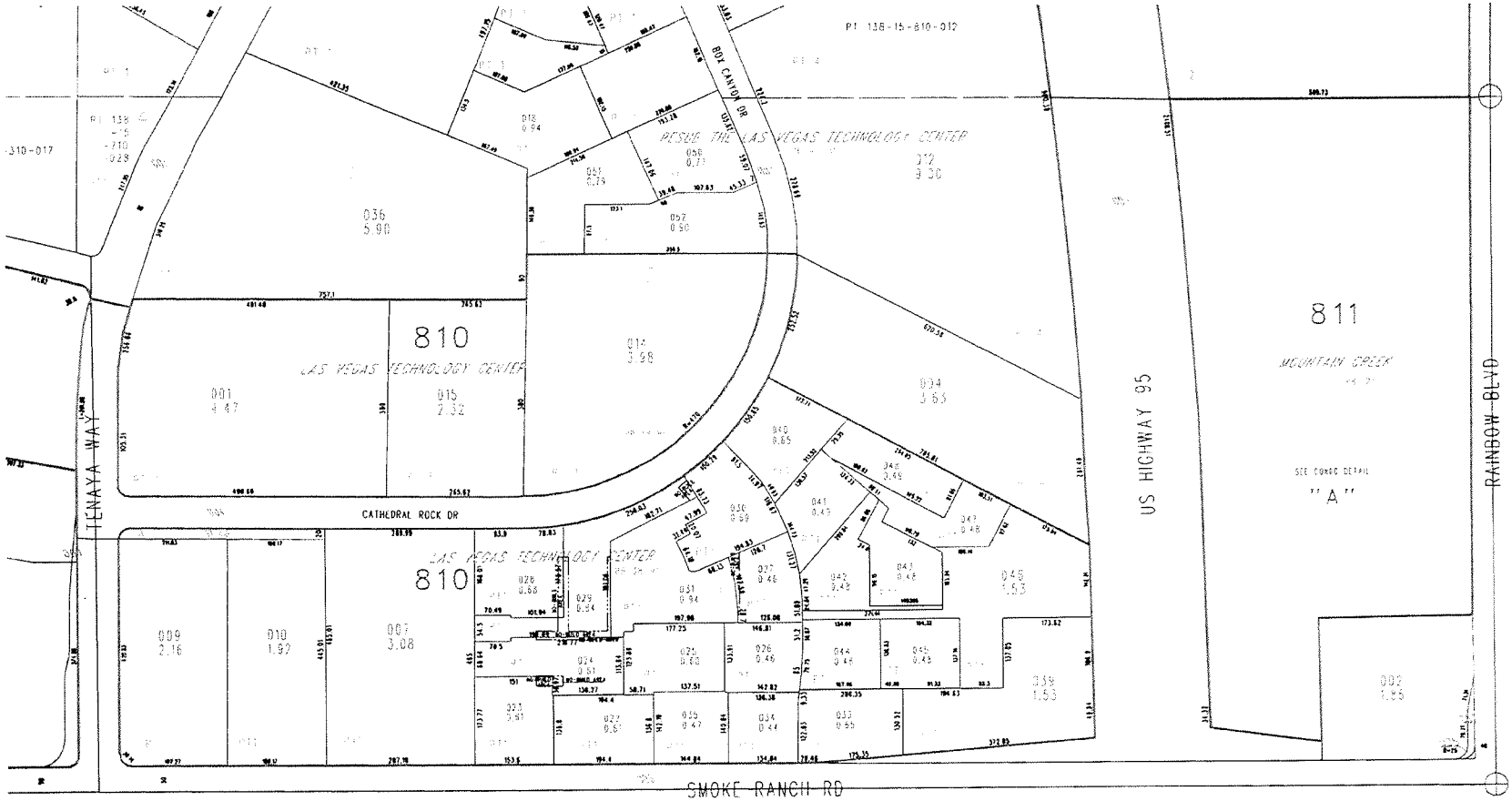
6	5	4	3	2	1	
7	8	9	10	11	12	
18	17	16	15	14	13	
19	20	21	22	23	24	
30	29	28	27	26	25	
31	32	33	34	35	36	

SUBJ S 2 SE 4

8	4	8	4
5	1	5	1
6	2	6	2
7	3	7	3
8	4	8	4
5	1	5	1

138-15-8

Scale 1"=200' Rev:05/24/06



TAX DIST 200

EXHIBIT "F"

APN No(s): 138-15-810-009 and 138-15-810-010

WHEN RECORDED MAIL TO:

_____

_____

_____

Attention:_____

MAIL TAX STATEMENTS TO:

_____

_____

_____

Attention:_____

GROUND LEASE TERMINATION AGREEMENT

THIS GROUND LEASE TERMINATION AGREEMENT ("Agreement") is made and entered into this _____day of _____, 2011, by and between the City of Las Vegas, Nevada, a political subdivision of the State of Nevada ("*Seller*"), and ARPM Realty, Incorporated, a Nevada corporation ("*Buyer*"). Seller and Buyer individually or collectively are referred to herein as the "*Party*" or "*Parties*."

WITNESSETH

WHEREAS, concurrently with the execution of this agreement, Seller has sold and conveyed to Buyer those two parcels of land located within the Las Vegas Technology Center, commonly known as 2400 North Tenaya Way, Las Vegas, Nevada also identified as Assessor's Parcel Number(s): 138-15-810-009 and 138-15-810-010, as more fully described on Exhibit "A" attached to this Agreement and hereby made a part of this Agreement (the "*Property*");

WHEREAS, the Property is subject to the Ground Leases (hereinafter defined);

WHEREAS, in consideration of the sale of the Property to Buyer by Seller, the Parties have agreed to terminate the Ground Leases; and

WHEREAS, the parties have entered into this Agreement in order to effectuate the termination of the Ground Leases.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and conditions contained herein, the Parties agree as follows:

1. Ground Leases. As used in this agreement, the term "*Ground Leases*" means both (i) that certain ground lease dated January 29, 1986 between Seller, as landlord and L.V. Tech Center Limited Partnership, a Nevada limited partnership, as tenant and (ii) that certain ground lease dated February 18, 1987 between Seller, as landlord and L.V. Tech Center Limited Partnership, a Nevada limited partnership, as tenant. The Parties acknowledge that Buyer by an assignment of the tenant's interest in the Ground Leases is the current tenant under the Ground Leases.

2. Termination. The Parties hereby mutually agree that effective as of the date of this Agreement and in consideration of the purchase and sale of the Property, the Ground Leases are hereby terminated in all respects and are of no further force and effect.

3. Mutual Release. Each Party ("*Releasing Party*") hereby mutually releases, waives, remises, acquits and forever discharges all rights, causes of action and claims which a Releasing Party has against the other Party and the other Party's officers, employees, agents, attorneys, representatives, legal successors and assigns, from any and all claims, suits, actions, causes of action, demands, rights, damages, costs, expenses, penalties, fines or compensation whatsoever, direct or indirect, which a Releasing Party has in connection with or relating in any way to or under the Ground Leases.

4. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be

invalidated, it shall be deemed to be severed from this Agreement and the remaining provisions shall remain in full force and effect.

5. Governing Law. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

6. Captions. The captions contained in this Agreement are for the convenience of the Parties and shall not be construed so as to alter the meaning of the provisions of the Agreement.

7. Counterparts. Each counterpart of this Agreement shall be deemed to be an original and all of which together shall be deemed to be one and the same Agreement. Delivery of this Agreement may be accomplished by facsimile transmission of this Agreement. In such event, the Parties hereto shall promptly thereafter deliver to each other executed counterpart originals of this Agreement.

8. No Third Party Beneficiaries. Nothing in this Agreement shall confer upon any Person, other than the Parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Agreement.

[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

SELLER	BUYER
CITY OF LAS VEGAS NEVADA, a political subdivision of the State of Nevada	ARPM REALTY INCORPORATED, a Nevada corporation
By: _____	By: _____
Name: Oscar B. Goodman Mayor	Name: Susan Ackerman President

ATTEST:

_____
Beverly K. Bridges, MMC, City Clerk

APPROVED AS TO FORM:

_____
Date

ACKNOWLEDGEMENTS

STATE OF NEVADA }
} ss.
COUNTY OF CLARK }

This instrument was acknowledged before me on _____, 2011 by Oscar B. Goodman.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC, in and for said
County and State

STATE OF NEVADA }
} ss.
COUNTY OF CLARK }

This instrument was acknowledged before me on _____, 2011 by Susan Ackerman.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC, in and for said
County and State

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL I:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF SAID SOUTHEAST QUARTER (SE ¼); THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°39'29" WEST, 187.27 FEET TO A POINT OF TANGENCY WITH A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°41'34", AN ARC DISTANCE OF 39.14 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°02'05" EAST, 420.14 FEET; THENCE SOUTH 89°39'29" EAST, 211.83 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL II:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER (SW COR.) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 15; THENCE SOUTH 89°39'29" EAST, ALONG THE SOUTH LINE THEREOF, 252.17 FEET; THENCE NORTH 00°00'17" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'17" WEST, 445.01 FEET; THENCE SOUTH 89°39'29" EAST, 188.17 FEET; THENCE SOUTH 00°00'17" EAST, 445.01 FEET; THENCE NORTH 89°39'29" WEST, 188.17 FEET TO THE TRUE POINT OF BEGINNING.

Public Purpose/Impact Analysis

Title of Project: 2400 N. Tenaya Way, Las Vegas Nevada

Project Description: Purchase and Sale of city owned land under a long-term ground lease

Sponsor/Developer: ARPM Realty, Incorporated

Assistance provided by City and or RDA? No

Cite Pertinent Statutes for Public Purpose:

How does project benefit the public? ARPM Realty as the new owners of the Leasehold interest purchased the buildings (subsequent to foreclosure) for $2.7 million dollars which were falling into disrepair; significant improvements have been made to the buildings and aesthetics of the property which fronts the entry to the Las Vegas Technology Center; and now desire to purchase the land (Leased Fee interest) owned by the city. ARPM has opened a second branch of their family-owned business ARPM Realty and Property Management Services within the office building; with the intention of leasing small offices to real estate agents, offer executive suites for lease, and are diligently working to attract a warehouse user that will bring quality jobs to the property and the Las Vegas Technology Center.

Quantitative Economic Benefits:

Quantitative Economic Benefits:

Public investment: N/A

Total direct economic impact: TBD

Total indirect economic impact:TBD

Economic impact study performed (yes/no) No

Sustainable? N/A **Explain (i.e. LEED vs no LEED.**

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an Exclusive Negotiation Agreement between the City of Las Vegas and the Nevada Health Centers, Inc., for the development of a medical office building on approximately 2.42 acres in Enterprise Park, located at 1888 Stella Lake Street (APN 139-21-313-016) - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: OBD/RDA

PURPOSE/BACKGROUND:
Nevada Health Centers, Inc., wishes to study the feasibility of constructing a 25,000 square foot two-story medical office facility and on-site parking on a two-plus acre site in Enterprise Park at 1888 Stella Lake Street for medical and administrative office use.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
Exclusive Negotiation Agreement

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT ("ENA" or "Agreement") is entered into this _____ day of _____, 2011, by and between the City of Las Vegas, a Nevada municipal corporation (hereinafter "City") and Nevada Health Centers, Inc., a Nevada private non-profit community health center (hereinafter "NVHC"), on the terms and provisions set forth below.

RECITALS

WHEREAS, the CITY owns real property located at Stella Lake St. and Mount Mariah Dr., know as APN: 139-21-313-016 and referred to as the "Site" or "Property" for the purposes of this Agreement; and

WHEREAS, the CITY desires the disposition of a two plus acre parcel at the Site for the purpose of economic development; and

WHEREAS, the Developer wishes to acquire the Site for the purpose of the real estate development for the construction of a new community health center serving the needs of the patients in the city of Las Vegas; and

WHEREAS, the CITY and Developer desire to enter into negotiations concerning the Developer's plans for the development of the Site with the intent that at the conclusion of the Negotiation Period, as defined below, an affiliate of developer enter into a "Disposition and Development Agreement ("DDA") for the Site.

NOW, THEREFORE, for and in consideration of the mutual agreements, which are hereinafter contained, the parties do hereby agree as follows:

1. Scope of Development

A. Medical Office Development

The Developer will agree to study and conduct due diligence (and present, or make available to the Agency for its review and inspection, results of its studies that are not deemed confidential by the Developer) regarding design, cost, operational structure of and constructability of a medical office building on the Site.

B. Deal Terms

The City and the Developer commit to negotiate terms of the land purchase price for the Site, which land purchase price shall comply with applicable Nevada law. The City and the Developer must agree to a mutually acceptable schedule of performance for development of the Site, which shall be incorporated into the DDA for the Site.

2. Negotiations

A. Good Faith Negotiations

The City and Developer agree for the Negotiation Period set forth below to negotiate diligently and in good faith to prepare a Disposition and Development Agreement for the Site. All terms and conditions of the DDA will be defined and negotiated in good faith by the City and the Developer during the entire Negotiation Period. The City further agrees, for the Negotiation Period set forth below, not to negotiate with any other person or entity regarding the sale, disposition and/or development of the Site. The City further agrees, for the Negotiation Period set forth below, not to negotiate with any other person or entity regarding the ownership, development, operation and management of the Site. The terms and provisions of the DDA shall be acceptable to the City and the Developer in its respective sole subjective discretion.

B. Negotiation Period

The duration of this ENA shall be for a term of One Hundred Eighty (180) days, commencing on the full execution of this ENA (hereinafter "Negotiation Period"). The Negotiation Period may be extended for an additional Ninety (90) days ("Extension") in the event that progress towards the finalization of the DDA for the Site is being made. This Extension would require written mutual agreement by the City Council and the authorized representative of the Developer, which shall be executed no later than thirty (30) days prior to the expiration of the initial 180 day term. If upon expiration of the Negotiation Period (as same may have been extended), Developer and the City have not reached mutual agreement as to the scope, conceptual plan, and business terms for acquisition of the Site, then this Agreement shall automatically terminate. If the Parties have not reached agreement on the above points, and both parties mutually agree to extend this Negotiation Period, this ENA will need to be amended which will be subject to the Las Vegas City Council approval, the term of any extension will be negotiated at that point in time.

C. Tasks to be performed by Developer during the Negotiation Period

i. Master Plan for Site.

The Developer, at Developer's expense, shall complete and provide to the City, or make available for review and inspection by the City, a master plan consisting of site plans (showing proposed programming) and renderings for development of the Site within four (4) months of the date of this ENA.

ii. Within six (6) months of the date of this ENA, the Developer shall provide to the City, or make available for review by the City, the following:

a) A schedule of performance for the Site;

b) A schedule and scope for design, permitting, construction, and completion of improvements on the Site; and

c) A plan for equity and/or debt financing for the development of the Site.

iii. Developer shall complete all necessary due diligence on the Site prior to the execution of the DDA. This due diligence will be at the Developer's sole expense.

3. Development Concept

A. Completion of Development Program

The negotiations hereunder shall be based on a development program encompassing the entire Site. The development will consist of a medical office development to include sufficient parking and twenty-eight (28) parking spaces for the use of employees and clients of Foundation for an Independent Tomorrow ("FIT" located at 1931 Stella Lake Street, Las Vegas, NV 89106).

B. Developer's Findings, Determinations, Studies and Reports

The Developer shall keep the City reasonably informed of its progress in developing the scope of development. Upon reasonable notice, as requested by the City, Developer agrees to make oral progress reports advising the City on the status of the development plan, all matters and all studies being made by Developer. The work product produced by Developer constitutes the property and assets of Developer.

4. Developer

A. Nature of Developer

Developer is Nevada Health Centers, Inc., a Nevada private non-profit community health center. If Developer chooses to form a partnership or limited liability company in the future and they wish to assign the rights of this ENA to this new entity or partnership, such assignment shall require the prior written approval of the City. The City recognizes that the DDA shall be entered into by an affiliate of Developer.

B. Office of Developer

The principal office of Developer is:

1802 N. Carson St. # 100
Carson City, NV 89701
Phone: (775) 887-1590x 1114
Attention: Thomas G. Chase

C. Full Disclosure of Principals

Developer is required to make full disclosure to City of its principals, officers, major stockholders, major partners, joint venture partners, key managerial employees and other associates, and all other material information concerning Developer and its associates. Any significant change in the principals, associates, partners, joint venture, negotiators, development manager, consultants, professionals and directly-involved managerial employees of Developer is subject to the approval of City; such approval shall not be unreasonably withheld.

Pursuant to Resolution R-4-99 adopted by Las Vegas City Council effective October 1, 1999, Developer warrants that it has disclosed, on the form attached hereto as Exhibit "C", all principals, including, partners or members of Nevada Health Centers, Inc., as well as all persons and entities holding more than 1% interest in said company or any principal, partner or member of the same, including any assignee of this ENA and all key employees. Throughout the term hereof, Developer shall provide written notification of any material change in the above disclosure within 30 days of any such change, pursuant to Section 12 (Notices).

5. Developer's Financial Capacity

A. Financial Ability

Prior to execution of the DDA, Developer shall submit to City satisfactory evidence of its ability to finance and complete the development, if not already provided pursuant to Section 2.C. above.

B. Construction Financing

Developer's proposed method of obtaining construction financing for the development of the development shall be submitted concurrently with Developer's proposed DDA for the Site to City for approval, if not already provided pursuant to Section 2.C. above.

C. Long-Term Development Financing

Developer's proposed method of obtaining long-term development financing shall be submitted concurrently with Developer's proposed DDA for the Site to City for approval, if not already provided pursuant to Section 2.C. above.

D. Full Disclosure of Financing

Developer will be required to make and maintain full disclosure to City of its methods of financing to be used in the development of the Site.

6. Developer's Responsibilities

A. Return of Site to Original Condition

Developer hereby agrees to return the Site to its original condition upon

completion of any investigations requiring access to the Site, as applicable. This includes replacement of any dust palliative which may be disturbed by vehicles and personnel permitted to access the Site.

B. Indemnification and Hold Harmless

Developer will indemnify and hold harmless the City, its officers, employees and agents from and against any claims, demands or causes of action caused by Developer or persons acting on behalf of Developer in carrying out their responsibilities in accessing the Site. This indemnity and hold harmless obligation shall not apply to claims, demands or causes of action caused by the negligence or wrongful acts of the Agency, its officers, employees and/or agents.

7. City's Responsibilities

A. City Assistance and Cooperation

City shall cooperate fully in providing Developer with appropriate information and assistance.

B. RIGHT TO ENTER

AS SET FORTH IN EXHIBIT "D," CITY GIVES DEVELOPER THE RIGHT TO ENTER SITE TO CARRY OUT ITS DUE DILIGENCE INSPECTION OF THE SITE AND THE DEVELOPER ACKNOWLEDGES AND UNDERSTANDS THE CONDITIONS AND EXCEPTIONS UNDER WHICH SAID RIGHT IS GRANTED.

8. Real Estate Commission

The City shall not be liable for any real estate commission or brokerage fees, which may arise here from, unless due to the actions of the City. Developer represents that it has engaged no broker, agent or finder in connection with this transaction, and Developer agrees to hold City harmless from any claim by any broker or finder retained by Developer. The City represents that it has engaged no broker, agent or finder in connection with this transaction, and the City agrees to hold the Developer harmless from any claim by any broker or finder retained by the Agency.

9. Limitations of this ENA

By its execution of this ENA, the City is not committing itself to or agreeing to undertake:

A. The disposition of the Site to Developer; or,

B. Any other acts or activities requiring the subsequent independent

exercise of discretion by the City or any City department or board thereof.

This ENA does not constitute a disposition of property or exercise of control over property by City. Execution of this ENA by City is merely an ENA to enter into a period of exclusive negotiations according to the terms hereof, reserving final discretion and approval by City and the Las Vegas City Council as to any and all proceedings and decisions in connection therewith.

By its execution of this ENA, Developer is not committing itself to or agreeing to undertake the acquisition of the Site from the City or to develop anything on the Site.

10. Purchase Price and Earnest Deposit

A. Subject to the requirements of NRS 268.059 to NRS 268.063, the parties agree that the purchase price for the Site is Three Hundred Forty Eight Thousand Four Hundred Eighty Dollars ($348,480).

B. Developer shall make a refundable earnest deposit ("the Deposit") equal to ten percent (10%) of the purchase equaling Thirty Four Thousand Eight Hundred Forty Eight Dollar ($34,848).The Deposit shall be deposited in escrow within ten (10) calendar days of the Effective Date for control of the Site during the ENA and possible DDA negotiation period. In the event Developer does not perform their obligations hereunder and this agreement is terminated pursuant to Section 2(c), the Deposit shall be retained by the City as full and final liquidated damages. In the event Developer performs all of its obligations under this Agreement and Parties do not enter into a DDA or this Agreement is terminated by Developer pursuant to Section 2(c), the Deposit shall be returned to the Developer on the later of twenty (20) days after expiration of the Term or termination of this Agreement (as the case may be) or the date that the City is reasonably satisfied that the Developer has complied with Section 2(c) of this Agreement and that there are no outstanding matters covered by Developer's indemnity in Section 6(b) above, provided, however, that if the City does not notify Developer with twenty (20) days after expiration of the Term or termination of this Agreement (as the case may be) of any unsatisfied obligations pursuant to Section 2(c), the City shall refund the Deposit in full. In the event the Parties enter into a DDA, the Deposit shall be applied to any deposits required by the DDA and shall be nonrefundable except in the event of default by the City.

11. Conflict of Interest

A. An official of the City, who is authorized in such capacity and on behalf of the City to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving this ENA, payments under this ENA, or work under this ENA, shall not be directly or indirectly interested personally in this ENA or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for the City, who is authorized in such capacity and on behalf of the City to exercise any legislative, executive, supervisory or other similar functions in connection with this ENA, shall become directly or indirectly interested personally in this ENA or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to this ENA.

B. Each party represents that it is unaware of any financial or economic interest of any public officer or employee of the City relating to this ENA.

C. Developer represents and warrants that it has, in accordance with the current policy of Agency, disclosed the ownership and principals of Developer on Exhibit "C", "Disclosure of Principals", and that it has a continuing obligation to update this disclosure whenever there is a material change in the information.

12. Notices

All legal notices required pursuant to the terms and conditions of this ENA shall be in writing. Any notice required to be given under the terms of this ENA shall be deemed to have been given when (i) received by the party to whom it is directed by hand delivery or personal service, (ii) on the next business day when sent by a nationally recognized over-night delivery service, or (iii) on the fifth day after being sent by U.S. mail via certified mail-return receipt requested at the following addresses:

If to Developer:

Nevada Health Centers, Inc.
1802 N. Carson St. # 100
Carson City, NV 89701
Phone: (775) 887-1590x 1114
Attention: Thomas G. Chase

If to City:

William Arent
Director
Office of Business Development
City of Las Vegas
400 Stewart Avenue, Second Floor
Las Vegas, 89101

And

Brad Jerbic
City Attorney
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

. . . .
. . . .
. . . .
. . . .
. . . .
. . . .

IN WITNESS WHEREOF, the parties hereto have caused this Exclusive Negotiation Agreement to be executed on the date set forth above.

City of Las Vegas

By_____
Oscar B. Goodman, Mayor Date

ATTEST:

_____
Beverly K. Bridges, MMC
City Clerk

APPROVED AS TO FORM:

_____ 1/13/11
Deputy City Attorney Date

Nevada Health Centers, Inc.
A Nevada private non-profit

By:

By_____
"Developer" Date

EXHIBIT "A"

Legal Description

BEING A PORTION OF LOT 6 OF THAT SUBDIVISION KNOWN AS "AMENDED MAP FOR LAS VEGAS ENTERPRISE PARK" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 77 OF PLATS, AT PAGE 54, LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF MOUNT MARIAH DRIVE AND STELLA LAKE STREET, AS SHOWN ON SAID "AMENDED MAP FOR LAS VEGAS ENTERPRISE PARK"; THENCE SOUTH 89°43'00" EAST, ALONG THE CENTERLINE OF SAID MOUNT MARIAH DRIVE, 458.71 FEET; THENCE SOUTH 00°17'00" WEST, DEPARTING SAID CENTERLINE, 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MOUNT MARIAH DRIVE, SAME BEING **THE POINT OF BEGINNING**;

THENCE, SOUTH 00°17'00" WEST, 240.00 FEET; THENCE NORTH 89°43'00" WEST PARALLEL WITH THE CENTERLINE OF SAID MOUNT MARIAH DRIVE, 450.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID STELLA LAKE STREET; THENCE NORTH 05°21'06" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 222.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE NORTHEASTERLY 29.65 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 84°55'54" TO A POINT ON THE SOUTHERLY LINE OF SAID MOUNT MARIAH DRIVE; THENCE SOUTH 89°43'00" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 410.99 FEET TO **THE POINT OF BEGINNING**.

LEGAL DESCRIPTION CONTINUED
(PAGE 2 OF 2)

CONTAINING 2.42 ACRES, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:
SOUTH 89°43'00" EAST, BEING THE BEARING OF THE CENTERLINE OF MOUNT MARIAH DRIVE, AS SHOWN ON THAT SUBDIVISION KNOWN AS "AMENDED MAP FOR LAS VEGAS ENTERPRISE PARK" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 77 OF PLATS, AT PAGE 54,

END OF DESCRIPTION.

EXHIBIT "B"
Site Map

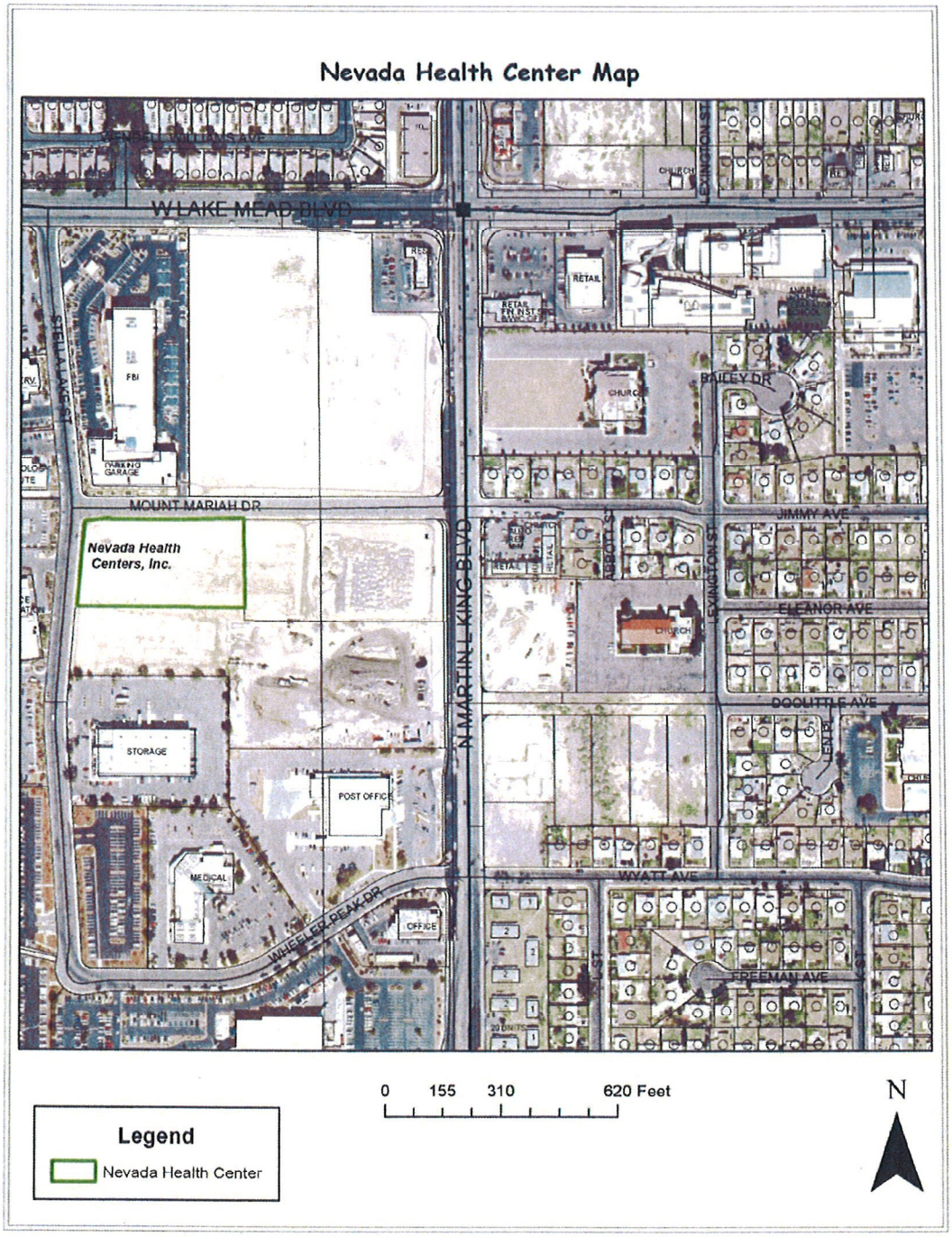


EXHIBIT "C"

DISCLOSURE OF PRINCIPALS

The principals and partners of Nevada Health Centers, Inc and all persons and entities holding more than 1% (one percent) interest in _____ or any principal _____ are the following: **See Note below**

****Nevada Health Centers, Inc. is a private nonprofit 501(c) (3) corporation. As such none of the below listing of corporate and board of directors officers have an ownership interest in Nevada Health Centers, Inc.**

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
Corporate Officers		
1. Thomas G Chase-CEO	1802 N. Carson St #100 Carson City, NV 89701	775-887-1590 x1114
2. James M Merrill-CFO	4415 Spring Mountain Rd, Suite 103 Las Vegas, NV 89102	702-307-5414 x1112
3. Darren Rahaman, MD–CMO	4415 Spring Mountain Rd, Suite 103 Las Vegas, NV 89102	702-307-5414 x1314
4. Shirley Hampton, RN-CDO	1802 N. Carson St #100 Carson City, NV 89701	775-887-1590 x1119
Board of Directors - Officers		
5. Steve Comer-Chairman	Same as above – Carson City address	775-887-1590
6. Marianne Bloom-Vice Chair	Same as above – Carson City address	775-887-1590
7. Bill Gordon-Treasurer	Same as above – Carson City address	775-887-1590
8. Mark Esquivel-Secretary	Same as above – Carson City address	775-887-1590

I hereby certify under penalty of perjury, that the foregoing list is full and complete.

By: _____, CEO

Its: Thomas G. Chase, CEO

Subscribed and sworn to before me this

16th day of November, 2010

_____

Notary Public

PATRICIA SCHROEDER
NOTARY PUBLIC
STATE OF NEVADA
No.03-85215-5 My Appt. Exp. Nov. 18, 2011

EXHIBIT "D"

RIGHT-OF-ENTRY FORM
FOR
Nevada Health Centers, Inc.

The City of Las Vegas (City) hereby authorizes Right-of-Entry onto the parcel known as APN: 139-21-313-016 of the EXCLUSIVE NEGOTIATION AGREEMENT ("ENA") dated _____, 2010, which is located at Stella Lake St. and Mount Mariah Dr. to Nevada Health Centers, Inc., for the purpose of performing surveys, environmental and/or geotechnical services on said City owned parcel.

City contact person is: William Arent, 702-229-6100

The Nevada Health Centers, Inc., contact person is: _____

City of Las Vegas

By: _____ _____
Elizabeth N. Fretwell, Executive Director Date

INDEMNIFICATION

Nevada Health Centers, Inc., hereby agrees to protect, indemnify, and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs, which the City, its officers, employees or agents, may suffer or which may be sought against or are recovered or obtainable from the City, its officers, employees or agents, that are caused by the wrongful acts or omission of, negligence of Nevada Health Centers, Inc. or its officers employees, contractors, subcontractors and agents. This indemnity and hold harmless obligation shall not apply to claims, demands or causes of action caused by the gross negligence or wrongful acts of the City, its officers, employees and/or agents.

In this connection, the Nevada Health Centers, Inc., expressly agrees, at its sole cost and expense, to defend the City, its officers, employees and agents, in any suit or action that may be brought against it or them, or any of them by reason of any act or omission, negligent or otherwise, against which Nevada Health Centers, Inc., has agreed to indemnify the City, its officers, employees and agents in the above paragraph. If Nevada Health Centers, Inc. fails to do so, after notice to the Nevada Health Centers, Inc. the City shall have the right, but not the obligation to defend same and to charge all of the direct and incidental costs of such defense, including reasonable attorneys' fees and court costs, to the Nevada Health Centers, Inc.

The Nevada Health Centers, Inc., agrees to restore the site to its original condition as much as possible, and agrees to conduct its testing in a manner which will cause the least amount of disruption to the present users. This agreement does not constitute or imply any binding contracts or other commitments by the City to Nevada Health Centers, Inc. agrees that it proceeds at its own risk and agrees that the results of said testing shall be shared with City.

Nevada Health Centers, Inc.
By: _____ Date: _____

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a Temporary Tavern License, Paovis Enterprises Inc, dba Fongs Garden China Mex, 2021 East Charleston Boulevard, Mercy Mejia, Pres, Secy, Treas, Dir, 100% - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Temporary Tavern License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting and subject to the following conditions:

1. Thursday night - karaoke with DJ - 11:00 p.m. - 6:00 a.m.
2. Friday, Saturday, and Sunday night - live music - 11:00 p.m. - 3:30 a.m.; DJ - 3:30 a.m. - 6:00 a.m.
3. Any alteration from this schedule must be approved by Business Services Manager or Supervisor.
4. Any violations of the above conditions will result in immediate suspension of business license.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: CANDACE FALDER, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a Six Month Review of a Temporary Work Card for Brandon Dial, db at Chef's Pantry Catering, 2215 Thomas W Ryan Boulevard - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Six Month Review of a Temporary Work Card.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action on the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board recommendations to allocate $23,000 for 23 youth initiated projects - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $23,000
Funding Source: General Fund
Dept./Division: Neighborhood Services/Neighborhood Initiatives Division

PURPOSE/BACKGROUND:
The Youth Neighborhood Association Partnership Program (YNAPP) is designed to encourage neighborhood youth to take an active role in improving the quality of life in City of Las Vegas neighborhoods and directly responds to two of the City Council priorities: (1) Sustainable livable neighborhoods (2) Citizen Engagement. The $23,000 allocated to this year's YNAPP project teams will leverage a community match of over $376,000 in volunteer labor, in-kind donations of goods and services, and/or financial contributions. The majority of the projects are located in the target neighborhoods of Wards 1, 3 & 5.

RECOMMENDATION:
The YNAPP Board recommends that the Mayor and Council approve funding for 23 youth-initiated projects for a total of $23,000 and authorizes the Director of Neighborhood Services to execute the agreements upon approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
2010-2011 Funding Cycle Grant Recommendations for YNAPP

2010-2011 Funding Cycle Grant Recommendations for YNAPP				
Ward	**YNAPP Groups**	**Project Title**	**Amount Recommended**	**Grant Match**
1	**Back to Basic**	A.B.C. - Anti Bullying Combat	$ 1,000.00	$ 9,261.00
1	**CSNHS – National Honor Society**	Operation School Bell	$ 1,000.00	$ 4,087.00
1	**CSNHS –Student Council**	"Wrap It Up For School Bell"	$ 1,000.00	$ 10,566.00
1	**Mirabelli – S.W.A.T. Team**	Senior Prom for Senior Citizens	$ 1,000.00	$ 6,638.00
2	**Gods Angels and Company**	To Show We Care	$ 1,000.00	$ 21,920.00
3	**Boy Scouts of America**	East Las Vegas Community/Senior Center Raised Planting Beds	$ 1,000.00	$ 2,346.00
3	**City Impact Center – Youth Group**	Tutoring and Life Skills Program	$ 1,000.00	$ 27,304.00
3	**Fremont Family Writing Project**	Family/Community Mural Anthology	$ 1,000.00	$ 56,510.00
3	**Lunt ES – Lunt Leadership**	Leadership In The Community	$ 1,000.00	$ 62,800.00
3	**Rafael Rivera Youth Council**	Campus Beautification	$ 1,000.00	$ 17,931.00
3	**Southern NV Hispanic Employment Program**	Healthy Kids, Healthy Minds	$ 1,000.00	$ 5,570.00
4	**Fostering Kids at Work**	Color My World	$ 1,000.00	$ 3,649.00
4	**Lummis ES – Little Gestures**	Little Gestures	$ 1,000.00	$ 12,530.00

4	**Symbolic Youth Networking Council**	Features for Teachers	$ 1,000.00	$ 24,603.00
4	**Symbolic Youth Networking Council**	Health Walk	$ 1,000.00	$ 22,310.00
5	**Kappa Leadership League**	Operation Going Green	$ 1,000.00	$ 4,480.00
5	**S.T.A.R.S. CDC**	Y.E.S. Productions	$ 1,000.00	$ 9,508.00
5	**St. Joseph's Student Council**	St. Joseph Knights Give Back to Their Community	$ 1,000.00	$ 12,093.00
5	**The Meadows HS – Varsity Cheerleaders**	100 Trees in 100 Days!	$ 1,000.00	$ 11,088.00
5	**Umoja Boys Mentoring Program**	Young Men's Conference 2011 Exercising our Voices	$ 1,000.00	$ 12,134.00
5	**Youth E.T.E.R.N.A.L.**	S.T.A.Y.E	$ 1,000.00	$ 16,188.00
6	**CIS Fellows Academy**	Kids 4 Candle Lighters!	$ 1,000.00	$ 16,680.00
6	**Arbor View - DECA**	Direct the Way	$ 1,000.00	$ 5,905.00
	TOTAL		**$23,000.00**	**$376,101.00**

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-2-2011 - Discussion and possible action regarding a Resolution finding the Real Property Purchase and Sale Agreement between the City of Las Vegas and ARPM Realty, Inc., concerning the proposed sale of 2400 North Tenaya Way located within the Las Vegas Technology Center, Las Vegas, Nevada, is in the best interest of the public (APN 138-15-810-009 and 010) - Ward 1 (Tarkanian) [NOTE: This item is related to Council Item 41]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The City of Las Vegas owns the real property located at 2400 North Tenaya Way, Las Vegas, Nevada. ARPM Realty, Inc. is the existing Tenant under the ground leases dated January 29, 1986 and February 18, 1987 between the City of Las Vegas and L.V. Tech Center Limited Partnership. ARPM Realty, Inc. proposes to purchase the two land parcels totaling approximately 4.08 acres from the city for $1,025,000 (equal to high appraised valued) for which the lease hold interest is located. This will allow ARPM Realty, Inc. to re-tenant the space to fulfill a need in Las Vegas Technology Center, facilitate economic development for the community, which will lead to the creation of additional jobs and positive social and economic impacts.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-2-2011
2. Site Map

RESOLUTION NO. R-2-2011

RESOLUTION FINDING THE REAL PROPERTY PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND ARPM REALTY, INC. CONCERNING THE PROPOSED SALE OF 2400 N. TENAYA WAY, LAS VEGAS, NEVADA IS IN THE BEST INTEREST OF THE PUBLIC

WHEREAS, the City owns a portion of certain real property located within the Las Vegas Technology Center, commonly known as 2400 N. Tenaya Way also identified as APN: 138-15-810-009 and 010 (hereinafter the "Property") as shown in Exhibit A of the REAL PROPERTY PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND ARPM REALTY, INC. (hereinafter "ARPM"); and

WHEREAS, Las Vegas Technology Center is a business park owned by the City and is intended to provide sites for commercial development and job creation within Las Vegas; and

WHEREAS, ARPM is the current owner of the leasehold interest and improvements located on the Property under those certain ground leases ("Leases") dated January 29, 1986 and February 18, 1987 between the City and L.V. Tech Center Limited Partnership, a Nevada limited partnership; and

WHEREAS, the City desires to sell and ARPM desires to purchase the Property to contribute to the City's economic development efforts in Las Vegas by re-tenanting approximately 37,100 sq feet of retail/commercial space; and

WHEREAS, ARPM will pay the City the highest appraised value of the Property which appraisal was obtained in compliance with Nevada Revised Statutes, Chapter 268.059; and

WHEREAS, the proposed sale is for the highest appraised value of the Property, an amount which might therefore be considered fair market value; and

WHEREAS, Chapter 286.063 authorizes the City to sell, lease or otherwise exchange of

property for purposes of economic development, without offering it to the public and for less than fair market value, if the City Council finds, by resolution, that it is in the best interests of the public to do so; and

WHEREAS, the proposed sale of the Property to ARPM qualifies under the above-referenced statute as a sale for purposes of economic development because such sale will facilitate the establishment of new commercial enterprises or facilities within the City; provide for the support, retention or expansion of existing commercial enterprises; and thereby create and/or retain opportunities for employment for the residents of the City; and

WHEREAS, the presence of ARPM as a corporate entity in the City of Las Vegas, and as a party who is already connected with the Property via the ownership of the improvements, contributes significantly to the potential for successful development of the Property, potential that may not be as great if the Property is offered to the public.

NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL HEREBY FINDS that the sale of the Property to ARPM, without offering it to the public and for an amount that is fair market value, is for the purpose of economic development and is in the best interests of the public.

PASSED, ADOPTED AND APPROVED THIS ___ day of _____, 2011.

CITY OF LAS VEGAS ("City")

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K BRIDGES, MMC City Clerk

APPROVED AS TO FORM:

_____ 12/16/10
Date

EXHIBIT "A"

SITE MAP

2400 N. Tenaya Way

Legend

2400 N. Tenaya

0 50 100 200 Feet

N

W E

S

This map is a graphic representation of an area.
It is not guaranteed to be accurate.
This map is only for planning purposes.

4/30/10

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-3-2011 - Discussion and possible action regarding a Resolution to support any and all efforts by the State Legislature to mandate increased responsibility over the inventory of foreclosed properties in the City of Las Vegas by financial institutions that own foreclosed properties - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This resolution will authorize the City Council to support legislative efforts to mandate financial institutions to maintain their foreclosed properties. Since January 2008, Southern Nevada has experience 71,000 foreclosures, representing more than 11 percent of the housing stock being in default. Within the last 12 months, 23,082 homes have gone into foreclosure. Las Vegas continues to have the highest foreclosure rate in the nation with 1 in every 29 homes receiving a foreclosure filing in June 2010, compared to the United States average of 1 in every 139 homes. As of July 2010 there have been 22,764 total foreclosure filings within the City (Ward 1 - 2,960; Ward 2 - 3,235; Ward 3 - 2,571; Ward 4 - 4,059; Ward 5 - 3,079; and Ward 6 - 6,860). This item is at the request of Councilman Steven D. Ross.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Resolution No. R-3-2011

RESOLUTION NO. R-3-2011

RESOLUTION OF THE CITY OF LAS VEGAS TO SUPPORT ANY AND ALL EFFORTS BY THE STATE LEGISLATURE TO MANDATE INCREASED RESPONSIBILITY OVER THE INVENTORY OF FORECLOSED PROPERTIES IN THE CITY OF LAS VEGAS BY FINANCIAL INSTITUTIONS THAT OWN FORECLOSED PROPERTIES

WHEREAS, since January 2008, Southern Nevada has experience 71,000 foreclosures, representing more than 11 percent of the housing stock being in default; and

WHEREAS, within the last 12 months, 23,082 homes have gone into foreclosure; and

WHEREAS, Las Vegas continues to have the highest foreclosure rate in the nation with 1 in every 29 homes receiving a foreclosure filing in June 2010, compared to the United States average of 1 in every 139 homes; and

WHEREAS, 90 percent of Nevada's foreclosures are located in Southern Nevada; and

WHEREAS, Las Vegas continues to remain the epicenter of the foreclosure crisis, with over 70,641 mortgages in a delinquent status as of August 2010; and

WHEREAS, the majority of the foreclosed housing stock in Las Vegas has occurred in newer developments as a result of adjustable and interest only loans that expired thus converting to higher interest rate loans that homeowners could not afford; and

WHEREAS, Las Vegas is now experiencing a second wave of foreclosures caused by unemployment in which case families lack the income to support their mortgage; and

WHEREAS, the foreclosure crisis has not only displaced families from their homes and reduced their ability to pay for housing, but also damaged their credit and left them with no choice but to rent housing; and

WHEREAS, for every foreclosure action, there is a family that has experienced trauma and loss, both emotionally and financially; and

WHEREAS, as of July 2010 there have been 22,764 total foreclosure filings within the City (Ward 1- 2960, Ward 2- 3235, Ward 3- 2571, Ward 4- 4059, Ward 5- 3079, and in Ward 6- 6860); and

WHEREAS, the City is inundated by ongoing complaints and nuisance calls from residents, community partners, homeowners, and neighborhood associations regarding the lack of maintenance and associated problems related to foreclosed homes such as crime, trash, and further devaluation; and

WHEREAS, the City has received repeated constituent and homeowner association complaints that financial institutions that are not paying their regular homeowner association assessments and should be held accountable for their actions; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS to support any state legislative efforts to mandate that financial institutions take full responsibility for the growing inventory of foreclosed homes, and in particular, to alleviate financial constraints on homeowners and homeowner associations by paying homeowner's associations assessments as such assessments accrue. The City Council's support is general in nature and is not limited to any particular scope or language.

PASSED, ADOPTED, AND APPROVED this _____day of _____, 2011.

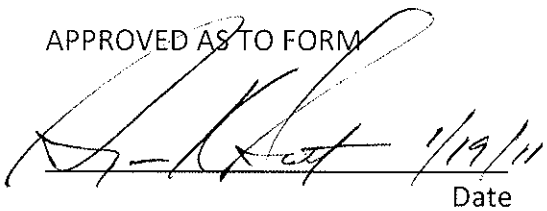
CITY OF LAS VEGAS

BY: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM



1/19/11
Date

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

ABEYANCE ITEM – Bill No. 2010-31 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. The bill is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable "time, place and manner" regulations. This item was held in Abeyance from the December 15, 2010 City Council meeting.

RECOMMENDATION:
ADOPTION as a First Amendment at 8/18/2010 City Council meeting pursuant to the 8/3/2010 Recommending Committee.

First Reading - 7/7/2010; First Publication - 8/6/2010

BACKUP DOCUMENTATION:
1. Bill No. 2010-31
2. Business Impact Statement
3. Bill No. 2010-31 First Amendment

BILL NO. 2010-31

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL, ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.44.010: For purposes of this Chapter:

(A) "Solicitation" means the act of solicitation, including asking, begging, soliciting or pleading, for the purpose of [immediately] obtaining money, charity, business or patronage, or gifts of items of value for oneself or another person or organization.

(B) "Coercion" means to wilfully and knowingly:

(1) Approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(a) Imminent bodily injury, or

(b) The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) Persist in a solicitation after the person solicited has given a negative response;

(3) Block, either individually or as part of a group of persons, the passage of a solicited person[;] , including by means of the use of physical objects; or

(4) Engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.020: As used in this Chapter:

[(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on the ceiling of the celestial vault constructed above Fremont Street and the various light and sound effect accompanying such images.

[(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of display to the public, and not for the primary purpose of transporting persons or property.

[(C)] "Emergency vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(D)] "Exterior building improvements" means the building facades, marquees, overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping, building illumination and audible effects or devices.

"Free expression zones" means those areas within the Pedestrian Mall that have been specifically designated by the City of Las Vegas to be used for solicitation, leafleting and mall entertainment in accordance with LVMC 11.68.103. The boundaries of the free expression zones shall be as set forth in Exhibit A of this Ordinance (Ordinance No. ____), which ordinance is codified in this Chapter and Exhibit A of which is adopted herein by this reference.

"Leafleting" means the act of distributing to any passersby in a continuous or repetitive manner any printed, written or graphic materials.

[(E)] "Motorized vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and structures contained therein.

"Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special

events, or any other commercial activity, and the display of consumer goods, products, or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

"Mall entertainment" is the conduct on the part of any person intended to provide entertainment, recreation, relaxation or enjoyment to the users of the Pedestrian Mall.

"Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.

[(G)] "Management agreement" means that agreement executed between The Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

[(H)] "Parade" is a group of persons with or without animals or vehicles in a public procession or march and does not include a procession or march in connection with a special event or mall entertainment.

[(I)] "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

[(J)] "Special events" include festivals, sporting events, exhibitions, entertainment and similar activities which are not offered on a continuous basis, whether or not members of the public pay an admission or entrance fee to be spectators or participants.

[(K)] "Special permit vehicles" are those vehicles authorized by The Fremont Street Limited Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian Mall.

[(L) "Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special events, or any other commercial activity, and the display of consumer goods, products, or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

(M) "Mall entertainment" is the conduct on the part of any person intended to provide entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

(N) "Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.]

SECTION 3: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.100: The following are prohibited within the Pedestrian Mall:

(A) Animals unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(B) Mall vending, mall advertising, [mall entertainment] special events or other commercial activities unless conducted or authorized by The Fremont Street Experience Limited Liability Company[;] or permitted by LVMC 11.68.103;

(C) Parades;

(D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(E) Sleeping or camping;

(F) Littering;

(G) Sexually oriented businesses as described in Section 19.04.040; [of the Las Vegas Municipal Code;]

(H) Notwithstanding LVMC 11.68.103, [The] the placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, [for purposes of solicitation,] except:

(1) As [as] necessary for emergency purposes, or the maintenance or repair of the Pedestrian Mall; [, or as authorized]

(2) As authorized by The Fremont Street Experience Limited Liability Company for special events, mall advertising, mall entertainment or mall vending or other commercial and entertainment activities; or

(3) As permitted by LVMC 11.68.103.

(I) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(J) Feeding birds; [and]

(K) Amplified sound which originates from within the Pedestrian Mall or from properties or businesses abutting the boundaries of the Pedestrian Mall, except where expressly approved by The Fremont Street Experience Limited Liability Company in conjunction with special events, mall entertainment or venue rental;

(L) The launching or throwing of projectiles or other objects into or through the air, except in connection with special events and mall entertainment conducted or authorized by The Fremont Street Experience Limited Liability Company;

(M) The twirling of hoops (such as hula hoops) around the human body or portions thereof, or the use of such hoops for recreation or entertainment, except in connection with special events and mall entertainment conducted or authorized by The Fremont Street Experience Limited Liability Company; and

[(K)] (N) Except as otherwise permitted by LVMC 11.68.103, [Solicitation, as defined in LVMC 10.44.010.] solicitation (as defined in LVMC 10.44.010), leafleting and mall entertainment.

SECTION 4: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 103, reading as follows:

11.68.103: (A) The following expressive conduct is permitted in any free expression zone:

(1) Solicitation, as defined in LVMC 10.44.010;

(2) Leafleting; and

(3) Mall entertainment.

(B) If any person or organization wishes to use a table in conjunction with activity described in Subsection (A), such table must be provided by The Fremont Street Experience Limited Liability Company. Tables will be provided on a first-come-first-serve basis and subject to available

space within the free expression zones.

SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

11.68.140: By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The Fremont Street Limited Liability Company may commence a civil action to enforce any of the provisions contained in LVMC 11.68.100. This remedy shall supplement, and exist in addition to, those contained in LVMC 11.68.130.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

. . .

. . .

. . .

. . .

. . .

SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-28-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

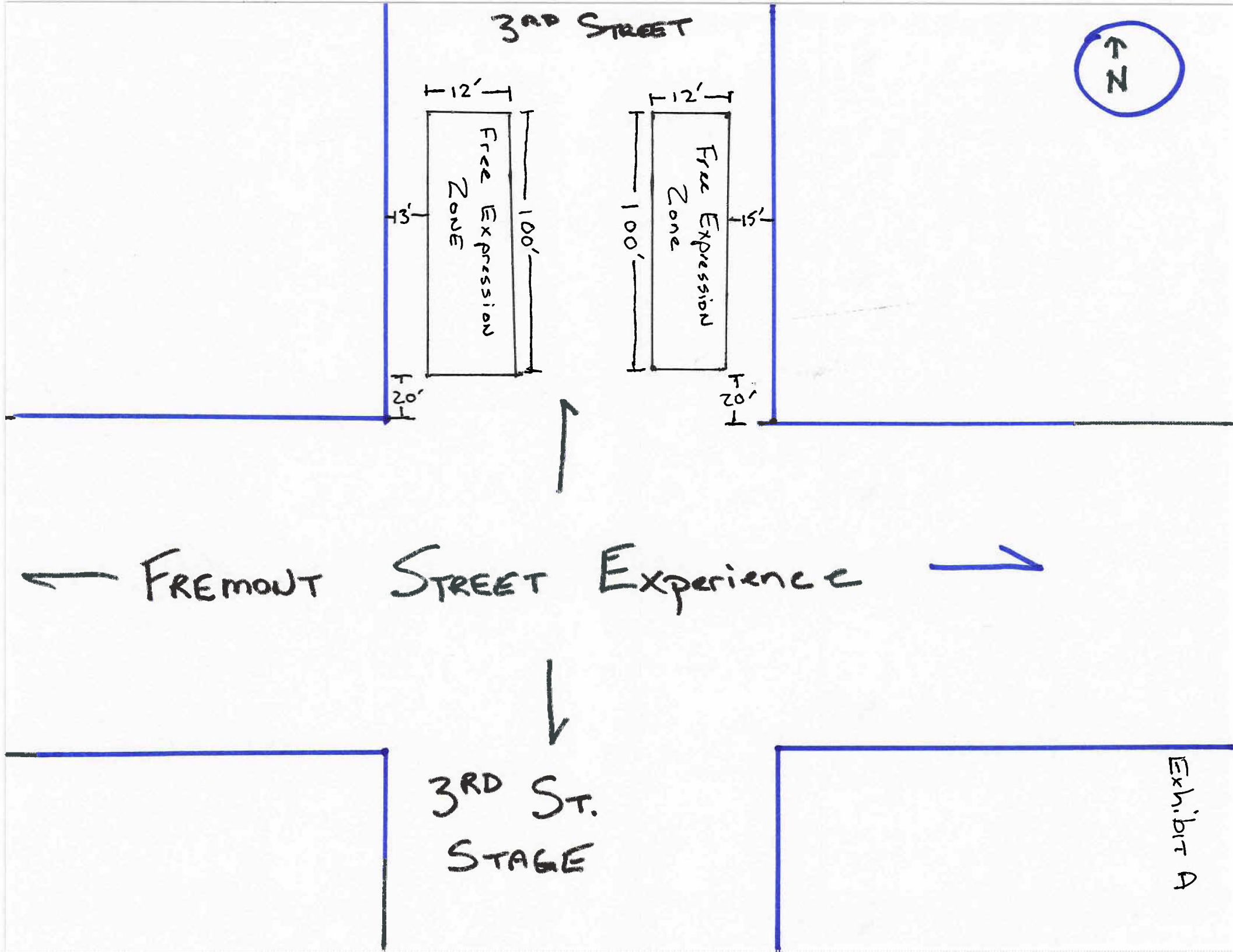
ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk


3RD STREET
N
12'
12'
Free Expression Zone
Free Expression Zone
43'
100'
100'
15'
20'
20'
FREMONT STREET Experience
3RD ST.
STAGE
Exhibit A

BUSINESS IMPACT STATEMENT
BILL NO. 2010-31
(Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-31, that would update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

The addition of more certainty and structure and enforceability in the ordinance provisions

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable. The ordinance is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable "time, place and manner" regulations.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: June 28, 2010

FIRST AMENDMENT

BILL NO. 2010-31

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL, ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.44.010: For purposes of this Chapter:

(A) "Solicitation" means the act of solicitation, including asking, begging, soliciting or pleading, for the purpose of [immediately] obtaining money, charity, business or patronage, or gifts of items of value for oneself or another person or organization.

(B) "Coercion" means to wilfully and knowingly:

(1) Approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(a) Imminent bodily injury, or

(b) The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) Persist in a solicitation after the person solicited has given a negative response;

(3) Block, either individually or as part of a group of persons, the passage of a solicited person[;] , including by means of the use of physical objects; or

(4) Engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of

Submitted after final agenda
Date 5/13/2010 Item 69

Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.020: As used in this Chapter:

[(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on the ceiling of the celestial vault constructed above Fremont Street and the various light and sound effect accompanying such images.

[(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of display to the public, and not for the primary purpose of transporting persons or property.

[(C)] "Emergency vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(D)] "Exterior building improvements" means the building facades, marquees, overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping, building illumination and audible effects or devices.

"Free expression zones" means those areas within the Pedestrian Mall that have been specifically designated by the City of Las Vegas to be used for solicitation and mall entertainment in accordance with LVMC 11.68.103. The boundaries of the free expression zones shall be as set forth in Exhibit A of this Ordinance (Ordinance No. ____), which ordinance is codified in this Chapter and Exhibit A of which is adopted herein by this reference.

[(E)] "Motorized vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and structures contained therein.

"Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special events, or any other commercial activity, and the display of consumer goods, products, or services to

the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

"Mall entertainment" is the conduct on the part of any person intended to provide entertainment, recreation, relaxation or enjoyment to the users of the Pedestrian Mall.

"Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.

[(G)] "Management agreement" means that agreement executed between The Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

[(H)] "Parade" is a group of persons with or without animals or vehicles in a public procession or march and does not include a procession or march in connection with a special event or mall entertainment.

[(I)] "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

[(J)] "Special events" include festivals, sporting events, exhibitions, entertainment and similar activities which are not offered on a continuous basis, whether or not members of the public pay an admission or entrance fee to be spectators or participants.

[(K)] "Special permit vehicles" are those vehicles authorized by The Fremont Street Limited Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian Mall.

[(L) "Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special events, or any other commercial activity, and the display of consumer goods, products, or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

(M) "Mall entertainment" is the conduct on the part of any person intended to provide entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

(N) "Mall vending" is the distribution, display or sale, or any combination thereof, of

consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.]

SECTION 3: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.100: The following are prohibited within the Pedestrian Mall:

(A) Animals unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(B) Mall vending, mall advertising, [mall entertainment] special events or other commercial activities unless such activities are conducted or authorized by The Fremont Street Experience Limited Liability Company[;] or consist of expressive conduct taking place in a free expression zone pursuant to LVMC 11.68.103;

(C) Parades;

(D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(E) Sleeping or camping;

(F) Littering;

(G) Sexually oriented businesses as described in Section 19.04.040[, of the Las Vegas Municipal Code;]

(H) Notwithstanding LVMC 11.68.103, [The] the placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, [for purposes of solicitation,] except:

(1) As [as] necessary for emergency purposes, or the maintenance or repair of the Pedestrian Mall; [, or as authorized]

(2) As authorized by The Fremont Street Experience Limited Liability Company for special events, mall advertising, mall entertainment or mall vending or other commercial and entertainment activities; or

(3) In connection with expressive conduct described in LVMC 11.68.103.

(I) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(J) Feeding birds; [and]

(K) Amplified sound which originates from within the Pedestrian Mall or from properties or businesses abutting the boundaries of the Pedestrian Mall, except where expressly approved by The Fremont Street Experience Limited Liability Company in conjunction with special events, mall entertainment or venue rental;

(L) The launching or throwing of projectiles or other objects into or through the air, except in connection with special events and mall entertainment conducted or authorized by The Fremont Street Experience Limited Liability Company;

(M) The twirling of hoops (such as hula hoops) around the human body or portions thereof, or the use of such hoops for recreation or entertainment, except in connection with special events and mall entertainment conducted or authorized by The Fremont Street Experience Limited Liability Company; and

[(K)] (N) Except as otherwise permitted by LVMC 11.68.103, [Solicitation, as defined in LVMC 10.44.010.] solicitation (as defined in LVMC 10.44.010) and mall entertainment.

SECTION 4: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 103, reading as follows:

11.68.103: (A) Within the Pedestrian Mall, the following expressive conduct is permitted only in a free expression zone:

(1) Solicitation, as defined in LVMC 10.44.010; and

(2) Mall entertainment.

(B) If any person or organization wishes to use a table in conjunction with activity described in Subsection (A), such table must be provided by The Fremont Street Experience Limited Liability Company. Tables will be provided on a first-come-first-serve basis and subject to available

space within the free expression zones.

SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

11.68.140: By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The Fremont Street Limited Liability Company may commence a civil action to enforce any of the provisions contained in LVMC 11.68.100. This remedy shall supplement, and exist in addition to, those contained in LVMC 11.68.130.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 8-5-10
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

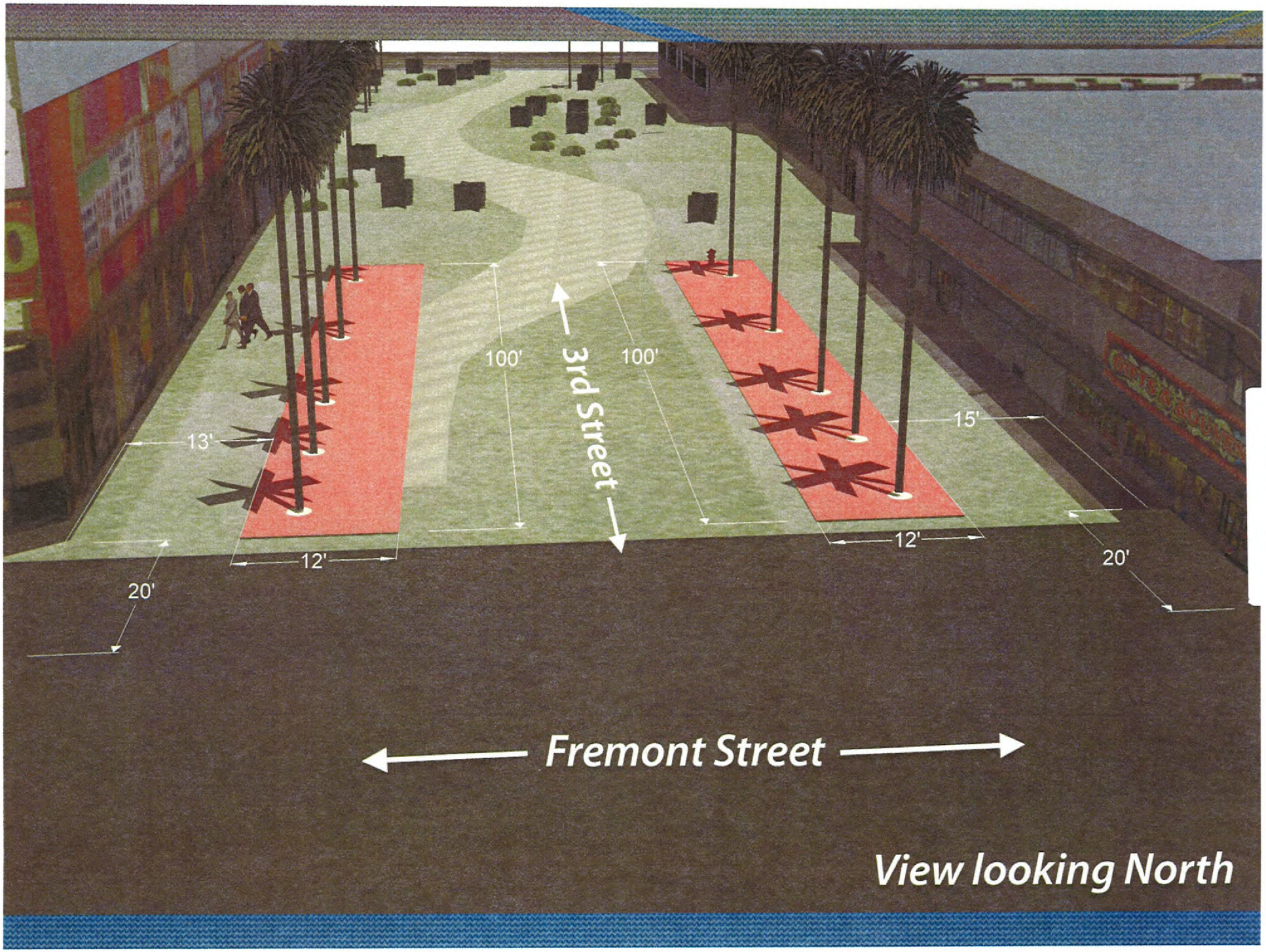
100'
3rd Street
100'
13'
15'
12'
12'
20'
20'
Fremont Street
View looking North

Exhibit A

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2010-51 – Updates certain administrative provisions of the Municipal Code relating to management functions and the names of City departments. Sponsored by: Councilman Gary Reese

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will update certain administrative provisions of the Municipal Code relating to management functions and the names of City departments. The bill will enable the reorganization of City departments and functions as has been proposed by the City Manager.

RECOMMENDATION:
ADOPTION at 1/19/2011 City Council Meeting as First Amendment pursuant to the 1/18/2011 Recommending Committee Meeting.

First Reading – 12/1/2010; First Publication – 1/20/2011

BACKUP DOCUMENTATION:
1. Bill No. 2010-51
2. Business Impact Statement
3. Bill No. 2010-51 First Amendment

BILL NO. 2010-51

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE CERTAIN ADMINISTRATIVE PROVISIONS OF THE MUNICIPAL CODE RELATING TO MANAGEMENT FUNCTIONS AND THE NAMES OF CITY DEPARTMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Updates certain administrative provisions of the Municipal Code relating to management functions and the names of City departments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 2, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50, reading as follows:

2.08.050: The City Manager may appoint one or more persons to serve as chief officer of particular functions or groups of functions. The provisions of Sections 2.08.010 to 2.08.040, inclusive, shall apply to each such officer to the same extent as if the officer were a Deputy City Manager.

SECTION 2: Title 2, Chapter 9, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.010: The departments of the City shall consist of the following:

Building and Safety;

[City Attorney;]

Detention and Enforcement;

Economic and Urban Development;

[Field Operations;]

Finance; [and Business Services;]

Fire and Rescue;

Human Resources;

Information Technologies;

[Leisure Services;

Municipal Court;

Neighborhood Services;]

Operations and Maintenance;

Parks, Recreation and Neighborhood Services;

Planning and [Development;] Licensing; and

Public Works.

SECTION 3: Title 2, Chapter 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15, reading as follows:

2.09.015: (A) Any reference in this Code to the Department of Field Operations, the Department of Finance and Business Services, the Department of Leisure Services, the Department of Neighborhood Services, the Planning and Development Department, or any of their predecessor departments, shall be deemed in each case to refer to the appropriate successor department, as follows:

(1) With respect to the Department of Field Operations, the successor department is the Department of Operations and Maintenance.

(2) With respect to the Department of Finance and Business Services (and its predecessor, the Department of Business Activity), the successor department is:

(a) The Department of Planning and Licensing, in the case of license-related functions under Title 6; and

(b) The Department of Finance, in all other cases.

(3) With respect to the Department of Leisure Services (and its predecessors, the Department of Parks and Leisure Activities and the Department of Parks, Recreation and Senior Citizen Activities), the successor department is the Department of Parks, Recreation and Neighborhood Services.

(4) With respect to the Department of Neighborhood Services, the successor department is:

(a) The Department of Economic and Urban Development, in the

case of housing-related functions; and

(b) The Department of Parks, Recreation and Neighborhood Services, in all other cases.

(5) With respect to the Planning and Development Department, the successor department is the Department of Planning and Licensing.

(B) The City Manager or a designee is authorized to determine which successor department has succeeded to a particular function in cases where the provisions of Subsection (A) do not address the question, or where the strict application of the provisions of Subsection (A) is incorrect or impracticable.

(C) Nothing in this Section limits the ability of the City Manager to reassign functions from one department to another, either temporarily or on a permanent basis.

SECTION 4: Title 2, Chapter 9, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.020: [Each department of the City shall consist of such divisions and units as may be established from time to time by the City Manager.] From time to time the City Manager may establish divisions, offices or other units within the various departments of the City, as well as offices and other units that are independent of those departments.

SECTION 5: Title 2, Chapter 9, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.030: Functions or offices that are created by the City Charter and that do not appear in the list of departments set forth in Section 2.09.010 may be treated as departments of the City for administrative and budgetary purposes, or otherwise for the sake of convenience.

SECTION 6: Title 2, Chapter 14, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.14.010: The Director of Public Works shall exercise such powers and perform such duties as may from time to time be specified by the City Council or the City Manager. The Director of Public Works shall function as the Director of Public Services for purposes of the City Charter.

SECTION 7: Title 2, Chapter 14, Sections 30 and 40, of the Municipal Code of the

City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 8: Title 2, Chapter 18, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.18.010: Article III of the Charter of the City of Las Vegas requires the City Council to establish a Department of Financial Management, to be headed by a Director of Financial Management. For purposes of the Charter, [The] the City Council hereby:

(A) Establishes the Department of Finance [and Business Services] as the City's Department of Financial Management; and

(B) Designates the [City's Chief Financial Officer] Director of Finance as the Director of that Department.

SECTION 9: Notwithstanding the effective date of this Ordinance, the City Manager shall have the discretion to implement the various provisions of this Ordinance immediately or gradually, using a transitional approach and time frames that take into account practicality and convenience.

SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 11/17/10
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2010-51
(Updates certain administrative provisions of the Municipal Code relating to management functions and the names of City departments)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-51, that will update certain administrative provisions of the Municipal Code relating to management functions and the names of City departments.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent that federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: November 17,2010

FIRST AMENDMENT

BILL NO. 2010-51

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE CERTAIN ADMINISTRATIVE PROVISIONS OF THE MUNICIPAL CODE RELATING TO MANAGEMENT FUNCTIONS AND THE NAMES OF CITY DEPARTMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Updates certain administrative provisions of the Municipal Code relating to management functions and the names of City departments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 2, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50, reading as follows:

2.08.050: The City Manager may appoint one or more persons to serve as chief officer of particular functions or groups of functions. The provisions of Sections 2.08.010 to 2.08.040, inclusive, shall apply to each such officer to the same extent as if the officer were a Deputy City Manager.

SECTION 2: Title 2, Chapter 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.010: Subject to the provisions of Section 2.09.020, [The] the departments of the City shall consist of the following:

Building and Safety;

[City Attorney;]

Detention and Enforcement;

Economic and Urban Development;

[Field Operations;]

Finance; [and Business Services;]

Fire and Rescue;

Human Resources;

Information Technologies;

[Leisure Services;

Municipal Court;

Neighborhood Services;]

Operations and Maintenance;

Parks, Recreation and Neighborhood Services;

Planning; [and Development;] and

Public Works.

SECTION 3: Title 2, Chapter 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15, reading as follows:

2.09.015: (A) Any reference in this Code to the Department of Field Operations, the Department of Finance and Business Services, the Department of Leisure Services, the Department of Neighborhood Services, the Planning and Development Department, or any of their predecessor departments, shall be deemed in each case to refer to the appropriate successor department, as follows:

(1) With respect to the Department of Field Operations, the successor department is the Department of Operations and Maintenance.

(2) With respect to the Department of Finance and Business Services (and its predecessor, the Department of Business Activity), the successor department is:

(a) The Department of Planning, in the case of license-related functions under Title 6; and

(b) The Department of Finance, in all other cases.

(3) With respect to the Department of Leisure Services (and its predecessors, the Department of Parks and Leisure Activities and the Department of Parks, Recreation and Senior Citizen Activities), the successor department is the Department of Parks, Recreation and Neighborhood Services.

(4) With respect to the Department of Neighborhood Services, the successor

department is:

(a) The Department of Economic and Urban Development, in the case of housing-related functions; and

(b) The Department of Parks, Recreation and Neighborhood Services, in all other cases.

(5) With respect to the Planning and Development Department, the successor department is the Department of Planning.

(B) The City Manager or a designee is authorized to determine which successor department has succeeded to a particular function in cases where the provisions of Subsection (A) do not address the question, where subsequent adjustments made pursuant to Section 2.09.020 dictate a different result than is dictated by Subsection (A), or where the strict application of the provisions of Subsection (A) is otherwise incorrect or impracticable.

SECTION 4: Title 2, Chapter 9, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.020: [Each department of the City shall consist of such divisions and units as may be established from time to time by the City Manager.] From time to time the City Manager may:

(A) Establish and adjust divisions, offices or other units within the various departments of the City, as well as offices and other units that are independent of those departments.

(B) Establish new departments, combine existing departments, or make other adjustments to the departments listed in Section 2.09.010. Any such action by the City Manager shall be effective immediately or when directed by the City Manager, but must be ratified by the City Council within six months following such action in order to continue in effect. Sections 2.09.010 and 2.09.015 shall be adjusted periodically as deemed necessary in order to reflect action taken pursuant to this Subsection (B).

SECTION 5: Title 2, Chapter 9, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.09.030: Functions or offices that are created by the City Charter and that do not appear in the list of departments set forth in Section 2.09.010 may be treated as departments of the City for

administrative and budgetary purposes, or otherwise for the sake of convenience.

SECTION 6: Title 2, Chapter 14, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.14.010: The Director of Public Works shall exercise such powers and perform such duties as may from time to time be specified by the City Council or the City Manager. The Director of Public Works shall function as the Director of Public Services for purposes of the City Charter.

SECTION 7: Title 2, Chapter 14, Sections 30 and 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 8: Title 2, Chapter 18, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.18.010: Article III of the Charter of the City of Las Vegas requires the City Council to establish a Department of Financial Management, to be headed by a Director of Financial Management. For purposes of the Charter, [The] the City Council hereby:

(A) Establishes the Department of Finance [and Business Services] as the City's Department of Financial Management; and

(B) Designates the [City's Chief Financial Officer] Director of Finance as the Director of that Department.

SECTION 9: Notwithstanding the effective date of this Ordinance, the City Manager shall have the discretion to implement the various provisions of this Ordinance immediately or gradually, using a transitional approach and time frames that take into account practicality and convenience.

SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

invalid or ineffective.

SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-18-11
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2011-1 – Amends the Downtown Centennial Plan to include updated highway-related information and to allow a number of additional uses within the district known as "18b The Las Vegas Arts District." (TXT-39836) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will amend the Downtown Centennial Plan to 1) include updated information relating to the widening of the I-515/US-95 freeway east of the Spaghetti Bowl interchange, and 2) allow a number of additional uses within the district known as "18b The Las Vegas Arts District." The additional uses are consistent with and supportive of the purposes and goals of the Arts District.

RECOMMENDATION:
ADOPTION at 1/19/2011 City Council Meeting pursuant to the 1/18/2011 Recommending Committee Meeting.

First Reading – 1/5/2011; First Publication – 1/20/2011

BACKUP DOCUMENTATION:
Bill No. 2011-1

BILL NO. 2011-1

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO INCLUDE UPDATED HIGHWAY-RELATED INFORMATION AND TO ALLOW A NUMBER OF ADDITIONAL USES WITHIN THE DISTRICT KNOWN AS "18B THE LAS VEGAS ARTS DISTRICT," AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Amends the Downtown Centennial Plan to include updated highway-related information and to allow a number of additional uses within the district known as "18b The Las Vegas Arts District."

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 6051, is hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance.

SECTION 2: Subsection II(D) is amended to add the following language before the final paragraph of that Subsection, either as a new paragraph or as a continuation of the preceding paragraph:

NDOT has announced plans to widen the I-515/US-95 freeway east of the Spaghetti Bowl interchange. This project will result in the loss of approximately 450' of occupied land to the north of the current alignment. Several projects crucial to the continued rejuvenation of the Downtown area are located directly south of the current alignment. These projects are listed in Map 7.

SECTION 3: Section VII(D)(2)(1) is amended by adding, at the appropriate location, the following use to the list of uses permitted under the category of "Residential and Lodging Services":

- Bed and Breakfast Inn

SECTION 4: Section VII(D)(2)(5) is amended by adding, at the appropriate locations, the following uses to the list of uses permitted under the category of "Retail and Personal Services":

- Auction House (Special Use Permit)
- Bakery

- Beer/Wine/Cooler Off-Sale Establishment (Special Use Permit)
- Convenience Store
- Custom and Craft Work
- Grocery Store
- Internet Café

SECTION 5: The Planning and Development Department is authorized and directed to incorporate into the Downtown Centennial Plan the amendments contained in this Ordinance.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-15-10
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2011-2 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. The bill is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable "time, place and manner" regulations. (An earlier version of this bill, Bill No. 2010-31, was introduced and considered by the Council last year. Amendments were proposed and discussed, but an acceptable version was not able to be presented before the adoption deadline passed.)

RECOMMENDATION:
ADOPTION at 1/19/2011 City Council Meeting as First Amendment pursuant to the 1/18/2011 Recommending Committee Meeting.

First Reading – 1/5/2011; First Publication – 1/20/2011

BACKUP DOCUMENTATION:
1. Bill No. 2011-2
2. Business Impact Statement
3. Bill No. 2011-2 First Amendment

BILL NO. 2011-2

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL, ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

WHEREAS, pursuant to litigation, a federal court has determined that the City's Pedestrian Mall is to be treated as a traditional public forum for purposes of First Amendment freedom of expression; and

WHEREAS, in response to that litigation, the City Council desires to amend various provisions of the Las Vegas Municipal Code (LVMC) that pertain to the Pedestrian Mall and its operation by the Fremont Street Experience Limited Liability Company (FSELLC); and

WHEREAS, federal court decisions concerning the Pedestrian Mall have recognized that the City and FSELLC have a significant interest in:

–Assuring safe, efficient, and orderly movement of pedestrians;

–Protecting the local merchant economy from unfair competition;

–Protecting visitors from solicitors in an environment where freedom of movement is restricted;

–Preventing the disruption of Pedestrian Mall entertainment and in disrupting visitors' enjoyment of the Pedestrian Mall experience;

–Protecting the aesthetic appearance of the Pedestrian Mall by eliminating visual blight caused by unsightly vendors;

and

WHEREAS, taking into account federal court rulings and associated findings, the City Council desires by means of this Ordinance to amend LVMC provisions pertaining to the Pedestrian Mall to address certain types of activity within the Pedestrian Mall, including commercial and expressive activity; and

WHEREAS, the principal issues to be addressed by this Ordinance include the

regulation of commercial activity and the establishment of "time, place and manner" restrictions on expressive activity within the Pedestrian Mall.

NOW THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.44.010: For purposes of this Chapter:

(A) "Solicitation" means the act of solicitation, including asking, begging, soliciting or pleading, for the purpose of [immediately] obtaining money, charity, business or patronage, or gifts of items of value for oneself or another person or organization.

(B) "Coercion" means to wilfully and knowingly:

(1) [Approach or speak to a person in such a manner as would cause a reasonable person to believe] Act in a manner that would give a reasonable person the belief that the person is being threatened with:

(a) Imminent bodily injury, or

(b) The commission of a [criminal act upon the person or another person, or upon property in the person's immediate possession;] crime;

(2) Persist in a solicitation after the person solicited has [given a negative response;] refused a solicitation and indicated a desire to be left alone; or

(3) [Block, either individually or as part of a group of persons, the passage of a solicited person; or

(4)] Engage [in conduct] a solicited person in a manner that would reasonably be construed as intended to compel or force [a solicited] the person to accede to demands.

SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.020: As used in this Chapter:

[(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on the ceiling of the celestial vault constructed above Fremont Street and the various light and sound

effect accompanying such images.

"Commercial photography, filming or videotaping" means photography, filming or videotaping for commercial purposes and does not include photography, filming or videotaping engaged in for personal use or for news reporting purposes.

[(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of display to the public, and not for the primary purpose of transporting persons or property.

[(C)] "Emergency vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(D)] "Exterior building improvements" means the building facades, marquees, overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping, building illumination and audible effects or devices.

"Leafleting" means the act of distributing to any passersby in a continuous or repetitive manner any printed, written or graphic materials, whether commercial or noncommercial in content.

[(E)] "Motorized vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and structures contained therein.

"Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.

"Message-bearing merchandise" means products bearing a message that is:

(A) A permanent part of the product to which it is affixed and is readable or recognizable from a reasonable distance;

(B) Inextricably intertwined with the purpose and activities of the distributor

of the product or the person or entity whom the distributor represents; and

(C) A conspicuous political, religious, philosophical or ideological message having intellectual content that is informative of the purpose of the distributor or the person or entity whom the distributor represents.

[(G)] "Management agreement" means that agreement executed between The Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

[(H)] "Parade" is a group of persons with or without animals or vehicles in a public procession or march and does not include a procession or march in connection with a special event or mall entertainment.

[(I)] "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

[(J)] "Special events" include festivals, sporting events, exhibitions, entertainment and similar activities which are not offered on a continuous basis, whether or not members of the public pay an admission or entrance fee to be spectators or participants.

[(K)] "Special permit vehicles" are those vehicles authorized by The Fremont Street Limited Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian Mall.

"Street performer" or "busker" means a member of the general public who engages in any performing art or the playing of any musical instrument, singing or vocalizing, with or without musical accompaniment, and whose performance is not an official part of an event provided by or on behalf of The Fremont Street Limited Liability Company. The term "street performer" includes a "busker".

[(L) "Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special events, or any other commercial activity, and the display of consumer goods, products, or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

(M) "Mall entertainment" is the conduct on the part of any person intended to provide

entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

(N) "Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.]

SECTION 3: Title 11, Chapter 68, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.050: Notwithstanding the prohibition contained in Section 11.68.030, vehicular traffic traveling along Casino Center Boulevard and Fourth Street shall be permitted to cross the Pedestrian Mall as those [street] streets intersect with Fremont Street except during the celestial vault lightshow, in which case such street may be closed to through traffic and as otherwise approved in accordance with Section [11.68.130.] 11.68.120.

SECTION 4: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.100: [The following are prohibited within the Pedestrian Mall:

(A) Animals unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(B) Mall vending, mall advertising, mall entertainment special events or other commercial activities unless conducted or authorized by The Fremont Street Experience Limited Liability Company;

(C) Parades;

(D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(E) Sleeping or camping;

(F) Littering;

(G) Sexually oriented businesses as described in Section 19.04.040 of the Las Vegas Municipal Code;

(H) The placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall for purposes of solicitation, except as necessary for emergency purposes, or the maintenance or repair of the Pedestrian Mall, or as authorized by The Fremont Street Experience Limited Liability Company for special events, mall advertising, mall entertainment or mall vending or other commercial and entertainment activities;

(I) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(J) Feeding birds; and

(K) Solicitation, as defined in LVMC 10.44.010.]

(A) The following are prohibited within the Pedestrian Mall:

(1) Parades;

(2) Sleeping or camping;

(3) Littering;

(4) Sexually oriented businesses as described in Section 19.04.040;

(5) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(6) Feeding birds; and

(7) Solicitation by coercion, as defined in Section 10.44.010.

(B) The following are prohibited within the Pedestrian Mall, except under the conditions stated:

(1) Animals, unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(2) Mall vending, special events or other commercial activities, unless such activities are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

(3) The use of unicycles, bicycles and other types of cycles, skateboards,

roller skates, in-line skates, hula hoops larger than four feet in diameter, and shopping carts, except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(4) The placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, except:

(i) As conducted by or on behalf of The Fremont Street Experience Limited Liability Company; or

(ii) As specifically permitted under Sections 11.68.105 and 11.68.107;

(5) Amplified sound which originates from within the Pedestrian Mall or from properties or businesses abutting the boundaries of the Pedestrian Mall, except where conducted by or on behalf of The Fremont Street Experience Limited Liability Company or as permitted under Section 11.68.107;

(6) The launching or throwing of projectiles or other objects into or through the air, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company or are permitted pursuant to Section 11.68.107;

(7) Entertainment and related services for which a fee is charged, either before or after the entertainment and related services are performed, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

(8) The distribution of food, beverage or tobacco items, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company; or

(9) Commercial photography, filming or videotaping, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company.

SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto three new sections, designated respectively as Sections 103, 105 and 107, reading as follows:

11.68.103: (A) Solicitation, as defined in LVMC 10.44.010(A), is prohibited within the Pedestrian Mall at the following locations:

(1) Within twenty feet of any building entrance or ATM;

(2) Within ten feet of any retail kiosk or cart, but subject to the provisions of Subsection (B) of this Section;

(3) Within twenty feet of any fire lane or crosswalk; and

(4) At any location that will interfere with pedestrian traffic in violation of LVMC 10.47.020.

(B) The distance limitation set forth in Paragraph (2) of Subsection (A) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

11.68.105: (A) Expressive activity, including demonstrations, speeches, interviewing for political purposes, leafleting and distribution of commercial or noncommercial literature, and the sale or distribution of message-bearing merchandise is allowed within the Pedestrian Mall without the requirement of a permit, but is subject to the conditions and limitations set forth in this Section.

(B) No structure or display may be erected or placed within the Pedestrian Mall in connection with expressive activity described in this Section, except that a person or organization engaging in such activity may place and use, in furtherance of that activity, one table, not to exceed three feet by three feet in size, at a location that complies with the provisions of Subsections (C) and (D) of this Section.

(C) Tables authorized under Subsection (B) of this Section may not be located as follows:

(1) Within twenty feet of any building entrance or ATM;

(2) Within ten feet of any retail kiosk or cart, but subject to the provisions of Subsection (G) of this Section;

(3) Within twenty feet of any fire lane or crosswalk; or

(4) At any location that will significantly interfere with pedestrian traffic.

(D) By reason of the limitations set forth in Subsection (C) of this Section, table

space is limited and is available on a first-come-first-serve basis. Locations available for tables may be depicted on a map adopted as part of this Ordinance or adopted subsequently by formal action of the City Council, but no such map may be more restrictive as to table locations than the provisions of Subsection (C) of this Section.

(E) Coolers, storage boxes and similar items that are not in furtherance of expressive activity may not be stored on the ground in connection with expressive activity described in Subsection (A) of this Section; provided, however, that this prohibition does not apply to incidental personal items such as purses or coats, or to backpacks whose capacity does not exceed two cubic feet.

(F) In the case of a demonstration, The Fremont Street Limited Liability Company may direct that the demonstration be moved to one or more locations within the Pedestrian Mall so as not to interfere with pedestrian traffic, fire lanes, crosswalk traffic, retail kiosks, special events, concerts or other previously scheduled mall activities, but only upon a determination that the demonstration cannot possibly be conducted in a manner that does not so interfere. Any such redirection shall be to a location that is closest to, most approximates, and reaches the same audience as, the original location.

(G) The distance limitation set forth in Paragraph (2) of Subsection (C) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

(H) Nothing in this Section authorizes conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability, including without limitation prohibitions relating to solicitation by coercion and the obstruction of rights-of-way.

11.68.107: (A) Street performers may perform within the Pedestrian Mall, but only in accordance with the provisions of this Section.

(B) It is unlawful for a street performer to charge a fee for a performance within the Pedestrian Mall. For purposes of this Chapter, the charging of a fee for entertainment or for a performance includes the act of requiring a person to pay for the entertainment or performance, whether in advance or after the fact, but does not include the act of soliciting or requesting tips or donations, the act of making available a receptacle for tips or donations, or the act of receiving tips

or donations.

(C) A street performer who does not charge a fee for a performance as described in Subsection (B) may perform within the Pedestrian Mall, but only in accordance with the following conditions and limitations:

(1) Such street performers shall not have the right to "reserved" spaces and may not interfere in any way with performances provided by or on behalf of The Fremont Street Limited Liability Company.

(2) Such street performers may not perform:

(i) Within twenty feet of any building entrance or ATM;

(ii) Within ten feet of any retail kiosk or cart, but subject to the provisions of Paragraph (5) of this Subsection (C);

(iii) Within twenty feet of any fire lane or crosswalk;

(iv) Within any area of the Pedestrian Mall that is closed to the public (such as on a closed stage provided by The Fremont Street Limited Liability Company); or

(v) At any location that will significantly interfere with pedestrian traffic.

(3) Such street performers may not place objects on the ground unless the objects are placed within a two foot radius of the performer; do not interfere with pedestrian traffic or cause a potential risk to passersby; and are integral to the performance (e.g., a hat or container to accept donations). However, the prohibition contained in the preceding sentence does not apply to incidental personal items such as purses or coats, or to backpacks whose capacity does not exceed two cubic feet.

(4) Such street performers may use items or engage in actions otherwise prohibited by LVMC 11.68.100(B)(6), but only if such items or activities are integral to the performance and do not interfere with pedestrian traffic or cause a potential risk to passersby.

(5) Such street performers may use amplified sound in connection with their performance, but such amplified sound:

(i) Must be an integral part of the performance;

(ii) May not exceed a sound level of seventy decibels at a distance of fifty feet or more from the source of the amplified sound;

(iii) Is not permitted during any actual performance or operation of the celestial vault lightshow, or during any special event when the Pedestrian Mall is closed to the general public except upon payment of an admission charge; and

(iv) Is not permitted during any concert that is provided by or on behalf of The Fremont Street Limited Liability Company unless each source of the amplified sound is at least two hundred feet from the stage on which the concert takes place.

(6) The distance limitation set forth in Subparagraph (ii) of Paragraph (2) of this Subsection (C) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

(D) Nothing in this Section authorizes conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability, including without limitation prohibitions relating to solicitation by coercion and the obstruction of rights-of-way.

SECTION 6: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.130: Any person violating the provisions of Sections 11.68.030, 11.68.080, and 11.68.100 to 11.68.107, inclusive, shall be guilty of a misdemeanor.

SECTION 7: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

11.68.140: By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The Fremont Street Limited Liability Company may commence a civil action to enjoin any violation of the provisions contained in LVMC 11.68.100 to 11.68.107, inclusive. This remedy shall supplement, and exist in addition to, those contained in LVMC 11.68.130.

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-21-10
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2011-2
(Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-2, that would update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

The addition of more certainty and structure and enforceability in the ordinance provisions

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable. The ordinance is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable "time, place and manner" regulations.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 21, 2010

FIRST AMENDMENT

BILL NO. 2011-2

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL, ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

WHEREAS, pursuant to litigation, a federal court has determined that the City's Pedestrian Mall is to be treated as a traditional public forum for purposes of First Amendment freedom of expression; and

WHEREAS, in response to that litigation, the City Council desires to amend various provisions of the Las Vegas Municipal Code (LVMC) that pertain to the Pedestrian Mall and its operation by the Fremont Street Experience Limited Liability Company (FSELLC); and

WHEREAS, federal court decisions concerning the Pedestrian Mall have recognized that the City and FSELLC have a significant interest in:

–Assuring safe, efficient, and orderly movement of pedestrians;

–Protecting the local merchant economy from unfair competition;

–Protecting visitors from solicitors in an environment where freedom of movement is restricted;

–Preventing the disruption of Pedestrian Mall entertainment and in disrupting visitors' enjoyment of the Pedestrian Mall experience;

–Protecting the aesthetic appearance of the Pedestrian Mall by eliminating visual blight caused by unsightly vendors;

and

WHEREAS, taking into account federal court rulings and associated findings, the City Council desires by means of this Ordinance to amend LVMC provisions pertaining to the Pedestrian Mall to address certain types of activity within the Pedestrian Mall, including commercial and expressive activity; and

WHEREAS, the principal issues to be addressed by this Ordinance include the regulation of commercial activity and the establishment of "time, place and manner" restrictions on expressive activity within the Pedestrian Mall.

NOW THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.44.010: For purposes of this Chapter:

(A) "Solicitation" means the act of solicitation, including asking, begging, soliciting or pleading, for the purpose of [immediately] obtaining money, charity, business or patronage, or gifts of items of value for oneself or another person or organization.

(B) "Coercion" means to wilfully and knowingly:

(1) [Approach or speak to a person in such a manner as would cause a reasonable person to believe] Act in a manner that would give a reasonable person the belief that the person is being threatened with:

(a) Imminent bodily injury, or

(b) The commission of a [criminal act upon the person or another person, or upon property in the person's immediate possession;] crime;

(2) Persist in a solicitation after the person solicited has [given a negative response;] refused a solicitation and indicated a desire to be left alone; or

(3) [Block, either individually or as part of a group of persons, the passage of a solicited person; or

(4)] Engage [in conduct] a solicited person in a manner that would reasonably be construed as intended to compel or force [a solicited] the person to accede to demands.

SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.020: As used in this Chapter:

[(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on

the ceiling of the celestial vault constructed above Fremont Street and the various light and sound effect accompanying such images.

"Commercial photography, filming or videotaping" means photography, filming or videotaping for commercial purposes and does not include photography, filming or videotaping engaged in for personal use or for news reporting purposes.

[(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of display to the public, and not for the primary purpose of transporting persons or property.

[(C)] "Emergency vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(D)] "Exterior building improvements" means the building facades, marquees, overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping, building illumination and audible effects or devices.

"Leafleting" means the act of distributing to any passersby in a continuous or repetitive manner any printed, written or graphic materials, whether commercial or noncommercial in content.

[(E)] "Motorized vehicles" are those motorized devices in, upon or by which any person or property is or may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles, motorcycles and mopeds.

[(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and structures contained therein.

"Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.

"Message-bearing merchandise" means products bearing a message that is:

(A) A permanent part of the product to which it is affixed and is readable or recognizable from a reasonable distance;

(B) Inextricably intertwined with the purpose and activities of the distributor of the product or the person or entity whom the distributor represents; and

(C) A conspicuous political, religious, philosophical or ideological message having intellectual content that is informative of the purpose of the distributor or the person or entity whom the distributor represents.

[(G)] "Management agreement" means that agreement executed between The Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

[(H)] "Parade" is a group of persons with or without animals or vehicles in a public procession or march and does not include a procession or march in connection with a special event or mall entertainment.

[(I)] "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

[(J)] "Special events" include festivals, sporting events, exhibitions, entertainment and similar activities which are not offered on a continuous basis, whether or not members of the public pay an admission or entrance fee to be spectators or participants.

[(K)] "Special permit vehicles" are those vehicles authorized by The Fremont Street Limited Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian Mall.

"Street performer" or "busker" means a member of the general public who engages in any performing art or the playing of any musical instrument, singing or vocalizing, with or without musical accompaniment, and whose performance is not an official part of an event provided by or on behalf of The Fremont Street Limited Liability Company. The term "street performer" includes a "busker".

[(L) "Mall advertising" includes all advertising within or in connection with the Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special events, or any other commercial activity, and the display of consumer goods, products, or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof, including, without limitation, signs, pictures, or other displays.

(M) "Mall entertainment" is the conduct on the part of any person intended to provide entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

(N) "Mall vending" is the distribution, display or sale, or any combination thereof, of consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar structure designed for such purpose.]

SECTION 3: Title 11, Chapter 68, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.050: Notwithstanding the prohibition contained in Section 11.68.030, vehicular traffic traveling along Casino Center Boulevard and Fourth Street shall be permitted to cross the Pedestrian Mall as those [street] streets intersect with Fremont Street except during the celestial vault lightshow, in which case such street may be closed to through traffic and as otherwise approved in accordance with Section [11.68.130.] 11.68.120.

SECTION 4: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.100: [The following are prohibited within the Pedestrian Mall:

(A) Animals unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(B) Mall vending, mall advertising, mall entertainment special events or other commercial activities unless conducted or authorized by The Fremont Street Experience Limited Liability Company;

(C) Parades;

(D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(E) Sleeping or camping;

(F) Littering;

(G) Sexually oriented businesses as described in Section 19.04.040 of the Las Vegas

Municipal Code;

(H) The placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall for purposes of solicitation, except as necessary for emergency purposes, or the maintenance or repair of the Pedestrian Mall, or as authorized by The Fremont Street Experience Limited Liability Company for special events, mall advertising, mall entertainment or mall vending or other commercial and entertainment activities;

(I) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(J) Feeding birds; and

(K) Solicitation, as defined in LVMC 10.44.010.]

(A) The following are prohibited within the Pedestrian Mall:

(1) Parades;

(2) Sleeping or camping;

(3) Littering;

(4) Sexually oriented businesses as described in Section 19.04.040;

(5) Glass and metal beverage containers including, but not limited to, bottles, jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

(6) Feeding birds; and

(7) Solicitation by coercion, as defined in Section 10.44.010.

(B) The following are prohibited within the Pedestrian Mall, except under the conditions stated:

(1) Animals, unless used in connection with a mall activity authorized by The Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally impaired;

(2) Mall vending, special events or other commercial activities, unless such activities are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

(3) The use of unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates, hula hoops larger than four feet in diameter, and shopping carts, except as authorized by The Fremont Street Experience Limited Liability Company in connection with special events and mall entertainment;

(4) The placement of any table, rack, chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, except:

(i) As conducted by or on behalf of The Fremont Street Experience Limited Liability Company; or

(ii) As specifically permitted under Sections 11.68.105 and 11.68.107;

(5) Amplified sound which originates from within the Pedestrian Mall or from properties or businesses abutting the boundaries of the Pedestrian Mall, except where conducted by or on behalf of The Fremont Street Experience Limited Liability Company or as permitted under Section 11.68.107;

(6) The launching or throwing of projectiles or other objects into or through the air, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company or are permitted pursuant to Section 11.68.107;

(7) Entertainment and related services for which a fee is charged, either before or after the entertainment and related services are performed, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

(8) The distribution of food, beverage or tobacco items, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company; or

(9) Commercial photography, filming or videotaping, except in connection with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company.

SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto three new sections, designated

respectively as Sections 103, 105 and 107, reading as follows:

11.68.103: (A) Solicitation, as defined in LVMC 10.44.010(A), is prohibited within the Pedestrian Mall at the following locations:

(1) Within twenty feet of any building entrance or ATM;

(2) Within ten feet of any retail kiosk or cart, but subject to the provisions of Subsection (B) of this Section;

(3) Within ten feet of the outer perimeter of any outdoor dining area while the area is being used for dining;

(4) Within twenty feet of any fire lane or crosswalk; and

(5) At any location that will obstruct or impede pedestrian traffic.

(B) The distance limitation set forth in Paragraph (2) of Subsection (A) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

11.68.105: (A) Expressive activity, including demonstrations, speeches, interviewing for political purposes, leafleting and distribution of commercial or noncommercial literature, and the sale or distribution of message-bearing merchandise is allowed within the Pedestrian Mall without the requirement of a permit, but is subject to the conditions and limitations set forth in this Section.

(B) No structure or display may be erected or placed within the Pedestrian Mall in connection with expressive activity described in this Section, except that a person or organization engaging in such activity may place and use, in furtherance of that activity, one table, not to exceed three feet by three feet in size, at a location that complies with the provisions of Subsections (C) and (D) of this Section.

(C) Tables authorized under Subsection (B) of this Section may not be located as follows:

(1) Within twenty feet of any building entrance or ATM;

(2) Within ten feet of any retail kiosk or cart, but subject to the provisions of Subsection (G) of this Section;

(3) Within ten feet of the outer perimeter of any outdoor dining area while

the area is being used for dining;

(4) Within twenty feet of any fire lane or crosswalk; or

(5) At any location that will obstruct or impede pedestrian traffic.

(D) By reason of the limitations set forth in Subsection (C) of this Section, table space is limited and is available on a first-come-first-serve basis. Locations available for tables may be depicted on a map adopted as part of this Ordinance or adopted subsequently by formal action of the City Council, but no such map may be more restrictive as to table locations than the provisions of Subsection (C) of this Section.

(E) Coolers, storage boxes and similar items that are not in furtherance of expressive activity may not be stored on the ground in connection with expressive activity described in Subsection (A) of this Section; provided, however, that this prohibition does not apply to incidental personal items such as purses or coats, or to backpacks whose capacity does not exceed two cubic feet.

(F) In the case of a demonstration, The Fremont Street Limited Liability Company may direct that the demonstration be moved to one or more locations within the Pedestrian Mall so as not to obstruct or impede pedestrian traffic, or interfere with fire lanes, crosswalk traffic, retail kiosks, special events, concerts or other previously scheduled mall activities, but only upon a determination that the demonstration cannot possibly be conducted in a manner that does not so obstruct, impede or interfere. Any such redirection shall be to a location that is closest to, most approximates, and reaches the same audience as, the original location.

(G) The distance limitation set forth in Paragraph (2) of Subsection (C) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

(H) Nothing in this Section authorizes conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability, including without limitation prohibitions relating to solicitation by coercion and the obstruction of rights-of-way.

11.68.107: (A) Street performers may perform within the Pedestrian Mall, but only in accordance with the provisions of this Section.

(B) It is unlawful for a street performer to charge a fee for a performance within the

Pedestrian Mall. For purposes of this Chapter, the charging of a fee for entertainment or for a performance includes the act of requiring a person to pay for the entertainment or performance, whether in advance or after the fact, but does not include the act of soliciting or requesting tips or donations, the act of making available a receptacle for tips or donations, or the act of receiving tips or donations.

(C) A street performer who does not charge a fee for a performance as described in Subsection (B) may perform within the Pedestrian Mall, but only in accordance with the following conditions and limitations:

(1) Such street performers shall not have the right to "reserved" spaces and may not interfere in any way with performances provided by or on behalf of The Fremont Street Limited Liability Company.

(2) Such street performers may not perform:

(i) Within twenty feet of any building entrance or ATM;

(ii) Within ten feet of any retail kiosk or cart, but subject to the provisions of Paragraph (6) of this Subsection (C);

(iii) Within ten feet of the outer perimeter of any outdoor dining area while the area is being used for dining;

(iv) Within twenty feet of any fire lane or crosswalk;

(v) Within any area of the Pedestrian Mall that is closed to the public (such as on a closed stage provided by The Fremont Street Limited Liability Company);

(vi) During any concert that is provided by or on behalf of The Fremont Street Limited Liability Company, within two hundred feet of the stage on which the concert is taking place; or

(vii) At any location that will obstruct or impede pedestrian traffic.

(3) Such street performers may not place objects on the ground unless the objects are placed within a two foot radius of the performer; do not obstruct or impede pedestrian traffic or cause a potential risk to passersby; and are integral to the performance (e.g., a hat or container to accept donations). However, the prohibition contained in the preceding sentence does

not apply to incidental personal items such as purses or coats, or to backpacks whose capacity does not exceed two cubic feet.

(4) Such street performers may use items or engage in actions otherwise prohibited by LVMC 11.68.100(B)(6), but only if such items or activities are integral to the performance and do not obstruct or impede pedestrian traffic or cause a potential risk to passersby.

(5) Such street performers may use amplified sound in connection with their performance, but such amplified sound:

(i) Must be an integral part of the performance;

(ii) May not exceed a sound level of seventy decibels at a distance of fifty feet or more from the source of the amplified sound;

(iii) Is not permitted during any actual performance or operation of the celestial vault lightshow, or during any special event when the Pedestrian Mall is closed to the general public except upon payment of an admission charge; and

(iv) Is not permitted during any concert that is provided by or on behalf of The Fremont Street Limited Liability Company unless each source of the amplified sound is at least two hundred feet from the stage on which the concert takes place.

(6) The distance limitation set forth in Subparagraph (ii) of Paragraph (2) of this Subsection (C) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

(D) Nothing in this Section authorizes conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability, including without limitation prohibitions relating to solicitation by coercion and the obstruction of rights-of-way.

SECTION 6: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.130: Any person violating the provisions of Sections 11.68.030, 11.68.080, and 11.68.100 to 11.68.107, inclusive, shall be guilty of a misdemeanor.

SECTION 7: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,

Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

11.68.140: By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The Fremont Street Limited Liability Company may commence a civil action to enjoin any violation of the provisions contained in LVMC 11.68.100 to 11.68.107, inclusive. This remedy shall supplement, and exist in addition to, those contained in LVMC 11.68.130.

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-18-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2011-4 – Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Last February the City Council adopted an ordinance to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. The intent was to encourage the establishment of new urban lounge and tavern-limited licenses within the districts to which they pertain. It has been proposed to extend the effects of that ordinance for new applications for another year. This bill will accomplish that extension.

RECOMMENDATION:
ADOPTION at 1/19/2011 City Council Meeting pursuant to the 1/18/2011 Recommending Committee Meeting.

First Reading – 1/19/2011; First Publication – 1/20/2011

BACKUP DOCUMENTATION:
1. Bill No. 2011-4
2. Business Impact Statement

BILL NO. 2011-4

ORDINANCE NO. _____

AN ORDINANCE TO CONTINUE TO AUTHORIZE, ON A TEMPORARY BASIS, THE WAIVER OF THE ORIGINATION CHARGE FOR NEW URBAN LOUNGE AND TAVERN-LIMITED LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: In February 2010, the City Council adopted Ordinance No. 6077, which authorized, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. The intent of that ordinance was to encourage new urban lounge and tavern-limited licenses within the districts to which they pertain. The City Council desires to extend the effects of that ordinance for new applications for another year. Therefore, the Department of Finance and Business Services or its successor, in accordance with Section 2 of this Ordinance, may waive origination charges otherwise imposed by LVMC 6.50.380 for urban lounge and tavern-limited licenses.

SECTION 2: The waiver referred to in Section 1 of this Ordinance may be granted pursuant to a qualifying waiver application that is filed with the Department between the effective date of this Ordinance and one year thereafter. Any such waiver shall be conditioned upon activation of the business license within the following time periods after the submittal of a qualifying waiver application:

(A) One year, for a business to be located within an existing structure; or

(B) Two years, otherwise.

SECTION 3: Notwithstanding any provision of Title 6 of the Las Vegas Municipal Code to the contrary, a business license concerning which a waiver has been granted pursuant to this Ordinance and which has been activated:

(A) May not be sold or transferred to a third party; and

(B) May not be transferred to a new location unless the location is within the district to which the license pertains, the location is approved in accordance with the requirements of Title 19, and the license holder remains the same.

SECTION 4: For purposes of Sections 2 and 3 of this Ordinance:

(A) "Activation of a business license" means that the license has been issued and the business authorized by the license has opened for business operation.

(B) "Qualifying waiver application" means an application for waiver that is:

(1) Submitted in connection with a business license application; and

(2) Accompanied by a copy of an application for special use permit that has been filed with the Planning and Development Department (or its successor) pursuant to Title 19 of the Las Vegas Municipal Code.

SECTION 5: Nothing in this Ordinance shall be deemed to affect waiver applications filed before the effective date of this Ordinance.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-10-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2011-4
(Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-4, that would continue to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

Availability of waiver of origination charges

Direct effects:

Availability of waiver of origination charges

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent that federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 10, 2011

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-3 – Grants to tw telecom of nevada llc a non-exclusive franchise for the purpose of installing, operating and maintaining a telecommunications service within the City, subject to and in accordance with the terms and conditions of the franchise agreement incorporated by reference into this Ordinance. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will grant to tw telecom of nevada llc (tw telecom) a non-exclusive franchise for ten years, with an option to renew for five years, for the purpose of installing, operating and maintaining a telecommunications service within the City, subject to and in accordance with the terms and conditions of the Franchise Agreement incorporated by reference. The franchise will replace a 1996 franchise agreement entered into by the City and one of tw telecom's predecessors-in-interest.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2011-3
2. Franchise Agreement

BILL NO. 2011-3

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO TW TELECOM OF NEVADA LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE AND AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE FRANCHISE FOR A TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND TW TELECOM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Grants to tw telecom llc a non-exclusive franchise for the purpose of installing, operating and maintaining a telecommunications service within the City, subject to and in accordance with the terms and conditions of the Franchise Agreement incorporated by reference into this Ordinance.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City of Las Vegas, Nevada, hereby grants to tw telecom of nevada llc the non-exclusive right, privilege, authority and permission to install, operate and maintain a telecommunications service system in, upon, along, across, above, over and under all present and future public ways (excluding railroad rights-of-way), highways, streets, avenues and alleys within the incorporated boundaries of the City of Las Vegas, subject to and in accordance with the terms and conditions of that certain document entitled Franchise Agreement between the City of Las Vegas and telecom of nevada llc, a copy of which Franchise Agreement is on file with the Clerk of the City of Las Vegas and by this reference incorporated herein. For the purposes of this Section the term "telecommunications service" has the same meaning as that term is defined in the United States Code 47 U.S.C. 153 (46).

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-5-11
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

FRANCHISE AGREEMENT

between

The City of Las Vegas

and

tw telecom of nevada llc

Effective February 1, 2011

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FRANCHISE AGREEMENT

This Franchise Agreement ("this Agreement") is executed to be effective the 1st day of February, 2011, between the City of Las Vegas, a municipal corporation of the State of Nevada, ("the City") and tw telecom of nevada llc, a limited liability company organized and existing under the laws of the State of Delaware ("Company").

WHEREAS, the City is a municipal corporation duly incorporated within the State of Nevada and authorized, pursuant to the City Charter and applicable provisions of general laws of the State of Nevada, to enter into this Agreement; and

WHEREAS, Company has applied for a franchise for the purpose of constructing, installing, operating and maintaining Telecommunications Service Facilities in the Rights-of-Way within the corporate limits of the City; and

WHEREAS, the City Council has adopted a resolution setting forth the name of the applicant for and the purpose, character, terms, time and conditions of the proposed franchise and the date, time and place of a public hearing on the question of the advisability of granting said proposed franchise to Company; and

WHEREAS, said application coming on regularly for hearing on the ___ day of _____, 2011, and it appearing by an Affidavit of Publication that due and legal notice of the filing of said application, and of the filing of the date, time and place for consideration of the same, has been given by publication of that Resolution adopted by the City Council in the Las Vegas Review Journal, a newspaper of general circulation within the City, to-wit:

In the issue of said newspaper published on the ____ day of _____, 201__, and the ____ day of _____, 201__; and

WHEREAS, the City Council, in the exercise of its lawful power has determined that it is in the best interests of the inhabitants of the City that a franchise be granted, subject to the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the premises, covenants and conditions herein contained, the parties hereby agree as follows:

SECTION 1: DEFINITIONS

For purposes of this Agreement, the following terms, phrases, words and their derivations shall have the meaning given in this Section unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural sense include the singular sense, and words in the singular sense include the plural sense. The word "shall" is mandatory and "may" is permissive. Words not defined in this Section shall be given their common and ordinary meaning.

A. "City" means the City of Las Vegas, a municipal corporation of the State of Nevada.

B. "City Council" or "Council" means the legislative body of the City.

C. "City Manager" means the City Manager appointed by the City Council, or his or her designee.

D. "Code" means the official code of all of the City's ordinances of a general and permanent character, as may be adopted and amended by the City Council.

E. "Company" means tw telecom of nevada llc, a limited liability company organized and existing under the laws of the State of Delaware.

F. "CPCN" means a Certificate of Public Convenience and Necessity issued by the Nevada Public Utilities Commission authorizing the holder thereof to provide Telecommunications Service within the City.

G. "Facility" or "Facilities" means all antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by any authorized user of the Rights-of-Way for the provision of authorized services within the City.

H. "Franchise" means the non-exclusive authorization granted herein to rent and use Rights-of-Way to construct, operate and maintain Company Facilities for the purpose of providing Telecommunications Service.

I. "Gross Revenue" means any and all intrastate retail revenue of Company from Telecommunications Service provided to customers within the City, including but not limited to:

1. All revenue charged on a flat rate basis;

2. All revenue from intrastate long distance calls originating in the State of Nevada and billed to an address physically located in the City;

3. All revenue from installation service charges;

4. All revenue from connection, disconnection or change-of-service fees;

5. All revenue from penalties or charges to customers for late payments or for checks returned from banks;

6. Recoveries of bad debts previously written off and revenue from the sale or assignment of bad debts, provided that revenue may be adjusted for net write-off of uncollectible accounts computed on the average annual rate for customers within the City;

7. All revenue that is designated by City, State or Federal law to be subject to fees under this Franchise.

"Gross Revenue" shall not include: (a) any tax passed through to consumers on behalf of governmental agencies received by Company for service provided to customers through the use of Facilities; (b) any charges passed through to the customers for interconnection with the local exchange provider; (c) any proceeds from the sale of bonds, mortgages or other evidence of indebtedness, securities or stocks; (d) any long-haul wholesale revenue; and (e) any revenue other than intrastate revenue collected from retail customers. Company is not required to measure each category of revenue separately; provided that in the event of an audit by the City,

Company will be required to provide an appropriate justification for amounts reported as Gross Revenue under this Agreement.

J. "Public Works Director" or "Director" means the Director of the City's Public Works Department, or his or her designee.

K. "Reasonable Attorney's Fees" means reasonable charges for legal representation as may be incurred by the City and determined by a court of proper jurisdiction.

L. "Rights-of-Way" means all present and future streets, avenues, highways, alleys, bridges and public ways (excluding railroad rights-of-way) of the City within the City limits.

M. "Telecommunications" has the same meaning as that term is defined in the United States Code, 47 U.S.C. 153(43), as it may be amended from time to time.

N. "Telecommunications Service" has the same meaning as that term is defined in the United States Code, 47 U.S.C. 153(46), as it may be amended from time to time.

SECTION 2: PRIOR AGREEMENT SUPERSEDED; GRANT OF NEW NON-EXCLUSIVE FRANCHISE

A. The parties acknowledge that Company is presently operating as a Telecommunications Service provider and is presently using the Rights-of-Way for its Telecommunications Facilities pursuant to that certain Franchise Agreement between the City and American Communications Services of Las Vegas, Inc., Company's predecessor-in-interest, dated February 7, 1996 (the "Existing Franchise"). This Agreement is intended to and shall supersede the Existing Franchise from and after the effective date of this Agreement.

B. The City hereby grants to Company, subject to the terms, conditions and limitations contained in this Agreement, a Franchise with permission to rent, use and occupy Rights-of-Way within the corporate limits of the City, as the same now exist or may be extended in the future, to provide Telecommunications Service, including the right and privilege to erect,

construct, maintain and operate Telecommunications Facilities within the Rights-of-Way necessary or convenient for the transmission and distribution of Telecommunications Service, including private property easements on which preliminary subdivision plats have been approved by the City for the provision of public utilities within the corporate limits of the City, as the same now exist or may be extended in the future.

C. Company shall be subject to all requirements of City ordinances, rules, regulations and specifications hereafter enacted or established in so far as such ordinances are not in violation of any State or Federal regulation.

D. This Franchise does not grant Company the right to provide any "video service" (as such term is defined in NRS 711.141) without a valid State-issued franchise for such service.

E. This Franchise is non-exclusive and shall not be construed as a limitation on the City's right to grant rights, privileges and authority to other persons or entities similar to or different from those herein set forth to use the Rights-of-Way or to operate a public utility.

SECTION 3: DURATION

This Franchise is for a period of ten years from and after the effective date of this Agreement. If Company is in compliance with all material provisions of this Agreement, Company has the option of renewing this Franchise under the same terms and conditions of this Agreement for one additional period of five years by giving the City written notice of such renewal during the last 90 days prior to the expiration of the original 10-year term.

SECTION 4: COMPLIANCE WITH APPLICABLE LAWS

Company shall at all times comply with all applicable Federal, State and local laws, rules and regulations concerning the provision of Telecommunications Service, including all applicable Federal Communications Commission and Nevada Public Utilities Commission rules, regulations and orders.

SECTION 5: BUSINESS LICENSES, FEES AND TAXES

A. At all times during which Company is authorized to provide Telecommunications Service within the City pursuant to a CPCN, Company shall maintain a valid unexpired business license specific to its Telecommunications Service business pursuant to Chapter 6.67 of the Code.

B. In addition to the business license required by Subsection (A), Company shall maintain all other business licenses specific to any of Company's business activities other than those of providing Telecommunications Service, as such other business activities are specified in the Code. Company shall pay all license fees due from such other business activities separately from the payment of fees due for its Telecommunications Service business.

C. In addition to payment of the fees specified in Subsections (A) and (B), Company shall pay all lawful property taxes, ad valorem taxes and local improvement district assessments and all exactions, fees and charges that are generally applicable during Company's real property development or use as required by the Code.

D. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of Company's obligations under this Agreement or applicable law, and such acceptance shall not preclude the City from later establishing that a larger amount was actually due or from collecting such balance.

SECTION 6: FRANCHISE FEES

A. In the event that the business license fees required by Section 5(A) above are declared illegal, unconstitutional or void for any reason by any court or proper authority, Company shall be contractually bound to pay the City as a franchise fee for its use of the Rights-of-Way, as provided for herein, an aggregate amount equal to the amounts which otherwise would have been paid as Telecommunications Service business licensee fees.

B. The fees required to be paid pursuant to Subsection (A) shall be paid quarterly by the fifteenth day of the second month following the end of each calendar quarter for which payment or portion thereof is due. Company shall furnish to the City with each payment of compensation required by this Section a written statement, showing the amount of Gross Revenue of Company subject to a fee under this Agreement for the period covered by the payment.

C. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of this Agreement occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City.

SECTION 7: REVIEW AND AUDIT OF COMPANY'S RECORDS

A. The City shall have the right to annually review or audit Company's books and records regarding any amounts which may be owed under this Agreement. This right includes the right to review and audit all books and records of revenue which may be reasonably considered by the City to be subject to a business license or franchise fee. The City shall give written notice to Company of any additional amount claimed to be due to the City as a result of the City's review. Any amount due shall be paid within thirty days following the City's notification that such amount is due and payable. If the City's review shows Company has overpaid, said overpayment shall be reimbursed to Company by the City within thirty days of such determination.

B. Company shall keep complete and accurate books and records of its business and operations pursuant to this Agreement in accordance with the rules and regulations of the State of Nevada.

C. Company shall provide the City with access to and/or copies of all records, books,

contracts, accounts and documents of Company (or any affiliate thereof), whether in an electronic, print or other format (hereafter referred to collectively as "Records") for Company's operations in the City, to the extent reasonably necessary for the City to perform an audit. All Records shall be retained by Company for a period of five years. Company shall make Records available to the City for inspection and/or copying at a location in the City, upon thirty days notice from the City.

D. Upon request by the City, Company shall provide to the City copies of all papers filed by Company with any federal or state regulatory agency that pertain to Company's Facilities located in the City.

SECTION 8: ADA REQUIREMENTS

Company shall install all of its Facilities in the Rights-of-Way in a manner consistent with the Americans with Disabilities Act ("ADA"), including any reconstruction or modification of existing Facilities. Following notice by the City of an ADA violation or construction problem caused directly or indirectly by Company, Company shall, within thirty days or such other time as the Public Works Director reasonably determines to be appropriate, remedy the ADA violation or problem.

SECTION 9: CONSTRUCTION PERMITS; EMERGENCY REPAIRS

A. The City may require Company to obtain a construction, encroachment or occupancy permit for any work in the Rights-of-Way, may inspect any construction, installation, maintenance or repair work performed in the Rights-of-Way, and may charge a fee to issue such permit or to perform such inspection. The City shall act upon any request by Company for a permit no later than ten business days after the date on which the request is made.

B. If there is an emergency requiring immediate response work or repair in, on, under or over any Rights-of-Way, Company may begin such work or repair without first

obtaining a permit; provided that Company shall notify the Public Works Director as promptly as is reasonably possible after learning of the need for the emergency work, shall subsequently obtain any permit that otherwise would have been required for non-emergency work, shall pay all applicable fees for such permit, and shall restrict any work performed in the Rights-of-Way prior to obtaining a permit to emergency work and repairs.

C. The amount of any permit fee under this Section or Section 10 shall not exceed the actual costs incurred by the City in administering the process of issuing such permits and performing such inspections.

SECTION 10: REQUIREMENTS BEFORE WORKING IN RIGHTS-OF-WAY

Before Company may conduct underground work involving excavation, new construction or relocation work in any Rights-of-Way that will block one or more lanes of motor vehicle traffic, Company shall:

A. Notify the City and comply with any special conditions relating to location, scheduling, coordination and public safety;

B. Apply for and obtain a permit from the Public Works Director;

C. Submit and obtain approval of a traffic barricade plan;

D. File maps and drawings showing the location of any construction or extension of its Facilities in the Rights-of-Way; for conduit, the maps and drawings shall show the size, location, burial depth and configuration of the conduit, the trench backfill material and width, and the method of pavement restoration;

E. Participate in the "Call Before You Dig" program set forth in NRS Chapter 455, as amended, with regard to giving and receiving notice of the location of Facilities and excavations;

F. Pay all permit fees; and

G. Provide security and proof of insurance as required in Sections 17 and 18 below.

SECTION 11: INSTALLATIONS, EXCAVATIONS AND RESTORATIONS

A. In using the Rights-of-Way for its Facilities, Company shall comply with the following requirements:

1. All construction work in the Rights-of-Way performed by or on behalf of Company shall be performed in a safe manner subject to the approval of the Public Works Director and in accordance with all applicable laws, rules, regulations and permitting requirements related to public safety or the use of the Rights-of-Way, including but not limited to all standards specified in Title 13 of the Code. When the public improvement designs prepared by Company are more detailed than, or not covered by, the improvement standards in Title 13 of the Code, plans and specifications for construction, reconstruction, installations and repairs of public improvements shall be sealed by a Nevada registered professional engineer.

2. Company shall not place any Facilities on, over or within the median portion of any boulevard or parkway without first having obtained the written permission of the Public Works Director.

3. Company shall not place any of its above-ground Facilities in any sidewalk area in the Rights-of-Way without the prior written consent of the Public Works Director.

4. Company shall not attach any of its Facilities to any City-owned Facilities unless Company has entered into a written agreement with the City for the rights of attachment and use.

5. The City may require through any permitting process that any installations, excavations and restorations affecting street or lane closures shall, as often as practicable, be performed after 6:30 p.m. and before 6:00 a.m. No such work shall be performed

from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. except for emergency repairs performed in accordance with Section 9 above.

6. The City may assist in the coordination and scheduling of any Company projects where such project may be reasonably coordinated with the placement of other Rights-of-Way users' Facilities; provided that, subject to City permitting processes and approvals, Company may otherwise control the scheduling of its projects consistent with this Agreement.

7. Whenever it is commercially reasonable to do so, Company shall use "trenchless" technology in the placement of its Facilities. Except in an emergency as specified in Section 9 above, Company shall, not less than seven working days prior to the commencement of any work by Company which involves excavation in any Rights-of-Way, notify the Public Works Director and any appropriate utility coordinating committee for purposes of utility location. Minimum notice to the City shall be by telephone communication or in person prior to any work, followed by notice in writing as soon as practical. Company shall provide advance notice so as not to disrupt services of the City or any other person or utility using any Rights-of-Way and to allow the City to place any inspector it may deem necessary at the site of the project.

B. Company shall at all times take all reasonable precautions to minimize interruption to traffic flow, damage to property or creation of a hazardous condition.

C. After an excavation is made and after any excavation work is completed, Company shall, as soon as practicable, but not later than seventy-two hours, remove all surplus material; except that if the surplus material is blocking a public street or sidewalk, Company shall remove such material no later than twenty-four hours after the excavation is made.

D. Company shall reconstruct, replace or restore any landscaping, street or alley, or any water, sewer, sanitary sewer, storm drainage, traffic signal or street light Facility, or any other Facility of the City disturbed by Company, within thirty days of written notice by the City,

to a condition acceptable to the Public Works Director, consistent with specifications, requirements and regulations of the City in effect at the time of such restoration. Any such improvements so disturbed by Company shall be reconstructed, replaced or restored only under the supervision of City personnel. All costs incurred in surplus material removal and restoration, whether done with the City's work forces and equipment or otherwise, shall be paid by Company, including the cost of any inspectors the City may assign to the project.

SECTION 12: LOCATION AND RELOCATION OF FACILITIES

A. All Facilities of Company shall be placed so that they do not interfere with the use of Rights-of-Way by the City and shall only be placed after approval of the location by the Public Works Director and in accordance with any specifications adopted by the City governing the location of Facilities.

B. Whenever the City excavates or performs any work in the Rights-of-Way and such excavation or work may disturb but not require the removal or relocation of Company's Facilities, the City shall notify Company sufficiently in advance of the excavation or work to enable Company to take such measures as it may deem necessary to protect its Facilities from damage and inconvenience, or from injury or damage to the public or the Rights-of-Way. If Company cannot take such measures, Company shall be required to relocate its Facilities in accordance with this Section, in which case Company shall, upon request, furnish field markings to the City showing the location of all of its Facilities in the area involved in such proposed excavation or work.

C. The City reserves all rights to:

1. Construct, install, maintain and operate any public improvement, work or Facility, to do any work that the City may find desirable on, over or under any Rights-of-Way, and to construct, install, maintain and operate any public improvement, work or Facility;

2. Vacate, alter or close any Rights-of-Way, all such work to be done in such manner as not to obstruct, injure or prevent free use and operation of Company's Facilities; and

3. Require the removal or relocation of Company's Facilities in the Rights-of-Way as may reasonably be required after notice to Company, including but not limited to City projects for the installation of landscaping, or of water, sanitary sewer, storm drainage, traffic signal or street light Facilities, or of any road construction or reconstruction.

D. Company shall remove and relocate such Facilities within sixty days following written notice to do so from the City. Prior to any such relocation, the City agrees to provide for a temporary suitable location for such relocated Facilities sufficient to maintain service.

E. Subject to Subsection (F), all costs directly attributable to removal or relocation of Company Facilities shall be paid by Company.

F. The City may require Company to relocate its Facilities to accommodate another Rights-of-Way user, if Company's and the other user's Facilities can both be located in the Rights-of-Way without interfering with Company's operations, subject to the following conditions:

1. The other user shall pay Company the costs of any relocation occasioned by such user.

2. Company shall remove and relocate its Facilities upon receipt of payment of Company's estimated costs from the other user.

3. If Company's estimated costs do not cover all of Company's final costs of the removal or relocation, Company shall bill the other user for the balance of the costs following completion of the work benefiting the other user, and the other user shall pay Company any balance due within thirty days of the billing statement.

4. If Company's estimated costs exceed Company's final costs of the

removal or relocation, Company shall refund any overpayment to the other user within thirty days after completion of the work benefiting the other user.

G. When the City proposes to improve a Rights-of-Way, including but not limited to work related to streets, sidewalks, landscaping, traffic signalization, water lines, storm drainage or sanitary sewers, and such improvements include excavation and the placement of underground utilities vaults and conduit sufficient for Company's Facilities by and at the expense of someone other than Company, then upon notification by the City and upon such reasonable scheduling as may be required by the City, Company shall replace its overhead Facilities as are then within the affected Rights-of-Way with underground Facilities within such area. Company shall pay all costs of such underground placement. The conversion from overhead to underground shall be conditioned upon the City requiring the undergrounding in the area in which both the existing and new Facilities are and will be located and on the City requiring all existing overhead communication and utility Facilities in such area be removed.

H. Nothing in this Section shall require Company to place its Facilities in ducts or conduits owned or leased by the City.

SECTION 13: NO VESTED LOCATION RIGHTS; VACATED RIGHTS-OF-WAY

Company shall not acquire any vested right or interest in any particular Rights-of-Way location for any of its Facilities constructed, operated or maintained in any existing or proposed Rights-of-Way, even though such location was approved by the City; provided that whenever the City vacates Rights-of-Way for the convenience or benefit of any person, the City shall preserve Company's rights for any legally established, existing Facilities of Company in such vacated portion of the Rights-of-Way.

SECTION 14: TEMPORARY AND EMERGENCY MOVEMENT OF FACILITIES

A. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise

the cables or wires or other apparatus of Company to permit the passage of any building, machinery or other object, Company shall perform such rearrangement upon the receipt of written notice from the person desiring to move said building, machinery or object. The written notice shall detail the route of movement of the building, machinery or object. The costs incurred by Company in making such rearrangements of its aerial Facilities will be borne, excepting the City, by the person seeking such rearrangement, unless the aerial Facilities are placed or maintained in violation of the applicable rules of any local, state or federal regulatory agency and thereby interferes with the movement of said building, machinery or object.

B. Whenever, in the case of an emergency, it becomes necessary to remove any of Company's Facilities, the City shall not be liable to Company for any charge, loss, damage, restoration cost or repair resulting from the emergency removal.

SECTION 15: MAPS OF FACILITIES

Company shall maintain on file maps and operational data pertaining to its operations in the Rights-of-Way, which the City may inspect at any time during normal business hours upon reasonable notice to Company. Upon request of the City, Company shall furnish to the Public Works Director, as soon as practical and without charge, current maps either in a hard-copy printed form or in the City's geographical information system format or compatible data base, showing the location and dimension of any existing and proposed Facilities, but not other proprietary information, used in operating Company's Facilities in the Rights-of-Way.

SECTION 16: NOTIFICATION TO RESIDENTS OF CONSTRUCTION PROJECTS

Except in the case of emergency work performed pursuant to Section 9, when Company is the initiator of a project in the Rights-of-Way along which residential yards are located, Company shall give written notification to residents who are located adjacent to the proposed project at least two days prior to the date on which Company proposes to commence

construction. Such notice shall be by personal delivery, by posted notice on the street where the proposed project is scheduled to be built (which notice is to be large enough to be clearly read by passing motorists), by door hanger or by mail, with a description of the proposed project, Company's name, and telephone number at which Company can be reached twenty-four hours per day.

SECTION 17: SECURITY FOR PERFORMANCE

A. As security for performance of its obligations under this Agreement and the Code, Company shall at all times provide security in the form of a letter of credit, performance bond or cash deposit, delivered to the Director of Department of Finance and Business Services, in the amount of one hundred thousand dollars ($100,000.00), to remain in force during the term of this Agreement, any or all of which may be claimed by the City as payment for fees and liquidated damages, and to recover losses resulting to the City from Company's failure to perform.

B. Any bond provided pursuant to Subsection (A) shall:

1. In addition to all other costs, provide for payment of Reasonable Attorney's Fees;

2. Be issued by a surety company authorized to do business in the state of Nevada and listed in Department Circular 570 of the U.S. Department of the Treasury Fiscal Service (Current Revision);

3. Require the attorney-of-fact who executes the bond on behalf of the surety to affix thereto a certified and current copy of his or her power of attorney;

4. Guarantee the performance of all of Company's obligations under this Agreement and the Code.

C. The following procedures shall apply to drawing on the security required herein:

1. If Company fails to make timely payment to the City of any amount due

under this Agreement or the Code, or fails to compensate the City within thirty days of written notification that such compensation is due, for any damages, costs or expenses the City suffers or incurs by reason of any act or omission of Company in connection with this Agreement or its enforcement, or fails, after thirty days' written notice, to comply with any provision of this Agreement or the Code that the City determines can be remedied by drawing on the security, the City may withdraw the amount thereof, with interest and any penalties, from the security.

2. Within three days of a withdrawal from the security, the City shall mail, by certified mail, return receipt requested, written notification of the amount, date and purpose of such withdrawal to Company.

3. If at the time of a withdrawal from the security by the City, the amounts available are insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of Company to the City until it is paid.

4. No later than thirty days after the mailing of notification to Company of a withdrawal from the security, Company shall restore the security to the total amount specified in Subsection (A).

D. Failure to maintain or restore the security shall constitute a material violation of this Agreement.

E. Recovery by the City of any amounts under the security required by this Section does not limit Company's duty to provide insurance or to indemnify the City as otherwise required by this Agreement.

SECTION 18: INSURANCE REQUIREMENTS

A. Company shall at all times during the term of this Agreement maintain in full force and effect, at its own cost, a general comprehensive liability insurance policy for the

protection of the City, which shall:

1. Be issued by an insurance company approved by the City and in a form satisfactory to the City Attorney;

2. Name the City and its elected and appointed officers, boards, commissions, agents and employees as additional insureds;

3. Insure against liability for loss or damage for personal injury, death and property damage occasioned by Company's operations under this Agreement, with minimum liability limits of one million dollars ($1,000,000.00) for personal injury or death of any one person and three million dollars ($3,000,000.00) for personal injury or death of two or more persons in any one occurrence and five hundred thousand dollars ($500,000.00) for damage to property resulting from any one occurrence; and

4. Contain a provision that a written notice of cancellation of or reduction in coverage shall be delivered to the City at least thirty days in advance of the effective date thereof.

B. Company's insurance shall be provided by "occurrence", not "claims made" policies, unless the City, in its discretion, agrees to accept a claims-made policy. If insurance coverage is provided by a claims-made policy, Company shall provide proof of coverage for "prior acts" and proof of coverage for claims reported within two years of any occurrence.

C. Recovery of any amount by the City from the insurance required by this Section does not limit Company's obligation to provide security or to indemnify the City as otherwise required by this Agreement.

SECTION 19: INDEMNIFICATION

A. Company shall defend, indemnify and hold the City harmless from and against all claims for damages to persons or property in any way related, directly or indirectly, to the

construction, maintenance and operation of its Facilities or its use of the Rights-of-Way, or to its performance under this Agreement, when or to the extent injury or damage is caused or alleged to have been caused, wholly or in part, by any act, omission, negligence or misconduct of Company or any of its contractors, subcontractors, officers, agents or employees, or by any person for whose act, omission, negligence or misconduct Company is by law responsible. This Section is intended to require Company to indemnify the City to the maximum extent allowed by law for claims related to Company's use of the Rights-of-Way and is not intended to create liability for the benefit of any party other than the City.

B. If any claim is made against the City that is covered by Subsection (A), and if a Court of competent jurisdiction shall adjudge by final decree that the City is liable therefor, Company shall indemnify and hold the City harmless of and from any such liability, including any court costs, expenses and Reasonable Attorney's Fees incurred by the City in defense thereof and incurred at any stage of the proceedings.

C. Upon commencement of any suit, proceeding at law or in equity against the City relating to any matter covered by Subsection (A), the City shall give Company prompt notice of such suit or proceeding; whereupon Company shall provide a defense to any such suit, including any appellate proceedings brought in connection therewith, and pay any settlement, costs and judgments that may be rendered against the City by reason of such suit.

D. If Company fails to comply with its obligations under Subsection (C), after reasonable notice to it by the City, the City shall have the right to defend any claims against it and, in addition to being reimbursed for any settlement or judgment that may be rendered against the City, Company shall reimburse the City's Reasonable Attorney's Fees and all expenses incurred by the City by reason of undertaking the defense of such suit, regardless of whether such suit is successfully defended or settled, or fully adjudicated. If the City is required to

defend any such suit because of Company's failure to do so, the City shall have the right and authority to enter into any settlement as the City may deem in its best interest, without the prior approval Company.

SECTION 20: TRANSFER OF FRANCHISE

A. No transfer of this Agreement or the Franchise granted herein (including but not limited to transfer by forced or voluntary sale, receivership or similar means) shall occur unless prior application is made by Company to the City. No application for a transfer shall be granted unless all of the following conditions are met:

1. Company and the transferee agree in writing to the transfer, in a form acceptable to the City.

2. The transferee agrees that it will accept all terms of this Agreement and will assume all of the obligations and liabilities for all acts and omissions, known and unknown, of Company under this Agreement for all purposes, whether such obligations and liabilities arose before or arise after the date of the transfer.

3. The transferee provides proof that it has a CPCN authorizing it to provide Telecommunications Service in the City.

4. The transferee provides security for performance and insurance coverage in compliance with Sections 17 and 18, respectively, no later than the date of the transfer.

B. Approval by the City of a transfer does not constitute a waiver or release of any of the rights of the City under this Agreement against Company, whether arising before or after the date of the transfer.

SECTION 21: DEFAULT; REMEDIES NOT EXCLUSIVE

A. All remedies and penalties under this Agreement are cumulative and not exclusive, and the recovery or enforcement by one available remedy or imposition of any penalty

is not a bar to recovery or enforcement by any other such remedy or imposition of any other penalty. The City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon Company by this Agreement. A specific waiver of a particular breach of any term, condition or obligation imposed upon Company by this Agreement shall not be a waiver of any other or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself. For purposes of this Section, "Director" means the Director of the Department of Finance and Business Services, or his or her designee.

B. Company agrees that an "Event of Default" shall include but not be limited to any of the following acts or failure to act by the Company:

1. Failure to obtain any applicable permits or pay any applicable permit fees pursuant to this Agreement;

2. Failure to comply with the terms of Section 20 concerning the transfer of this Agreement;

3. Failure to supply the necessary security for performance or insurance as specified in Sections 17 and 18;

4. Failure to make any payment required by Sections 5(A) or 6 of this Agreement within the period provided for such payment;

5. Failure to comply with any rules, regulations, orders or directives of the City as set forth in this Agreement within applicable periods; or

6. Substantial or repeated failure to comply with Section 11 concerning installations, excavations and restorations.

C. Upon the occurrence of an Event of Default, the City may, in accordance with the

procedures provided for in this Agreement:

1. Require Company to take such actions as are reasonably required to remedy such Event of Default;

2. Seek money damages from Company as compensation for such Event of Default;

3. Accelerate the expiration of the term of this Agreement by decreasing the term of this Agreement provided in Section 3, the extent of such acceleration to be determined by the City Council, including any period of time up to the remaining term of this Agreement; or

4. As a last measure only, revoke the Franchise granted herein by termination of this Agreement.

D. The City shall exercise the rights set forth in this Section in accordance with the following procedures:

1. The Director shall notify Company, in writing, of an alleged Event of Default. This written notice shall set forth with reasonable specificity the facts the City believes are the basis for declaring that an Event of Default has occurred. Company shall, within sixty days of the date of the notice, or such additional time as the Director may specify in the notice: (a) cure the alleged Event of Default; (b) present in writing, for review by the Director, a reasonable time frame and method to cure the Event of Default; or (c) present in writing with reasonable specificity, for review by the Director, facts and arguments as to why Company disagrees that an Event of Default has occurred.

2. If Company presents a written response that challenges whether an Event of Default has occurred, the Director shall within fourteen days review the submitted materials and determine again whether an Event of Default has occurred. If the Director reaffirms that an Event of Default has occurred, Company shall be notified in writing of this decision and shall,

within thirty days, cure the alleged Event of Default.

3. If Company fails to cure the Event of Default so declared pursuant to this Section within the time permitted by the Director, the Director shall prepare a written report to the City Council and recommend action to be taken. The City Council may order an appropriate remedy as set forth in this Section.

E. In addition to the rights under this Section, the City, upon any termination, may direct Company to remove, at Company's sole cost and expense, any of its Facilities from all Rights-of-Way, subject to the following:

1. If Company fails to remove its Facilities from the Rights-of-Way within 30 days after termination of this Agreement and the City determines that removal of any buried cable or conduit is not necessary, Company shall abandon its Facilities in place and, if requested by the City, transfer ownership of the installed Facilities to the City.

2. In removing any part of its Facilities, Company shall refill and compact any excavation that shall be made by it and shall leave all Rights-of-Way in as good a condition as that prevailing prior to Company's removal of the Facilities.

3. The City shall have the right to inspect and approve the condition of the Rights-of-Way after removal has occurred.

4. The removal shall commence within thirty days of an order to remove being issued by the Director at the direction of the City Council.

5. Company shall be responsible for all necessary removals of its Facilities and maintenance of the Rights-of-Way area in the same manner and degree as if the Facilities were in active use, and Company shall retain all liability associated with such removals.

6. Nothing herein shall cause the City to incur any costs related to the removal of the Company's Facilities or the transfer of ownership of said Facilities to the City.

SECTION 22: LIQUIDATED DAMAGES

A. In addition to the remedies specified in Section 21, Company may be subject to the assessment of liquidated damages by the City Manager for any violation of this Agreement in accordance with the provisions of this Section.

B. Except for causes beyond the reasonable control of Company, if Company fails to comply with any of its obligations under this Agreement, the City Manager may deliver to Company a reasonably detailed written notice describing the violation on the part of Company. Company shall cure any such violation no later than thirty days after receipt of the notice of violation; provided that if the nature of violation is such that it cannot be fully cured within thirty days, the City Manager may extend the period of time for Company to cure the violation for such additional time as is reasonably necessary to complete the cure if, in the City Manager's reasonable judgment, Company promptly begins its efforts to cure the violation and diligently pursues its efforts to effect a cure.

C. If a violation has not been cured within the time allowed by Subsection (B), Company shall be liable for liquidated damages as follows:

1. Failure to comply with the City's requirements concerning usage of the Rights-of-Way resulting in actual impediments to use of the Rights-of-Way for construction work, vehicular traffic, pedestrian traffic or other lawful uses, including but not limited to any violations resulting in construction-delay claims against the City: $500.00 per day for each day such failure continues.

2. Failure to comply with any other provisions of this Agreement, including but not limited to promptly providing data, documents, reports or information to the City, or to provide insurance or security for the performance of Company's obligations hereunder: $100.00

per day for each day such failure continues.

D. The amounts specified in Subsection (C) constitute compensation for injuries to the City and its residents that would be difficult to ascertain and prove with certainty and are intended to be liquidated damages, not penalties or forfeitures.

SECTION 23: DRAWING UPON SECURITY UPON REVOCATION

In the event that a revocation of the Franchise is declared pursuant to Section 21 above, it shall be deemed a failure to perform on the part of Company, and the City may proceed against and draw upon, as required, the security provided for in Section 17 above for amounts due under this Agreement.

SECTION 24: ADDITIONAL CITY RIGHTS

Pursuant to the City Charter and applicable State statute, the right and privilege of the City to purchase or condemn Company's Facilities located within the City is expressly recognized herein.

SECTION 25: SEVERABILITY

If any provision, condition, covenant or portion of this Agreement is for any reason held invalid, unenforceable or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity or enforceability of the remaining portions of this Agreement. With respect to any portion of this Agreement held to be invalid, unenforceable or unconstitutional, the parties shall promptly use their best reasonable efforts to negotiate an amendment to this Agreement that is valid and enforceable and that is consistent with the parties' original intent. The City Council hereby declares that it would have approved this Agreement and each portion thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 26: NOTICES

Any notice or other communication required or permitted to be given under this Agreement (the "Notice") shall be in writing and shall be personally delivered, or delivered by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid. The Notice shall be deemed received on the date of actual receipt or refusal of delivery. The Notice shall be directed to the parties at their respective addresses shown below, or such other address as either party may, from time to time, specify in writing to the other party in the manner described above:

TO THE CITY:	Director – Finance and Business Service City of Las Vegas 400 Stewart Avenue, 6th Floor Las Vegas, Nevada 89101
with a copy to:	City Attorney's Office City of Las Vegas 400 Stewart Avenue, 9th Floor Las Vegas, Nevada 89101
TO COMPANY:	tw telecom of nevada llc Attn: Kristie Ince Vice President Regulatory Affairs tw telecom inc. 2805 Dallas Parkway, Suite 140 Plano, TX 75093
with a copy to:	tw telecom of nevada llc Senior V.P. & Deputy General Counsel 10475 Park Meadows Drive Littleton, CO 80124

SECTION 27: PUBLIC PURPOSE

All of the regulations provided in this Agreement are hereby declared to be for a public purpose and the health, safety and welfare of the general public. Any member of the governing body or City official or employee charged with the enforcement of this Agreement, acting for the City in the discharge of his or her duties, shall not thereby render himself personally liable; and

he or she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties. Neither the City nor Company by accepting this Agreement waives its right to seek all appropriate legal and equitable remedies as allowed by law upon violation of the terms of this Agreement, including seeking injunctive relief in a court of competent jurisdiction. Such right to injunctive relief is expressly reserved and all terms and provisions hereof shall be enforceable through injunctive relief. Neither party shall be liable for any consequential or punitive damages, including lost profits.

SECTION 28: APPLICABLE LAW

This Agreement is governed by and construed and enforced in accordance with the laws of the State of Nevada, and the Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 or subsequent amendments.

SECTION 29: PUBLIC UTILITIES COMMISSION AND CHARTER REQUIREMENTS

This Agreement is subject to and contingent upon Company complying with all applicable rules and regulations of the Public Utilities Commission of Nevada and the City adopting a Resolution, conducting a public hearing and enacting an Ordinance granting this Franchise to Company in accordance with Section 7.050 of the City Charter.

SECTION 30: DISCLOSURE OF OWNERSHIP AND PRINCIPALS

Pursuant to Resolution R-79-99 adopted by the City Council effective October 1, 1999, and amendments thereto by the City Council on November 17, 1999, Company warrants that it has disclosed, on the "Disclosure of Ownership/Principals" form attached hereto, all principals, including partners, of Company, as well as all persons and entities holding more than a 1% interest in Company or any principal of Company. If Company, principals or partners described above are required to provide disclosure under federal law (such as disclosure required by the

Securities and Exchanges Commission or by the Employee Retirement Income Security Act), and attaches current copies of such federal disclosures to Exhibit A, the requirements of this Section shall be satisfied. Throughout the term hereof, Company shall upon written request by the City, provide the City with updates concerning any material changes to the disclosures required by this Section.

EXECUTED to be effective on the date specified above.

CITY OF LAS VEGAS

By:_____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC, City Clerk

APPROVED AS TO FORM:

1/3/11
Date

tw telecom of nevada llc,
a Delaware limited liability company,
by tw telecom management co. llc,
its sole member

By: Tina Davis

Its: SVP & Deputy General Counsel

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 — Contracting Entity

tw telecom of nevada llc

Name

10475 Park Meadows Drive
Littleton CO 80124

Address

303-566-1000

Telephone

EIN or DUNS EIN 84-1560861

Block 2 — Description

Subject Matter of Contract/Agreement:

Franchise Agreement

RFP #

Block 3 — Type of Business

☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 **Disclosure of Ownership and Principals**

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	tw telecom management co. llc	10475 Park Meadows Dr. Littleton, CO 80124	303-566-1000
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: _____

Block 5 **Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity.

Tina Davis
Name

1-4-2011
Date

Subscribed and sworn to before me this 4th day of January, 2011.

Cheryll B Hart
Notary Public

My commission expires 3/03/2013

CHERYLL B. HART NOTARY PUBLIC STATE OF COLORADO

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2011-5 – Updates permitting, identification and securing requirements for news racks, including authorization for permit sticker fees. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will update the permitting and identification requirements for news racks. The bill includes authorization for permit sticker fees in the amount of $50 and an application fee in the amount of $2. The bill also will allow news racks to be bolted to sidewalks if done in an approved manner.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2011-5
2. Business Impact Statement

BILL NO. 2011-5

ORDINANCE NO. _____

AN ORDINANCE RELATING TO NEWS RACKS; UPDATING PERMITTING AND IDENTIFICATION REQUIREMENTS, INCLUDING AUTHORIZATION FOR PERMIT STICKER FEES; AUTHORIZING THE BOLTING OF NEWS RACKS TO SIDEWALKS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Updates permitting, identification and securing requirements for news racks, including authorization for permit sticker fees.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 13, Chapter 24, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.24.020: (A) Every person or other entity which places or maintains a news rack on a public sidewalk or parkway of the City shall: [have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen, but such information shall not take up space on the rack in excess of six square inches. The City shall issue an identification number for each authorized news rack. The identification number shall be displayed upon each news rack so that it is prominent and readily visible.]

(1) Obtain from the City a permit sticker for that news rack in accordance with Subsection (B) of this Section;

(2) Affix to the news rack, in a prominent location so as to be readily visible from the adjacent roadway, the permit sticker referred to in Paragraph (1) above;

(3) Affix to the news rack, in a prominent location so as to be readily visible but limited to an area no greater than six square inches, the name, address and telephone number of the persons or entities responsible for the placement and maintenance of the news rack; and

(4) Maintain in place and in readable condition the permit sticker and other information affixed to the news rack in accordance with this Subsection (A).

(B) Permit stickers for authorized news racks will be issued by the City on an annual basis, or as needed. In accordance with Section 13.24.025, the Director is authorized to charge

a fee for each initial, renewal or replacement permit sticker, and the fee must be paid in order to obtain such a sticker. A permit sticker must be affixed to the news rack to which it pertains within thirty days after its issuance.

SECTION 2: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25, reading as follows:

13.24.025: (A) The Director is authorized to charge the following fees under this Chapter:

(1) A nonrefundable permit sticker fee of fifty dollars for each initial, renewal or replacement permit sticker issued under Section 13.24.020.

(2) A nonrefundable application fee of two dollars for each application submitted under Section 13.24.085 or 13.24.210, or two dollars for each location applied for if the Director accepts multi-location applications.

(B) The fees authorized by this Section are intended, and may only be used, to partially offset the costs of processing applications, issuing permit stickers, and administering and enforcing this Chapter.

SECTION 3: Title 13, Chapter 24, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.24.110: Notwithstanding any other provision of this Chapter, no news racks shall be placed, installed, used or maintained:

(A) Within five feet of any marked crosswalk;

(B) Within seventeen feet of the curb return of any unmarked crosswalk;

(C) Within five feet of any fire hydrant, fire call box, police call box or other emergency facility;

(D) Within five feet of any driveway or alley;

(E) Within twenty-five feet ahead of, and five feet to the rear of, any sign marking a designated bus stop;

(F) Within six feet of any bus bench;

(G) In such a manner as to impede or interfere with the reasonable use of a window

used for display purposes;

(H) In such a manner as to be [permanently] affixed to any sidewalk, street or other City property[;], except as provided in LVMC 13.24.115;

(I) Within six feet of the boundary of the Fremont Street Experience pedestrian mall, as described in LVMC 11.68.040; or

(J) Without displaying thereon the information and identification number described in Section 13.24.020.

SECTION 4: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 115, reading as follows:

13.24.115: (A) A news rack may be affixed to a sidewalk by bolts or other similar means if:

(1) The means of doing so is approved by the Director or is in accordance with a standard established by the Director; and

(2) The installation is performed in a manner that does not disturb the integrity of the sidewalk and that will allow the news rack to be removed without damage to the sidewalk.

(B) The person responsible for the placement of a news rack under this Section shall be responsible for any damage to the sidewalk that may remain after the news rack is removed and shall ensure that the sidewalk is restored to a safe and serviceable condition.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared

to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-19-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2011-5
(Updates the permitting and identification requirements for news racks, including authorization for permit sticker fees)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-5, that will update the permitting and identification requirements for news racks, including authorization for permit sticker fees.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A notice was sent to owners/operators of news racks within the City, informing them of the proposed ordinance and inviting them to provide written comments with respect to business impact. Written comments were received from three companies. As to business impact, the summary of the comments, which is available to interested persons as part of this business impact statement, is as follows:

–Imposing fees at this time will be unduly burdensome on news rack operators.

–As a result of the imposition of fees, distributors will have to give consideration to engaging in other means of distribution, including distribution by hand.

–The amount of the proposed fee is excessive in relation–both in relation to the need and with reference to what is constitutionally permissible.

–The principal burden of fees should be on those who do not follow the ordinance requirements, rather than having all permittees bear permit-related fees in the same amount.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Increased fees (permit-related fees not having been charged previously)

Beneficial effects:

Establish a revenue source to help offset the cost of news rack regulation

Direct effects:

(See adverse effects and beneficial effects above)

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

In response to the comments received, a meeting was scheduled for the purpose of discussing the concerns. Representatives of two of the responding companies attended. Among the items discussed was the possibility of allowing news racks to be bolted to sidewalks, which was represented as being a step the City could take to soften the impact of the proposed ordinance. Following the meeting, it was to decided to 1) include language in the ordinance to allow bolting, but 2) not to make any fee-related adjustment.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

$122,000

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

$104,000

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Help offset the costs of news rack regulation and enforcement

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: January 19, 2011

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2011-6 – Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian. Sponsored by: Councilman Steve Wolfson

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will provide that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian. Any laws and regulations of other regulatory bodies that might apply to liquor stores will continue to apply.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2011-6
2. Business Impact Statement

BILL NO. 2011-6

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THAT THE CITY'S REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES DO NOT PROHIBIT A MINOR FROM ENTERING OR REMAINING IN A LIQUOR STORE WITH A PACKAGE LICENSE AS LONG AS THE MINOR IS CONTINUOUSLY ACCOMPANIED BY THE MINOR'S PARENT OR LEGAL GUARDIAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson

Summary: Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.020: Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following words shall have the meaning ascribed to them as follows:

"Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances. Any liquid or solid containing beer or wine in combination with any other alcoholic beverage shall not be construed to be beer or wine.

"Alcoholic beverage caterer" means a person who serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

"Art gallery or art studio" means a business establishment where the general public is invited to view artistic exhibitions, presentations and performances.

"Banquet or event establishment" means any establishment which is rented by individuals or groups to accommodate private or public events. Such establishment may or may not include:

(1) Kitchen facilities for the preparation or catering of food.

(2) Outdoor gardens or reception facilities.

"Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.

"Commercial center" means a concentration of retail stores that:

(1) Contains at least eighty thousand square feet of retail space enclosed within a building or buildings;

(2) Contains at least one anchor retail store of at least twenty thousand square feet;

(3) Includes a parking lot common to the retail stores; and

(4) Is situated on at least fifteen gross acres of land.

"Container," except as the context otherwise requires, means a receptacle provided by an establishment (or otherwise) from which alcoholic beverages are consumed on the premises of the establishment.

"Convenience store" means a retail establishment other than a drugstore, which:

(1) Offers for sale prepackaged food products, household items and other goods commonly associated with those products and items, provided that not more than thirty percent of its physical retail inventory on the establishment premises is devoted to alcoholic beverages;

(2) Contains not less than one thousand-two hundred square feet, nor more than five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office areas; and

(3) Displays alcoholic beverages for sale no closer than ten feet from any public entrance to the establishment.

"Convention facility" means a structure which has at least 100,000 square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event, whether the activity is open or closed to the general public. For purposes of this Chapter, the term includes a stadium facility that is operated in conjunction with a convention facility, but does not include a permanent trade show facility.

"Cooler" means any prebottled alcoholic beverage, other than beer or wine, that is a distillate

obtained from the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

"Downtown entertainment overlay district" means that area of the City bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east.

"Drugstore" means a business establishment which occupies the entire business premises of a building, or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, where a State licensed pharmacist is present at all times the pharmacy operation is open for the purpose of compounding or dispensing, or both compounding and dispensing of drugs and medicines, and where a grill and fountain service is permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health items.

"Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to participate in the planning of activities and the utilization of services offered by a nonprofit corporation, association or organization. The term "dues" does not include fees paid for the purchase of drinks, meals or other services offered by a nonprofit corporation, association or organization.

"Event" means private or public activity, including, but not limited to, weddings, birthdays, ceremonials, commemorations, anniversaries, family reunions, fund raisers, political campaign gatherings, and religious or other types of observances.

"Gift basket" means a receptacle or container that may be filled with food items or novelty items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities not greater than seven hundred fifty milliliters measured in the metric system of weights and measures.

"Groceries" means staple food stuffs, dairy products, meats and produce meant for human consumption; articles used in the preparation of food; and household supplies.

"Grocery store" means a business establishment which occupies all of the business premises of a building or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, and which contains more than five thousand square

feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of warehouse and office space. The term does not include an establishment in which more than thirty percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

"Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages are sold for consumption in specified areas only.

"Key employee" means an employee designated by a business licensee to oversee the operations of the business in the absence of the licensee.

"Liquor store" means a specialty retail store which does not allow entry to minors (except as provided for in LVMC 6.50.170) and which deals exclusively in alcoholic beverages and related items including magazines, newspapers and packaged snack foods.

"Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

"Meal" means an assortment of food listed on a menu which must include entrees, appetizers, side items and desserts available for purchase at various hours of the day.

"Mega store" means a business which has in excess of twenty-five thousand square feet of floor space devoted for the sale of a multiple line of products, including, but not limited to groceries, electronics, pharmaceuticals, home decorating and improvement supplies, office supplies, clothing and similar items.

"Nonprofit club" means any nonprofit corporation, association or organization which has been in continual existence for at least two years prior to applying for a license under this Chapter, and:

(1) Is organized or qualified to do business and operate under the laws of the State;

(2) Has tax-exempt status granted by the United States Internal Revenue Service;

(3) Maintains a membership of at least one hundred active members who are residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the nonprofit corporation, association, or organization;

(4) Operates a clubhouse, clubroom or meeting room in a permanent location which it owns or leases; and

(5) Maintains a sign-in log that each member and the member's guests must sign

upon entering the club house, clubroom or meeting room operated by the club.

"Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold.

"On-sale" means the sale of alcoholic beverages for consumption on the premises where the same are sold.

"Permanent trade show" means an event held at a permanent trade show facility where products, goods or wares are displayed for the purpose of exhibitors demonstrating and soliciting orders for the wholesale of or offering for wholesale of such products, goods or wares exclusively to members of a specific industry or industries.

"Permanent trade show facility" means a parcel or contiguous parcels of land with one or more buildings located thereon consisting of a minimum of two hundred-fifty thousand square feet of floor space that is designed and intended primarily to conduct one or more permanent trade shows annually, at which members of the general public are not admitted. A "permanent trade show facility" may also be used for events to which the general public is invited.

"Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation; and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals.

"Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant for consumption only in connection with a meal on the premises where the same is sold.

"Sale" means the act of selling and, in connection therewith, "sell" means, for compensation or any other private or public business purpose at a commercial location, to sell, serve, give away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell, serve, give away or distribute.

"Specialty merchandise store" means a retail store located within a commercial center that:

(1) Has at least eighteen thousand square feet of gross floor area;

(2) Has at least eleven thousand five hundred square feet of floor space dedicated to the sale and display of furniture, glassware, kitchenware and other household goods;

(3) Has at least three thousand six hundred square feet of floor space dedicated to the sale and display of gourmet foods and nonalcoholic beverages; and

(4) Maintains an inventory of beer, wine and coolers with a wholesale value of at least twenty-five thousand dollars.

"Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area by minors and the restaurant operation is the principal portion of the business.

"Wedding chapel" means a business establishment that is licensed to perform marriages in accordance with State law.

"Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the purposes of resale.

"Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent of alcohol by volume.

SECTION 2: Title 6, Chapter 50, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.170: (A) A package license authorizes the sale, to consumers only and not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the premises where the same are sold. **[**; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a liquor store**]** In addition, a liquor store that holds a package license may provide on-premises wine, beer, cordial and liqueur tasting, but only if the licensee also holds a wine, beer, cordial and liqueur tasting license for that location.

(B) Nothing in this Chapter prohibits a minor from entering or remaining in a liquor store that holds a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or

phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-19-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2011-6
(Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-6 , that would provide that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

Additional shopping option for customers

Direct effects:

See beneficial effects above

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent that federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 19, 2011

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2011-7 – Adopts by reference a Unified Development Code for the City. (TXT-39391, TXT-39392, TXT-39750, DIR-40341) Proposed by: Flinn Fagg, Acting Director of Planning and Development

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will adopt by reference a Unified Development Code, as a replacement for current Title 18 (relating to subdivisions and other land development) and Title 19 (relating to zoning). The preparation of the Unified Development Code has taken into account input received from a customer feedback committee, several public meetings, as well as Planning Commission review. The content and format were presented to the City Council in report form last December.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2011-7
2. Cover Page and Table of Contents
3. Chapters 19.00, 19.02, 19.04, 19.06, 19.08, 19.10
4. Chapters 19.12, 19.14, 19.16, 19.18 and Appendices
5. Letters of Support

BILL NO. 2011-7

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING AND LAND DEVELOPMENT; REPEALING TITLES 18 AND 19 OF THE MUNICIPAL CODE AND ADOPTING BY REFERENCE A UNIFIED DEVELOPMENT CODE, TO BE CONTAINED IN A NEW TITLE 19; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Acting Director of Planning and Development

Summary: Adopts by reference a Unified Development Code for the City.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Titles 18 and 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 2: The Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new title, designated as Title 19, consisting of that certain document entitled "Unified Development Code," which is hereby adopted by reference and by incorporation as a specialized code of the City of Las Vegas. Although not initially published as a physical part of the Municipal Code, the Unified Development Code, as Title 19 of the Municipal Code, shall be considered as part of the Municipal Code and shall be numbered and subdivided accordingly. Copies of the Unified Development Code shall be maintained in the Office of the City Clerk and in the departments charged with its administration and enforcement.

SECTION 3: The provisions of the Unified Development Code, adopted as Title 19 of the Municipal Code, may be amended from time to time by the adoption of an ordinance specifying the amendments to be made. Amendments may be accomplished by the means set forth in Section 2.100(3) of the City Charter. However, because the Unified Development Code is a specialized code capable of adoption by reference, amendments to the Unified Development Code may also be made by any means reasonably calculated to indicate the deletion or repeal of existing language and the addition or substitution of new language.

SECTION 4: Whenever in the Las Vegas Municipal Code there is a reference to a provision of Title 18 or Title 19, the City Council intends for the equivalent or successor provision

set forth in the Unified Development Code (the Title 19 adopted by this Ordinance) to apply, unless the context requires otherwise. In implementing, interpreting and enforcing the provisions of the Municipal Code which make reference to Title 18 or Title 19, the City Manager and City staff are vested with the authority and discretion to determine the intent of the Council and to implement that intent by reference to appropriate provisions of the Unified Development Code, any other provision of the Municipal Code, or any combination thereof.

SECTION 5: The Planning and Development Department is authorized and directed to:

(A) Include the date of the adoption of this Ordinance and its assigned ordinance number within the document referred to in Section 2 at such locations as are designed to reflect that information;

(B) Replace any page within the document that may indicate it is in "draft" form with a final version of that page;

(C) Publish the document in final form; and

(D) File the final document with the City Clerk within three business days following the adoption of this Ordinance.

SECTION 6: This Ordinance shall become effective on May 1, 2011. However, the departments charged with its administration and enforcement shall have the discretion to implement the various provisions of this Ordinance immediately or gradually, using a transitional approach and time frames that take into account practicality, convenience and notice to the public and to those affected.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

invalid or ineffective.

SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-19-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

Unified Development Code

The City of Las Vegas

DRAFT

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SHORT TITLE 19.00.010

The provisions of this Title shall be known and may be cited as the Unified Development Code of the City of Las Vegas and may be referred to as "this Title".

AUTHORITY 19.00.020

This Title is adopted pursuant to the provisions of the Nevada Revised Statutes (NRS), including NRS Chapter 278. The City Council may amend the text of this Title or the Official Zoning Map Atlas which is a part of this Title whenever public necessity, safety, general welfare or convenience requires.

PURPOSE AND INTENT 19.00.030

It is the purpose and intent of the City Council that this Title promotes the following purposes:

General

A. To preserve and enhance the present qualities and advantages that exist in the City;

B. To encourage the most appropriate use of land, water and natural resources consistent with the public interest;

C. To overcome present problems and handicaps and effectively manage future problems that may result from the use and development of land and property;

D. To prevent the impacts of both overcrowding of land and undue concentrations of population as well as the negative effects of leapfrogging sprawl and under-utilization of land and property;

E. To manage the orderly and efficient provision of adequate levels of public facilities and services necessary to support planned development;

F. To protect human, environmental, social, natural and economic resources;

G. To maintain, through orderly growth and development, the character and stability of present and future land use and development in the City.

H. To ensure that required on-site and off-site dedications and public improvements are properly installed or guaranteed;

Implementation of General Plan

I. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

J. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed development, divisions, and mapping of land within the City in a manner consistent with State law.

Efficiently and Effectively Managed Procedures

K. To promote fair procedures that are efficient and effective in terms of time and expense and that appropriate process is followed in the review and approval of applications made under this Title;

L. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and

M. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

Sustainability

N. To promote the implementation of the "Sustaining Las Vegas" Policy, Sustainable Energy Strategy and Climate Protection resolution of the City.

RELATIONSHIP TO GENERAL PLAN 19.00.040

The adoption of this Title is consistent and compatible with and furthers the goals, policies, objectives and programs of the General Plan. It is the intent of the City Council that all regulatory decisions made pursuant to this Title be consistent with the General Plan.

For purposes of this Section, "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources.

RELATIONSHIP OF ZONING DISTRICTS TO GENERAL PLAN 19.00.050

The establishment of zoning districts is intended to be one of the means of implementing the City's General Plan and any amendment thereto, as such implementation is permitted and required by State Law. The General Plan serves as a guideline and framework for the zoning and regulatory provisions of this Title. With respect to the Land Use Element of the General Plan, there are goals, objectives and provisions for use categories and density ranges, but also for the achievement of other planning objectives such as appropriate mixing and buffering of uses to ensure overall compatibility.

EFFECTIVENESS AND APPLICABILITY 19.00.060

A. General

The provisions of this Title are effective as of the date specified by Ordinance #### as adopted by the City Council on _____, 2011, unless otherwise modified by ordinance, and shall apply to the development of all land, public or private, within the corporate limits of the City, except as specifically provided otherwise in Nevada Revised Statutes. No application for the development of land, or for approval of a map under this Title, shall be approved unless the application is determined to be in conformance with the requirements of this Title and all applicable development regulations, including any standards, plans or policies that have been adopted so as to have a regulatory effect. No land shall be divided, used, or structure constructed, except in accordance with the regulations and requirements of this Title, including the requirement to obtain applicable approvals and permits prior to the development of the property. All development applications filed on or after the effective date of this Title, whether for new development or for the expansion or alteration of existing development, shall be processed in accordance with the standards, requirements and procedures established herein. For development applications which were filed before and are pending on the effective date of this Title, the City may require compliance with the standards and procedures set forth in this Title unless the applicant demonstrates that it is inequitable for the City to do so.

B. Exceptions

The provisions of this Title and any amendments hereto shall not affect the validity of any lawfully issued and effective building permits for development issued prior to the effective date of this Title, if the construction was prior to the effective date of this ordinance, and if the construction continued under valid permits until complete. If any such permit expires prior to completion, all future development shall be in conformance with the requirements of this Title.

ADMINISTRATION 19.00.070

A. Director of Planning and Development

For the purposes of this Title, the term "Director" means the Director of the Department of Planning and Development. The Director is hereby designated as the Secretary of the Planning Commission. Except where otherwise specified, the Director is responsible for the administration and enforcement of this Title. In connection with that responsibility, the Director shall have the authority to:

1. Accept and process applications under this Title;
2. Organize and maintain records associated with those applications;
3. Conduct the necessary review of maps and development documentation which have been submitted under this Title;
4. Verify compliance with all subdivision, zoning and development requirements;
5. Adopt specifications and procedures relating to the administration of this Title;
6. Take action to approve, deny or otherwise act upon applications in accordance with the provisions of this Title;
7. Approve or deny administrative deviations, exceptions and waivers in accordance with the provisions of this Title;
8. Perform any other function described in this Title that is not otherwise assigned to a particular person or entity; and
9. Delegate, designate or assign to another person any function described in this Section or Title, except to the extent not permitted by law.

B. Delegation of Authority

Whenever reference is made to the head of a Department or to some other City officer or employee, the reference shall be construed as authorizing the head of the Department or other officer to designate, delegate to and authorize professional-level subordinates to perform the required act or duty, unless the terms of the provisions or an applicable State statute specifies otherwise.

INTERPRETATION 19.00.080

A. Rules of Interpretation

In interpreting the language of this Title, the rules set out in this Section shall be observed unless the interpretation would be inconsistent with the express language of this Title. In the case of conflicting language, the more restrictive language shall apply.

B. Meaning and Intent

All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order to carry out the intent of the City Council. Terms used in this Title, unless otherwise specifically defined, shall have the meanings prescribed by NRS for the same terms. Any term not specifically defined or prescribed shall have the ordinary meaning ascribed to it in a dictionary of common usage.

C. Text Controls

In case of any conflict between the text of this Title and any figure, the text shall control.

D. Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, legal holiday or other day that the City is officially closed to the public, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

"Day" means a calendar day unless otherwise stated.

"Week" means seven calendar days.

"Month" means one calendar month.

"Year" means a calendar year, unless a fiscal year is indicated.

E. Other Clarifications

1. Headings

a. Levels of headings used in this Title include Chapters (for example "Chapter 19.00"), Sections (for example "19.00.010"), Subsections (for example "A."), Paragraphs (for example "1.") and Subparagraphs (for example "a.").

b. The headings contained in this Title are for convenience only and do not limit or modify the intent or meaning of the provisions.

2. Tense. Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.

3. Use of Certain Words. The words "shall," "must," and "will" are always mandatory. The words "may" and "should" are discretionary. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning.

4. Written Information. References to "written" information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.

5. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items or provisions apply; and

"Or" indicates that the connected items or provisions may apply singularly or in any combination.

H. Implementation

All applications which have been accepted as complete by the Director prior to the effective date of this Title shall be processed in accordance with, and subject to, the regulations and requirements in effect at the time the application was accepted as complete. Unless otherwise provided in this Title, the review of previously approved Special Use Permits and other zoning actions bearing a time limitation or subject to periodic review may be evaluated with reference to the requirements of this Title, as amended, unless the property owner or developer demonstrates that it is inequitable for the City to do so. Except as otherwise provided in LVMC 19.00.060 (B), any application accepted as complete after the effective date of this Title shall be processed in accordance with and subject to this Title.

I. Minimum Requirements

Within the scope and authority of this Title, the provisions hereof are intended to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where the provisions of this Title impose greater restrictions than those of any other

ordinance, resolution or regulation, the provisions of this Title shall prevail. Where the provisions of any other ordinance, resolution or regulation impose greater restrictions than those of this Title, the provisions of that other ordinance, resolution or regulation shall prevail.

J. Private Covenants or Deed Clauses

No provision of this Title is intended to interfere with or abrogate or annul any easement, private covenants, deed restriction or other agreement between private parties. In cases in which this Title imposes a greater restriction upon the use of land or structures, the provisions of this Title shall prevail and control. By virtue of this Title, the City is not a party to and has no power or authority to enforce private deed covenants, conditions or restrictions. Private covenants or deed restrictions which impose conditions more restrictive than those imposed by this Title, or which impose restrictions not covered by this Title, are not implemented nor superseded by this Title.

K. Regulatory Conflicts

Except as otherwise specifically provided, it is not the intent of this Title to repeal, abrogate, annul, or in any way to impair or interfere with any other existing provisions or law or ordinance, or any other rules, regulations or permits previously adopted or issued, or which will be adopted or issued pursuant to law relating to the erection, construction or alteration of an establishment or the moving or enlargement of any buildings. Without limiting the application of the preceding sentence, the provisions of LVMC Chapter 14.11 shall prevail over any provision of this Title to the extent of any conflict or inconsistency.

L. Limitations on City Action

The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or any amendments thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a City officer or employee which purports, or could be interpreted, to authorize the violation or cancellation of any of the provisions of this Title shall limit the City's authority to enforce the provisions of this Title or any other provision of the Municipal Code. No permit or other approval issued under the provisions of this Title shall constitute or imply approval of any business license or permit required by any provision of the Municipal Code. Any permit, license or other approval which is issued in error in conflict with this Title is voidable by order of the City.

M. Other Limitations

No provision in this Title amounts to a guarantee, warranty or promise that any particular type of construction will be free from defect, will perform in a certain manner, or will be exempt from other legal requirements applicable thereto. The issuance of a permit, or the inspection or approval of any permit, plans or work under this Title, shall in no way constitute a guarantee, warranty or promise that any particular material, labor or construction will be free from defect, or perform in a certain manner, or will be durable, safe or fit for a particular purpose or use. Compliance with this Title is not intended to substitute for the performance of any private duty, nor to reduce or eliminate any private liability on the part of an owner, developer or permittee.

N. Appeals of Interpretation

1. **General.** Except as otherwise provided in Paragraph (2) below, any person aggrieved in connection with the inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of any provision of this Title may appeal the decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. The appeal must be filed within ten days after the administrative decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.

2. **Appeal Unavailable.** An appeal pursuant to Paragraph (1) is not available:

   a. For the purpose of avoiding or circumventing the application procedures set forth in LVMC Chapter 19.16; or

   b. Regarding a decision where the result of, or the remedy or relief from, that decision is specifically provided for by means of an application or process described in LVMC Chapter 19.16. Such decisions include without limitation:

      i. An administrative decision to deny a particular application where LVMC Chapter 19.16 specifically provides for a subsequent application or process to follow such a denial; or

      ii. An administrative decision that a particular development or activity does not qualify

or is ineligible for a particular type of application, where LVMC Chapter 19.16 specifically provides for a subsequent application or process to follow such a decision.

ENFORCEMENT 19.00.090

A. General

1. **Purpose**. Enforcement of the provisions of this Title shall be pursued in order to provide for its effective administration, to ensure compliance with any condition of development approval, to promote the City's planning efforts, and to protect the public health, safety and general welfare.

2. **Responsibility**. The provisions of this Title, and any conditions of development approval which have been imposed thereunder, may be enforced by the Director; the Las Vegas Metropolitan Police Department; and any other City of Las Vegas officer and employee designated to do so. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Title shall be subject to the remedies and penalties set forth in this Chapter. A building permit, business license, subdivision or other application may be denied for failure to comply with this Title, including any condition or standard imposed on any application granted under this Title.

3. **Stop Work Order.** A "Stop Work Order" may be issued with respect to any construction which is in violation of this Title or in violation of any condition which has been imposed on a permit or other approval under this Title.

B. Violations

1. **Misdemeanor**

   a. It is unlawful for any person to sell, offer for sale or cause or permit to be sold or offered for sale, any portion of any subdivision or other division of land in the City prior to the recording of an approved parcel map or final map with the County Recorder;

   b. It is unlawful for any person, whether acting as a principal, agent or employee, to violate any provision of this Title, or of any condition imposed upon a Tentative Map, Parcel Map, Special Use Permit, Site Development Plan Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder.

   c. It is unlawful for the owner, general agent, lessee or tenant of a building or premises or for any other person to cause, permit or assist in the occurrence or commitment of a violation of any provision of this Title or of any condition imposed upon a Tentative Map, Parcel Map, Special Use Permit, Site Development Plan Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder.

2. **Administrative Action.** For any violation of this Title, or of any approval granted or condition of approval imposed hereunder, the City may pursue administrative action to:

   a. Review, modify, suspend, or revoke an approval or permit issued hereunder;

   b. Require the discontinuance of a use operating as a conditional use under LVMC 19.12.040; or

   c. As an alternative to requiring discontinuance under Subparagraph (b) of this Paragraph (2), require that a use operating as a conditional use under LVMC 19.12.040 comply with additional conditions or limitations.

3. **Nuisance**. Any building or structure set up, erected, built, moved, or maintained or any use of property contrary to the provisions of this Title shall be, and is declared to be, unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence actions or proceedings for the abatement, removal and enjoinment of it in a manner provided by law and shall take such other steps and shall apply to the court as may have jurisdiction to grant relief to abate or remove the building, structure or use, and restrain and enjoin any person from setting up, erecting, building, moving, or maintaining any building or structure, or using any property contrary to the provisions of this Title.

4. **Remedies Cumulative.** All remedies provided herein shall be cumulative and not exclusive.

5. **Violations Continue.** Any violation of the previous Subdivision Regulations or Zoning Code will continue to be a violation under this Title and be subject to penalties and enforcement under this Section, unless the use, development, construction, or other activity complies with the provisions of this Title.

OFFICIAL ZONING MAP 19.00.100

A. Adoption of Official Zoning Map

The boundaries of each zoning district are delineated and shown on the Official Zoning Map of the City of Las Vegas. The Official Zoning Map, together with all notations, references, dimensions, designations and other information shown on the map, is adopted and made part of this Title by reference. The Official Zoning Map shall be stored, maintained, and kept current by the Department.

B. Establishment of Zones

1. The residential zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	District Purpose
U	Undeveloped	page 71
R-E	Residential Estates	page 75
R-1	Single Family Residential	page 79
R-CL	Single Family Compact-Lot	page 83
R-TH	Single Family Attached	page 89
R-2	Medium-Low Density Residential	page 93
R-3	Medium Density Residential	page 97
R-4	High Density Residential	page 101
R-MH	Mobile/Manufactured Home Residential	page 105

2. The commercial and industrial zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	District Purpose
P-O	Professional Office	page 18
O	Office	page 157
C-1	Limited Commercial	page 161
C-2	General Commercial	page 165
C-M	Commercial/Industrial	page 169
M	Industrial	page 173

3. The special area zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	District Purpose
C-V	Civic	page 221
P-C	Planned Community	page 223
PD	Planned Development	page 227
T-C	Town Center	page 233

4. The overlay zones established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	District Purpose
A-O	Airport Overlay	page 241
CD-O	Designed Commercial Overlay	page 245
DC-O	Downtown Casino Overlay	page 247
DCP-O	Downtown Centennial Plan Overlay	page 253
DE-O	Downtown Entertainment Overlay	page 255
G-O	Gaming Overlay	page 257
HS-O	Hillside Development Overlay	page 259
HD-O	Historic Designation Overlay	page 271
SB-O	Las Vegas Boulevard Scenic Byway Overlay	page 283
LW-O	Live/Work Overlay	page 285
RP-O	Rural Preservation Overlay	page 287

C. Transitional Rules

Property which, on the effective date of this Title, was classified under a zoning classification which no longer exists under this Title will be reclassified by the City to an existing classification by subsequent Rezoning action. Until that action occurs, such property shall be governed by the requirements and limitations applicable to the zoning classification in effect just before the adoption of this Title.

D. Amendments

1. No change to the Official Zoning Map shall be authorized without the approval of a rezoning application. The application shall be processed in accordance with the requirements of LVMC 19.16.090. No change to the Official Zoning Map shall be authorized or become effective without final action of the City Council or a court of competent jurisdiction.

2. No amendment or rezoning shall be approved unless it is consistent with the goals, objectives and policies of the General Plan.

3. The Official Zoning Map shall show the dates and appropriate action references for all approved amendments.

E. Correction of Errors

The new Official Zoning Map may correct drafting and clerical errors or omissions in the previous Official Zoning Map, but no corrections shall have the effect of amending this Title or any subsequent amendment thereto except in accordance with the notice and hearing procedures set forth in LVMC 19.16.090.

F. Preservation of Old Maps

Unless the previous Official Zoning Map is lost or totally destroyed, all of the remaining parts shall be preserved, together with all available records pertaining to its adoption or amendment.

RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES 19.00.110

A. Boundary Presumptions

The following presumptions shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

1. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary.

2. Where a boundary follows a lot line, the lot line shall be the boundary.

3. In cases where district boundary lines are indicated as approximately paralleling street, alley, right-of-way or easement lines existing at the time of the enactment of this Title, they shall be construed as meaning 100 feet distant from the street, alley, right-of-way or easement line, unless otherwise specifically dimensioned on the Official Zoning Map.

4. In instances where district boundary lines divide a parcel of unsubdivided property, the precise location of the district boundary shall be determined by the use of the scale appearing on the Official Zoning Map, unless the boundary is indicated by a specific dimension on the Official Zoning Map.

5. Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall thereafter extend to the former centerline of the vacated or abandoned right-of-way.

B. Determination

With regard to any uncertainty of boundaries that cannot be resolved with reference to the above presumptions, the Director shall determine the location of the district boundary.

FEE SCHEDULE 19.00.120

A. Adopted

The Director is authorized to charge fees related to the processing of applications, appeals and other requests in accordance with the Fee Schedule. The fee schedule, which is adopted by resolution of the City Council and is incorporated by this reference, shall be maintained on file in the office of the City Clerk. The fee schedule may be revised or amended from time to time by resolution of the City Council.

B. When payable

Fees for filing applications, appeals and other requests under this Title are set forth in the Fee Schedule and are due at the time the application or request is filed.

C. Additional Fees

With respect to any application, appeal or other request under this Title that requires notification of a public hearing, the applicant shall also pay the notification and advertising costs identified in the Fee Schedule. Payment of those costs shall be made upon filing of the application.

D. Waiver of Fees

The City Manager may waive any fee referred to in the Fee Schedule on behalf of:

1. Any member of the Southern Nevada Regional Planning Coalition; or

2. Any entity with whom the Coalition is required to integrate long-term planning programs pursuant to NRS 278.02584.

19.02

Subdivision Design, Construction and Improvement Requirements

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MINIMUM STANDARDS 19.02.010

The design standards of this Chapter shall constitute the minimum design and construction standards for all development and land divisions created through the parcel map, tentative map and final map processes. All improvements required by this Title shall be designed, installed and maintained in accordance with applicable City standards.

DIRECTOR OF PUBLIC WORKS 19.02.020

The Director of Public Works is responsible for the administration and enforcement of any provisions of this Title that are assigned or delegated to the Director of Public Works by the provisions of this Title. In connection with that responsibility, the Director of Public Works shall have the authority to:

A. Cooperate with the Director of Planning and Development in administering and enforcing this Title;

B. Act upon and process applications under this Title, to the extent assigned or delegated that responsibility;

C. Conduct the necessary review of maps and development documentation which have been submitted under this Title;

D. Provide interpretations and references regarding applicable requirements for off-site improvements, rights-of-way, dedications, and drainage and traffic studies;

E. Provide comments or other input to ensure the inclusion of appropriate survey data, recommendations and related documentation;

F. Approve or deny administrative exceptions and waivers in accordance with the provisions of this Title; and

G. Delegate, designate or assign to another person any function described in this Section, except to the extent not permitted by law.

LOTS 19.02.030

A. City Boundary Line

Lots shall not be divided by City boundary lines.

B. Minimum Area Requirements

In addition to the minimum lot area requirements of this Title, the size of any lot which is not served by public water supply or which is not served by a public sanitary sewer system must comply with applicable Clark County District Board of Health standards.

SIDEWALKS 19.02.040

Sidewalks shall be provided in accordance with City standards. Alternative pedestrian ways, greenbelt systems or other sidewalk designs may be approved by the Director and the Director of Public Works. The final sidewalk system shall provide a logical and continuous path to area pedestrian destinations, including schools and playgrounds. Sidewalk and pedestrian way width and construction shall be in accordance with City standards.

DRAINAGE IMPROVEMENTS AND FACILITIES 19.02.050

The design and construction of all curbs, gutters and other drainage improvements and facilities shall comply with City standards and with any site-specific drainage plan and technical drainage study that has been accepted or approved by the City.

CURBS AND GUTTERS 19.02.060

All curbs and gutters on all streets required to meet the provisions of LVMC Chapter 19.04, whether private or public, shall be eighteen inch L-type. All curbs and gutters on streets not required to meet LVMC Chapter 19.04 standards with a right-of-way width of sixty feet or more shall be twenty-four inch L-type. On all other streets, whether private or public, thirty-inch roll-type curb and gutter may be allowed as long as the requirements of the site-specific drainage plan and technical drainage study do not prohibit the use of roll-type curb due to anticipated drainage flows.

SANITARY SEWER IMPROVEMENTS 19.02.070

The design and construction of all sanitary sewer improvements shall comply with City standards.

PUBLIC SANITARY LINES 19.02.080

A. Location

Public sanitary sewer lines shall be located in dedicated public rights-of way, public streets, public sanitary sewer easements or public alleys. In any case where a public sanitary sewer line is located in a public utility easement, a sanitary sewer easement shall also be granted.

B. Installation

Except in commercial subdivisions, public sanitary sewer lines shall be installed to provide laterals to each lot. Laterals that serve single-family dwellings shall have a minimum diameter of four inches and be extended to the property line. Plans and profiles showing the exact coordinates for both manholes and laterals shall be provided on all Sanitary Sewer and Storm Drain Final Location Maps after construction of such facilities have been completed. Such Maps shall be submitted to the City upon completion of construction.

SANITARY SEWER CLEANOUT 19.02.090

No sanitary sewer or grease, sand, or oil separator cleanout shall be permitted in public rights-of-way.

WATER SUPPLY 19.02.100

A. Adequacy

Water supply shall be adequate for all domestic use plus fire protection. The system is adequate if it can furnish the required fire flow (in gallons per minute) from any fire hydrant for the required duration of time while the required residual pressures are maintained in the system. Fire flow shall be provided in accordance with the requirements of the Fire Code and the Department of Fire and Rescue.

B. Delivered By Pump

Adequate water supply does not include the extent to which a system depends upon pumps delivering directly to mains. Required fire flow shall be available even though pumps may not be operating.

C. Source Other Than Water District

For a subdivision that proposes a water supply from a source other than the Las Vegas Valley Water District, the subdivider must submit to the City a copy of a State well permit; the design showing pressure, capacity, potential population capable of being served; and measures necessary to comply with National Board of Fire Underwriters recommended fire flow. The subdivider must submit an agreement or other written commitment satisfactory to the City guaranteeing a water supply for the subdivision. Lines to hydrants shall conform to recommendations of the National Board of Fire Underwriters.

D. From Wells

Any water supply obtained from wells shall be clearly shown on the map. A statement shall be submitted stating the capacity of the well, pressure, population that can be served and State certificate number issued for each well.

FIRE HYDRANTS 19.02.110

A. Determination of Number Required

For purposes of determining the number of hydrants required for a particular development, the maximum amount of flow per hydrant that may be counted in determining the system's adequacy is one thousand five hundred gallons per minute. The criteria for determining the fire flow and number of hydrants for any specific subdivision shall be those set forth in the Fire Code and the I.S.O. Manual adopted by the City.

B. Placement

Fire hydrants shall be spaced in accordance with the requirements of the Fire Code and the Department of Fire and Rescue.

C. Location

Hydrants shall be located in conformance with applicable Standard Drawings and the Fire Code. No hydrant shall be located inside or within twenty feet of the required right-of-way radius of a cul-de-sac. Public fire hydrant easements shall be provided for all public fire hydrants not located within public street rights-of-way.

D. Installation

Fire hydrants shall be installed prior to the commencement of any combustible construction in accordance with the requirements of the Fire Code and the Department of Fire and Rescue. All-weather access, as approved by the Department of Fire and Rescue, shall be provided to all hydrants and combustible construction.

E. Specifications

Hydrants shall conform to the latest edition of American Water Works Standard, C502, for fire hydrants, and the specifications set forth in City standards.

LANDSCAPING PLAN 19.02.120

Where landscaping is proposed or required for a residential subdivision, a landscaping plan shall be provided by the subdivider as an integral part of the subdivision design. Such a plan shall be prepared and submitted with each final map application addressing the landscape design of the subdivision with respect to such features as wall or fence design; land forms or berms; rocks and boulders; trees and plant materials; sculpture, art, paving materials, street furniture; subdivision entrance statements; common area landscaping; and other open space areas. Landscaping shall conform to all applicable City requirements. In no case shall landscaping or landscaping features be permitted that impede proper visibility at intersections or driveways.

IMPROVEMENTS 19.02.130

A. Essential Rights-Of-Way and Off-Site Improvements

Uses of land permitted in each zoning district shall be allowed only when the permit for any proposed improvement on the land includes provisions for the:

1. Dedication of all essential rights-of-way for major streets, minor streets, flood control, utilities and other public purposes; and

2. Provisions for the installation of essential off-site improvements as directed by the City. Essential rights-of-way and off-site improvements are defined as those rights-of-way and improvements required in connection with a proposed Rezoning, Special Use Permit, Variance, or Site Development Plan; required by the subdivision regulations of the City; or required by the Director of Public Works as appropriate and necessary to mitigate the impact of the development of property in the area. All improvements shall be constructed in accordance with the City standards and specifications.

B. Construction Agreement

The subdivider is responsible for the construction of all public improvements and for any private improvements associated with the parcel map or subdivision that may be required by the City. Required improvements shall be completed prior to the recordation of the parcel map or final map, unless the subdivider enters into an agreement with the City to install such improvements as provided for in Subsection (C) of this Section or has executed a covenant running with a land agreement, whichever is applicable, as determined by the Department of Public Works. Required dedications must be accomplished prior to the release of the parcel map or final map or such dedications must be noted on the approved maps as being offered for dedication.

C. Secured Agreement Required

The subdivider shall execute an agreement that guarantees the construction of the required public improvements and shall provide security for their construction in an amount equal to the estimated cost of construction plus ten percent additional for contingencies. The agreement shall be secured by such good and sufficient bond or other security as is deemed appropriate by the City to protect the public interest, and shall be in an amount determined to be sufficient to complete all required improvements and to remove all rubbish, trash, debris, surplus material and equipment from the area. The Director of Public Works shall be responsible for review and, if deemed acceptable, approval of all cost estimates for construction of required public improvements. The subdivider's engineer shall be responsible for submitting all improvement plans and quantity estimates in a manner and form that complies with City requirements.

D. Common Area and Off-Site Improvements Requirements

1. In connection with the approval of any parcel map or final map, the developer or subdivider must provide for the installation of common area and off-site improvements by obtaining the City's approval of either a phasing plan or a development agreement, as determined by the Director and the Director of Public Works.

2. The phasing plan or development agreement shall set out a development schedule for all common area and off-site improvements, including but not limited to water, sewer and storm drainage lines; streets; open space improvement; trails; parks; and landscaping. Except as otherwise provided in Paragraph (3), completion of common area and off-site improvements within any residential subdivision shall be scheduled to be concurrent with development (e.g., when fifty percent of the development is completed, at least fifty percent of the common area and off-site improvements shall be completed). Calculation of the percentage of the development that is completed shall be based upon the number of building permits issued.

3. All common area and off-site improvements within any residential subdivision shall be completed when seventy-five percent of the development is completed (e.g., when seventy-five percent of the development is completed, one hundred percent

of the common area and off-site improvements shall be completed). Calculations of the percentage of the development that is completed shall be based on the number of building permits issued.

4. A phasing plan is subject to review and approval by the Director of Public Works, as are revisions to the plan.

5. A development agreement is subject to review and approval pursuant to LVMC 19.16.150.

6. In the case of either a phasing plan or development agreement, the City is authorized to require security or a performance guarantee for the installation of common area and off-site improvements. The amount of the required security or performance guarantee shall be established by the Director of Public Works, and the form of security or performance guarantee must be acceptable to the City Attorney. To the extent possible, the provisions of Subsection (C) shall apply directly or by analogy to the installation of improvements and security required under this Section.

7. In accordance with LVMC 19.16.050(K), a specific parks in-lieu-of plan must be approved with the tentative map if the developer proposes park improvements in lieu of paying residential construction taxes.

E. Security Documents

The surety documents or other documents of security required in connection with an agreement to install improvements shall specify the duration of the security and its manner of release, and shall provide remedies in the event of default. Such security may be in the form of:

1. A cash deposit or approved government securities;

2. A performance or surety bond issued by a company authorized to issue such bonds in Nevada;

3. An agreement with a lending institution operating under Nevada law; providing, that the institution shall reserve sufficient funds out of the subdivider's construction loan (or funds otherwise set aside for the use of the subdivider) to assure completion of all required improvements, shall retain ten percent of the funds until the improvements are accepted by the City and shall not release any funds without the approval of the Director of Public Works;

4. A first deed of trust on real property located in or near the City. The deed of trust must name the City as beneficiary and be accompanied by appropriate agreements or other documents that sufficiently bind the subdivider and trustor to the satisfaction of the City Attorney. The appraised market value of the property which is the subject of the deed of trust must equal or exceed one hundred twenty-five percent of the value of the amount of security determined necessary by the Director of Public Works; or

5. In the case of improvements whose estimated cost is fifty thousand dollars or less, an agreement with the City providing that, in consideration of issuing a building or grading permit, the City may withhold certificates of occupancy or the inspection of buildings associated with the project unless and until the improvements have been completed to the City's satisfaction.

F. Special Improvement Districts

A subdivider may request the inclusion of a subdivision within a special improvement district and the City may include a subdivision in accordance with applicable procedures. If the City Council approves a special improvement district that includes a subdivision, the City may release the subdivider from the improvement guarantee executed pursuant to Subsection (E) above. The obligation to release shall not accrue until the contract for the special improvement district project has been awarded, and the release shall be only to the extent that the work of improvement will be accomplished through the special improvement district.

G. May Be Required

In connection with development approvals or permit approvals for residential and nonresidential developments that are not otherwise subject to the land division requirements of this Title, the City may require, as a condition of approval, that the developer install one or more of the following, to applicable City standards:

1. Appropriate off-site improvements;

2. Site access improvements; and

3. Private streets and common area improvements that are proposed to serve the development.

H. Off-Site improvements Agreement—Security

In order to assure the installation of any improvements required pursuant to Subsection (G) of this Section, the developer may be required to do one or more of the following:

1. Enter into a development agreement or covenant running with land agreement;

2. Enter into an off-site improvements agreement and post adequate security therefor in accordance with the provisions of this Section;

3. Provide an alternate or equivalent means of assurance that is satisfactory to the City, including the payment of moneys in lieu of improvements.

INTERSECTIONS 19.02.140

A. Length

Any intersection of any street that provides external access from a subdivision to any existing or planned street abutting the subdivision which has a right-of-way of sixty feet or more shall be offset from any other intersection by at least two hundred twenty feet, measured from centerline to centerline. Intersections of streets providing service internally within a subdivision, where they do not intersect arterial or major streets, shall be offset a minimum of one hundred twenty-five feet. The City Traffic Engineer, at his sole discretion, may allow lesser separation than the distances set forth above if the applicant can demonstrate that the alternative design can safely accommodate traffic circulation.

B. Angles

Street intersections shall be at an angle of ninety degrees, or as close to ninety degrees as is practicable. In no case shall an intersection be at an angle less than seventy-five degrees.

C. Standard Compliance

Intersection designs shall comply with the applicable Uniform Construction Design Standards except in cases where a 60-foot planned minor collector intersects a roadway of an equal or lesser right-of-way width. At such intersections, pavement widths and curb return radii shall comply with City Standards.

VERTICAL CURVES 19.02.150

Vertical curves shall be provided in all changes in grade where the total algebraic difference is one percent or greater meeting the standards of the most recent edition of "A Policy on Geometric Design of Highways and Streets" (also known as The Green Book). The Director of Public Works may waive this requirement if the applicant can demonstrate that meeting this requirement is impractical.

REVERSE OR COMPOUND CURVES 19.02.160

Reverse or compound curves on any street, except residential streets, shall be separated by a tangent of one hundred feet or more. The Director of Public Works may waive this requirement if the applicant can demonstrate that meeting this requirement is impractical.

ROADWAYS AND STREETS -- DESIGN CRITERIA 19.02.170

A. The design of roadways shall take into account and be based upon topography and drainage considerations.

B. All lots shall have frontage on, and access to, a public street or an irrevocable private street or private drive. Public street dedications to ensure lot access or the continuity of necessary public streets adjacent to or through the subdivision also may be required, as necessary, by the Department of Public Works.

STREET GRADE REQUIREMENTS 19.02.180

All streets should be designed and located so that as many building sites as possible are at or above the grade of the street. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves should be avoided. Minimum street grade shall be 0.004 feet per foot, unless an acceptable alternate design is approved by the Director of Public Works.

SIGHT CLEARANCE 19.02.190

A sight visibility restriction zone (SVRZ) shall be provided at all intersections, including roadway with roadway and driveway with roadway intersections. Each such zone shall comply with Standard Drawing No. 201.2 of the Uniform Standard Drawings, Clark County Area, as it may be revised from time to time, or the applicable sign restriction standards set forth in the most recent edition of the manual entitled "A Policy on Geometric Design of Highways and Streets," as published by the American Association of State Highway and Transportation Officials. Each SVRZ shall be detailed on all plans that depict drainage, grading, fence layout, landscaping or other construction improvements. If required by the City Traffic Engineer, an additional exhibit detailing the SVRZ shall be recorded and a copy submitted to the City plans library. The final map shall provide a general statement making reference to the latest approved construction improvement plan. If a separate SVRZ exhibit is required by the City Traffic Engineer, the final map shall make reference to the exhibit as a recorded document identified by its book and instrument numbers. The SVRZ requirements of this Section shall apply to the location

of all public and private facilities and improvements, as determined by the Director of Public Works.

PAVING TRANSITIONS AND CROSSOVERS 19.02.200

The Director of Public Works may require the subdivider to install paving transitions and crossovers to accommodate existing and proposed paving improvements with a "sawtooth" or nonuniform alignment or width if the necessary public right-of-way or easement exists or can be obtained by the City.

ACCESS STREET PAVING REQUIREMENTS 19.02.210

The subdivider shall provide paved access from existing paved streets to the subdivision boundary where no such access exists. The access must be paved to a minimum travel width of twenty-four feet, with AC paving and standard base course as specified by the Director of Public Works. The Director of Public Works shall designate which street must be improved as an access street and may require a secondary paved access route and other mitigation measures deemed necessary as a result of or based upon traffic projects within the subdivision, the location of the subdivision, or neighborhood concerns.

COMPACTION OF STREET SUB-GRADE AND BASE MATERIALS 19.02.220

Compaction of street sub-grade and base materials shall comply with City standards.

DRIVEWAYS 19.02.230

A. Driveway design and construction shall comply with City standards.

B. For nonresidential development, or for residential lots other than single-family or duplex lots, the number, type and location of driveways must first be approved by the Director of Public Works.

C. Except as otherwise permitted by this Chapter or by City standards, or as otherwise approved by the Director of Public Works:

1. For any single-family or duplex residential lot, no more than a single entrance or circular driveway shall be provided.

2. No driveway access shall be permitted from the side or rear yard of any residential lot onto any primary or secondary thoroughfare so designated on the City's Master Plan of Streets and Highways.

STREET LIGHTING 19.02.240

Street lighting for public streets shall be designed, installed or upgraded in accordance with City standards unless the City Council allows an exception. The installation or upgrading of conforming lighting may be deferred if the deferral is approved by the City Council and the applicant executes a covenant running with land agreement to secure the installation or upgrade.

ACCESS CONTROL GATES AND STORAGE AREAS 19.02.250

When utilized on private streets or drives, access control gates and storage areas shall be designed, installed and located in accordance with City standards. Access control gates and all appurtenant facilities and equipment shall not be located in the public right-of-way. An adequate vehicle queuing area as determined by the Director of Public Works must be provided in order to prevent blockage of public streets. A pedestrian gate separate from the vehicular movement area shall also be provided.

EMERGENCY ACCESS GATES 19.02.260

All emergency access gates shall be designed, installed and maintained in accordance with City standards.

PRIVATE DRIVE CONSTRUCTION 19.02.270

Private drives shall be constructed in sufficient manner and width to accommodate anticipated on-site traffic conditions and shall be in accordance with LVMC 19.04.090 and any other applicable City standards.

TRAFFIC CIRCULATION SAFETY 19.02.280

Subdivisions shall be designed to provide safe and convenient living environments and traffic circulation. Whenever blocks are longer than one thousand two hundred feet, the Planning Commission may require the dedication and construction of pedestrian walkways, pedestrian or bicycle pathways or greenbelts of not less than five feet in width where deemed necessary for circulation and access to schools and playgrounds. The complete length of any such way shall be fully visible from the adjacent street.

VEHICULAR ACCESS PROHIBITION TO PRIMARY OR SECONDARY THOROUGHFARES 19.02.290

Each lot within a subdivision shall have access to a public or private street or private drive that complies with City standards. Lots with residential zoning and having less than one hundred feet on any side adjacent to a primary or secondary thoroughfare, as designated on the City's Master Plan of Streets and Highways, shall be prohibited vehicular access to the primary or secondary thoroughfare. The access prohibition shall be clearly indicated on the recorded final map. Unless no alternative exists due to the size or depth of the land to be divided, no residential lot shall front onto a primary or secondary thoroughfare. All such lots shall be oriented to have either their rear or side yard lines adjacent to the primary or secondary thoroughfare.

MULTIPLE SPECIES HABITAT CONSERVATION 19.02.300

A. Definitions

As used in this Section, the following terms shall have the following meanings:

"Development permit" means an on-site or off-site permit issued by the City to authorize the development of a parcel which has not previously been improved in accordance with all applicable City ordinances. The term includes building permits and grading permits for construction activity, but does not include demolition permits or temporary power permits.

"Implementing Agreement" means the document entitled "Clark County Multiple Species Habitat Conservation Plan Implementing Agreement," approved by the City Council on November 1, 2000, and as thereafter modified.

"Mitigation fee" means the fee imposed pursuant to the provisions of this Section.

"Multiple Species Habitat Conservation Plan" means the "Clark County Multiple Species Habitat Conservation Plan" approved by the City Council on August 18, 1999, and as thereafter modified.

"Parcel" means a parcel of real property that is the subject of a development permit application.

"Residential unit" means a building or portion thereof used by one family and containing but one kitchen, and designed for single-family residential purposes only.

"Section 10(a) permit" means a permit issued by the Secretary of Interior pursuant to Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539, to allow the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

B. Purpose of Provisions

The purposes of this Section are to:

1. Provide funds to implement conservation actions within the City to protect various habitats and species located within the City;

2. Comply with the terms of the Multiple Species Habitat Conservation Plan and the corresponding Implementing Agreement, both of which have been approved by the City Council; and

3. Comply with Section 10(a) permits that have been or will be issued with regard to development activity within the City.

C. Mitigation Fee

1. Development Permits

No development permit for or real property located within the City shall be issued or approved without payment of the mitigation fee. Except as otherwise provided in Subparagraphs (a) and (b), each applicant for a development permit shall pay a mitigation fee of five hundred fifty dollars per gross acre (or portion thereof) that is included within any parcel to be developed and any additional area to be disturbed for related off-site improvements.

a. **Land Disturbance Report Required.** Each applicant for a development permit shall, prior to issuance thereof, complete a land disturbance report on the forms furnished by City departments responsible for issuing development permits. The land disturbance report must be complete, be signed by the applicant and contain at a minimum the following information: assessor's parcel number(s), number of acres within the parcel and the area to be disturbed by related off-site improvements, and the amount of any mitigation fee(s) actually paid.

b. **Processing Fee.** Each applicant for a development permit shall pay to the City department responsible for the issuance of a development permit a processing fee of twenty-five dollars per residential development permit

and fifty dollars per commercial development permit.

2. Exceptions

The following types of development are not required to pay the mitigation fee:

a. Reconstruction of any structure damaged or destroyed by fire or other natural causes;

b. Rehabilitation or remodeling of existing structures or existing off- site improvements; or

c. Any land disturbance by the City for a governmental purpose.

3. Adjustments

In the following cases, the mitigation fee shall be adjusted as indicated:

a. For any development concerning which the developer previously has paid mitigation-related fees pursuant to a consultation under Section 7 of the Federal Endangered Species Act, the mitigation fee shall be reduced by the amount of any Section 7 fees actually paid to the federal government.

b. For single-family residential development and manufactured housing on lots two gross acres in size or greater, where less than one-quarter of an acre of the property is graded or otherwise disturbed, with the balance of the property left in its natural condition, the mitigation fee shall be one hundred thirty-seven dollars and fifty cents. Where more than one-quarter acre but less than one-half acre is graded or otherwise disturbed, and the balance of the property is left in its natural condition, the fee shall be two hundred seventy-five dollars. Where more than one-half acre is graded or otherwise disturbed by the construction, the fee shall be five hundred fifty dollars per acre for each acre (or fraction thereof greater than one-half) which is graded or otherwise disturbed.

c. For freestanding off-premises signs, communication towers and similar structures that are unoccupied except for maintenance, where less than one-quarter of an acre of the property is graded or otherwise disturbed, the mitigation fee shall be one hundred thirty-seven dollars and fifty cents. Where more than one-quarter but less than one-half acre is graded or otherwise disturbed, the fee shall be two hundred seventy-five dollars. Where more than one-half acre is graded or otherwise disturbed by the construction, the fee shall be two hundred fifty dollars per acre for each acre (or fraction thereof greater than one-half) which is graded or otherwise disturbed.

d. Where a development permit has been issued previously and has expired, the applicant for a new development permit on the same parcel shall pay the mitigation fee required by the current version of this Section less any amount previously paid under this Section or its predecessor.

4. Collection and Deposit to Special Reserve Fund

All mitigation fees collected pursuant to the provisions of this Section shall be transmitted on a monthly basis, pursuant to an interlocal agreement, for deposit into a special reserve fund. That fund, including interest and other income which accrues thereto, shall be expended solely for the implementation of the terms of the Multiple Species Habitat Conservation Plan and associated Section 10(a) permits, as those documents currently exist or as they may hereafter be amended or issued.

5. Real Property Acceptance In Lieu of Payment

After approval by the U.S. Fish and Wildlife Service and the City Council, and upon compliance with any applicable statutory or charter provisions, the City or its designee may accept real property or interests therein in lieu of the payment of mitigation fees. The fair market value of such real property must equal or exceed the amount of the mitigation fees otherwise required to be paid.

D. Compliance with Provisions

1. Any person, firm or entity that engages in any activity within the City which is covered by the Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and off-highway vehicle activities shall comply with the provisions of the following, all of which are on file in the offices of the City Clerk and the Department:

a. This Section;

b. The Multiple Species Habitat Conservation Plan;

c. The Implementing Agreement; and

d. Any Section 10(a) permit issued in connection therewith.

2. Any person, firm or entity (including any agent or employee) that complies with the provisions of this Section is permitted to incidentally take any species for which a Section 10(a) permit has been issued in favor of the City so long as that person, firm or entity has complied and continues to comply with the provision of the Multiple Species Habitat Conservation Plan, the Implementing Agreement, and any Section 10(a) permit issued in connection therewith.

3. Any person, firm or entity that is not required to pay a mitigation fee pursuant to this Section, but which is otherwise in compliance with the provisions of this Section, the Multiple Species Habitat Conservation Plan, the Implementing Agreement, and any Section 10(a) permit issued in connection therewith, is permitted to incidentally take any species covered by the Multiple Species Habitat Conservation Plan and for which a Section 10(a) permit has been issued in favor of the City.

4. The City is authorized to immediately revoke the permission granted to any person, firm or entity pursuant to Paragraphs (2) or (3), without additional action or notice, if that person, firm or entity ceases to be in compliance with Paragraphs (1), (2) or (3) of this Subsection.

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Complete Streets Standards

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STREET CONNECTIVITY 19.04.010

The purpose of this Chapter is to set forth requirements for achieving a connected transportation system as outlined in the City's General Plan to provide a safe and accessible environment for a variety of transportation modes and users. The connectivity standards set forth in this Chapter shall apply to all development projects whether utilizing public streets, private streets or private drives, unless otherwise provided.

All proposed development shall be designed in a manner that provides for and facilitates the logical overall design, placement and continuity of streets with respect to adjacent land parcels, and in accordance with the City's Master Plan of Streets and Highways and LVMC Title 13. Where a proposed development is adjacent to existing improvements, the Director of Public Works shall determine the extent to which it is appropriate to implement the standards outlined in this Chapter and approve, if necessary, designs for the transition from existing improvements to those that meet the standards of this Chapter.

ROADWAY NETWORK 19.04.020

A. The roadway network of the City shall generally be laid out as depicted in Figure 1 of LVMC 19.04.040 and outlined below:

1. Arterials shall follow section lines unless otherwise addressed in LVMC Title 13.

2. Major collector road spacing shall be of at distances not exceeding 2,640 feet (1/2 mile) from an arterial or another major collector;

3. Minor collector road spacing shall be of at least every 1,320 feet (one-quarter mile) from an arterial or major collector;

4. Residential and Local Street spacing shall be at intervals of no more than 660 feet.

5. High Density Residential or Mixed-Use Development shall provide street connections at intervals of no more than 330 feet.

VEHICLE/PEDESTRIAN SEPARATION MANAGEMENT 19.04.030

Pedestrian and vehicle separation shall be accomplished by the following treatments:

A. Sidewalks shall be required on both sides of all public and private streets in accordance with City Standards.

B. Sidewalks shall be provided adjacent to private drives to separate pedestrian and vehicular movements to include but not limited to commercial center drives, commercial driveways, park entrances and multi-family residential developments.

C. Sidewalks shall be offset from vehicular travel lanes along arterial and collector streets as illustrated for each such street classification in LVMC 19.04.180 through 19.04.210.

D. Sidewalk location on residential streets should be as illustrated for each such street classification in LVMC 19.04.230 through 19.04.240. The ultimate location shall be determined by the approved roadway cross section for the development.

E. Pedestrian roadway crossings not located at intersections, also known as mid-block crossings, must receive the approval of the City Traffic Engineer prior to being marked or used for such purposes.

TRAFFIC AND TRANSPORTATION PLAN (TTP) 19.04.040

A. As set forth in Table 1, all proposed development required to provide a Traffic and Transportation Plan (TTP) shall demonstrate that the proposed system of streets provides access to and from the development, as well as, access to all existing and future development within the TTP Area.

Table 1

# of acres to be developed	TTP Required	TTP Requirements
Less than 10 acres	No	Proposed development shall be designed to connect to existing linkages on adjacent development or in accordance with a previously approved TTP for the TTP Area; or If no TTP has been approved for the TTP Area, the development shall demonstrate to the satisfaction of the Director of Public Works that the proposed development will provide adequate linkage to the nearest right-of-way that appears on the Master Plan of Streets and Highways.

Illustrations & Graphics 19.04.040

FIGURE 1 - MASTER PLANNED STREETS (ONE SQUARE MILE GRID)

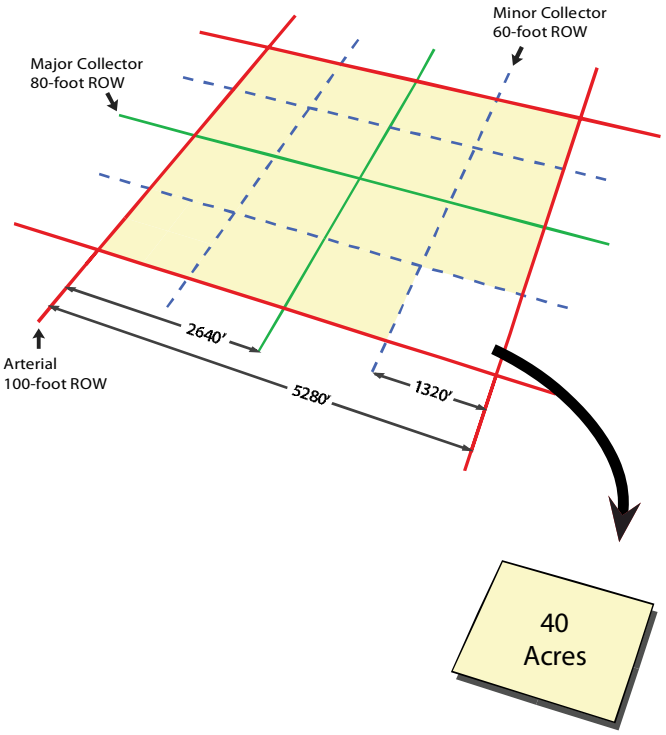
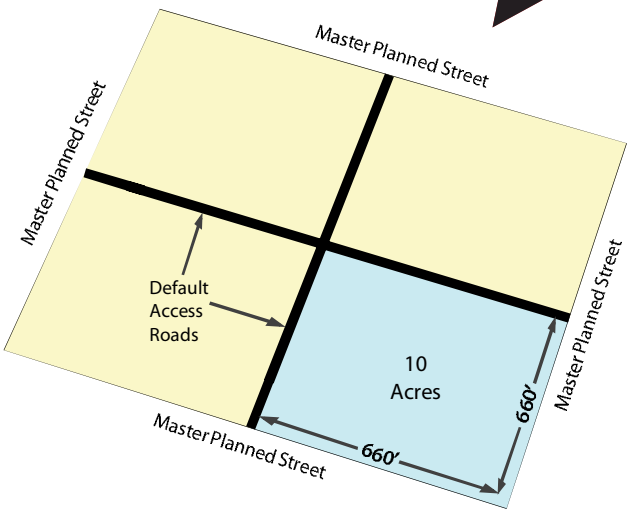


FIGURE 2 - DEFAULT BASE - TTP (40-ACRE GRID SECTION)



# of acres to be developed	TTP Required	TTP Requirements
10 or more acres	Yes	A TTP as set forth in Subsection (B) of this Section shall be submitted as a part of a Site Development Plan Review, or the Tentative Map, whichever is submitted first. The project area and the linking to the nearest Master Planned Street shall be as illustrated in Figure 1.

B. Traffic and Transportation Plan Content

1. The TTP shall be a plan sheet or sheets, produced separately from the site plan that shows all proposed subdivision roads for the project and demonstrate how they link to a Planned Street. The proposed traffic circulation region shall be known as the TTP Area.

2. The TTP shall be produced at a scale sufficient to provide information on how the proposed development's roadway network will be linked to surrounding existing or proposed development and the overall TTP Area transportation network. The Director of Public Works may require additional information, as necessary.

3. The TTP shall identify linkages of residential and local streets to minor collectors and Higher Order Roads.

C. Default TTP

1. Figure 2 illustrates the Default TTP for a 40 acre TTP Area (1/4 mile section).

2. The intent of the TTP is to demonstrate that a minimum of one complete linkage per every 10 acres of developable land within a square quarter-mile section is provided. In the case of a 40 acre development, there must be linkages to at least four different minor collector or higher order roads which are identified on the Master Plan of Streets and Highways Map. One such linkage must be situated in each cardinal direction from the 40 acre development.

3. In the absence of site specific TTP, development of less than 40 acres should be designed to meet the

objective access pattern of the Default TTP. Such development shall coordinate with City staff and adjacent developments in order to achieve the linkages as described for 40 acres. The linkages may be shown either directly from the development or through connections with adjacent developments within the TTP area, if approved.

D. Waiver

The standards set forth in this Section are minimum requirements. In the event an applicant can not comply with the requirements as stated above due to a hardship that is not self imposed, the applicant may petition for a waiver as part of the development's Site Development Plan Review or separately as provided for in LVMC 19.16.130.

INTRA-CONNECTIVITY 19.04.050

A. Intra-connectivity is a measure of how efficiently a transportation network provides access between internal and external destinations. It is measured using a Connectivity Ratio.

B. A Connectivity Ratio shall be used to determine the adequacy of street layout design for all proposed development.

1. The Connectivity Ratio is calculated as the ratio of the number of street links (road sections between intersections) in the development's street layout divided by the number of street nodes (intersections and cul-de-sac heads). For comparison purposes, a perfect street grid has a Connectivity Ratio over 2.0, while a conventional cul-de-sac subdivision has a Connectivity Ratio of 1.0. Figure 1 illustrates the elements used to determine a site's Connectivity Ratio.

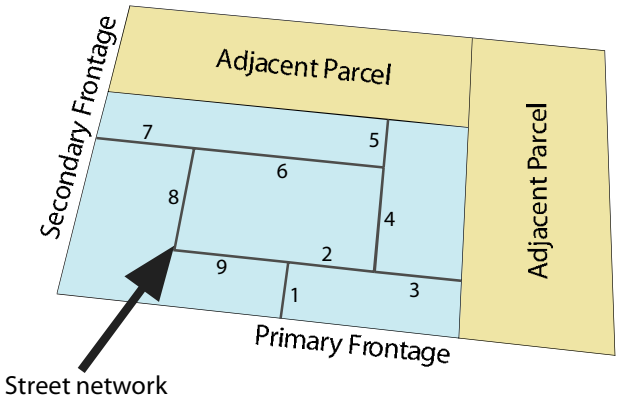
a. As set forth in Table 1 of this Section, elements of a development's transportation network shall have the assigned value for use in calculating a development's Connectivity Ratio.

Table 1

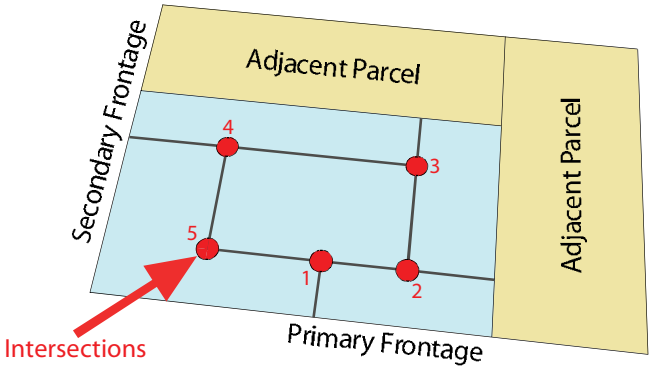
Transportation Network Element	Connectivity Value (Link or Node)
Internal Street	1.0 Link
Intersection – Internal	1.0 Node
Cul-de-sac Terminus	1.0 Node

Illustrations & Graphics 19.04.050

FIGURE 1 - CALCULATING THE CONNECTIVITY RATIO FOR A SITE



# of Links = 9



# of Nodes = 5

Connectivity Ratio Equation = Links/Nodes*

9(Links)/5(Nodes) = **1.8**

**Only Links and Nodes that are Internal to the site are used in the connecitvity equation.*

Transportation Network Element	Connectivity Value (Link or Node)
Intersection – External or Stub Terminus (to future adjacent development)	0.5 Link
Intersection – Stub Terminus (to future adjacent development) with Temporary Turn Around Easements	1.0 Link
Non-vehicular (pedestrian/ bicycle) Path – Unrestricted	0.5 Link

i. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend that does not exceed 75 degrees shall not be considered a node.

ii. A node (Intersection) with a master planned street providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

iii. If a subdivision is planned to be constructed in distinct development phases, then the TTP shall demonstrate that the initial phase individually and in conjunction with all subsequent phases will achieve and maintain the minimum required connectivity ratio.

iv. Temporary stub-out streets shall be constructed to the property line of the development or phase to which access is proposed for future development of adjacent lands. In addition, a temporary turn-around must be provided. The additional right-of-way needed to accommodate a temporary turn around shall be provided through a temporary easement which must be clearly labeled on the Final Map.

v. If the temporary stub-outs street shall ultimately provide connectivity to the adjacent property, the following shall apply:

(A) For all projects where the connection stub street is constructed as part of the initial or only phase of construction, a sign stating "Street Connection to Future Development" shall be installed by the developer at the end of the stub street prior to the first Certificate of Occupancy being issued. Maintenance of the sign shall be the responsibility of the developer until City of Las Vegas, Homeowners Association or other private entity accepts the streets for maintenance.

(B) For projects where the connections are not constructed until future phases, stub streets shall be constructed to extend to the end of the radii at the intersection with the future street. A sign stating "Future Internal Street and Connection to Future Development" shall be installed by the developer at the end of the stub street. The sign shall be placed immediately after the placement of the base paving course. Maintenance of the sign shall be the responsibility of the developer until the City of Las Vegas, Homeowners Association or other private entity accepts the streets for maintenance.

b. The Final Map shall disclose and identify all stub streets and include any notations of any street stubs which are intended to provide future connection to adjoining future streets or undeveloped property.

c. In the event, it is determined that the connectivity ratio is impractical to meet due to topographic conditions, environmental constraints, and property shape or accessibility, the Director of Public Works may reduce the Connectivity Ratio index requirement at his discretion.

2. The minimum Connectivity Ratio required shall be 1.3 (links/nodes) for all development in R-1, R-CL, R-TH, R-2, R-3 and R-4 zoning districts.

3. For developments proposed in zoning districts not identified in Paragraph (2) above, there is no minimum Connectivity Ratio requirement; however, a Connectivity Ratio shall be calculated and submitted with any Site Development Plan Review or Tentative Map submittal.

STREET NAMING AND ADDRESS ASSIGNMENTS 19.04.060

A. The naming of streets and the assignment of addresses and address numbers to building and lots within the City shall conform to the provision of this Section.

B. The intersection of Main and Fremont Streets shall be the initial point of assigning the address numbers to all

blocks, lots and building in the City.

C. Street Numbering - East-West Streets

1. All buildings or lots that front on east-west streets which intersect or start from Main Street shall be assigned address numbers beginning at that point with the numbers one and zero, and thereafter be numbered progressively through each block. Following each intersection with a numbered street, the numbering shall begin again with the numbers one and zero, with the number of hundreds indicated by the number of the intersecting street.

2. All numbers on the east-west streets shall be even on the north side and odd on the south side.

3. Where Main Street terminates at Las Vegas Boulevard South, Las Vegas Boulevard South shall be the base line for numbering along east-west streets to the southerly City limits.

D. Street Numbering - North-South Streets

1. All buildings or lots that front on north-south streets which intersect or start from Fremont Street (or the northwesterly prolongation thereof, as described in Paragraph (2) of this Subsection) shall be assigned address numbers beginning at that point with the numbers one hundred and one hundred one, and thereafter progressively through each block. Approximately eight blocks shall be assigned per mile; provided, however, that in areas in which other jurisdictions have established a different pattern, the numbers shall be apportioned accordingly.

2. For purposes of Paragraph (1) of this Subsection, the northwesterly prolongation of Fremont Street shall be defined as follows: Commencing at the intersection of the northwesterly prolongation of Fremont Street and that portion of Ogden Avenue located between City Parkway and Main Street; westerly along U.S. Highway 95 to the easterly prolongation of Westcliff Drive, the easterly prolongation of Westcliff Drive, and the westerly prolongation of Westcliff Drive with minor deviations north and south to the intersection with the CC 215 Beltway; Far Hills Avenue and the westerly prolongation of Far Hills Avenue to the intersection of the westerly prolongation of Westcliff Drive; the westerly prolongation of Westcliff Drive to the westerly City limits.

3. Buildings or lots on north-south streets shall be assigned address numbers that are even on the east side and odd on the west side.

4. Where Fremont Street intersects Charleston Boulevard, Charleston Boulevard shall become the base line for assigning address numbers along north-south streets to the easterly City limits.

5. The assignment of address numbers for buildings or lots on north-south streets south of Charleston Boulevard shall begin with one thousand one hundred. Thereafter, the base numbering for each succeeding block shall increase by one hundred over the preceding block's base number.

6. The assignment of address numbers for buildings or lots on north-south streets north of Charleston Boulevard shall begin with one and zero, and the assignment of numbers up to one hundred shall continue on those streets until their intersection with Sunrise Avenue.

7. The assignment of address numbers for buildings or lots on north-south streets north of Sunrise Avenue shall begin with two hundred and, thereafter, the base numbering of each succeeding block shall increase by one hundred over the preceding block's base number.

E. In internal areas of the City in which numbering conflicts with the rules set out in Subsections (C) and (D), the assignment of new numbers shall conform to the existing pattern where possible.

F. That certain document entitled "City of Las Vegas Street Naming and Address Assignment Regulations, 2009 Edition," a copy of which shall be maintained in the office of the City Clerk, is adopted by reference and made a part of this Code as if fully set forth herein. The provisions thereof, as they may be amended and supplemented from time to time by ordinance or resolution of the City Council, shall govern the naming of streets and other rights-of-way and the assigning of addresses within the City.

G. The provisions of this Section are minimum requirements for the naming of streets and assignment of addresses within the City. Any request to deviate from these requirements shall be processed by means of a Variance application, which shall be subject to the procedures and standards set forth in LVMC 19.16.140.

H. It is unlawful for any person to:

1. Use or display a street name, building number or address number that does not conform to the provisions of this Section;

2. Display a street name, building number or address number in a manner that does not conform to the

provisions of this Section; or

3. Fail to display a street name, building number or address number in the manner required by this Section.

AMENITY ZONE 19.04.070

A. The Amenity Zone may consist of an Amenity Area, Sidewalk, Off-site Buffer Strip, and On-site Planting Area. The required elements for each street classification are as indicated by the tables and illustrated by the figures in LVMC 19.04.180 through 19.04.240 for each street type respectively. The Amenity Zone is intended to enhance pedestrian access and safety, while providing adequate space for landscaping and utility and public safety features.

B. The Amenity Zone Boundaries are identified by referenced inside and outside delineations in accordance to one of the following cases:

1. Case (A). The zone is located fully within the dedicated public right-of-way and is delineated as follows:

a. The inside delineation shall be set at the back-of curd, or if there is no curb, then the edge of the paved roadway and

b. The outside delineation shall be the right-of-way line.

2. Case (B). The zone is located partially within the dedicated right-of-way and extends into the adjacent private property, common element, or open space that has been set aside for landscaping and public pedestrian access and is delineated as follows:

a. The inside delineation shall be set at the back-of curd, or if there is no curb, then the edge of the paved roadway and

b. The outside delineation shall be clearly identified, by a recorded document with appropriate public easements for such purposes.

3. Case (C). The zone is located fully outside the dedicated right-of-way, as the right-of-way line is at the back of the curb, and is in the adjacent private property, common element, or open space that has been set aside for landscaping and public pedestrian access and is delineated as follows:

a. The inside delineation shall be set at the back-of curd, or if there is no curb, then the edge of the paved roadway and

b. The outside delineation shall be clearly identified, by a recorded document with appropriate public easements for such purposes.

PRIVATE STREET REQUIREMENTS 19.04.080

Private streets must comply with applicable City standards and with the following requirements:

A. Private streets shall have the same dimensions as the comparable public streets unless separated by gates.

B. Where access control gates are to be used in conjunction with private streets, the principle vehicular entrance gate must have a minimum width of 50 feet and comply with the Uniform Standard Drawings and LVMC 19.02.250. Additional access control gates for vehicles must be designated and signed for residents only, have automatic methods of opening, and may be of a narrower width and depth as determined by the Director of Public Works.

C. Private streets shall meet the minimum construction standards for public streets.

D. Street name signs for private streets shall bear the words "privately maintained," and shall be a color and design established by the City and in conformance with the most recent edition of the Manual of Uniform Traffic Control Devices. The color of such a sign shall be brown with white letters.

E. Any proposed deviations from the minimum public street standards must be approved by a Waiver and must be separated from abutting standard streets by a gate that meets City standards.

PRIVATE DRIVE REQUIREMENTS 19.04.090

Private drives shall only be permitted in multi-family residential and non-residential developments and shall:

A. Have a minimum pavement width of twenty-four feet;

B. Be accessible only from a public or private street;

C. Terminate in:

1. An intersection with a public or private street; or

2. A cul-de-sac that conforms to LVMC 19.04.110; and

D. Be provided with street name signs that bear the words "privately maintained," and are of a color and design established by the City and in conformance with the Manual of Uniform Traffic Control Devices. The color of such a sign shall be brown with white letters.

ALLEY REQUIREMENTS 19.04.100

All alleys constructed after the effective date of this Title shall be private alleys and privately maintained unless otherwise authorized by the Director of Public Works. Where public alleys are to be provided, they shall be paved and have a minimum width of twenty feet and be in accordance with City standards.

CUL-DE-SACS 19.04.110

Cul-de-sacs are discouraged. If approved as part of a Site Development Plan Review or Tentative Map they shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, and private streets that terminate other than at an intersection with another private or public street, the termination shall be provided by means of a circular cul-de-sac that complies with City standards.

PARTIALLY DEDICATED STREET OR ALLEY 19.04.120

Whenever there exists a partially dedicated street or alley abutting a proposed subdivision, the remainder of the required right-of-way shall be dedicated and improved by the subdivider unless the City approves a plan to vacate the street or alley.

IMPROVEMENT WIDTH 19.04.130

A. Except as otherwise provided in this Section, whenever the owner or developer of property abutting a planned street or highway as shown on the Master Plan of Streets and Highways Map, other than a freeway or expressway, is required by this Title, or by any other law or regulation, to install any improvement on a proposed or existing planned street or highway, he shall improve the area from the right-of way line to the centerline, or from such point within the right-of-way to the centerline as may be required by the City Engineer.

B. Whenever the owner or developer of property abutting a federal or state highway as shown on the Master Plan of Streets and Highways Map, is required by this Title, or by any other law or regulation, to install any public roadway improvement on a proposed or existing street or highway, the owner or developer shall provide all public roadway improvements on both sides of the roadway or as required by the City Engineer.

C. Any required improvement shall also include the additional area created by the curbline radius as described in LVMC 13.12.100

RESIDENTIAL SUBDIVISIONS 19.04.140

A. Interior Blocks Requirements

Within the interior of residential subdivisions:

1. Blocks should be 330 to 660 feet in length, measured centerline to centerline, unless it is determined by the Director of Public Works to be impractical to do so due to topographical conditions, environmental constraints, lot shape, or site accessibility;

2. Blocks shall not exceed one thousand feet in length between intersections, except where topographical or other conditions require longer blocks; and

3. Block depths should be designed so as to provide two rows of lots, except where lots are planned to back on a major highway, drainage channel, shopping center, or common open space area. Nothing in this Subsection, however, is intended to prevent the inclusion within any subdivision plan of blocks of greater depth or of irregular outline, where they are necessary to provide access to central areas within the subdivision.

B. Exterior Blocks Requirements

Along the exterior of a residential subdivision's block, lengths shall be consistent with road network spacing standards established by LVMC 19.04.020 or the approved TTP for the area, if a TTP has been approved for the area as provided for in LVMC 19.04.030.

NON-RESIDENTIAL SUBDIVISIONS 19.04.150

Commercial or industrial blocks shall be of a length and width necessary and appropriate for the proposed use with adequate provision for off-street parking and deliveries.

SIGNS IN PUBLIC RIGHTS-OF-WAY 19.04.160

A. Signs Prohibited in Public Rights-of-Way

1. **General Rule.** Signs shall be prohibited in the public right-of-way, except as provided in this Section.

2. **Presumption.** A sign erected or placed in the public right-of-way and containing an individual's name, telephone number, address or identification of a product shall be presumed to have been erected or placed by or at the direction of the person or entity associated with that name, business, telephone number, address or product. That presumption is a rebuttable presumption which the affected person or entity may disprove by competent evidence in any enforcement action or administrative proceeding involving such signs. However, in an administrative proceeding against the affected person or entity, the presumption is not rebutted if the sign was erected or placed by a person or entity who, pursuant to contract or otherwise, is acting on behalf of the affected person or entity.

B. Signs Permitted in Public Rights-of-Way

The following signs may be permitted in the public right-of-way:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;

2. Bus stop signs erected by a public transit company;

3. Informational signs of a public utility regarding its poles, lines, pipes or facilities;

4. Marquee, projecting and suspended signs projecting over a public right-of-way in conformity with the provisions in this Title;

5. Development entry statement signs and interior directional signs may be permitted as provided for in this Title and provided the sign owner(s) enters into an encroachment agreement with the City;

6. Other signs which have been authorized by the City, including but not limited to signs on bus stop shelters, signs permitted by the approval of an encroachment agreement or emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way. Such signs are exempted from all requirements of this Title.

TRANSPORTATION - LAND USE MATRIX 19.04.170

The Transportation - Land Use Matrix, Table 1 of this Section, is intended to demonstrate the inter-connectedness of land use and the adjacent transportation network. As used in this Section, the matrix identifies each zoning district and indicates the compatibility of the that district with the range of streets detailed in this Chapter. As indicated by the matrix key:

A. Green identifies compatible street - land use combinations where no mitigation is anticipated;

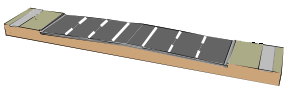
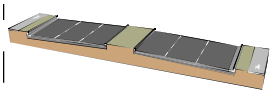
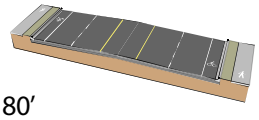
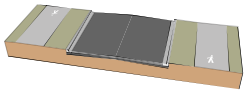
B. Yellow identifies compatible street - land use combinations where mitigation may be requested; and

C. Blue identifies less compatible street - land use combinations where mitigation may be required.

Mitigation may take the form of site orientation considerations, increased perimeter buffer areas, enhanced landscaping or other measures meant to improve the compatibility and connection of development with the adjacent transportation network. Mitigation measures, if any, will be determined on a case-by-case basis as part of the Site Development Plan Review or the Tentative Map review.

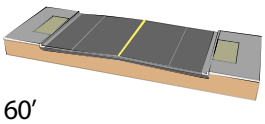
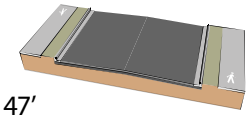
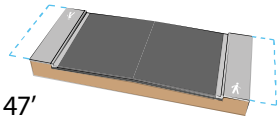
19.04.170

Transportation - Land Use Matrix - Table 1

	 120′ Parkway Arterial Street	 100′ Primary Arterial Street	 80′ Major Collector Street	 60′ Minor Collector Street
U Undeveloped				
R-E Residential Estates				
R-1 Single Family Residential				
R-MH Mobile/Manufactured Home Residential				
R-CL Single Family Compact-Lot				
R-TH Single Family Attached				
R-2 Medium-Low Density Residential				
R-3 Medium Density Residential				
R-4 High Density Residential				
P-O Professional Office				
O Office				
C-1 Limited Commercial				
C-2 General Commercial				
C-M Commercial/ Industrial				
M Industrial				

19.04.170

Transportation - Land Use Matrix - Table 1

 60′ Minor Collector Street (Urban Form)	 47′ Residential Street	 47′ Residential Street (Narrow Lot)		**MATRIX KEY**
			U Undeveloped	**Compatible Street - Land Use Combination (No mitigation)**
			R-E Residential Estates	
			R-1 Single Family Residential	
			R-MH Mobile/Manufactured Home Residential	
			R-CL Single Family Compact-Lot	**Compatible Street - Land Use Combination (Mitigation may be requested)**
			R-TH Single Family Attached	
			R-2 Medium-Low Density Residential	
			R-3 Medium Density Residential	
			R-4 High Density Residential	**Less Compatible Street - Land Use Combination (Mitigation may be required)**
			P-O Professional Office	
			O Office	
			C-1 Limited Commercial	
			C-2 General Commercial	
			C-M Commercial/ Industrial	
			M Industrial	

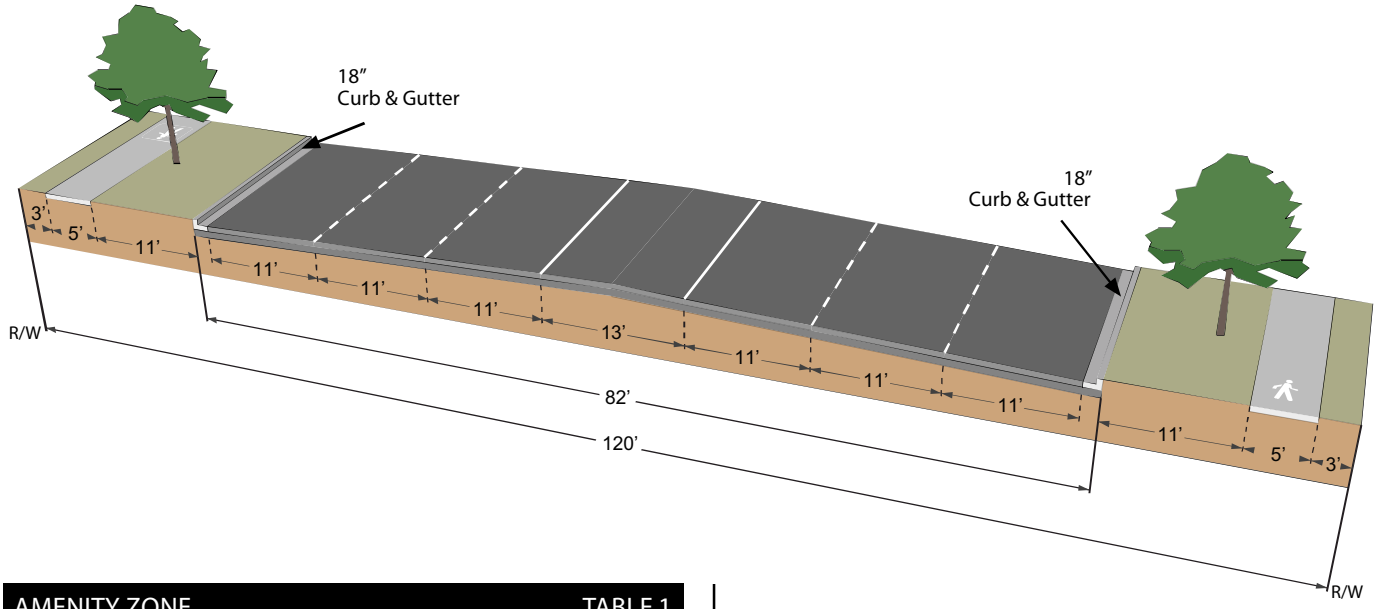
19.04.180

120' PARKWAY ARTERIAL STREET

A street or highway which has a minimum right-of-way width of 120 feet and an existing or potential design capacity of three or more travel lanes of traffic in each direction with 10 feet for an amenity zone and sidewalk on each side and divided by a landscaped median.

Illustrations & Graphics **19.04.180**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)	TABLE 1
A. Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B. Street Lights	18 inches from back of curb [2]
C. Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D. Tree Placement [3]	Trees shall be placed within the amenity area to provide maximum shade of the sidewalk
E. Tree Spacing	45 feet on center
F. Sidewalk Width	5 feet
G. Off-site Buffer Strip	3 feet
Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

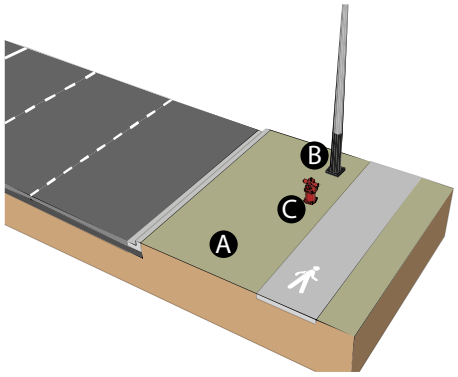
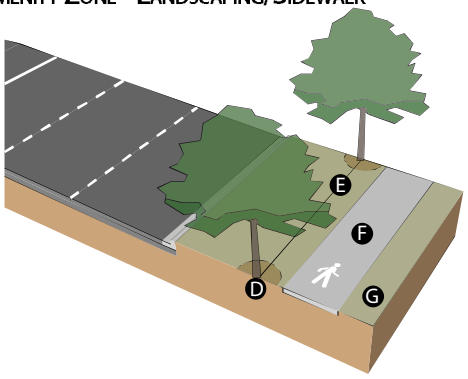


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



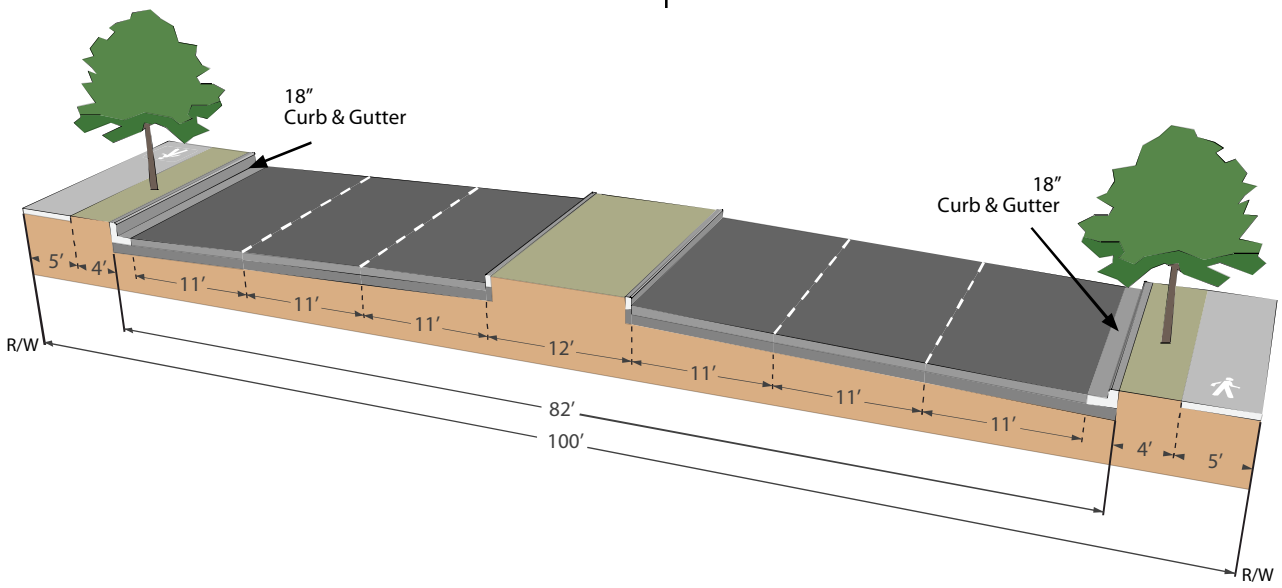
19.04.190

100' PRIMARY ARTERIAL STREET

A street which has a minimum right-of-way width of one hundred feet and an existing or potential design capacity of three or more travel lanes of traffic in each direction, divided by a raised median with left turn pockets.

Illustrations & Graphics **19.04.190**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)		TABLE 1
A.	Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B.	Street Lights	18 inches from back of curb [2]
C.	Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D.	Tree Placement [3]	Trees shall be placed within amenity area to provide maximum shade of the sidewalk
E.	Tree Spacing	45 feet on center
F.	Sidewalk Width	5 feet
	Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

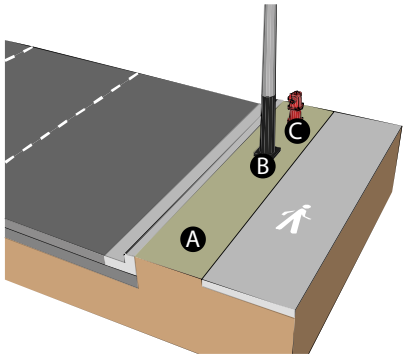
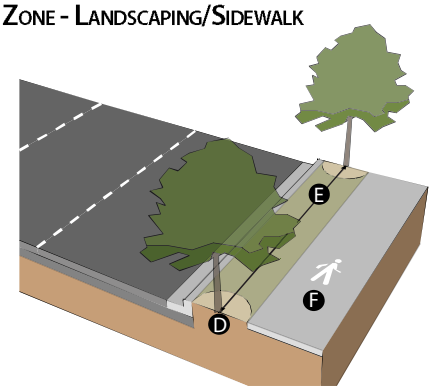


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



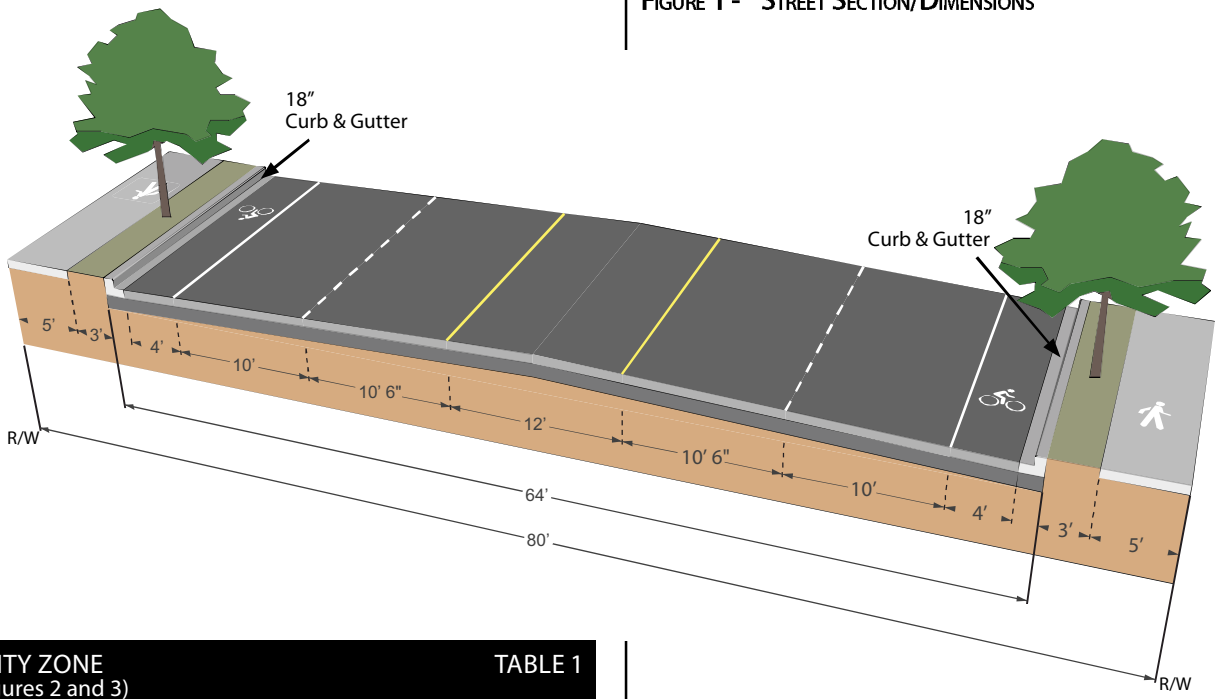
19.04.200

80' MAJOR COLLECTOR STREET

A street which has a minimum right-of-way width of eighty feet and an existing or potential design capacity of two travel lanes of traffic in each direction with a center turn lane or raised median with left turn pockets.

Illustrations & Graphics **19.04.200**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)	TABLE 1
A. Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B. Street Lights	18 inches from back of curb [2]
C. Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D. Tree Placement [3]	Trees shall be placed within amenity area to provide maximum shade of the sidewalk
E. Tree Spacing	40 feet on center
F. Sidewalk Width	5 feet
Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

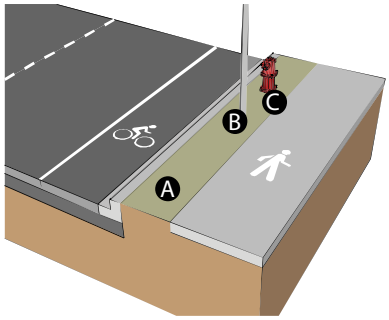
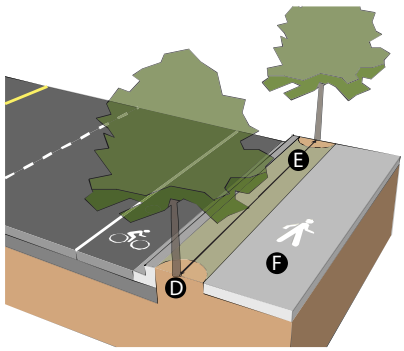


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



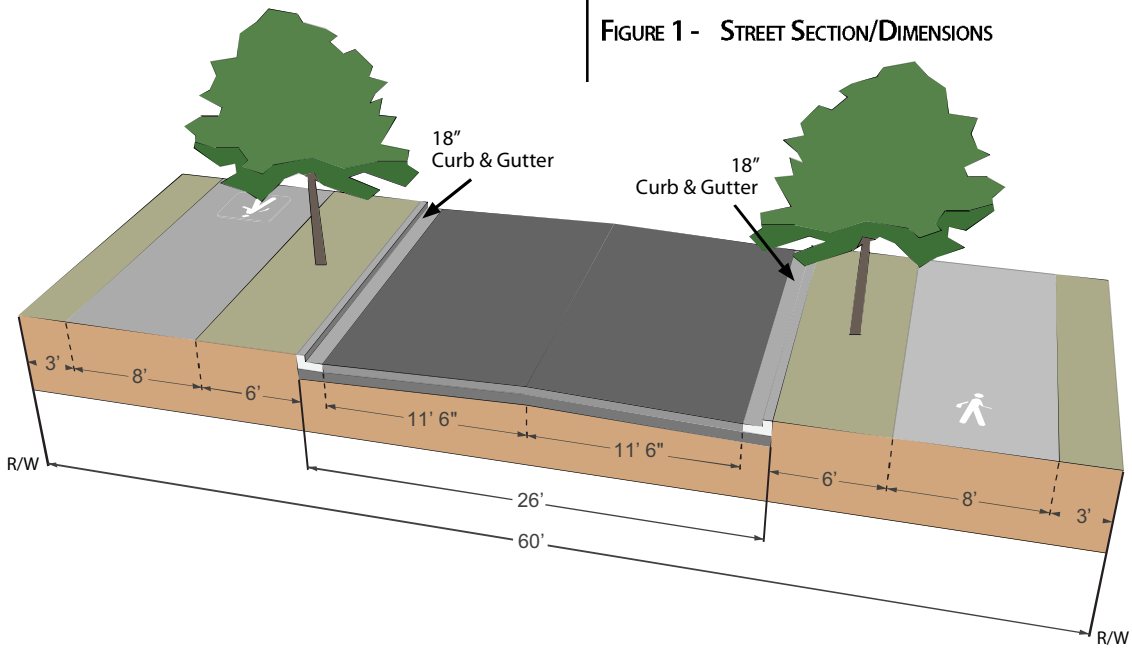
19.04.210

60' MINOR COLLECTOR STREET

A street with a minimum right-of way width of sixty feet which collects traffic from the local streets and distributes them to the major collector or arterial system.

Illustrations & Graphics **19.04.210**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)		TABLE 1
A.	Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B.	Street Lights	18 inches from back of curb [2]
C.	Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D.	Tree Placement [3]	Trees shall be placed within amenity area to provide maximum shade of the sidewalk
E.	Tree Spacing	25 feet on center
F.	Sidewalk Width	8 feet
G.	Off-site Buffer Strip	3 feet
	Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

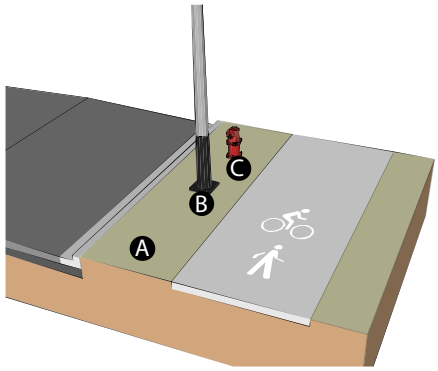
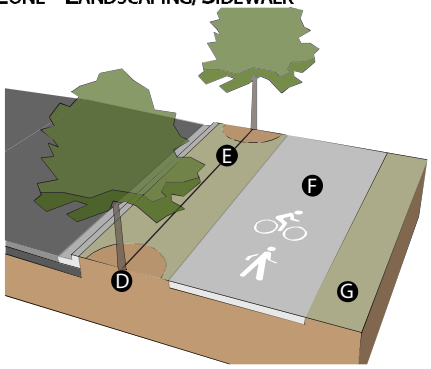


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



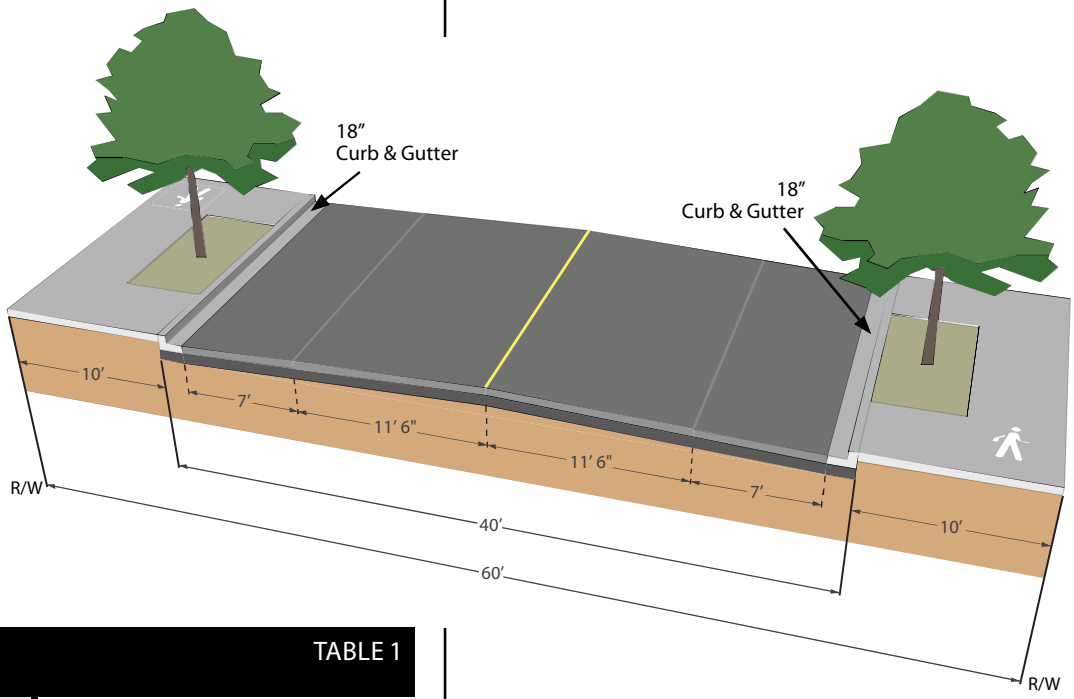
19.04.220

60' MINOR COLLECTOR STREET (URBAN FORM)

A street with a minimum right-of way width of sixty feet which collects traffic from the local streets and distributes them to the major collector or arterial system. This street is intended to include on-street parking unlike the typical minor collector.

Illustrations & Graphics **19.04.220**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)	TABLE 1
A. Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B. Street Lights	18 inches from back of curb [2]
C. Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D. Tree Well Dimensions/ Spacing and Tree Placement [3]	Tree wells shall be 5 feet wide by 10 feet long and spaced so that trees are spaced 25 feet on center.
E. Sidewalk Width	5 feet
Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

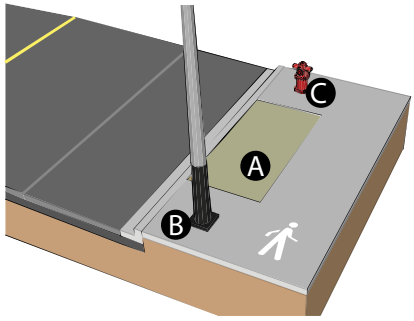
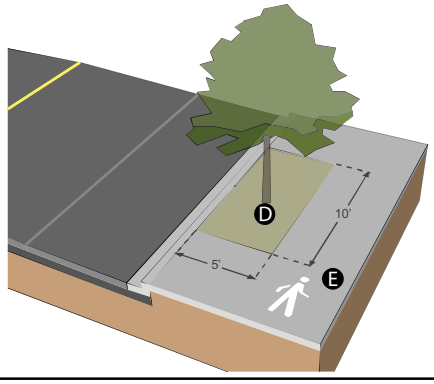


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK

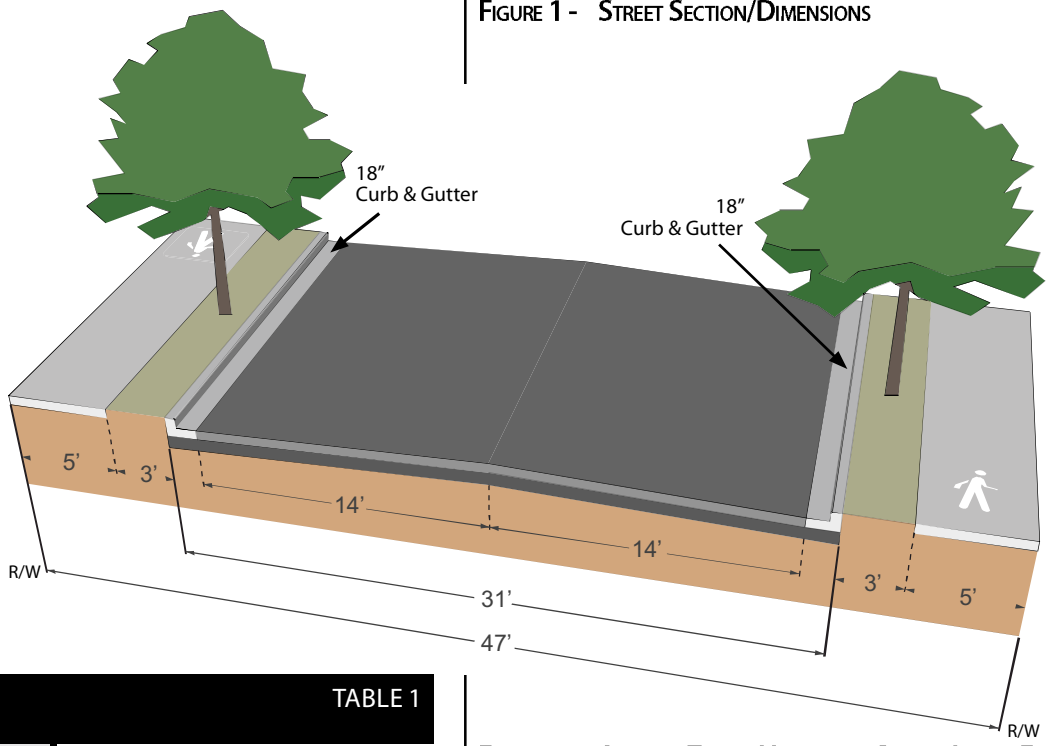


19.04.230

47' RESIDENTIAL STREET

A street with a minimum right-of way width of forty-seven feet which is designed to carry residential traffic between minor collectors and is designed to accommodate on-street parking.

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)		TABLE 1
A.	Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B.	Street Lights	18 inches from back of curb [2]
C.	Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D.	Tree Placement [3]	Trees shall be placed within amenity area to provide maximum shade of the sidewalk
E.	Tree Spacing	25 feet on center
F.	Sidewalk Width	5 feet
	Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*
3. *In addition to any landscaping standards provided in this Title, all planting within the right-of-way must comply with LVMC Chapter 13.48.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

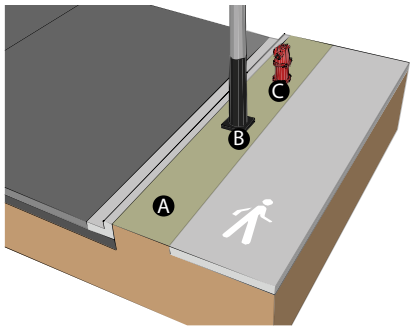
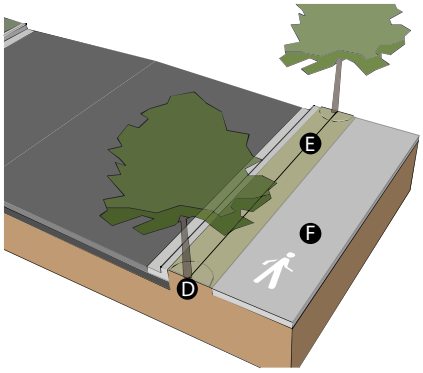


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



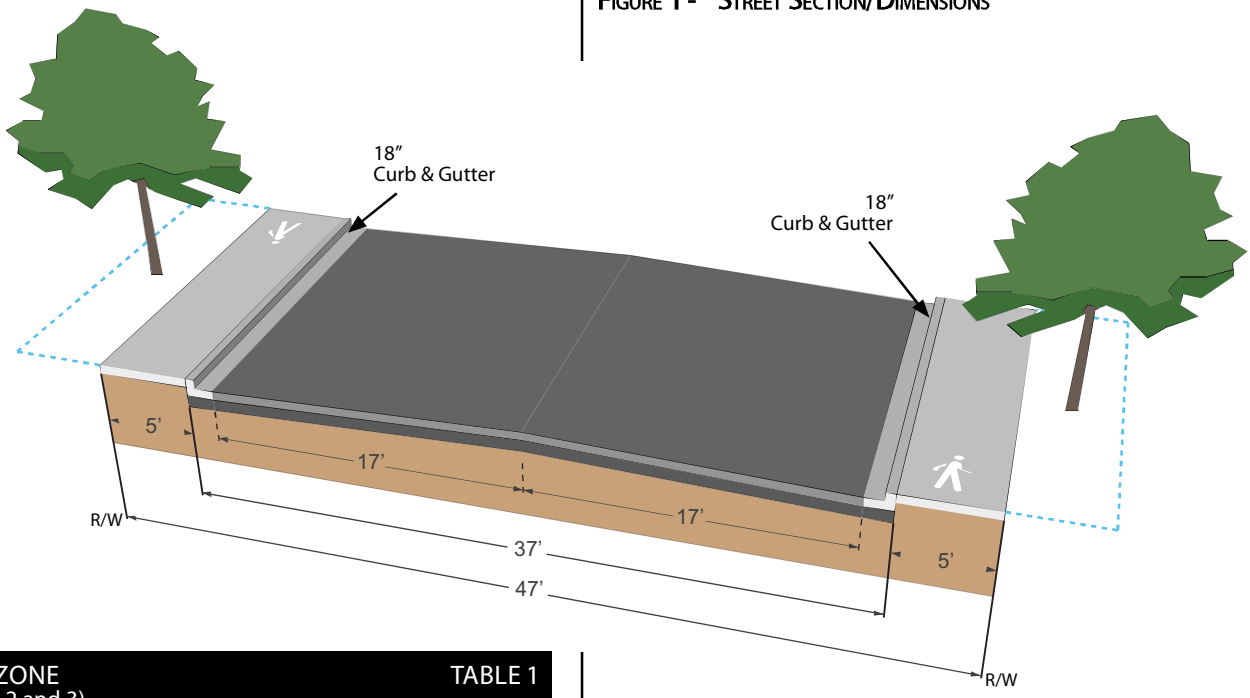
19.04.240

47' RESIDENTIAL STREET (NARROW LOT)

A street with a minimum right-of way width of forty-seven feet which is designed to carry residential traffic between minor collectors and is designed to accommodate on-street parking adjacent to residential lots with lot widths less than forty feet.

Illustrations & Graphics **19.04.240**

FIGURE 1 - STREET SECTION/DIMENSIONS



AMENITY ZONE (see Figures 2 and 3)		TABLE 1
A.	Utility & Mechanical Boxes	Above ground utilities shall be sited outside of the right-of-way [1]
B.	Street Lights	18 inches from back of curb [2]
C.	Fire Hydrants	Shall be placed in the amenity area in accordance with the fire code
D.	Sidewalk Width	5 feet
E.	Tree Placement	1 tree per lot placed to provide maximum shade of sidewalk while providing adequate root growth area
F.	On-site Tree Planting Zone	5 foot wide planting area adjacent to the front property line
	Maintenance	Maintenance of the amenity zone shall be the responsibility of the adjacent property owners

Footnotes:

1. *If permitted within the right-of-way, above ground utilities shall be located in the amenity area.*
2. *Street light conduits and permitted underground dry utilities shall be located under the sidewalk.*

FIGURE 2 - AMENITY ZONE - UTILITY AND PUBLIC SAFETY FEATURES

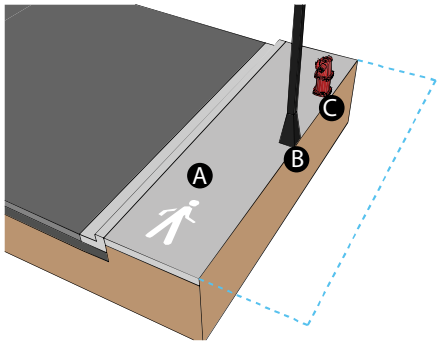
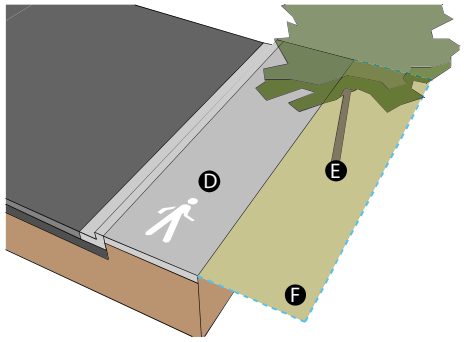


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



19.06

Residential Districts – Purpose and Development and Design Standards

Unified Development Code
Title 19

CLV
WEB
?
E-MAIL

19.06

Residential Districts - Purpose and Development and Design Standards

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APPLICABILITY 19.06.010

This chapter applies to all residential development within the City of Las Vegas and to all residential zoning districts.

Except as otherwise provided in this Chapter, the standards set forth herein, are minimum requirements. Any request to deviate from these standards shall require the submittal of an application for an Administrative Deviation, if appropriate, or Variance, which shall be subject to the procedures and standards set forth in LVMC 19.16.120 and 19.16.140, respectively.

INTENT OF RESIDENTIAL DEVELOPMENT STANDARDS 19.06.020

The intent of establishing standards for residential development is:

A. To ensure that new residential development will not negatively impact the use and enjoyment of adjacent and neighboring properties;

B. To ensure that new residential development will contribute to the overall attractiveness of the City;

C. To increase design compatibility between abutting properties and land uses;

D. To reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and

E. To reduce unsightly views;

F. To provide for landscaping and buffering that:

1. Conserves water and reduces erosion;

2. Reduces heat and glare generated by development; and

3. Aids in filtering dust and particulate matter from the air.

GENERAL 19.06.030

A. Access

All lots or parcels shall have frontage upon a public street; provided however, that lots within a recorded Subdivision or Parcel Map may provide access to a public street by way of a commonly owned private street or a private access easement. All private access streets must be fully improved in accordance with the Traffic Circulation Improvements Standards contained in the Design Standards Manual.

B. Grading

1. Grading Plan Approval - When Required. When the natural grade of a lot is proposed to be raised more than two feet at any point from existing grade, three copies of a finished lot grading plan and legal description of the property shall be filed with the Department of Public Works and the Department. The plan shall include proposed and existing grades, building locations, and building height information for the development site and for the adjacent properties, and any justification for the proposal. The Director of Public Works may withhold or deny development approval unless the applicant demonstrates to the Director of Public Works' satisfaction that the proposal is necessary in order to develop the site in a manner which conforms to applicable drainage and other development standards. The Director may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal will not be incompatible or out of harmony with the surrounding area.

2. Grading Plan - Appeal of Denial. The applicant may appeal to the City Council any final decision rendered pursuant to Paragraph (1) of this Subsection. In connection with the appeal, the City may require notification of surrounding property owners. The City may charge a fee for the appeal and for any required notification in accordance with the Fee Schedule.

C. Construction

No building, structure or land shall be erected, reconstructed, structurally altered or used for a purpose other than a use allowed in the zoning district in which the building, structure or land use is located.

D. Lot Size

Lot size refers to the amount of horizontal land area contained within property lines. No lot area shall be so reduced that the size, width, setbacks, yards, required open space or total lot area is less than prescribed by this Title; nor shall the unit density be increased in any manner, except in conformity with the regulations established in this Chapter.

1. Yard Area. No yard, open space or off-street parking or loading space, required in conjunction with a building or land use, shall be included as part

of a yard, open space or parking or loading space required for any other building or land use, unless otherwise provided in this Title.

2. **Utility Facilities.** Public and private utility facilities (i.e. pumping and switching stations, reservoirs, power substations, etc.) using land or an unoccupied building requiring less than 500 square feet of site area are exempt from the minimum lot size requirements of all zoning districts, provided that all other applicable provisions of this Chapter are satisfied.

3. **Reduction of Existing Lot.** When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least ninety (90) percent of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to be in compliance with the minimum lot size standards of this Chapter, without the necessity of further administrative approvals.

DEVELOPMENT STANDARDS 19.06.040

A. Tables

Except as otherwise noted, the minimum lot size, maximum unit density, minimum lot width, minimum building setbacks, maximum lot coverage, minimum building separation and maximum building height for uses in each district shall be governed by the dimensional standards in the tables listed for each district. Explanatory notes for provisions in the tables follow the tables as needed.

B. Building Placement

In addition to the dimensional standards and requirements listed for building placement in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. **Projections into Setback Area.** The following structures are permitted to project into the established setback area for the lot or parcel as indicated:

   a. **Architectural Features.** Bay windows, fireplaces, roof eaves, cabinets designed to screen utility meters and similar architectural features may encroach no more than two feet into any required setback area, provided that the encroachments:

      i. Remain at least three feet from the property line; and

      ii. Do not increase the living space of the structure at the floor level.

   b. **Other Architectural Embellishments.** Architectural embellishments and institutional symbols for churches, public buildings and quasi-public buildings may extend into any required setback area, provided that they are clearly shown and approved as a part of a Special Use Permit, Site Development Plan or other required application.

   c. **Lots Adjacent to Open Space.** On any lot which adjoins a golf course, park area, common open space or similar open space, open balconies may extend up to five feet into the required setback for the dwelling and toward the open space; provided, however, that the projection extends no closer than three feet from the property line.

   d. **Mechanical Equipment.** Mechanical equipment such as air-conditioning units, pool filtering and heating equipment, water softeners, and similar mechanical equipment may occupy the required rear and side yard setback areas if totally screened from abutting lots and streets by fences, walls or landscaping, and if such mechanical equipment does not restrict required access through such setback areas as determined by the Department.

C. Accessory Structures

In addition to the standards listed for accessory structures in the tables provided for each district, accessory structures on any lot subject to the standards provided in this Chapter shall conform to the following:

1. No accessory structure shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.

2. No accessory structure is permitted in front of the primary structure unless the structure is a side-loaded garage which is used strictly as an ancillary use and does not encroach into the front setback area.

3. No setback is required for a detached accessory structure from a property line which abuts an alley.

4. Accessory structures must be aesthetically compatible with the principal dwelling unit.

5. Accessory structures may contain any type of room use but may not contain any kitchen except as otherwise specifically provided in this Title with respect to a Class I accessory structure.

6. On corner lots, the roof of an accessory structure may be attached to the main dwelling, if there is a minimum six foot separation between the walls of the accessory structure and the main building and provided that at least two sides of the breezeway are open. A gate or fence which is at least 50 percent open construction may be attached to one end of the breezeway.

D. Building Height

In addition to the standards listed for building height in the tables provided for each district, building heights for development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Roof-mounted solar panel units that are permitted as a conditional use pursuant to LVMC Chapter 19.12 shall not be considered as a part of the building height for purposes of this Chapter.

2. Chimneys, vent stacks and skylights may be erected above the required height limits provided that in no case shall structures above the permitted height limit be constructed for the purpose of providing additional floor space.

E. Patio Covers

In addition to the standards listed for patio covers in the tables provided for each district, patio covers on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Any patio cover extending into the established setback area for the lot or parcel may not be enclosed with any materials, including wood, metal, canvas, plastic, glass or any other screening material. An enclosed patio cover must conform to the setback standards applicable to the main dwelling.

2. The height of the patio cover shall not exceed twelve feet.

3. A detached patio cover shall conform to the applicable Accessory Structure standards for the lot or parcel.

F. Landscape Buffers and Turf Limitations

In addition to the standards listed for landscape buffers and turf limitations in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Landscape Required

a. All multifamily development or single family developments with five or more lots adjacent to streets classified as major collectors or larger shall meet or exceed the minimum standards, and shall comply with any restrictions, established in this Title. All landscaping required by this Chapter shall also comply with the provisions of LVMC 13.48.040 and 19.02.190.

b. Except as otherwise permitted by the Director, all landscape and irrigation plans shall be prepared and stamped by a registered architect, landscape architect, residential designer or civil engineer.

c. The owner, developer and occupant of the property are jointly and severally responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. Prior to the issuance of a building permit, the owner, developer or contractor shall post a performance bond or equivalent security to assure the performance of the maintenance obligation for a minimum of two years.

d. All revisions to an approved landscape plan must first be reviewed and approved by the Department prior to installation of the landscaping.

e. Where perimeter landscape buffers are indicated the standard planting requirement is as set forth in Figure 1. Alternatives to the standard planting requirement are set forth in Figures 2 and 3.

2. Additional Landscaping May Be Required

Additional landscaping may be required by the Director or reviewing authority in order to respond to special site features, maintain an established landscape pattern created by existing landscaping in the surrounding area, or mitigate the impact of a particular development.

Illustrations & Graphics 19.06.040(F)

FIGURE 1 - STANDARD PLANTING REQUIREMENT

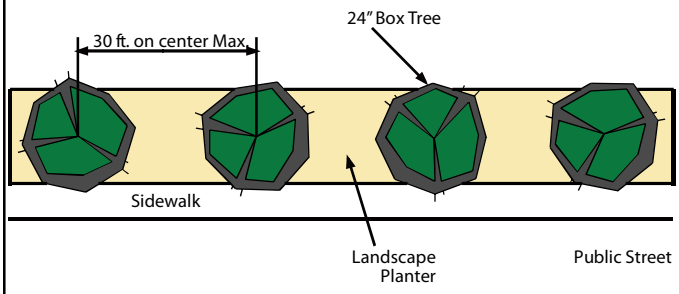
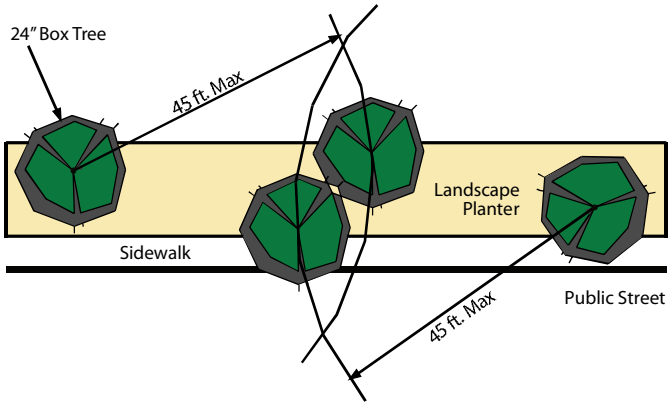
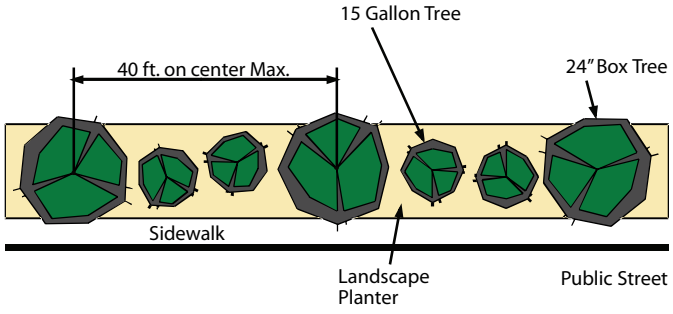


FIGURE 2 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 1



CLUSTERED PLANTING: CLUSTERING OF TREES IS ALLOWED IF: 1) THE TOTAL NUMBER OF TREES EXCEEDS THE MINIMUM REQUIREMENT BY AT LEAST ONE TREE; AND 2) THE SPACING BETWEEN ANY TWO TREES DOES NOT EXCEED FORTY-FIVE FEET.

FIGURE 3 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 2



VARIABLE SIZE PLANTING: ONE TWENTY-FOUR INCH BOX DECIDUOUS TREE, EVERGREEN TREE, OR FIFTEEN FOOT PALM TREE FOR EVERY FORTY LINEAR FEET OF PLANTER, PLUS ONE EXTRA TREE OF SIMILAR SIZE TO PROVIDE COVERAGE AT EACH END OF PLANTERS. THE SPACING OF SUCH TREES SHALL NOT EXCEED FORTY FEET ON CENTER. IN ADDITION, TWO FIFTEEN GALLON DECIDUOUS TREES, EVERGREEN TREES, OR PALM TREES ARE REQUIRED FOR EVERY FORTY LINEAR FEET OF PLANTER, TO BE LOCATED BETWEEN THE TREES PLANTED PURSUANT TO THE PRECEDING SENTENCE. THE FIFTEEN GALLON TREES MAY BE EITHER SPACED REGULARLY OR GROUPED IN BETWEEN THE LARGER TREES.

3. Alternative Landscape Designs

The Director or other reviewing authority may approve variations to the standards and designs set out in this Chapter if they respond more appropriately to a particular site and provide equivalent means of achieving the intent of this Chapter.

4. Maintenance

Property owners shall be responsible for:

a. Maintaining all walls in good structural and finish condition;

b. Maintaining all landscaping in a healthy and vigorous living condition and in accordance with LVMC 13.48.040 and 19.02.190;

c. Promptly replacing dead vegetation with healthy, living plants, in accordance with standard seasonal planting practices.

5. Installation of Required Landscaping

a. All required perimeter landscaping shall be installed in compliance with an approved landscape plan prior to occupancy.

b. Prior to the installation of any required landscaping the developer shall demonstrate compliance with the approved landscape plan by providing the Department a complete bill of materials.

c. When applicable to a phased development plan, a phased landscape installation plan may be approved concurrently with a Site Development Plan Review.

6. Irrigation of Landscaping

a. All required landscaping shall be installed with an irrigation system designed to eliminate any run-off of water into the public rights-of-way.

b. In order to minimize damage to buildings and solid walls from soil settling, expansion/ contraction (cracked foundation), all overhead spray irrigation systems shall be a minimum of twenty-four (24) inches back from any building and solid walls with no overspray contacting any building or solid walls.

c. An automatic irrigation system is required for all planting areas, and shall include:

i. An electric automatic controller and multiple program capabilities;

ii. Multiple repeat cycle capabilities; and

ii. A flexible calendar program.

d. All irrigation water shall be retained on-site. When required, swales shall channel water to larger holding areas, catch basins, other planting areas, gravel sumps, dry-wells, or any combination thereof. Areas that accumulate system water shall be provided with underground drainage systems to carry water to holding or discharge areas. Nuisance flows shall not spill over the sidewalk and into any street.

7. Turf Limitations

a. The use of turf is subject to and limited by LVMC Chapter 14.11 and the provisions of this Paragraph (7), with the provisions that are most restrictive to govern in a particular case. No new turf shall be installed in residential front yard areas except as provided for in LVMC 14.11.150(B), or in the common areas of residential developments unless the common area is intended as usable open space. Additionally, turf shall be limited in the rear and side yard areas of residential lots as follows:

Table 1 - Turf Limitations

Use	Use of Turf
Single-Family	Limited to a maximum of 50% of the total side and rear yard areas or 100 square feet, whichever is greater (up to a maximum of 5,000 square feet) provided that no turf installation in a side or rear yard area has a dimension of less than 10 feet
Multi-Family	Limited to a maximum of 30% of total landscapable area

b. The turf limitations contained in this Subsection are intended to increase the use of water efficient vegetation. Landscaping shall be designed, and the landscaping materials shall be chosen and installed, so as to ensure that, within three years of normal growth, at least fifty percent of the area covered by non-turf landscaping will consist of water efficient vegetation.

c. The maximum amount of turf allowable pursuant to Subparagraph (a) may be increased proportionally by the percentage of water used for irrigation that comes from a source to which the property owner has secured water rights.

8. Landscape Materials

Landscaping shall include drought-resistant and water efficient plant materials consistent with the Southern Nevada Water Authority xeriscape guidelines and the turf limitations of Paragraph (7).

Where perimeter landscape buffers are indicated the following are the requirements for landscape material:

a. Trees shall be spaced within the required buffer zones in accordance with Table 2 below, with trees to be spaced on center.

Table 2 – Landscape Buffer – Standard Tree Spacing

Use	Standard
Single-Family	1-24" box tree per 30 linear feet
Multi-Family	1-24" box tree per 20 linear feet [1]

Footnotes:

1. *Where adjacent to any right-of-way classified as a freeway, the spacing maybe increased to 1-24" box tree per 30 linear feet.*

b. Shrub Requirements. Shrubs are required in all buffer areas, with a minimum of four 5-gallon shrubs required for every required tree.

c. Ground Cover Requirements. Ground covers shall be installed in all landscaped areas. Non-vegetative ground covers shall include, without limitation, rocks and small stones, crushed rock and bark, installed to a minimum depth of two inches in all areas.

9. Buffer Zone Encroachments

The following encroachments are permitted within

required buffer zones:

a. Driveways (curb cuts) that are located perpendicular or approximately perpendicular to the street right-of-way.

b. Sidewalks that are located perpendicular or approximately perpendicular to the street right-of-way.

10. Utility Boxes and Installations

a. Along streets that border a residential subdivision, all utility boxes and above-ground utility installations, other than utility poles, that are in excess of twenty-seven cubic feet in size and that are to be placed outside the right-of-way shall be installed with landscaping on two sides, with one side being available for access by utility companies. The landscaping must include tall grasses and/or shrubbery which, at maturity, will provide adequate screening of the utility structures.

b. Within proposed trail corridors that are identified in the Master Plan Transportation Trails Element and the Master Plan Recreation Trails Element, no utility box or above-ground utility installation, other than a utility pole, that is in excess of twenty-seven cubic feet in size (excluding pad and concrete collars) shall be allowed. In addition, all utility boxes to be placed immediately adjacent to a trail corridor shall be placed so that the access doors open parallel to the trail corridor and are accessible without the need to cut down or reduce the effectiveness of the landscaping within the trail area.

11. Deviations

a. The Planning Commission or City Council may grant a waiver to deviate from the standards set forth in Paragraphs (1) through (7) of this Subsection as part of a Site Development Plan Review if the applicant can show through convincing and substantial evidence that the waiver will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the waiver will not detrimentally affect the public health, safety or general welfare.

b. An exception or modification from the standards set forth in Paragraphs (8) through (10) of this Subsection may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the exception or modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the exception or modification will not detrimentally affect the public health, safety or general welfare. Such an exception or modification may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested exception or modification, the request may be acted upon by the Planning Commission or City Council, the request for exception or modification need not be identified as a separate action item, and disposition of the request may be incorporated into the action on the Site Development Plan Review. Notice of action on the request for exception or modification may be incorporated into the notice of decision regarding the Site Development Plan Review.

G. Parking

In additions to the standards listed for parking in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Every building or land use established, every existing building enlarged and every existing use expanded shall provide off-street parking and loading spaces in accordance with the minimum parking requirements set forth in LVMC 19.12.070 and any other applicable requirements and standards of this Title. Existing parking and loading spaces shall not be reduced below the minimum required by this Title.

2. All on-site parking shall be provided on the same parcel as the principal use, except as permitted by the off-site parking provisions of this Title. Parking on the public right-of-way may not be counted towards satisfying the requirement for on-site parking.

3. All parking and vehicle storage areas, including recreational vehicle parking in residential land use districts, shall occur on paved areas and conform to the conditions and requirements for "Vehicle Parking, Storage or Repair in Residential Zoning

Districts" as outlined in LVMC Chapter 19.12, except that:

a. Parking surfaces used for temporary real estate sales offices may consist of decomposed granite, chat, reclaimed asphalt paving or other material approved by the Department of Public Works.

4. Except as otherwise provided in LVMC 19.12.070 or some other provision of this Title, when more than one use is to be conducted on a site, parking shall be calculated and provided for each of the uses separately.

5. Driveways may be used to satisfy minimum on-site parking requirements for single-family dwellings, provided that sufficient space is available to satisfy the minimum design standards and no parking space is located so as to require the moving of any vehicle on the premises in order to enter or leave any other space.

6. Multi-family residential uses shall provide handicapped parking at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped. The number of spaces required for use by a vehicle with a side-loading wheelchair lift shall be in accordance with the requirements of LVMC 19.18.030(D).

H. Fences and Walls

In additions to the standards listed for fences and walls in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Front Yard Screen Wall Prohibition. No screen wall shall be built in the front yard of a residential property.

2. Perimeter and Screen Walls

a. General. There is no requirement to construct a wall or fence. However, all perimeter or screen walls and fences must comply with applicable building code requirements. The height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

3. Fences, Walls and Architectural Character

a. Perimeter walls. Perimeter walls, end walls, return walls and common area walls shall be decorative and shall be installed by the developer. Acceptable decorative wall materials include, without limitation, stone, decorative block, slump, stone, and wrought iron, and shall have a minimum percentage of contrasting material as indicated for each district. The contrasting material requirement may be fulfilled by contrasting color, or a combination of contrasting material and contrasting color, if approved by the Department in its discretion. All walls shall include such detail variations as may be required by the Department, including pilaster, decorative caps, decorative iron cutouts or fluted blocks. Any decorative materials or ironwork attached to the top of a perimeter wall shall not encroach into public rights-of-way or abutting properties. Pilasters, if used, shall have a maximum spacing of twenty-four feet on center. All perimeter walls shall:

i. Match the design of abutting perimeter walls. The established wall design shall be continued until the next street intersection. In cases where the existing wall is considered by the Director to be of unacceptable design, the design shall not be carried beyond the next street intersection unless a transitional wall area designed to soften the differences between the walls is constructed; and

ii. Be maintained by the property owner, the developer, a business association or other similar organization, or by such other means as may be approved by the City.

b. Retaining Walls. Retaining walls which are visible from adjacent properties or rights-of-way shall be decorative and shall be installed by the developer. Acceptable materials for retaining wall construction include split-face block, decorative block, slump stone, stone, caliche rock, colored or exposed aggregate, and textured-finish concrete. All walls shall include detail variations such as pilasters, decorative caps, or fluted blocks. All walls shall be maintained by the property owner, the developer, a business association or other similar organization, or by such other means as may be approved by the City. In cases where the height of a retaining wall exceeds four feet, a minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area at the base of the wall. In cases where there are multiple-stepped retaining walls, a minimum of five shrubs of a

five-gallon size, and five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area between the walls and at the base of the lowest wall. A minimum planting area of four feet is required between the retaining walls.

c. Wall Separation. Where a screen or perimeter walls abuts another screen or perimeter wall, the separation shall either be:

i. A minimum of three feet from face of wall to face of wall, with access provided to the area between the walls for maintenance; or

ii. A maximum of eight inches, with the resulting gap between the walls to be filled and capped with a cementitious material that:

A) Will not increase the load on the walls; and

B) Has been approved by the Department and the Department of Building and Safety.

4. Materials. Unless otherwise approved as part of an overall development plan, the following materials shall not be acceptable for use as screen or perimeter walls:

a. Chainlink or open wire fencing (except as temporary construction fencing);

b. Razor wire or barber wire (except as may be approved under the procedures set forth in the City's Building Code);

c. Corrugated metal;

d. Bright colored plastic; and

e. Untextured or unfinished concrete or block (CMU) walls.

I. Residential Adjacency Standards

1. Applicability

a. All property to be developed for multi-family residential use that is located adjacent to either single-family residential property or property which is designated for such development in the General Plan shall conform to the residential adjacency standards set forth in this Subsection.

b. For purposes of this Subsection:

i. Property is "adjacent" to other property if the properties share a common property line or are separated only by a street right-of-way or easement.

ii. "Property subject to the standards for this Subsection" means the property that is described in Subparagraph (a) of this Paragraph (1) that must conform to the residential adjacency standards of this Section.

iii. "Protected property" means residential property that is developed for sale or designated for such development, and single-family residential property, as those types of property are described in Subparagraph (a) of this Paragraph (1).

2. Building Height And Setback Requirements

a. Proximity Slope

i. Except as otherwise provided in this Paragraph (2), no building subject to the standards of this Subsection shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of this Subsection. For example, a 100-foot high building must be set back 300 feet from the property line of the protected property, if both the property line of that property and the grade of the building subject to the standards of this Subsection are at the same elevation. The Proximity Slope limitation contained in this Subparagraph (i) applies to architectural projections above rooflines.

ii. The Proximity Slope limitation contained in Subparagraph (a)(i) does not apply when non-residential buildings, such as schools and churches, are built on the protected property.

iii. Notwithstanding the Proximity Slope limitation contained in Subparagraph (a)(i), a one story building up to 15 feet in height may be constructed to the applicable setback line that is established for the zoning district in which the property

subject to the standards of this Subsection is located or which is established by Subparagraph (d) of this Paragraph (2).

b. Changes in Grade. Notwithstanding the Proximity Slope limitation contained in Subparagraph (a)(i) above, if the natural slope of the ground rises or falls from the point of origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

c. Exceptions

i. The following structures may project a maximum of 12 feet above the Proximity Slope:

A) Chimney and vent stacks.

B) Roof structures for the use of solar panel units, elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.

C) Visual screens which surround mounted mechanical equipment.

D) Skylights.

E) Whip and mounted antennas.

ii. Church steeples, utility transmission lines and towers, wireless communication facilities when attached to a utility transmission line pole or tower, small wind energy systems, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

d. Building Setback. In addition to the required building setback line, no building setback on property subject to the standards of this Subsection shall be less than the required building setback for the protected property.

e. Waiver. The requirements of this Paragraph (2) may be waived by the City Council for:

i. Any multifamily residential project that is intended to meet the affordable housing objectives of the General Plan if the City Council determines that the waiver is critical to the viability of the project and that the intent of this Paragraph (2) can be achieved; or

ii. Any mixed-use development that contains a significant residential element.

3. Spill-Over Lighting

a. Lighting Standard. No lighting from a property subject to the standards of this Section shall create greater than 0.5 of one foot-candle at the property line of a protected property.

b. Redirecting/Screening of Light Sources. All sources of light, including security lighting, illuminated signs, vehicular headlights and other sources, shall be directed away from protected property or screened so that the light level above is not exceeded.

4. Trash Receptacles

Garbage storage areas for properties subject to the standards of this Section shall be screened and odor controlled, and trash pick up shall be scheduled to minimize any impact on protected properties. In addition, trash receptacles shall be located a minimum of 50 feet from any property line of a protected property.

5. Exclusions

a. Higher Ambient Light Levels. Where existing ambient light levels from multiple sources already exceed the standards, the subject source may not increase the existing light levels, unless approved in connection with the approval of a Site Development Plan.

J. Downtown Centennial Plan Overlay District

Building Height, Setback and Lot Coverage. All structures located in the Downtown Centennial Plan Overlay District are exempted from the automatic application of the building height, building setback and lot coverage provisions of this Chapter, including the Residential Adjacency Setback provided, however, that this exemption does not prohibit the City Council from imposing a building height, setback or lot coverage requirement in connection with the approval of a Site Development Plan.

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U UNDEVELOPED DISTRICT

The U District functions as a temporary classification to be used until property is ready for development for a more intense, permanent use. This classification is intended to be used as a holding zone to prevent the premature, haphazard development of property.

BUILDING PLACEMENT (see Figure 1)	TABLE 1
A. Minimum Lot Size Minimum Lot Width	20,000 square feet 100 feet [1]
B. Max. Lot Coverage Dwelling Units per Lot	NA 1
C. Minimum Front Yard Setback	50 feet to public street [2] 30 feet to private street or access easement [3]
D. Minimum Side Yard Setback	10 feet
E. Minimum Corner Side Yard Setback	15 feet
F. Minimum Rear Yard Setback	35 feet

Footnotes:

1. *Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.*
2. *The minimum front setback for an attached, open porte cochere is 30 feet.*
3. *For lots located on a cul-de-sac or a street knuckle, the minimum front yard setback shall be 20 feet from the edge of the private street or access easement.*

ACCESSORY STRUCTURES (see Figure 2)	TABLE 2
A. Separation from Main Bldg.	6 feet
B. Minimum Corner Side Yard Setback	15 feet
C. Minimum Rear Yard Setback	3 feet
D. Minimum Side Yard Setback	3 feet
E. Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

FIGURE 1 - BUILDING PLACEMENT

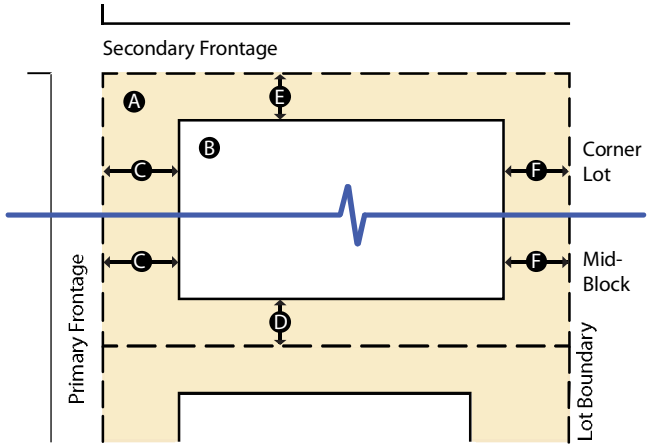

FIGURE 2 - ACCESSORY STRUCTURES

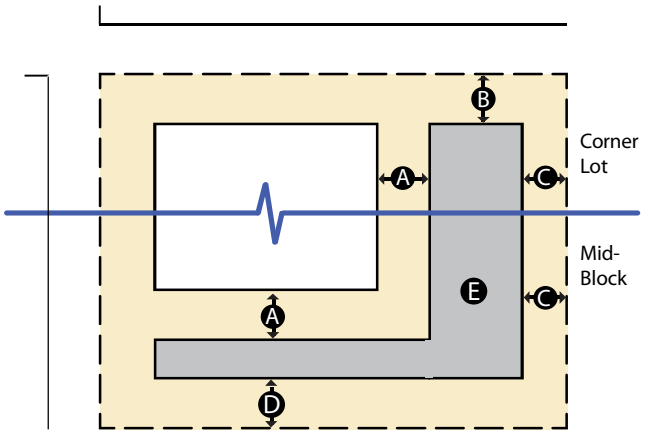

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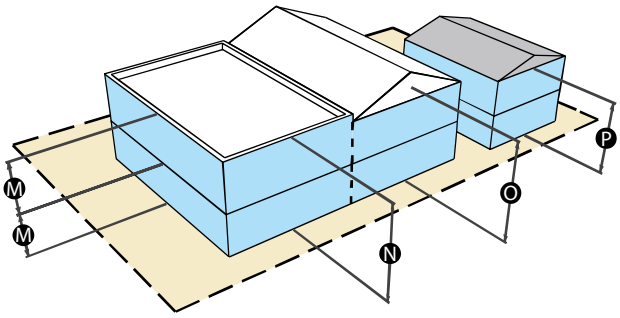
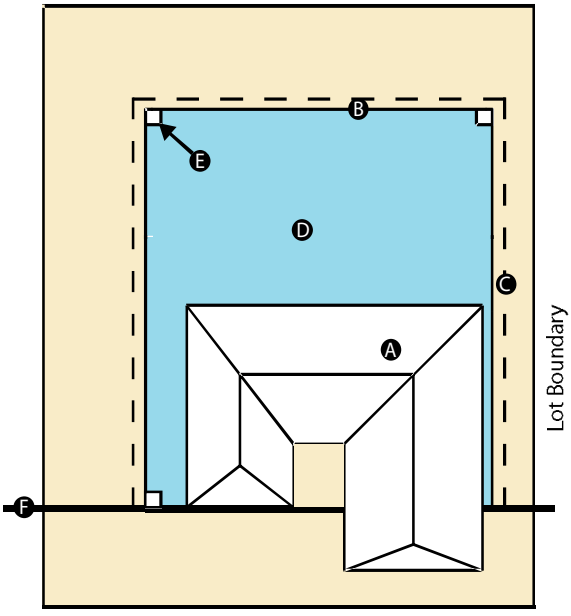
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	2 max
N.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	15 feet - Rear 15 feet - Side 15 feet - Corner Side
C.	Patio Cover Overhang	May overhang 2 feet beyond the post/support column
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	
C.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 5)		TABLE 6
F.	Minimum On-site Parking Requirement [1] - Single Family Residential	2 unimpeded spaces per dwelling unit

Footnotes:

1. *For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)		Table 7
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

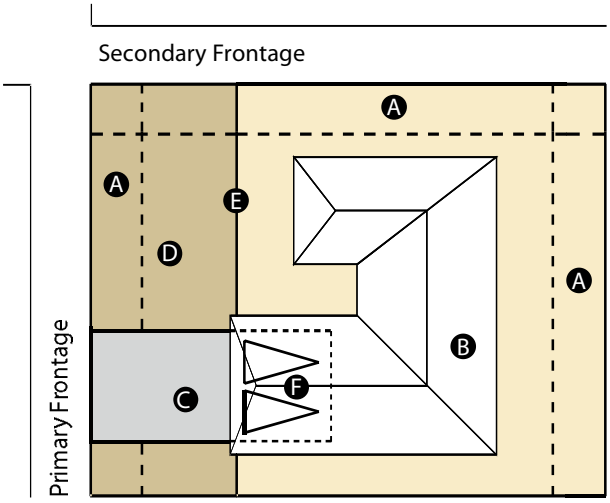


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

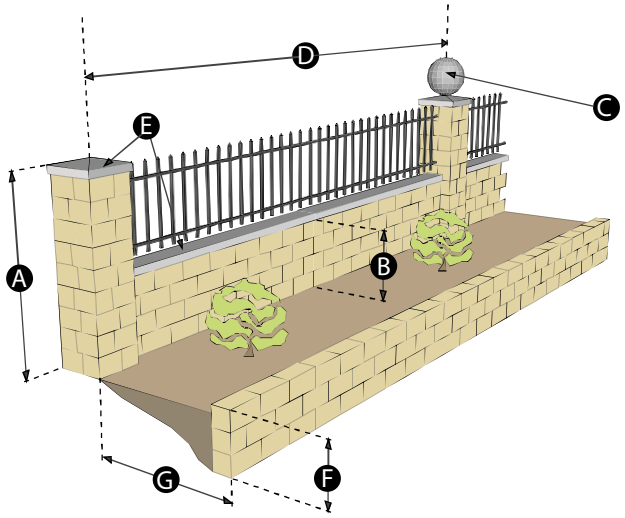


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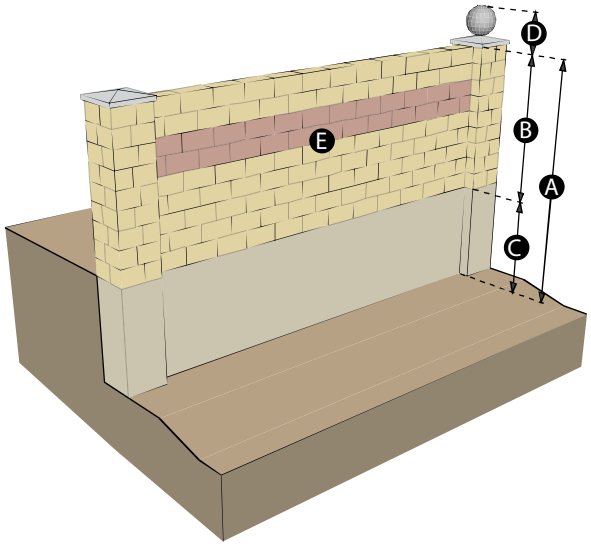
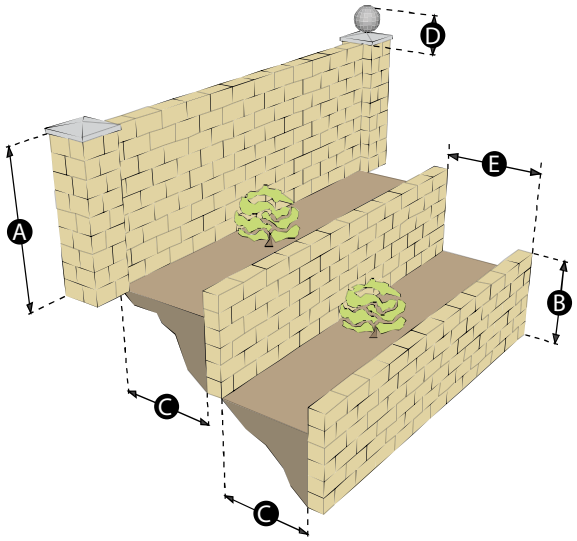
FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

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R-E RESIDENTIAL ESTATES DISTRICT

The purpose of the R-E District is to provide for low density residential units located on large lots and conveying a rural environment. This District is consistent with the policies of the Desert Rural Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	20,000 square feet 100 feet [1]
B.	Max. Lot Coverage Dwelling Units per Lot	NA 1
C.	Minimum Front Yard Setback	50 feet to public street [2] 30 feet to private street or access easement [3]
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	15 feet
F.	Minimum Rear Yard Setback	35 feet

Footnotes:

1. *Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.*
2. *The minimum front setback for an attached, open porte cochere is 30 feet.*
3. *For lots located on a cul-de-sac or a street knuckle, the minimum front yard setback shall be 20 feet from the edge of the private street or access easement.*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Separation from Main Bldg.	6 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	3 feet
D.	Minimum Side Yard Setback	3 feet
E.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

FIGURE 1 - BUILDING PLACEMENT

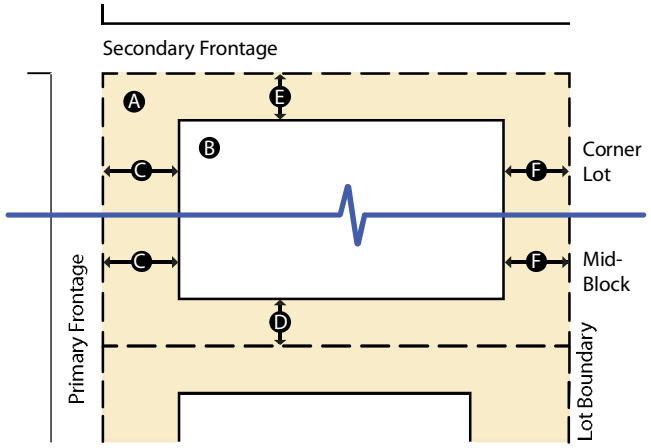

FIGURE 2 - ACCESSORY STRUCTURES

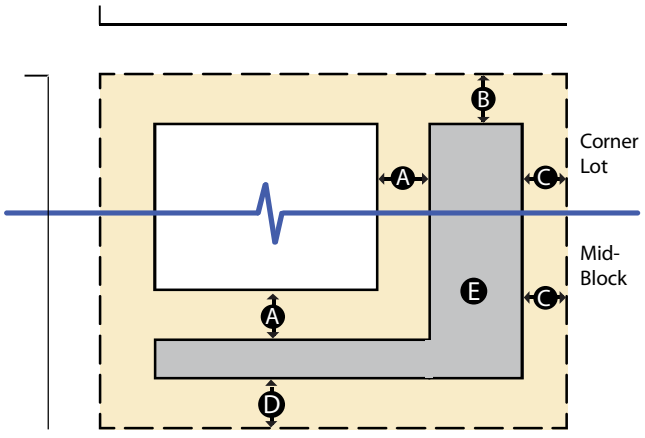

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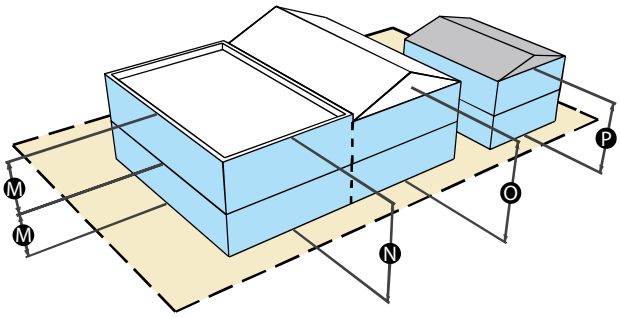
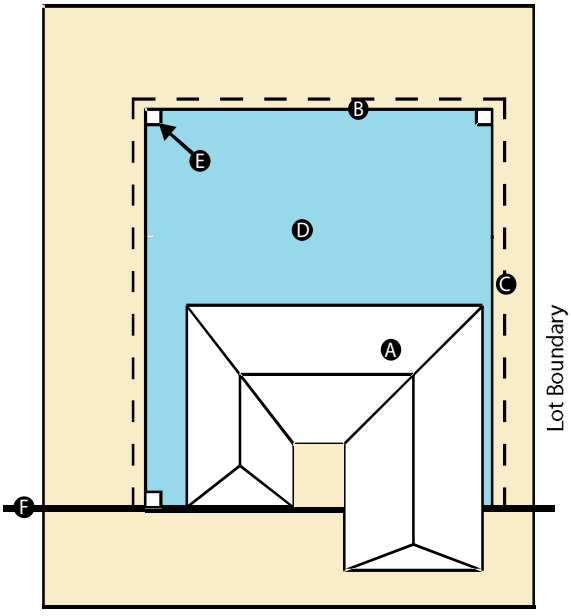
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	2 max
N.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	15 feet - Rear 15 feet - Side 15 feet - Corner Side
C.	Patio Cover Overhang	May overhang 2 feet beyond the post/support column
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	
C.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 5)		TABLE 6
F.	Minimum On-site Parking Requirement [1] - Single Family Residential	2 unimpeded spaces per dwelling unit

Footnotes:

1. *For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)		Table 7
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

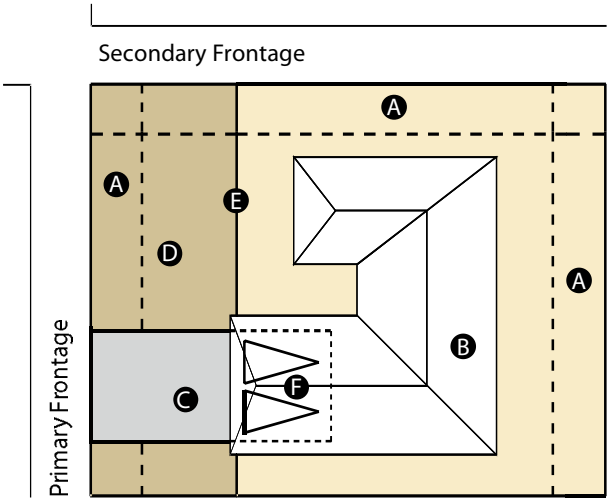
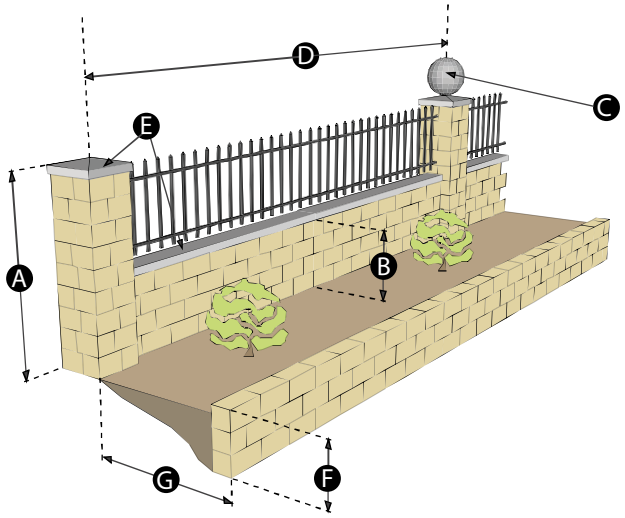


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



Illustrations & Graphics

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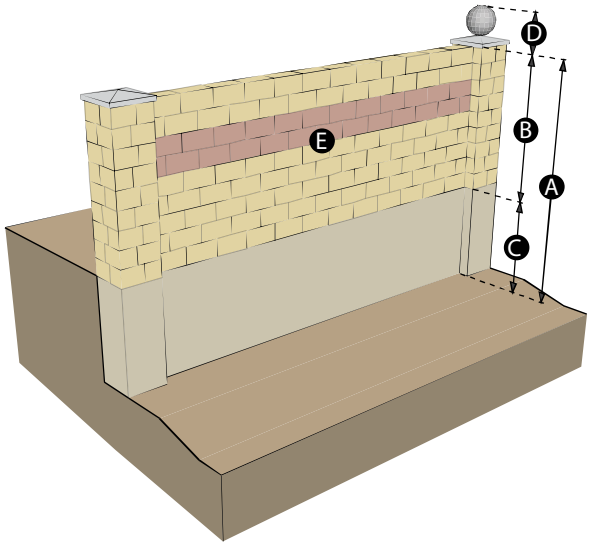
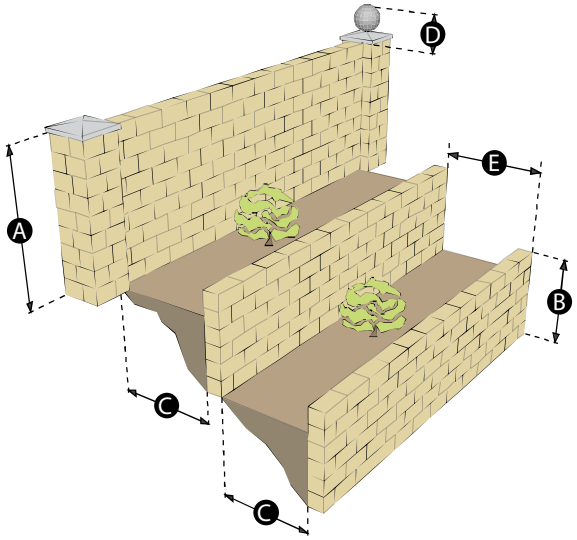
FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.070

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The purpose of the R-1 District is to provide for the development of single-family detached dwellings in a suburban setting. The R-1 District is consistent with the policies of the Low Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	6,500 square feet 65 feet [1]
B.	Max. Lot Coverage Dwelling Units per Lot	50% 1
C.	Minimum Front Yard Setback	20 feet
D.	Minimum Side Yard Setback	5 feet
E.	Minimum Corner Side Yard Setback	15 feet
F.	Minimum Rear Yard Setback	15 feet

Footnotes:

1. *Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Separation from Main Bldg.	6 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	3 feet
D.	Minimum Side Yard Setback	3 feet
E.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1, 2]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*
2. *The aggregate total of the ground floor areas of all structures and dwellings, including accessory structures, shall not exceed the percentage of lot coverage permitted.*

Illustrations & Graphics

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FIGURE 1 - BUILDING PLACEMENT

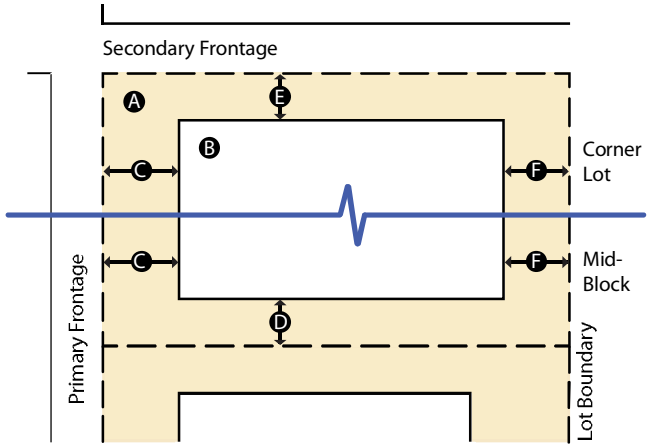

FIGURE 2 - ACCESSORY STRUCTURES

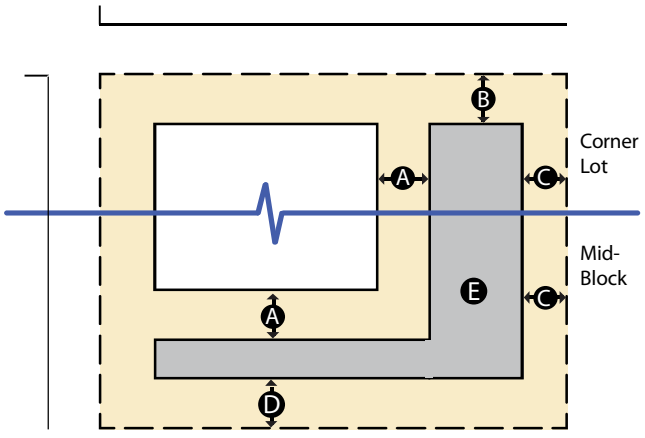

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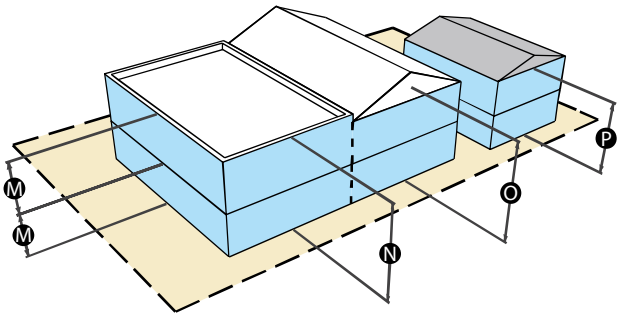
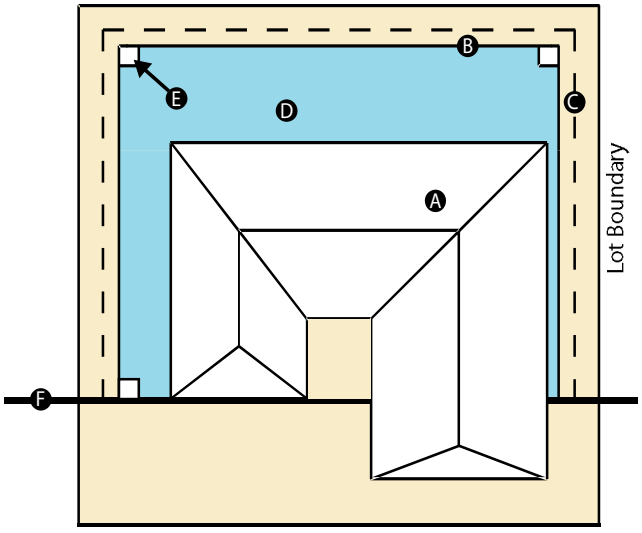
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	2 max
N.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 15 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	
C.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 5)		TABLE 6
F.	Minimum On-site Parking Requirement [1] - Single Family Residential	2 unimpeded spaces per dwelling unit

Footnotes:

1. *For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)		Table 7
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

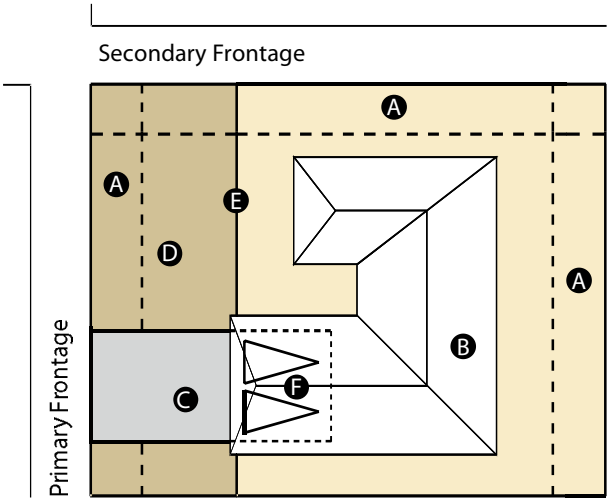


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

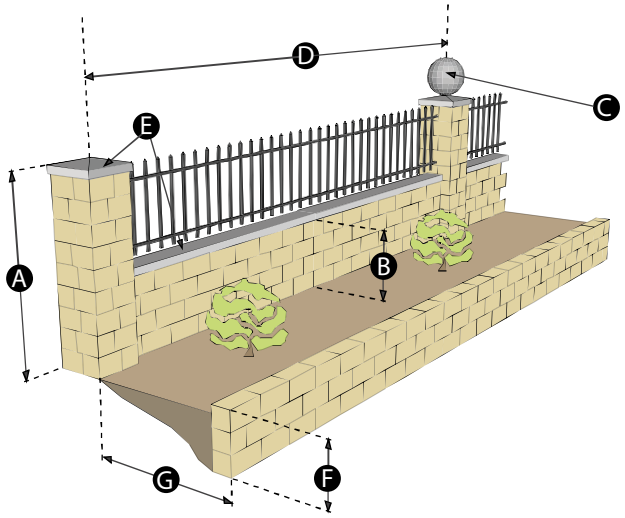


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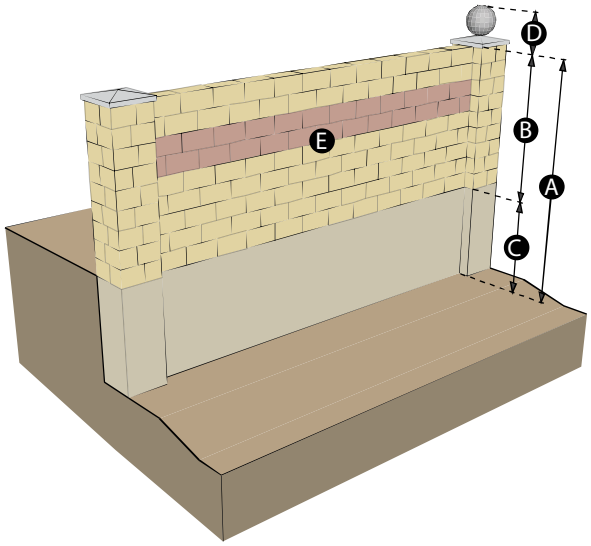
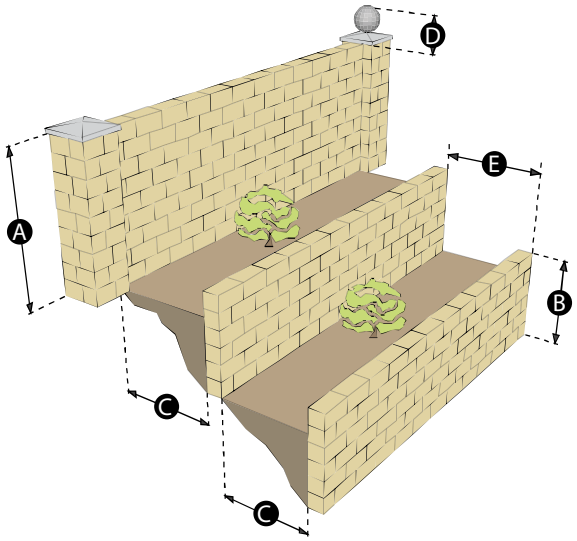
FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.080

R-CL SINGLE-FAMILY COMPACT-LOT DISTRICT

The purpose of the R-CL District has been to provide for single-family units and other customary residential uses on a smaller lot size. The density associated with the R-CL District is consistent with the policies of the Medium-Low Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	3,000 square feet 35 feet [1]
B.	Max. Lot Coverage Dwelling Units per Lot	70% 1
C.	Minimum Front Yard Setback	14 feet to house 18 feet to front entry garage
D.	Minimum Side Yard Setback	10 feet (combined) [2, 3, 4]
E.	Minimum Corner Side Yard Setback	10 feet
F.	Minimum Rear Yard Setback	10 feet

Footnotes:

1. *Notwithstanding the minimum lot width in this Table, lot widths shall be sufficient to provide the street frontage necessary for driveways to conform to the requirements of LVMC 13.16, 19.02.230 and any other driveway standards adopted by the City.*

2. *The side yard setbacks may be configured in any manner that conforms to the International Building Code and results in maintaining the total side yard setback width required on each lot. In no case, however, may lots be configured or improvements placed on lots in a manner that results in open space or yard setback area for one lot actually being located on a separately owned lot. The use of "use easements" to create such a result is specifically prohibited.*

3. *For corner lots, the minimum corner side yard setback is ten feet; therefore, the total combined side yard setback width must be fifteen feet.*

4. *All dwellings located less than ten feet from a side property line must maintain a separation of at least ten feet between principal structures (including garages) on adjacent lots.*

ZERO-LOT LINE DEVELOPMENT (see Figure 2)		TABLE 2
A.	Minimum Side Yard Setback	10 feet
B.	Building Setback Line	
C.	Minimum Maintenance Easement Width	3 feet [1, 2]

Footnotes:

1. *A perpetual easement shall be provided on the adjacent lot for the maintenance of the wall of the dwelling with the zero lot line. With the exception of walls, fences, vertical trellises or other connecting elements, the*

FIGURE 1 - BUILDING PLACEMENT

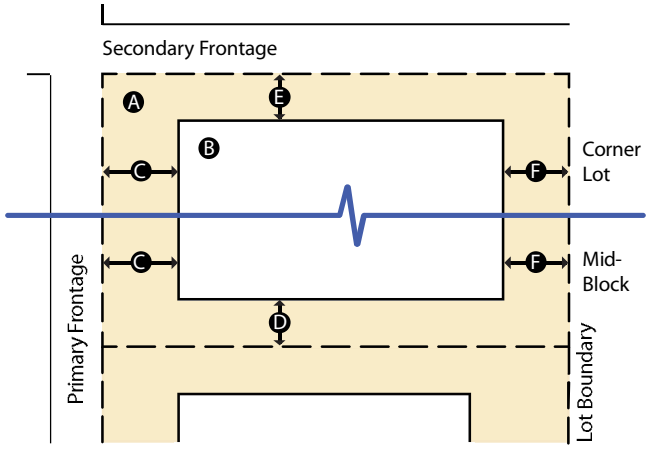


FIGURE 2 - ZERO-LOT LINE DEVELOPMENT

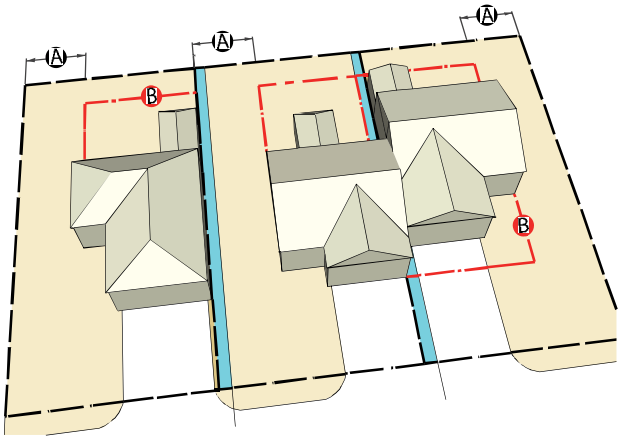


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FIGURE 3 - ACCESSORY STRUCTURES

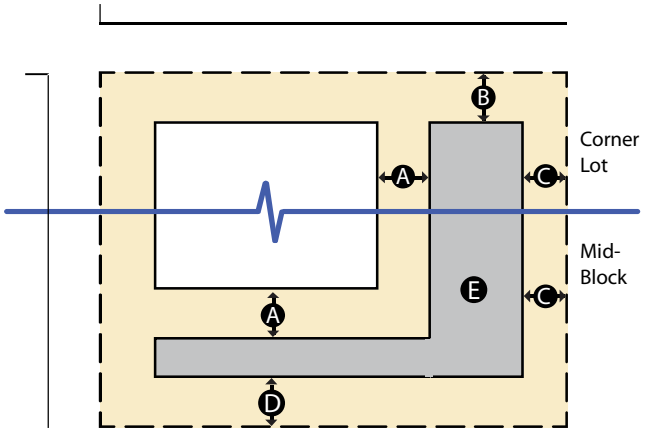
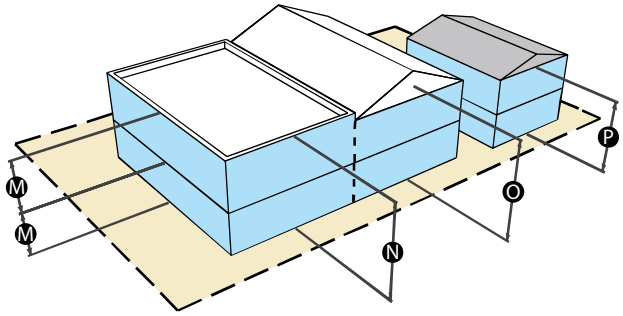


FIGURE 4 - BUILDING HEIGHT



required easement shall be kept free of structures. No doors, windows, air conditioning units, utility meters, electrical panel boxes or openings of any kind shall be permitted on the wall of a dwelling or garage placed on a zero lot line. The roof must be designed to prevent waste runoff from draining on to the adjoining lot. Required easements shall be shown on the Final Map and shall be incorporated into each deed transferring title to the property.

2. *In no case shall the owner of any zero lot line property be granted an easement on the adjoining property for the use or enjoyment of any portion of that property.*

ACCESSORY STRUCTURES (see Figure 3)	TABLE 3
A. Separation from Main Bldg.	6 feet
B. Minimum Corner Side Yard Setback	10 feet
C. Minimum Rear Yard Setback	3 feet
D. Minimum Side Yard Setback	3 feet
E. Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1, 2]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

2. *The aggregate total of the ground floor areas of all structures and dwellings, including accessory structures, shall not exceed the percentage of lot coverage permitted.*

BUILDING HEIGHT (see Figure 4)	TABLE 4
M. Stories	2 max
N. Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O. Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P. Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

PATIO COVER (see Figure 5)		TABLE 5
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 10 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 6)		TABLE 6
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	
C.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts
D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 6)		TABLE 7
F.	Minimum On-site Parking Requirement [1] - Single Family Residential	2 unimpeded spaces per dwelling unit

Footnotes:

1. *For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*

FIGURE 5 - PATIO COVER

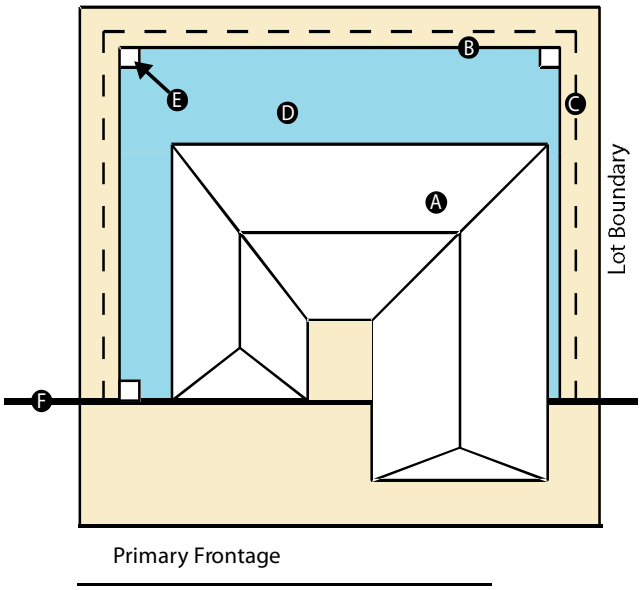


FIGURE 6 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

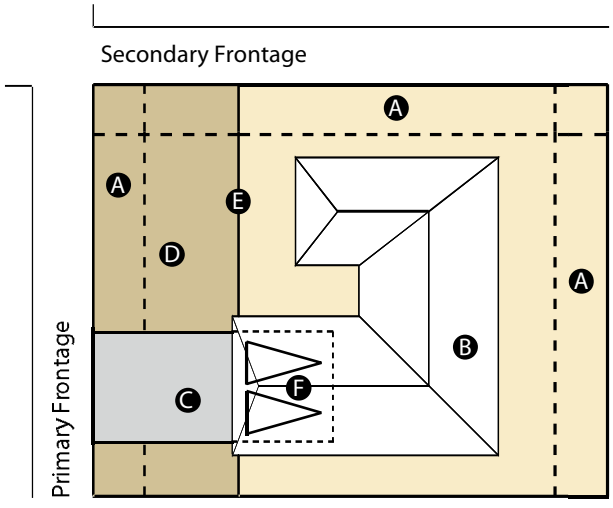


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FIGURE 7 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

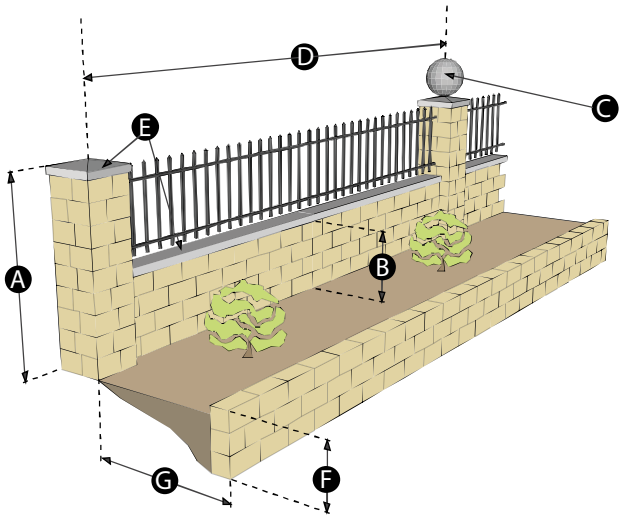
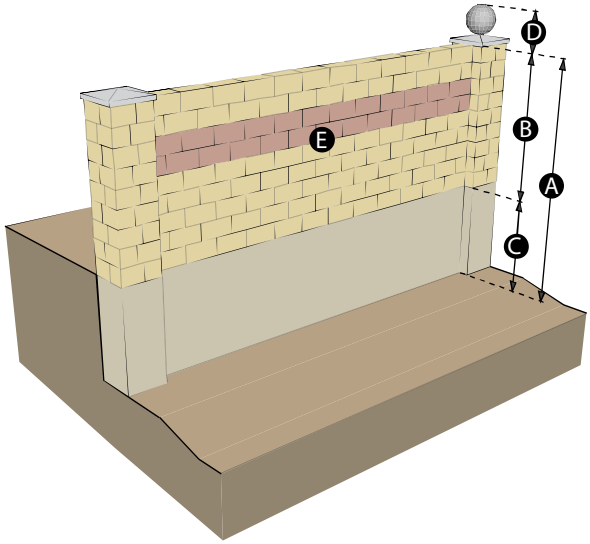


FIGURE 8 - RETAINING AND PERIMETER WALL



FENCES AND WALLS

Front Yard Wall/Fence (see Figure 7)	Table 8
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

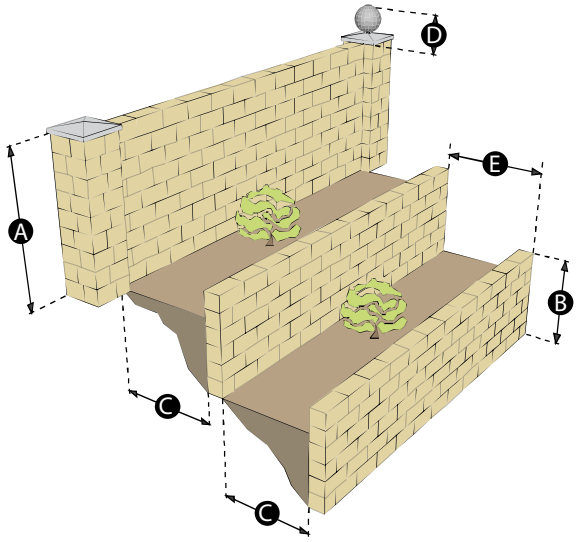
1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 7).*

Perimeter and Retaining Walls (see Figure 8)	Table 9
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet

D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

Perimeter and Retaining Walls Standard Stepback (see Figure 9)		Table 10
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

FIGURE 9 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



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19.06.090

R-TH SINGLE FAMILY - ATTACHED DISTRICT

The purpose of the R-TH district is to accommodate single-family attached residences with designs and densities that transition between multi-family and single-family uses. The R-TH district is consistent with the policies of the Medium Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	1,600 square feet 20 feet
B.	Max. Lot Coverage Dwelling Units per Lot	95% 1
C.	Minimum Front Yard Setback	10 feet [1]
D.	Minimum Side Yard Setback	n/a
E.	Minimum Corner Side Yard Setback	10 feet
F.	Minimum Rear Yard Setback	5 feet

Footnotes:

1. *A porch, if provided, may encroach a maximum of five feet into the required setback area.*

ACCESSORY STRUCTURES (see Figure 1)		TABLE 2
G.	Separation from Main Bldg.	6 feet
H.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all structures and dwellings, including accessory structures, shall not exceed the percentage of lot coverage permitted.*

BUILDING HEIGHT (see Figure 2)		TABLE 3
A.	Stories Max. Height	3 max. 45 feet [1]
B.	Accessory Bldg. Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

Footnotes:

1. *Height is measured to the top of the roof coping of a flat roof or to the midpoint between the eaves and ridgeline of a pitched roof.*

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FIGURE 1 - BUILDING PLACEMENT/ACCESSORY STRUCTURES

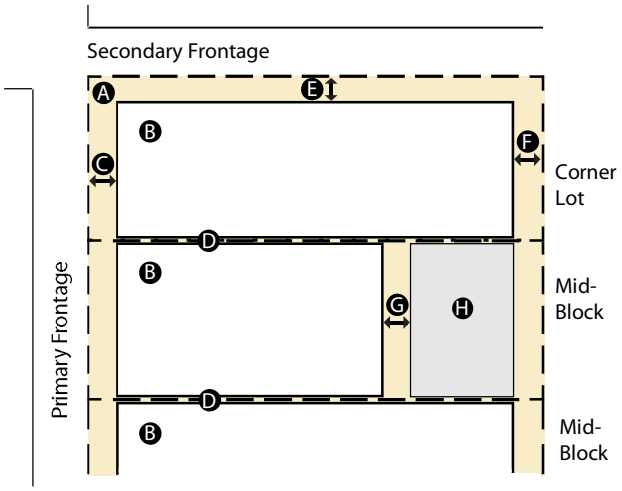
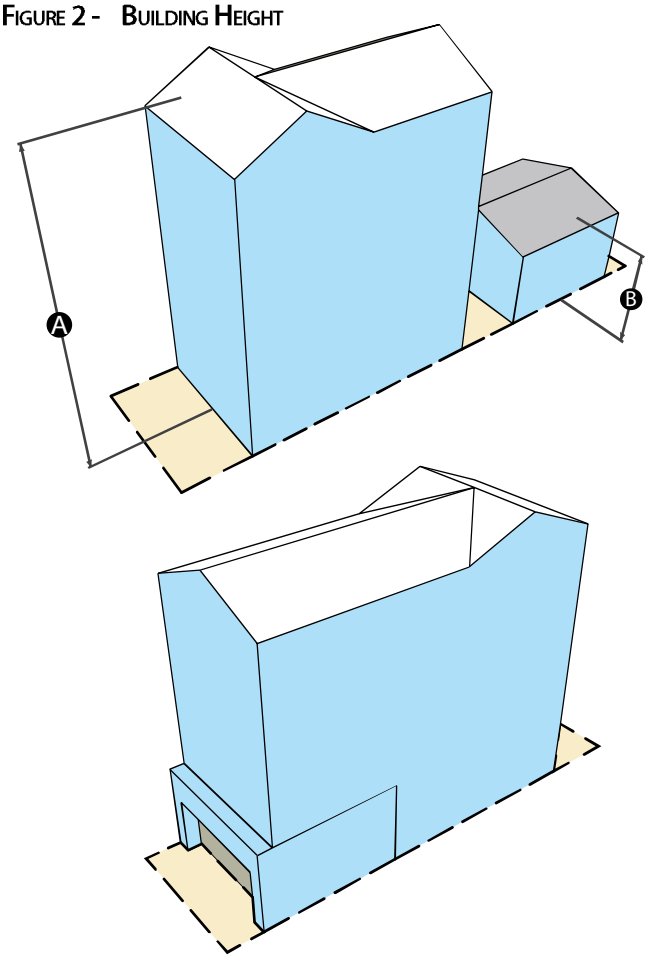


FIGURE 2 - BUILDING HEIGHT



Illustrations & Graphics

R-TH
19.06.090

FIGURE 3 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED) PARKING

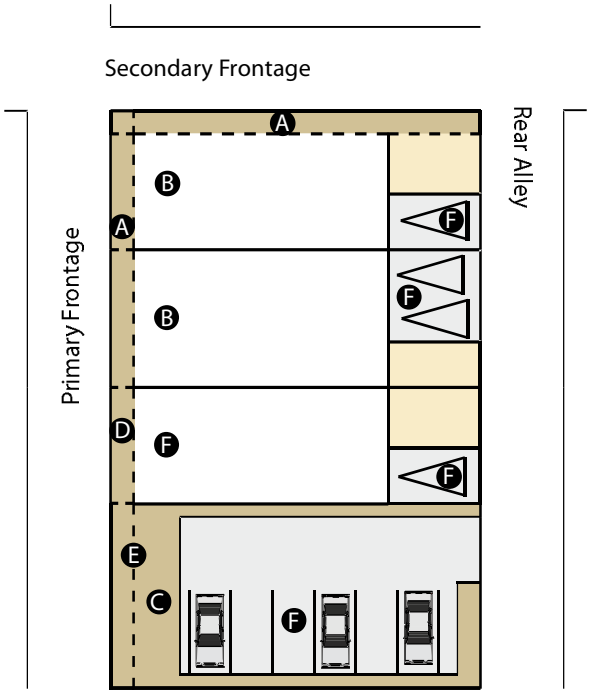
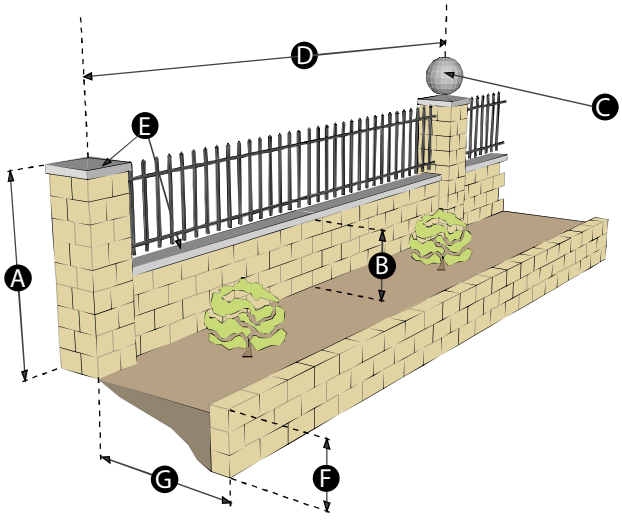


FIGURE 4 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 3)		TABLE 4
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	
C.	Parking Lot Screening	Screening from adjacent roadways shall be provided [2]
D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*
2. *Screening maybe accomplished by use of a low wall or berm with a maximum height of thirty inches, a solid living hedge with an approximate maximum height of thirty-six inches, or some other screening method that has been approved as part of a landscape plan and provides a continuous screen.*

PARKING (see Figure 3)		TABLE 5
F.	Minimum On-site Parking Requirement [1] - Single-Family Attached District	1 unimpeded space per dwelling unit plus 1 guest parking space per 6 units [2]

Footnotes:

1. *For any use approved for this district other than Single-Family Attached or Townhouse the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Guest parking shall be evenly spread throughout the development.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 4)		Table 6
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches

Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 4).*

Perimeter and Retaining Walls (see Figure 5)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%

FIGURE 5 - RETAINING AND PERIMETER WALL

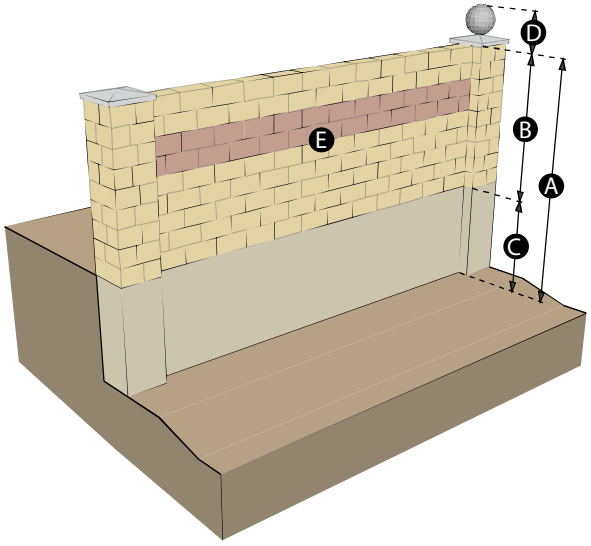


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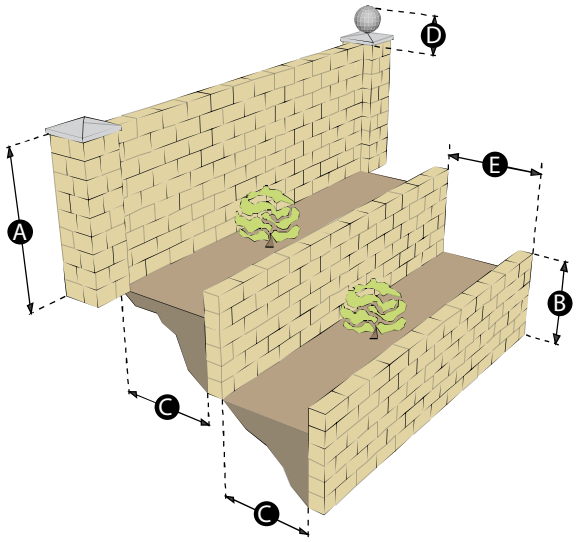
FIGURE 6 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 6)	Table 8
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections - Inside Dimensions	4 feet
D. Maximum Pilaster Height	18 inches
E. Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.100

R-2 MEDIUM-LOW DENSITY RESIDENTIAL DISTRICT

The purpose of the R-2 District is to establish lots primarily for medium to low density single-family detached units and duplex units. The R-2 District is consistent with the policies of the Medium-Low Density and Medium-Low Attached Residential categories of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	6,500 square feet NA
B.	Max. Lot Coverage Dwelling Units per Acre	NA 6-12
C.	Minimum Front Yard Setback	20 feet
D.	Minimum Side Yard Setback	5 feet
E.	Minimum Corner Side Yard Setback	5 feet
F.	Minimum Rear Yard Setback	20 feet
G.	Minimum Distance Between Buildings	10 feet

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Separation from Main Bldg.	6 feet
B.	Minimum Corner Side Yard Setback	5 feet
C.	Minimum Rear Yard Setback	3 feet
D.	Minimum Side Yard Setback	3 feet
E.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

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FIGURE 1 - BUILDING PLACEMENT

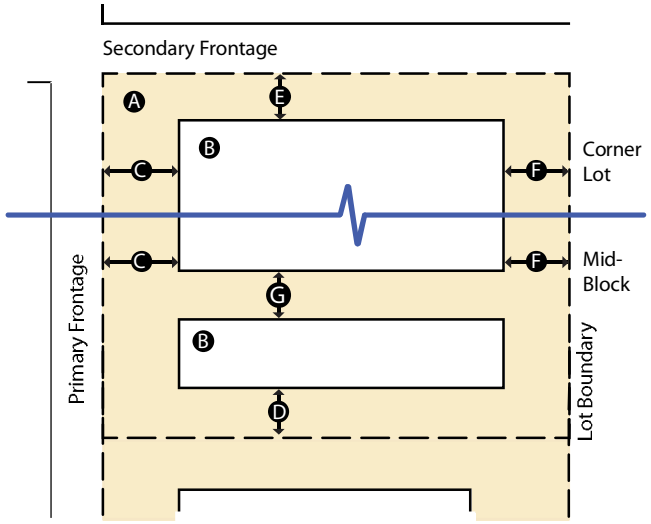

FIGURE 2 - ACCESSORY STRUCTURES

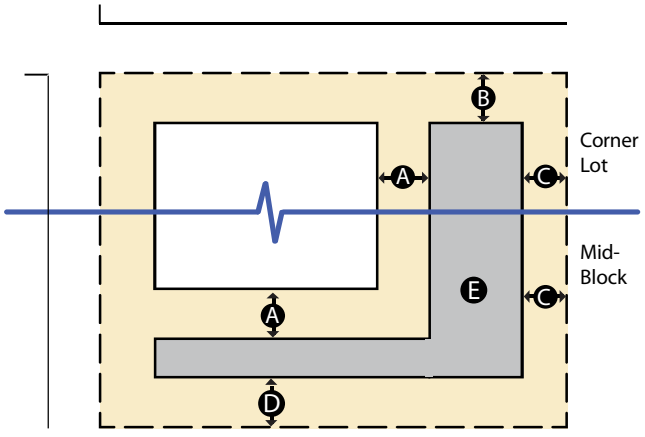

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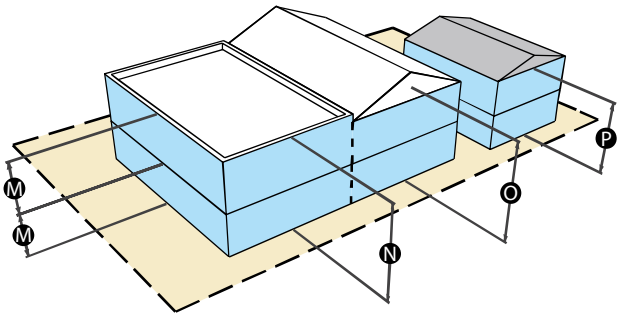
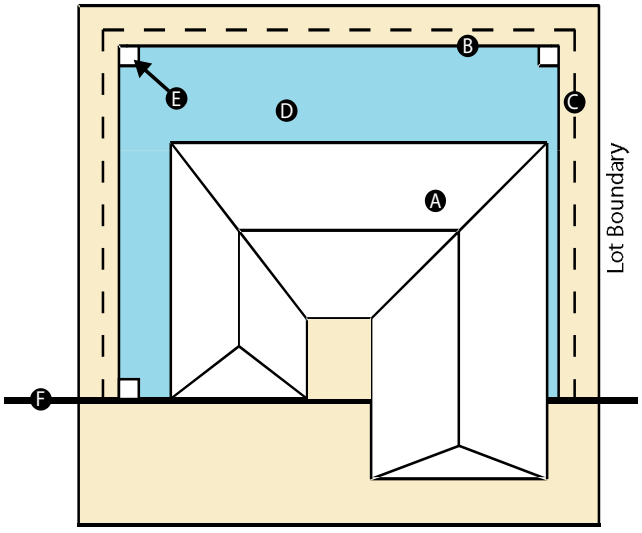
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	2 max
N.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 5 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	

C.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts
D.	Front Yard Area - Turf Coverage	0%
E.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 5)		TABLE 6
F.	Minimum On-site Parking Requirement [1] - Single Family Residential	2 unimpeded spaces per dwelling unit

Footnotes:

1. *For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)		Table 7
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

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FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

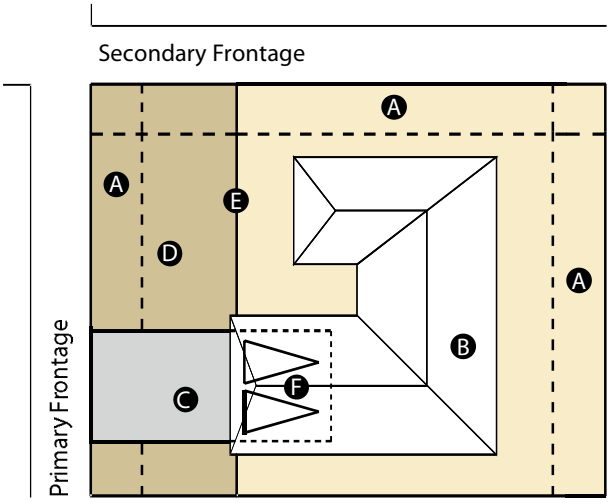

FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

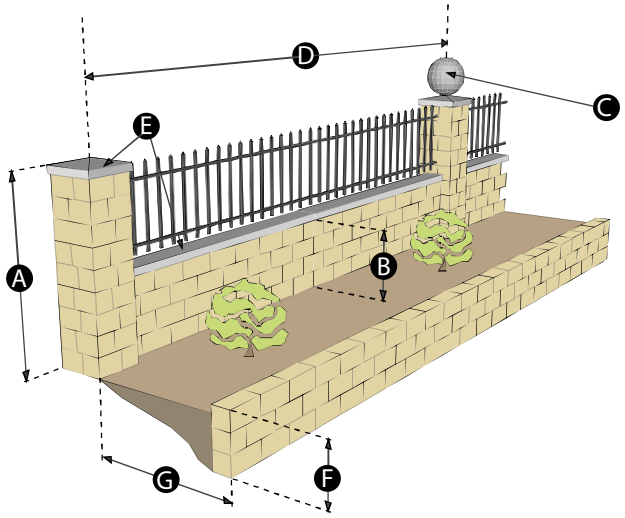

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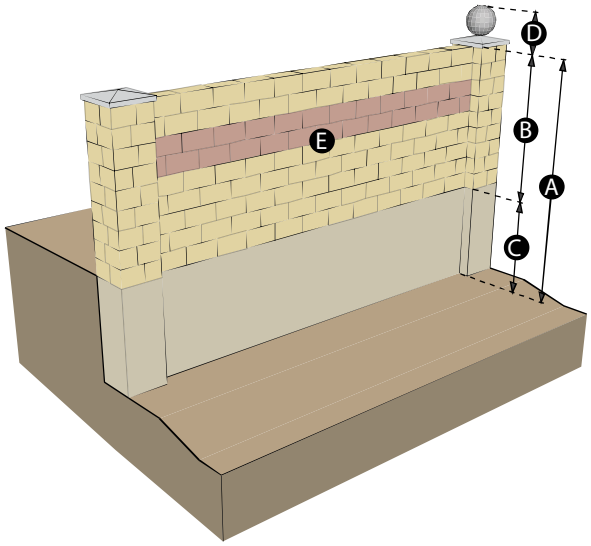
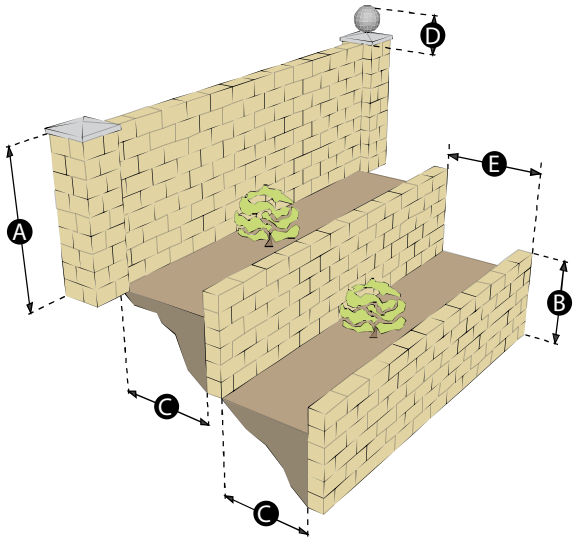
FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.110

R-3 MEDIUM DENSITY RESIDENTIAL

The purpose of the R-3 District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 District is consistent with the policies of the Medium Density Residential and High Density Residential categories of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	6,500 square feet NA
B.	Max. Lot Coverage Dwelling Units per Acre	NA 13-50
C.	Minimum Front Yard Setback	10 feet
D.	Minimum Side Yard Setback	5 feet
E.	Minimum Corner Side Yard Setback	5 feet
F.	Minimum Rear Yard Setback	20 feet
G.	Minimum Distance Between Buildings	10 feet

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Separation from Main Bldg.	6 feet
B.	Minimum Corner Side Yard Setback	5 feet
C.	Minimum Rear Yard Setback	3 feet
D.	Minimum Side Yard Setback	3 feet
E.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

FIGURE 1 - BUILDING PLACEMENT

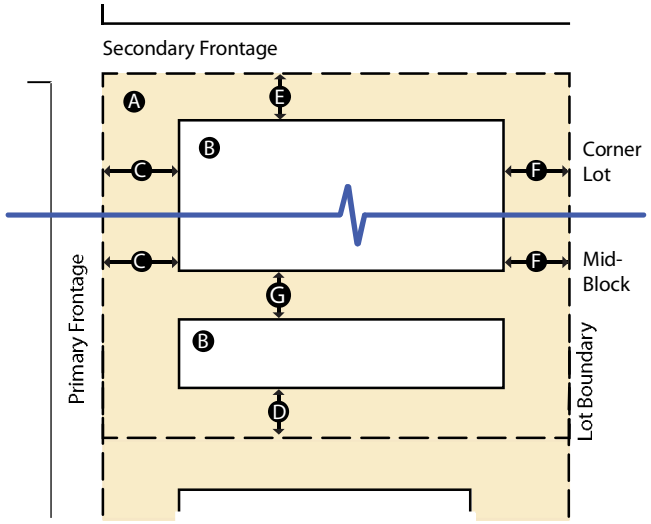


FIGURE 2 - ACCESSORY STRUCTURES

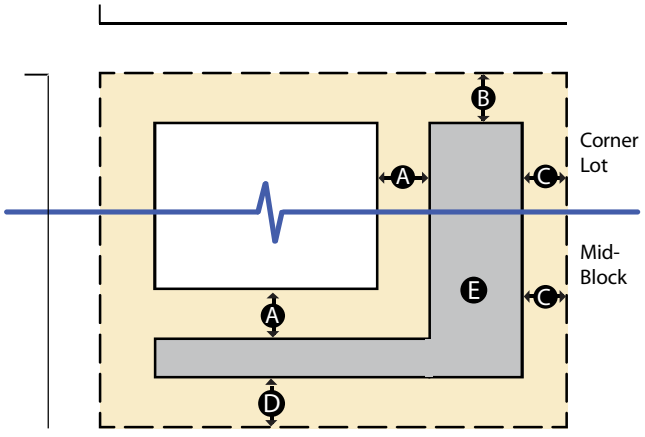


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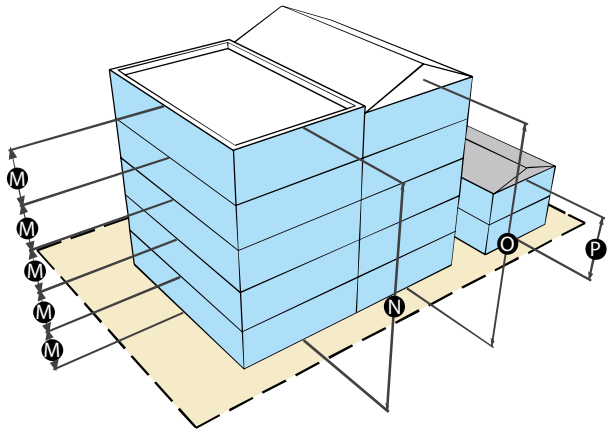
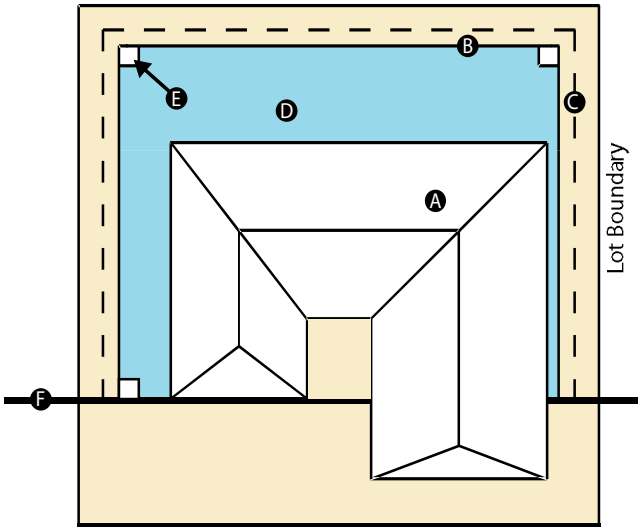
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	5 max
N.	Flat Roof - Max. Height	55 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	55 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 5 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	10 feet - Adjacent to Right-of-Way [1] 6 feet - Interior Lot Lines [2]
B.	Primary Dwelling	
C.	Turf Coverage	30% of landscapable area
D.	Front Yard Setback Line	

Footnotes:

1. *When adjacent to or across the street from an existing single-family residential use or zoning district, the buffer shall be increased to 15 feet.*
2. *When building setbacks are less restrictive, the setbacks shall prevail.*

PARKING (see Figure 5)	TABLE 6
E. Minimum On-site Parking Requirement [1] - Multi-Family Residential [2]	1.25 spaces per studio or one bedroom unit 1.75 spaces per two bedroom unit 2.0 spaces per three or more bedroom unit plus one guest parking space per six units [3]

Footnotes:

1. *For any use approved for this district other than Multi-Family Residential the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking for multi-family residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.*
3. *Guest parking shall be evenly spread throughout the development.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)	Table 7
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

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FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / MULTI-FAMILY PARKING

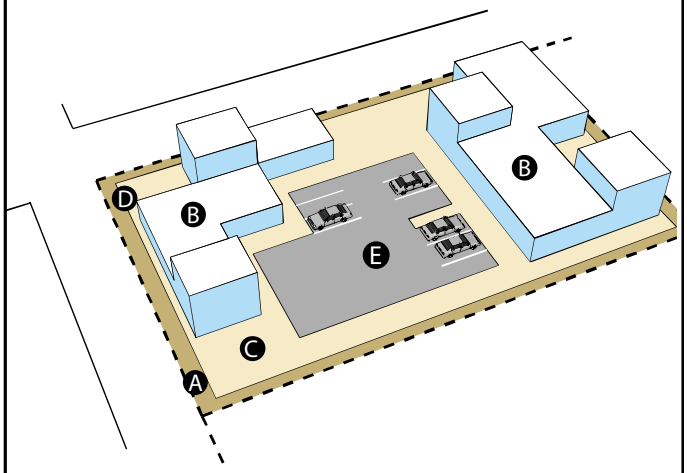

FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

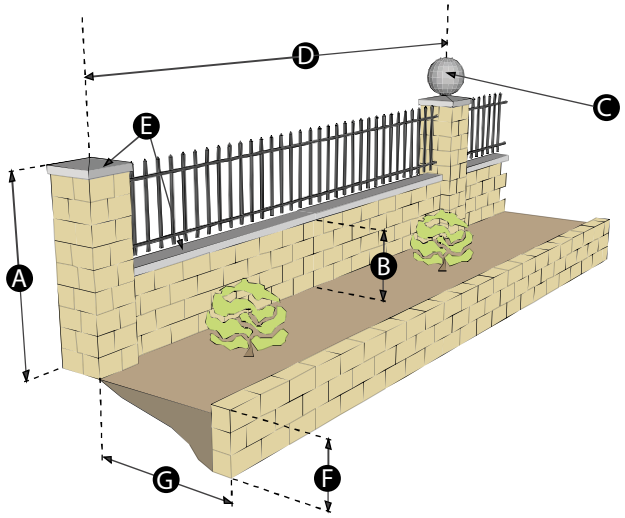

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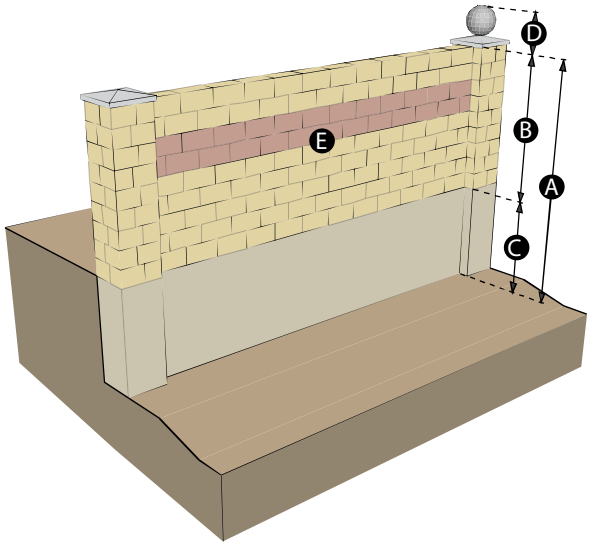
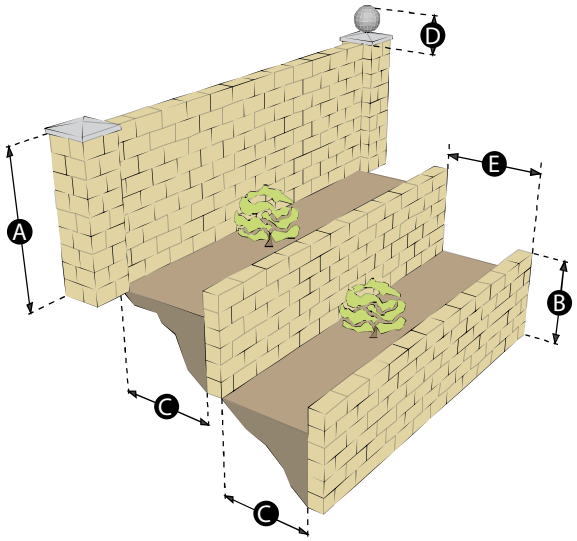
FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.120

R-4 HIGH DENSITY RESIDENTIAL DISTRICT

The R-4 District is intended to allow for the development of high density multi-family units within the downtown urban core and in other high intensity areas suitable for high density residential development. The R-4 District is consistent with the policies of the High Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Size Minimum Lot Width	7,000 square feet NA
B.	Max. Lot Coverage Dwelling Units per Acre	NA Unlimited [1]
C.	Minimum Front Yard Setback	10 feet
D.	Minimum Side Yard Setback	5 feet
E.	Minimum Corner Side Yard Setback	5 feet
F.	Minimum Rear Yard Setback	20 feet [2]
G.	Minimum Distance Between Buildings	Unlimited

Footnotes:

1. *The maximum density is unlimited. However, the height limit on development imposes a de facto limitation on density in all areas except as provided for by LVMC 19.06.040 (I) .*

2. *Where the rear twenty feet of the lot has direct access to an alley and is used for the on-site parking, the rear yard setback area may be covered by a roof provided it is otherwise open on three sides.*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Separation from Main Bldg.	6 feet
B.	Minimum Corner Side Yard Setback	5 feet
C.	Minimum Rear Yard Setback	3 feet
D.	Minimum Side Yard Setback	3 feet
E.	Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*

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FIGURE 1 - BUILDING PLACEMENT

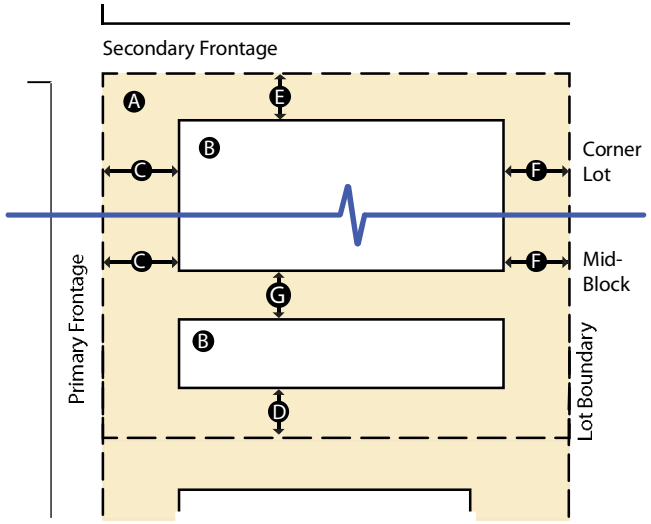

FIGURE 2 - ACCESSORY STRUCTURES

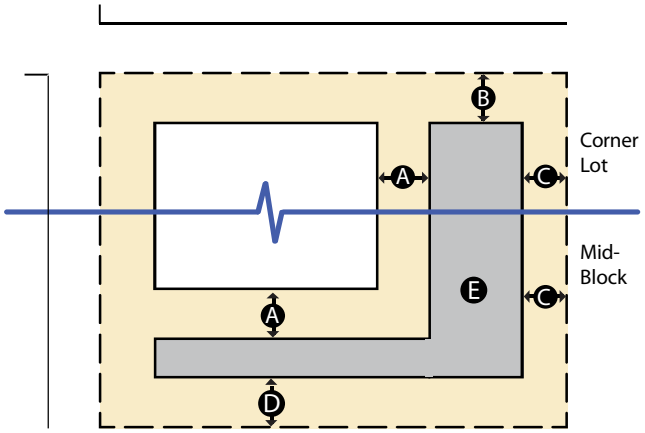

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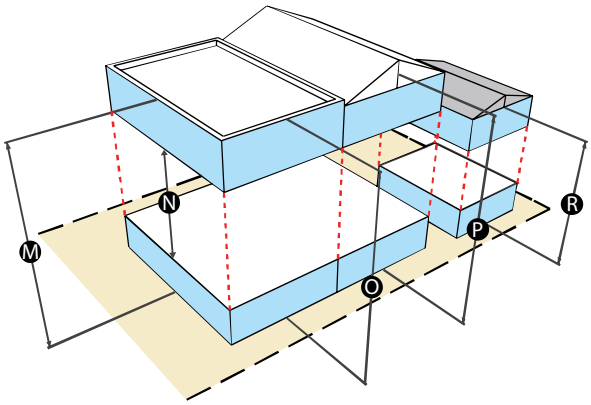
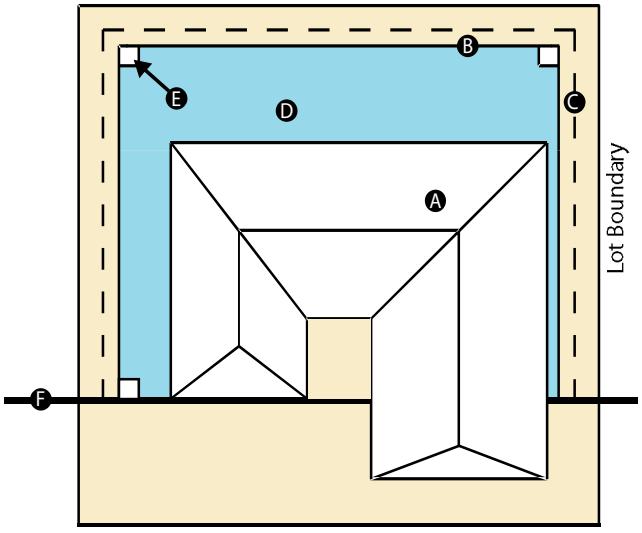
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	NA
N.	Flat Roof - Max. Height	55 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	55 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

FIGURE 4 - PATIO COVER



PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 5 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	10 feet - Adjacent to Right-of-Way [1] 6 feet - Interior Lot Lines [2]
B.	Primary Dwelling	
C.	Turf Coverage	30% of landscapable area
D.	Front Yard Setback Line	

Footnotes:

1. *When adjacent to or across the street from an existing single-family residential use or zoning district, the buffer shall be increased to 15 feet.*
2. *When building setbacks are less restrictive, the setbacks shall prevail.*

PARKING (see Figure 5)	TABLE 6
E. Minimum On-site Parking Requirement [1] - Multi-Family Residential [2]	1.25 spaces per studio or one bedroom unit 1.75 spaces per two bedroom unit 2.0 spaces per three or more bedroom unit plus one guest parking space per six units [3]

Footnotes:

1. *For any use approved for this district other than Multi-Family Residential the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking for multi-family residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.*
3. *Guest parking shall be evenly spread throughout the development.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)	Table 7
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

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19.06.120

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / MULTI-FAMILY PARKING

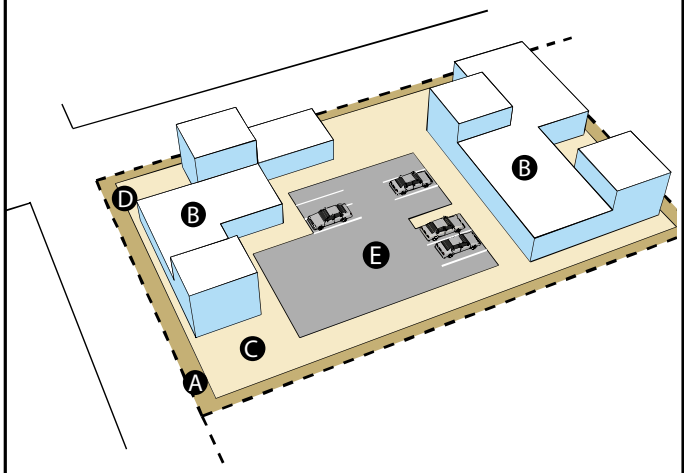
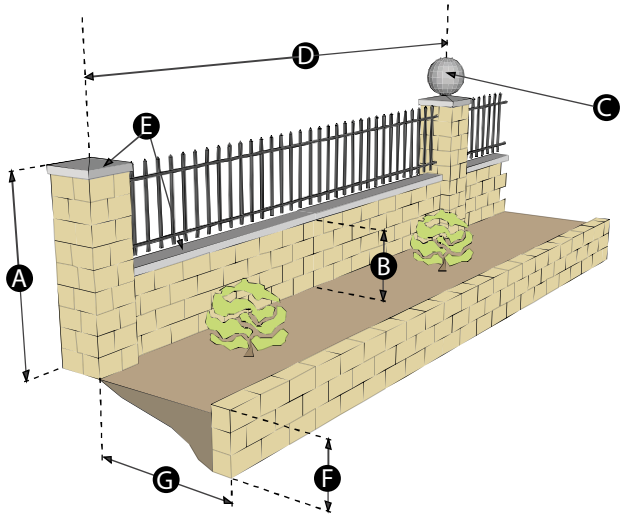


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



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R-4
19.06.120

FIGURE 7 - RETAINING AND PERIMETER WALL

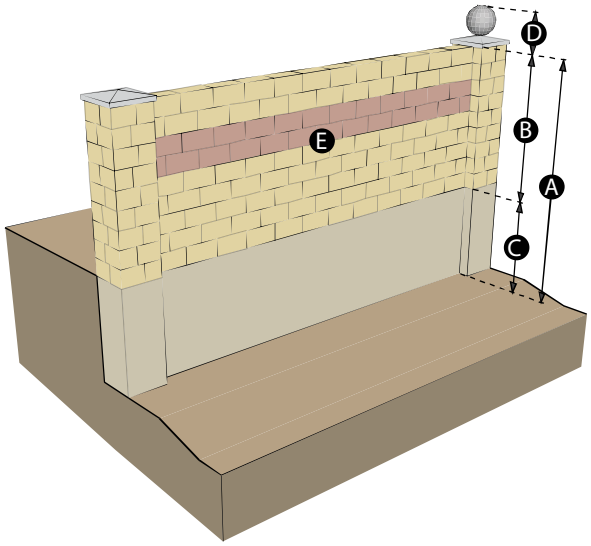
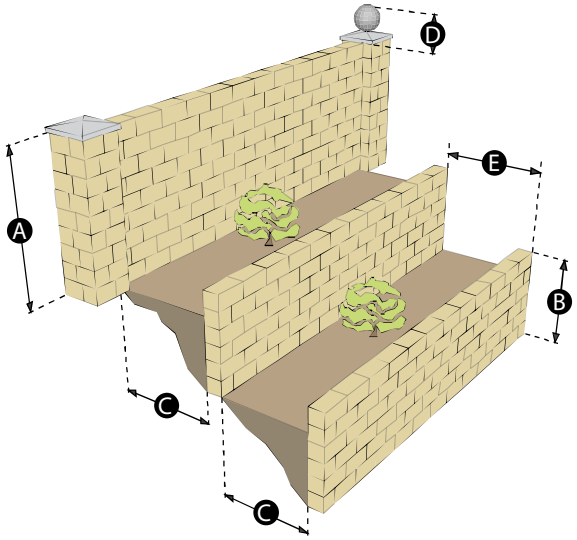


FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

Perimeter and Retaining Walls (see Figure 7)	Table 8
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%

Perimeter and Retaining Walls Standard Stepback (see Figure 8)	Table 9
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections - Inside Dimensions	4 feet
D. Maximum Pilaster Height	18 inches
E. Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.130

R-MH MOBILE/MANUFACTURED HOME RESIDENCE DISTRICT

The purpose of the R-MH District is to establish subdivision lots primarily for mobile or manufactured homes. The R-MH District is consistent with the policies of the Low Density Residential category of the General Plan

BUILDING PLACEMENT [1] (see Figure 1)	TABLE 1
A. Minimum Lot Size Minimum Lot Width	6,500 square feet [2] 65 feet [2,3]
B. Max. Lot Coverage Dwelling Units per Lot	50% 1
C. Minimum Front Yard Setback	15 feet [4]
D. Minimum Side Yard Setback	5 feet
E. Minimum Corner Side Yard Setback	10 feet [4]
F. Minimum Rear Yard Setback	10 feet [4]

Footnotes:

1. *The wheels on a mobile home may be removed and the mobile home may be permanently attached to a footing and foundation in accordance with all requirements of the Department. In a Mobile Home Park, the wheels on a mobile home may be removed and the mobile home may be temporarily attached to a footing and foundation with written agreement from the park owner/manager and in accordance with the requirements of the Department.*

2. *Sites within a Mobile Home Park may have a minimum lot area of 4,000 square feet and minimum lot width of 45 feet.*

3. *Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.*

4. *Sites within a Mobile Home Park may have a minimum front, corner side and rear yard setback of 5 feet.*

ACCESSORY STRUCTURES [1] (see Figure 2)	TABLE 2
G. Separation from Main Bldg.	6 feet
H. Minimum Corner Side Yard Setback	10 feet
J. Minimum Rear Yard Setback	3 feet
K. Minimum Side Yard Setback	3 feet
L. Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit [2,3]

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R-MH
19.06.130

FIGURE 1 - BUILDING PLACEMENT

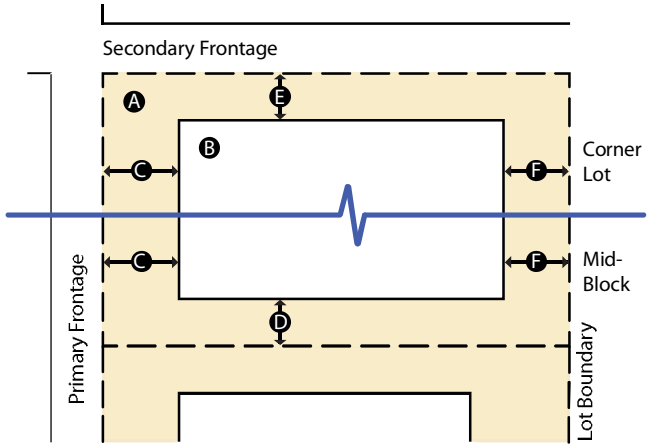

FIGURE 2 - ACCESSORY STRUCTURES

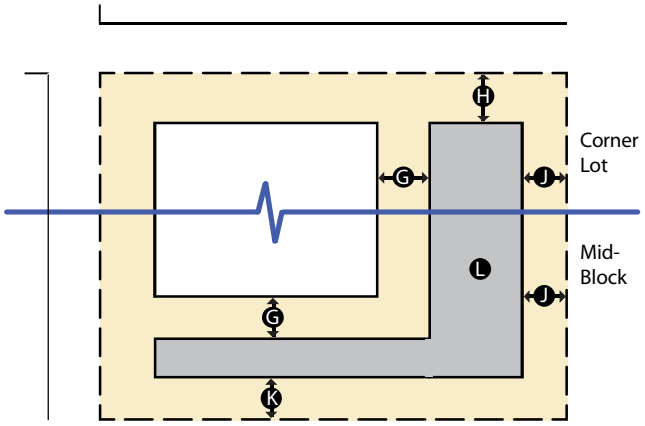

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FIGURE 3 - BUILDING HEIGHT

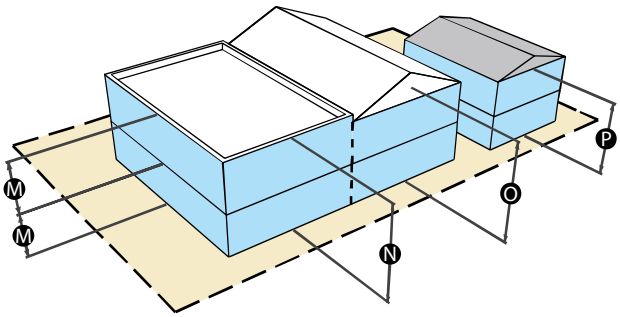
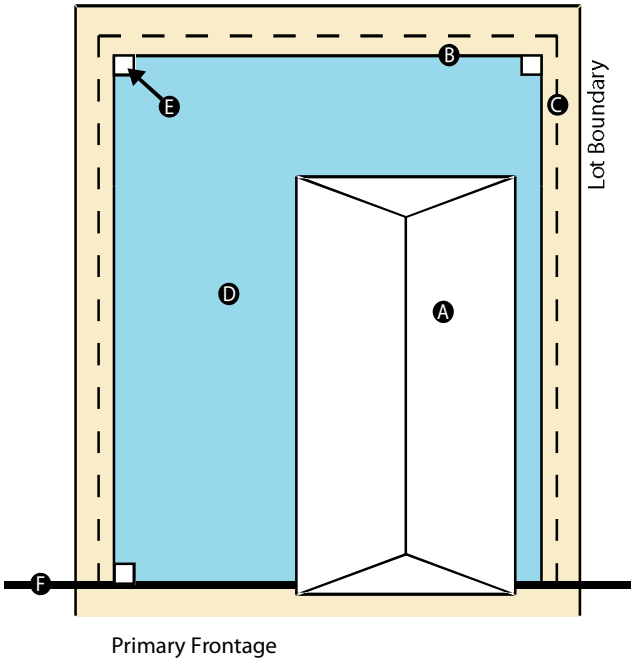


FIGURE 4 - PATIO COVER



Footnotes:

1. *Any building attached to a mobile home and used for living purposes shall have interior access and shall contain no kitchen facilities. No living quarters of any kind will be permitted in any accessory building and no residential use of the property shall be permitted unless the lot contains a mobile home.*
2. *The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area.*
3. *The aggregate total of the ground floor areas of all structures and dwellings, including accessory structures, shall not exceed the percentage of lot coverage permitted.*

BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	2 max
N.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
O.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
P.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less

PATIO COVER (see Figure 4)		TABLE 4
A.	Principal Dwelling Unit	
B.	Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 10 feet - Corner Side
C.	Patio Cover Overhang	May come to within 3 feet of Rear and Side Property Lines
D.	Patio Cover	Buildable Envelope
E.	Patio Cover Support Columns	Must be located within the required Setbacks
F.	Front Yard Setback	Patio Cover may not extend into

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A.	Landscape Buffer - Minimum Zone Depths	6 feet - Adjacent to Right-of-Way [1] 0 feet - Interior Lot Lines
B.	Primary Dwelling	

C.	Front Yard Area - Turf Coverage	0%
D.	Front Yard Setback Line	

Footnotes:

1. *Only applies to single-family developments with five or more lots.*

PARKING (see Figure 5)		TABLE 6
E.	Minimum On-site Parking Requirement [1] - Manufactured Home or Mobile Home	2 unimpeded spaces per dwelling unit [2]

Footnotes:

1. *For any use approved for this district other than Manufactured Home or Mobile Home, the On-site Parking Requirements shall be as outlined in LVMC 19.12.160 for that use and shall meet, if applicable, the parking area design standards as outlined in LVMC 19.08.110.*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)		Table 7
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).*

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / MANUFACTURED HOME/MOBILE HOME PARKING

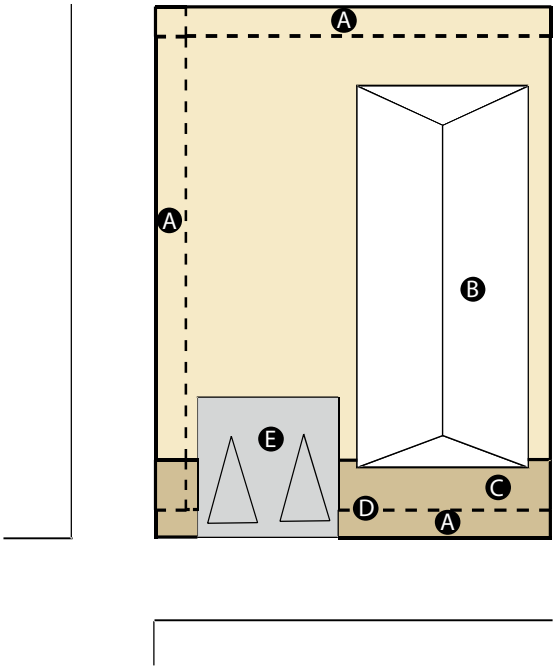


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

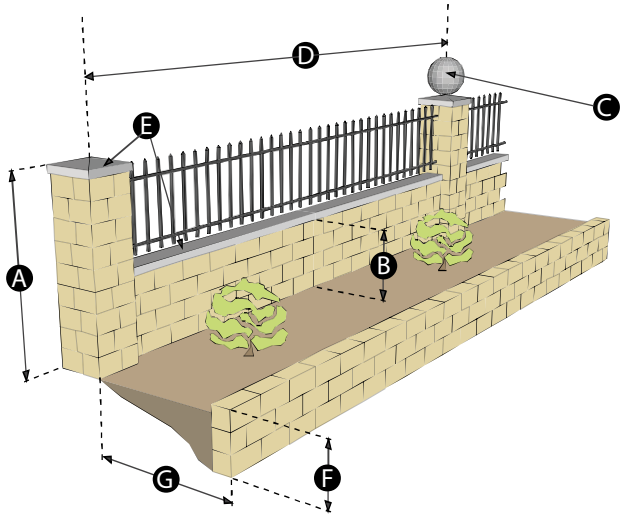


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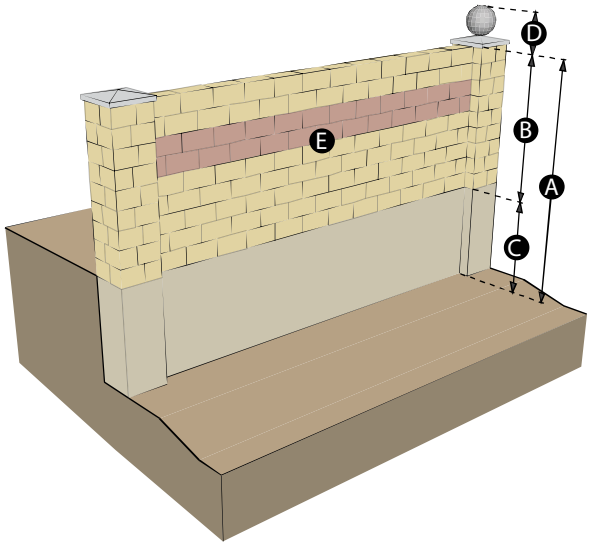
FIGURE 7 - RETAINING AND PERIMETER WALL

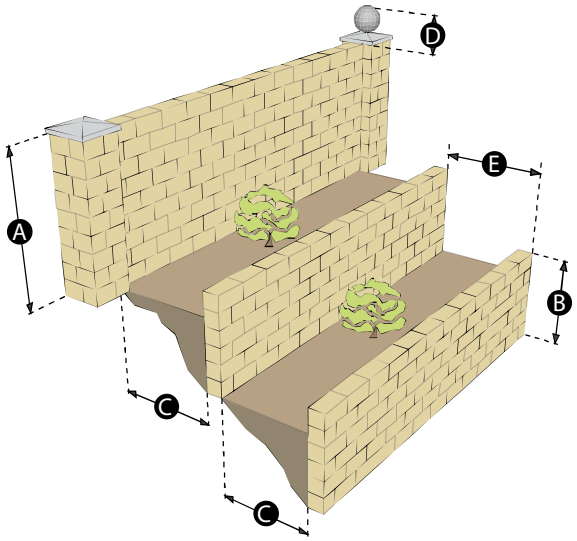


Perimeter and Retaining Walls [1] (see Figure 7)		Table 8
Perimeter and Retaining Walls with Slope ≤ 2%		
A.	Maximum Overall Height	10 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%		
A.	Maximum Overall Height	12 feet
B.	Maximum Perimeter Wall Height	6 - 8 feet
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

Footnotes:

1. *A Mobile Home Park shall have a decorative masonry perimeter wall six feet in height. Any wall abutting a public street shall be set back a minimum of five feet and landscaping shall be installed and permanently maintained between the wall and the public streets.*

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)		Table 9
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.06.140

RESIDENTIAL SIGN STANDARDS

A. Conformance and Purpose

1. Conformance Required

A sign shall be erected, placed, established, relocated, painted, created, or maintained within a residential district in the City only in conformance with the standards, procedures, exemptions and other requirements of this Section.

2. Purpose

The goal of this Section is to achieve a balance among: the use of signs for business advertising; the public's need for signs as aids to way-finding; traffic safety; community appearance, particularly along its major corridors; and the maintenance of the residential character of the City's neighborhoods. In furtherance of that goal, this Section has the following specific purposes:

a. To improve the quality, visibility, conspicuity and appearance of signs, and the appearance of properties, thoroughfares and neighborhoods within the City in accordance with the Las Vegas 2020 Master Plan;

b. To establish a set of design criteria to allow a limited variety of signs in residential districts, subject to the standards of this Subchapter and the certification procedures of this Title;

c. To allow without permit or certification certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Section;

d. To provide for temporary signs without commercial messages in limited circumstances;

e. To prohibit all signs within residential districts not expressly permitted by this Section; and

B. General Requirements

1. General

On-premise signs may be allowed on residential property in the City in accordance with this Section.

2. Compliance with City Codes

In addition to the requirements of this Section, all signs shall comply with applicable provisions of the technical codes of the City of Las Vegas. All signs shall be attached in compliance with the City Building Code. Signs allowed under this Section, either with or without a sign certificate, shall be erected or placed in accordance with applicable height, size and setback requirements and shall conform to applicable lighting standards and other standards, restrictions and conditions set forth in this Title.

3. Certificate Required

Prior to the construction, placement, erection or modification of any on-premise sign requiring a certificate under the provisions of this Section, the owner(s) of the lot or the owner's authorized agent shall secure a sign certificate in accordance with the requirements of LVMC 19.16.200. No person shall install a sign that requires a certificate unless the appropriate certificate has been obtained, nor shall any person permit or cause such a sign to be installed without a certificate.

4. General Standards

a. Conformance with Sign Standards. No sign shall be allowed within a residential district unless the size, characteristics and location of the sign conform to the requirements of this Section, and the number of signs on the lot does not exceed the limitations imposed by this Section.

b. Signs in public right-of-way. Except as otherwise provided in LVMC 19.04.160, no sign shall be erected in the public right-of-way.

c. Required mounting. Except as otherwise provided in this Section, all on-premise signs shall be permanently mounted to a building or freestanding permanently secured support structure. Portable on-premise signs shall only be permitted under LVMC 19.06.140(G). No sign shall be painted onto a wood or masonry perimeter fence.

d. Sound. No sign shall emit any sound as part of the advertising message.

e. Odors. No sign shall emit any odor as part of the advertising message.

f. Street addresses. On-premise freestanding or monument signs identifying a building or complex of structures, located along the street frontage to which the street address applies,

shall display the address of the building or the range of addresses within the complex. Any other on-premise sign may incorporate a street address. The area of the street address text shall not be computed as part of the sign face. All street addresses displayed shall be in conformance with the most recently adopted version of the "City of Las Vegas Street Naming and Address Assignment Regulations".

g. Issuance of Certificate. No sign certificate shall be issued for an existing or proposed sign in a residential district unless the sign is consistent with the requirements of this Title (including those protecting existing signs) and is consistent with any Master Sign Plan in effect for the property.

5. Construction Materials and Attachment

a. All signs, other than temporary signs conforming in all respects with the requirements of LVMC 19.06.140(G), shall be constructed of durable materials.

b. All signs shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure, except as allowed for certain temporary signs in accordance with LVMC 19.06.140(G).

6. Licensed Contractor Required

All signs that require a construction permit under applicable codes shall be installed by a qualified contractor licensed by the City of Las Vegas and the State of Nevada.

7. Maintenance

a. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Section at all times.

b. All materials used in sign construction shall be maintained in such a manner as to be free from fading, peeling, chipping and other states of general deterioration.

8. Revocation

A sign certificate is revocable if the sign is abandoned or allowed to become unsafe or dangerous, or is otherwise condemned. The owner(s) shall maintain the sign in safe condition at all times and shall remove the sign if abandoned.

9. Determination of Visibility or Legibility

Where a determination of "visibility" or "legibility" is required, the standard shall be based on the minimum required eyesight of an adult eligible to receive a Nevada driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

10. Sign Certificate Application

Where a sign certificate is required, an application shall be submitted in accordance with LVMC 19.16.200.

C. Residential Protection Standards

1. Illuminated Signs

Any illuminated sign requiring a sign certificate and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use shall be subject to the following additional lighting standards:

a. If the sign is located within 40 feet of the property planned or zoned for residential use and is or will be visible from such property, it may be internally illuminated or lighted with direct white light;

b. If the sign is located more than 40 feet from the property planned or zoned for residential use but within 200 feet of such property and the sign is or will be visible from such property, it may be interior-lit or lighted with direct white light, but it shall not contain bare bulbs, exposed neon tube, animation or a electronic message unit; and

c. Direct lighting fixtures for such signs shall be aimed up and/or away from the property planned or zoned for residential use.

2. Electronic Message Unit, Animated and Flashing Signs

Electronic message units, animated signs and flashing signs are prohibited within 200 feet of property planned or zoned for residential use unless the design of the sign or its location and orientation ensure that the electronic message

unit, animated or flashing portion of the sign, or any other light from the sign will not be visible from the property planned or zoned for residential use.

D. Certain Illegal and Abandoned Signs

1. Action Required

a. Abandoned sign faces or sign copy shall be removed from public view by covering the sign face, replacing the sign face with a blank sign face, or replacing the sign copy with sign copy that relates to an on-going business, product, service, idea or commercial activity on-site.

b. Abandoned sign structures and illegal signs shall be removed by the owner(s) of the property, the owner's agent, or the person having the beneficial use of the building, structure or land where such sign is located within 10 days, in the case of illegal signs, and 30 days, in the case of abandoned sign structures, after written notification from the City.

c. Failure to comply with a notice from the City demanding the removal of an abandoned sign or an illegal sign within the time period specified in the notice shall be considered a violation of this Subchapter. See also LVMC 19.16.200(E) .

E. Exempt and Prohibited Signs

1. Substitution of Non-Commercial Messages

Any sign authorized in this Section may contain non-commercial copy in lieu of any other copy.

2. Exempt Signs

The following signs shall be exempt from regulation under this Section:

a. Any public safety sign, notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

b. Non-commercial messages unless otherwise regulated by this Section;

c. Any sign inside a building that is not legible from a distance of more than three feet beyond the nearest boundary line of the premises on which the sign is located;

d. Works of art or decorative architectural graphics that do not include a commercial message and are not symbolic of any commercial business and are not symbolic of commercial activities taking place on the premises on which the graphic is located;

e. Official notices of any court, public body or officer, or any other sign required by law;

f. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice; or

g. Signs not visible from the public right-of-way.

3. Prohibited Signs

The following signs are prohibited:

a. All signs not expressly permitted or exempted under this Section;

b. Any on-premise sign that is associated with a use that no longer occupies the premises on which it is located;

c. Pole signs placed or erected after August 1, 2002 that do not meet the freestanding sign design standards contained in this Section;

d. A private sign of any kind located on or over any public street, walkway, parking or other public property except as otherwise provided for in this Section;

e. Displays that employ white, red or blue rotating lights or any lights that simulate emergency vehicle lights;

f. Except as lawfully permitted as a temporary special event or civic event sign, beacons, pennants, inflatable signs, tethered balloons, portable signs and similar attention gaining devices;

g. Signs placed on parked vehicles or trailers, or parked commercial vehicles where the vehicle or trailer is not used by the business advertised for the transportation of persons or goods in the ordinary course of business;

h. Permanent balloon signs; and

i. Outdoor, portable electric signs, except as permitted under the provisions for temporary signs.

Illustrations & Graphics 19.06.140(F)

FIGURE 1 - DECORATIONS

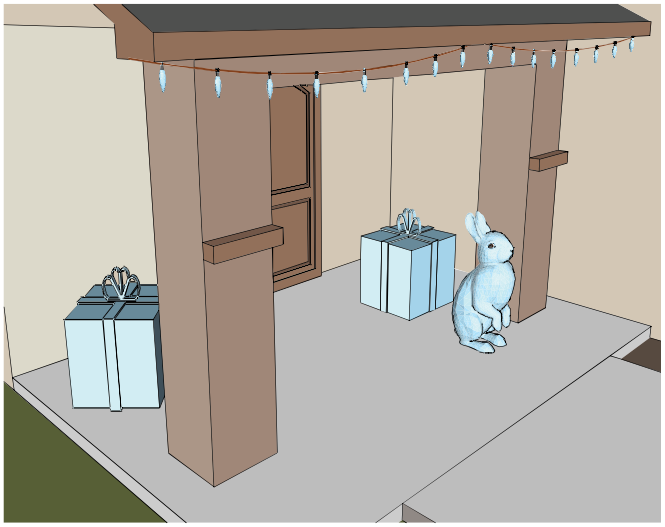
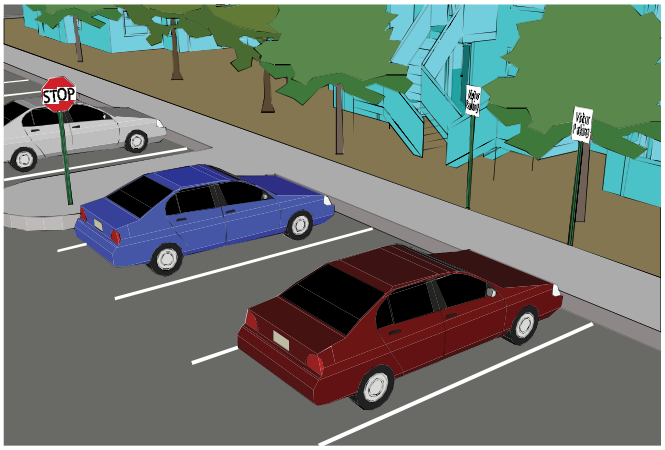


FIGURE 2 - TRAFFIC CONTROL SIGNS ON PRIVATE PROPERTY



F. Signs Permitted in Residential Districts

The following signs and similar devices are permitted in residential districts as indicated, subject to the specified conditions:

1. Decorations (see Figure 1)

Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday are permitted without a sign certificate within all residential districts; provided that such signs are not displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) calendar year. Such signs are not restricted as to type, number, area, height, location, illumination, or animation.

2. Traffic Control Signs on Private Property (see Figure 2)

Any traffic control sign on private property, such as "Stop," "Yield" and similar signs, the face of which meets Department of Public Works standards and which contains no commercial message of any sort is permitted without a sign certificate within all residential districts.

3. Official Flags of Governments and Governmental Agencies (see Figure 3)

Flags of the United States, state flags, municipal flags, flags of foreign nations and any other flag representing a government or governmental agency are permitted without a sign certificate within all residential districts, provided that:

a. The flag is not flown from a pole the top of which is more than 40 feet in height (see "A" in Figure 2) ;

b. No more than one flag for any one governmental unit or nation is permitted on each parcel of land; and

c. No more than four flags are permitted on the same parcel of land.

4. Official Flags of Private Entities (see Figure 3)

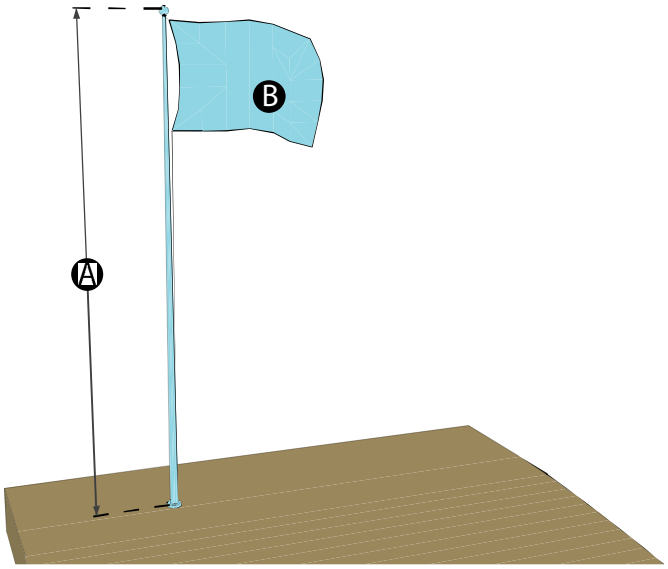
Official flags of private corporations or other private entities are permitted at the location of the main headquarters, corporate offices or branch office of the subject entity provided that:

a. The flags do not exceed 60 square feet in area (see "B" in Figure 3);

b. The flags are not flown from a pole the top of which is more than 40 feet in height; and

c. No more than one flag is permitted on each parcel of land.

FIGURE 3 - OFFICIAL FLAGS



Illustrations & Graphics

Garage or Yard Sale Signs
19.06.140(F)(5)

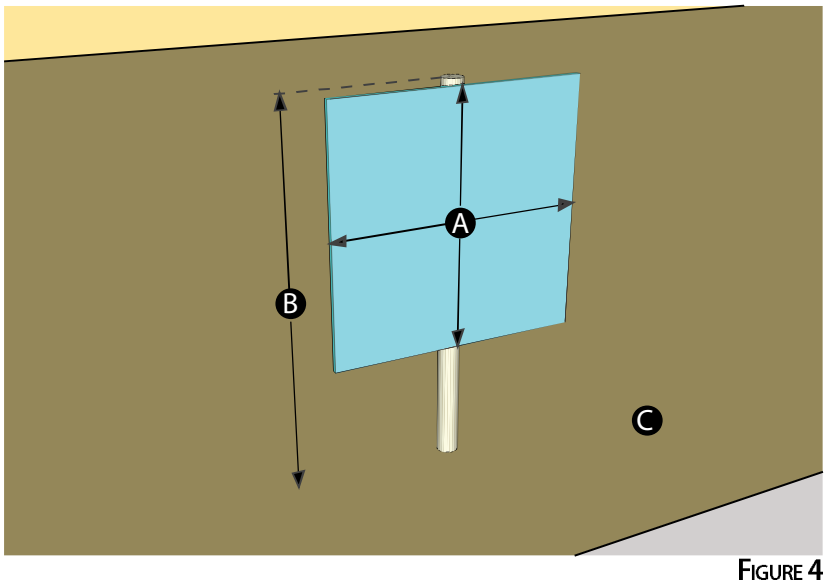


FIGURE 4

Table 1. Garage or Yard Sale Sign Standards in Residential Districts (see Figure 4)

Standard	U, R-E, R-1, R-CL , R-TH, R-2 R-3, R-4 and R-MH
Maximum Number	1 sign per event
Maximum Area (see Ⓐ in Figure 4)	16 square feet
Maximum Height (see Ⓑ in Figure 4)	6 feet
Location (see Ⓒ in Figure 4)	No such sign shall be placed on private property without the permission of the property owner(s), and no such sign shall be placed on any public land, including rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths on City property, in City rights-of-way, or on fixed structures such as light poles or traffic signals
Additional Standards	1. No such sign may be used more than 24 hours prior to the start of the garage or yard sale event. 2. The property owner(s) shall be responsible for removal of the signs at the end of the garage or yard sale event.
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Incidental Signs (Attached and Freestanding)
19.06.140(F)(6)

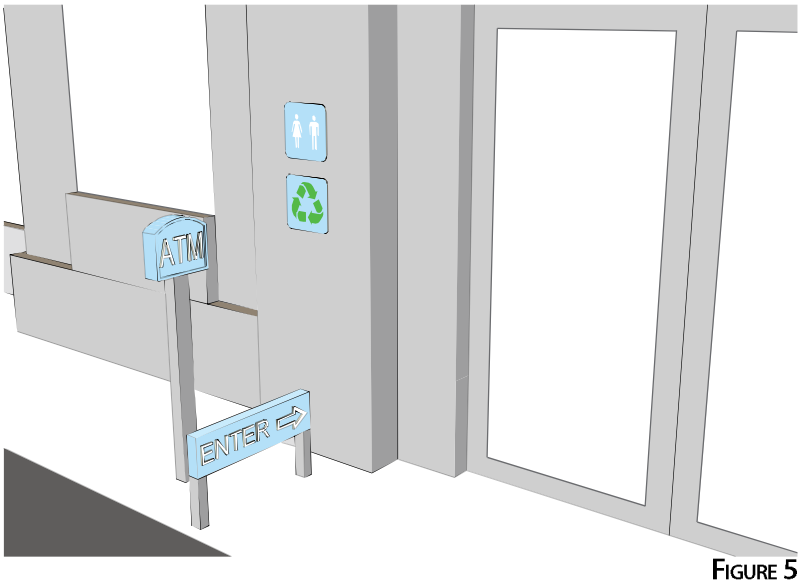


FIGURE 5

Table 2. Incidental Sign Standards (Attached or Freestanding) in Residential Districts (see Figure 5)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Non-directional Signs	Typical incidental signs include, but are not limited to, "restroom," "telephone," "no parking," "entrance," "exit," and generic directions such as "office," "ATM," or "stores."
Maximum Number	No specific limit
Maximum Area	1. 4 square feet if set back less than 30 feet from the public right-of-way 2. 9 square feet if set back 30 or more feet from the public right-of-way
Maximum Height	5 feet
Minimum Setback	5 feet from all property lines
Additional Standards	Non-directional signs shall not carry any commercial message whatsoever
Illumination Permitted	No
Certificate Required	No
Directional Signs	Signs specifically designed to give parking or traffic directions and other directional information commonly associated with and related to the permitted use
Maximum Number	2 per driveway or vehicular access except that any such sign not legible from the public right-of-way shall not be counted in this limitation
Maximum Area	12 square feet. If the sign includes a business name or logo, it shall not comprise more than 50% of the permitted sign area
Maximum Height	7 feet
Minimum Setback	5 feet from all property lines
Illumination Permitted	Internal illumination only
Certificate Required	No

Illustrations & Graphics

Open House Signs
19.06.140(F)(7)

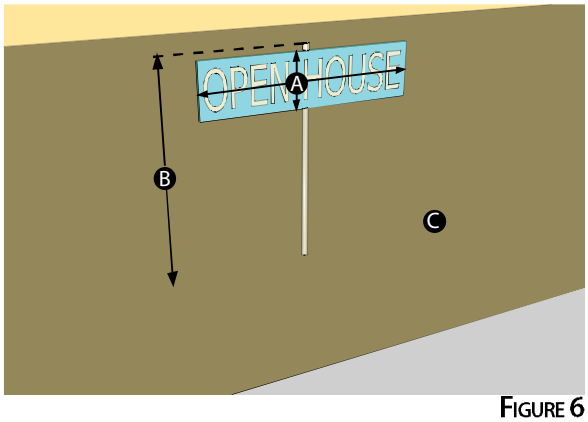


FIGURE 6

Table 3. Open House Sign Standards in Residential Districts (see Figure 6)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Open House Signs	An "open house" realty sign is intended to serve only the short-term customer directing potential homebuyers to an open house of a dwelling unit "For Sale". Such signs are not permanent directional signs.
Maximum Number	6 per event
Maximum Area (see Ⓐ in Figure 6)	9 square feet per sign
Maximum Height (see Ⓑ in Figure 6)	6 feet
Sign Placement (see Ⓒ in Figure 6)	1. Open house signs shall only be placed on private property and shall not be placed on any public land, including rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths on City property, in City right-of-way between the sidewalk and the curb, on signs in the right-of-way, or on fixed structures such as light poles or traffic signals 2. No such sign shall block or overhang any sidewalk or other established pedestrian walkway. 3. In order to place "Open House" signs on the private property, other than the property that is the subject of the open house event, authorization from the property owner(s) or the owner's duly authorized agent is required.
Additional Standards	1. All open house signs shall state "Open House". 2. Such signs shall not be used for the sale of any residence for which there are current signs (either weekend or continuous) unless the residence is a re-sale and is for sale by owner(s) or listed by an agent other than the marketing agent for the development. 3. All such signs shall contain the listing agent's name and telephone number. A business card is permissible as long as it is protected from the elements. 4. No such signs may be displayed more than one hour prior to nor more than one hour after the period a real estate licensee or broker is on duty at the home for sale; and 5. The property owner(s) shall be responsible for removal of the signs at the end of the open house event.
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Project Flags
19.06.140(F)(8)

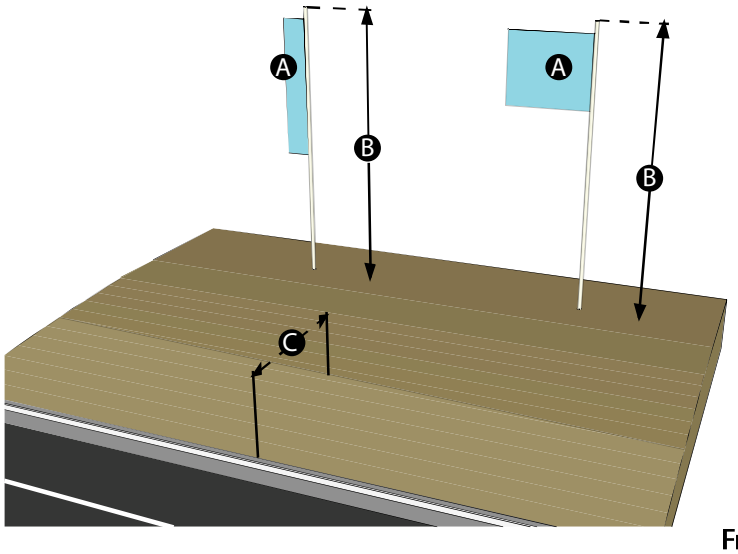


FIGURE 7

Table 4. Project Flag Standards in Residential Districts (see Figure 7)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	Project flags are decorative flags intended to identify a specific development containing a residential use. These flags do not contain any advertising copy other than the name or the logo of the development.
Maximum Area (see Ⓐ in Figure 7)	25 flags per development that is 10 acres in area or less, plus one additional flag for each additional one-half acre in area
Maximum Height (see Ⓑ in Figure 7)	24 square feet per flag
Location (see Ⓒ in Figure 7)	24 feet
Additional Standards	5 feet to all property lines
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

House of Worship Directional Signs
19.06.140(F)(9)

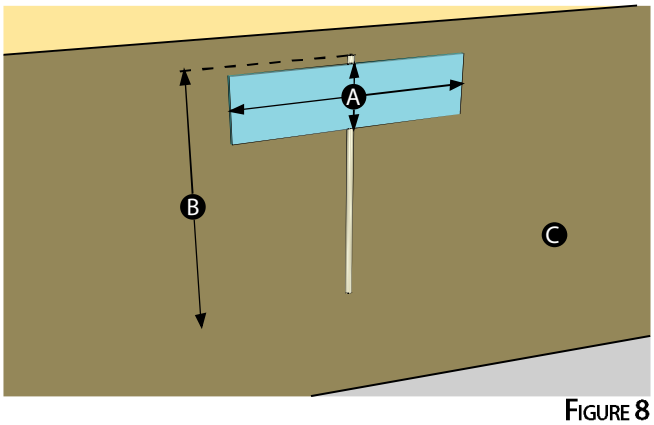


FIGURE 8

Table 5. House of Worship Directional Sign Standards in Residential Districts (see Figure 8)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
House of Worship Directional Signs	House of Worship directional signs are intended to assist the public in finding their way to houses of worship or religious services held in nontraditional locations or facilities. Such signs are not permanent directional signs and may only be used during the periods stated in this Subsection.
Maximum Number	6 signs
Maximum Area (see Ⓐ in Figure 8)	9 square feet per sign
Maximum Height (see Ⓑ in Figure 8)	6 feet
Sign Placement (see Ⓒ in Figure 8)	1. Such signs shall only be placed on private property and shall not be placed on any rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths, on signs in the right-of-way, or on fixed structures such as light poles or traffic signals. 2. No such sign shall block or overhang any sidewalk or other established pedestrian walkway. 3. In order to place such signs on private property other than the property containing the house of worship or the premises of the religious services, written authorization from the property owner(s) or the owner's duly authorized agent is required.
Additional Standards	1. All such signs shall contain the name of the house of worship and its address; 2. All such signs shall contain the name and telephone number of the official of the house of worship responsible for the signs. A business card is permissible as long as it is protected from the elements; 3. The house of worship shall be responsible for removal of the signs at the end of the display period; and 4. No such sign shall be installed before 6 PM on Friday, and all such signs shall be removed by 6 AM on Monday (Tuesday when City offices are closed on Monday due to a holiday).
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Community Interior Directional Signs
19.06.140(F)(10)

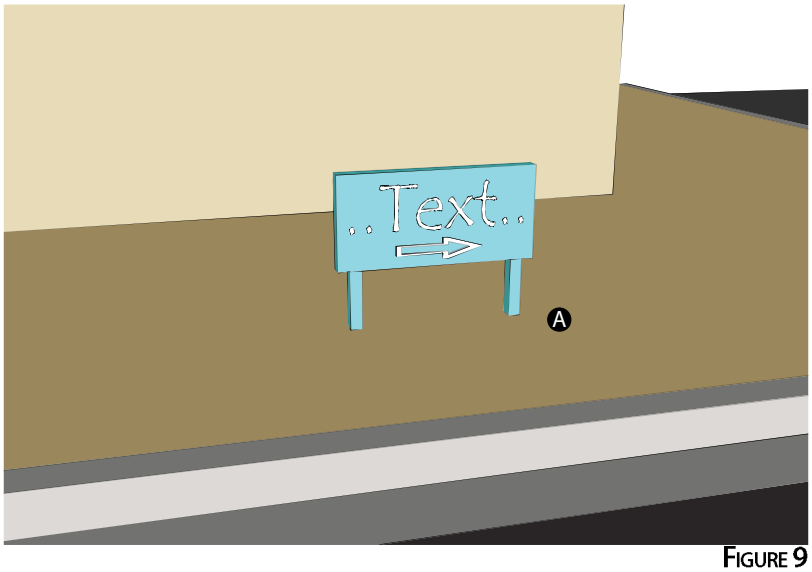


FIGURE 9

Table 6. Community Interior Directional Sign Standards in Residential Districts (see Figure 9)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	There is no specific limit on the number of signs
Sign Location (see Ⓐ in Figure 9)	1. On private property or within public right-of-way, including median, subject to approval of an encroachment agreement; and 2. Placement subject to approval of the City of Las Vegas Traffic Engineer.
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Development Entry Statement Signs
19.06.140(F)(11)

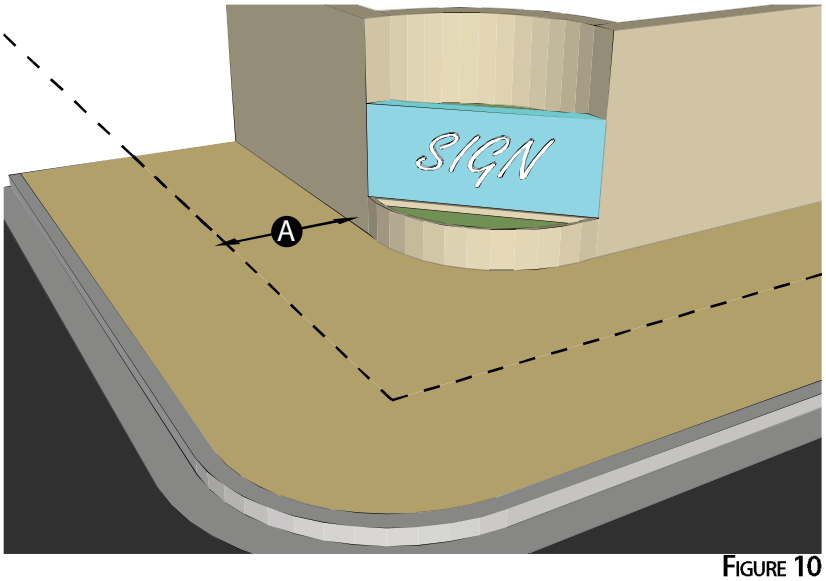


FIGURE 10

Table 7. Development Entry Statement Sign Standards in Residential Districts (see Figure 10)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	2 signs at each entry to a subdivision, apartment complex, or identifiable community. The developer may place one sign on each side of the entry street/drive or one sign in the median, subject to approval of an encroachment agreement if applicable
Sign Location (see Ⓐ in Figure 10)	Setback 5 feet from the property line or a location approved by the City of Las Vegas Traffic Engineer.
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Building Markers
19.14.070(F)(12)

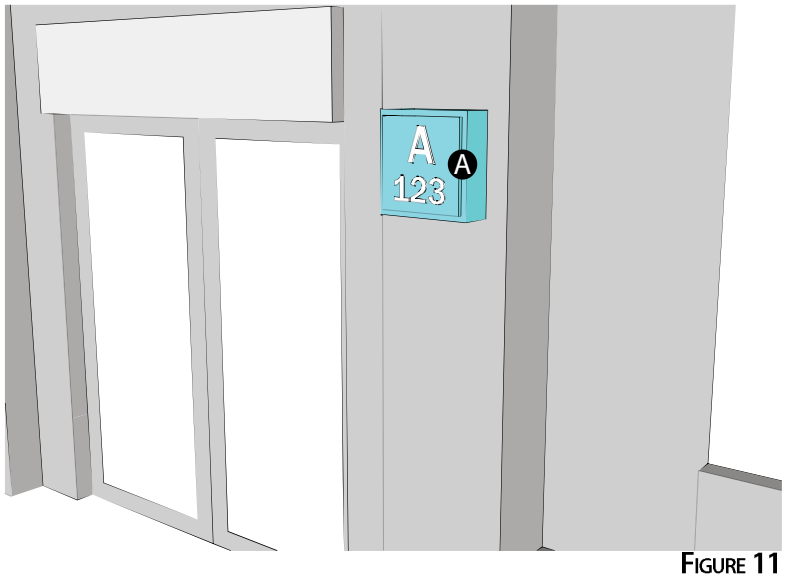


FIGURE 11

Table 8. Building Marker Standards in Residential Districts (see Figure 11)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	There is no specific limit on the number of signs
Maximum Area (see Ⓐ in Figure 11)	4 square feet per sign
Maximum Height	NA
Minimum Setback	NA
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Directory Signs
19.06.140(F)(13)

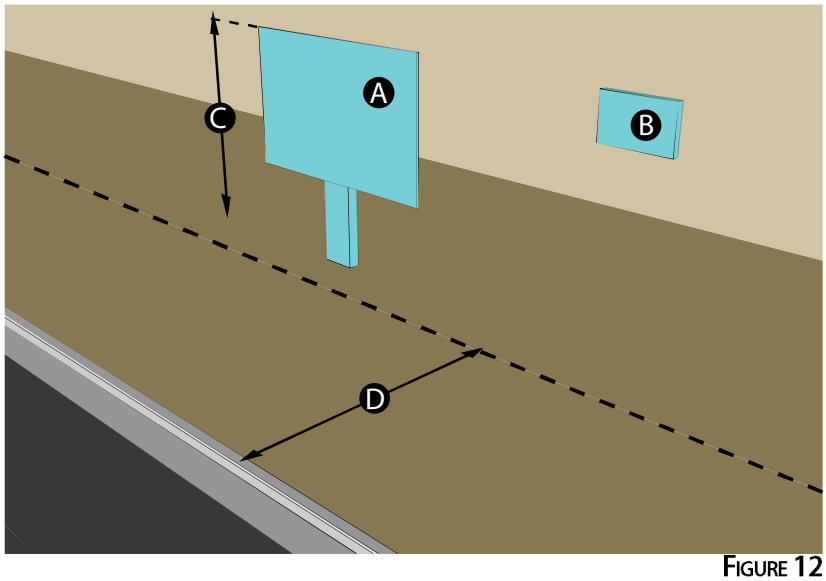


FIGURE 12

Table 9. Directory Sign Standards in Residential Districts (see Figure 12)

Standard	U, R-E and R-1	R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	1. 1 freestanding sign per building or per driveway, whichever is greater and 2. 1 attached sign per public entrance	1. 1 freestanding sign per building or per driveway, whichever is greater and 2. 1 attached sign per public entrance
Maximum Area (see Ⓐ and Ⓑ in Figure 12)	1. 24 square feet for freestanding 2. 12 square feet or 5% of the building elevation to which it is attached, whichever is less	1. 24 square feet for freestanding 2. 12 square feet or 5% of the building elevation to which it is attached, whichever is less
Maximum Height (see Ⓒ in Figure 12)	8 feet if freestanding	8 feet if freestanding
Minimum Setback (see Ⓓ in Figure 12)	25 feet from all property lines, if freestanding	25 feet from all property lines, if freestanding
Additional Standards	1. Permitted only if the development utilizes private streets 2. Only the word "Directory" should be legible from the public right-of-way; the directory sign(s) should be located so that the user can pull out of off-site traffic to read the details of the directory. 3. Directory signs are permitted in addition to any other allowed attached or freestanding signs.	1. Only the word "Directory" should be legible from the public right-of-way; the directory sign(s) should be located so that the user can pull out of off-site traffic to read the details of the directory. 2. Directory signs are permitted in addition to any other allowed attached or freestanding signs.
Illumination Permitted	Direct white light or internal illumination only	Direct white light or internal illumination only
Certificate Required	No	No

Illustrations & Graphics

Institutional Signs (Attached)
19.06.140(F)(14)

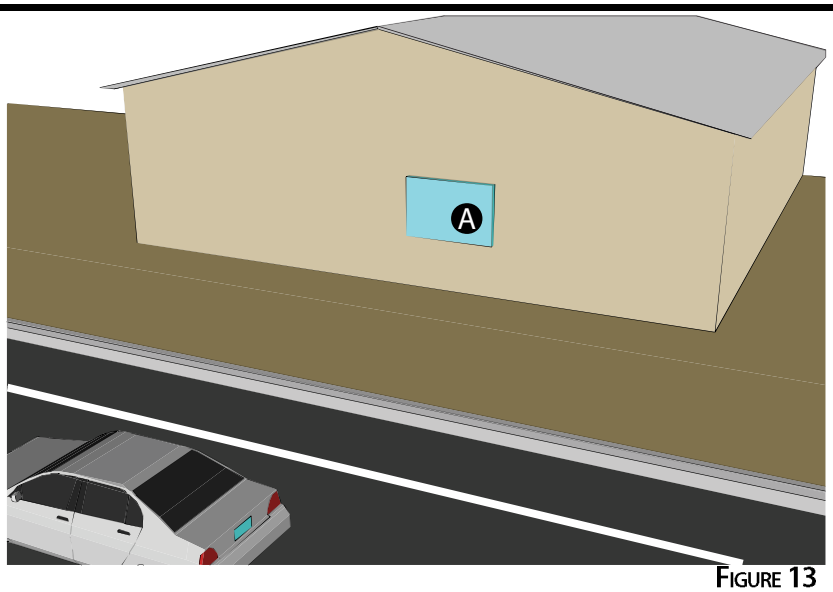


FIGURE 13

Table 10. Attached Institutional Sign Standards in Residential Districts (see Figure 13)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	1 sign per building elevation that faces directly onto a street frontage or on-site parking area
Maximum Area (see Ⓐ in Figure 13)	10% of the building elevation to which it is attached
Maximum Height	NA
Minimum Setback	NA
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Institutional Signs (Freestanding)
19.06.140(F)(15)

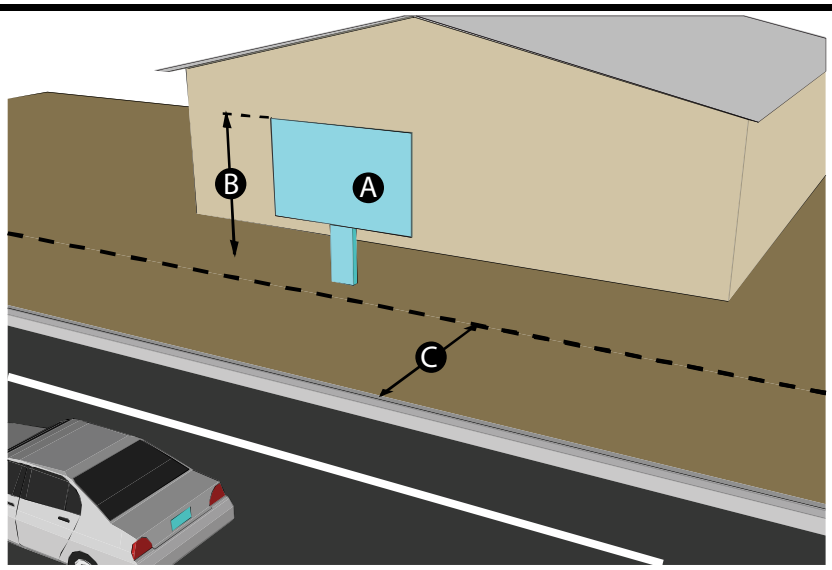


FIGURE 14

Table 11. Freestanding Institutional Sign Standards in Residential Districts (see Figure 14)

Standard	U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH
Maximum Number	1 sign per street frontage on the site of any house of worship, school, or other institution that is a permitted use in the subject zoning district
Maximum Area (see Ⓐ in Figure 14)	50 square feet
Maximum Height (see Ⓑ in Figure 14)	8 feet
Minimum Setback (see Ⓒ in Figure 14)	5 feet from all property lines
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Freestanding Signs
19.06.140(F)(16)

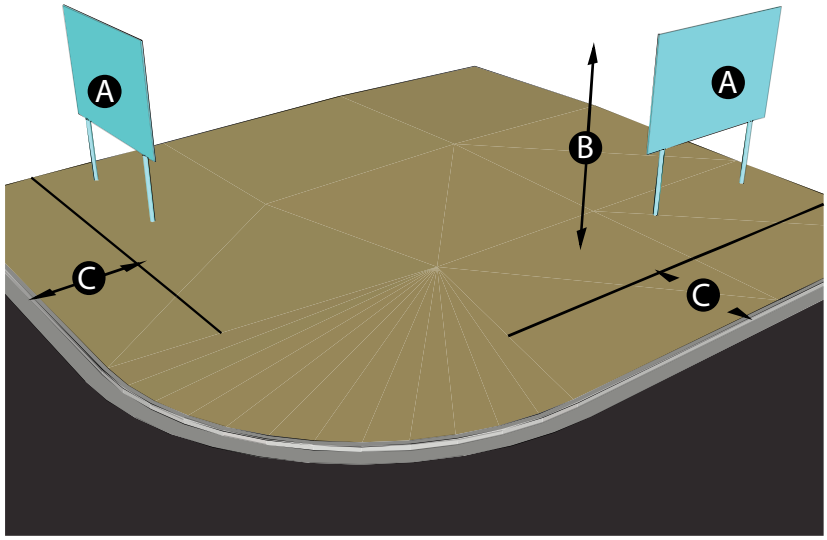


FIGURE 15

Table 12. Freestanding Sign Standards in Residential Districts(see Figure 15)

Standard	R-3, R-4 and R-MH
Maximum Number	1 sign per development; however, developments that have street frontage on two or more streets that are 80 feet or more in width may have 1 sign on each such street frontage
Maximum Area (see Ⓐ in Figure 15)	48 square feet
Maximum Height (see Ⓑ in Figure 15)	12 feet
Minimum Setback (see Ⓒ in Figure 15)	5 feet from all property lines
Additional Standards	1. All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage. 2. See also Residential Protection Standards in LVMC 19.06.140 (C).
Illumination Permitted	Internal and external illumination. In addition, signs over 200 feet from property which is designated in the General Plan for future residential development may be animated or contain an electronic message unit
Certificate Required	Yes

Illustrations & Graphics

Wall Signs
19.06.140(F)(17)

FIGURE 16

Table 13. Wall Sign Standards in Residential Districts (see Figure 16)

Standard	U, R-E, R-1, R-CL, R-TH and R-2	R-3, R-4 and R-MH
Maximum Number	1 sign	1 sign per street front
Maximum Area	2 square feet	50 square feet
Maximum Height	12 inches above the top of the wall, marquee or parapet to which it is attached	12 inches above the top of the wall, marquee or parapet to which it is attached
Minimum Setback	NA	NA
Maximum Projection	A wall sign shall not project more than 24 inches from the building elevation, there shall be no additional message on the additional horizontal surface created by the projection.	A wall sign shall not project more than 24 inches from the structure to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection.
Additional Standards	1. Sign shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.06.140 (C).	1. Sign shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.06.140 (C).
Illumination Permitted	Direct white light or internal illumination only	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	Yes	Yes

Illustrations & Graphics

Monument Signs
19.06.140(F)(18)

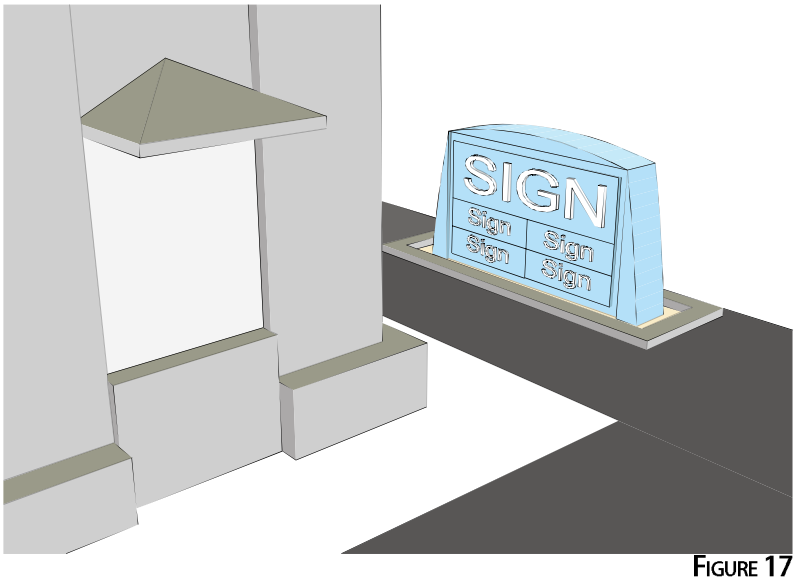


FIGURE 17

Table 14. Monument Sign Standards in Residential Districts(see Figure 17)

Standard	R-3, R-4 and R-MH
Maximum Number	1 sign per street frontage
Maximum Area	60 square feet
Maximum Height	8 feet
Minimum Setback	5 feet from all property lines
Additional Standards	1. All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage. 2. See also Residential Protection Standards in LVMC 19.06.140 (C).
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics 19.06.140(G)

FIGURE 18 - POLITICAL SIGNS

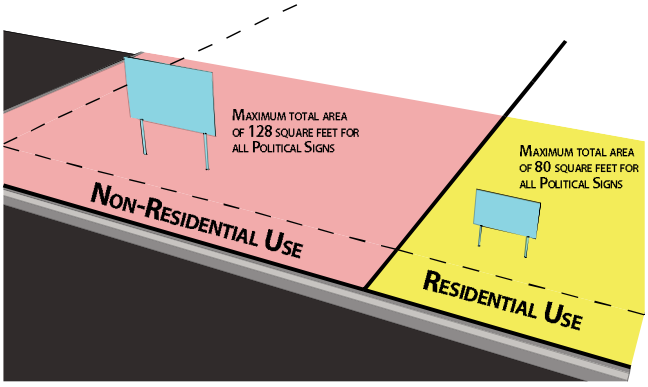


FIGURE 19 - SUBDIVISION DEVELOPMENT SALE SIGNS

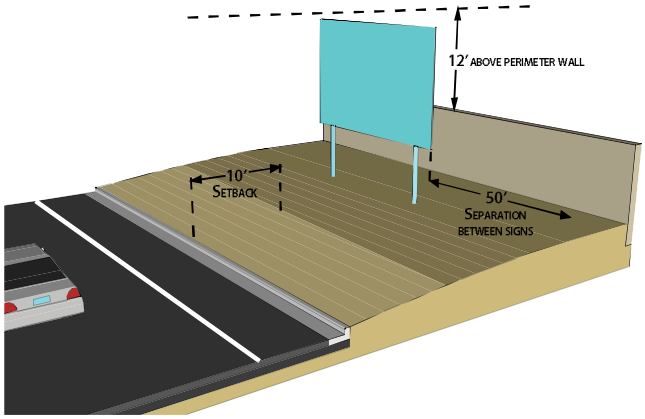
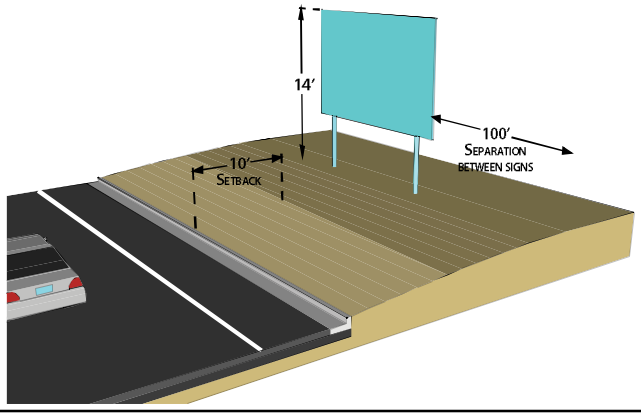


FIGURE 20 - SUBDIVISION DEVELOPMENT CONTINUOUS DIRECTIONAL SIGNS



G. Temporary Signs

Temporary signs are not constructed or intended for long term use. A limited number of temporary signs are permitted in residential districts as follows:

1. Political Signs (see Figure 18)

a. Maximum area. 16 square feet per sign; not to exceed a maximum total area of 80 square feet for all such signs located on a lot containing a residential use. For all other uses, the maximum total area shall not exceed 128 square feet.

b. Additional standards

i. Political signs shall be placed only on private property.

ii. Political signs shall be designed and located in such a manner so that such signs do not interfere with or will be confused with a traffic control signal or sign, or obstruct the vision of traffic.

iii. Political signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.

c. Certificate required. All political signs in excess of 32 square feet require a sign certificate. Other political signs do not require a sign certificate.

d. Illumination permitted. Separate illumination of political signs in residential districts is not permitted.

e. Removal. All political signs that relate to an election shall be removed within 15 days after the election to which they pertain. Signs supporting a candidate who loses a primary election or wins a nonpartisan race in a primary election with more than 50 percent of the vote shall be removed within 15 days after the primary election.

i. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

ii. If any sign is not removed within the time period set forth above, the City may, upon

5 days written notice to a candidate or other person responsible, remove and dispose of any such sign. The City shall certify the removal and may charge the candidate or other person responsible for the City's cost for the removal. Removal charges shall be paid within 30 days after receipt of a statement of charges.

2. Subdivision Development Sale Signs (see Figure 19)

a. Maximum number. One subdivision development sale sign per residential subdivision per street frontage, with a maximum of two signs per subdivision.

b. Maximum area. 300 square feet per sign.

c. Maximum height. 22 feet, or 12 feet above the nearest property line wall.

d. Minimum setbacks and separations

i. 10 feet from any public right-of-way.

ii. 50 feet from any other on-premise, off-premise or subdivision development sale sign.

e. Additional standards. The sign shall be a freestanding sign that is firmly secured in the ground, as approved by the Building Official.

f. Illumination permitted. Direct white light or internal illumination only.

g. Certificate required. Yes. The certificate application shall be accompanied by:

i. A site plan that clearly depicts the location of the proposed sign; description, drawing or picture of the proposed sign and description of the means by which it will be secured; and

ii. Written authorization for the placement of the sign from the owner(s) of the property or from the owner's duly authorized agent on which the sign is to be located.

h. Duration of Certificate. The certificate shall be valid for 24 months or until the last unit or lot is sold, whichever occurs first. At that time, the sign shall be removed unless a new certificate has been obtained. The property owner(s) and certificate holder shall each be responsible for maintenance and removal of the sign.

3. Subdivision Development Continuous Directional Signs (see Figure 20)

Subdivision development directional signs are not considered "on-premise" signs or "off-premise" signs and are subject to the following:

a. Maximum number. Eight signs per residential subdivision.

i. A sign structure advertising two or more different subdivisions may count all the signs on that structure towards the eight sign limit for only one of the subdivisions advertised on such structure, if the owner(s) or lessee(s) of the sign files a plan depicting the location and use and details of how all such signs are allocated.

b. Maximum area

i. Two of the eight permitted signs may be up to128 square feet in area.

ii. Two of the eight permitted signs may be up to 96 square feet in area.

iii. The remaining four of the eight permitted signs shall not exceed 40 square feet in area.

iv. An embellishment of up to 20 percent of each sign area may be added to the sign.

c. Maximum height. 14 feet, except that any authorized sign that exceeds 40 square feet in size may be up to of 22 feet in height.

d. Minimum setbacks and separations

i. 10 feet from any public right-of-way.

ii. 100 feet from any other sign or on-premise or off-premise sign.

iii. 660 feet from the nearest travel lane of Summerlin Parkway from Station 499 + 78 to Station 601 + 30.

e. Additional standards

i. These signs are allowed only on vacant developable lots;

ii. For any sign that is proposed within 660 feet of any highway classified by the State of Nevada as part of the interstate and primary highway system, a State of Nevada sign permit is required;

iii. Such signs shall not be located more than four miles from the subdivision to which it is providing direction; and

iv. Each sign shall be a freestanding sign that is firmly secured in the ground, as approved by the City of Las Vegas Building Official.

f. Illumination permitted. No.

g. Certificate required. Yes. The certificate application shall be accompanied by:

i. A site plan that shows where the sign will be placed on property; and

ii. A master location plan that indicates where all other subdivision development directional signs (not including weekend directional signs) for the subdivision will be placed.

h. Duration of certificate. The sign certificate shall be valid for 24 months or until the last unit or lot is sold, whichever occurs first. At that time, the sign shall be removed unless a new certificate has been obtained. The property owner(s) and the certificate holder shall each be responsible for maintenance and removal of the sign.

i. Landowner(s) consent. Any person placing a directional sign shall obtain the permission of the owner(s) of the property on which the sign is placed. Nothing in this ordinance shall be construed to authorize the placement of any sign without the permission of the landowner(s).

4. Subdivision Development Weekend Directional Signs (see Figure 21)

Weekend directional signs shall be used to direct traffic to residential projects only and shall not be employed for non-residential purposes of any kind.

a. Maximum number. 70 weekend directional signs per residential subdivision.

b. Maximum area. Four square feet per sign.

c. Maximum height.

i. Four feet above nearest street curb.

ii. 32 inches above nearest street curb when within 50 feet of any street intersection or driveway opening. Where no curb exists, height shall be measured from edge of adjacent public right-of-way.

d. Sign placement.

i. Maximum placement distance of any weekend directional sign from its respective residential subdivision project shall be four miles as measured along a radial line whose axis is located at any point on the subject property.

ii. Minimum spacing between signs relating to the same project is 300 feet, provided however, two signs may be placed within 10 feet of each other at locations where the path of travel turns direction.

iii. Signs shall be placed at least 25 feet from any street intersection or driveway and not block or overhang any sidewalk or other established pedestrian way.

e. Additional standards.

i. Changes in copy and graphics may be made without re-issuance of certificates; if, the name of the subdivision changes, the developer shall apply for a new certificate.

ii. Signs may only be installed after 6 PM on Friday or on the day before any Federal, State, or City holiday that may occur throughout the week, and all signs shall be removed by 6 AM on Monday or by the same time on the day after such holiday.

iii. Signs shall be made of plastic, or some other weather resistant material approved by the Director, and shall be attached to a single metal stake. Signs mounted on wooden stakes are prohibited.

f. Illumination permitted. No.

g. Master sign plan required. Weekend directional signs shall not be installed unless such signs are approved as a part of a master weekend directional sign plan. A certificate application and sign map shall

be presented for each development for which weekend directional signs are to be employed. The application and map shall be in a form and include exhibits as specified by the Department. The map shall indicate the approximate location on each street of each sign to be installed and shall include a statement that at the time of installation no sign is to be installed in violation of the spacing requirements of this Subchapter or to cause any already-in-place weekend directional sign to be in violation of the spacing requirements. The certificate application shall state the name and mailing address of the party to be notified in the event of any violations of this Section. A master weekend directional sign certificate may be issued to cover all weekend directional signs that have been approved as part of a master weekend directional sign plan.

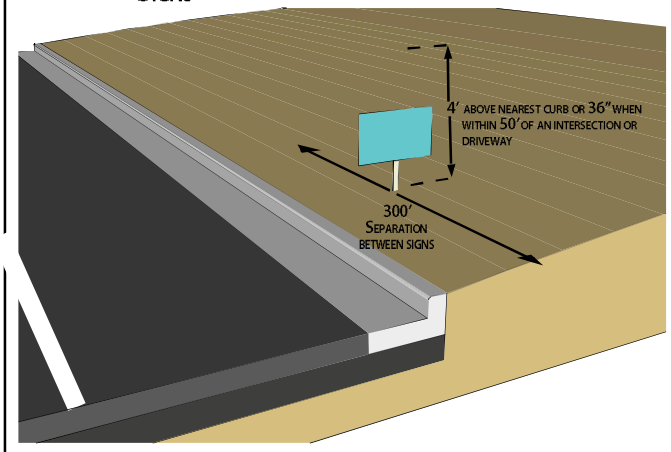
h. Insurance required. Applicants for weekend directional sign certificates shall provide proof of and maintain comprehensive liability insurance in the minimum amount of $4,000,000 per occurrence in a form acceptable to the Director. If any sign is placed in any unimproved public right-of-way, the certificate holder shall assume full responsibility for any damages or injuries to persons or property resulting either wholly or in part from the placement of the sign and shall agree to defend and indemnify the City and hold the City harmless from all liability for damages or injuries.

i. Landowner(s) consent. Any person placing a directional sign shall obtain the permission of the owner(s) of the property on which the sign is placed. Nothing in this Title shall be construed to authorize the placement of any sign without the permission of the landowner(s).

j. Violations. Weekend directional signs that are without proper certification; that are placed within 25 feet of a street intersection or driveway; that block or overhang sidewalks and other public pedestrian walkways; or that are left remaining after the time limitations set forth in this Section may be impounded immediately. Violations and the recovery of signs are subject to the charges and remedies provided in Table 15 below.

Illustrations & Graphics 19.06.140(G)

FIGURE 21 - SUBDIVISION DEVELOPMENT WEEKEND DIRECTIONAL SIGNS



Illustrations & Graphics 19.06.140(G)

FIGURE 22 - REAL ESTATE SIGNS ADVERTISING RESIDENTIAL PROPERTY

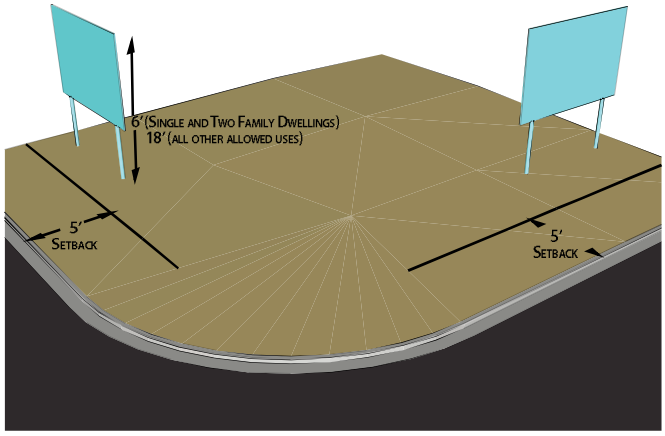


Table 15 – Penalties

Violation	Penalty
1st	$10 per sign if without proper certification. Fee shall be waived if owner(s) obtains proper sign certificate. If properly certified, warning only.
2nd	$10 per sign.
3rd	$15 per sign and misdemeanor citation.
4th	Revocation of weekend directional sign certificate.

5. Real Estate Signs Advertising Residential Property (see Figure 22)

a. Maximum number. One per street frontage.

b. Maximum area.

i. Six square feet for single and two family dwellings.

ii. 32 square feet for all other allowed uses. Real estate signs exceeding 32 square feet, up to a maximum of 64 square feet may be approved by the Director by means of a temporary sign certificate.

c. Maximum height. Six feet for single and two family dwellings, 18 feet for all other allowed uses.

d. Minimum setback. Five feet from all property lines.

e. Certificate required. No.

19.08

Commercial and Industrial Districts – Purpose and Development and Design Standards

Unified Development Code
Title 19

19.08

Commercial and Industrial Districts - Purpose and Development and Design Standards

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APPLICABILITY 19.08.010

This Chapter applies to all commercial and industrial development within the City of Las Vegas and to all commercial and industrial zoning districts.

Except as otherwise provided in this Chapter, the standards set forth herein, are minimum requirements. Any request to deviate from these standards shall require the submittal of an application for an Administrative Deviation, if appropriate, or Variance, which shall be subject to the procedures and standards set forth in LVMC 19.16.120 and 19.16.140, respectively.

INTENT OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS 19.08.020

The intent of establishing standards for commercial and industrial development is:

A. To promote commercial development which enhances the quality of life for City residents;

B. To encourage sensitive design and planning of commercial and industrial development which enhances compatibility between the built environment and the natural environment and will not negatively impact the use and enjoyment of adjacent and neighboring properties;

C. To promote improved design and enhanced site planning of commercial and industrial development that will contribute to the overall attractiveness of the City;

D. To increase design compatibility between abutting properties and land uses;

E. To promote design and site planning which furthers the goals of the City's General Plan and advances the vision of the City;

F. To reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and

G. To reduce unsightly views.

H. To provide for landscaping and buffering that:

1. Conserves Water and reduces erosion;

2. Reduces heat and glare generated by development; and

3. Aids in filtering dust and particulate matter from the air.

GENERAL 19.08.030

A. Access

All lots or parcels shall have frontage upon a public street; provided however, that lots within a recorded Subdivision or Parcel Map may provide access to a public street by way of a commonly owned private street or a private access easement. All private access streets must be fully improved in accordance with the Traffic Circulation Improvements Standards contained in the Design Standards Manual.

B. Grading

1. **Grading Plan Approval - When Required.** When the natural grade of a lot is proposed to be raised more than two feet at any point from existing grade, three copies of a finished lot grading plan and legal description of the property shall be filed with the Department of Public Works and the Department. The plan shall include proposed and existing grades, building locations, and building height information for the development site and for the adjacent properties, and any justification for the proposal. The Director of Public Works may withhold or deny development approval unless the applicant demonstrates to the Director of Public Works' satisfaction that the proposal is necessary in order to develop the site in a manner which conforms to applicable drainage and other development standards. The Director may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal will not be incompatible or out of harmony with the surrounding area.

2. **Grading Plan - Appeal of Denial.** The applicant may appeal to the City Council any final decision rendered pursuant to Paragraph (1) of this Subsection. In connection with the appeal, the City may require notification of surrounding property owners. The City may charge a fee for the appeal and for any required notification in accordance with the Fee Schedule.

C. Compliance with Regulations

1. No building, structure or land shall be erected, reconstructed, structurally altered or used for a purpose other than a use allowed in the zoning district in which the building, structure or land use is located.

2. No building, structure or land shall be used to produce greater heights, smaller yards or less unoccupied area than prescribed by the regulations applicable to the zoning district in which the building, structure or land use is located.

3. No lot area shall be so reduced that the size, width, setbacks, yards, required open space or total lot area is less than prescribed by this Title.

4. No yard, open space or off-street parking or loading space, required in conjunction with a building or land use, shall be included as part of a yard, open space or parking or loading space required for any other building or land use, unless otherwise provided in this Title.

DEVELOPMENT STANDARDS 19.08.040

A. Tables

Except as otherwise noted, the minimum lot size, minimum lot width, minimum building setbacks, maximum lot coverage, minimum building separation and maximum building height for uses in each district shall be governed by the dimensional standards in the tables listed for each district. Explanatory notes for provisions in the tables follow the tables as needed.

B. Building Placement

In addition to the dimensional standards and requirements listed for building placement in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. **Architectural Character and Materials.** The purpose of these guidelines is not to dictate a particular architectural style for commercial and industrial development in the City, but to provide a set of guidelines and standards by which commercial and industrial development can be compatible with its surroundings and help to further the overall vision of development which has been established by the City. Building designs that incorporate a base tying the building into the ground, a midsection, and a top that terminates the building, are strongly encouraged.

2. **Bulk and Scale**

   a. Box-like or single, monolithic forms must be relieved by variations in massing or articulation of facades. The perceived height and bulk of buildings shall be reduced by dividing the building mass into smaller scale components in order to relate to human scale. Buildings shall incorporate jogs, offsets or other architectural features to reduce the visual length of long walls. Variation of roof lines is required to reduce the apparent size of commercial buildings and provide visual interest. Building surfaces over twenty feet high or fifty feet in length shall be relieved with a change of wall plane or by other means that provide strong shadow and visual interest.

   b. Buildings should be compatible with the scale of development allowed by the applicable land uses for the surrounding area as established at the time of application, and should be sited and designed to provide a sensitive transition to nearby, less intensive areas.

   c. Projects on the edges of zoning districts should be developed in a manner that minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, siting and design, additional building setbacks or stepping back of upper floors, and the actual physical reduction of the height, bulk and scale of a project.

3. **Exterior Materials and Finishes**

   a. Buildings should be compatible with the scale of development allowed by the applicable land uses for the surrounding area as established at the time of application, and should be sited and designed to provide a sensitive transition to nearby, less intensive areas.

   b. Concrete or clay tile and architectural metal should be used on all sloped roofs. Standard three-tab asphalt shingles, fiberglass shingles, and wood shingles and shakes are prohibited.

   c. Stone, stucco, colored or exposed aggregate or textured finish concrete, decorative block and brick are the preferred materials for building exteriors. Simulated materials and building systems that provide a look that is similar to the preferred materials may also be acceptable.

   d. Highly reflective, shiny or mirror-like materials and unplastered exposed standard concrete, standard concrete masonry units and glazed tile should not be used except as accents. Reflective glass at the pedestrian level is

prohibited. Glass on the second floor and above shall not be greater than twenty-two percent reflectivity so as not to reflect light and solar heat on other buildings, streets and sidewalks.

e. Restraint should be used in the number of different materials and colors selected.

4. Coherent Design

a. All sides of a building shall be coherently designed and treated. A consistent level of detailing and finish is required for all sides of a building.

b. Any building design that utilizes a flat roof shall incorporate a parapet wall and/or cornice element on all sides of the roof.

c. Preferably, roof access should be from the interior of the building. If not possible, external stairwells and ladders should be incorporated into the overall design of the primary structure or be adequately screened from view.

d. Service and loading zones shall be located to the rear, side or in an internal location where visibility from public rights-of-way and views from neighboring buildings and properties will be minimized.

5. Building Façade

a. The building design should incorporate patterns and materials that provide visual interest. This should be accomplished through the use of changes in color, materials or relief, such as the inclusion of beltlines, pilasters, recesses, pop outs, etc. Flat, plain building walls are not acceptable. There should be a contrast in the size of solid area to window area. In general, there should be more wall than window. Windows and large areas of glass should be recessed in shadow or otherwise contrast with the building façade. Large glazed areas should be divided into smaller parts by using mullions to express individual windows or groupings of windows. The use of arcades, covered walkways, awnings, and other shade devices is strongly encouraged to provide shade to protect pedestrians from the intense desert sun.

b. Features such as windows and arcades shall total at least sixty percent of the length of any façade that abuts a public street.

c. Lightly tinted or "Low-e" glass is acceptable and advisable. Mirrored and metallic tints are prohibited.

6. Orientation

a. Buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible. Parking and curb cuts shall be located away from corners.

b. Interconnected walkways and parking drives between buildings on the site and those of adjacent development should be used to provide for the safe and efficient movement of pedestrians, bicycles and vehicles within the site and between the site and adjacent development where feasible.

c. In order to develop and maintain a strong street edge, buildings for stand alone projects or individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line, with the exception of additional width landscaping or a single drive-through lane.

7. Applicability of Standards. Except as otherwise provided in this Paragraph (7), the standards set forth in Paragraphs (1) through (6) of Subsection (B) are minimum requirements. The Planning Commission or City Council may grant a waiver to any of these standards as part of a Site Development Plan Review if the applicant can show through convincing and substantial evidence that the waiver will not compromise the objective of the City in safeguarding the interests of the City, the proposed project will substantially meet the intent of the standard, and the granting of the waiver will not detrimentally affect the public health, safety or general welfare.

C. Accessory Structures

In addition to the standards listed for accessory structures in the tables provided for each district, accessory structures on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Timing of Placement. Accessory structures shall not be established or constructed on a site prior to the start of construction of the principal structure

on that site, except that construction trailers may be placed on a site at the same time clearance and grading begins. Construction trailers may remain on the site only for the duration of construction.

2. **Locational Restrictions.** Detached accessory structures shall not be located within the required perimeter landscaping on a site, or in such a manner as to interfere with required on-site parking or driveways.

3. **Appearance.** Accessory structures shall be designed to be architecturally compatible with the principal structure on the site, utilizing the same colors, materials and style.

D. Building Height

In addition to the standards listed for building height in the tables provided for each district, building heights for development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Roof-mounted solar panel units that are permitted as a conditional use pursuant to LVMC Chapter 19.12 shall not be considered as a part of the building height for purposes of this Chapter.

2. Chimneys, vent stacks and skylights may be erected above the required height limits provided that in no case shall structures above the permitted height limit be constructed for the purpose of providing additional floor space.

E. Urban Design, Screening and Lighting

1. **Site Geography.** Where feasible, and when geotechnical conditions are favorable, natural features such as washes and existing vegetation should be retained in their natural state and integrated into the design of the site. When geotechnical conditions are favorable, on-site detention of storm water is encouraged as a means of reducing stormwater runoff. Areas such as common areas and existing washes should be explored for this type of use. Buildings should be sited to avoid or lessen the impact of development on sensitive areas such as slopes and drainage washes. The siting of buildings and development of a site should conform to specific site conditions and opportunities such as non-rectangular lots, location on intersections, unusual topography, vegetation, views or other natural features. On sites which contain slopes of five percent or more, the development of the site should reflect, rather than obscure, the natural topography of the site through the use of various techniques such as smooth transition of grades at the property lines, blending of cut and fill slopes, and terracing.

a. Site Grading Design

i. Where natural sloping is to be used for topographic transitions at the property edges, slopes should not exceed three to one and should be landscaped with approved materials to achieve minimum ground coverage of sixty percent (not including trees). The sixty percent coverage should be reached within two years after a Certificate of Occupancy is issued by the City.

ii. Cut and fill slopes should be rounded where they meet natural grade so that they blend with the natural slope.

b. Site Grading Permit. No lands shall be graded or the natural ground surface otherwise disturbed so as to create a dust nuisance, except for clearing of weeds and debris, unless the developer:

i. In cases where a final map is required, has complied with the provisions of Title 18; or

ii. Otherwise, has obtained approval of a Site Development Plan and Civil Improvement Plans for the site or area to be graded.

c. Natural Features. The area of any channel or wash which is to be retained in its natural state, improved as a non-concrete channel, or improved with a combination of natural materials and other materials such as stamped, patterned concrete, may be counted toward the requirements for open space within the proposed development.

d. Drainage. In order to provide a more natural appearance and to provide for the stabilization of natural channels where geotechnical conditions are favorable, drainageways should be lined with natural materials such as grass, soil, gravel, rock or other materials allowed by the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual (HCDDM) as adopted by the City. The use of plain concrete for lining of drainageways should be permitted only as part of a flood control plan or drainage study approved by the Department of Public Works.

i. All natural drainage channels on sites of fifteen net acres or greater in size should be identified and shown generally on the site plan at the time of submittal of a Site Development Plan Review application. If it is expected that the Drainage Study will require improvements to existing drainage channels or other on-site drainage facilities, the proposed preliminary design of such channels and of proposed structures such as weirs, drop structures or other appurtenant structures shall be shown on the site plan. Such structures should be built of natural materials unless the applicant can demonstrate, based on a subsequent approved drainage study, that to do so would be infeasible.

ii. When detention basins are utilized, they should be integrated into the overall landscaping and site development plan of the proposed project. Such areas may be counted toward the open space requirements of the development.

2. **Bicycle, Pedestrian and Automobile Linkages and Circulation.** The following standards are designed to reduce dependency on the automobile, reduce the number of daily trips by single occupancy vehicles, and preserve the capacity of existing roadways. Consideration shall be given to alternative transportation modes, such as bicycle and pedestrian ways and paths, and shall be included in site master planning.

a. **Integration of Bicycle and Pedestrian Paths.** Provisions shall be made in all developments to integrate bicycle and pedestrian paths (as defined in the Trails Element of the City's Master Plan) that connect to adjacent developments and residential neighborhoods.

b. **Bus Turnouts.** Bus turnouts and shelters shall be required where deemed necessary by the City Traffic Engineer. If shelters are provided, they shall be installed behind the sidewalk area. Boarding areas at bus turnouts shall provide adequate handicap access in accordance with applicable ADA requirements. Required turnouts may encroach into the perimeter landscape area and may require the granting of easements for placement and maintenance. Bus turnouts shall comply with the Uniform Standard Drawings, Clark County Area, as adopted by the City.

c. **Sidewalks.** Sidewalks shall be provided along any façade featuring a customer entrance that exits into a parking area or travel lane. Sidewalks that abut ninety degree parking spaces shall be a minimum of seven feet in width in instances where vehicle wheel stops are not used between the parking space and the sidewalk curb, and five feet in width when vehicle wheel stops are installed. Sidewalk ramps and curb cuts shall be constructed in accordance with the Uniform Standard Drawings, Clark County Area, as adopted by the City.

d. **Internal Site Access.** A continuous internal pedestrian and handicap accessible walkway shall be provided from the perimeter public sidewalk to the principal customer entrance. Additional pedestrian walkways should be distinguished through the use of special pavers, bricks or patterned concrete, and should be raised slightly to enhance pedestrian safety and the attractiveness of the walkway.

e. **Path Along Drainage Channels and Washes.** Applicants are strongly encouraged to incorporate bicycle and pedestrian paths along drainage channels and washes. If maintenance roads for a channel are required, consideration should be given to designing them as multi-use facilities to accommodate maintenance vehicles, bicyclists and pedestrians. The design of such paths must first be approved by the Department of Public Works and the Department.

i. A minimum ten-foot landscape area on each side of the channel shall buffer plain concrete drainage channels which do not incorporate bicycle and pedestrian paths or maintenance roads and which are visible from public view. Maintenance of the landscaping shall be the responsibility of the property owner, the developer, a business association or other similar association, or by such other means as may be approved by the City.

ii. The area of any such paths and landscape areas along drainage channels and washes may be counted toward the open space requirements of the development.

3. **Pedestrian Open Spaces and Plazas**

a. **Plazas Required.** Outdoor pedestrian open spaces and plazas provide shade, opportunities for rest and relief from traffic and noise as well as areas for additional outdoor activities

such as vending and dining. Commercial developments shall provide pedestrian open spaces and plazas in relation to the size of the development and shall include designs for such areas in the site plan. Such areas shall be interspersed throughout the development, and shall be accessible in accordance with applicable ADA requirements.

i. Commercial developments shall provide public open space and plaza areas in accordance with this Paragraph (3).

ii. Developments of five acres in size or greater shall provide a minimum of fifty square feet of plaza space for each one acre of gross land area. Such plaza spaces shall be in addition to any such spaces provided by individual tenants or businesses for the use of their customers.

b. Integration of Open Spaces. Pedestrian open spaces and plazas shall be integral to the overall design of the proposed commercial development and shall be located in areas of high pedestrian traffic in such a manner to be convenient and readily accessible. Such spaces shall remain open and accessible during normal hours of operation.

c. Site Amenities. Site amenities, including without limitation benches, pergolas, landscaped arbors, artwork and other appropriate landscape features, shall be incorporated into the design of each pedestrian open space/plaza.

d. Minimum Size. The minimum size for any individual pedestrian open space shall be two hundred fifty square feet.

4. Screening. The following uses and equipment shall be screened from public view from all rights-of-way, pedestrian areas, and parking lots: Trash and refuse collection areas; mechanical equipment such as air conditioners, pumps and motors; propane tanks and other storage tanks; electrical equipment such as switching equipment and transformers; emergency generators; valves; vents; utility meters; satellite dishes; grouped mailboxes; and any commercial project which abuts a residential property. Screening includes, without limitation, solid walls and landscaping of a density sufficient to screen the use.

a. Interior Screen Walls

i. Service and loading areas shall be screened by the use of walls or dense landscaping, or both, that will serve as both a visual barrier and a noise barrier. In no instance shall the screening be less than eight feet in height, and it may be required to be higher depending on the use to be screened. Walls shall be architecturally integrated into the design of the development.

b. Collection Areas and Dumpsters

i. Refuse collection areas and dumpsters shall be:

A) Provided in sufficient size and numbers to meet the needs of the development;

B) Located away from the street front and screened from view from rights-of-way, sidewalks, and abutting properties through the use of landscaping and screening; and

C) Shall have solid metal gates, and a roof or trellis structure; and

D) Are subject to the residential adjacency standards set forth in LVMC 19.08.040(I).

c. Mechanical and Electrical Equipment. In the initial design stage of a development project, mechanical and electrical equipment should be incorporated into the architectural form and layout of the proposed building to reduce the need for screening.

i. Mechanical and electrical equipment, satellite dishes and any other communications equipment, excluding communications towers and antennas, shall be concealed from view of public rights-of-way and neighboring properties from street level within one hundred feet of the property boundary. Communication antennas shall be of a design, and installed in such a manner, as to blend in with the architecture and design of the building on which they are mounted. Where reasonable height parapet or screen walls are insufficient to provide screening, all equipment shall be painted in a neutral color to blend with roofing materials.

ii. Ground and wall mounted mechanical and electrical service equipment, such as utility boxes, valves, gas and electric meters shall be screened from public view with materials architecturally compatible with the finishes and character of the principal structures within the development or through the use of shrubs and landscaping, and shall be screened to the height of the tallest equipment, integrated with the building design, or both.

d. **Mechanical Equipment on Sloped Roofs.** Except as otherwise specifically provided in this Title, no mechanical equipment shall be mounted on or attached to any sloped roof.

e. **Outside Storage Areas.** Outside storage areas shall be screened by solid walls. All such walls shall be similar in design and materials to the main buildings or match other screening walls on the site.

5. **Lighting Requirements.** Appropriate levels of lighting shall be provided to create adequate visibility and safety at night. (This standard does not apply to public street lighting, which is governed by other standards).

a. **Light Intensity.** Exterior lighting shall be of low intensity and of a cutoff variety so that light will not spill out onto surrounding properties or project above the horizontal plane of the light source.

b. **Lighting Colors.** Warm lighting colors are encouraged. The blue-white colors of fluorescent and mercury vapor lamps are prohibited for exterior lighting.

c. **Light Levels.** The amount of light produced by exterior light sources shall be reduced to that necessary to maintain a minimum comfort level for safety and security purposes. Light levels shall not exceed an average of:

i. 2.0 foot-candles in parking lots; or

ii. 0.2 foot-candles at a residential property line.

d. **Location of lighting.** Where utilized, freestanding light pole fixtures shall be integrated into landscape buffer areas. Light fixture locations shall not conflict with required landscape materials.

e. **Height of Fixtures.** The height of light poles shall not exceed thirty feet, including the base; heights no greater than twenty feet are strongly encouraged. Light fixtures of up to forty feet in height, including the base, may be permitted for parking lots of fifteen acres or greater in size.

f. **Style of Fixtures.** Lighting fixtures, including poles and base, shall be compatible with the architectural character and color of the proposed development.

g. **Wall Mounted Lights.** Wall mounted lights shall be directed downward. Soffit mounted light fixtures shall be recessed in the soffit or otherwise fully shielded from view from any property line. Ground mounted or other upward directional lighting shall be permissible only where some form of shield or light baffling is provided to create a soft, uniform light quality and minimize light spillage beyond the trees, landscaping, walls or signs being illuminated.

h. **Pedestrian Lighting.** The design of the fixtures shall be compatible with the overall design of the development, and shatterproof lamp coverings shall be used. The fixtures shall be placed to minimize glare and shall be located as to not present hazards for pedestrians or vehicles. Along walkways, low-level lighting (i.e., below eye level) that directs light downward onto the ground surface is encouraged.

i. **Maintenance.** All approved lighting shall be continuously maintained in a working manner.

6. **Applicability of Standards.** Except as otherwise provided in this Paragraph (6), the standards set forth in this Subsection (E) are minimum requirements. An exception or modification to any of these standards may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the exception or modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the exception or modification will not detrimentally affect the public health, safety or general welfare. Such an exception or modification may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested exception or modification, the request may be acted upon by the Planning Commission

or City Council as part of a Site Development Plan Review. In the case of action by the Planning Commission or City Council, the request for exception or modification need not be identified as a separate action item, and disposition of the request may be incorporated into the action on the Site Development Plan Review. Notice of action on the request for exception or modification may be incorporated into the notice of decision regarding the Site Development Plan Review.

F. Landscape Buffers and Turf Limitations

In addition to the standards listed for landscape buffers and turf limitations in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Landscape Required

a. All Site Development Plans for office, retail, commercial, institutional, and industrial development shall meet or exceed the minimum standards, and shall comply with any restrictions, established in this Title. All landscaping required by this Chapter shall also comply with the provisions of LVMC 13.48.040 and 19.02.190.

b. Except as otherwise permitted by the Director, all landscape and irrigation plans shall be prepared and stamped by a registered architect, landscape architect, residential designer or civil engineer.

c. The owner, developer and occupant of the property are jointly and severally responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. Prior to the issuance of a building permit, the owner, developer or contractor shall post a performance bond or equivalent security to assure the performance of the maintenance obligation for a minimum of two years.

d. All revisions to an approved landscape plan must first be reviewed and approved by the Department prior to installation of the landscaping.

e. Where perimeter landscape buffers are indicated the standard planting requirement is as set forth in Figure 1. Alternatives to the standard planting requirement are set forth in Figures 2 and 3.

2. Additional Landscaping May Be Required

Additional landscaping may be required by the Director or reviewing authority in order to respond to special site features, maintain an established landscape pattern created by existing landscaping in the surrounding area, or mitigate the impact of a particular development.

3. Alternative Landscape Designs

The Director or other reviewing authority may approve variations to the standards and designs set out in this Chapter if they respond more appropriately to a particular site and provide equivalent means of achieving the intent of this Chapter.

4. Maintenance

Property owners shall be responsible for:

a. Maintaining all walls in good structural and finish condition;

b. Maintaining all landscaping in a healthy and vigorous living condition and in accordance with LVMC 13.48.040 and 19.02.190;

c. Promptly replacing dead vegetation with healthy, living plants, in accordance with standard seasonal planting practices.

5. Installation of Required Landscaping

a. All required perimeter landscaping shall be installed in compliance with an approved landscape plan prior to occupancy.

b. Prior to the installation of any required landscaping the developer shall demonstrate compliance with the approved landscape plan by providing the Department a complete bill of materials.

c. When applicable to a phased development plan, a phased landscape installation plan may be approved concurrently with a Site Development Plan Review.

6. Irrigation of Landscaping

a. All required landscaping shall be installed with an irrigation system designed to eliminate any run-off of water into the public rights-of-way.

b. In order to minimize damage to buildings

and solid walls from soil settling, expansion/ contraction (cracked foundation), all overhead spray irrigation systems shall be a minimum of twenty-four (24) inches back from any building and solid walls with no overspray contacting any building or solid walls.

c. An automatic irrigation system is required for all planting areas, and shall include:

i. An electric automatic controller and multiple program capabilities;

ii. Multiple repeat cycle capabilities; and

ii. A flexible calendar program.

d. All irrigation water shall be retained on-site. When required, swales shall channel water to larger holding areas, catch basins, other planting areas, gravel sumps, dry-wells, or any combination thereof. Areas that accumulate system water shall be provided with underground drainage systems to carry water to holding or discharge areas. Nuisance flows shall not spill over the sidewalk and into any street.

7. Turf Limitations

a. The use of turf is subject to and limited by LVMC Chapter 14.11 and the provisions of this Paragraph (7), with the provisions that are most restrictive to govern in a particular case.

Table 1 - Turf Limitations

Use	Use of Turf
Institutional	Prohibited, except for schools, parks and cemeteries
Golf Course	Limited to 5 acres average per hole, with a maximum 10 additional acres for driving range

b. The turf limitations contained in this Subsection are intended to increase the use of water efficient vegetation. Landscaping shall be designed, and the landscaping materials shall be chosen and installed, so as to ensure that, within three years of normal growth, at least fifty percent of the area covered by non-turf landscaping will consist of water efficient vegetation.

c. The maximum amount of turf allowable pursuant to Subparagraph (a) may be increased proportionally by the percentage of water used for irrigation that comes from a source to which the property owner has secured water rights.

8. Landscape Materials

Landscaping shall include drought-resistant and water efficient plant materials consistent with the Southern Nevada Water Authority xeriscape guidelines and the turf limitations of Paragraph (7).

Where perimeter landscape buffers are indicated the following are the requirements for landscape material:

a. Trees shall be spaced within the required buffer zones in accordance with Table 2 below, with trees to be spaced on center.

Table 2 – Landscape Buffer – Tree Spacing

Use	Standard
Commercial	1-24" box tree per 20 linear feet [1]
Industrial	1-24" box tree per 20 linear feet [1]

Footnotes:

1. *Where adjacent to any other commercial or industrial lot or right-of-way classified as a freeway, the spacing maybe increased to 1-24" box tree per 30 linear feet.*

b. Shrub Requirements. Shrubs are required in all buffer areas, with a minimum of four 5-gallon shrubs required for every required tree.

c. Ground Cover Requirements. Ground covers shall be installed in all landscaped areas. Non-vegetative ground covers shall include, without limitation, rocks and small stones, crushed rock and bark, installed to a minimum depth of two inches in all areas.

9. Buffer Zone Encroachments

The following encroachments are permitted within required buffer zones:

a. Driveways (curb cuts) that are located perpendicular or approximately perpendicular to the street right-of-way.

b. Sidewalks that are located perpendicular or

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FIGURE 1 - STANDARD PLANTING REQUIREMENT

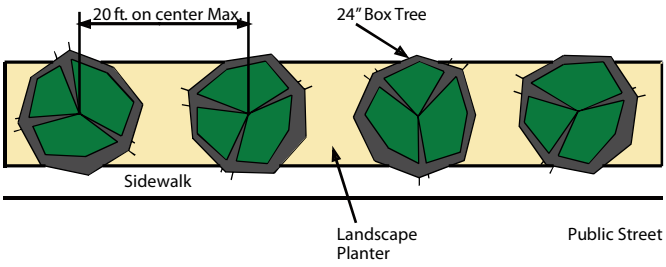
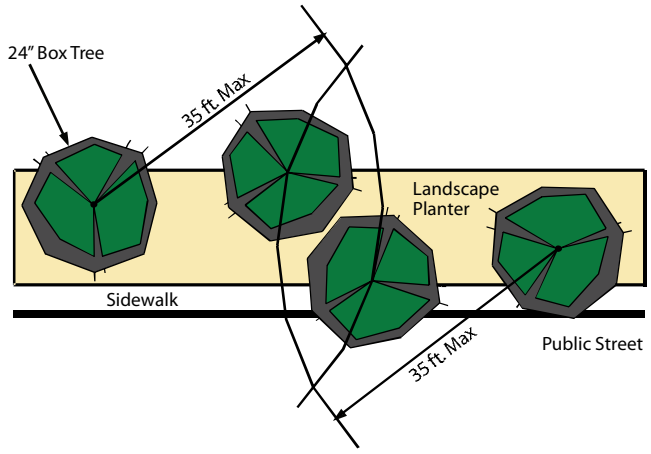
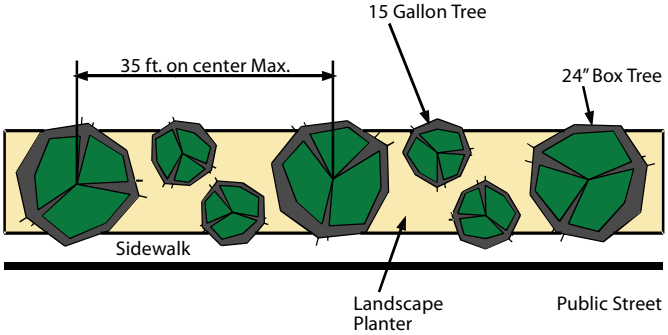


FIGURE 2 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 1



CLUSTERED PLANTING: CLUSTERING OF TREES IS ALLOWED IF: 1) THE TOTAL NUMBER OF TREES EXCEEDS THE MINIMUM REQUIREMENT BY AT LEAST ONE TREE; AND 2) THE SPACING BETWEEN ANY TWO TREES DOES NOT EXCEED THIRTY-FIVE FEET.

FIGURE 3 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 2



VARIABLE SIZE PLANTING: ONE TWENTY-FOUR INCH BOX DECIDUOUS TREE, EVERGREEN TREE, OR FIFTEEN FOOT PALM TREE FOR EVERY THIRTY-FIVE LINEAR FEET OF PLANTER, PLUS ONE EXTRA TREE OF SIMILAR SIZE TO PROVIDE COVERAGE AT EACH END OF PLANTERS. THE SPACING OF SUCH TREES SHALL NOT EXCEED THIRTY-FIVE FEET ON CENTER. IN ADDITION, TWO FIFTEEN GALLON DECIDUOUS TREES, EVERGREEN TREES, OR PALM TREES ARE REQUIRED FOR EVERY THIRTY-FIVE LINEAR FEET OF PLANTER, TO BE LOCATED BETWEEN THE TREES PLANTED PURSUANT TO THE PRECEDING SENTENCE. THE FIFTEEN GALLON TREES MAY BE EITHER SPACED REGULARLY OR GROUPED IN BETWEEN THE LARGER TREES.

approximately perpendicular to the street right-of-way.

10. Utility Boxes and Installations

a. Along streets that border a residential subdivision, all utility boxes and above-ground utility installations, other than utility poles, that are in excess of twenty-seven cubic feet in size and that are to be placed outside the right-of-way shall be installed with landscaping on two sides, with one side being available for access by utility companies. The landscaping must include tall grasses and/or shrubbery which, at maturity, will provide adequate screening of the utility structures.

b. Within proposed trail corridors that are identified in the Master Plan Transportation Trails Element and the Master Plan Recreation Trails Element, no utility box or above-ground utility installation, other than a utility pole, that is in excess of twenty-seven cubic feet in size (excluding pad and concrete collars) shall be allowed. In addition, all utility boxes to be placed immediately adjacent to a trail corridor shall be placed so that the access doors open parallel to the trail corridor and are accessible without the need to cut down or reduce the effectiveness of the landscaping within the trail area.

11. Parking Lot Landscaping. Landscaping within parking lots shall be in accordance with LVMC 19.08.110(C)(12) .

12. Landscaping of Plazas. Any pedestrian open space/plaza that abuts a blank wall shall include a minimum five-foot wide landscaped area next to the wall to soften and screen the wall and increase pedestrian comfort and interest. Landscaping plans shall take into consideration site-specific geotechnical recommendations that may require additional protection to prevent infiltration of water into unsuitable soils. Applicants are strongly encouraged to design the outside wall of planters in such a manner that they might also be used for seating.

a. Landscaping for the above purpose shall reach a minimum height at maturity of five feet.

b. If such landscaping is installed within a raised planter, the height of the planter shall not exceed two feet six inches in height, and

the height of the planter may be included in measuring the minimum height of the required landscaping.

13. Deviations

a. The Planning Commission or City Council may grant a waiver to deviate from the standards set forth in Paragraph (1) through (7) as part of a Site Development Plan Review if the applicant can show through convincing and substantial evidence that the waiver will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the waiver will not detrimentally affect the public health, safety or general welfare.

b. An exception or modification from the standards set forth in Paragraph (8) through (12) may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the exception or modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the exception or modification will not detrimentally affect the public health, safety or general welfare. Such an exception or modification may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested exception or modification, the request may be acted upon by the Planning Commission or City Council, the request for exception or modification need not be identified as a separate action item, and disposition of the request may be incorporated into the action on the Site Development Plan Review. Notice of action on the request for exception or modification may be incorporated into the notice of decision regarding the Site Development Plan Review.

G. Fences and Walls

In addition to the standards listed for fences and walls in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Front Yard Screen Wall Prohibition. No screen wall shall be built in the front yard of a residential property.

2. Perimeter and Screen Walls

a. General. There is no requirement to construct a wall or fence. However, all perimeter or screen walls and fences must comply with applicable building code requirements. The height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

3. Fences, Walls and Architectural Character

a. Perimeter walls. Perimeter walls, end walls, return walls and common area walls shall be decorative and shall be installed by the developer. Acceptable decorative wall materials include, without limitation, stone, decorative block, slump, stone, and wrought iron, and shall have a minimum percentage of contrasting material as indicated for each district. The contrasting material requirement may be fulfilled by contrasting color, or a combination of contrasting material and contrasting color, if approved by the Department in its discretion. All walls shall include such detail variations as may be required by the Department, including pilaster, decorative caps, decorative iron cutouts or fluted blocks. Any decorative materials or ironwork attached to the top of a perimeter wall shall not encroach into public rights-of-way or abutting properties. Pilasters, if used, shall have a maximum spacing of twenty-four feet on center. All perimeter walls shall:

i. Match the design of abutting perimeter walls. The established wall design shall be continued until the next street intersection. In cases where the existing wall is considered by the Director to be of unacceptable design, the design shall not be carried beyond the next street intersection unless a transitional wall area designed to soften the differences between the walls is constructed; and

ii. Be maintained by the property owner, the developer, a business association or other similar organization, or by such other means as may be approved by the City.

b. Retaining Walls. Retaining walls which are visible from adjacent properties or rights-of-way shall be decorative and shall be installed by the developer. Acceptable materials for retaining wall construction include split-face block, decorative block, slump stone, stone,

caliche rock, colored or exposed aggregate, and textured-finish concrete. All walls shall include detail variations such as pilasters, decorative caps, or fluted blocks. All walls shall be maintained by the property owner, the developer, a business association or other similar organization, or by such other means as may be approved by the City. In cases where the height of a retaining wall exceeds four feet, a minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area at the base of the wall. In cases where there are multiple-stepped retaining walls, a minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area between the walls and at the base of the lowest wall. A minimum planting area of four feet is required between the retaining walls.

c. Wall Separation. Where a screen or perimeter walls abuts another screen or perimeter wall, the separation shall either be:

i. A minimum of three feet from face of wall to face of wall, with access provided to the area between the walls for maintenance; or

ii. A maximum of eight inches, with the resulting gap between the walls to be filled and capped with a cementitious material that:

A) Will not increase the load on the walls; and

B) Has been approved by the Department and the Department of Building and Safety.

4. Materials. Unless otherwise approved as part of an overall development plan, the following materials shall not be acceptable for use as screen or perimeter walls:

a. Chainlink or open wire fencing (except as temporary construction fencing);

b. Razor wire or barber wire (except as may be approved under the procedures set forth in the City's Building Code);

c. Corrugated metal;

d. Bright colored plastic; and

e. Untextured or unfinished concrete or block (CMU) walls.

H. Residential Adjacency Standards

1. Applicability

a. All property to be developed for nonresidential use that is located adjacent to property which is zoned R-E, R-1 or R-CL, unless such adjacent property is developed with a nonresidential use, shall conform to the residential adjacency standards set forth in this Subsection.

b. For purposes of this Subsection:

i. Property is "adjacent" to other property if the properties share a common property line or are separated only by a street right-of-way or easement.

ii. "Property subject to the standards for this Subsection" means the property that is described in Subparagraph (a) of this Paragraph (1) that must conform to the residential adjacency standards of this Subsection.

iii. "Protected property" means residential property that is developed for sale or designated for such development, and single-family residential property, as those types of property are described in Subparagraph (a) of this Paragraph (1).

2. Building Height And Setback Requirements

a. Proximity Slope

i. Except as otherwise provided in this Paragraph (2), no building subject to the standards of this Subsection shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of this Subsection. For example, a 100-foot high building must be set back 300 feet from the property line of the protected property, if both the property line of that property and the grade of the building subject to the standards of this Subsection are at the same elevation. The Proximity Slope limitation contained in this Subparagraph (a) applies to architectural projections above rooflines.

ii. The Proximity Slope limitation contained in Subparagraph (a) does not apply when non-residential buildings, such as schools and churches, are built on the protected property.

iii. Notwithstanding the Proximity Slope limitation contained in Subparagraph (a), a one story building up to 15 feet in height may be constructed to the applicable setback line that is established for the zoning district in which the property subject to the standards of this Subsection is located or which is established by Paragraph (d) of this Subsection (2).

b. Changes in Grade. Notwithstanding the Proximity Slope limitation contained in Paragraph (a) above, if the natural slope of the ground rises or falls from the point of origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

c. Exceptions

i. The following structures may project a maximum of 12 feet above the Proximity Slope:

A) Chimney and vent stacks.

B) Roof structures for the use of solar panel units, elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.

C) Visual screens which surround mounted mechanical equipment.

D) Skylights.

E) Whip and mounted antennas.

ii. Church steeples, utility transmission lines and towers, wireless communication facilities when attached to a utility transmission line pole or tower, small wind energy systems, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

d. Building Setback. In addition to the required building setback line, no building setback on property subject to the standards of this Section shall be less than the required building setback for the protected property.

e. Waiver. The requirements of this Paragraph (2) may be waived by the City Council for:

i. Any mixed-use development that contains a significant residential element.

3. Spill-Over Lighting

a. Lighting Standard. No lighting from a property subject to the standards of this Section shall create greater than 0.5 of one foot-candle at the property line of a protected property.

b. Redirecting/Screening of Light Sources. All sources of light, including security lighting, illuminated signs, vehicular headlights and other sources, shall be directed away from protected property or screened so that the light level above is not exceeded.

4. Trash Receptacles

Garbage storage areas for properties subject to the standards of this Section shall be screened and odor controlled, and trash pick up shall be scheduled to minimize any impact on protected properties. In addition, trash receptacles shall be located a minimum of 50 feet from any property line of a protected property.

5. Exclusions

a. Higher Ambient Light Levels. Where existing ambient light levels from multiple sources already exceed the standards, the subject source may not increase the existing light levels, unless approved in connection with the approval of a Site Development Plan.

I. Downtown Centennial Plan Overlay District

All structures located in the Downtown Centennial Plan Overlay District are exempted from the automatic application of the building height, building setback and lot coverage provisions of this Chapter, including the Residential Adjacency Setback provided, however, that this exemption does not prohibit the City Council from imposing a building height, setback or lot coverage requirement in connection with the approval of a Site Development Plan.

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P-O PROFESSIONAL OFFICE

The P-O District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single family structures should be retained or new development in the P-O District should be constructed to maintain a residential character. The P-O District is consistent with the Office category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	60 feet
B.	Max. Lot Coverage	50% [1]
C.	Minimum Front Yard Setback	20 feet [2]
D.	Minimum Side Yard Setback	5 feet [2]
E.	Minimum Corner Side Yard Setback	15 feet [2]
F.	Minimum Rear Yard Setback	15 feet [2, 3]

Footnotes:

1. *Lot coverage for mixed-use developments may be increased up to a maximum of seventy-five percent of the net lot area upon the approval of a Site Development Plan Review application in accordance with LVMC 19.16.100.*

2. *A conversion from an existing residential structure may maintain the existing setbacks. Any additions may also be constructed to the existing established corner setback.*

3. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

FIGURE 1 - BUILDING PLACEMENT

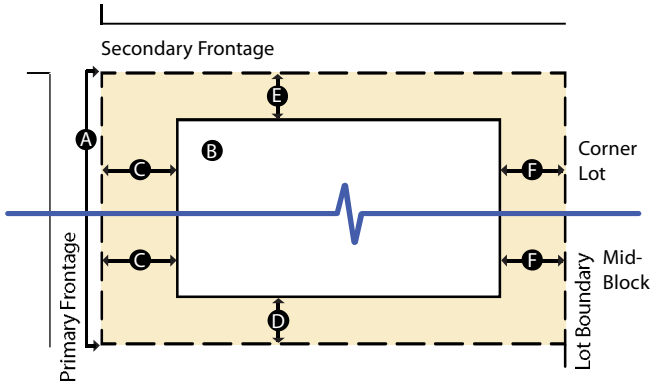

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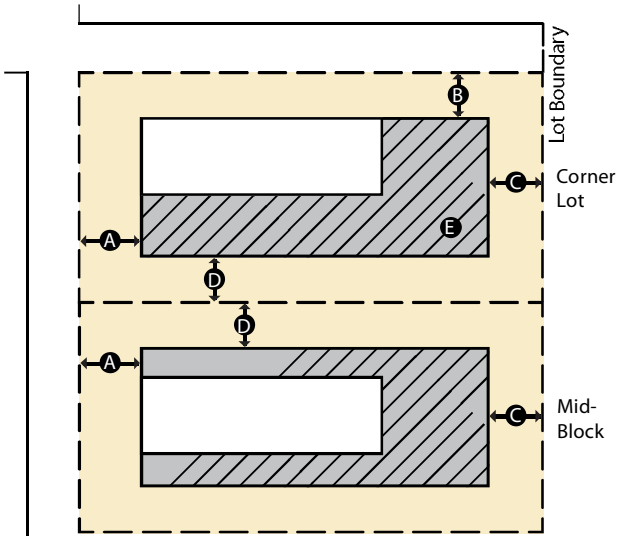
FIGURE 2 - ACCESSORY STRUCTURES

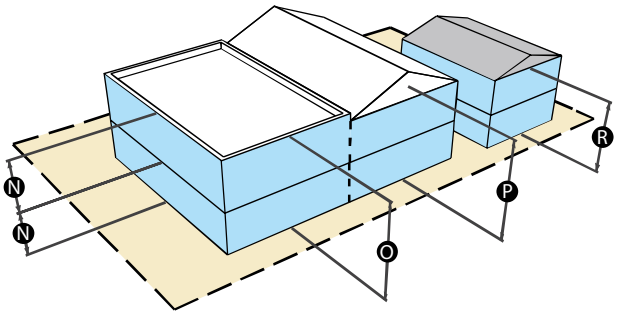


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all structures (excluding carports and detached trash enclosures) shall not exceed the percentage of lot coverage permitted.*

FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT [1] (see Figure 3)		TABLE 3
N.	Stories	2 max
O.	Flat Roof - Max. Height	35 feet measured to the top of the roof coping
P.	Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
R.	Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal structure, whichever is less

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)		TABLE 4
A.	Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way 8 feet - Interior Lot Lines [1]

B.	Primary Structure	
C.	Turf Coverage	25% of landscapable area
D.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

Footnotes:

1. *When building setbacks are less restrictive, the setbacks shall prevail.*

PARKING [1] (see Figure 4)		TABLE 5
E.	Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 5)		Table 6
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS

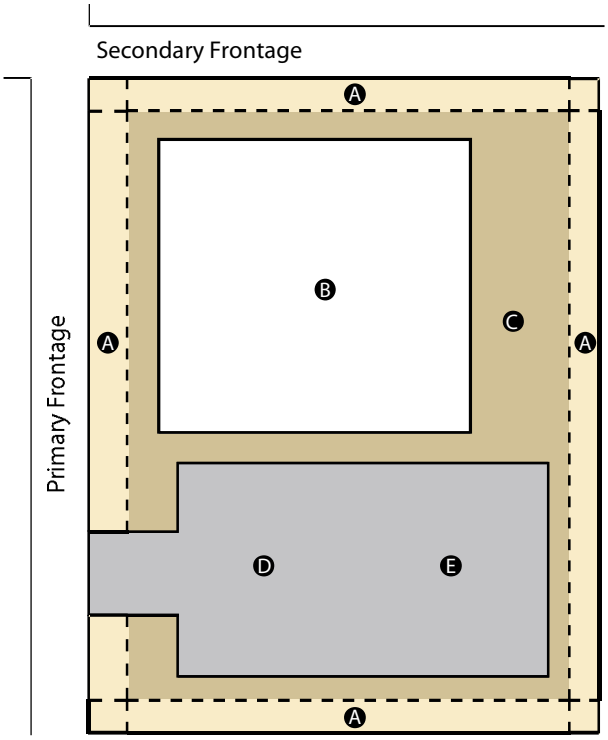


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

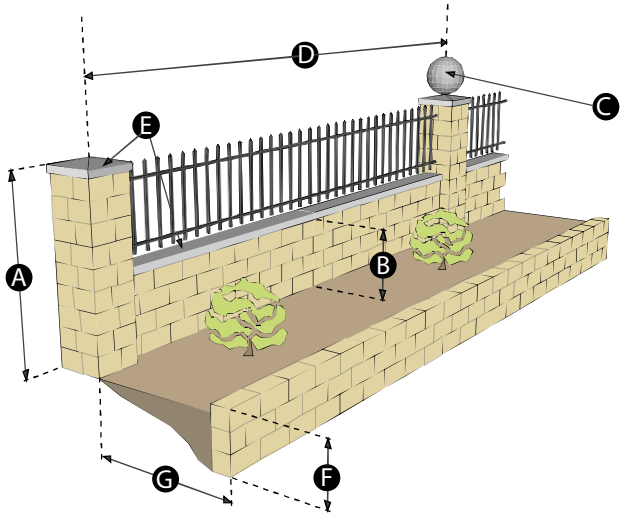


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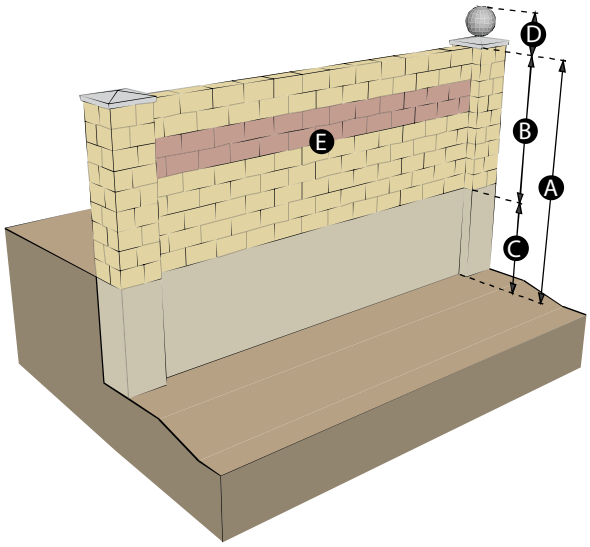
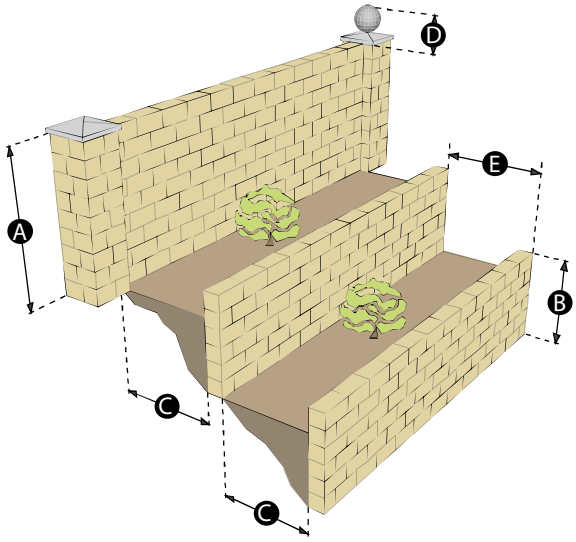
FIGURE 6 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)	Table 8
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections - Inside Dimensions	4 feet
D. Maximum Pilaster Height	18 inches
E. Minimum spacing between wall sections - Outside Dimensions	5 feet

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O OFFICE DISTRICT

The Office District is designed to provide for the development of office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. These may be small office buildings developed in a cluster with an internal traffic circulation system or one larger office building. This district may be used as a buffer between residential and more intense retail/commercial uses. The O District is consistent with the Office category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	30% [1]
C.	Minimum Front Yard Setback	25 feet
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	15 feet
F.	Minimum Rear Yard Setback	15 feet [2]

Footnotes:

1. *Lot coverage for mixed-use developments may be increased up to a maximum of seventy-five percent of the net lot area upon the approval of a Site Development Plan Review application in accordance with LVMC 19.16.100.*

2. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	25 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all structures (excluding carports and detached trash enclosures) shall not exceed the percentage of lot coverage permitted.*

FIGURE 1 - BUILDING PLACEMENT

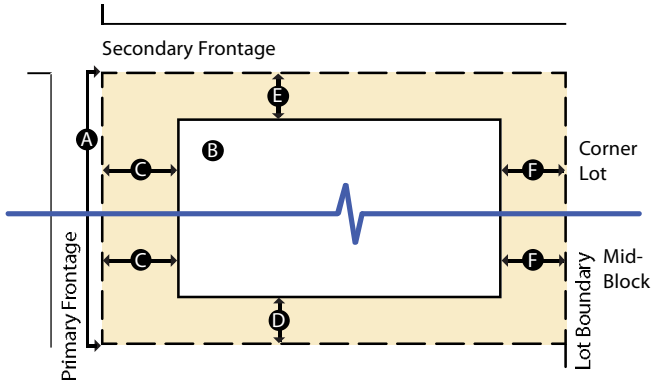

FIGURE 2 - ACCESSORY STRUCTURES

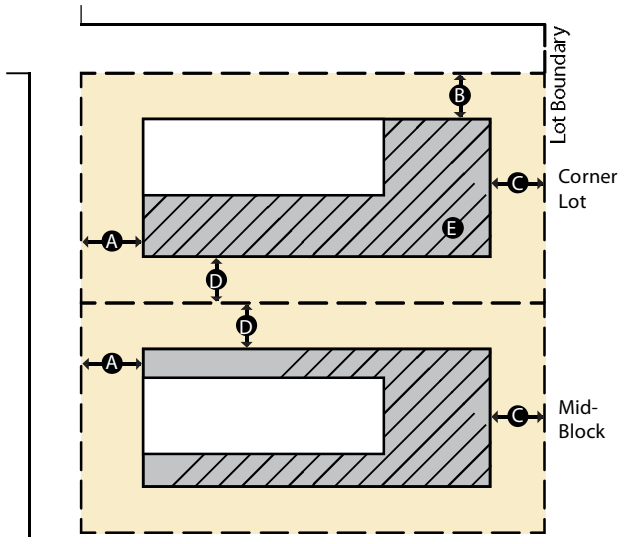

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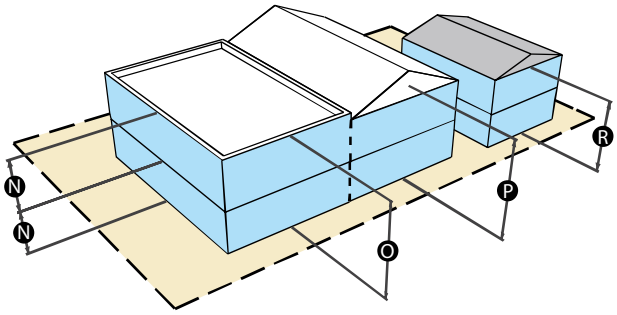
FIGURE 3 - BUILDING HEIGHT

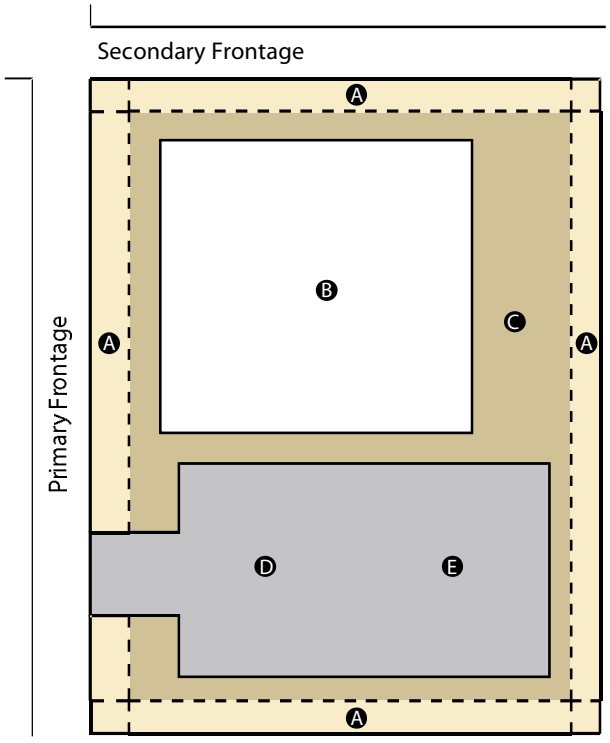


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
N. Stories	2 max
O. Flat Roof - Max. Height	35 feet measured to the top of the roof coping
P. Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
R. Accessory Bldg. - Stories	Not to exceed 2 stories, 35 feet in height or the height of the principal structure, whichever is less

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS



LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)	TABLE 4
A. Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way 8 feet - Interior Lot Lines
B. Primary Structure	
C. Turf Coverage	25% of landscapable area
D. Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

PARKING [1] (see Figure 4)	TABLE 5
E. Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 5)	Table 6
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet

FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

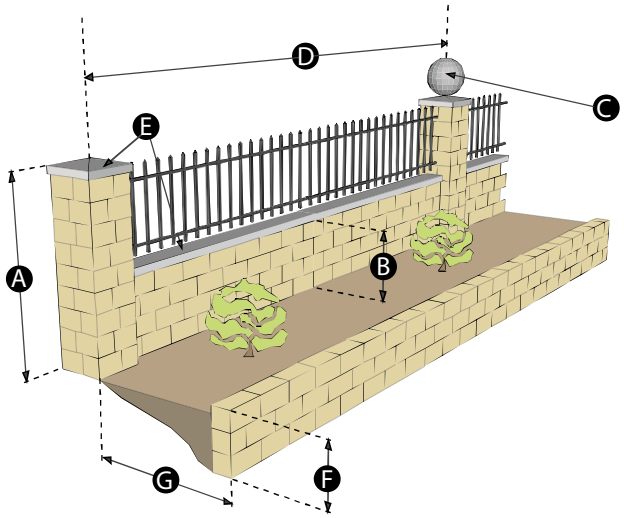
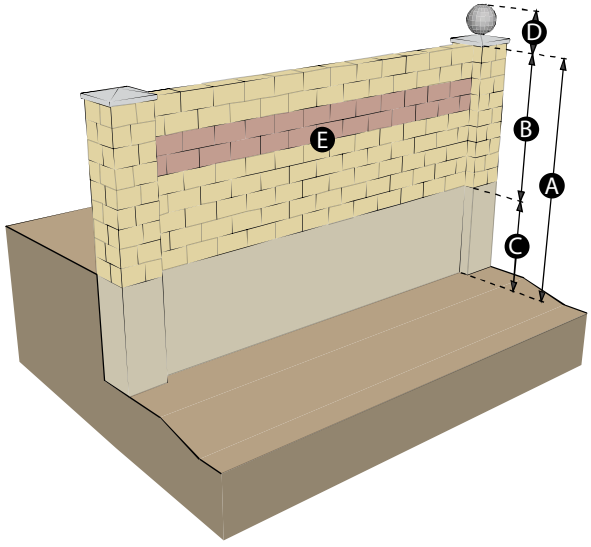


FIGURE 6 - RETAINING AND PERIMETER WALL



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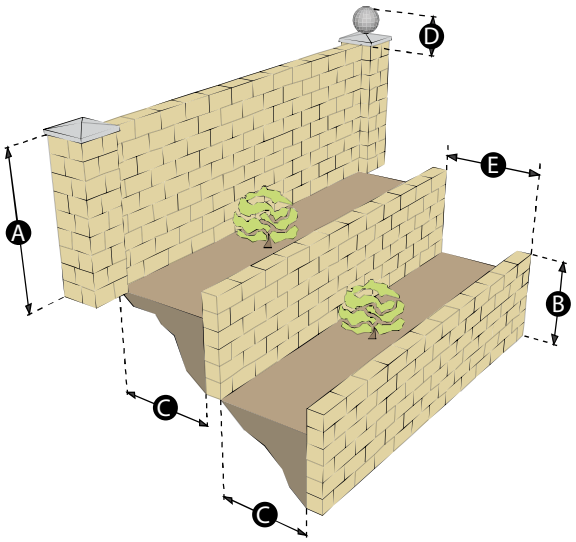
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)		Table 8
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

19.08.070

C-1 LIMITED COMMERCIAL DISTRICT

The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	50% [1, 2]
C.	Minimum Front Yard Setback	10 feet
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	10 feet
F.	Minimum Rear Yard Setback	20 feet [3]

Footnotes:

1. *Senior citizen apartments may be permitted to exceed the lot coverage limitation upon approval of a Site Development Plan Review application in accordance with LVMC 19.16.100*

2. *Lot coverage for mixed-use developments may be increased up to a maximum of seventy-five percent of the net lot area upon the approval of a Site Development Plan Review application in accordance with LVMC 19.16.100.*

3. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

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FIGURE 1 - BUILDING PLACEMENT

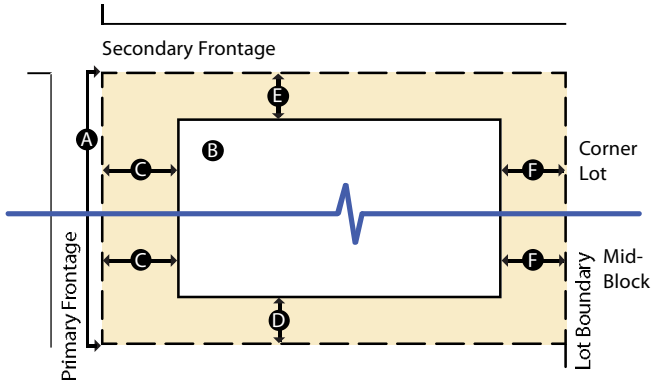

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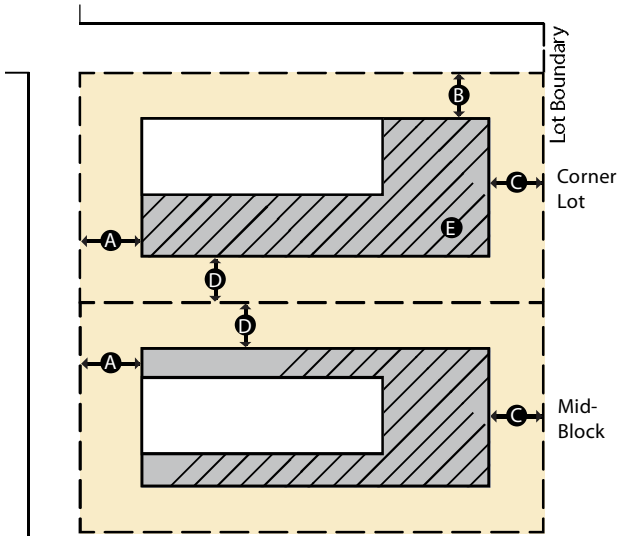
FIGURE 2 - ACCESSORY STRUCTURES

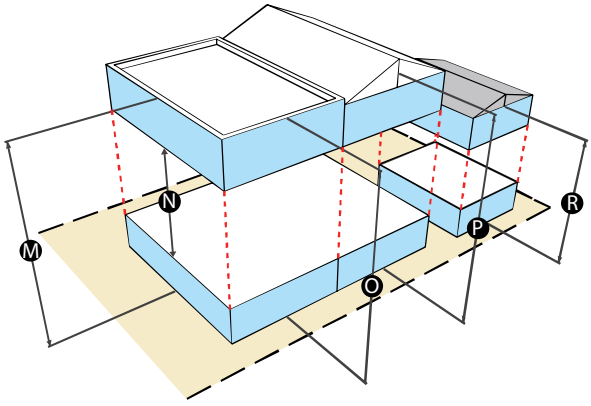


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all structures (excluding carports and detached trash enclosures) shall not exceed the percentage of lot coverage permitted.*

FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT [1] (see Figure 3)		TABLE 3
M.	Stories	NA [2]
N.	Floors	NA [2]
O.	Flat Roof - Max. Height	NA [2]
P.	Pitched Roof - Max. Height	NA [2]
R.	Accessory Bldg. - Stories	Not to exceed the height of the principal structure

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*
2. *For parcels that are outside the Neighborhood Revitalization Area, the maximum building height for mixed-use development is ten stories, or one hundred fifty feet, whichever is less. For purposes of the foregoing, the "Neighborhood Revitalization Area" means the area so designated in the Las Vegas 2020 Master Plan adopted by Ordinance No. 5250, as the boundaries of that area may be amended from time to time*

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)		TABLE 4
A.	Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way [1] 8 feet - Interior Lot Lines

B.	Primary Structure	
C.	Turf Coverage	25% of landscapable area
D.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

Footnotes:

1. *When a principle structure is built at a less restrictive building setback, the setbacks shall prevail.*

PARKING [1] (see Figure 4)		TABLE 5
E.	Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS		
Front Yard Wall/Fence (see Figure 5)		Table 6
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS

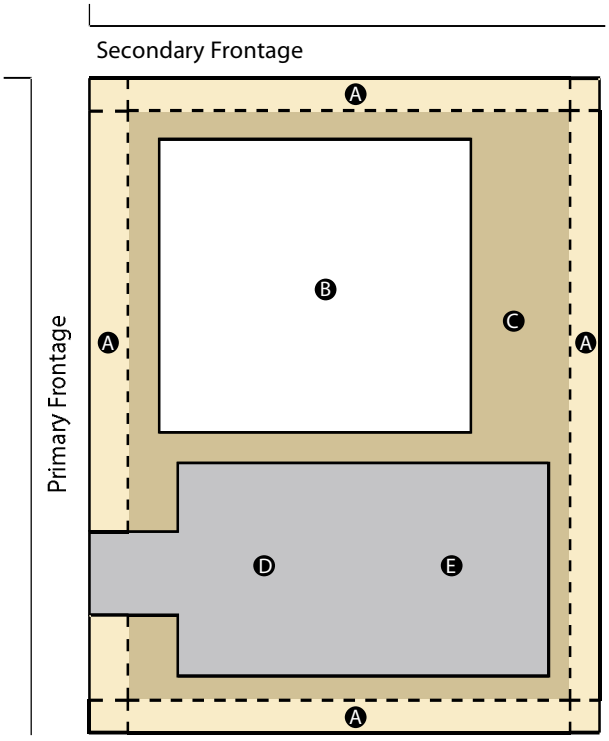


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

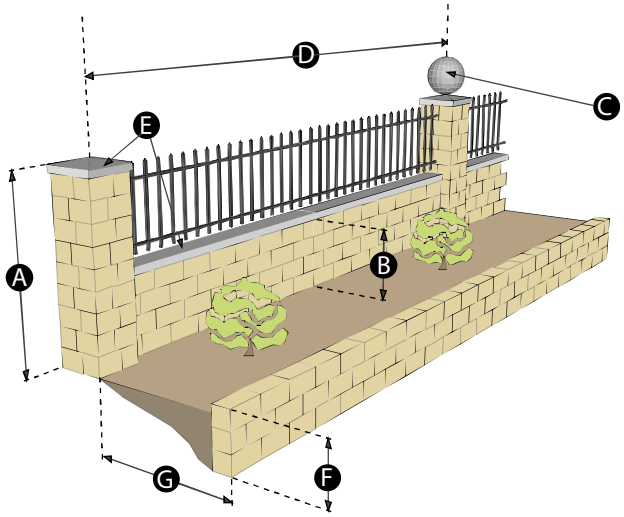


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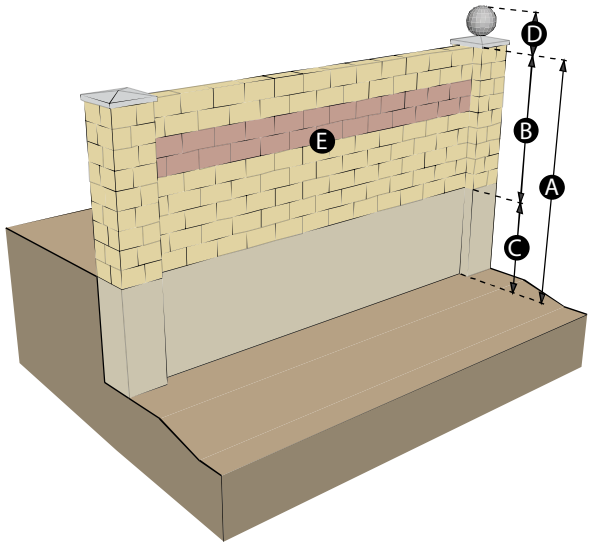
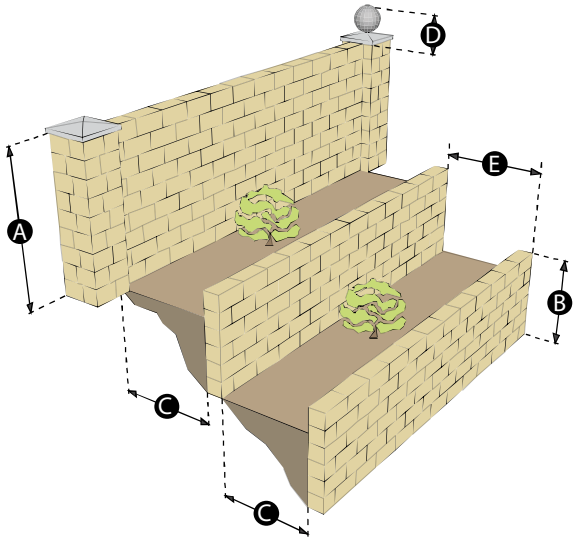
FIGURE 6 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)	Table 8
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections - Inside Dimensions	4 feet
D. Maximum Pilaster Height	18 inches
E. Minimum spacing between wall sections - Outside Dimensions	5 feet

19.08.080

C-2 GENERAL COMMERCIAL DISTRICT

The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	50% [1]
C.	Minimum Front Yard Setback	20 feet
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	15 feet
F.	Minimum Rear Yard Setback	20 feet [2]

Footnotes:

1. *Lot coverage for mixed-use developments may be increased up to a maximum of seventy-five percent of the net lot area upon the approval of a Site Development Plan Review application in accordance with LVMC 19.16.100.*

2. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

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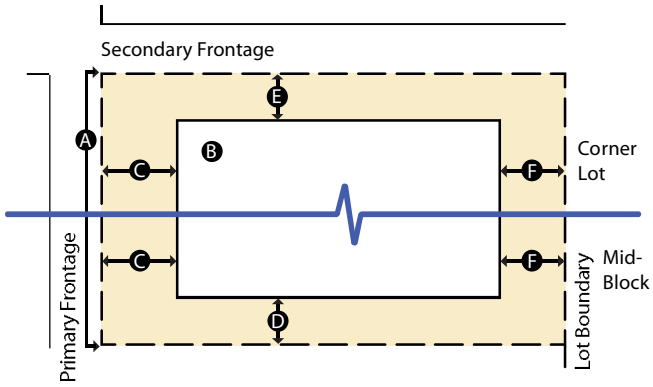
FIGURE 1 - BUILDING PLACEMENT



Illustrations & Graphics

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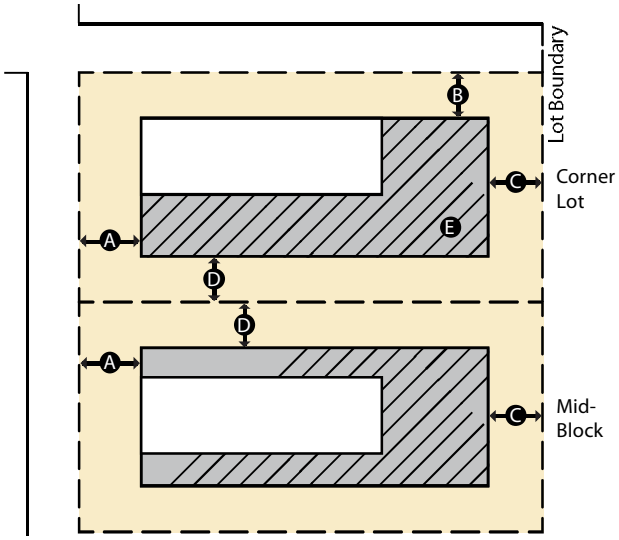
FIGURE 2 - ACCESSORY STRUCTURES

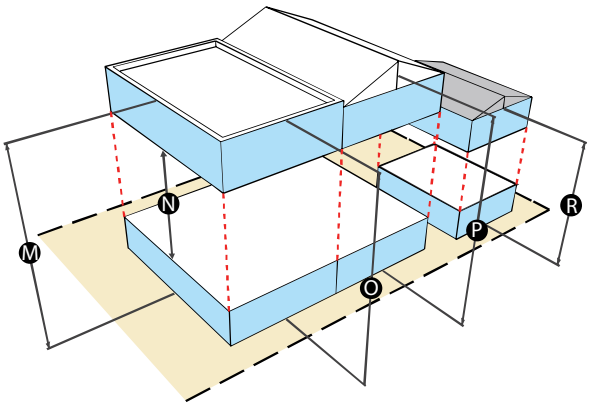


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

Footnotes:

1. *The aggregate total of the ground floor areas of all structures (excluding carports and detached trash enclosures) shall not exceed the percentage of lot coverage permitted.*

FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT [1] (see Figure 3)		TABLE 3
M.	Stories	NA [2]
N.	Floors	NA [2]
O.	Flat Roof - Max. Height	NA [2]
P.	Pitched Roof - Max. Height	NA [2]
R.	Accessory Bldg. - Stories	Not to exceed the height of the principal structure

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*
2. *For parcels that are outside the Neighborhood Revitalization Area, the maximum building height for mixed-use development is ten stories, or one hundred fifty feet, whichever is less. For purposes of the foregoing, the "Neighborhood Revitalization Area" means the area so designated in the Las Vegas 2020 Master Plan adopted by Ordinance No. 5250, as the boundaries of that area may be amended from time to time*

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)		TABLE 4
A.	Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way 8 feet - Interior Lot Lines

B.	Primary Structure	
C.	Turf Coverage	25% of landscapable area
D.	Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

PARKING [1] (see Figure 4)		TABLE 5
E.	Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS		
Front Yard Wall/Fence (see Figure 5)		Table 6
A.	Maximum primary wall height	5 feet
B.	Maximum solid wall base height	2 feet
C.	Maximum Pilaster height	18 inches
D.	Maximum on-center distance between Pilasters	24 feet
E.	Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]		
F.	Maximum secondary wall height	2 feet
G.	Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS

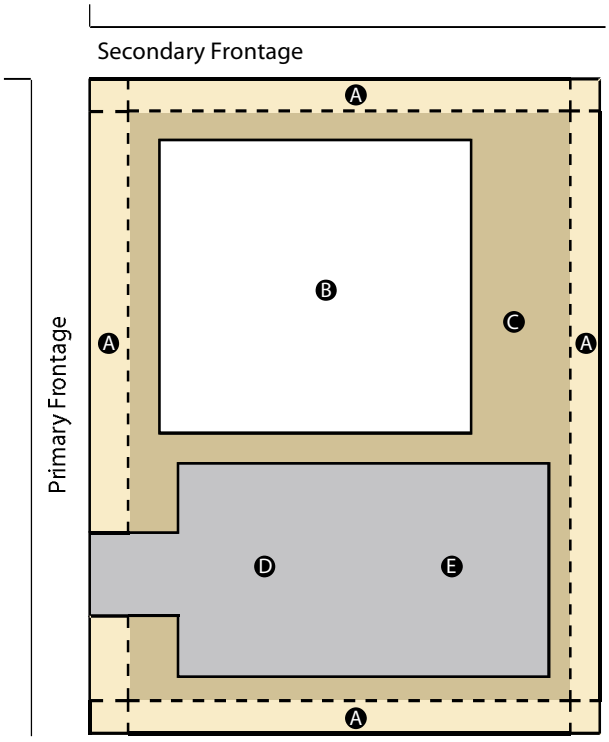


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

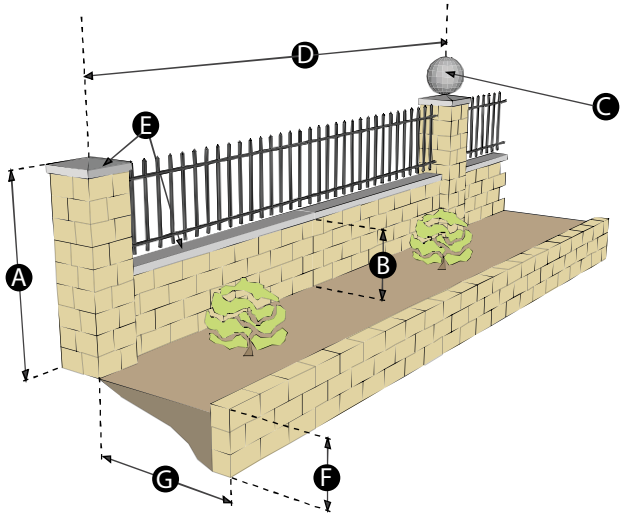


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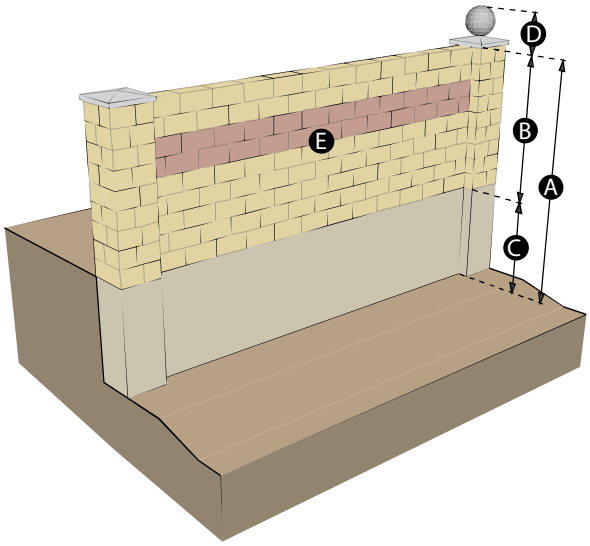
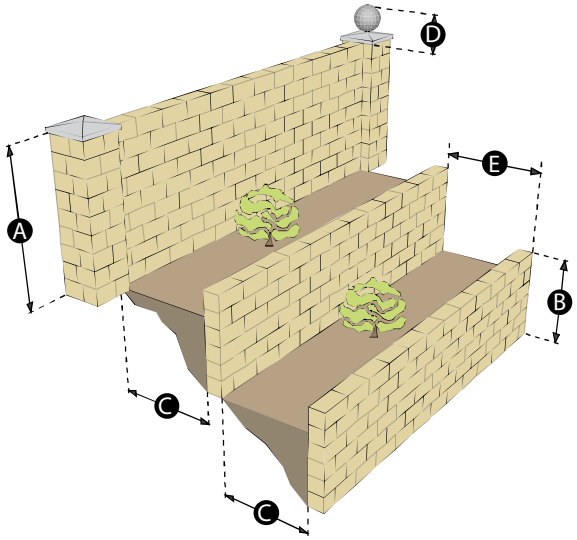
FIGURE 6 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)	Table 8
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections - Inside Dimensions	4 feet
D. Maximum Pilaster Height	18 inches
E. Minimum spacing between wall sections - Outside Dimensions	5 feet

19.08.090

C-M COMMERCIAL/INDUSTRIAL DISTRICT

The C-M District is a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, office and limited industrial uses. This district is intended to be located away from areas of low and medium density residential development. The C-M District is consistent with the Light Industry/Research category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	NA
C.	Minimum Front Yard Setback	10 feet
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	10 feet
F.	Minimum Rear Yard Setback	20 feet [1]

Footnotes:

1. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	10 feet
B.	Minimum Corner Side Yard Setback	10 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	8 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure

FIGURE 1 - BUILDING PLACEMENT

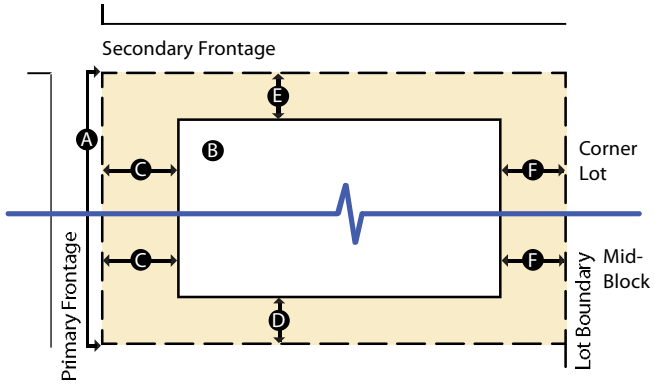


FIGURE 2 - ACCESSORY STRUCTURES

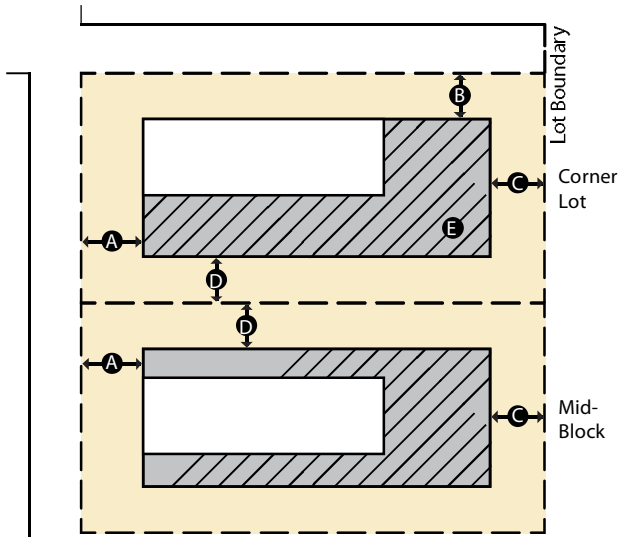


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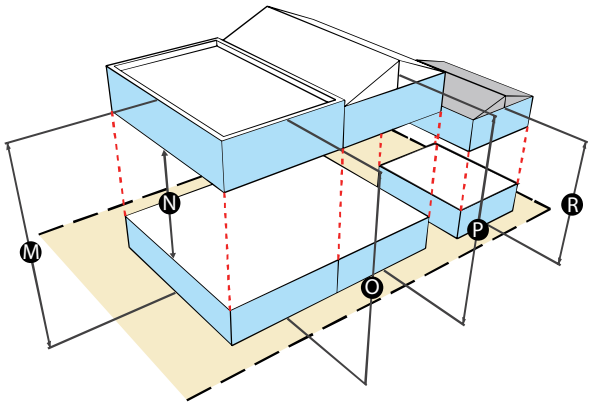
FIGURE 3 - BUILDING HEIGHT

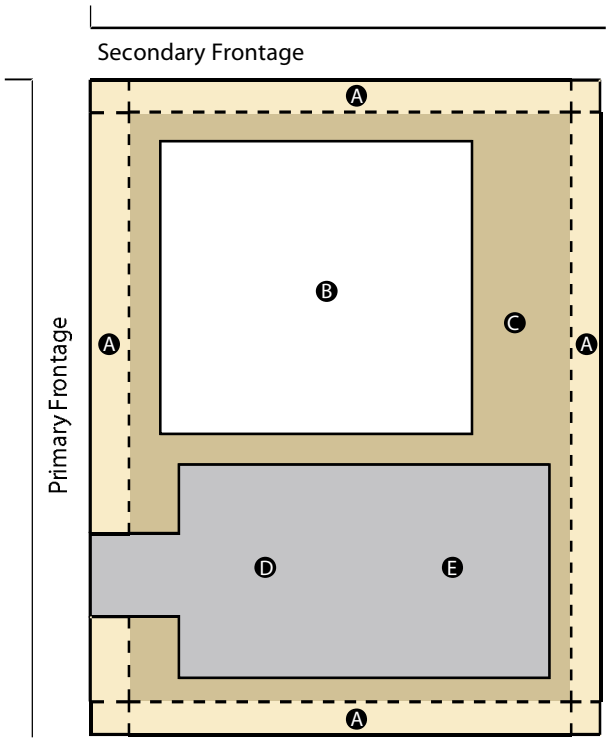


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
M. Stories	NA
N. Floors	NA
O. Flat Roof - Max. Height	NA
P. Pitched Roof - Max. Height	NA
R. Accessory Bldg. - Stories	Not to exceed the height of the principal structure

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS



LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)	TABLE 4
A. Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way 8 feet - Interior Lot Lines
B. Primary Structure	
C. Turf Coverage	25% of landscapable area
D. Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

PARKING [1] (see Figure 4)	TABLE 5
E. Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 5)	Table 6
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet

FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

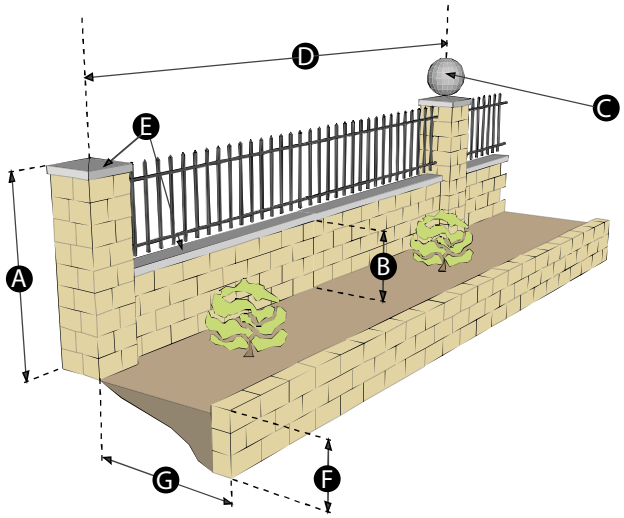
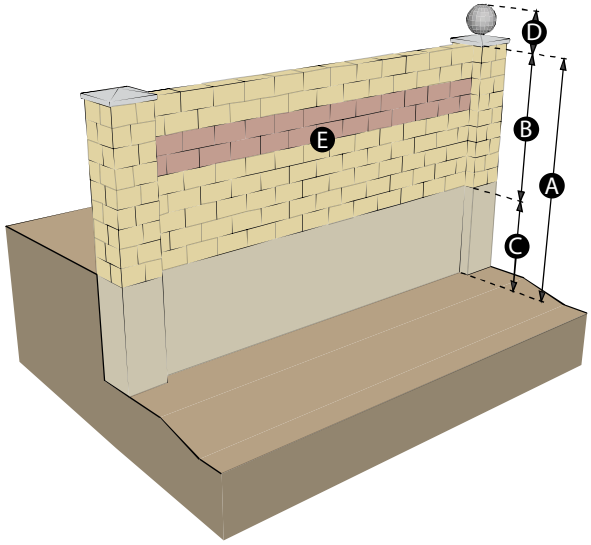


FIGURE 6 - RETAINING AND PERIMETER WALL



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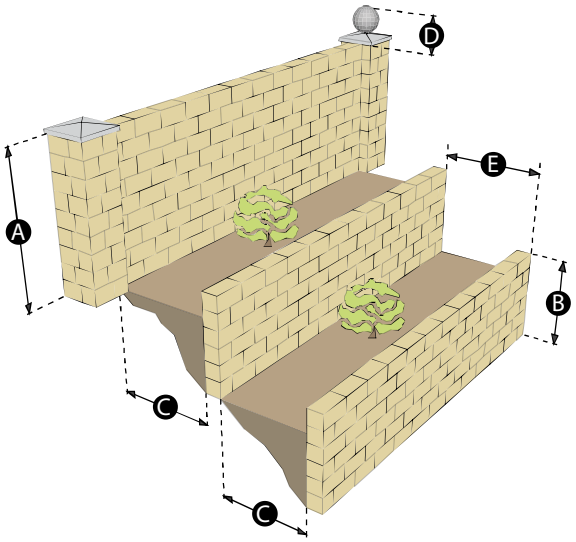
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)		Table 8
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

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M INDUSTRIAL DISTRICT

The M District is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M District is consistent with the Light Industry/Research category of the General Plan.

BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	NA
C.	Minimum Front Yard Setback	10 feet [1]
D.	Minimum Side Yard Setback	10 feet [1]
E.	Minimum Corner Side Yard Setback	10 feet [1]
F.	Minimum Rear Yard Setback	0 feet [1, 2]

Footnotes:

1. *Where adjacent to, or across the street from, a residential district, the minimum setback from the property line or the street right-of-way line shall be fifty feet. The setback area shall be maintained free and clear of all buildings or industrial uses, except that this area may be used for parking. Such parking use may include parking for industrial equipment and vehicles if parking areas are completely screened from any residential view.*

2. *Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	10 feet
B.	Minimum Corner Side Yard Setback	10 feet
C.	Minimum Rear Yard Setback	0 feet
D.	Minimum Side Yard Setback	0 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

FIGURE 1 - BUILDING PLACEMENT

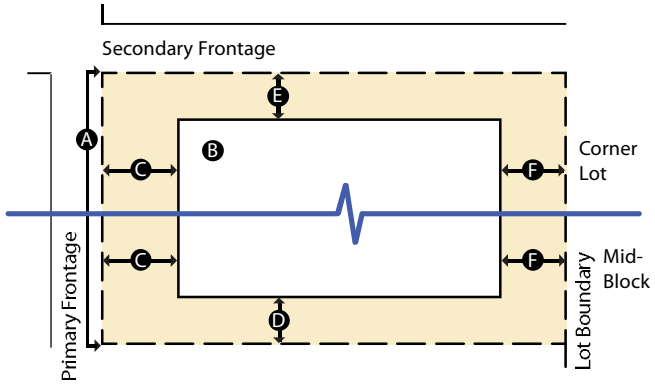

FIGURE 2 - ACCESSORY STRUCTURES

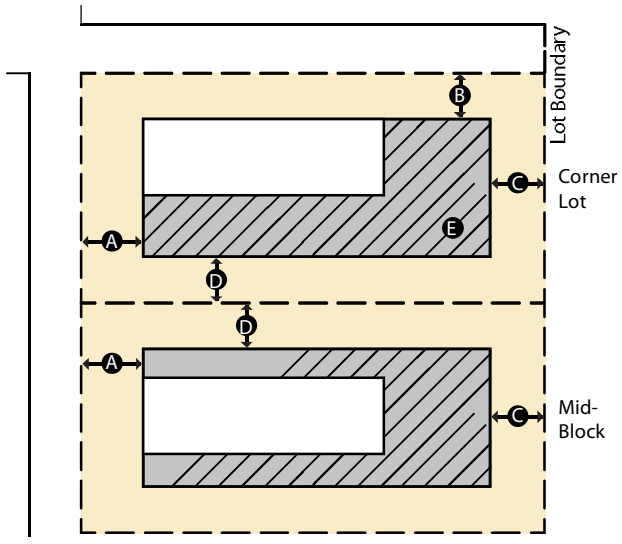

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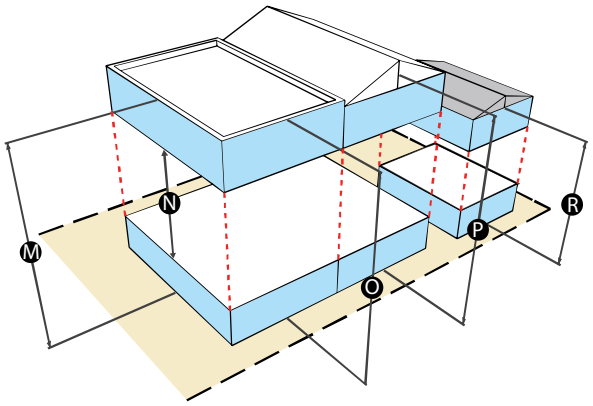
FIGURE 3 - BUILDING HEIGHT

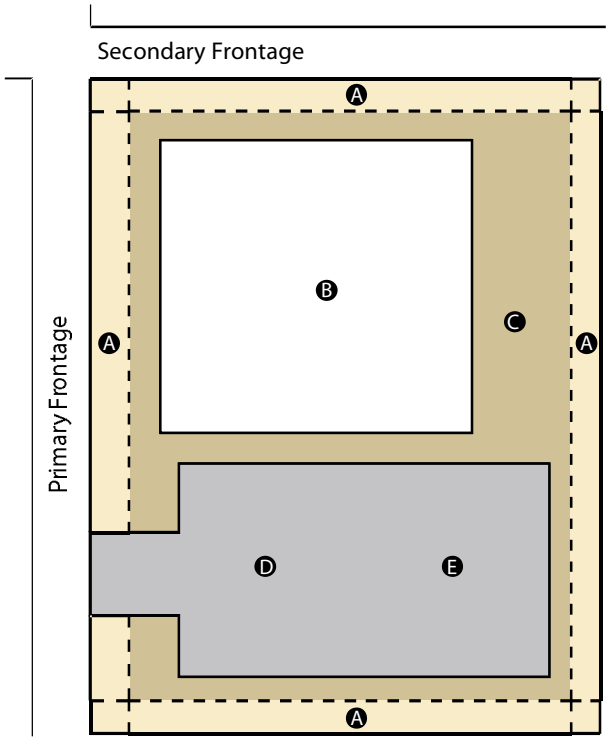


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
M. Stories	NA
N. Floors	NA
O. Flat Roof - Max. Height	NA
P. Pitched Roof - Max. Height	NA
R. Accessory Bldg. - Stories	Not to exceed the height of the principal structure

Footnotes:

1. *Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).*

FIGURE 4 - LANDSCAPE BUFFER AND TURF LIMITATIONS



LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 4)	TABLE 4
A. Landscape Buffer - Minimum Zone Depths	15 feet - Adjacent to Right-of-Way 8 feet - Interior Lot Lines [1]
B. Primary Structure	
C. Turf Coverage	25% of landscapable area
D. Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts

Footnotes:

1. *When building setbacks are less restrictive, the setbacks shall prevail.*

PARKING [1] (see Figure 4)	TABLE 5
E. Minimum On-site Parking Requirement [2]	Shall be as outlined in LVMC 19.12.160 based on the approved use

Footnotes:

1. *Shall meet the parking area design standards as outlined in LVMC 19.08.110.*
2. *Handicapped parking shall be calculated as provided for in LVMC 19.18.030(E).*

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 5)	Table 6
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Pilaster height	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback [1]	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 5).*

Perimeter and Retaining Walls (see Figure 6)	Table 7
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope > 2%	
A. Maximum Overall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet

FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

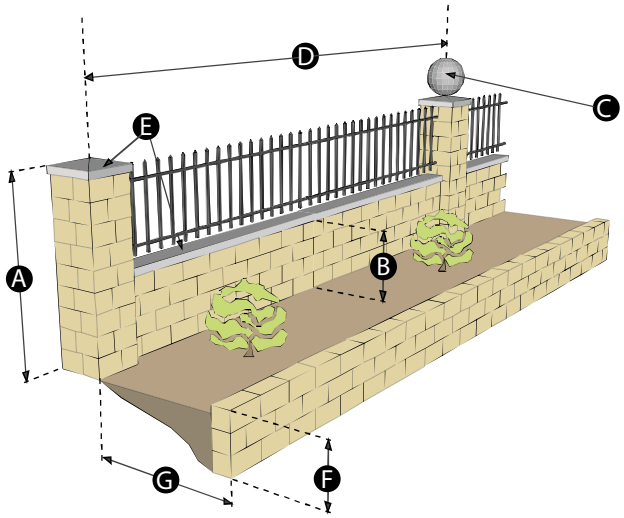
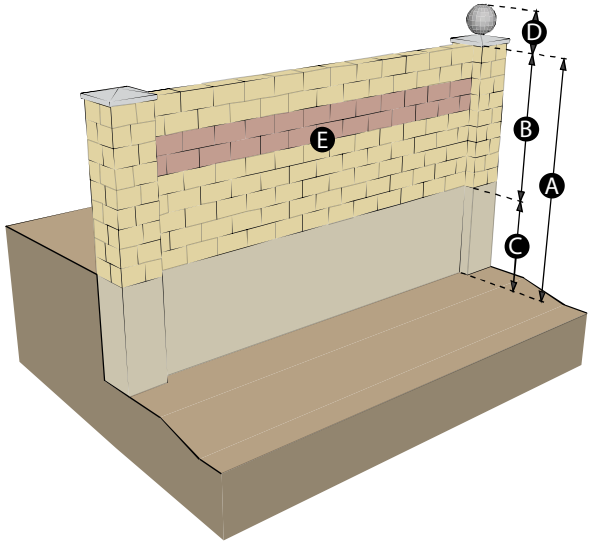


FIGURE 6 - RETAINING AND PERIMETER WALL



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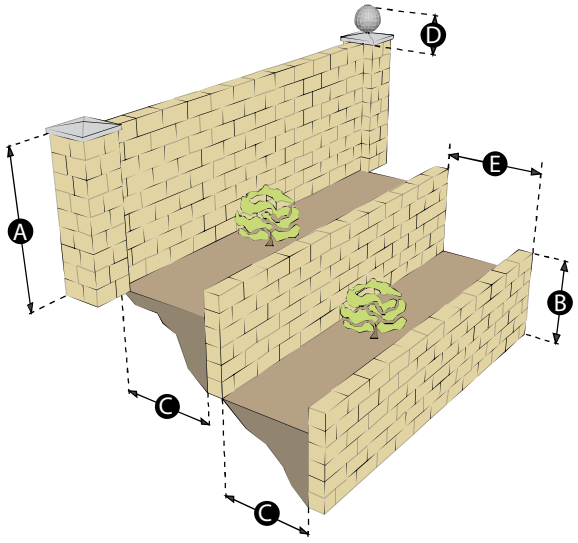
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

FIGURE 7 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 7)		Table 8
A.	Maximum Primary wall Height	6 - 8 feet
B.	Maximum Secondary wall Height	4 feet
C.	Minimum spacing between wall sections - Inside Dimensions	4 feet
D.	Maximum Pilaster Height	18 inches
E.	Minimum spacing between wall sections - Outside Dimensions	5 feet

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COMMERCIAL AND INDUSTRIAL PARKING DESIGN STANDARDS

A. Purpose

The purpose of this Section is:

1. To require off-street parking facilities in proportion to the parking demand for each use;

2. To provide accessible, attractive, secure, properly lighted and well-maintained off-street parking facilities;

3. To reduce traffic congestion and hazards; and

4. To assure that maneuverability for emergency vehicles exists.

B. General Regulations

In addition to any standards listed for parking in the tables provided for each district, development on any lot subject to the standards provided in this Chapter shall conform to the following:

1. Every building or land use established, every existing building enlarged and every existing use expanded shall provide off-street parking and loading spaces in accordance with the minimum parking requirements set forth in LVMC 19.12.060 and the any other applicable requirements and standards of this Title. Existing parking and loading spaces shall not be reduced below the minimum required by this Title.

2. All on-site parking shall be provided on the same parcel as the principal use, except as permitted by the off-site parking provisions of this Title. Parking on the public right-of-way may not be counted towards satisfying the requirement for on-site parking.

3. All parking and vehicle storage areas shall occur on paved areas, except that:

   a. Parking surfaces used for temporary real estate sales offices may consist of decomposed granite, chat, reclaimed asphalt paving or other material approved by the Department of Public Works; and

   b. Areas within automobile salvage yards used for the storage of wrecked vehicles need only be oiled or otherwise protected so as to prevent a dust nuisance.

4. Except as otherwise provided in LVMC 19.12.070 or some other provision of this Title, when more than one use is to be conducted on a site, parking shall be calculated and provided for each of the uses separately.

5. When buildings are located at the front of a site, all parking shall be located to the side or rear of buildings and away from the street front unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible. Parking lots shall not be permitted on street corners unless the applicant can demonstrate by substantial and convincing evidence that to locate them elsewhere would be infeasible.

6. Large parking lots with more than five hundred parking spaces should be divided into well-landscaped, small sub-area parking lots that contain two hundred fifty or fewer parking spaces. Buildings, pedestrian walkways or landscape areas with a minimum width of fifteen feet should be used to delineate the sub-area parking lots.

7. The distribution of parking spaces for any and all individual uses will be required to be arranged on site to ensure optimal access and use by the patrons of such use.

8. Except as otherwise required by the City's Building Code, handicapped parking spaces shall be provided for all uses at the rate described in LVMC 19.18.030 (D).

C. Design of Parking Areas

1. Access. Off-street parking areas shall be provided in the following manner:

   a. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The backing of a motor vehicle onto a public street from a parking area shall be prohibited, except for the following:

      i. Existing commercial and industrial facilities parking areas not exceeding two spaces per property.

      ii. Existing public and quasi-public use facilities not exceeding two spaces per property.

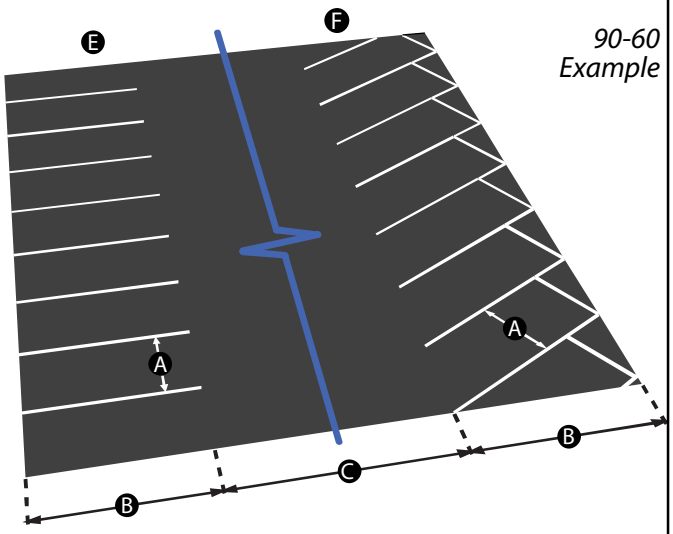
   b. Parking spaces for any use shall be placed in a location to facilitate use of the parking facility.

Illustrations & Graphics

Parking 19.08.110

FIGURE 1 - ANGLE PARKING DIMENSIONS

90-60 Example



0/Parallel Example

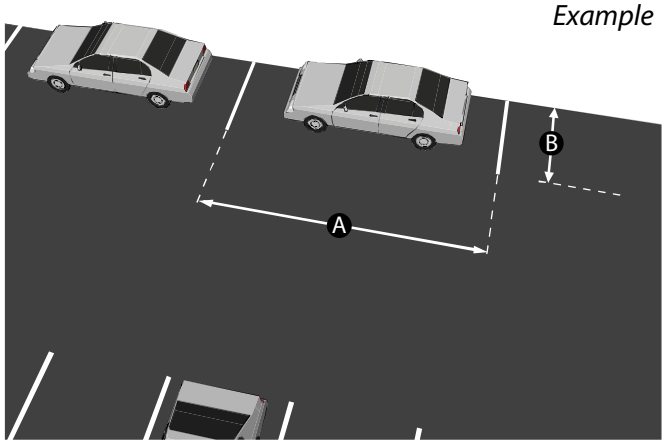
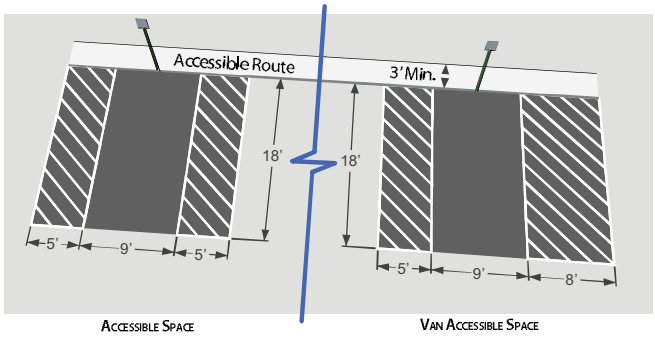


FIGURE 2 - HANDICAPPED PARKING DIMENSIONS



c. No parking space shall be located so as to require the moving of any vehicle on the premises in order to enter or leave another parking space, except where permitted under the provisions of Paragraph (9) that allow tandem parking.

2. Dimensional Requirements

a. Compact Spaces Permitted. A minimum of seventy percent of the parking spaces shall be standard size and up to thirty percent of the required on-site parking spaces may be designated as compact parking spaces.

b. Size. Minimum size for parking spaces is shown in Table 1 below:

PARKING STALL SIZE		TABLE 1
TYPE OF SPACE	WIDTH	LENGTH
Standard Car	9 feet	18 feet
Compact Car	8 feet	18 feet
Handicapped (Car)	19 feet	18 feet
Handicapped (Vehicle with a Side-loading wheelchair lift)	22 feet	18 feet
Recreational Vehicle	10 feet	30 feet
Parallel Parking	9 feet	23 feet

c. Angle Parking. Minimum dimensional standards for angle parking and access aisles are set forth in Table 2 below:

ANGLE PARKING (SEE FIGURE 1)				TABLE 2
PARKING ANGLE DEGREES	DIMENSIONAL STANDARDS			
	Stall Width (feet) Ⓐ	Depth of Stall (feet) Ⓑ	Access aisle, One-way (feet) Ⓒ	Access aisle, Two-way (feet) Ⓒ
0	23	9′	na	na
30	9	17′	12	24
35	9	17′ 6″	12	24
40	9	18′ 6″	12	24
45	9	19′	12	24

50	9	19′ 6″	12	24
55	9	20′	13	24
60 (E)	9	20′	15	24
65	9	20′	17	24
70	9	20′	19	24
75	9	19′ 6″	21	24
80	9	19′ 6″	23	24
85	9	18′ 6″	24	24
90 (F)	9	18′	24	24

d. Size Adjustments. Parking structures may be subject to dimensional adjustments based on utilization (i.e., public or private garage with or without an attendant), but in no case shall the standard stall width be less than eight and one-half feet. Reduction in design standards for parking structures shall be subject to approval by the Director.

e. Construction Standards. All parking facilities shall be designed and constructed in accordance with the standards of the Department of Public Works.

3. Handicapped Parking Design Standards

a. Parking Space Dimensions. Handicapped parking spaces shall be at least nine feet wide and shall have an adjacent access aisle (a minimum of five feet in width) on each side. Two handicapped parking spaces may share a common access aisle.

b. Vehicles with a Side-Loading Wheelchair Lift. One in every six handicapped spaces shall be served by an access aisle at least eight feet wide and shall be designated for the use of vehicles with a side-loading wheelchair lift. Each such parking space and the access route thereto shall have a minimum vertical clearance of eight feet two inches. Spaces shall have signage in accordance with the requirements of LVMC 11.52.135. The dimensions for handicapped parking spaces are illustrated in Figure 2.

c. Location of Spaces. Handicapped spaces shall be located with the most direct and practical access, at least three feet wide to a primary accessible building entrance unobstructed by bumpers, curbs, or other obstacles to wheel-chairs. The site design shall not permit parked vehicle overhangs or any other obstacle to reduce the clear width of adjacent walkways. Parking spaces and access aisles shall be level with surface slopes not exceeding a ratio of 1:48 in all directions.

d. Signage. Handicapped spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility in accordance with the requirements of LVMC 11.52.135. The required signage shall not be obscured by a vehicle parked in the space.

e. Relationship to General On-Site Parking Requirements. Required handicapped parking may be counted towards the fulfillment of the general on-site parking requirements of this Title.

4. Drainage. All parking lots shall be suitably graded and drained in accordance with the standards of the Department of Public Works.

5. Driveways. Driveways (curb cuts) shall be constructed in accordance with the commercial and multi-family geometric standards of the Department of Public Works.

6. Lighting. Parking areas used during the hours of darkness shall have lighting providing adequate illumination for security and safety. The minimum requirement is one foot candle, maintained across the surface of the parking area. Illumination, including security lighting, shall be directed away from adjoining properties and shall be arranged and controlled so as not to cause a nuisance either to highway traffic or to surrounding uses. (See related Lighting Standards in this Chapter)

7. Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

8. Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

9. Tandem and Valet Parking. The Director is authorized to approve an off-street parking program utilizing limited tandem parking for commercial and industrial uses provided that the development requires one hundred fifty or more parking spaces. No more than thirty percent of

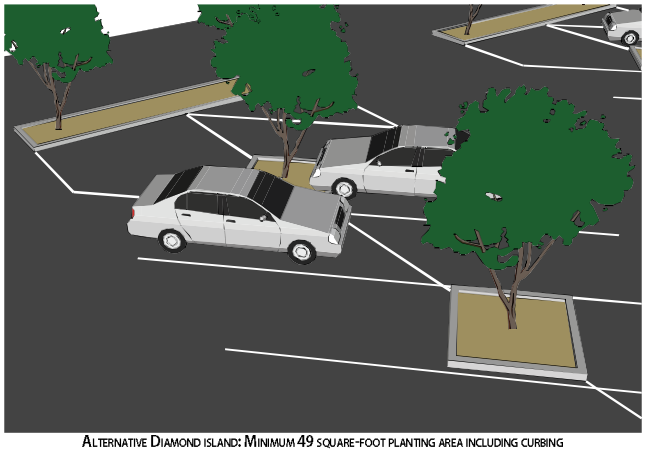
FIGURE 3 - STANDARD LANDSCAPE ISLAND

STANDARD PARALLEL ISLAND: MINIMUM 5-FOOT PLANTING WIDTH INSIDE OF CURBING AND RUNS THE LENGTH OF THE ADJACENT PARKING SPACES

FIGURE 4 - ALTERNATIVE LANDSCAPE ISLAND (OFF-SET)

ALTERNATIVE OFF-SET ISLAND: MINIMUM 9-FOOT PLANTING WIDTH INCLUDING CURBING AND RUNS THE LENGTH OF THE ADJACENT PARKING SPACE CREATING AND ALTERNATING PATTERN

FIGURE 5 - ALTERNATIVE LANDSCAPE ISLAND (DIAMOND)



ALTERNATIVE DIAMOND ISLAND: MINIMUM 49 SQUARE-FOOT PLANTING AREA INCLUDING CURBING

the total number of spaces shall be designated as tandem. In addition, a valet parking attendant must be on duty during business hours.

10. **Wheel Stops/Curbing.** Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

11. **Carports/Covered Parking.** Carport structures or other similar covered parking structures shall be subject to the accessory structure requirements set forth in LVMC 19.08.040(C).

12. **Parking Lot Landscaping.** Landscaping within parking lots shall be in accordance with the following:

    a. **Landscape Islands**

        i. **Location.** Interior landscape islands shall be provided for all parking lots as follows:

            A) At the end of each row of parking spaces;

            B) Either parallel to parking spaces, at a ratio of one landscape island for every six parking spaces, or perpendicular to parking spaces, if located between abutting rows of parking spaces; (See Figure 3) and

            C) In addition to any required perimeter landscape areas.

        ii. **Size.** Landscape islands shall have a minimum width of five feet, as measured from the inside of the curbing, and shall have a minimum length equal to the length of the adjacent parking spaces.

        iii. **Alternative Island Options.** Figures 4 and 5 illustrate alternative landscape island configurations that may be approved as part of a Site Development Plan Review provided the design achieves the planting

requirements provide in Subparagraph (b) below.

b. Planting Requirements

i. Trees. One tree shall be planted for every six uncovered parking spaces. Each landscape island shall have at least one shade tree; required trees shall be a minimum twenty-four inch box evergreen or deciduous shade tree. Tree spacing within a landscape island shall not exceed thirty feet on center.

ii. Shrubs. Landscape islands shall include a minimum of four five-gallon shrubs for every required tree.

iii. Ground Cover. Landscape islands shall include a two-inch layer of ground cover or rock mulch.

iv. Perimeter Landscaping. Landscape materials required for perimeter landscape buffer areas may not be counted towards the requirements for landscape islands in parking lots.

v. Irrigation. Landscape materials and any other required landscape areas shall be irrigated with drip irrigation only.

c. Parking Lot Screening. Parking lots shall be screened from adjacent roadways by a low wall or berm with a maximum height of thirty inches, a solid living hedge with an approximate maximum height of thirty-six inches, or some other screening method that has been approved as part of a landscape plan and provides a continuous screen.

d. Adjacency to Buildings. No parking lot shall directly abut any building. A minimum five-foot wide landscape buffer or minimum five-foot wide sidewalk should be used to buffer buildings from parking spaces. A combination of landscape buffer and sidewalk may be used to achieve the minimum five-foot buffer, provided that any sidewalk so used may not have a width of less than three feet.

e. Curbing. Concrete curbing shall be installed at the perimeter of landscape islands and buffers where parking lots or vehicular access aisles directly abut the landscape area.

f. Applicability of Standards. Except as otherwise provided in this Subparagraph (f), the standards set forth in this Paragraph (11) are minimum requirements. An exception or modification to any of these standards may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the exception or modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the exception or modification will not detrimentally affect the public health, safety or general welfare. Such an exception or modification may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested exception or modification, the request may be acted upon by the Planning Commission or City Council as part of a Site Development Plan Review. In the case of action by the Planning Commission or City Council, the request for exception or modification need not be identified as a separate action item, and disposition of the request may be incorporated into the action on the Site Development Plan Review. Notice of action on the request for exception or modification may be incorporated into the notice of decision regarding the Site Development Plan Review.

D. On-site Loading Standards

1. Purpose

The purpose of these provisions is to establish standards to regulate the number, size, design and location of on-site loading areas in a manner which ensures the following:

a. Accessible, secure, and well-maintained loading and delivery facilities;

b. Reduced potential for traffic congestion and hazards;

c. Protection for adjacent parcels and surrounding neighborhoods from the effects of vehicular noise and traffic generated from the commercial/industrial development; and

d. Loading and delivery service spaces in proportion to the needs generated by the

proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

2. Applicability

Except for uses within the Downtown Centennial Plan Overlay District, every use that receives or distributes materials or merchandise by truck shall provide and maintain on-site loading spaces in accordance with the standards of this Section.

3. On-Site Loading Requirements

a. The number of loading spaces shall be based upon the total gross floor area in the building or use.

b. On-site loading spaces shall be provided in accordance with Table 3 below:

LOADING REQUIREMENT	TABLE 3
SQUARE FEET	REQUIRED SPACES
Less than 10,000	1
10,000 to 29,999	2
30,000 to 50,000	3
Each one hundred thousand (or fraction thereof) over 50,000	1 additional

4. Design Standards. Off-street loading spaces shall be provided in the following manner:

a. Dimensions. The minimum size of a loading space shall not be less than fifteen feet in width, twenty-five feet in length, with a fifteen foot vertical clearance.

b. Location. Loading spaces shall be located and designed as follows:

i. Adjacent to, or as close to as possible, the main structure.

ii. Situated to ensure that all loading and unloading takes place on-site and in no case within adjacent public right-of-way or on-site traffic areas.

iii. Situated to ensure that all vehicular maneuvers associated with loading and unloading shall occur on-site.

iv. Situated to ensure that impact on adjacent residential uses is minimized.

5. Screening, Security, Striping, Surfacing and Wheel Stops/Curbing. The screening, security, striping, surface and wheel stops/curbing standards for parking areas, as set forth in LVMC 19.08.110 (C), shall apply also to the loading areas required by this Section.

19.08.120

COMMERCIAL AND INDUSTRIAL SIGN STANDARDS

A. Conformance and Purpose

1. Conformance Required

A sign shall be erected, placed, established, relocated, painted, created, or maintained within a commercial or industrial district in the City only in conformance with the standards, procedures, exemptions and other requirements of this Section.

2. Purpose

The goal of this Section is to achieve a balance among: the use of signs for business advertising; the public's need for signs as aids to way-finding; traffic safety; community appearance, particularly along its major corridors; and the maintenance of the residential character of the City's neighborhoods. In furtherance of that goal, this Subchapter has the following specific purposes:

a. To improve the quality, visibility, conspicuity and appearance of signs, and the appearance of properties, thoroughfares and neighborhoods within the City in accordance with the Las Vegas 2020 Master Plan;

b. To establish a set of design criteria to allow a limited variety of signs in residential districts, subject to the standards of this Subchapter and the certification procedures of this Title;

c. To allow without permit or certification certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Section;

d. To provide for temporary signs without commercial messages in limited circumstances;

e. To prohibit all signs within commercial or industrial districts not expressly permitted by this Section; and

B. General Requirements

1. General

On-premise signs may be allowed on commercial or industrial property in the City in accordance with this Section.

2. Compliance with City Codes

In addition to the requirements of this Section, all signs shall comply with applicable provisions of the technical codes of the City of Las Vegas. All signs shall be attached in compliance with the City Building Code. Signs allowed under this Section, either with or without a sign certificate, shall be erected or placed in accordance with applicable height, size and setback requirements and shall conform to applicable lighting standards and other standards, restrictions and conditions set forth in this Title.

3. Certificate Required

Prior to the construction, placement, erection or modification of any on-premise sign requiring a certificate under the provisions of this Section, the owner(s) of the lot or the owner's authorized agent shall secure a sign certificate in accordance with the requirements of LVMC 19.16.200. No person shall install a sign that requires a certificate unless the appropriate certificate has been obtained, nor shall any person permit or cause such a sign to be installed without a certificate.

4. General Standards

a. Conformance with Sign Standards. No sign shall be allowed within a commercial or industrial district unless the size, characteristics and location of the sign conform to the requirements of this Section, and the number of signs on the lot does not exceed the limitations imposed by this Section.

b. Signs in public right-of-way. Except as otherwise provided in LVMC 19.04.160, no sign shall be erected in the public right-of-way.

c. Required mounting. Except as otherwise provided in this Section, all on-premise signs shall be permanently mounted to a building or freestanding permanently secured support structure. Portable on-premise signs shall only be permitted under Section 19.08.120(G). No sign shall be painted onto a wood or masonry perimeter fence.

d. Sound. No sign shall emit any sound as part of the advertising message.

e. Odors. No sign shall emit any odor as part of the advertising message.

f. Street addresses. On-premise freestanding or monument signs identifying a building or complex of structures, located along the street frontage to which the street address applies, shall display the address of the building or the range of addresses within the complex. Any other on-premise sign may incorporate a street address. The area of the street address text shall not be computed as part of the sign face. All street addresses displayed shall be in conformance with the most recently adopted version of the "City of Las Vegas Street Naming and Address Assignment Regulations".

g. Issuance of Certificate. No sign certificate shall be issued for an existing or proposed sign in a commercial or industrial district unless the sign is consistent with the requirements of this Title (including those protecting existing signs) and is consistent with any Master Sign Plan in effect for the property.

5. Construction Materials and Attachment

a. All signs, other than temporary signs conforming in all respects with the requirements of LVMC 19.08.120(G), shall be constructed of durable materials.

b. All signs shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure, except as allowed for certain temporary signs in accordance with LVMC 19.08.120(G).

6. Licensed Contractor Required

All signs that require a construction permit under applicable codes shall be installed by a qualified contractor licensed by the City of Las Vegas and the State of Nevada.

7. Maintenance

a. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Section at all times.

b. All materials used in sign construction shall be maintained in such a manner as to be free from fading, peeling, chipping and other states of general deterioration.

8. Revocation

A sign certificate is revocable if the sign is abandoned or allowed to become unsafe or dangerous, or is otherwise condemned. The owner(s) shall maintain the sign in safe condition at all times and shall remove the sign if abandoned.

9. Determination of Visibility or Legibility

Where a determination of "visibility" or "legibility" is required, the standard shall be based on the minimum required eyesight of an adult eligible to receive a Nevada driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

10. Sign Certificate Application

Where a sign certificate is required, an application shall be submitted in accordance with LVMC 19.16.200.

C. Residential Protection Standards

1. Illuminated Signs

Any illuminated sign requiring a sign certificate and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use shall be subject to the following additional lighting standards:

a. If the sign is located within 40 feet of the property planned or zoned for residential use and is or will be visible from such property, it may be internally illuminated or lighted with direct white light;

b. If the sign is located more than 40 feet from the property planned or zoned for residential use but within 200 feet of such property and the sign is or will be visible from such property, it may be interior-lit or lighted with direct white light, but it shall not contain bare bulbs, exposed neon tube, animation or a electronic message unit; and

c. Direct lighting fixtures for such signs shall be aimed up and/or away from the property planned or zoned for residential use.

2. Electronic Message Unit, Animated and Flashing Signs

Electronic message units, animated signs and flashing signs are prohibited within 200 feet of

property planned or zoned for residential use unless the design of the sign or its location and orientation ensure that the electronic message unit, animated or flashing portion of the sign, or any other light from the sign will not be visible from the property planned or zoned for residential use.

D. Certain Illegal and Abandoned Signs

1. Action Required

a. Abandoned sign faces or sign copy shall be removed from public view by covering the sign face, replacing the sign face with a blank sign face, or replacing the sign copy with sign copy that relates to an on-going business, product, service, idea or commercial activity on-site.

b. Abandoned sign structures and illegal signs shall be removed by the owner(s) of the property, the owner's agent, or the person having the beneficial use of the building, structure or land where such sign is located within 10 days, in the case of illegal signs, and 30 days, in the case of abandoned sign structures, after written notification from the City.

c. Failure to comply with a notice from the City demanding the removal of an abandoned sign or an illegal sign within the time period specified in the notice shall be considered a violation of this Section. See also LVMC 19.16.200(E) .

E. Exempt and Prohibited Signs

1. Substitution of Non-Commercial Messages

Any sign authorized in this Section may contain non-commercial copy in lieu of any other copy.

2. Exempt Signs

The following signs shall be exempt from regulation under this Section:

a. Any public safety sign, notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

b. Non-commercial messages unless otherwise regulated by this Section;

c. Any sign inside a building that is not legible from a distance of more than three feet beyond the nearest boundary line of the premises on which the sign is located;

d. Works of art or decorative architectural graphics that do not include a commercial message and are not symbolic of any commercial business and are not symbolic of commercial activities taking place on the premises on which the graphic is located;

e. Official notices of any court, public body or officer, or any other sign required by law;

f. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice; or

g. Signs not visible from the public right-of-way.

3. Prohibited Signs

The following signs are prohibited:

a. All signs not expressly permitted or exempted under this Title;

b. Any on-premise sign that is associated with a use that no longer occupies the premises on which it is located;

c. Pole signs placed or erected after August 1, 2002 that do not meet the freestanding sign design standards contained in this Section;

d. A private sign of any kind located on or over any public street, walkway, parking or other public property except as otherwise provided for in this Section;

e. Displays that employ white, red or blue rotating lights or any lights that simulate emergency vehicle lights;

f. Except as lawfully permitted as a temporary special event or civic event sign, beacons, pennants, inflatable signs, tethered balloons, portable signs and similar attention gaining devices;

g. Signs placed on parked vehicles or trailers, or parked commercial vehicles where the vehicle or trailer is not used by the business advertised for the transportation of persons or goods in the ordinary course of business;

h. Permanent balloon signs; and

i. Outdoor, portable electric signs, except as

Illustrations & Graphics 19.08.120(F)

FIGURE 1 - DECORATIONS

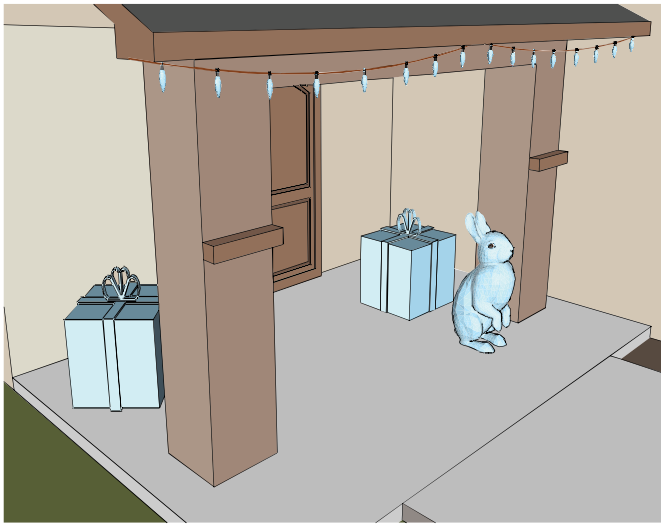
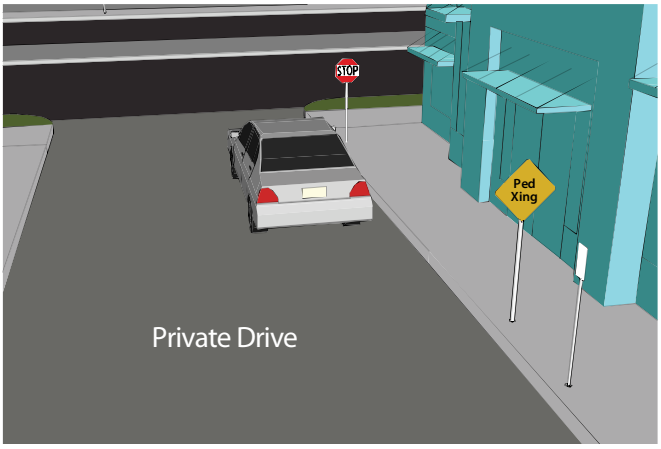


FIGURE 2 - TRAFFIC CONTROL SIGNS ON PRIVATE PROPERTY



permitted under the provisions for temporary signs.

F. Signs Permitted in Commercial and Industrial Districts

The following signs and similar devices are permitted in commercial and industrial districts as indicated, subject to the specified conditions:

1. Decorations (see Figure 1)

Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday are permitted without a sign certificate within all commercial and industrial districts; provided that such signs are not displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) calendar year. Such signs are not restricted as to type, number, area, height, location, illumination, or animation.

2. Traffic Control Signs on Private Property (see Figure 2)

Any traffic control sign on private property, such as "Stop," "Yield" and similar signs, the face of which meets Department of Public Works standards and which contains no commercial message of any sort is permitted without a sign certificate within all commercial and industrial districts.

3. Official Flags of Governments and Governmental Agencies (see Figure 3)

Flags of the United States, state flags, municipal flags, flags of foreign nations and any other flag representing a government or governmental agency are permitted without a sign certificate within all commercial and industrial districts, provided that:

a. The flag is not flown from a pole the top of which is more than 40 feet in height (see "A" in Figure 3) ;

b. No more than one flag for any one governmental unit or nation is permitted on each parcel of land; and

c. No more than four flags are permitted on the same parcel of land.

4. Official Flags of Private Entities (see Figure 3)

Official flags of private corporations or other private entities are permitted at the location of the main headquarters, corporate offices or branch office of the subject entity provided that:

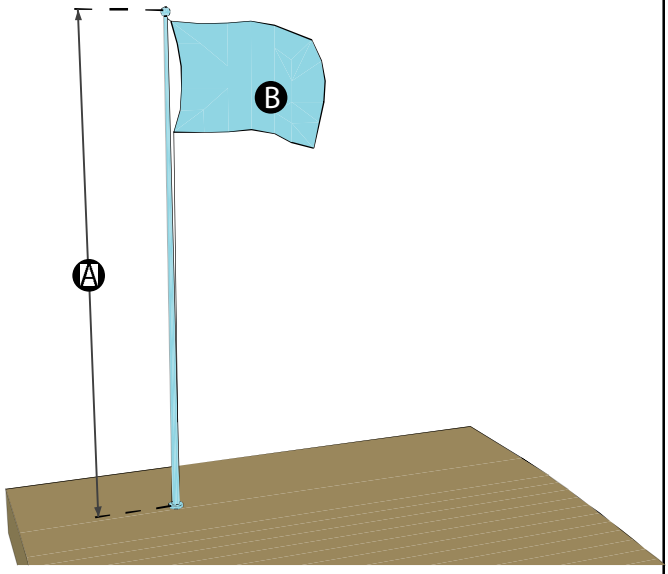
a. The flags do not exceed 60 square feet in area (see "B" in Figure 3);

b. The flags are not flown from a pole the top of which is more than 40 feet in height; and

c. No more than one flag is permitted on each parcel of land.

Illustrations & Graphics 19.08.120(F)

FIGURE 3 - OFFICIAL FLAGS



Illustrations & Graphics

Garage or Yard Sale Signs
19.08.120(F)(5)

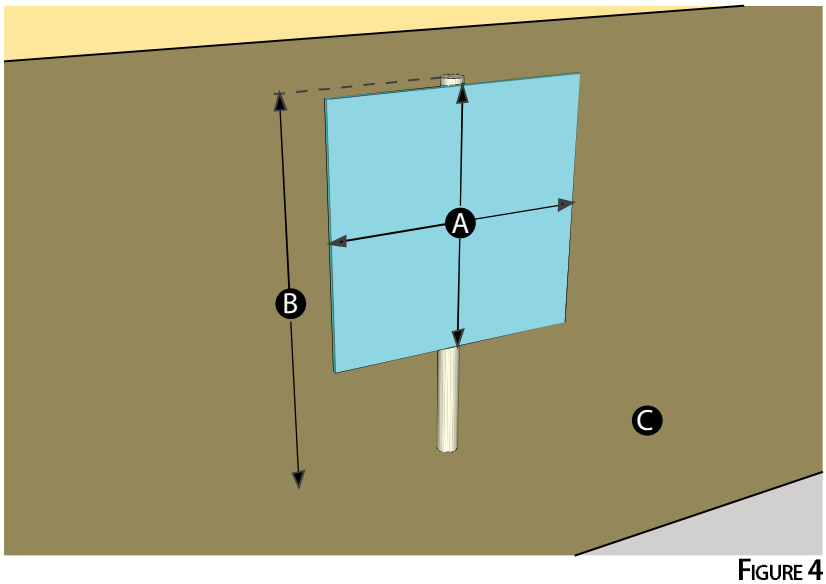


FIGURE 4

Table 1. Garage or Yard Sale Sign Standards in Commercial and Industrial Districts (see Figure 4)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	1 sign per event
Maximum Area (see Ⓐ in Figure 4)	16 square feet
Maximum Height (see Ⓑ in Figure 4)	6 feet
Location (see Ⓒ in Figure 4)	No such sign shall be placed on private property without the permission of the property owner(s), and no such sign shall be placed on any public land, including rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths on City property, in City rights-of-way, or on fixed structures such as light poles or traffic signals
Additional Standards	1. No such sign may be used more than 24 hours prior to the start of the garage or yard sale event. 2. The property owner(s) shall be responsible for removal of the signs at the end of the garage or yard sale event.
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Incidental Signs (Attached and Freestanding)

19.08.120(F)(6)

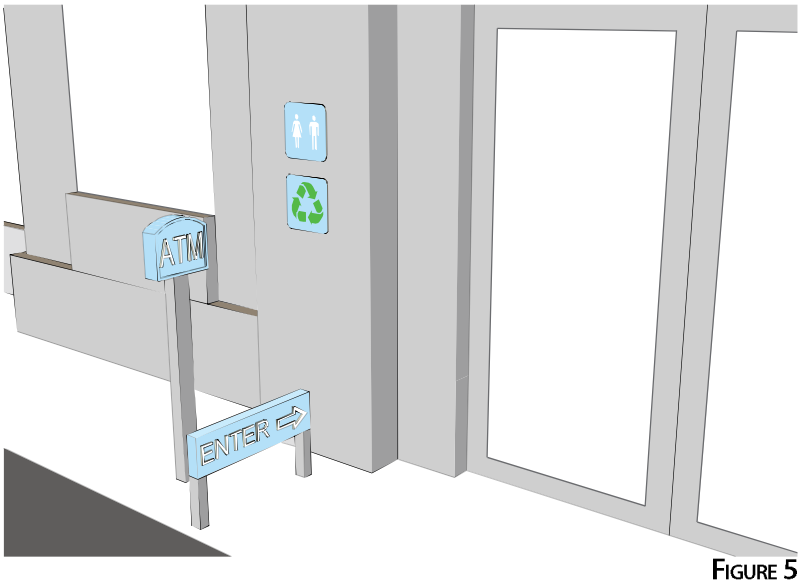


FIGURE 5

Table 2. Incidental Sign Standards in Commercial and Industrial Districts (see Figure 5)

Standard	P-O, O, C-1, C-2, C-M and M
Non-directional Signs	Typical incidental signs include, but are not limited to, "restroom," "telephone," "no parking," "entrance," "exit," and generic directions such as "office," "ATM," or "stores."
Maximum Number	No specific limit
Maximum Area	1. 4 square feet if set back less than 30 feet from the public right-of-way 2. 9 square feet if set back 30 or more feet from the public right-of-way
Maximum Height	5 feet
Minimum Setback	5 feet from all property lines
Additional Standards	Up to 25% of the permitted sign area may contain a logo or name of the business to which the sign pertains
Illumination Permitted	No
Certificate Required	No
Directional Signs	Signs specifically designed to give parking or traffic directions and other directional information commonly associated with and related to the permitted use
Maximum Number	2 per driveway or vehicular access except that any such sign not legible from the public right-of-way shall not be counted in this limitation
Maximum Area	12 square feet. If the sign includes a business name or logo, it shall not comprise more than 50% of the permitted sign area
Maximum Height	7 feet
Minimum Setback	5 feet from all property lines
Illumination Permitted	Internal illumination only
Certificate Required	No

Illustrations & Graphics

Open House Signs
19.08.120(F)(7)

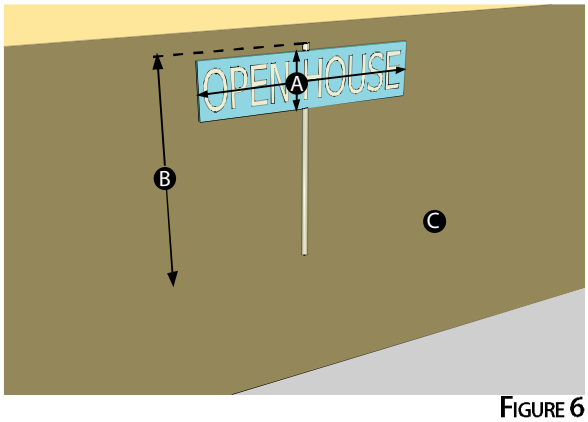


FIGURE 6

Table 3. Open House Sign Standards in Commercial and Industrial Districts (see Figure 6)

Standard	P-O, O, C-1, C-2, C-M and M
Open House Signs	An "open house" realty sign is intended to serve only the short-term customer directing potential homebuyers to an open house of a dwelling unit "For Sale". Such signs are not permanent directional signs.
Maximum Number	6 per event
Maximum Area (see Ⓐ in Figure 6)	9 square feet per sign
Maximum Height (see Ⓑ in Figure 6)	6 feet
Sign Placement (see Ⓒ in Figure 6)	1. Open house signs shall only be placed on private property and shall not be placed on any public land, including rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths on City property, in City right-of-way between the sidewalk and the curb, on signs in the right-of-way, or on fixed structures such as light poles or traffic signals 2. No such sign shall block or overhang any sidewalk or other established pedestrian walkway. 3. In order to place "Open House" signs on the private property, other than the property that is the subject of the open house event, authorization from the property owner(s) or the owner's duly authorized agent is required.
Additional Standards	1. All open house signs shall state "Open House". 2. Such signs shall not be used for the sale of any residence for which there are current signs (either weekend or continuous) unless the residence is a re-sale and is for sale by owner(s) or listed by an agent other than the marketing agent for the development. 3. All such signs shall contain the listing agent's name and telephone number. A business card is permissible as long as it is protected from the elements. 4. No such signs may be displayed more than one hour prior to nor more than one hour after the period a real estate licensee or broker is on duty at the home for sale; and 5. The property owner(s) shall be responsible for removal of the signs at the end of the open house event.
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Project Flags
19.08.120(F)(8)

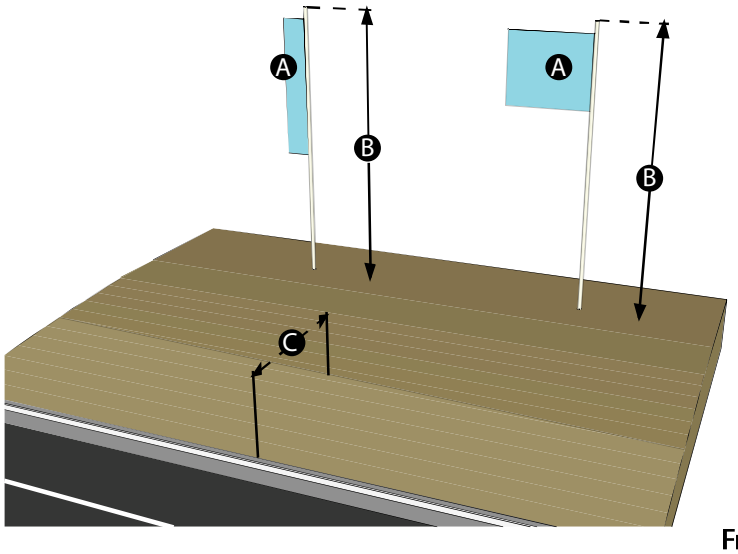


FIGURE 7

Table 4. Project Flag Standards in Commercial and Industrial Districts (see Figure 7)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	Project flags are decorative flags intended to identify a specific development containing a residential use. These flags do not contain any advertising copy other than the name or the logo of the development.
Maximum Area (see Ⓐ in Figure 7)	25 flags per development that is 10 acres in area or less, plus one additional flag for each additional one-half acre in area
Maximum Height (see Ⓑ in Figure 7)	24 square feet per flag
Location (see Ⓒ in Figure 7)	24 feet
Additional Standards	5 feet to all property lines
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

House of Worship Directional Signs
19.08.120(F)(9)

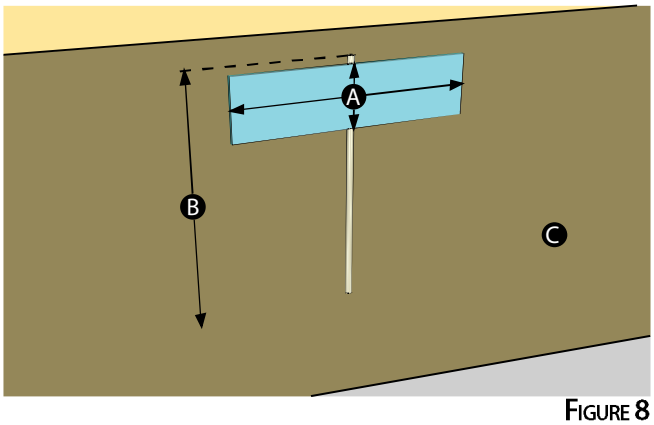


FIGURE 8

Table 5. House of Worship Directional Sign Standards in Commercial and Industrial Districts (see Figure 8)

Standard	P-O, O, C-1, C-2, C-M and M
House of Worship Directional Signs	House of Worship directional signs are intended to assist the public in finding their way to houses of worship or religious services held in nontraditional locations or facilities. Such signs are not permanent directional signs and may only be used during the periods stated in this Subsection.
Maximum Number	6 signs
Maximum Area (see Ⓐ in Figure 8)	9 square feet per sign
Maximum Height (see Ⓑ in Figure 8)	6 feet
Sign Placement (see Ⓒ in Figure 8)	1. Such signs shall only be placed on private property and shall not be placed on any rights-of-way, traffic medians, public sidewalks, public trails, bicycle paths, on signs in the right-of-way, or on fixed structures such as light poles or traffic signals. 2. No such sign shall block or overhang any sidewalk or other established pedestrian walkway. 3. In order to place such signs on private property other than the property containing the house of worship or the premises of the religious services, written authorization from the property owner(s) or the owner's duly authorized agent is required.
Additional Standards	1. All such signs shall contain the name of the house of worship and its address; 2. All such signs shall contain the name and telephone number of the official of the house of worship responsible for the signs. A business card is permissible as long as it is protected from the elements; 3. The house of worship shall be responsible for removal of the signs at the end of the display period; and 4. No such sign shall be installed before 6 PM on Friday, and all such signs shall be removed by 6 AM on Monday (Tuesday when City offices are closed on Monday due to a holiday).
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Community Interior Directional Signs
19.08.120(F)(10)

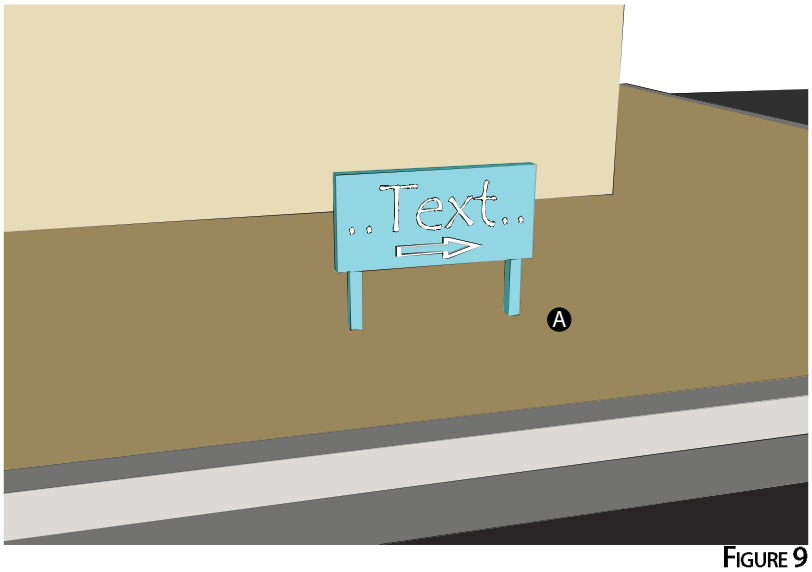


FIGURE 9

Table 6. Community Interior Directional Sign Standards in Commercial and Industrial Districts (see Figure 9)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	There is no specific limit on the number of signs
Sign Location (see Ⓐ in Figure 9)	1. On private property or within public right-of-way, including median, subject to approval of an encroachment agreement; and 2. Placement subject to approval of the City of Las Vegas Traffic Engineer.
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Development Entry Statement Signs
19.08.120(F)(11)

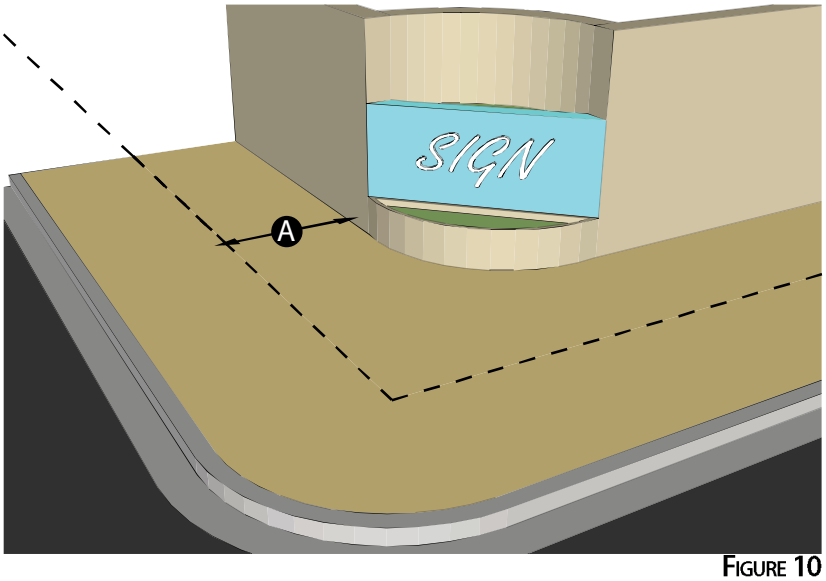


FIGURE 10

Table 7. Development Entry Statement Sign Standards in Commercial and Industrial Districts (see Figure 10)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	2 signs at each entry to a subdivision, apartment complex, or identifiable community. The developer may place one sign on each side of the entry street/drive or one sign in the median, subject to approval of an encroachment agreement if applicable
Sign Location (see Ⓐ in Figure 10)	Setback 5 feet from the property line or a location approved by the City of Las Vegas Traffic Engineer.
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	Yes

Illustrations & Graphics

Building Markers
19.08.120(F)(12)

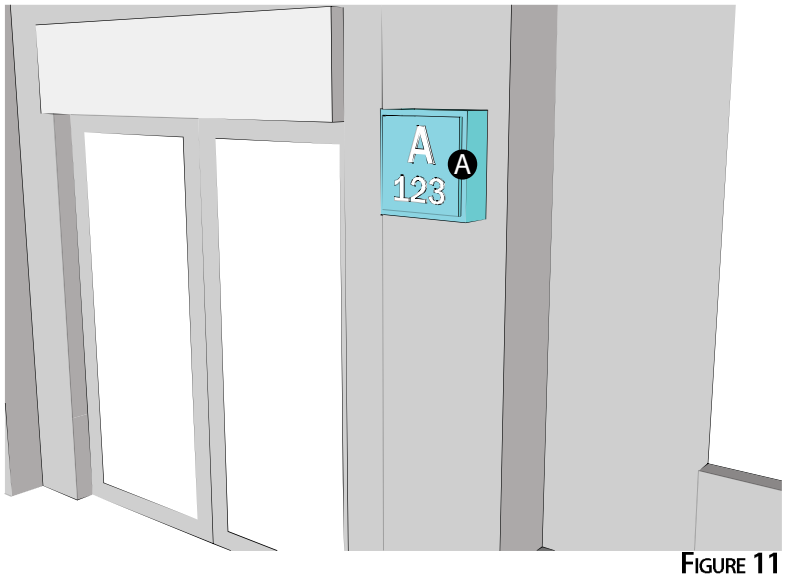


FIGURE 11

Table 8. Building Marker Standards in Commercial and Industrial Districts (see Figure 11)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	There is no specific limit on the number of signs
Maximum Area (see Ⓐ in Figure 11)	4 square feet per sign
Maximum Height	NA
Minimum Setback	NA
Illumination Permitted	No
Certificate Required	No

Illustrations & Graphics

Directory Signs
19.08.120(F)(13)

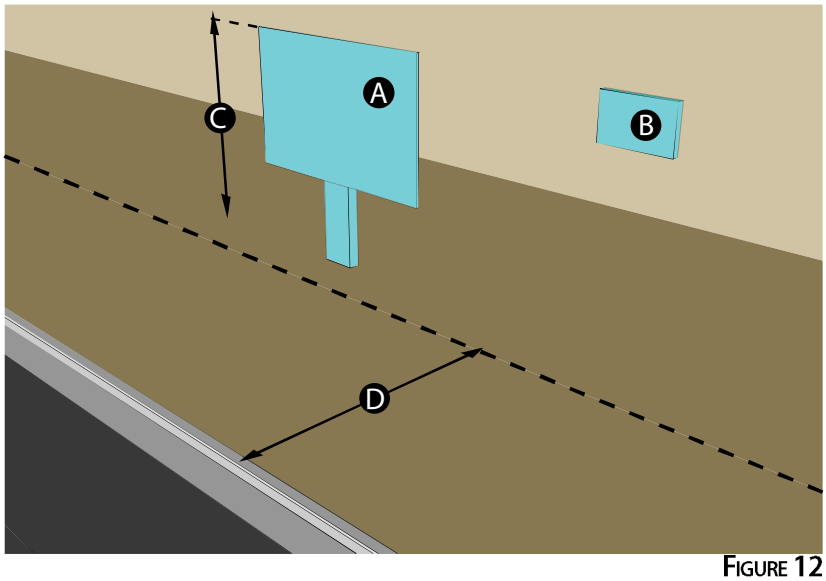


FIGURE 12

Table 9. Directory Sign Standards in Commercial and Industrial Districts (see Figure 12)

Standard	P-O, O, C-1, C-2, C-M and M
Maximum Number	1. 1 freestanding sign per building or per driveway, whichever is greater and 2. 1 attached sign per public entrance
Maximum Area (see Ⓐ and Ⓑ in Figure 12)	1. 24 square feet for freestanding 2. 12 square feet or 5% of the building elevation to which it is attached, whichever is less
Maximum Height (see Ⓒ in Figure 12)	8 feet if freestanding
Minimum Setback (see Ⓓ in Figure 12)	25 feet from all property lines, if freestanding
Additional Standards	1. Only the word "Directory" should be legible from the public right-of-way; the directory sign(s) should be located so that the user can pull out of off-site traffic to read the details of the directory. 2. Directory signs are permitted in addition to any other allowed attached or freestanding signs.
Illumination Permitted	Direct white light or internal illumination only
Certificate Required	No

Illustrations & Graphics

Arcade Signs
19.08.120(F)(14)

FIGURE 13

Table 10. Arcade Sign Standards in Commercial and Industrial Districts (see Figure 13)

Standard	P-O and O	C-1, C-2, C-M and M
Maximum Number	1 sign per entrance	1 sign per entrance
Maximum Area	4 square feet	16 square feet
Maximum Height	NA	NA
Minimum Setback	An arcade sign shall not extend beyond edge of the building elevation to which it is attached	An arcade sign shall not extend beyond edge of the building elevation to which it is attached
Minimum Clearance	8 feet from the ground to the bottom of the sign	8 feet from the ground to the bottom of the sign
Illumination Permitted	Internal, external, animated and electronic message unit signage	Internal, external, animated and electronic message unit signage
Certificate Required	Yes	Yes

Illustrations & Graphics

Awning Signs
19.08.120(F)(15)

FIGURE 14

Table 11. Awning Sign Standards in Commercial and Industrial Districts (see Figure 14)

Standard	P-O and O	C-1, C-2, C-M and M
Maximum Number	There is no specific limit on the number of signs, although total area limits apply	There is no specific limit on the number of signs, although total area limits apply
Maximum Area	1. The total amount of awning signage allowed per building elevation is equivalent to 10% of the building elevation. In multi-tenant buildings, the 10% maximum sign area for each tenant will be based upon the portion of the building elevation of the leased/occupied area only, except as may be approved through a Master Sign Plan 2. The permitted area of all wall, window and awning signs together shall not exceed the maximum permitted area for wall signs attached to the same wall as the awning sign	1. The total amount of wall signage allowed per building elevation is equivalent to 20% of the building elevation. In multi-tenant buildings, the 20% maximum sign area for each tenant will be based upon that portion of the building elevation of the leased or occupied area only, except as may be approved through a Master Sign Plan. 2. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20% of the building elevation to which they are attached
Maximum Height	NA	NA
Minimum Setback	An awning sign shall not extend into the required setback for the building elevation to which it is attached	An awning sign shall not extend into the required setback for the building elevation to which it is attached
Minimum Clearance	8 feet from the ground to the bottom of the sign	8 feet from the ground to the bottom of the sign
Illumination Permitted	Internal and or direct external illumination of awning signs is permitted	Internal and or direct external illumination of awning signs is permitted
Certificate Required	Yes	Yes

Illustrations & Graphics

Freestanding Signs
19.08.120(F)(16)

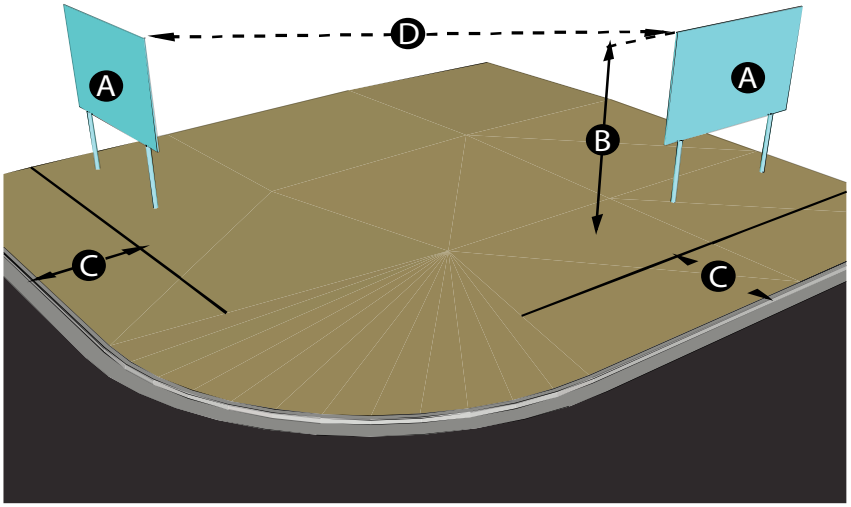


FIGURE 15

Table 12. Freestanding Sign Standards in Commercial and Industrial Districts (see Figure 15)

Standard	P-O	O
Maximum Number	1 sign per street frontage, provided that no more than one sign shall be allowed on lots 43,000 square feet or less in area	1 sign per street frontage, provided that no more than one sign shall be allowed on lots 43,000 square feet or less in area
Maximum Area (see Ⓐ in Figure 15)	48 square feet	1. 75 square feet, if sign does not exceed 16 feet in height 2. 100 square feet, if sign does not exceed 20 feet in height
Maximum Height (see Ⓑ in Figure 15)	12 feet	20 feet
Minimum Setback (see Ⓒ in Figure 15)	5 feet from all property lines	5 feet from all property lines
Additional Standards	1. See also Residential Protection Standards in LVMC 19.08.120 (C)	1. See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	Yes	Yes

Table 12. Freestanding Sign Standards in Commercial and Industrial Districts (see Figure 15)

Standard	C-1, C-2, C-M and M
Maximum Number	1 sign per each two hundred lineal feet of street frontage or portion thereof. 1. The total number of all freestanding and monument signs shall not exceed one per each two hundred lineal feet of street frontage or portion thereof. 2. Corner lots are permitted to have signs for each street frontage
Maximum Area (see Ⓐ in Figure 15)	The total area of all freestanding and monument signs shall not exceed 2 square feet of sign area for each lineal foot of street frontage. On lots with multiple street frontages, the allowable area for each street frontage shall be calculated separately unless consolidated into one sign, then each street frontage shall be added and total square footage permitted may be allowed in one consolidated sign. Signs within 40 feet of existing developed residential property, or property designated in the General Plan as appropriate for future residential development, the maximum sign area shall be 50 square feet. For each additional foot of setback from the property, the area of a sign may be increased an additional 2 square feet, with a maximum size of 400 square feet unless the site meets criteria for consolidated freestanding signs.
Maximum Height (see Ⓑ in Figure 15)	40 feet, subject to the following: 1. A freestanding sign within 200 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected up to 30 feet above the elevation of the elevated freeway or highway nearest the sign. 2. In addition, signs within two hundred feet of the right-of-way line and which can be read from Interstates 15 and 215, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 may be increased to a height equal to 80 feet, when authorized by the City Council, after review by the Planning Commission.
Minimum Setback (see Ⓒ in Figure 15)	5 feet from all property lines
Additional Standards	1. All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage. (See Ⓓ in Figure 15) 2. See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	Yes

Illustrations & Graphics

Monument Signs
19.08.120(F)(17)

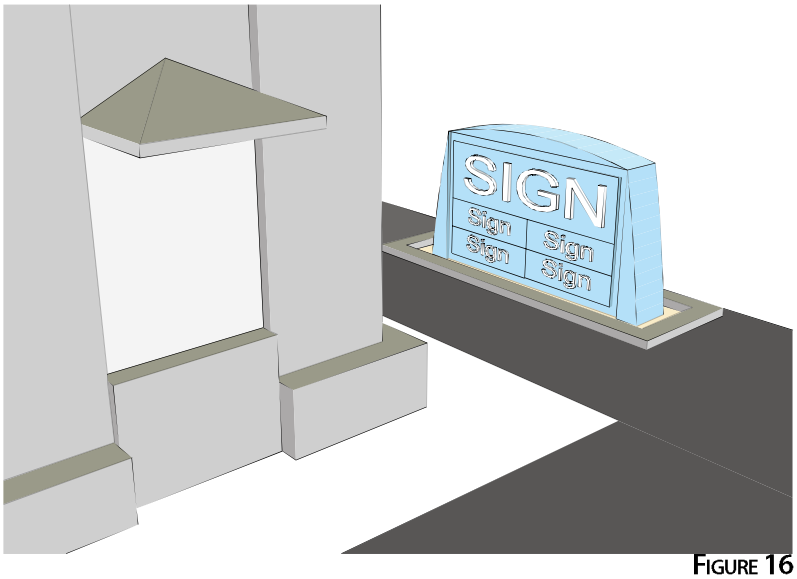


FIGURE 16

Table 13. Monument Sign Standards in Commercial and Industrial Districts (see Figure 16)

Standard	P-O and O	C-1, C-2, C-M and M
Maximum Number	1 sign per street frontage. 1. For lots adjacent to a freeway or expressway that have more than five hundred feet of frontage along the freeway or expressway, one additional sign is allowed along that frontage	1 sign per each two hundred lineal feet of street frontage or portion thereof 1. The total number of all freestanding and monument signs shall not exceed one per each two hundred lineal feet of street frontage or portion thereof
Maximum Area	75 square feet	75 square feet
Maximum Height	1. 8 feet, if less than 100 feet of frontage or 2. 10 feet, if 100 feet or more of frontage	10 feet
Minimum Setback	5 feet from all property lines	5 feet from all property lines
Additional Standards	1. See also Residential Protection Standards in LVMC 19.08.120 (C)	1. All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage. 2. See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and external illumination. In addition, signs over 200 feet from property which is designated in the General Plan for future residential development may be animated or contain an electronic message unit	NA
Certificate Required	Yes	Yes

Illustrations & Graphics

Window Signs
19.08.120(F)(18)

FIGURE 17

Table 14. Window Sign Standards in Commercial and Industrial Districts (see Figure 17)

Standard	P-O and O	C-1, C-2, C-M and M
Maximum Number	1 sign	There is no specific limit on the number of signs
Maximum Area	Window signs shall not cover more than 25% of the total area of all windows located on a building elevation. In no case shall the combined area of both wall signs and window signs exceed the area permitted for wall signs	Window signs shall not cover more than 25% of the total area of all windows located on a building elevation. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20% of the building elevation to which they are attached
Maximum Height	NA	NA
Minimum Setback	NA	NA
Illumination Permitted	Internal and or direct external illumination, except on a building elevation facing and located within two hundred feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use. Animated and electronic message unit signs are prohibited	Internal, external, animated and electronic message unit signs are permitted except on a building elevation visible from and located within two hundred feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	No	No

Illustrations & Graphics

Wall Signs
19.08.120(F)(19)

FIGURE 18

Table 15. Wall Sign Standards in Commercial and Industrial Districts (see Figure 18)

Standard	P-O and O
Maximum Number	1 sign per tenant or per building elevation, which faces a street or on-site parking area
Maximum Area	The total amount of wall signage allowed per building elevation is equivalent to 10% of the building elevation. In multi-tenant buildings, the 10% maximum sign area for each tenant will be based upon the portion of the building elevation of the leased or occupied area only
Maximum Height	A wall sign shall not extend more than 12 inches above top of wall, marquee or parapet to which it is attached
Minimum Setback	NA
Maximum Projection	A wall sign shall not project more than 24 inches from the structure to which it is attached; where a wall sign projects from a building elevation, there shall be no additional message on the additional horizontal surface created by the projection
Additional Standards	See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and or direct external illumination, except on a building elevation facing and located within two hundred feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use. Animated and electronic message unit signs are prohibited
Certificate Required	Yes

Standard	C-1, C-2, C-M and M
Maximum Number	No specific limit on the number of signs, although total area limits apply
Maximum Area	The total amount of wall signage allowed per building elevation is equivalent to 20% of the building elevation. In multi-tenant buildings, the 20% maximum sign area for each tenant will be based upon that portion of the building elevation of the leased/occupied area only, except as may be approved through a Master Sign Plan
Maximum Height	A wall sign shall not extend more than 12 inches above top of wall, marquee or parapet to which it is attached
Minimum Setback	NA
Maximum Projection	A wall sign shall not project more than 4 feet from the structure to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection
Additional Standards	1. Signs shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	Yes

Illustrations & Graphics

Canopy Signs
19.08.120(F)(20)

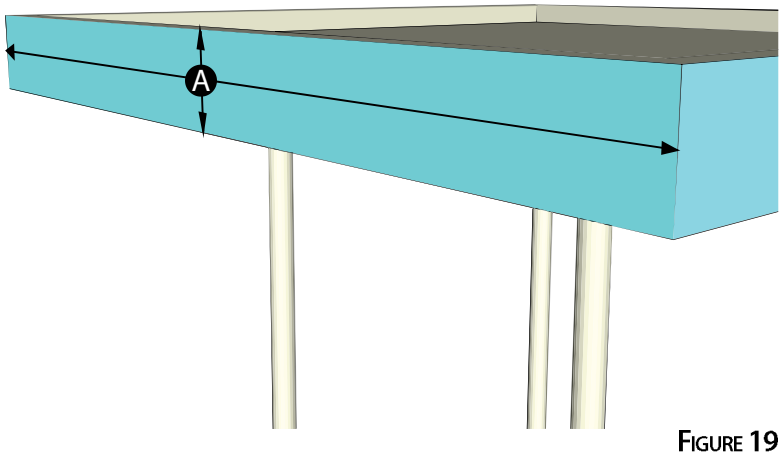


FIGURE 19

Table 16. Canopy Sign Standards in Commercial and Industrial Districts (see Figure 19)

Standard	C-1, C-2, C-M and M
Maximum Number	There is no specific limit on the number of signs, although total area limits apply
Maximum Area (see Ⓐ in Figure 19)	25% of the area of the face of the canopy
Illumination Permitted	Internal and external illumination, animated and electronic message units are permitted
Certificate Required	Yes

Illustrations & Graphics

Consolidated Signs
19.08.120(F)(21)

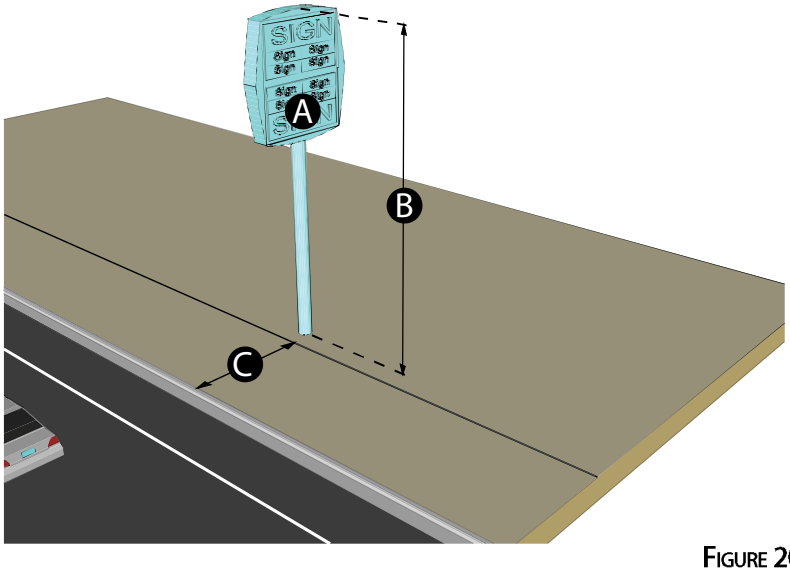


FIGURE 20

Table 17. Consolidated Sign Standards in Commercial and Industrial Districts (see Figure 20)

Standard	C-1, C-2, C-M and M
Maximum Number	Parcels of 5 acres or more in area, or parcels covered by a Master Sign Plan, that front on a street eighty or more feet in width, and qualify to have more than one freestanding sign along the same such street frontage, may consolidate the permitted sign area for all freestanding signs on the same street frontage into one consolidated sign, or as approved through a Master Sign Plan. If the development or commercial subdivision elects to consolidate the permitted freestanding signs, parcels containing individual freestanding buildings within the development or commercial subdivision shall be limited to one monument sign per street frontage in addition to the consolidated sign
Maximum Area (see Ⓐ in Figure 20)	2 square feet per lineal foot of street frontage, counting frontage on all abutting streets, up to one thousand square feet, or one thousand five hundred square feet if part of an approved Master Sign Plan
Maximum Height (see Ⓑ in Figure 20)	1. 50 feet 2. 80 feet, if approved as part of a Master Sign Plan
Minimum Setback (see Ⓒ in Figure 20)	5 feet from all property lines
Additional Standards	1. The erection of a consolidated sign requires a minimum of three tenants or individual uses on the same site. 2. See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal and external illumination, animated and electronic message units are permitted
Certificate Required	Yes

Illustrations & Graphics

Marquee Signs
19.08.120(F)(22)

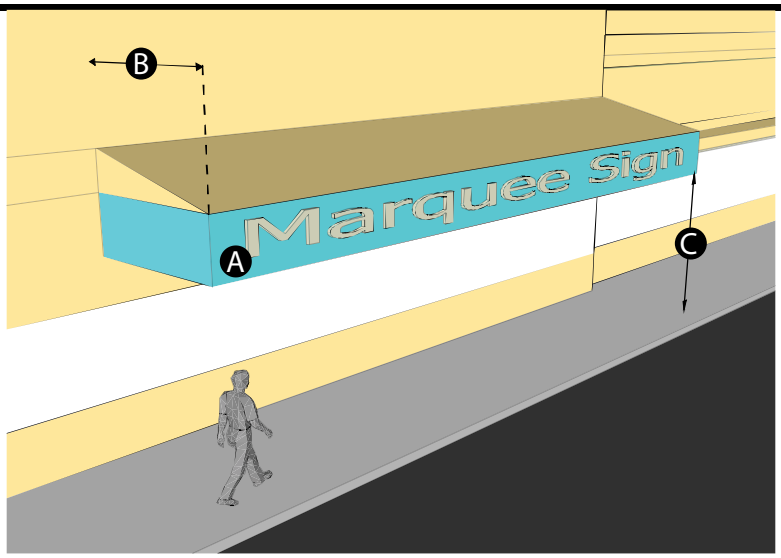


FIGURE 21

Table 18. Consolidated Sign Standards in Commercial and Industrial Districts (see Figure 21)

Standard	C-1, C-2, C-M and M
Maximum Number	1 marquee sign per building elevation
Maximum Area (see Ⓐ in Figure 21)	1. 20% of the building elevation to which it is attached. 2. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20% of the building elevation to which they are attached
Maximum Height	A marquee sign shall not extend beyond the top or sides of the building elevation to which it is attached
Minimum Setback (see Ⓑ in Figure 21)	May project over public right-of-way, provided marquee maintains minimum setback of three feet from back of curb
Minimum Clearance (see Ⓒ in Figure 21)	8 feet from the ground to the bottom of the sign
Additional Standards	1. Shall not be located on a building elevation oriented to adjoining residential property. 2. Subject to review by Department of Public Works, to the extent they extend over or near public right-of-way
Illumination Permitted	Internal, external, animated and electronic message unit signage
Certificate Required	Yes

Illustrations & Graphics

Message Boards
19.08.120(F)(23)

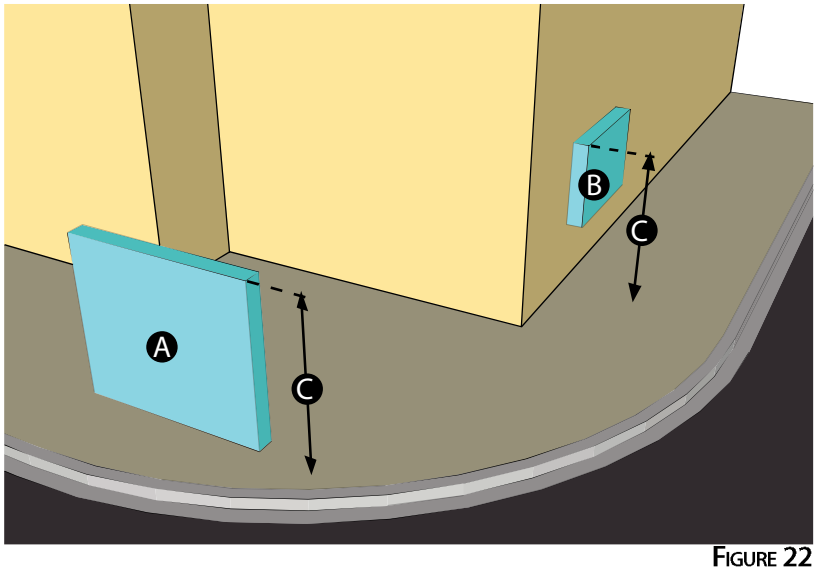


FIGURE 22

Table 19. Message Board Standards in Commercial and Industrial Districts (see Figure 22)

Standard	C-1, C-2, C-M and M
Maximum Number	If visible from the public right-of-way, 2 menu board signs are permitted per drive-through lane where drive-through uses are permitted
Maximum Area (see Ⓐ and Ⓑ in Figure 22)	1. 60 square feet for freestanding and 2. 24 square feet, or not more than 2% of the building elevation if attached, but coverage of the building elevation with all signs in no case shall exceed 20%
Maximum Height (see Ⓒ in Figure 22)	7 feet
Minimum Setback	5 feet from all property lines
Additional Standards	Only the word "Menu" should be legible from the public right-of-way
Illumination Permitted	Direct white light or internal illumination permitted. For a site with a Master Sign Plan, other illumination may be permitted in accordance with the Master Sign Plan
Certificate Required	No

Illustrations & Graphics

Projecting Signs
19.08.120(F)(24)

FIGURE 23

Table 20. Projecting Sign Standards in Commercial and Industrial Districts (see Figure 23)

Standard	C-1, C-2, C-M and M
Maximum Number	1 sign per entrance
Maximum Area	32 square feet
Maximum Height	1 foot above eave or rafter line, whichever is higher
Minimum Setback	A projecting sign may project over the public right-of-way, provided the projecting sign maintains a minimum setback of 3 feet measured from the back of the curb and such signs do not project more than 6 feet from the building elevation to which they are attached
Minimum Clearance	8 feet from the ground to the bottom of the sign
Additional Standards	1. Projecting signs shall not be permitted on property that has freestanding signs 2. Projecting signs shall be subject to review by the Department of Public Works to the extent they extend over or near the public right-of-way
Illumination Permitted	Internal, external, animated and electronic message unit signage
Certificate Required	Yes

Illustrations & Graphics

Roof Signs
19.08.120(F)(25)

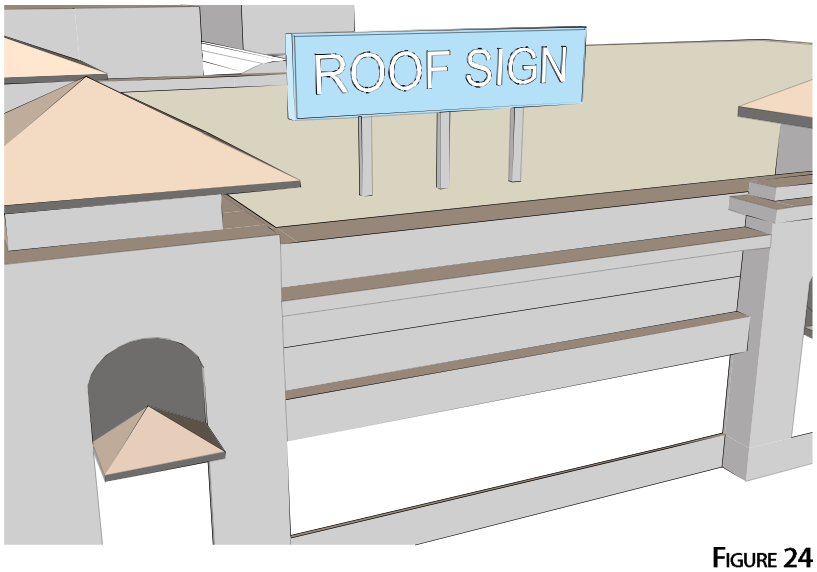


FIGURE 24

Table 21. Roof Sign Standards in Commercial and Industrial Districts (see Figure 24)

Standard	C-1, C-2, C-M and M
Maximum Number	1 sign per building elevation
Maximum Area	20% of the building elevation to which the sign is most nearly parallel to, up to a maximum of 150 square feet. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20% of the building elevation to which they are attached
Maximum Height	A roof sign shall not extend more than 8 feet above the top of wall, marquee or parapet to which it is attached. The total height of the building, including the sign, shall not exceed permitted height of the building in the zoning district in which it is located
Minimum Setback	NA
Maximum Projection	A roof sign shall not project horizontally more than 4 feet from the roof to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection
Additional Standards	See also Residential Protection Standards in LVMC 19.08.120 (C)
Illumination Permitted	Internal, external, animated and electronic message unit signs are permitted except on a building elevation visible from and located within two hundred feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use
Certificate Required	Yes

G. Temporary Signs

Temporary signs are not constructed or intended for long term use. A limited number of temporary signs are permitted in residential districts as follows:

1. Special Event Signs (See Figure 25)

a. General Standards. Special event signs may be approved by the Director for a limited time as a means of publicizing special events such as grand openings.

i. Special event signs may include balloons, inflated devices, searchlights, pennants, portable signs, streamers and other similar devices.

b. Certificate Required. A temporary sign certificate is required for a temporary special event sign.

i. The certificate allows the holder to display temporary event signs on the lot where the event is to occur. Temporary special event signs may be displayed by the same business license holder on the same lot up to four times in any one calendar year. The aggregate time of display of such signs shall not exceed sixty days in any one calendar year.

2. Political Signs (see Figure 26)

a. Maximum area. 64 square feet per political sign. A political sign may be substituted for any other lawful sign, or political copy may be used to replace copy on any existing, conforming sign.

b. Additional standards.

i. Political signs shall be placed only on private property.

ii. Political signs shall be designed and located in such a manner so that such signs do not interfere with or will be confused with a traffic control signal or sign, or obstruct the vision of traffic.

iii. Political signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.

c. Certificate required. All political signs in excess of 32 square feet require a sign

Illustrations & Graphics 19.08.120(G)

FIGURE 25 - SPECIAL EVENT SIGNS

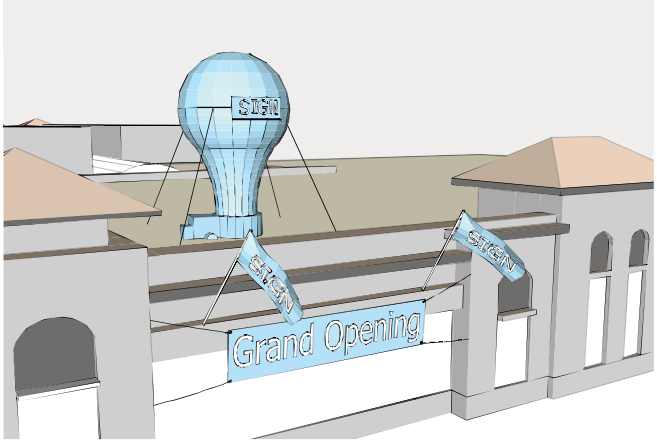
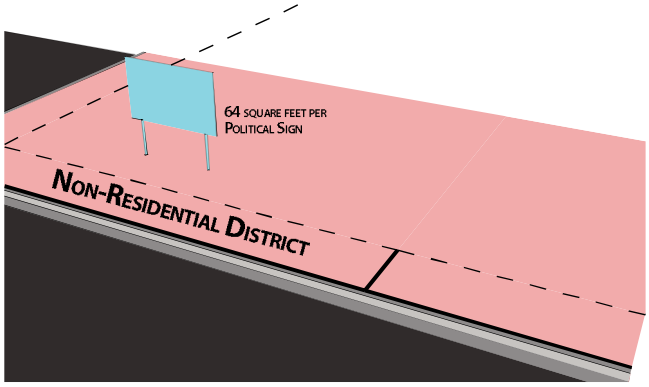


FIGURE 27 - POLITICAL SIGNS



Illustrations & Graphics 19.08.120(G)

FIGURE 27 - CONSTRUCTION SIGNS

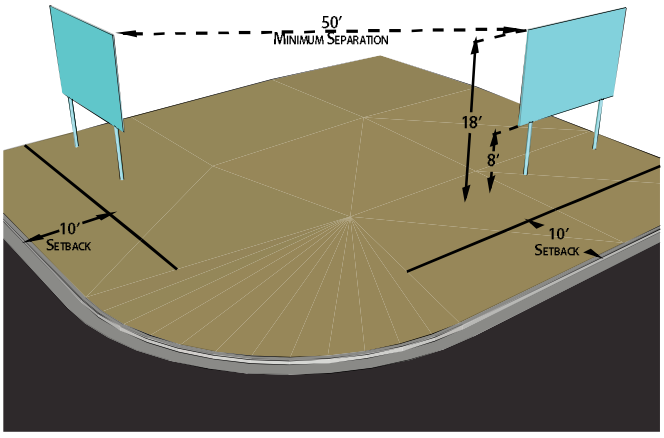
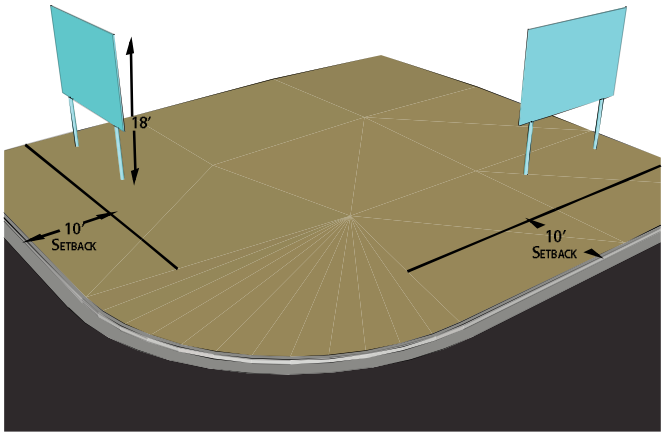


FIGURE 28 - REAL ESTATE SIGNS ADVERTISING COMMERCIAL PROPERTY



certificate. Other political signs do not require a sign certificate.

d. Illumination permitted. Where a political sign is erected in place of another permitted sign or political copy is placed on an existing, lawful sign in a non-residential district, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.

e. Removal. All political signs that relate to an election shall be removed within 15 days after the election to which they pertain. Signs supporting a candidate who loses a primary election or wins a nonpartisan race in a primary election with more than 50 percent of the vote shall be removed within 15 days after the primary election.

i. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

ii. If any sign is not removed within the time period set forth above, the City may, upon 5 days written notice to a candidate or other person responsible, remove and dispose of any such sign. The City shall certify the removal and may charge the candidate or other person responsible for the City's cost for the removal. Removal charges shall be paid within 30 days after receipt of a statement of charges.

3. Construction Signs (see Figure 27)

a. Maximum number. One construction sign per development per street frontage.

i. Where two construction signs are located on a corner lot, such signs shall be separated by not less than 50 feet.

b. Maximum area. 300 square feet in sign area.

c. Maximum height. 18 feet.

d. Minimum clearance from bottom of the sign to ground. 8 feet.

e. Minimum setback. 10 feet from any public right-of-way.

f. Additional standards.

i. Construction signs shall be freestanding signs and firmly secured in the ground, as approved by the Building Official.

ii. Construction signs are not permitted on residentially zoned property.

g. Illumination permitted. No.

h. Certificate required.

i. A temporary sign certificate is required. The certificate application shall be accompanied by a site or location plan which clearly depicts the location of the proposed sign; a description, drawing or picture of the proposed sign and a description of the means by which it will be secured; and

ii. The certificate is valid for up to 12 months or until the construction is complete, whichever occurs first. At that time, the sign shall be removed unless a new certificate has been obtained. The property owner(s) and the certificate holder, if the latter is not the property owner(s), shall each be responsible for the maintenance and removal of the sign.

4. Real Estate Signs Advertising Commercial Property (see Figure 28)

a. Maximum number. One real estate sign per development or property for sale or lease per street frontage for parcels five acres or less in area, plus one additional sign for each additional five acres of parcel area.

b. Maximum area.

i. Unimproved lots. 32 square feet per sign, or with an approved temporary sign certificate, such sign(s) may be up to 80 square feet in area for lots 20,000 square feet or less in area, plus an additional 40 square feet of sign area for each 20,000 additional square feet of lot area. In no case shall the aggregate sign area of all such permitted signs or the area of a single sign exceed 300 square feet.

ii. Improved lots. 64 square feet.

c. Maximum height. 18 feet.

d. Minimum setback. 10 feet from any public right-of-way.

e. Illumination permitted. No.

f. Additional standards.

i. Real estate signs shall be subject to the provisions of LVMC 19.08.120 (C).

ii. The sign shall be a freestanding sign that is firmly secured in the ground, as approved by the Building Official.

g. Certificate required.

i. A temporary certificate is required for signs in excess of 32 square feet.

ii. The certificate is valid until the property or the last unit is sold or leased. At that time, the sign shall be removed. The property owner(s) and certificate holder, if the latter is not the property owner(s), shall each be responsible for the maintenance and removal of the sign.

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19.10

Special Area and Overlay Districts – Purpose and Development and Design Standards

Unified Development Code
Title 19

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Special Area and Overlay Districts - Purpose and Development and Design Standards

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PURPOSE AND INTENT 19.10.010

The Special Purpose Districts, Overlay Districts and other area-specific standards and guidelines established in this Chapter:

A. Are to be used in areas of the City which have special characteristics and require special zoning regulations to establish and maintain the character of those areas;

B. May include, as applicable, special regulations regarding land use, buildings and structures, building height, building site areas, setback requirements, landscaping, streetscape and aesthetic characteristics, and any other item or concern regulated by this Title.

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19.10.020

C-V CIVIC DISTRICT

A. Intent of the District

The purpose of the C-V District is to provide for the continuation of existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. In addition, the C-V District may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. The C-V District is consistent with the Public Facilities category of the General Plan.

B. Development Standards

Except as provided for in Subsections (C), (D) and (E) below, the minimum development standards for property in the C-V District shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

C. Utility Installations

Utility Installations shall be designed in a manner which enhances compatibility between the built and natural environment and will not negatively impact the use and enjoyment of adjacent and neighboring properties. Site planning for the location of above ground structures shall consider impacts to surrounding uses and be located at least fifteen feet from property lines. Above ground structures shall be oriented and located away from adjacent residential uses. Utility Installations shall be screened with a decorative wall consisting of at least 20% contrasting materials and/or colors which adequately shields surrounding properties from the use. The perimeters of Utility Installations shall be buffered with drought-tolerant landscape material, including but not limited to trees, shrubs, cacti and vines which will adequately screen blank walls from surrounding uses.

D. Buildings and Plazas

Buildings and Plazas within the C-V District shall be located at the front of the site at the minimum setback line and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible. Pedestrian open spaces and plazas shall be integral to the overall design of the proposed

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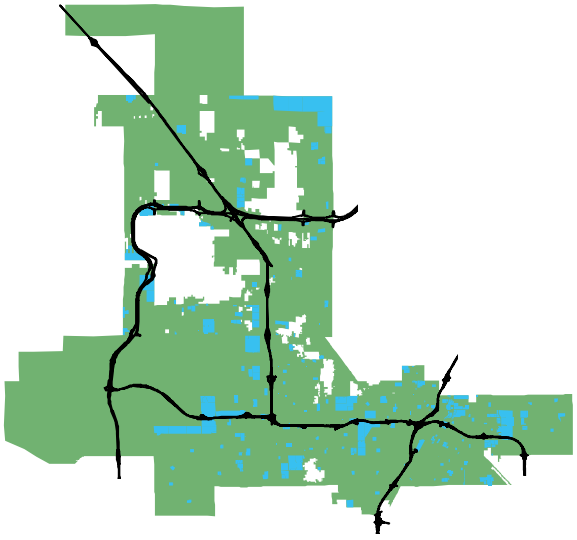
FIGURE 1 - CIVIC DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE C-V DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES CURRENTLY ZONED AS C-V (CIVIC) DISTRICT.

FIGURE 2 - UTILITY INSTALLATIONS

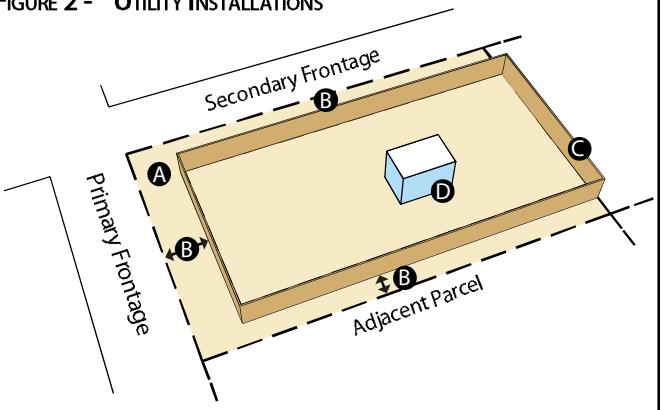
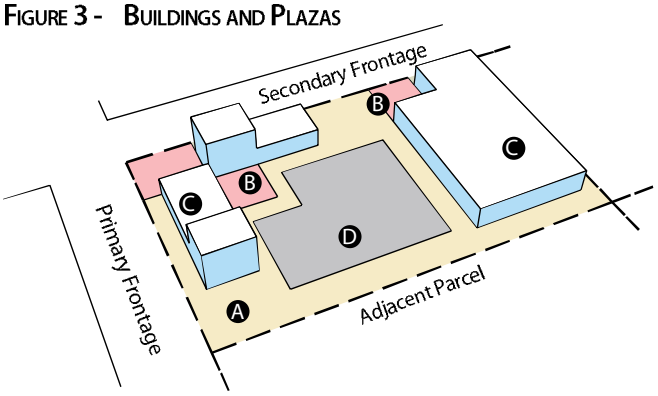


FIGURE 3 - BUILDINGS AND PLAZAS



development and shall be located in areas of high pedestrian traffic in such a manner to be convenient and readily accessible. Pedestrian open spaces and plaza shall include without limitation benches, pergolas, landscape arbors, artwork and landscape to sufficiently shade or soften the space. Parking lots shall be located to the side or rear of buildings and away from the street front and shall not be permitted on street corners unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible.

E. Signage

Standards for signage within the C-V District shall be the same as those indicated in LVMC 19.08.120 for the P-O District with the following additional standards:

1. Non-illuminated letters identifying the name of a public or semi-public institution may be permanently set on the wall of the building, providing the sign does not exceed fifty square feet.

2. Signs on public buildings meeting the foregoing criteria may be permitted on structures which are a part of the institutional architecture or which are symbolic of the institution and the permitted square footage and maximum height limitation of public building signs shall apply only to the written message.

3. In addition to the indicated signs, additional signs may be permitted in conjunction with public and semi-public institutions subject to the review and approval of the Planning Commission as to each case.

19.10.030

P-C PLANNED COMMUNITY DISTRICT

A. Intent and Objectives

1. The Planned Community (P-C) District is established to permit and encourage the development of comprehensively planned communities, with a minimum of 3,000 contiguous acres of land under one ownership or control, which can flourish as unique communities as a result of the comprehensive planning required for this large scale of development. The rezoning of property to the P-C District is appropriate only if the Planned Community Program, with respect to such property, will accomplish the objectives set forth in Paragraph (2), below.

2. In order for property to qualify for P-C District zoning, the master developer must demonstrate the potential for achievement of the following specific objectives throughout the planning, design and development stages:

a. Providing for an orderly and creative arrangement of land uses with respect to each other, to the entire Planned Community and to all adjacent land;

b. Providing for a variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of a wide variety of ages, sizes and levels of income;

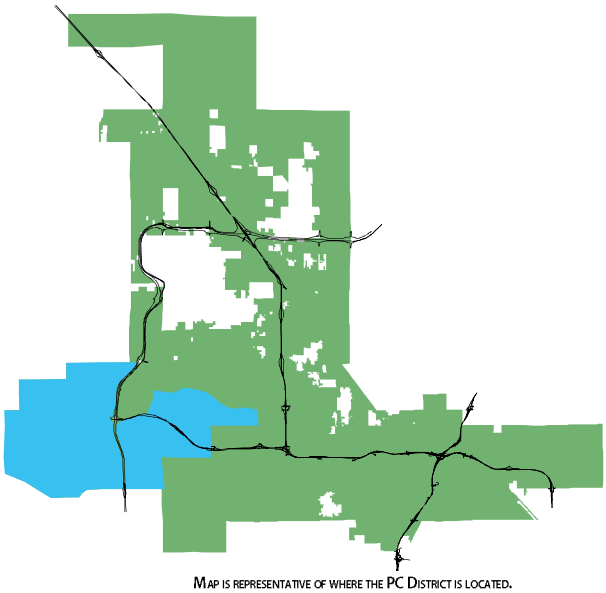
c. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for mass transportation and roadways, bicycle or equestrian paths, pedestrian walkways and other similar transportation facilities;

d. Providing for cultural, educational, medical, religious and recreational facilities;

e. Locating and siting structures to take maximum advantage of the natural and manmade environment and to provide view corridors; and

f. Providing for adequate, well-located and well-designed open space and community facilities.

FIGURE 1 - PLANNED COMMUNITY DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE PC DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS PC (PLANNED COMMUNITY) DISTRICT.

B. Permitted Land Uses and Development Standards

Development in the P-C District may consist of any use or combination of uses that are specifically approved for the property in the Planned Community program. The developer shall include in the Planned Community Program a listing of the uses proposed and the general arrangement for each land use category within the proposed P-C District. The listing and general arrangement of the approved land uses shall be shown in the Planned Community Program that is adopted as part of the P-C District approval.

C. Density

The approved Planned Community Program shall establish the maximum number of dwelling units per gross acre for each residential category, as well as for the entire property. The number of dwelling units permitted per gross acre on any parcel in the P-C District shall be determined at the time the Development Plan is approved.

D. Minimum Site Area for Rezoning

The minimum site area that is eligible for rezoning to the P-C District is 3,000 acres. Any additional tract which contains less than the minimum site area and which is contiguous to property previously zoned P-C may also be zoned P-C by the City Council if it otherwise qualifies for the P-C zoning designation and, at the time of such rezoning, is owned by or is under the control of the same property owner (including its successors and assigns) that applied for and obtained P-C zoning on the original property so zoned. The rezoning of any such additional property shall be made subject to an approved Planned Community Program applicable to that property.

E. Special Application Requirements

Plans and documentation which must accompany a rezoning application are as follows:

1. A conceptual development plan for the property, including general land use designations, transportation plans and plans for open space and community facilities. A general phasing plan shall be included to indicate the intended timing of development;

2. Development standards that set forth: densities; building height, bulk and setback requirements; requirements for signage, landscaping, parking and open space; and procedures for Development Plan review and for modifying and deviating from the Planned Community Program;

3. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of five feet;

4. Conceptual utility layout that includes tentative sewer and water main corridors; and

5. Proposed conditions, covenants and restrictions, including design guidelines.

F. Review, Recommendation and Approval

1. **Planned Community Program.** The initial zoning approval of a P-C District shall consist of a review and recommendation by the Planning Commission and approval by the City Council, in accordance with the provisions of LVMC 19.16.090. The approval of a P-C District by the City Council shall be accomplished directly by ordinance and shall include the approval and adoption of a Planned Community Program. An approved Planned Community Program shall be a matter of record and shall be made available in the Department.

2. **Modified Planned Community Program.** The developer may develop property in the P-C District in accordance with, but only in accordance with, the approved Planned Community Program and any approved modifications thereof or deviations therefrom. No modification or deviation shall be effective unless it is approved in accordance with this Section and the procedures set forth in the Planned Community Program. The Director may request modification of a program in accordance with the modification procedures set forth in the program.

3. **Planned Community Program Procedures.** A Planned Community Program shall contain procedures to provide for modification of and deviation from the program pursuant to review by the Director, the Planning Commission or the City Council, or any combination thereof, and such procedures shall be exclusive of any other procedure, other than the procedures for notification of public hearings, that is provided in this Title for the approval of any Rezoning, Variance or Special Use Permit. With respect to any modification or deviation that requires approval by the Planning Commission or City Council, or both, the modification or deviation may be approved only upon a finding by the Planning Commission or City Council, as the case may be, that:

a. The requested modification or deviation, if approved, will not affect the rights of property owners or residents within the P-C District to maintain and enforce previously approved conditions, covenants and restrictions and other rights in the Planned Community Program; and

b. The requested modification or deviation, if approved, will be consistent with the planning objectives and goals of the approved Planned Community Program.

4. Department Conformance Review-Appeal. Each Development Plan that is submitted in connection with the implementation of a Planned Community Program shall be reviewed for conformance therewith by the Director. The Director may require modifications that bring the Development Plan or site plan into conformance with applicable standards of health, safety and welfare and may recommend design adjustments to better fulfill the intent of the Planned Community Program approval and the purposes of the P-C District.

5. Appeal of Director's Decision. An applicant who is aggrieved by the decision of the Director with respect to a proposed Development Plan or site plan may request a review of such decision by the Planning Commission. An applicant who is aggrieved by the decision of the Planning Commission may appeal such decision to the City Council by filing a written request for appeal with the City Clerk within fifteen calendar days after the date of the Planning Commission's decision.

G. Open Space and Landscape Area Requirements

A minimum of 20 percent of the gross property area in the P-C District shall consist of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements shall be set forth in the Planned Community Program.

H. Street and Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in LVMC Chapters 19.02 and 19.04, except as otherwise provided for specifically in an approved Planned Community Program.

I. Non-applicability of Other Provisions-Analogous Applications

1. The Development Standards may contain provisions for the processing and review of Minor Exceptions, Deviations, Plot Plan Reviews, Development Plan Modifications and other land use control procedures. If such procedures are so provided, they supersede the corresponding procedures set forth in this Title.

2. With regard to any issue of land use regulation that may arise in connection with the PC District and that is not addressed or provided for specifically in this chapter or in an approved Planned Community Program, the Director may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Planned Community Program.

19.10.040

PD PLANNED DEVELOPMENT DISTRICT

A. Intent of District

The intent of the Planned Development (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;

2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities;

3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts;

4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design;

5. Providing for the redevelopment of areas where depreciation of any type has occurred.

6. Providing for the revitalization of designated areas;

7. Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site;

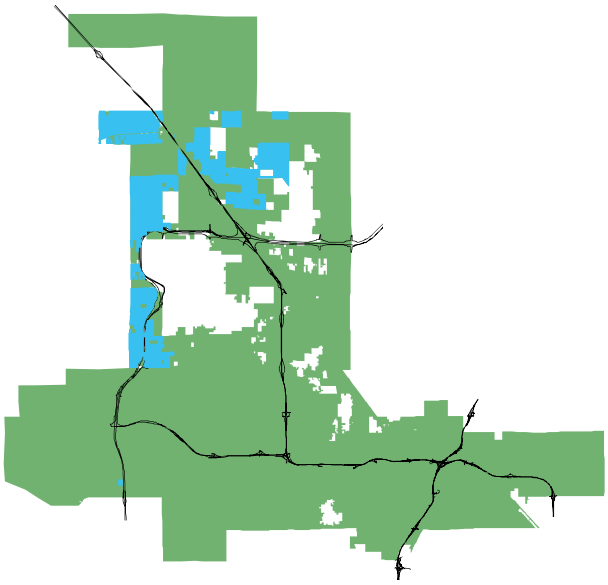
8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities;

9. Encouraging area-sensitive site planning and design; and

10. Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.

Illustrations & Graphics **PD 19.10.040**

FIGURE 1 - PLANNED DEVELOPMENT DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE PD DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS PD (PLANNED DEVELOPMENT) DISTRICT.

B. Definitions

For purposes of this Section:

1. "Master development plan" means a specific written plan and accompanying maps which identify, with respect to a PD District development, the proposed location and size of development parcels, land uses and zoning designations; transportation plans and a traffic impact analysis; open space, community facilities and amenity plans; and the applicable development regulations and design standards.

2. "Development standards" means the minimum standards for development in the Planned Development District, including but not limited to standards for intensity and type of use; densities; building design, layout, configuration, height, coverage, spacing, bulk and setback requirements; provision for utilities; topography and drainage patterns; signage; open space and landscaping; on-site vehicular and pedestrian circulation and parking; urban design elements and features; and site amenities.

C. Rezoning And Minimum Site Area

Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this Section and LVMC 19.16.090. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a district development project number or label, along with the designation "PD". The rezoning shall include the adoption of a specific master development plan and development standards.

The minimum site area for a Planned Development District is five acres, except that the City Council may waive this requirement when proper planning justification is shown.

D. Application Requirements

1. In the case of property that is sought to be reclassified to the Planned Development District by the property owner, the owner or authorized representative must meet with the Director, or the Director's designee, before the City has any obligation to accept the rezoning application as complete.

2. In addition to the submittals required by LVMC Chapter 19.18, the following must accompany an application for rezoning submitted by a property owner:

a. A metes and bounds description of the proposed Planned Development District.

b. A proposed master development plan for the entire site.

c. Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and above ground utilities that are at least as restrictive as those set forth in this Tile for comparable development.

d. Any proposed conditions, covenants and restrictions for the development, including easements and grants for public utility purposes.

e. The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.

f. Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.

g. A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.

h. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.

i. The location and description of all buffering that is proposed between the development site and adjacent properties.

j. Additional information and detail as may be required in order to respond to the unique characteristics of the site and its location.

E. Permitted Uses and Standards

Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development District to the extent they are consistent with the Master Development Plan for that District. The uses to be permitted within the District must be specified in the adopted Master Development Plan for the District. Because of the nature and purpose of the PD District, and notwithstanding any other provision of this Section:

1. An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.

2. No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.

3. An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.

F. Approval of Master Development Plan and Development Standards

In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:

1. Consistency of the proposed development with the General Plan; this Title; the Design Standards Manual; the Landscape Wall, and Buffer Standards Manual; and other applicable plans, policies, standards and regulations.

2. Compatibility of the proposed development with adjacent and surrounding development.

3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.

4. Protection of the public health, safety, and general welfare.

G. Modification of Master Development Plan and Development Standards

The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the Department of Planning and Development. In accordance with Paragraphs (1) and (2) of this Subsection, the Director shall determine if the proposed modification is "minor" or "major," and the request or proposal shall be processed accordingly.

1. **Minor Modification.** A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:

   a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.

   b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.

   c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.

   d. A change in the species of plant material proposed for the District.

   e. A decrease in the density or intensity of development from that previously approved for the District.

   f. Any other change or modification of a similar nature which the Director determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the Director. An applicant who is aggrieved by the Director's decision may appeal that decision to the Planning Commission by filing a written appeal with the Department no later than 10 days after the date the applicant receives notice of the administrative decision.

2. **Major Modification.** A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application, as set forth in Subsections (H) to (M), inclusive, of LVMC 19.16.090.

H. Site Development Plan Review

All development within a PD District is subject to the site development plan review procedures set forth in LVMC 19.16.100.

I. Issue Resolution – Analogous Standards

With regard to any issue of land use regulation that may arise in connection with a Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Master Development Plan and Development Standards for that District, the Director may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Master Development Plan and Development Standards.

1. **Signage.** As this Subsection applies to standards for signage:

   a. Single and Two Family residential developments within a PD District shall be the analogous to those standards indicated in LVMC 19.06.140 for the R-1 District; and

   b. Multifamily residential developments within a PD District shall be the analogous to those standards indicated in LVMC 19.06.140 for the R-3 District.

19.10.050

R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

A. Intent of R-PD District

The R-PD District has been to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. Historically, the R-PD District has represented an exercise of the City Council's general zoning power as set forth in NRS Chapter 278. The density allowed in the R-PD District has been reflected by a numerical designation for that district. (Example, R-PD4 allows up to four units per gross acre.) However, the types of development permitted within the R-PD District can be more consistently achieved using the standard residential districts, which provide a more predictable form of development while remaining sufficiently flexible to accommodate innovative residential development. Therefore, new development under the R-PD District is not favored and will not be available under this Code.

B. Development Standards

1. The development standards for a project, including minimum front, side and rear yard setbacks, grade changes, maximum building heights, maximum fence heights and fence design, parking standards, standards for any guest houses/casitas and other design and development criteria, shall be as established by the approved Site Development Plan Review for the development.

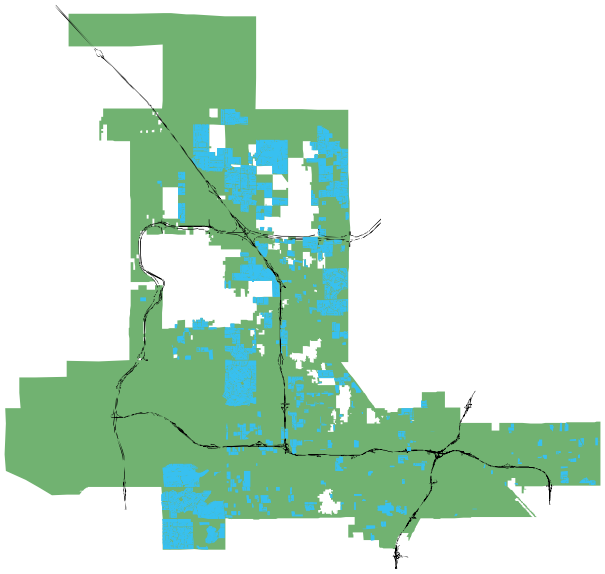
2. With regard to any issue of development standards that may arise in connection with a Residential Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Site Development Plan Review for that District, the Director may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Site Development Plan Review.

a. Signage. As this Paragraph (2) applies to standards for signage:

i. Single and Two Family residential developments within a R-PD District shall be the analogous to those standards indicated in LVMC 19.06.140 for the R-1 District; and

Illustrations & Graphics **R-PD 19.10.050**

FIGURE 1 - RESIDENTIAL PLANNED DEVELOPMENT DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE R-PD DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS R-PD (RESIDENTIAL PLANNED DEVELOPMENT) DISTRICT.

ii. Multifamily residential developments within a R-PD District shall be the analogous to those standards indicated in LVMC 19.06.140 for the R-3 District.

C. Permitted Land Uses

1. Single-family and multi-family residential and supporting uses are permitted in the R-PD District to the extent they are determined by the Director to be consistent with the density approved for the District and are compatible with surrounding uses. In addition, the following uses are permitted as indicated:

a. Home Occupations for which proper approvals have been secured.

b. Child Care-Family Home and Child Care-Group Home, to the extent the Director determines that such uses would be permitted in the equivalent standard residential district.

2. For any use which, pursuant to this Subsection, is deemed to be permitted within the R-PD District, the Director may apply the development standards and procedures which would apply to that use if it were located in the equivalent standard residential district.

3. For purposes of this Subsection, the "equivalent standard residential district" means a residential district listed in the Land Use Tables which, in the Director's judgment, represents the (or a) district which is most comparable to the R-PD District in question, in terms of density and development type.

D. Plan Amendment Approvals, Conditions, Conformance

Amendments to an approved Site Development Plan Review shall be reviewed and approved pursuant to LVMC Title 19.16.100(H). The approving body may attach to the amendment to an approved Site Development Plan Review whatever conditions are deemed necessary to ensure the proper amenities and to assure that the proposed development will be compatible with surrounding existing and proposed land uses.

19.10.060

T-C TOWN CENTER DISTRICT

A. Intent and Objectives

1. The Town Center (T-C) District is established to permit and encourage the development of a mixed-use employment center which will provide economic stability and diversification for the City of Las Vegas. The primary objective of the T-C District concept is to provide employment for in excess of 100,000 individuals while, at the same time, creating a unique blending of human habitation and economic activity. The rezoning of property to the T-C District is appropriate only if the Town Center concept will be followed and the objectives set forth in Paragraph (2) below are adhered to.

2. In the T-C District, the developer must demonstrate the potential for achieving the following outlined objectives throughout the planning, design and development stages:

   a. Providing for an orderly and creative arrangement of land uses with respect to each other, to the Town Center and to all adjacent properties;

   b. Providing for a variety of housing types which are not found elsewhere in the City, as well as employment opportunities and commercial services to achieve a balanced community for individuals and families of wide variety of ages, sizes and levels of income;

   c. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for mass transportation and roadways, bicycle paths, pedestrian walkways and other similar transportation facilities;

   d. Providing for cultural, educational, medical, religious and recreational facilities;

   e. Locating and siting structures to take maximum advantage of the natural and manmade environment and to establish new view corridors; and

   f. Providing for adequate, well-located and well-designed open space and community facilities.

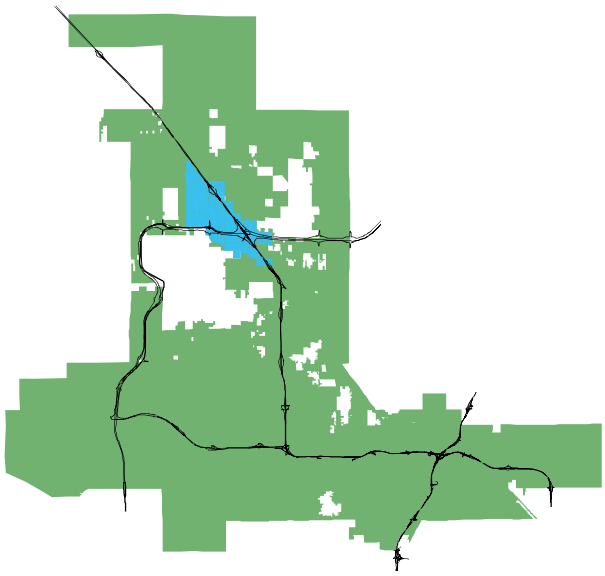
B. Permitted Land Uses and Development Standards

1. Development in the T-C District may consist of any use or appropriate combination of uses that are

Illustrations & Graphics

T-C 19.10.060

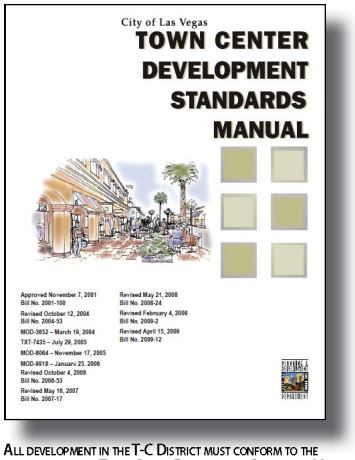
FIGURE 1 - TOWN CENTER DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE T-C DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS T-C (TOWN CENTER) DISTRICT.

FIGURE 2 - TOWN CENTER DEVELOPMENT STANDARDS MANUAL



ALL DEVELOPMENT IN THE T-C DISTRICT MUST CONFORM TO THE PROVISIONS OF THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL .

specifically approved for the property in the Town Center Land Use Matrix, as set forth in the Town Center Development Standards Manual (See Figure 2). The developer shall identify in a written analysis the proposed uses for each project and shall specify how each proposed use is consistent with the Land Use Matrix.

2. Development in the T-C District shall conform to the Town Center Development Standards Manual, which is hereby adopted by this reference. The Town Center Development Standards Manual shall be on file in the Office of the City Clerk and in the Department. The Town Center Development Standards Manual may be amended from time to time by ordinance or by resolution of the City Council.

C. Special Application Requirements

Plans and documentation which must accompany a re-zoning application are as follows:

1. A conceptual development plan for the property, including general land use designations, parking plans, transportation plans and plans for open space and community facilities. A general phasing plan shall be included to include the intended timing of development;

2. Proposed development standards that set forth architecture; densities; building height, bulk and setback requirements; requirements for signage, landscaping, parking and open space. The proposed standards should demonstrate consistency and compliance with the Town Center Development Standards Manual;

3. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of five feet;

4. Conceptual utility layout that includes tentative sewer and water main corridors; and

5. Proposed conditions, covenants and restrictions, including architectural, design and other development guidelines to be followed.

D. Development Review, Recommendation, and Approval

1. **Zoning Approval.** The rezoning of property to the T-C District shall be by means of a review and recommendation by the Planning Commission and approval by the City Council, in accordance with the provisions of LVMC 19.16.090. The approval of a T-C District by the City Council shall be accomplished directly by ordinance. The approval of a T-C District may include the approval of a Development Plan which shall thereafter govern the development of the property.

2. **Development Approval**

   a. Plans for proposed development within the T-C District must be submitted to the Department. The Director or the Director's designee shall review the plans for conformance with the provisions of the Subchapter, and may require modifications to the proposal in order to protect the public health, safety and welfare and to better fulfill the intent of the Town Center Land Use Plan and the Town Center Development Standards Manual.

   b. Development of any project within the T-C District may be approved administratively if the proposed development:

      i. Requires no additional approval by any board or the City Council; and

      ii. Is in full compliance with the Town Center Development Standards Manual, any Development Plan which has been approved for the project, and the intent of the Town Center concept.

   c. For any other development, approval must be obtained in accordance with the procedural and substantive requirements set forth in the Town Center Development Standards Manual, this Subchapter, and the provisions of this Title.

3. **Appeal of Decision.** An applicant that is aggrieved by the decision of the Director or the Director's designee with respect to a proposed plan for development may appeal that decision to the Planning Commission. An applicant that is aggrieved by the decision of the Planning Commission may appeal such decision to the City Council by filing a written request for appeal with the City Clerk within fifteen calendar days after the date of the Planning Commission's decision.

E. Open Space and Landscape Area Requirements

A minimum of 20 percent of the gross property area proposed to be added to or developed within the T-C District shall consist of any combination of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities

and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements are as set forth in the Town Center Development Standards Manual.

F. Street and Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in this Title, except as otherwise provided for specifically in the Town Center Development Standards Manual.

G. Analogous Applications

With regard to any issue of land use regulation that may arise in connection with the T-C District and that is not addressed or provided for specifically in this Section or in the Town Center Development Standards Manual, the Director may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Town Center Land Use Plan.

19.10.070

T-D TRADITIONAL DEVELOPMENT DISTRICT

A. Intent and Objectives

1. **Purpose.** The Traditional Development (T-D) District is established to permit and encourage the development comprehensively planned mixed-use communities, with a minimum of eighty contiguous acres of land under one ownership or control, which can generally exist as a self-contained community. The rezoning of the property to the T-D District is appropriate only if the Development Standards and Design Guidelines document that is proposed for such property will accomplish the objectives set forth in Paragraph (2) below.

2. **Minimum Qualifications.** In order for property to qualify for T-D District zoning, the master developer must demonstrate the potential for achievement of the following specific objectives throughout the planning, design and development stages:

   a. Providing for an orderly arrangement of land uses with respect to each other, to the entire area within the proposed district, and to all adjacent land;

   b. Providing for a balanced mix of housing types, commercial uses and civic amenities to provide a self-contained community for families of a wide variety of ages, compositions, and levels of income;

   c. Providing for a hierarchical transportation system of interconnected streets, with facilities for transit, pedestrians, bicycles, recreational paths and vehicles;

   d. Providing for the means by which the needs of daily living can be met within proximity of dwellings;

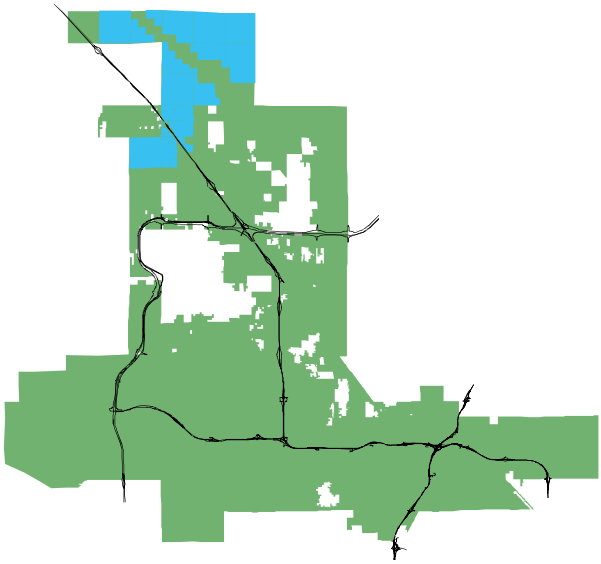
   e. Providing a strong relationship between buildings and street type, with emphasis on the pedestrian nature of the community, and de-emphasizing gated private streets and cul-de-sacs;

   f. Locating development to take maximum advantage of the natural environment;

   g. Providing for adequate, well-located and well-designed open space and community facilities;

Illustrations & Graphics **T-D 19.10.070**

FIGURE 1 - TRADITIONAL DEVELOPMENT DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE T-D DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS T-D (TRADITIONAL DEVELOPMENT) DISTRICT.

h. Providing for a variety of architecture, landscape architecture and overall image that considers local climate and topography;

i. Providing for a center focus that combines commercial, civic, residential, cultural and recreational uses;

j. Providing for the preservation of natural terrain drainageways (arroyos and desert washes), and of area vegetation, emphasizing these features within developed parks and natural open space; and

k. Providing for the wise use of water and energy. Water should be conserved through participation in appropriate local water conservation programs. Energy should be conserved through the efficient and responsible design of environmentally-friendly homes and other buildings, and participation in appropriate local or national energy conservation programs.

B. Permitted Land Uses and Development Standards

Development in the T-D District shall include residential uses, commercial uses, and civic uses. Within a proposed Development Standards and Design Guidelines document to be submitted in accordance with this Section, the developer shall include a listing of the uses proposed and the arrangement for each land use within the T-D District. The listing and arrangement of the approved land uses shall be show in the Development Standards and Design Guidelines document that is adopted as part of the T-D District approval.

C. Density

The approved Development Standards and Design Guidelines document shall establish the maximum number of dwelling units per gross acre for each residential and mixed-use category, as well as the overall number of residential units for the entire T-D District.

D. Minimum Site Area for Rezoning

The minimum site area that is eligible for rezoning to the T-D District is forty acres, which is the minimum area deemed necessary to accommodate a balanced mix of housing, commercial, and civic uses. Any additional tract which contains less than the minimum site area and which is contiguous to property previously zoned T-D may also be zoned T-D by the City Council if it otherwise qualifies for the T-D zoning designation and, at the time of such rezoning, is owned by or is under the control of the same property owner (including its successors and assigns) that applied for and obtained T-D zoning on the original property so zoned. The rezoning of any such additional property shall be made subject to the approved Development Standards and Design Guidelines applicable to that property.

E. Special Application Requirements

Plans and documentation which must accompany a rezoning application are as follows:

1. Proposed Development Standards and Design Guidelines that set forth:

a. A conceptual development plan for the property, including general land use designations, transportation plans, and plans for open space and civic facilities;

b. Densities;

c. Building height, bulk and setback requirements;

d. Requirements for signage, landscaping, parking and open space;

e. Grading, terracing and retain wall requirements;

f. A general phasing plan to indicate the intended timing of developments; and

g. Procedures for Development Plan review and for modifying and deviating from the Development Standards and Design Guidelines;

2. Storm drainage and grading information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of five feet;

3. Conceptual utility layout that includes tentative sewer and water main corridors; and

4. If required by the Director, a draft development agreement as contemplated by NRS 278.0201 to NRS 278.0207, the substance of which has been deemed acceptable by the Director.

F. Review, Recommendation and Approval

1. Development Standards and Design Guidelines. The initial zoning approval of a T-D District shall consist of a review and recommendation by the Planning Commission and approval by City

Council, in accordance with the provisions of LVMC 19.16.090. The approval of a T-D District by the City Council shall be accomplished directly by ordinance and shall include the approval and adoption of a Development Standards and Design Guidelines document. An approved Development Standards and Design Guidelines document shall be a matter of record and shall be made available in the Department.

2. **Adherence to Development Standards and Design Guidelines.** The developer may develop property in the T-D District in accordance with, but only in accordance with, the approved Development Standards and Design Guidelines and any approved modifications thereof or deviations therefrom. No modification or deviation shall be effective unless it is approved in accordance with this Section and the procedures set forth in the Development Standards and Design Guidelines. The Director may request modification of a program in accordance with the modification procedures set forth in the program.

3. **Modification/Deviation Procedures.** The Development Standards and Design Guidelines shall contain procedures to provide for modification of and deviation from the program pursuant to review by the Director, the Planning Commission or the City Council, or any combination thereof, and such procedures shall be exclusive of any other procedure, other than the procedures for notification of public hearings, that is provided in this Title for the approval of any Rezoning, Variance or Special Use Permit. With respect to any modification or deviation that requires approval by the Planning Commission or City Council, or both, the modification or deviation may be approved only upon a finding by the Planning Commission or City Council, as the case may be, that:

   a. The requested modification or deviation, if approved, will not substantially affect the rights of property owners or residents within the T-D District to maintain and enforce any covenants, conditions and restrictions that have been approved by the City, or any other rights they might have in the Development Standards and Design Guidelines; and

   b. The requested modification or deviation, if approved, will be consistent with the planning objectives and goals of the approved Development Standards and Design Guidelines; and

4. **Department Conformance Review.** Each Development Plan that is submitted in connection with the implementation of the Development Standards and Design Guidelines shall be reviewed for conformance therewith by the Director. The Director may require modifications that bring the Development Plan or site plan into conformance with applicable standards of health, safety and welfare, and may recommend design adjustments to better fulfill the intent of the Development Standards and Design Guidelines approval and the purposes of the T-D District.

5. **Appeal of Director's Decision.** An applicant who is aggrieved by the decision of the Director with respect to a proposed Development Plan or site plan may request a review of such decision by the Planning Commission. An applicant who is aggrieved by the decision of the Planning Commission may appeal such decision to the City Council by filing a written request for appeal with the City Clerk within fifteen calendar days after the date of the Planning Commission's decision.

G. Open Space and Landscape Area Requirements

The Development Standards and Design Guidelines shall identity a minimum percentage of the gross property area in the T-D District to be allocated for open space, recreational facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities, and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted towards the minimum requirement. Specific open space and landscaped area development standards shall be set forth in the Development Standards and Design Guidelines.

H. Street and Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in this Title, except as otherwise provided for specifically in the approved Development Standards and Design Guidelines.

I. Nonapplicability of Other Provisions – Analogous Applications

1. The Development Standards and Design Guidelines may contain provisions for the processing and review of Minor Exceptions, Deviations, Plot Plan Reviews, Development Plan Modifications and other land use control procedures. If such procedures are so provided in approved Development Standards and Design Guidelines, those procedures supersede the corresponding procedures set forth in this Title.

2. With regard to any issue of land use regulation that

may arise in connection with the T-D District and that is not addressed or provided for specifically in this Section or in the approved Development Standards and Design Guidelines, the Director may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Development Standards and Design Guidelines.

19.10.080

A-O AIRPORT OVERLAY DISTRICT

A. Establishment

1. There is hereby established an Airport Overlay District which consists of those certain areas that are delineated on the following maps:

   a. The McCarran International Airport Official Airspace Zoning Map; sheet number three, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "McCarran Airport Overlay Map" and;

   b. The North Las Vegas Air Terminal Official Airspace Zoning Map, consisting of one sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "North Las Vegas Airport Overlay Map".

2. An area which is identified on more than one airport map is considered to be only in the map with the more restrictive height limitations.

3. Copies of the " McCarran Airport Overlay Map" and the "North Las Vegas Airport Overlay Map," are maintained in the Department.

4. Although not included as part of the Airport Overlay District, consideration shall be given to the protection of the Nellis Air Force Base airspace.

B. Airport Height Limitations

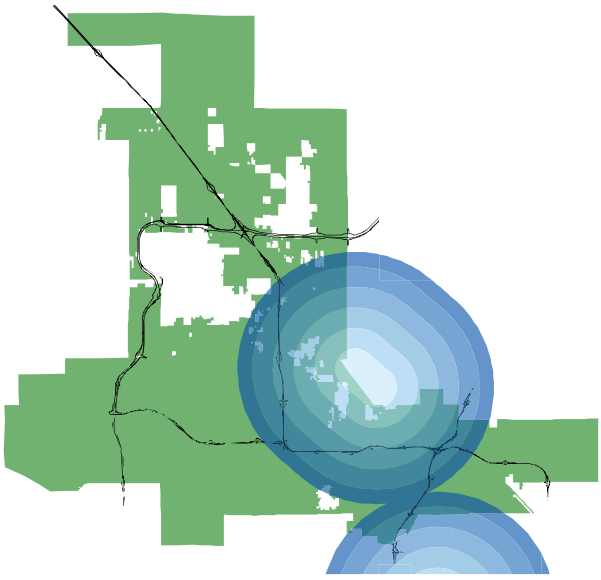
Except as otherwise provided in this Section, no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted herewith. All development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. However, nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure to a height up to 35 feet above the surface of the land on any parcel.

C. Aviation Easement

The issuance of a building permit for construction on property within the Airport Overlay District may be conditioned upon the property owner's signing of an aviation easement.

Illustrations & Graphics **A-O 19.10.080**

FIGURE 1 - AIRPORT OVERLAY DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE A-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE A-O (AIRPORT OVERLAY) DISTRICT.

D. Planning Commission Review and Approval

Except as provided in Subsection (E) below, any new construction or alteration of any existing structure on a parcel located within the Airport Overlay District must first be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

1. Two hundred feet above the ground level at its site;

2. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of any airport subject to the provisions of this subchapter;

3. For highways, railroads and other traverse ways for mobile objects; if construction or alteration is of greater height than the standards set forth in Paragraphs (1) or (2) above, after their height has been adjusted upward for the appropriate traverse way as follows:

a. For interstate highways: 17 feet;

b. For any other public roadways: 15 feet;

c. For any private road: 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater;

d. For any railroad: 23 feet;

e. For a waterway or any other unspecified traverse way: the height of the highest mobile object that would normally use the traverse way.

4. Any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.

E. Allowable Construction

Planning Commission review may be waived for construction or alteration of any of the following:

1. An object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographical features of equal or greater height, and would be located in the congested area of the City where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation;

2. An antenna structure of 20 feet or less in height above ground level;

3. An air navigation facility, airport visual approach or landing aid, aircraft arresting device or meteorological device of a type, the location and height of which is fixed by its functional purpose.

F. Use Restrictions

Notwithstanding any other provision of this Section, no use may be made of land or water within any zone established by this subchapter in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport, or which in any way compromises public safety.

G. Non-Conforming Uses

1. The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a non-conforming use. Nothing contained in this Section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section and is diligently prosecuted.

2. Notwithstanding the preceding provisions of this Section, the owner of any existing non-conforming structure may be required to install, operate and maintain thereon such markers and lights as may be deemed necessary by the aviation authority having jurisdiction to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

H. Special Use Permit

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special

Use Permit procedures set forth in LVMC 19.16.110, except that:

a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and

b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.

2. Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

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19.10.090

CD-O DESIGNED COMMERCIAL OVERLAY DISTRICT

A. Intent or Purpose

The purpose of the CD-O Designed Commercial Overlay District is to provide standards for the development of a select type of light commercial uses which will be in harmony with the neighborhood in which it is to be located. This is intended to overlay a standard commercial Zoning District in areas where it is necessary to preserve and maintain the character of surrounding land uses with less intense commercial development.

B. Development Standards

Unless otherwise approved by the City Council in a Site Development Plan, building heights in the Designed Commercial Overlay District shall not exceed:

1. One story or twenty feet, whichever is less, for parcels that front Charleston Boulevard between Rancho Drive and Valley View Boulevard;

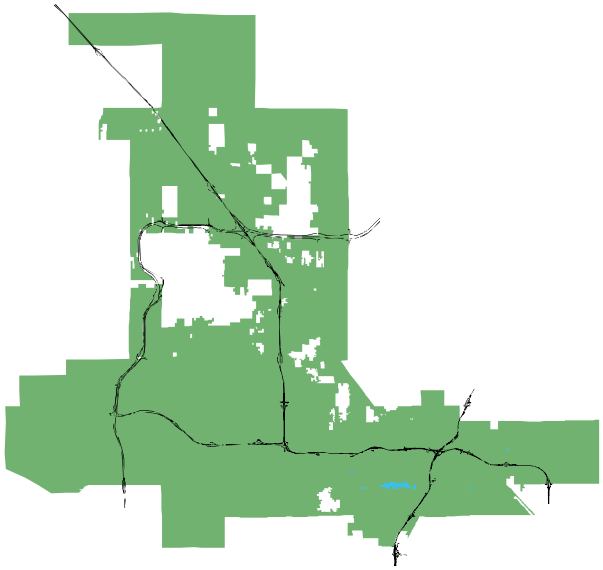
2. Two stories or thirty-five feet, whichever is less, for all other parcels.

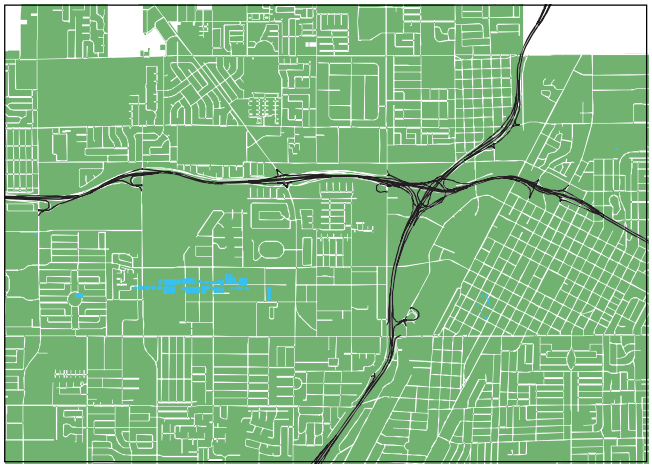
In addition to the standards listed above, lot coverage shall not exceed more than 30% and rear setbacks shall not be less than 25 feet.

Illustrations & Graphics

CD-O
19.10.090

FIGURE 1 - DESIGNED COMMERCIAL OVERLAY DISTRICT MAPS





MAPS ARE REPRESENTATIVE OF WHERE THE CD-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE CD-O (DESIGNED COMMERCIAL OVERLAY) DISTRICT.

CLV
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E-MAIL

19.10.100

DC-O DOWNTOWN CASINO OVERLAY DISTRICT

A. Boundaries

There is hereby created the Downtown Casino Overlay District, whose boundaries are depicted in Figure 1. Within the Downtown Casino Overlay District (referred to in this Section as the "District"), a sub-district is created, to be referred to as the Special Signage Sub-district (or the "Sub-District"), whose boundaries are also depicted in the map that appears below.

B. Special Sign Standards-Background

The area encompassed by the Downtown Casino Overlay District contributes greatly to the international identity, historical significance, and economic welfare of the City of Las Vegas. One of the key characteristics of this area virtually since its inception is the prominence of neon and illuminated signage, especially within the area encompassed by the Sub-district. Recognizing the unique role of such signage in this context, it is important to provide sign standards that apply only within this District, in order to ensure that future sign development is consistent with the appearance of established signage themes within this District and generates excitement and positive visual interest. The sign standards that follow initially will apply only to property within the Sub-district, with the possibility of expanded application in the future. The sign standards that follow have been developed to promote the general health, safety and welfare of the citizens and visitors, to maintain and enhance the historic Fremont Street sign character, and specifically to address the following issues:

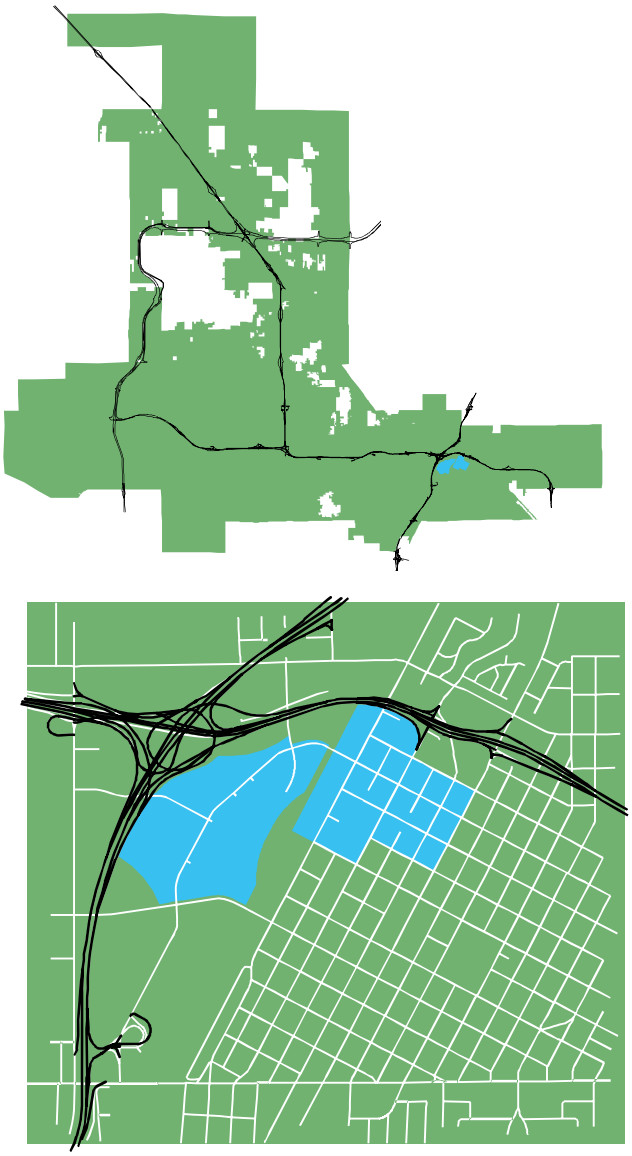
1. **Encourage displays of signage to enhance the District as a nationally recognized place** - Although Las Vegas is nationally and internationally renowned for its role as the world's gaming capital, possibly the most visible symbol of this role is the exuberant and abundant signage of its casinos and related businesses. The continued development of more and better signage will continue to enhance this role.

2. **Preserve the tradition of neon art made famous by the casinos of Fremont Street** - Of all the types of signage in Las Vegas, neon signage fixtures most prominently in the history of the City and generates the greatest affection of both visitors and local residents. It is important that not only new signage continue this tradition of neon art, but that the remaining and salvaged neon signs be refurbished, preserved and displayed in proximity to the Fremont Street Experience and surrounding area.

Illustrations & Graphics

DC-O
19.10.100

FIGURE 1 - DOWNTOWN CASINO OVERLAY DISTRICT MAPS



MAPS ARE REPRESENTATIVE OF WHERE THE DC-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE DC-O (DOWNTOWN CASINO OVERLAY) DISTRICT.

Maintaining and preserving the history of "Glitter Gulch", which is unique to Las Vegas, is vital to the ongoing sense of community and pride for the City. There will, therefore, be a general expectation that future signage development within the area around the Fremont Street Experience will contribute to the sense of the area as a special place.

3. **Celebrate the best of the sign makers' art** - The neon and animated signage displayed within the District represents some of the most complex signage ever produced, and is the state of the sign makers' art at this point in time. It is important that this District continue to provide a forum for cutting-edge signage and displays, particularly in neon and animated forms, which will support and bolster the reputation of Las Vegas in these areas.

4. **Strengthen the standing of the District as an integral and essential component of Downtown Las Vegas** - The development of additional signage, particularly in relation to existing, new and future development along the Fremont Street corridor, can enhance the visually exciting character of the existing signage along Fremont Street, including the spectacular canopy shows, if it is illuminated, animated, or neon in character.

5. **Preserve, protect and enhance the historic character of the District** - Many of the historically significant signs and displays incorporate distinct and readily identifiable images, such as the famous "Vegas Vic" neon sign. It is important that the future advertising within this area consider the use of iconic images or three-dimensional representations that can be compatible with the established historical context of the District.

6. **Improve the quality and appearance of new development within the District** - Advertising signage, particularly that involving the use of neon displays or animated features, can be an excellent way of attracting attention in a positive way to new development within the District. Whereas some areas can be spoiled through signage, the established character of this District, much like Times Square in New York City, can only benefit through enhanced signage on new development and older buildings, provided that new signage is compatible with established, existing signage in the area.

7. **Provide freedom of architectural and artistic expression within the District** - One of the hallmarks of casino development in Las Vegas has been the flexibility with which a variety of architectural styles and features have been blended to create a unique urban form. It is important that signage can also be freely designed to create visual interest that matches and supports the architectural interest of the buildings themselves.

8. **Encourage the redevelopment of the area** - In order for properties within the District to compete successfully in the regional Las Vegas casino environment, it is vital that redevelopment of vacant or underutilized sites be encouraged by all available means. Although such expansion may include new casino development, redevelopment can also mean other forms of new development, such as retail and freestanding entertainment venues, including new signage that creates a visually exciting and vibrant atmosphere within the District.

C. Special Sign Standards

1. Signs on parcels within the Sub-district are exempt from the sign regulations contained in this Title to the extent that those regulations are inconsistent with the provisions of this Section. Provisions of this Title related to signage that are not inconsistent with the provisions of this Section shall continue to apply to signs within the District. Such provisions of this Title related to signage may be applied by the Director or be made applicable as part of the review and approval process set forth in this Section.

2. Any sign existing in the District as of January 2, 2002, that conforms to the provisions of this Title related to signage or has been allowed to continue under nonconforming status may continue under the provisions of this Section as long as a current permit is maintained, the sign is structurally sound and in good working order, and the sign does not create a public nuisance or otherwise violate any ordinance, regulation or statute. Except as otherwise provided by ordinance, any such sign shall not be subject to removal or modification by reason of any amendment to this Title.

3. The sign standards contained in this Section shall:

   a. Be interpreted and applied with reference to the background provisions set forth in Subsection (B) above;

   b. Apply to all property, development, expansion and renovation within the Sub-district except property located within the boundaries of the Pedestrian Mall, as described in LVMC Chapter 11.68; and

   c. Apply to any building facade within 125 feet

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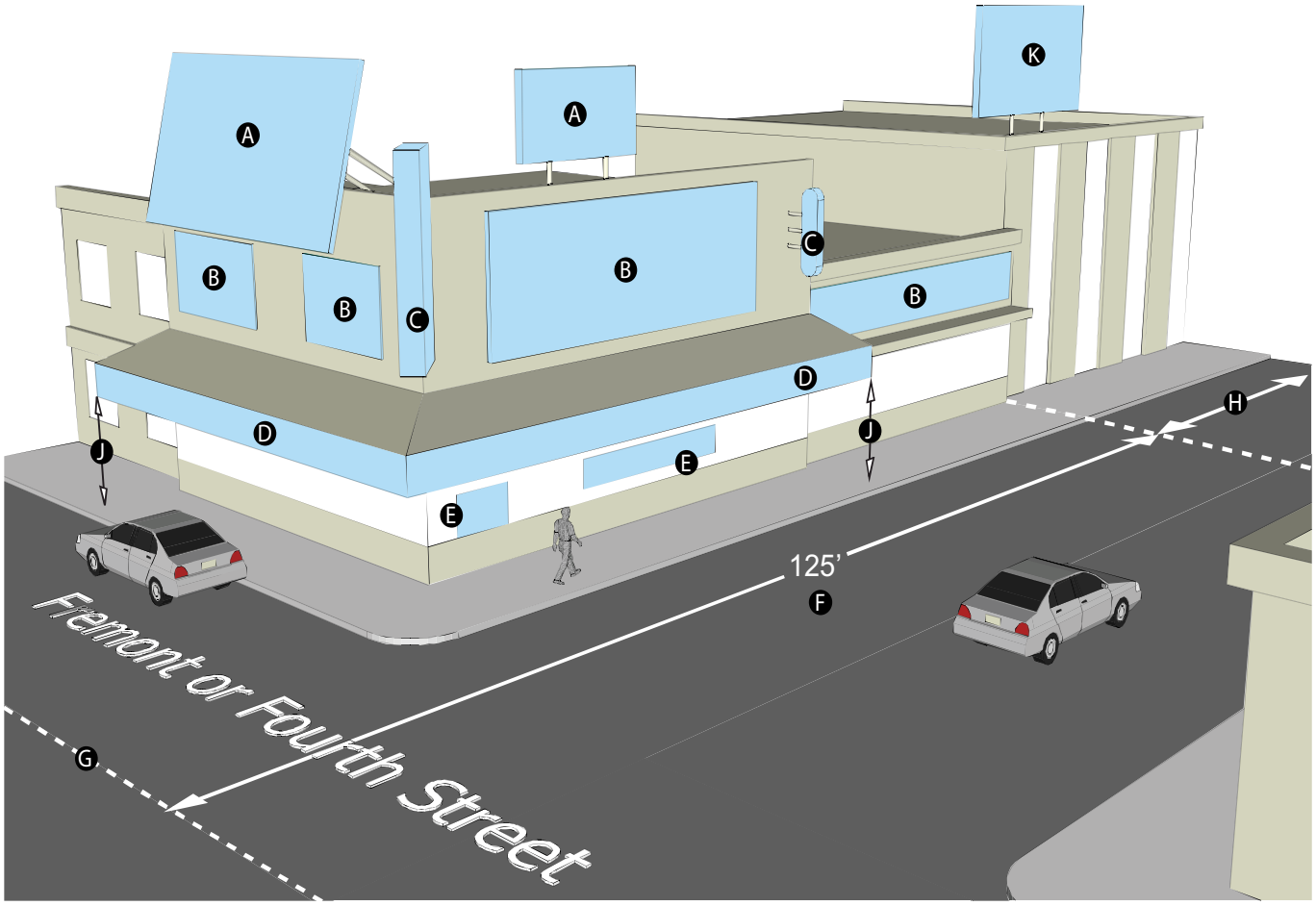


FIGURE 2

Table 1. Special Sign Standards Illustration Key (see Figure 2)

A.	Roof Sign	G.	Fremont or Forth Street Frontage
B.	Wall Sign	H.	Non-buffer Area
C.	Projecting Sign	I.	Eligible Wall Sign Area
D.	Marquee Sign	J.	Minimum Sign Clearance
E.	Storefront Wall Sign	K.	Non-buffer Area Signage
F.	125-foot Buffer Area		

of the centerline of the streets that border the Sub-district (referred to hereafter as the "buffer area."). (See "F" of Figure 2)

4. The development, construction, expansion, or renovation of freestanding signs within the Sub-district is prohibited, except signs that:

a. Belong to or are within the Neon Museum collection;

b. Have been declared by the Las Vegas Historic Preservation Commission to be "historic" or "contributing"; or

c. Are components of a way finding system or identity program for the Sub-district.

5. Each wall-mounted sign within the Sub-district shall be a minimum of 10 feet vertically above the height of the finished sidewalk along public rights-of-way and public pedestrian pathways. (See "J" of Figure 2) On-premise signs that do not exceed 65 square feet in size are exempt from this requirement, provided that there is a separation between such signs of at least 50 linear feet along the right-of-way or pathway. (See "E" of Figure 2)

6. Of all signage to be placed along Fourth Street, or along any street that is adjacent and perpendicular to Fourth Street and is within 125 feet of the centerline of Fourth Street, at least 75% of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. (See "A," "B", "C", "D", and "E" of Figure 2) Of all signage that is not within the areas described in the preceding sentence, the minimum percentage of neon or animated signage, or combination thereof, is 50%. (See "K" of Figure 2)

7. Individual sign surface areas shall not exceed a total of 1,500 square feet.

8. For any one wall, the maximum wall coverage for the composite total of all sign surface areas shall not exceed 50% of the eligible wall signage area, as depicted in Figure 3. This limitation does not apply to roof signs located above the roofline of the building facade nor to transparent "building wrap" signage.

9. The minimum separation distance between off-premise signs shall be 5 feet.

10. The total sign surface area of each wall mounted, roof mounted, or parapet mounted sign shall not exceed 1,500 square feet, and no such sign shall extend vertically more than 20 feet above the height of the parapet.

11. Animated signs must be fully operational and continuously animated 24 hours a day. Changes to the image or other animation feature must occur no less frequently than every 30 seconds, except when required maintenance or change of message dictates otherwise.

12. Each off-premise sign with at least two rotating or changing messages, images or contents, must change at least once every 30 seconds, and the sign must be framed by a decorative faceplate or frame that is at least 18 inches in width and that includes at least one band of illuminated neon tubing completely surrounding the sign.

13. At least 75% of off-premise signs are encouraged to be used to advertise places, products, goods, services, idea or statements whose subject is available or located within the District.

14. It is recommended that all signs be fully illuminated from at least one hour before dusk until one hour after dawn. Signs may be fully illuminated during daylight hours also.

15. Signs may not encroach into any public right-of-way, or any intersection more than 8 feet perpendicular to the building wall to which the sign is attached. (See Figure 4) Marquee signage along Fourth Street is exempt from this limitation. The city does not encourage encroachment of signage into public rights-of-way, and the applicant or sign owner must obtain all necessary encroachment approvals before the installation of any sign.

16. The owner and operator of each sign is responsible for ensuring that appropriate sign maintenance occurs and that repairs of damaged signs are accomplished promptly.

D. Special Sign Standards-Review and Approval Procedures

1. Downtown Design Review Committee. There is hereby created a Downtown Design Review Committee (DDRC) for the review of signs proposed to be located within the District. The DDRC shall be composed of:

a. Two members of the Planning Commission appointed by the Commission;

b. One representatives of the Department designated by the Director;

c. One representative of the City's Office of Business Development, designated by its Director; and

d. Three owners of businesses located within the District, as appointed by the Mayor

The DDRC shall have the authority to review and approve application for all signs, subject to the provisions of this Section. Members shall serve three-year terms and may be reappointed.

2. Application Process. Sign applications shall be submitted to the Department. The Department shall forward the application to the DDRC for review and action. The DDRC shall review the application and shall approve, approve with conditions, or deny the application.

3. Design Review Provisions. The following design review procedures shall apply:

a. The DDRC may approve a sign application for single or multiple uses if it determines that each sign is compatible with the theme and overall character to be achieved in the area. The DDRC shall base its assessment of compatibility on the following criteria:

i. The application's compliance with the standards identified in this Section.

ii. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.

iii. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.

iv. The similarity or dissimilarity of a sign's size and shape to the size and shape of other signs in the area.

v. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.

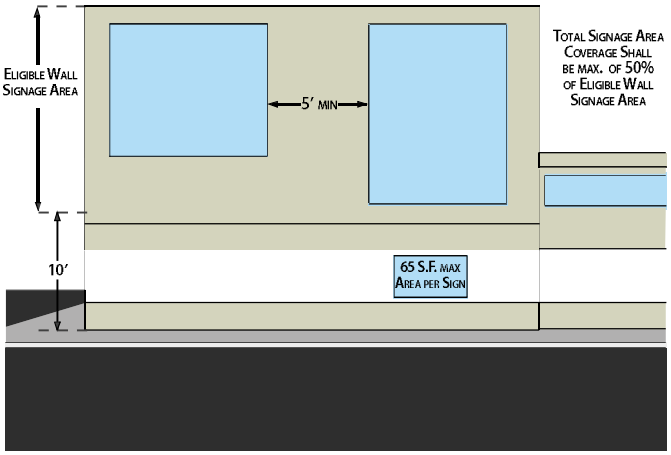
vi. The compatibility of the type of illumination, if any, with the type of illumination in the area.

vii. The compatibility of the materials used in the construction of the sign with the material used in the construction of other signs in the area.

Illustrations & Graphics

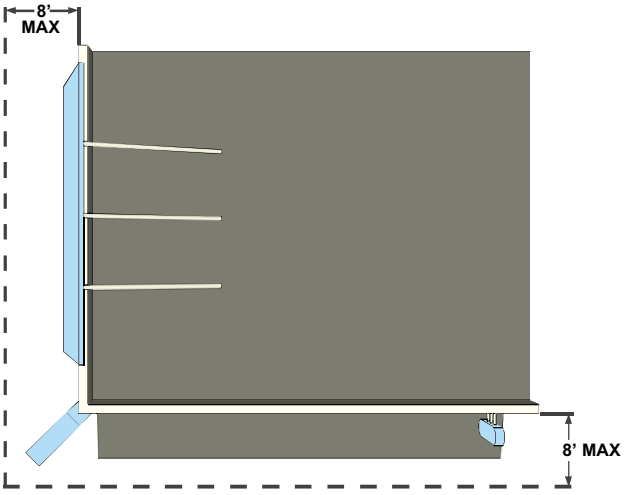
DC-O
19.10.100

FIGURE 3 - MAXIMUM ELIGIBLE WALL COVERAGE



THE CITY DOES NOT ENCOURAGE THE ENCROACHMENT OF SIGNAGE INTO PUBLIC RIGHTS-OF-WAY. WHERE ALL NECESSARY APPROVALS HAVE BEEN RECEIVED, SIGNS MAY NOT ENCROACH INTO ANY PUBLIC RIGHT-OF-WAY, OR ANY INTERSECTION MORE THAN 8 FEET.

FIGURE 4 - SIGNAGE PROJECTION (TOP DOWN VIEW)



THE CITY DOES NOT ENCOURAGE THE ENCROACHMENT OF SIGNAGE INTO PUBLIC RIGHTS-OF-WAY. WHERE ALL NECESSARY APPROVALS HAVE BEEN RECEIVED, SIGNS MAY NOT ENCROACH INTO ANY PUBLIC RIGHT-OF-WAY, OR ANY INTERSECTION MORE THAN 8 FEET.

viii. The aesthetic and architectural compatibility of the proposed sign with the building upon which the sign is suspended, including its signage, and with the surrounding buildings and their signage.

ix. The sign's use of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.

b. Applications for the design review of signs shall be processed as follows:

i. An application shall include: Ten complete sets of plans which contain visual representations of the lettering, illumination, color, area and height of graphics, and which also indicate the areas and building elevations where they are to be placed and located; photographic or drawn elevations of a minimum of 266 feet of frontage, with proposed signs superimposed, to show the context and perspective of the proposed signs; a drawing of each sign at one-half inch to one-inch scale; and any other items required by the Director or the DDRC.

ii. Applications shall be forwarded to the DDRC by the Department at least one week prior to the regularly scheduled DDRC meeting.

iii. Approval or denial of an application by the DDRC shall be made in writing with reasons for approval, denial, or approval with conditions, within three days following each DDRC meeting. In the event written notification of the action is not provided within that period, the application shall be deemed to have been denied. Decisions of the DDRC may be appealed to City Council in accordance with the provisions of Paragraph (5) below.

4. Waivers. The DDRC is authorized to waive any of the sign standards set forth in Subsection (C), other than the prohibitions contained in Paragraph (4) thereof, if:

a. The applicant establishes that a waiver is warranted based upon conditions specific to the parcel; and

b. The DDRC determines that the waiver:

i. Will not compromise the design objectives of the sign standards; and

ii. Will further the City's redevelopment efforts.

5. Appeals. The applicant may appeal a decision of the DDRC to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. The appeal must be filed within 10 days after notification of the administrative decision has been given (or within 10 days after the deadline for notification has passed), and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.

6. Rules and Regulations. The DDRC shall have the authority to adopt rules and regulations concerning its administrative procedures.

19.10.110

DCP-O DOWNTOWN CENTENNIAL PLAN OVERLAY DISTRICT

A. Intent

The intent of the Downtown Centennial Plan Overlay District is to establish special design standards for development within the City's established urban core. The boundaries of the District shall be coterminous with the boundaries of the Las Vegas Downtown Centennial Plan (see Figure 2), as adopted by ordinance, and as the boundaries may be amended from time to time.

B. Downtown Design Standards

Development within the Downtown Centennial Plan Overlay District shall conform to the Downtown Las Vegas Design Standards (the "Design Standards"), which are included within the Las Vegas Downtown Centennial Plan. Those Design Standards are adopted and incorporated by this reference. In addition, development within the boundaries of any sub-districts within the Downtown Centennial Plan Overlay District shall conform to applicable Design Standards that have been adopted for that sub-district. As and when such Design Standards for sub-districts are adopted, they shall be deemed to be incorporated into this Subsection by this reference. Copies of all Design Standards adopted by the City Council (whether published separately or not) shall be on file in the Office of the City Clerk and in the Planning and Development Department. The Downtown Centennial Plan Design Standards are mandatory and shall apply to any property and zoning category within the District, and any Design Standards adopted for any sub-district are mandatory and shall apply to any property and zoning category within the sub-district to which they pertain. Design Standards referred to in this subsection may be amended from time to time by ordinance or by resolution of the City Council. If the City Council adopts more restrictive design standards for one or more additional sub-districts within the Downtown Centennial Plan Overlay District, those more restrictive standards shall apply to the sub-district to which they pertain.

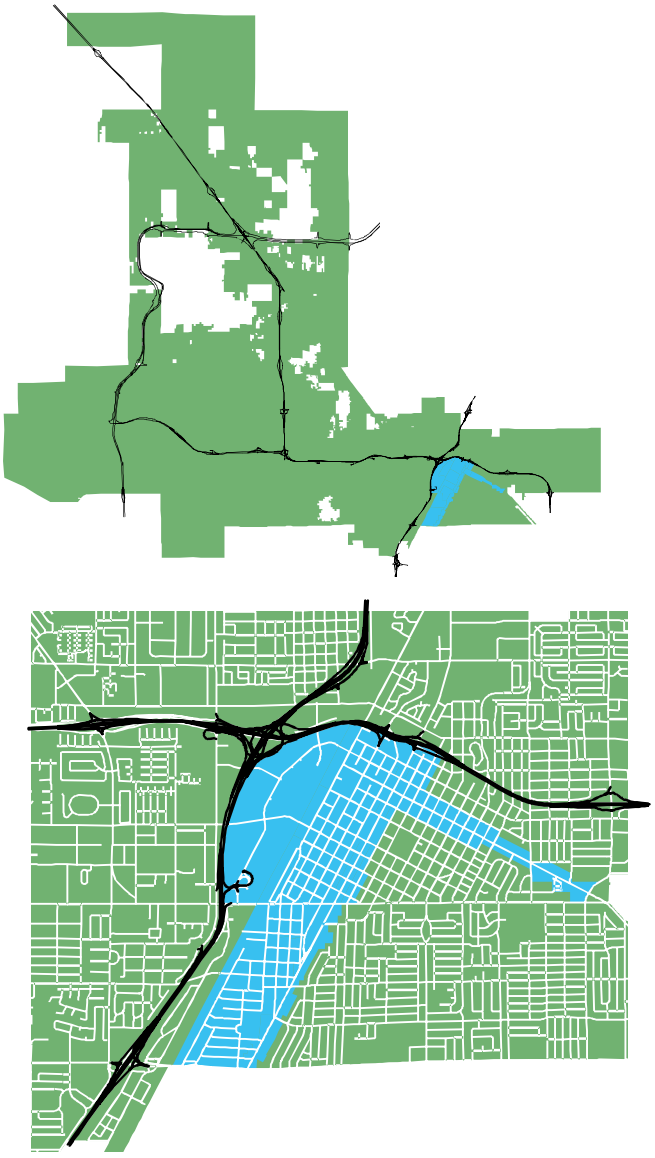
C. Special Provisions

In order to encourage the development of a complex, visually interesting and urbane walkable mixed-use environment, and to encourage transit-oriented development as future transit routes and stations develop within the Downtown area, properties within the Downtown Centennial Plan Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscap-

Illustrations & Graphics

DCP-O
19.10.110

FIGURE 1 - DOWNTOWN CENTENNIAL PLAN OVERLAY DISTRICT MAPS



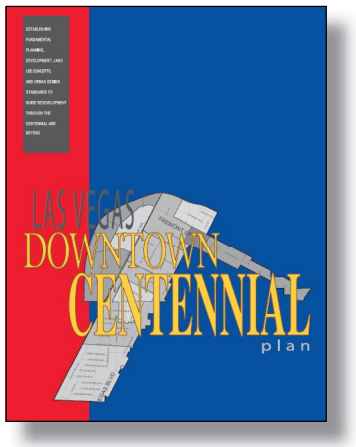
MAPS ARE REPRESENTATIVE OF WHERE THE DCP-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE DCP-O (DOWNTOWN CENTENNIAL PLAN OVERLAY) DISTRICT.

Illustrations & Graphics

DCP-O
19.10.110

FIGURE 2 - LAS VEGAS DOWNTOWN CENTENNIAL PLAN



DEVELOPMENT WITHIN THE DCP-O DISTRICT MUST CONFORM TO THE PROVISIONS OF THE LAS VEGAS DOWNTOWN CENTENNIAL PLAN.

ing requirements, and standard parking requirements in this Title. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Site Development Plan applications within the Downtown Centennial Plan Overlay District shall be evaluated on a case-by-case basis to determine the extent to which those standards shall be required.

19.10.120

DE-O DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT

A. Establishment of the District

There is hereby created the Downtown Entertainment Overlay District (the "District"), consisting of that area of the City bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east. The boundaries are depicted in Figure 1.

B. Intent of District

The creation of the District is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Creation of the District is also intended to:

1. Create a safe and secure environment;
2. Eliminate urban blight;
3. Revitalize surrounding neighborhoods;
4. Foster economic development opportunities and expand free enterprise;
5. Eliminate criminal activities;
6. Make the East Fremont area a community of choice for business and citizens;
7. Adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues;
8. Leverage the popularity of the nearby Neonopolis and Fremont Street Experience attractions with the proposed physical proximity of the new district;
9. Encourage and facilitate the creation of an improvement district for a commercial area vitalization project for the District.

C. Separation Requirements for Liquor Establishments

For any liquor establishment (tavern), supper clubs, restaurant service bar, or other liquor-serving establishment that is approved by means of Special Use Permit for a parcel located within the District, the distance separation requirements set forth in LVMC Chapter 19.12 shall not apply. The Special Use Permit approval may

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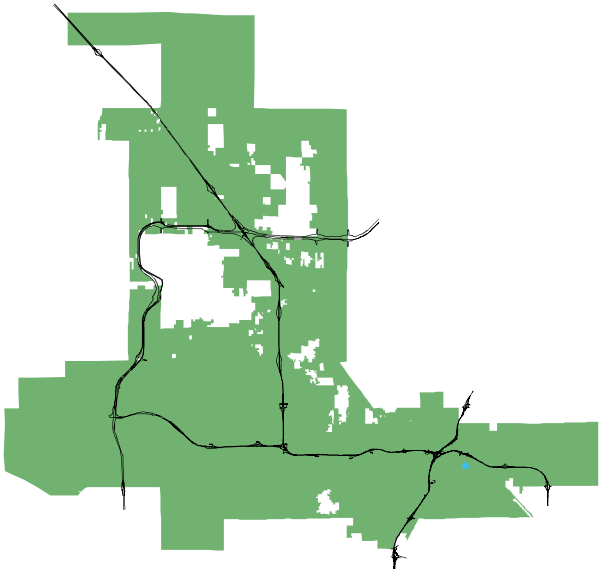
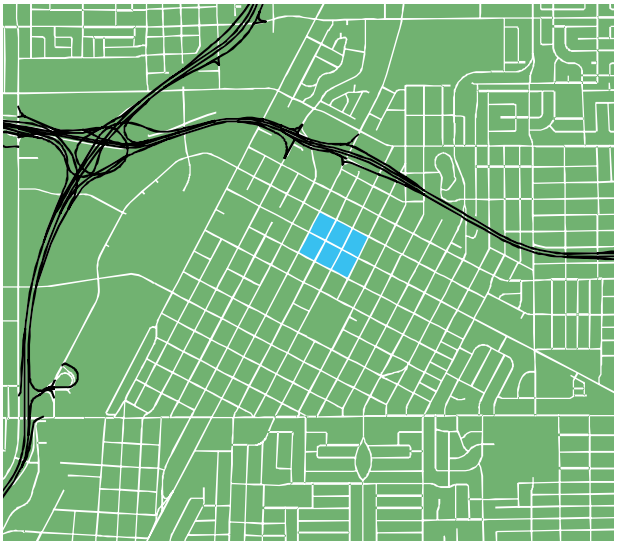
FIGURE 1 - DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT MAPS





MAPS ARE REPRESENTATIVE OF WHERE THE DE-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE DE-O (DOWNTOWN ENTERTAINMENT OVERLAY) DISTRICT.

include conditions designed to mitigate any impacts related to distance separation.

D. Parking Requirements

For any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of Special Use Permit or otherwise for a parcel located within the District, the on-site parking requirements set forth in this Title shall not apply. The Special Use Permit or other approval may include conditions designed to mitigate any impacts related to parking.

E. Signage Standards

All new signage shall incorporate exposed neon, LED, animation, or any combination thereof, in at least fifty percent of the total surface area of such signage.

F. Review and Approval Procedures (General)

Except as otherwise provided in this Subsection (F), any application for development within the Downtown Entertainment Overlay District shall be processed in accordance with the normal review and approval processes set forth in LVMC Chapter 19.16. Any application for new signage shall be processed in accordance with the procedures described in Subsection (D) of LVMC 19.10.100.

G. Special Use Permits for Tavern-Limited Establishment

1. A Special Use Permit for a tavern-limited establishment shall be processed in accordance with the Special Use Permit provisions of LVMC 19.16.110. A Special Use Permit for this use may be approved if it meets the Special Use Permit criteria generally, the criteria for a tavern-limited establishment, and the criteria set forth in this Subsection (G).

2. The approval of a Special Use Permit for a tavern-limited establishment may include such conditions as may be recommended by City staff and the Planning Commission, and imposed by the City Council.

H. Relationship to Other Provisions

All provisions of this Title shall apply to property within the District except to the extent that they conflict with the provision of this Section.

19.10.130

G-O GAMING ENTERPRISE OVERLAY DISTRICT

A. Intent

The intent of the Gaming Enterprise Overlay District is to reflect the implementation of the provisions of LVMC Chapter 6.40 and State law that pertain to gaming enterprise districts. The boundaries of the Gaming Enterprise Overlay District are as set forth in the map or maps established under LVMC Chapter 6.40.

B. Change of Boundaries

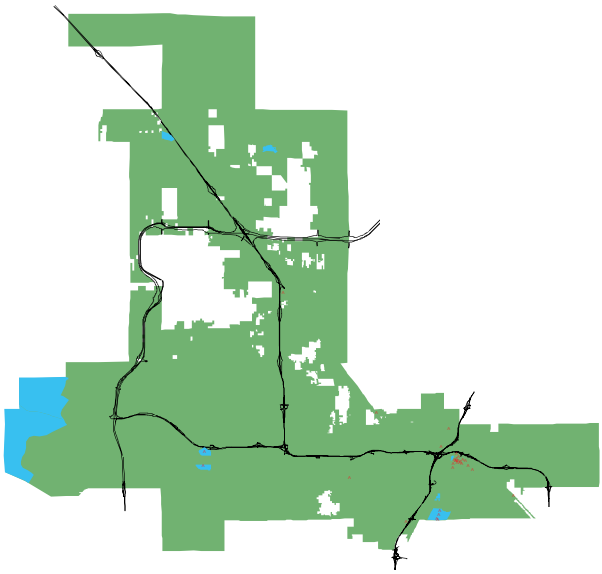
Any change to the boundaries of the Gaming Enterprise Overlay District shall be in accordance with the rezoning procedures established in LVMC 19.16.090, as well as the requirements of State law and LVMC 6.40.160.

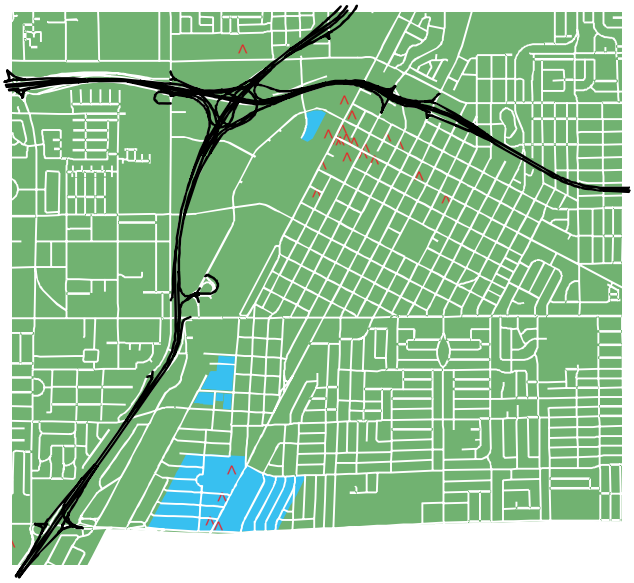
C. Height Standard Exemption

All licensed gaming establishments within the Gaming Enterprise Overlay District are exempted from the automatic application of any height limitations specified in LVMC Chapter 19.08. However, the exemption does not prohibit the City Council from imposing a similar or equivalent height limitation in connection with the approval of a Site Development Plan.

Illustrations & Graphics **G-O** **19.10.130**

FIGURE 1 - GAMING ENTERPRISE OVERLAY DISTRICT MAPS





MAPS ARE REPRESENTATIVE OF WHERE THE G-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE G-O (GAMING ENTERPRISE OVERLAY) DISTRICT.

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19.10.140

HS-O HILLSIDE DEVELOPMENT OVERLAY DISTRICT

A. Introduction

The west boundary of the City of Las Vegas abuts the Spring Mountain Range. A significant portion of the area along this boundary is designated as national conservation and wilderness area. Eventually the foothills leading up to this area will be affected by development and will require special consideration and a development style that will provide for the unique situations which result from the slope of the land.

B. Adoption, Purpose and Intent

1. The purposes of this Section are to:

a. Adopt criteria for the development of properties within hillside areas, which are defined as any portion of land with a vertical slope of fifteen percent or greater; and

b. Ensure that development in hillside areas is in compliance with the goals, policies, and implementing strategies of the Las Vegas 2020 Master Plan, namely, Policy 3.5.3, which provides as follows:

Policy 3.5.3: That, where possible, development be designed and oriented to ensure that view sheds of the mountain ranges surrounding the Las Vegas Valley are preserved, possibly through the development of a foothills ordinance or a set of specific urban design guidelines.

2. This Section:

a. Shall apply to development with natural slopes of fifteen percent or more;

b. Is intended to encourage and guide low density, rural type, large lot or cluster, single family residential development that is designed to be compatible with the hillside terrain and its environment; and

c. Is intended to guide the design of development to work with the land, rather than to alter the land to accommodate the development.

3. In general, all development in hillside areas shall be designed with the following considerations:

a. Protect and conserve significant natural and visual resources, including major boulder

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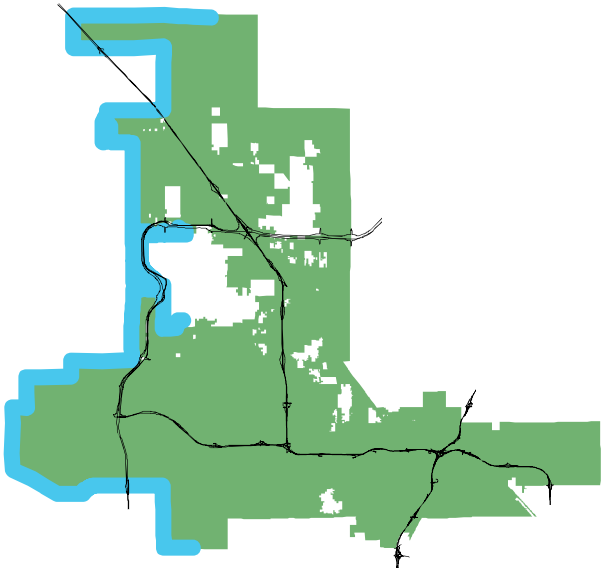
19.10.140

FIGURE 1 - HILLSIDE DEVELOPMENT DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE HS-O DISTRICT IS LOCATED.

SEE THE SPECIFIC REQUIREMENTS LISTED IN THIS SECTION FOR THE LOCATION AND SITE CONDITIONS THAT QUALIFY PROPERTIES TO FALL WITHIN THE HS-O (HILLSIDE DEVELOPMENT OVERLAY) DISTRICT.

FIGURE 2 - SITE DESIGN - TERRAIN-ADAPTIVE ARCHITECTURE

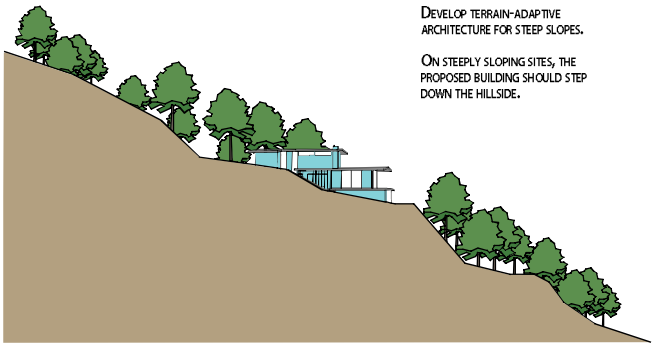
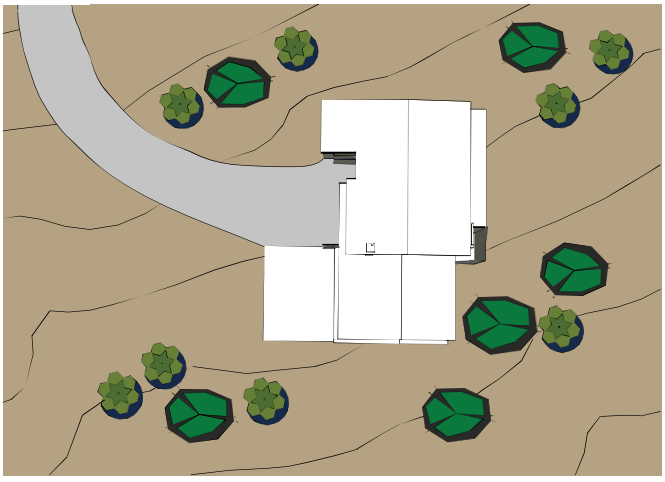


FIGURE 3 - SITE DESIGN - VEHICULAR ACCESS



SIDE GARAGE ACCESS REQUIRES LESS SITE DISTURBANCE

outcrops, major ridges and peaks, prime wildlife habitat, and unique vegetation specimens;

b. Protect people and property from potentially hazardous conditions that are particular to mountains and hillside areas, including rock falls, other unstable slopes, flooding, subsidence, erosion and sedimentation, range fires, soils with high shrink swell capacity, foundation instability, and air pollution;

c. Protect water quality, air quality, and other resources, such as soil and natural vegetation, from incompatible land uses;

d. Minimize the public costs of providing public services and facilities such as streets, water, sewer, emergency services, sanitation services, parks and recreation;

e. Ensure that decisions regarding development in hillside areas are based on complete and accurate information about the environmental conditions and probable development impacts;

f. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction;

g. Maintain significant open spaces that provide view corridors and land use buffers, and maintain the City's unique desert setting;

h. Protect landmarks, prime wash area habitats, and environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the City's overall economic goals;

i. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas; and

j. Minimize grading and site disturbance to maximize compatibility with the natural terrain.

C. Standards and Guidelines

Development plans must demonstrate compliance with this Section. However, there is flexibility in the degree to which a requirement of this Section may be addressed by a development plan and the method used to comply. An applicant who believes that a particular standard does not or should not apply to the applicant's project has the burden to demonstrate why not, and to

provide a solution that will meet the intent of the goals and objectives of this Section.

1. Density

a. The maximum density for a proposed development shall be that permitted by the adopted plan for the area in which the proposed development is located. Where no specific plan for that area has been adopted, the maximum density shall be that established by the land use element of the General Plan.

b. The maximum recommended density within hillside development is two units per acre. Large lot development is encouraged. Non residential development other than public facilities is discouraged.

c. One hundred percent site disturbance may occur on areas of a lot or parcel with a slope of less than fifteen percent. Sites with a slope of fifteen percent or greater are subject to the allowable maximum percentage of site disturbance as set forth below:

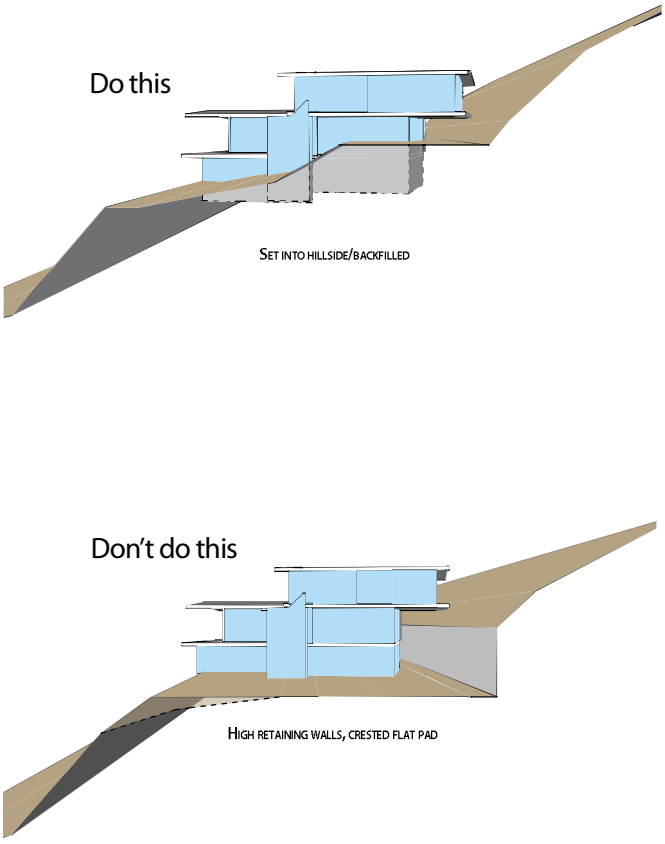
Slope	Maximum Site Disturbance	Minimum Undisturbed Area of Site
15% to 25%	50%	50%
Over 25%	35%	65%

d. Density and site disturbance may be transferred from portions of a lot or parcel with a slope of fifteen percent or greater to any other portion of the lot, parcel or development site. The portions of the lot or parcel from which density and site disturbance are transferred shall be designated as natural areas. The gross density of the parcel(s) to which density is transferred shall not exceed that allowed by the zoning of the property.

2. Site Design (See Figures 2, 3 and 4)

a. Structures shall be sited in a manner that will fit into the hillside's contour and relate to the form of the terrain. This may be done through a variety of methods, such as varying setbacks and structure heights; the use of innovative building techniques (e.g., earth shelter or earth berm construction); and retaining walls.

FIGURE 4 - SITE DESIGN - MINIMAL GRADE/SITE DISTURBANCE



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HS-O
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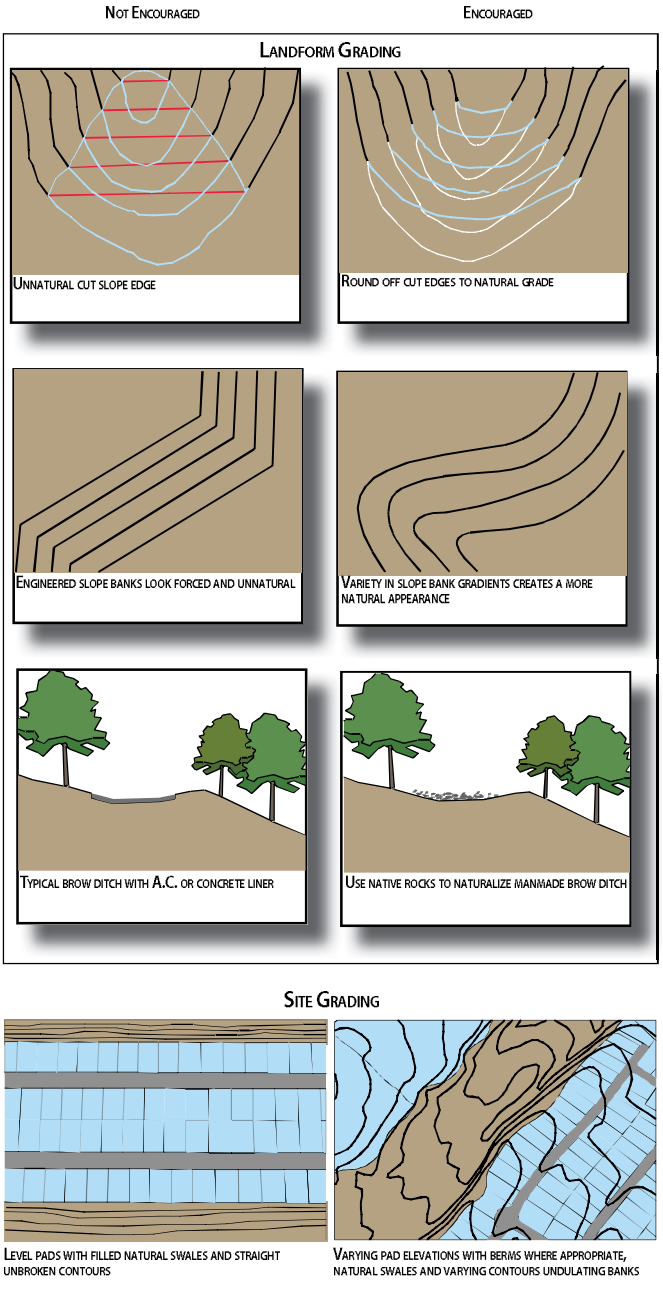
FIGURE 5 - GRADING



b. Site design should take into account the need to do the following, while maintaining the natural character of a hillside area:

i. Preserve vistas of natural hillside areas and ridgelines from "key vantage points";

ii. Preserve views from existing development; and

iii. Allow new dwellings access to views similar to those enjoyed from existing dwellings.

c. Site design should allow for different lot shapes and sizes, as well as split development pads, with the prime determinant being the natural terrain.

3. Grading, Slope Stabilization, Drainage Design

Disturbance to the natural landform should be minimized, should not destroy visual quality and community character, and should not create conditions that result in flooding or erosion. Grading design should address both safety and aesthetics, incorporating the following requirements and guidelines:

a. Portions of a site or lot that are to be graded must be clearly shown on the grading plan.

b. Landform or contour measures should be utilized to produce cut and fill slopes that are compatible with existing land character. Continuous unbroken slope surfaces that are visible from off the site are discouraged.

c. Berms at top of slopes and other locations should be used to screen, vary profile, and insure drainage away from slopes.

d. Where any cut or fill slope exceeds ten feet in horizontal length, the horizontal contours of the slope shall be developed to appear similar to the existing natural contours. (See Figure 5)

e. Grading should be balanced on site whenever possible to avoid excessive cut and fill, and to avoid the unnecessary import or export of earth material.

f. No grubbing, grading or clearing shall occur prior to the approval of civil improvement plans and final grading plans by the Director of Public Works and the issuance of a grading permit. Grubbing, grading, clearing and stockpiling are only to occur in areas identified

for those activities on the approved grading plan.

g. All portions of the site or lot that are to be left ungraded are to remain undisturbed, and are not to be used for stockpiling of materials or excess fill.

h. Areas on a site that are designated as natural areas shall be temporarily fenced, or a barrier placed where they abut construction areas, in order to prevent any disturbance of the natural area.

i. Disturbed areas shall be restored as close as possible to their natural condition by using eonite, permeon, or a similar approved process designed to restore natural color to the landscape.

j. Sides of roadways and driveways that are disturbed shall be revegetated, revarnished, or both.

k. Cut or fill design on slopes that encroach into a floodplain must be approved by the Director and the Director of Public Works concurrent with final grading plan approval.

l. Pad elevations above street level shall be varied to avoid the appearance associated with monotonous, flat, level pads.

m. Unless addressed by means of a retaining wall, slopes that are steeper than thirty three percent, and slopes for which such stabilization is recommended or required by a geotechnical report, shall be stabilized with properly engineered stone rip rapping, sculptured rock or other similar material as follows:

i. Stabilizing material shall blend with the natural appearance of the site or lot and its surrounding terrain.

ii. Vegetation retention and revegetation shall be used in conjunction with rip rapping.

iii. All site revegetation and varnishing shall be completed within ninety days after completion of work or prior to issuance of a final inspection approval, whichever occurs first.

n. Project designs shall be in accordance with the Clark County Regional Flood Control District

FIGURE 6 - MAXIMUM BUILDING HEIGHT

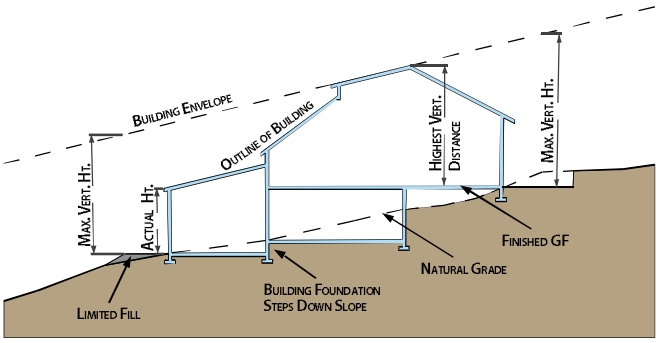
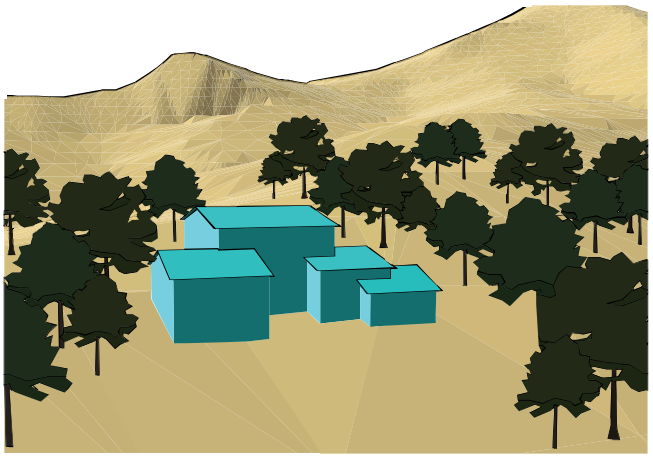


FIGURE 7 - ROOFLINES AND ELEMENTS REFLECT RIDGELINE SILHOUETTES



ROOF FORMS ARE KEPT SMALL AND REFLECT THE SURROUNDING TOPOGRAPHY

FIGURE 8- CLUSTERED DEVELOPMENT

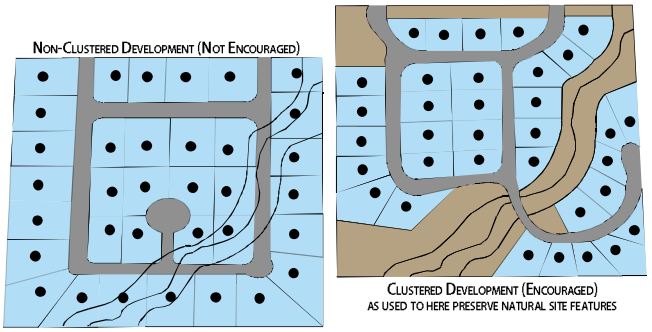
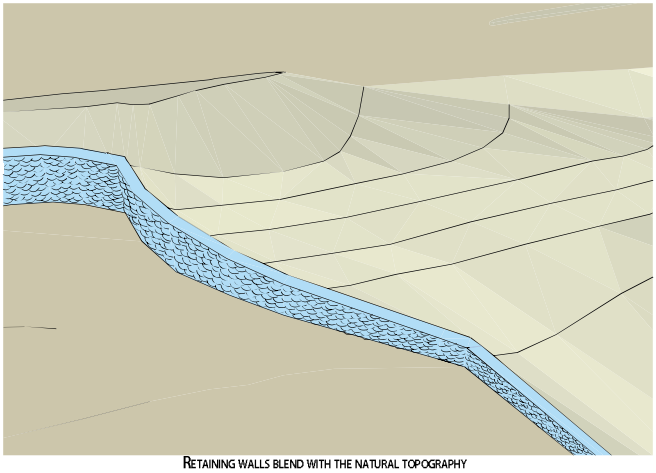


FIGURE 9 - WALLS AND FENCES - BLENDING WITH TOPOGRAPHY



RETAINING WALLS BLEND WITH THE NATURAL TOPOGRAPHY

Hydrologic Criteria and Drainage Design Manual, and shall maintain natural runoff characteristics where at all possible.

4. Architecture/Building Design

Dwellings built within hillside areas shall conform to the following:

a. Reflective building materials (i.e. mirror finishes or metal roofs) are not permitted unless treated to eliminate glare.

b. Limited slab-on-grade, with staggered floor elevations, shall be utilized to avoid massive building forms, excessive cuts and fill, and surfaces which contrast with the surrounding terrain.

c. All external mechanical equipment shall be screened, and required vents shall be architecturally compatible with the structure.

d. Building architecture should have predominant horizontal features. Vertical features should be minimized and generally used to accentuate entryways, garages, main doors and any type of vertical embellishment.

e. No portion of a structure shall exceed a height of two stories or thirty five feet, and a minimum of twenty feet of the structure must be lower than the elevation of the primary ridgeline. (See Figure 6)

f. Dwellings shall use wall articulation (e.g., insets, pop outs, etc.) and roof orientation as a means to prevent a massive look.

g. Rooflines and elements shall reflect the naturally occurring ridgeline silhouettes and topographical variation in order to blend with the hillside. (See Figure 7)

h. Building materials and colors shall be compatible with the natural setting. Whenever possible, exterior colors shall be limited to earthtones that are found in nearby natural vegetation or soil, that come from natural sources (e.g., rock, stone, wood), or that resemble a natural appearance.

5. Clustered Development

Clustered development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under

this concept, dwelling units are grouped in the more level portions of the site, while steeper areas are preserved in a natural state. Clustering can enhance the environmental sensitivity of a development project, and facilitate the permanent protection of key features of the natural environment, such as biological habitats, open space areas, scenic areas, ridgelines, and steep slopes. (See Figure 8) Also, it is often more feasible to provide the needed infrastructure for a cluster development, since clustering results in shorter roads and water, sewer, and utility lines. Clustering does not allow an increase in the overall density of an area beyond that which is otherwise permitted by the General Plan.

a. Clustered dwelling units shall be placed in a staggered or stepped manner so their visual impact is lessened.

b. Clustered subdivisions shall be sited so they do not have a dominant presence within the hillside.

c. The location of clustered units shall be restricted to the flatter portions of a site, unless another location better minimizes impacts as relates to public safety, visual impact or environmental issues.

d. Clustered development must preserve open space in its undeveloped form. Appropriate documents must be recorded to ensure the preservation of the open space areas in perpetuity. Open space areas shall be identified on the final subdivision map or parcel map as common lots.

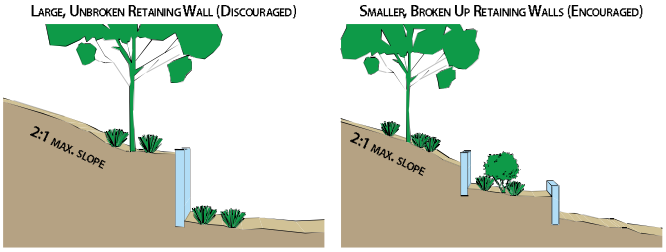
6. Walls and Fences

a. The height of walls shall be in accordance with this Title.

b. Walls shall conform to the topography of the site. (See Figure 9)

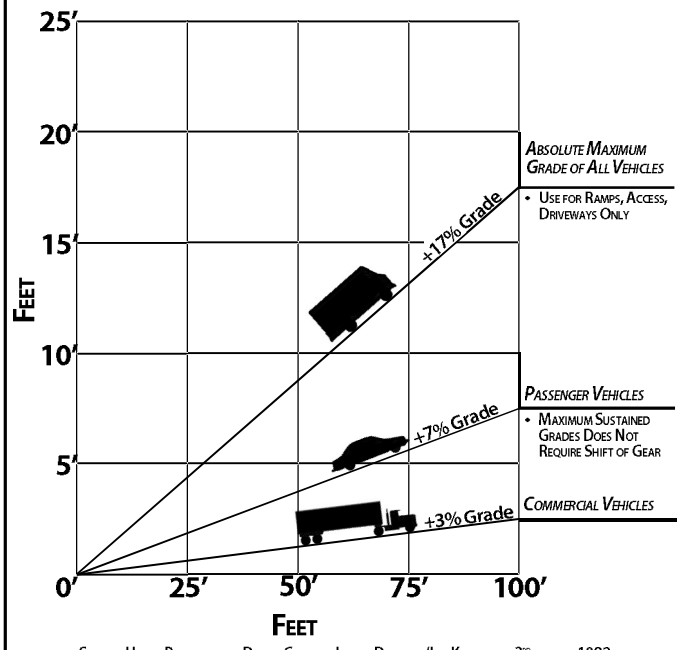
c. Walls shall either incorporate the use of native materials or be earthtone colors to match the native soils and rocks. Walls and fences (other than retaining walls) should be made of natural materials (e.g., stone, wood, split rail) whenever possible and, at a minimum, shall be a color that blends with the surrounding environment. Where retaining walls front on or are visible from public streets or public vantage points, they shall be constructed of (or faced with) materials that are appropriate in color

FIGURE 10 - WALLS AND FENCES - USES OF RETAINING WALLS



USE RETAINING WALLS AND TERRACES TO MINIMIZE CUT AND FILL THAT WOULD ALTER THE PERCEIVED NATURAL TOPOGRAPHY OF THE SITE. SCREEN RETAINING WALLS WITH PLANT MATERIALS OR FACE THEM WITH ROCK

FIGURE 11- ROADWAY MAXIMUM SLOPE COMPARISON



SOURCE: URBAN PLANNING AND DESIGN CRITERIA, JOSEPH DECHIARA/LEE KOPPELMAN 3RD EDITION, 1982

and texture to help visually blend the wall into the terrain. (See Figure 10)

d. The use of retaining walls and retaining structures is encouraged when it significantly reduces site grading.

e. Large retaining walls in a uniform plane should be avoided. Retaining walls should be broken up into elements and terraces, with landscaping used to screen them from view. (See Figure 10)

f. Retaining structures shall be located so that they do not become a dominating visual feature.

g. Tall retaining structures that are absolutely necessary should be located behind the dwelling so as to be screened from view.

h. Whenever possible, the location of walls and fences (other than retaining walls) should be limited to areas within fifty feet of dwellings and accessory structures in order to limit their impact on hillside viewsheds.

i. Solid walls and fences shall be prohibited within fifty vertical feet of a ridgeline in order to prevent impacts on wildlife corridors and maintain the natural area surrounding the ridgeline.

j. Fences that have pointed vertical elements shall not be permitted.

7. Landscaping

Landscape improvements on the overall project site shall be integrated with the natural topography and existing or indigenous vegetation. Plant materials shall be used to mitigate development impacts on washes, slopes, and any other sensitive environmental features.

a. The use of non native or competitive species that could threaten the native flora within the area is prohibited.

b. Landscape design for all development shall consist of plant materials similar in form and scale to the existing vegetation in the area.

c. Each natural area shall contain only those species that are indigenous to the native desert or mountain elevation and climate zone in which it exists.

d. The interface between new development and natural open space shall be designed to provide a gradual transition from manufactured slopes into natural slopes.

e. Landscaping (which is compatible with natural vegetation) shall be designed so that it extends out from developed areas and forms a cohesive pattern with existing natural vegetation, arranged in random, informal groupings.

f. Landscaping along the slope side of development shall be designed to maintain controlled views from the residences, yet screen and soften the architecture from community vantage points.

g. Trees and shrubs shall be arranged in informal, randomly spaced masses, and shall be placed selectively to reduce the scale of and help to blend manufactured slopes.

h. Plant materials that are used to stabilize a graded slope shall blend with the surrounding native plant materials in color and texture to the greatest extent feasible.

i. Landscaping shall be designed so as to avoid invasive species that could negatively impact indigenous plant species. Invasive species shall be identified through a recognized resource, such as a local Cooperative Weed Management Area.

8. Trails

a. Each subdivision shall provide and maintain pedestrian access for trails that are identified in the City's Trail Master Plan and that are located within the subdivision, including subdivisions that are to be established as gated communities.

b. A trail system that is designed to preserve habitat and ensure public safety shall be provided to link new development to existing trails within hillside areas.

c. New subdivisions shall prepare a trails plan to link new residential areas to existing and planned trails in the City that are shown in the Trails Elements of the City's Master Plan, including hiking, equestrian and multi use trails. The subdivision's trails plan must be submitted to the City for review and approval.

d. Once approved by the City, the trails identified in each subdivision's trails plan shall be constructed by the developer prior to the final inspection of residential units. Such trails shall be maintained as agreed to by the developer and the City.

9. Open Space/Natural Areas

a. Portions of hillside areas will be retained in their natural state.

b. Within areas designated as natural areas, site disturbance, other than for the construction of hiking trails, is not permitted.

c. Any area designated as a natural area shall be shown on the tentative subdivision map with existing surveyed topographical information, and the area itself shall be identified with horizontal control data on the final subdivision map or parcel map.

d. Any area designated as a natural area may be designated as a separate parcel or as a deed restricted portion of a parcel. If designated as a separate parcel, such parcel:

i. May be under the ownership of a owners' association or may be deeded to any organization which accepts responsibility for the perpetual preservation and maintenance of the natural area, subject to approval and acceptance by the Director and the Director of Public Works; and

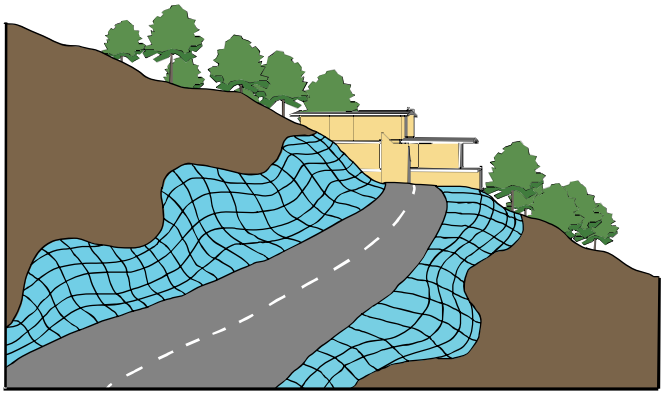
ii. Shall be mapped as a common lot in order to help protect natural areas.

10. Circulation/Roadways

a. All public or private roadways shall be designed according to the standards of this Section, the Master Plan of Streets and Highways (if applicable), the Municipal Code, current City Standards and, if required, an approved traffic study. These standards are intended to supplement the Department of Public Works' Review Guidelines. Streets in hillside areas should be constructed in areas that would have the least impact on the natural environment.

b. The following elements of road and sidewalk circulation shall be incorporated in hillside area developments:

FIGURE 12 - STREETS ALIGN TO NATURAL CONTOURS



MODULATE MANUFACTURED SLOPES TO APPEAR NATURAL

FIGURE 13 - PRESERVATION OF PROMINENT SKYLINE RIDGES

HOUSES DO NOT PROJECT ABOVE SIGNIFICANT RIDGELINE

i. Roadway design which generally follows existing contours, thereby minimizing grading and resulting in an informal, curving internal network;

ii. The provision of two major points of access to principal roads in developments exceeding one hundred fifty units or when required by the Department of Fire and Rescue in order to minimize fire hazards;

iii. Roadways with a maximum slope of seven percent. See Figure 11 for illustration of a seven percent slope in comparison to other slopes;

iv. Preservation of existing trees and natural features by dividing or routing roads and sidewalks around these elements;

v. Provision of safe, convenient pedestrian access to schools, parks and other recreational facilities;

vi. Combinations of collective private driveways, cluster parking areas and off street parking bays, which are encouraged in order to minimize paved areas;

vii. The location of all utilities underground in a common trench in the parkway or under the sidewalk;

viii. Rolled curbs as the preferred road edge along any paved roads, where such curbing will be adequate to contain drainage and prevent erosion;

ix. Roadway improvements that do not adversely affect other properties or create the need for extensive grading, flood control facilities, or other types of construction or support infrastructure;

x. Roadways that meet the requirements of the Department of Fire and Rescue, including roadway grades and curves to accommodate safety and emergency vehicles;

xi. Streets that follow the natural contours of the hillside to minimize cut and fill; (See Figure 12)

xii. Cul de sacs or loop roads, which are encouraged where they are necessary to fit the terrain;

xiii. The elimination of on street parking and sidewalks in order to reduce required grading, subject to approval thereof by the Planning Commission or City Council (or both) as a specific element of an approved Site Development Plan Review;

xiv. The preferred use of driveways that serve more than one lot, as well as diagonal driveways running along contour lines, where:

A) Such driveways will reduce the need for grading, paving, and site disturbance;

B) Such driveways have been approved by the Department of Fire and Rescue;

C) Sight visibility restriction zones will be maintained in accordance with the most recent version of the guidelines of the American Association of Street and Highway Transportation Officials; and

D) The maximum change in grade between driveway slope and the cross slope of roadways is twelve percent for local roadways, and ten percent for collector roadways; and

xv. Street lighting that is limited to intersections and other locations where necessary in order to provide safe access or passage, as determined by the Director of Public Works. Facilities for other public street lighting will be stubbed out for later use, including all necessary underground conduit and pull boxes at each streetlight location, but the installation of the streetlights may be deferred provided that the developer provide to the City such streetlights for the future installation. Alternatively, monies in lieu of such deferred streetlights, including bases, may be contributed to the City if allowed by the Department of Public Works.

D. Hillside Development Design Review

1. The objective of the Hillside Development Design Review under this Subsection (D) is to preserve significant natural features within hillside areas by encouraging design that minimizes disturbance to existing topographical forms. A development should be designed to fit into hillside areas rather

than altering the earth forms to create a flatland type of development.

2. **Project design should:**

   a. Initially identify the existing geographic, topographic, and environmental features of the site (such as geological hazards, steep slopes, ridges, valleys, streams, views, existing drainage patterns, significant biota, and outcroppings); and

   b. Then determine the impact the proposed project will have on these elements.

3. Preparation of a site plan should be based upon a determination concerning how traffic circulation, fire protection and access, drainage, sound barriers, buffers, land alteration, and other measures will be employed to limit any negative impacts of the development. The final site plan should reflect how all of these impacts are successfully solved or mitigated.

4. Other elements that should be considered in a successful design and, where indicated, reflected in submittal documents are the following:

   a. Preservation of distinctive natural features, the general existing topographical forms, significant trees, landscaping, natural water courses and wildlife corridors, with data and aerial maps to be provided showing the location, type and nature of existing major vegetation, including significant clusters or contiguous areas of dense growth and existing vegetation to be preserved;

   b. Preservation of prominent skyline ridges, which must be shown by providing a graph or other visual analysis indicating rooftop in relation to ridgeline; (See Figure 13)

   c. The location of roads and structures below the skyline ridge, with a visual analysis to be provided indicating circulation related to existing contours;

   d. The location and construction of roadways, with drawings and explanations to be provided showing how roadways will be constructed in a manner compatible with the natural terrain and with scarring eliminated;

   e. Incorporation of hiking, biking, walking and equestrian trails, where appropriate;

   f. Variation in lot size, building placements, setbacks, and orientation;

   g. Variable changes in elevation and siting of buildings to ensure views and avoid monotony;

   h. Preservation of steep hillsides by clustering buildings or use of other innovative approaches;

   i. Sensitivity to the project's appearance from lower or adjacent development;

   j. Placement of equipment and other unsightly forms below ridgelines and in bermed and landscaped areas.

   k. Dwelling design, with documentation to be provided indicating that significant effort has been made towards incorporating energy conservation and water saving techniques;

   l. Maintenance of natural drainage/water runoff characteristics where possible;

   m. The use of exterior lighting for buildings that is:

      i. Of a "cut off" type designed to ensure that excess light does not spill over; and

      ii. Of the lowest intensity feasible so as to be adequate for the purposes intended but not likely to attract undue attention.

5. Prior to the submittal of an application for Site Development Plan Review, a grading plan and drainage plan must be submitted to and approved by the Department of Public Works. The plans must clearly identify the topography of the land and how it relates to the development. Areas known or suspected to be hazardous, as determined by the Department of Public Works, shall not be disturbed without a geological survey, other data and tests, or a combination thereof, as required by the Department of Public Works. The submittal must include or be accompanied by a topographic map of the area proposed for development and shall show the location of, and distinguish, each of the following slope categories:

   a. Slope less than 15%

   b. Slope between 15% 20%

   c. Slope between 20.01% 25%

   d. Slope greater than 25%

6. A final grading plan must first be approved by the Director before Site Development Plan Review is considered by the Planning Commission. The Director's review shall coincide with staff review of the Site Development Plan and drainage study.

7. Site Development Plan Review for all hillside area development shall be processed as a public hearing item. In order to address the sensitive nature of hillside development, the final grading plan that was approved with the Drainage Study and by the Director shall be submitted with the design review applications.

8. The burden of proof is on the applicant to demonstrate that the proposed development:

   a. Is located and designed so as to protect the safety of residents and will not create significant threats to life or property by reason of the presence of hazards relating to geology, slope instability, flood, fire or erosion;

   b. Is compatible with the natural, biotic, cultural, scenic and open space resources of the area;

   c. Can be conveniently served by neighborhood shopping and provided essential public services without imposing significant costs on the total community;

   d. Is consistent with the objectives and policies of the General Plan; and

   e. Incorporates creative and imaginative design, resulting in a visual quality that will complement community character and benefit residents.

9. Any variance from or adjustment to any requirement set forth in this Subchapter may be obtained by means of a Variance application in accordance with LVMC 19.16.140.

19.10.150

HD-O HISTORIC DESIGNATION OVERLAY DISTRICT

A. Findings

The City Council of the City of Las Vegas finds and declares that the spirit and direction of the City of Las Vegas are founded upon and reflected in its historical past, and that the historic and cultural foundations of the City should be preserved as a living part of its community life and development in order to give a sense of identity and orientation to the people of the City.

B. Purpose And Intent

The intent of this Section is to promote the public welfare by providing protection for significant properties and archaeological sites which represent important aspects of the City's heritage; to enhance the character of the community by taking such properties and sites into account during development; and to assist owners in the preservation and restoration of their properties. This Section is intended to balance two competing interests: the value to the community of these significant properties and sites, and the rights of the property owners whose interests are at stake. The designation of any property, district or site pursuant to this Section shall be an overlay designation and shall not inhibit existing or potential uses permitted by this Title.

C. Historic Preservation Commission - Established

The Las Vegas Historic Preservation Commission (HPC) is hereby established. The principal role of the HPC is to act in an advisory capacity to the Planning Commission and the City Council in all matters concerning historic preservation. The HPC shall make recommendations to the Planning Commission regarding designation of Landmarks, Historic Properties and Historic Districts. Other actions of the HPC as set forth below shall be final, with appeal to the City Council as described in Subsection (M) of this Section.

D. Historic Preservation Commission – Membership

The HPC shall consist of eleven voting members who are appointed by the City Council and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of:

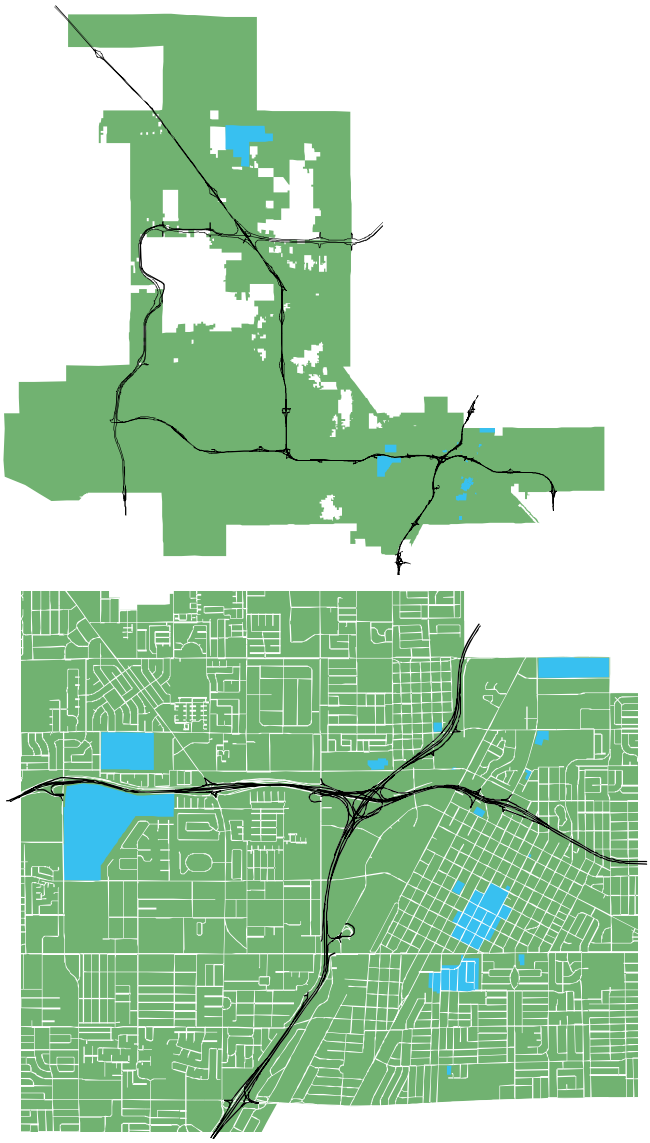
a. The history of the City of Las Vegas;

b. Design, architecture, real estate and other matters relevant to judging the economic and

Illustrations & Graphics

HD-O
19.10.150

FIGURE 1 - HISTORIC DESIGNATION OVERLAY DISTRICT MAPS



MAPS ARE REPRESENTATIVE OF WHERE THE HD-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE HD-O (HISTORIC DESIGNATION OVERLAY) DISTRICT.

cultural value of particular historic preservation activities.

2. The term of each voting member is four years.

3. Voting members may be reappointed.

4. Members serve at the pleasure of, and may be removed by, the City Council, including for failure to attend meetings regularly.

5. Members shall serve without compensation.

E. Historic Preservation Commission - Qualifications

The membership of the HPC shall be as follows:

1. One member must be experienced in architecture (such as an architect, art historian or historic preservation architect).

2. One member must be experienced in urban design or planning (such as an urban designer, planner or landscape architect).

3. One member must be experienced in building construction (such as a building contractor or structural engineer).

4. One member must be experienced in the real estate profession (such as a real estate developer, appraiser or broker).

5. One member must be representative of a recognized local historic preservation association or historic preservation interest group.

6. One member must be experienced in Nevada history (such as an historian or archeologist).

7. Five members must be citizens at-large. When one or more areas have been designated as "Historic Districts" pursuant to this Section, one of the "at-large" positions shall pertain to each such Historic District. For any Historic District, the corresponding "at large" position shall be filled by a person who owns real property and resides within the Historic District, if a person so qualified is available to serve. If no such person is available, a person who owns real property within the Historic District may fill that position. If more than five Historic Districts have been designated as such pursuant to this Section, the City Council shall determine which five of the Historic Districts are to be represented on the HPC.

8. The Director, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Section.

9. The Director of the Nevada State Museum and Historical Society, or other designee of the State Historic Preservation Office (SHPO), shall serve as an ex-officio member, with no vote except as otherwise provided in this Section.

F. Historic Preservation Commission - Organization

1. The HPC shall elect, from within its own membership, a chair, vice-chair and such other officers as it deems useful, and shall adopt such bylaws and rules of procedure consistent with this Section as the Commission deems necessary.

2. The Department shall provide administrative and clerical support for the HPC.

3. Regular and special meetings of the HPC shall be held as set forth in the bylaws and as necessitated by the Commission's volume of business. If no meeting has been scheduled to occur within forty days after the Chairman has been notified by the Secretary of business requiring action by the HPC, the Chairman shall call a special meeting to be held within that period.

4. The HPC shall maintain written minutes and records sufficient to inform the public of its business and shall report its business to the City Council as the Council from time to time may request.

5. Six members of the HPC constitute a quorum thereof for the purpose of conducting business. A majority vote of those present and voting shall be necessary to approve any item of business.

6. In the event that a quorum is not available for the conduct of business, an ex-officio member or the Historic Preservation Officer (or any combination thereof) may vote, but only concerning matters on the consent agenda and only to the extent necessary to create or maintain a quorum.

G. Historic Preservation Commission - Powers, Etc.

The powers, duties and activities of the HPC include the following:

1. Reviewing applications for the designation of Landmarks, Historic Properties and Historic Districts, and making recommendations to the Planning Commission concerning those applications. The review shall be in accordance with Subsection (I) of this Section.

2. Reviewing and making decisions concerning applications for the proposed construction, alteration, demolition or removal of any structure associated with a Landmark or Historic Property or located on property within an Historic District. The review and decision making process shall be in accordance with Subsections (K) and (L) of this Section.

3. Making recommendations to the City Council concerning the use of public or private funds to promote the preservation properties and districts within the City, including the acquisition of property or interests in property.

4. Recommending appropriate changes to the General Plan and to local development regulations in order to promote the purposes of this Section.

5. Cooperating with owners of property to formulate appropriate design guidelines for alteration and construction within Historic Districts.

6. Initiating and conducting detailed studies and surveys of properties, structures, and areas within the City to assess their potential for designation in order to formulate an Historic Preservation Plan for the City.

7. Developing and participating in public information activities in order to increase public awareness of the value of historic preservation.

8. Performing such other functions as will encourage or further the interests of historic preservation.

H. Historic Preservation Officer

The Director shall appoint an Historic Preservation Officer (HPO), who must have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning. The duties of the HPO shall include:

1. Serving as Secretary to the HPC, facilitating its efforts and, with other City staff as necessary, providing administrative support.

2. Accepting applications under Paragraphs (1) and (2) of Subsection (G).

3. Acting as intermediary between the HPC and City departments.

4. Providing technical and background information to the HPC and the public, as required.

5. Acting as the approval authority concerning applications for the proposed construction, alteration, demolition or removal of structures associated with a Landmark, Historic Property or Historic District, when the proposed work is, in the HPO's judgment, minor in nature and impact or the need to act immediately is necessary to protect life or property. The review and decision making process shall be in accordance with Subsections (K) and (L) of this Section.

6. Reporting to the HPC any action taken pursuant to Paragraph (5) of this Subsection.

7. Preparing annual written reports of HPC activities to be submitted to the State Historic Preservation Office (SHPO) and made available to the public. The reports should include, at a minimum, the minutes of meetings and attendance records of members; current resumes of members; and a listing of items reviewed, decisions rendered and other projects and activities undertaken.

8. Maintaining the Las Vegas Historic Property Register.

I. Designation of Landmarks, Historic Properties and Historic Districts

1. An individual property, building, structure or archeological site may be designated as a Landmark if it demonstrates exceptional importance by qualifying under Subparagraphs (a) and (b) below:

a. It meets the criteria for listing on the State or National Register of Historic Places.

b. It is determined to be of exceptional significance and expresses a distinctive character **b**ecause:

i. A significant portion of it is at least fifty (50) years old;

ii. It is reflective of the City's cultural, social, political or economic past; and

iii. Either:

(A) It is associated with a person or event significant in local, state or national history; or

(B) It represents an established and familiar visual feature of an area of the City because of its location or singular physical appearance.

2. An individual property, building, structure or archeological site may be designated as an Historic Property if it:

a. Qualifies under Subparagraph (a) or Subparagraph (b) of Paragraph (1) above; or

b. Is less than fifty years old, but is an integral and critical part of an Historic District or demonstrates exceptional importance by meeting or exceeding the other criteria described in Subparagraph (a) or Subparagraph (b) of Paragraph (1) above.

3. An area may be designated as an Historic District if:

a. The area:

i. Includes a substantial concentration of properties, buildings or structures which individually meet the criteria in Paragraph (1) of this Subsection, as well as other properties, buildings or structures which contribute generally to the overall distinctive character of the area and are united historically or visually by plan or physical development;

ii. Is bounded by documented historic boundaries such as early roadways, canals, subdivision plats or property lines, or by boundaries which coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries; and

iii. Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical or convenient boundaries; or

b. The area includes or is composed of one or more archeological sites.

4. Designation Process:

a. The designation of a Landmark, Historic Property or Historic District may be made upon application by the owner of any property proposed to be designated or included in such designation, or by an authorized representative of the City. Application shall be made to the HPO on such form(s) as may be established for the purpose, and the application shall be accompanied by such fee(s) as may be established by the City Council.

b. An application for designation shall also be accompanied by:

i. A vicinity ownership map showing all parcels which are adjacent to, include or surround the property proposed to be designated within a radius of three hundred (300) feet of the external boundaries of the property. Each such parcel shall be numbered so as to correspond to the ownership/tenant list described in Subparagraph (b)(ii) below.

ii. A typed or legibly printed list, compiled from an authoritative source, containing the names, mailing addresses and zip codes of the following, along with the corresponding identifying numbers referred to in Subparagraph (b)(i) of this Paragraph above:

(A) The owners of all parcels described in Subparagraph (b)(i) of this Paragraph above; and

(B) Any tenants of the parcels described in Subparagraph (b)(i) of this Paragraph above, to the extent their names and addresses can practicably be obtained.

(i) An accurate legal description and Assessor's Parcel Number (APN) for all parcels proposed for designation.

(ii) A written description of the manner in which the property proposed for designation is eligible and appropriate for designation under this Subsection.

c. Upon receipt of a complete application package, the HPO shall schedule the application for a public hearing on the next available agenda of the HPC. Upon the request of the applicant, a special meeting may be called at the discretion of the Chair of the HPC, or by at least four (4) voting members of the HPC.

d. In connection with the HPC's consideration of the application, the HPO shall compile

and provide to the HPC a complete report concerning the property proposed for designation. The report shall address the location, condition, age, significance and integrity of historic features; identify potential contributing and non-contributing properties; provide other relevant information; and include a recommendation concerning the application and the basis therefore.

e. Based upon its consideration of the HPO's report concerning an application, along with any evidence or input offered at the public hearing, the HPC shall evaluate the application with reference to the applicable criteria set forth in Paragraphs (1), (2) and (3) of this Subsection and make a recommendation to the Planning Commission. A recommendation for approval may include any conditions the HPC deems appropriate in order to implement the provisions and intent of this Subsection.

f. Except as otherwise provided in this Subsection, the standards for consideration and action on an application by the HPC shall also apply to subsequent action by the Planning Commission and City Council, and the procedures for subsequent action on an application by the Planning Commission and City Council shall be consistent with the rezoning procedures described in LVMC 19.16.090.

g. A recommendation by the HPC for approval of a designation under this Subsection shall be void if the designation has not been approved by the City Council within one (1) year after the HPC's recommendation.

5. Public Notification Concerning Designation Applications:

At least fifteen (15) calendar days before the HPC holds a public hearing on an application for designation, the Department shall:

a. Mail written notice of the date, time and place of the hearing, along with a summary of the application, to the persons whose names and addresses are provided by the applicant pursuant to Paragraph (4) of this Subsection. Such notice is complete upon mailing. The HPC may delay a hearing for additional notification if it appears that the applicant or the City did not use reasonable diligence in providing a notification list or in mailing the notice.

b. Post notice of the hearing, visible from a public way and clearly legible, containing the date, time, and place of the hearing, and a summary of the application. For a Landmark or Historic Property application, the notice shall, wherever possible, be placed adjacent to the public right-of-way. For an Historic District, the notice shall, wherever possible, be placed at no fewer than four (4) conspicuous locations either within or at the external boundaries of the area. The posting of any such notice is complete upon initial posting.

c. Publish notice of the date, time and place of the hearing, along with a summary of the application, in a newspaper of general circulation within the City.

6. Planning Commission and City Council Action:

a. Upon receipt of a recommendation from the HPC concerning a designation, the Planning Commission shall hold a public hearing to consider the application. If the date and time of the Planning Commission hearing are announced at the HPC hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Paragraph (5) of this Subsection above. Following the public hearing, the Planning Commission may do any of the following:

i. Adopt the recommendation of the HPC and forward that recommendation to the City Council;

ii. Modify the recommendation of the HPC and forward that recommendation to the City Council as modified;

iii. Recommend denial of the application to the City Council; or

iv. Remand the request to the HPC for further proceedings.

b. Upon receipt of a recommendation from the Planning Commission concerning a designation, the City Council shall hold a public hearing to consider the application. If the date and time of the City Council hearing are announced at the Planning Commission hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Paragraph (5) of this Subsection

above. Notwithstanding any other provision of this Subparagraph (b), the designation of an Historic District must be done in accordance with NRS 384.005. Following the public hearing, the City Council may do any of the following:

i. Approve the designation in accordance with the recommendation of the Planning Commission;

ii. Modify the recommendation of the Planning Commission and approve the designation in accordance with the modifications;

iii. Deny the application; or

iv. Remand the application to the Planning Commission or the HPC for further proceedings.

c. In the case of an application for designation of an Historic District, if the owners of twenty (20) percent or more of the area of the parcels included in the proposed district and those which are adjacent thereto protest the proposed designation in writing, the designation shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the City Council. If any member of the City Council is unable to vote on an application because of conflict of interest, the required number of favorable votes to approve the designation shall be three-fourths (3/4) of the remaining membership of the Council, but in no event shall the required number of votes be less than a majority of the entire membership of the Council. For purposes of this Subparagraph (c):

i. A parcel is "adjacent" to the proposed district if it is not separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the boundary.

ii. A parcel is "adjacent" to the proposed district if it is separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the frontage of the intervening right-of-way.

iii. In calculating "area" for protest purposes, the area of an "adjacent" parcel shall be deemed to include only the area located within the one hundred fifty (150) foot distances referred to in this Subparagraph (c).

iv. A written protest is effective only if it is filed with the City Clerk prior to or at the time of the public hearing before the City Council.

7. Effect of Designation:

a. The designation of a Landmark, Historic Property or Historic District shall be indicated by the "H" symbol on the zoning maps of the City. The use and development of property affected by a designation shall be governed by this Section and applicable Design Guidelines adopted thereunder, as well as by the regulations pertaining to the underlying zoning classification(s) for the property, other provisions of the Unified Development Code and the General Plan.

b. After the designation of an Historic District, and in order to preserve and enhance the distinctive character of that District, the HPC shall, after opportunity for input from property owners within the District, recommend for adoption by the City Council Design Guidelines to apply to alterations of contributing properties and to all new construction within the District.

i. Design Guidelines are intended to address exterior features and characteristics only, such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character, as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the District.

ii. Design Guidelines generally will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscaping, required parking, allowable signs, or other development aspects addressed elsewhere in the Unified Development Code, except when compatibility with existing historical patterns requires specific design guidelines.

iii. Following designation of an Historic District, but before Design Guidelines can be established for the District, the HPC may require that development in the District

conform to such established or recognized standards as the HPC deems appropriate.

8. Removal of designations established under this Section shall be in accordance with the procedure set forth for designation.

9. No nomination for designation or removal of designation under this Section shall be acted upon within one year after any previous such nomination.

J. Historic Property Register

The Las Vegas Historic Property Register is hereby established for the purpose of listing the Landmarks, Historic Properties, and Historic Districts designated under the provisions of this Section. The Register, as it may be amended from time to time, shall serve as the official record of all such designations and shall be maintained by the HPO. Copies of the Register shall be made available for public inspection in the offices of the Department and the City Clerk.

K. Guidelines, Standards and Process for Review of Alteration or New Construction

1. Whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Section. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, the HPO shall be the approval authority. Approval pursuant to this Subsection indicates conformance with the provisions and intent of this Section only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Subsection, the applicant must submit to the HPO the following:

a. An application, on such form(s) as may be established for the purpose;

b. Such fee(s) as may be established by the City Council for the application;

c. Drawings, to approximate scale, of the site plan, floor plan(s) and elevations of the proposed work of improvement, indicating materials and color scheme;

d. If signage is part of the proposed work, drawings, to approximate scale, showing the size and location of proposed signage, type of lettering to be used and indication of color and type of illumination, if any; and

e. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Subsection, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Section. The approval authority may deny an application upon determining any of the following:

a. That proposed work on any portion of a Landmark or Historic Property will not be compatible with the recognized distinctive character of the overall property.

b. That proposed work on any portion of a contributing property within an Historic District will not be compatible with the recognized distinctive character of the property itself, with the character of the entire District, or with the Design Guidelines that have been adopted for the District.

c. That major new construction proposed for non-contributing properties within an Historic District will not be compatible with the recognized distinctive character of the entire District or with the Design Guidelines that have been adopted for the District. For purposes of this Subparagraph, new construction is "major" if such construction, including general landscape character, equals or exceeds twenty-five (25%) percent of the land area of a parcel without a building or of the building ground floor area of a parcel with a building, at the time of the property's identification as non-contributing.

e. That, in cases where Federal funds, in the form of grants, tax incentives or other programs, are to be employed, directly or indirectly, in financing the proposed work, the work will not comply with the Standards for the Treatment of

Historic Properties, as promulgated by the U.S. Secretary of the Interior.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefore and conditions attached thereto.

6. An approval pursuant to this Subsection shall be valid for a period of one year, unless otherwise specified in the approval.

L. Demolition and Removal

1. Whenever it is proposed to demolish or remove a structure or feature constituting or associated with a Landmark or Historic Property, or one that is located within a designated Historic District, and a demolition or other permit or approval is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Section. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, or is necessary immediately in order to protect life or property, the HPO shall be the approval authority. Approval pursuant to this Subsection indicates conformance with the provisions and intent of this Section only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Subsection, the applicant must submit to the HPO the following:

a. An application, on such form(s) as may be established for the purpose;

b. Such fee(s) as may be established by the City Council for the application;

c. Photographs of the property depicting its current appearance;

d. A preliminary plan of redevelopment for the parcel indicating an intended use that is in compliance with the General Plan, existing or proposed zoning, other applicable regulations and Subsection (K) of this Section;

e. If economic hardship relief is requested, documentation in support of the request; and

f. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Subsection, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Section. The approval authority may deny an application upon determining either of the following:

a. That the structure or feature proposed for demolition or removal is of historic or architectural value or significance and contributes to the distinctive character of the property;

b. That loss of the structure or feature would adversely affect the integrity or diminish the distinctive character of an Historic District.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefore and conditions attached thereto.

6. Economic Hardship:

a. An application for demolition or removal may be accompanied by a request for economic hardship relief which, if granted, allows demolition or removal which otherwise would not be permitted.

b. Economic hardship relief may be granted by the approval authority as follows:

i. In the case of income producing property, when the applicant demonstrates that requiring the property to retain the features that contribute to its distinctive character, whether the property is left in its present condition or is rehabilitated by the owner or a potential buyer, will not permit the owner a reasonable rate of return.

ii. In the case of non-income producing property, when the applicant demonstrates that the property has no reasonable use as a single-family dwelling or for an institutional use in its present condition, or

if rehabilitated, either by the current owner or a potential buyer.

c. For purposes of Subparagraph (b) above:

i. Non-income producing property consists of owner-occupied single-family dwellings and non-income producing institutional properties; and

ii. Income producing property consists of all other properties.

d. Economic hardship relief is not available to an owner who has:

i. Engaged in willful or negligent acts destructive to the property;

ii. Purchased the property for substantially more than the market value;

iii. Failed to perform ordinary maintenance and repair; or

iv. Where applicable, failed to diligently solicit and retain tenants or provide normal tenant improvements.

7. An approval pursuant to this Subsection shall be valid for a period of one year, unless otherwise specified in the approval.

8. If an application for demolition or removal is denied by the HPC, the City may deny a permit for such activity for up to one hundred eighty (180) days from the date on which the application was denied. It is unlawful to demolish or remove a structure or feature which is subject to this Subsection (L) without a permit to do so under this Section and other applicable ordinances.

a. During the period of restraint on demolition or removal, the HPC and HPO will endeavor to secure whatever assistance may be feasible to effect the preservation of the property, including economic assistance, acquisition, purchase of a preservation easement; or location of a buyer who, upon purchase at terms agreeable to the owner, will enter into a preservation covenant with the City for a period of at least five years.

b. If the HPC or HPO is unable to secure such assistance within the period of restraint, the proposed demolition or removal will be allowed, subject to the issuance of appropriate permits by the Building Official.

9. If the Building Official finds that a designated property is an imminent hazard to life or property and, after consultation with the HPO and the SHPO, determines that repairs or relocation would not be appropriate or feasible, the HPO shall approve the necessary demolition or removal, subject to issuance of appropriate permits by the Building Official.

M. Appeal and Review

1. The applicant for an approval under Subsection (K) or Subsection (L) of this Section may appeal any decision of the HPC to the City Council by filing written notice of appeal with the City Clerk within ten (10) working days after the date of the HPC's action. The appeal must be accompanied by the fee, if any, which has been established by the City Council.

2. In addition, with respect to any approval by the HPC of an application under Subsection (K) or Subsection (L) of this Section, the Director or any member of the City Council may file a request for review within that 10-day period.

3. The City Clerk shall set the date for a public hearing on the appeal or review, and notice of the hearing shall be published in a newspaper of general circulation at least seven (7) days before the hearing.

N. Maintenance and Repair

1. The owner is responsible for ordinary maintenance and repair of a designated property. Such maintenance and repair may be performed without specific approval from the HPO or the HPC if such maintenance or repair does not significantly alter the features which contribute to the distinctive character of such a designated property.

2. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or that of an Historic District in which the property is located.

3. Examples of deterioration which the owner of the designated property is responsible under this Subsection to prevent include, but are not limited to, the following:

a. Excessive erosion, reverse drainage, and

other preventable site conditions which may adversely affect significant buildings and structures;

b. Loss of structural integrity due to deterioration of footings, load-bearing walls or columns, beams, trusses, or other support members;

c. Weathering or damage to exterior elements such as wall and roof surfaces, chimneys, balustrades, doors, windows, and other architectural features;

d. Loss of weather-tightness or security due to any of the above;

e. Deterioration resulting in a hazardous condition which would warrant demolition in the interest of public safety.

4. In order to avoid demolition necessitated by the failure to prevent any deterioration described in Paragraph (3) of this Subsection, the City may effect repairs to a Landmark, Historic Property or contributing property within an Historic District and assess the cost of such repairs to the property in the same manner and with the same effect as is available for the abatement of nuisances in LVMC 9.04.080 et seq.

5. For purposes of evaluating deterioration under this Subsection, the condition of the property at the time of its designation shall be the standard of reference.

6. Enforcement of this Subsection shall be the responsibility of the City Manager or designee.

O. Incentives

It is the intent of the City that Landmarks, Historic Properties and properties within an Historic District be beneficial to their respective owners, as well as to the community. In addition to the intangible benefits of owning a property recognized as an important community resource, other potential benefits can be made available by the City. The HPO and the HPC are authorized, when possible and appropriate, to provide such owners with the following:

1. Assistance in locating potential sources of financial assistance and tax credits;

2. Assistance in preparing grant applications and seeking potential third party sponsorship;

3. Technical information and referrals;

4. Assistance in locating buyers and sellers;

5. Assistance, through the Neighborhood Services Department, in the formulation and operation of a neighborhood association;

6. Assistance in obtaining other benefits as may become available through the City or other sources.

P. Violations

1. It is unlawful for any person to construct, alter, demolish, remove or fail to maintain a structure, property or portion thereof in violation of this Section.

2. In addition to and independent of a misdemeanor prosecution for violations under this Section, the City may pursue any available civil remedy to enforce compliance.

3. In connection with any criminal prosecution or civil remedy, the person responsible for a violation may be required to restore a structure or property to its condition just previous to the violation.

Q. Historic Signs

1. Findings

The City Council of the City of Las Vegas finds that the historic and cultural foundations of the City should be preserved as a living part of its community life and development in order to give a sense of identity and orientation to the people of the City. A historic sign is a sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, contributes to the cultural, historic, or aesthetic quality of the city's streetscape. These regulations have been formulated to allow those signs to be protected.

2. Purpose

The intent of this Subsection is to promote the public welfare by providing protection for significant signs that represent important aspects of the City's heritage; to enhance the character of the community by considering such signs during development; and to assist owner(s) in the preservation and restoration of their signs.

3. Designation Criteria

Signs are designated as historic structures by the City Council upon a favorable recommendation of the Historic Preservation Commission. The Council shall hold a public hearing to designate a sign as an historic structure. In order to designate a sign as an historic structure, the Council shall make a finding that the following conditions are met:

a. The sign and the use to which it pertains have been in continuous existence at the present location for at least 30 years;

b. The sign is structurally safe or is capable of being made so without substantially altering its historical significance;

c. The continued existence of the sign is encouraged and is beneficial to the public good; and

d. At least one of the following conditions shall be met by the sign:

i. The sign contributes to the historical or cultural character of the streetscape and the community at large;

ii. The sign is associated with historic figures, events, or places;

iii. The sign is significant as evidence of the history of the product, business, or service advertised;

iv. The sign is significant as reflecting the history of the building or the development of the historic district;

v. The sign is characteristic of a specific historic period;

vi. The sign is integral to the building's design or physical fabric;

vii. The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design;

viii. The sign is a local landmark recognized as a popular focal point in a community; or

ix. The sign contains elements important in defining the character of a historic district.

4. Procedure

a. The procedure for designation of a sign as an historic structure shall be the same procedure for designating an historic building, property or site, in accordance with this Section.

b. Nothing in this Subsection shall prohibit the owner(s) of a sign designated as an historic structure from removing such a sign; however, removal of a sign so designated requires approval by the Historic Planning Commission and recommendation for alternate placement or storage.

R. Definitions

For purposes of this Section, the following terms have the meanings ascribed to them:

Alteration: Any aesthetic, architectural, mechanical, or structural change or addition to the exterior surface of any significant part of a designated property.

Approval authority: The HPC or the HPO, as indicated in this Section.

Compatibility: A pleasing visual relationship between elements of a property, building or structure; among properties, buildings and structures; or with their surroundings. Aspects of compatibility may include, but are not limited to, proportion, rhythm, detail, texture, material, reflectance and architectural style.

Demolition: The act or process that destroys a structure or feature associated with a designated property.

Distinctive Character: The distinguishing architectural and aesthetic characteristics of a Landmark or Historic Property, or those generally found throughout an Historic District, which fulfill the criteria for designation.

Ordinary Maintenance and Repair: Regular or usual care, upkeep, repair or replacement of any portion of an existing property, building or structure in order to maintain a safe, sanitary and stable condition.

Owner: The person(s) listed in the property records of Clark County as having fee ownership of an individual parcel or property.

Property: One or more structures or other improvements, or an archeological site, associated with a particular parcel or location.

Significant: With reference to a property, building or structure, means having aesthetic, architectural or historical qualities of critical importance to its consideration in connection with the designation of property under this Section.

19.10.160

SB-O LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT

A. Intent

In 2001 the State of Nevada designated as a scenic byway the Las Vegas Boulevard Scenic Byway in order to preserve its character as a nighttime urban scenic byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the "scenic byway" designation.

B. Boundaries.

The Las Vegas Boulevard Scenic Byway Overlay District is established within the City. Its boundaries are generally described as the portion of Las Vegas Boulevard between Sahara Avenue on the south and Washington Avenue on the north. The Overlay District includes only those properties that have direct frontage on Las Vegas Boulevard. Because of ongoing development activity along Las Vegas Boulevard, the list of properties with direct frontage on Las Vegas Boulevard may change from time to time, and the above textual description of the boundaries of the Overlay District shall control over any map to the contrary. However, for the sake of convenience and reference, the boundaries of the Overlay District are generally depicted in Figure 1.

C. Sign Standards

1. **Relationship to Other Provisions.** Except as otherwise modified, required or prohibited by this Section, all signage within the Las Vegas Boulevard Scenic Byway Overlay District shall be governed by and subject to:

   a. All applicable standards and procedures in this Title;

   b. All applicable standards and procedures in LVMC Chapter 19.10 and that govern the Downtown Centennial Plan Overlay District, for properties that are located within the district;

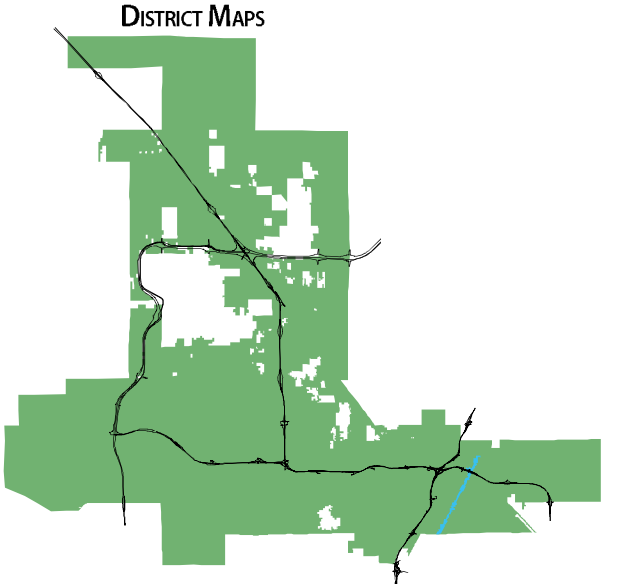
   c. All applicable standards and procedures in LVMC Chapter 19.10 that govern the Downtown Entertainment Overlay District, for properties that are located within that district; and

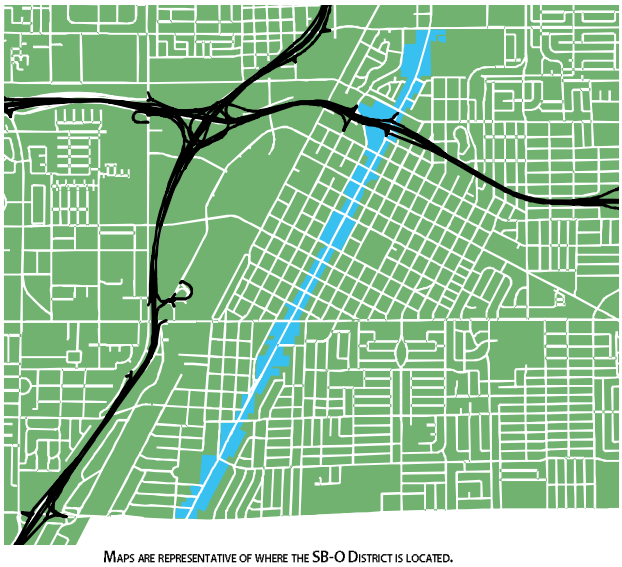
   d. The review and approval procedures set forth in Subsection (D) of LVMC 19.10.100, irrespective of where in the Las Vegas Boulevard Scenic

Illustrations & Graphics

SB-O
19.10.160

FIGURE 1 - LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT MAPS





MAPS ARE REPRESENTATIVE OF WHERE THE SB-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE SB-O (LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY) DISTRICT.

Byway Overlay District the signage will be located.

2. **Illumination.** For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development (excluding awning signs) must consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof.

3. **Off-premise Signs.** Off-premise signs are not permitted within the Las Vegas Boulevard Scenic Byway Overlay District.

4. **Maintenance.** The owner and operator of each sign are jointed and severally responsible for ensuring that appropriate sign maintenance occurs and that damaged or nonfunctional signs and lighting are promptly repaired and made functional

19.10.170

LW-O LIVE/WORK OVERLAY DISTRICT

A. Purpose

The purpose of the Live/Work Overlay District is to allow owners and operators of businesses to occupy joint living and work quarters in commercial and industrial areas where other types of residential uses are inappropriate. Allowing Live/Work units will contribute to the vitality of commercial and industrial areas, assist in reducing vehicular traffic, and allow for a greater spectrum of housing types within the City.

B. Intent

It is intended that Live/Work units will function as follows:

1. The owner or lessee of the space will reside and work in the Live/Work unit.
2. The commercial or nonresidential uses of the Life/Work unit will be limited to low-intensity commercial and arts-related uses.
3. No activity that uses hazardous materials or generates excessive noise will be permitted.
4. The number of employees will be limited.
5. Clientele generally will arrive by appointment, with walk-in trade anticipated to be minimal.
6. The residential component of the use shall be accessory to the commercial or nonresidential component.
7. Residents of Live/Work units will be presumed to acknowledge the existence and operation of uses that are permitted on nearby parcels that are zoned for commercial and industrial uses.

C. Boundaries.

The Live/Work Overlay District is established within the City. Its boundaries are depicted in Figure 1.

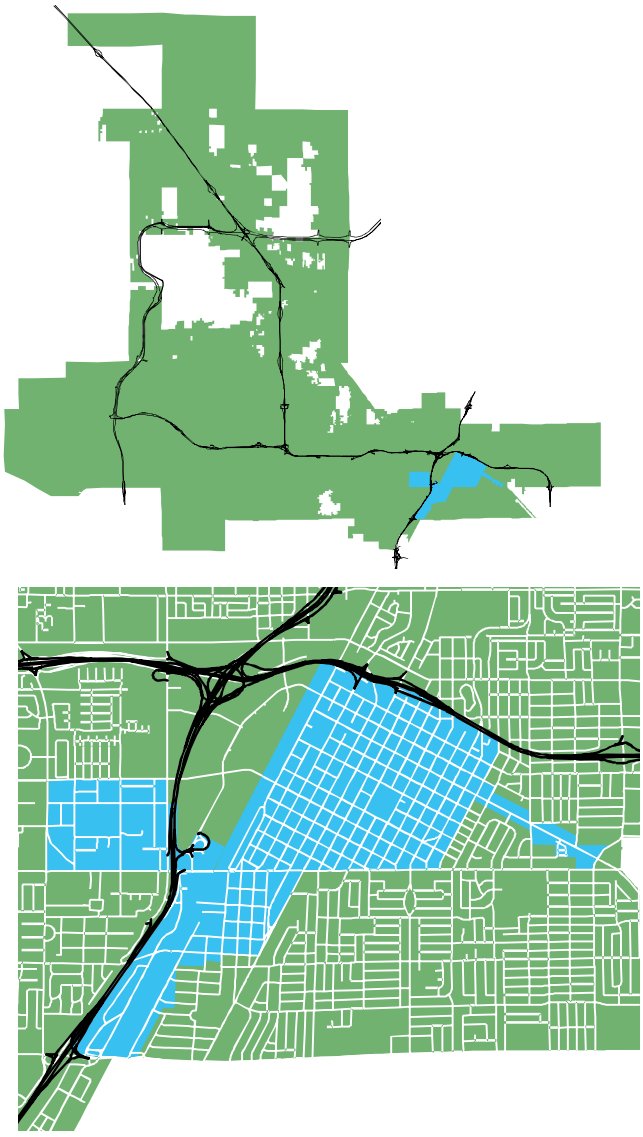
D. Approval Criteria.

All Live/Work units within the Live/Work Overlay District must meet the following criteria in order to be approved:

1. **Zoning.** Live/Work units may be located in the C-1, C-2, C-M, M and PD Zoning Districts only.

Illustrations & Graphics **LW-O 19.10.170**

FIGURE 1 - LIVE/WORK OVERLAY DISTRICT MAPS



MAPS ARE REPRESENTATIVE OF WHERE THE LW-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE LW-O (LIVE/WORK OVERLAY) DISTRICT.

2. **Permissible Nonresidential Uses.** Because of the residential component, only the following nonresidential uses are permitted:

   a. Office uses.

   b. Desktop publishing.

   c. Arts activities, including painting, sculpture, printmaking, ceramics, photography, film, video, graphic design, jewelry, and textiles, but excluding any activity that involves welding or open flame work. The sale of artwork is permitted as an ancillary use.

3. **Nonresidential Use Criteria.** Nonresidential activities must generally conform to the intent of the Live/Work Overlay District as described in Subsection (B) of this Section.

4. **Residential Use Criteria.** The residential component of a Live/Work unit must contain sleeping space, cooking facilities, and complete sanitary facilities. No more than fifty percent of the total floor area of a Live/Work unit shall be designed or used for residential purposes. The residential occupancy of a Live/Work unit must include at least one person who is employed or carries out an occupation in the unit.

5. **Emergency Access and Parking.** Live/Work units shall be clearly identified by signage in order to facilitate access for emergency services. The amount of required on-site parking shall be calculated in accordance with parking provisions of this Title, based upon the gross square footage of the unit and the nonresidential use or uses occurring therein.

6. **Signage.** Permissible signage shall be in accordance with the requirements and limitations of this Title and those that pertain to any other overlay district in which the property is located.

E. Approval Process

1. **Arts District.** Within the Arts District (as identified in the Las Vegas Downtown Centennial Plan), a Live/Work unit proposed within a new structure may be approved as part of a Site Development Plan Review. Live/Work units proposed within an existing structure may be approved administratively, subject to compliance with this Section and all applicable building-related codes.

2. **Other Locations.** At locations other than the Arts District (as identified in the Las Vegas Downtown Centennial Plan), a Live/Work unit proposed within a new or existing structure may be approved only by means of a Special Use Permit.

F. Applicability of Other Provisions.

This Section is intended to operate and apply independently of any other provision in this Title that allows residential and nonresidential uses on the same parcel. An applicant may proceed under this Section or under any other provision that applies to a proposed use.

19.10.180

RP-O RURAL PRESERVATION OVERLAY DISTRICT

A. Establishment of District

There is hereby created the Rural Preservation Overlay District, consisting of those areas that are deemed consistent with the definition and intent of a rural preservation neighborhood. In order to provide a description of those areas, the City shall maintain a Rural Preservation Overlay District Map, which shall indicate the areas that, at a particular point in time, are deemed consistent with the definition and intent of a rural preservation neighborhood. The Overlay District map shall be maintained on file in the Department. In order to keep the Overlay District Map as current as reasonably possible, the Map shall be amended from time to time, at a frequency deemed appropriate by the Department, to add areas to, or remove areas from, the Overlay District in order to reflect the fact that particular properties have come to qualify, or no longer qualify, for inclusion within a rural preservation neighborhood. As deemed appropriate, the Department may, after taking into account input from interested parties:

1. Make any such amendment to the Overlay District Map administratively; or

2. Request City Council approval or ratification of any such amendment.

B. Intent of District

It is the intent of the Rural Preservation Overlay District to:

1. Ensure that the rural character of each rural preservation neighborhood is preserved.

2. Unless a rural preservation neighborhood is located within three hundred thirty feet of an existing or proposed street or highway that is more than ninety-nine feet wide, maintain the rural character of the area developed as a low density residential development.

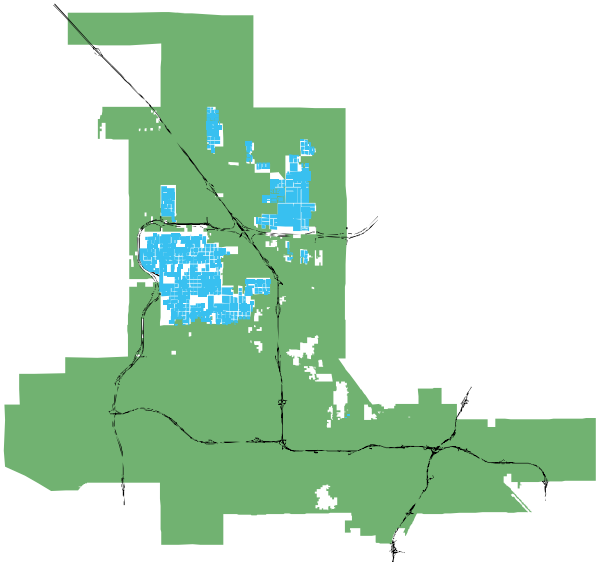
3. Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or noncommercially.

4. Establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

Illustrations & Graphics

RP-O
19.10.180

FIGURE 1 - RURAL PRESERVATION OVERLAY DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE RP-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE RP-O (RURAL PRESERVATION OVERLAY) DISTRICT.

C. Certain Rezoning Requests.

For any rezoning request for vacant property that is located within three hundred thirty feet of a parcel within the Overlay District, the City Council, for good cause shown, may approve a greater density or intensity of use than that which exists within the Overlay District.

19.12

Permissible Uses

Unified Development Code

Title 19

CLV
WEB
?
E-MAIL

19.12
Permissible Uses

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LAND USE TABLES 19.12.010

A. Buildings, structures and land shall be used in accordance with the uses permitted in the following Land Use Tables, subject to all other applicable requirements of this Title.

B. Uses that are listed in Table 2 are provided with a description, applicable conditions and requirements in LVMC 19.12.070.

Interpretation of Land Use Tables **Table 1**

Symbol	Meaning
P	The use is permitted as a principal use in that zoning district by right.
A	The use is permitted as an accessory use to a main use in the district. This does not exclude other land uses which are generally considered accessory to the primary use.
C	The use is permitted, but only in accordance with the conditions specified in LVMC 19.12.070 for conditional uses.
S	The principal use is permitted in that zoning district only after first obtaining a Special Use Permit (SUP) as set forth in LVMC 19.16.110. Base standards may apply to an SUP approval, as specified in LVMC 19.12.070.
H	The use is permitted by means of a Home Occupation Permit.
T	The use is permitted by means of a Temporary Commercial Permit in accordance with LVMC 19.16.160.
	A blank square shall mean that the use is not allowed in that zoning district.

19.12.010
Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Accessory Structure (Class I)	S	S	S														page 305
Accessory Structure (Class II)	C	C	C	C	C	C	C	C	C								page 305
Adult Day Care Center	S	S	S			S	S	S	S	C	C	P	P	P	P		page 305
Airport, Heliport or Landing Field														P	P		page 305
Amphitheater												S	C	C	C		page 306
Ancillary Lounge Bar												S	S	S	S		page 306
Animal Hospital, Clinic, or Shelter (with no Outside Pens)											S	S	P	P	P		page 307
Animal Hospital, Clinic, or Shelter (with Outside Pens)	S	S										S	P	P	P		page 307
Animal Keeping & Husbandry	C	C															page 307
Animal Keeping, Wild or Exotic	C	C													C		page 307
Animal Production	P	P															page 307
Antique/Collectible Store												P	P	P	P		page 308
Asphalt or Concrete Batch Plant															P		page 308
Assisted Living Apartments						S	P	P				S	S				page 308
Astrologer, Hypnotist, or Psychic Art and Science										S		P	P	P	P		page 308
Auction House													S	S	S		page 308
Auto Broker												C	C	C	C		page 308
Auto Dealer Inventory Storage												S	S	S	S		page 309
Auto Paint & Body Repair Shop													S	C	C		page 309
Auto Parts (Accessory Installation)												C	P	P	P		page 309
Auto Parts (New & Rebuilt) (Accessory Sales & Service)												S	C	P	P		page 309
Auto Repair Garage, Major													S	C	C		page 310
Auto Repair Garage, Minor												S	C	C	C		page 310
Auto Sales Showroom												S	P	P	P		page 310
Auto Smog Check												C	C	C	C		page 310
Auto Title Loan											S	S	S	C	C		page 311
Automobile Rental												S	S	S	C		page 312
Automobile Repossession Agency												C	C	C	C		page 312
Bailbond Service												S	S	P	P		page 312
Bakery, Retail											A	P	P	P	P		page 312
Banquet Facility												P	P	P			page 312
Banquet Facility (with Alcoholic Beverage Sales)																S	page 312
Bed & Breakfast Inn	S	S	S	S	S	S	S	S		S							page 313

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Beer/Wine/Cooler Off-Sale Cultural Establishment												S	S	S	S		page 313
Beer/Wine/Cooler Off-Sale Establishment												S	S	S	S		page 313
Beer/Wine/Cooler On- and Off-Sale Establishment												S	S	S	S		page 314
Beer/Wine/Cooler On-Sale Establishment												S	S	S	S	S	page 315
Billiard Parlor or Pool Hall												S	P	P	P		page 316
Blood Plasma Donor Center													S	S	S		page 316
Boarding or Rooming House							P	P						S			page 316
Boat & Trailer Dealership (New and Used)												S	S	C	C		page 316
Building & Landscape Material/ Lumber Yard												S	C	P	P		page 316
Building Maintenance Service and Sales												S	C	P	P		page 316
Bus Charter Service & Service Facility														P	P		page 317
Business School											P	P	P	P	P		page 317
Car Wash, Full Service or Auto Detailing												S	C	C	C		page 317
Car Wash, Self-Service												S	C	C	C		page 317
Catering Service												P	P	P	P		page 317
Cemetery/Mausoleum	C	C											C	C	C	S	page 317
Check Cashing Service, Limited											C	C	C	C	C		page 318
Child Care – Family Home	P	P	P	P	P	P	P	P	P								page 318
Child Care – Group Home	S	S	S	S	S	S	S	S	S								page 318
Child Care Center	S	S					S	S	S	C	C	P	P	P	P		page 318
Church/House of Worship	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		page 318
Cleaners, Commercial/Industrial													S	P	P		page 319
Clinic												P	P	P	P		page 319
Cold Storage Plant													P	P	P		page 319
College, University, or Seminary											S	P	P	P	P		page 319
Commercial, Other than Listed												S	P	P	P		page 319
Commercial Recreation/ Amusement (Indoor)											S	P	P	P	P		page 319
Commercial Recreation/ Amusement (Outdoor)													P	P	P		page 320
Community Center, Private (Accessory)	C	C	C	C	C	C	A	A	C								page 320

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Community Recreational Facility (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		page 320
Community Residence (including Family Community Residence and Transitional Community Residence)	C	C	C	C	C	C	C	C	C		C	C	C				page 320
Condominium					P	P	P	P		C	C	C	C				page 321
Construction Material Supply Yard														P	P		page 322
Contractor's Plant, Shop & Storage Yard														P	P		page 322
Convalescent Care Facility/Nursing Home	S	S	S	S		S	S	S				S	S				page 322
Convenience Store											A	C	C	C	C		page 322
Convent or Monastery							P	P									page 322
Convention Facility, Publicly Operated																S	page 322
Copy Center										P	P	P	P	P	P		page 323
Country Club, Private	S	S	S	S		S	S	S	S	S	P	P	P	P	P		page 323
Crematory													C	C	C	S	page 323
Crop Production	P	P															page 323
Custodial Institution														S	S	S	page 323
Custom & Craft Work												S	C	P	P		page 323
Daily Labor Service												S	S	S	S		page 323
Delivery and Service Vehicle Storage													S	P	P		page 324
Desktop Publishing										P	P	P	P	P	P		page 324
Dry Cleaners											S	P	P	P	P		page 324
Electric Generating Plant													S	S	S		page 324
Electric Utility Substation	S						S	S			S	P	P	P	P		page 324
Electrical, Watch, Clock, Jewelry & Similar Repair											A	P	P	P	P		page 324
Emergency Ambulance Services, Ground												S	P	P	P		page 324
Employment Agency										P	P	P	P	P	P		page 324
Environmentally Hazardous Materials															P		page 325
Escort Bureau												S	S	P	P		page 325
Facility for Transitional Living for Released Offenders							S	S									page 325
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse												S	S	C	C		page 326

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Financial Institution, General (with Drive-Through)											C	C	C	C	C		page 326
Financial Institution, General (without Drive-Through)											P	P	P	P	P		page 326
Financial Institution, Specified											S	S	S	C	C		page 326
Food Processing													C	P	P		page 327
Fraternity, Sorority House or Private Dorm							S	S									page 327
Gaming Establishment, General Business-Related												S	S	S	S	S	page 327
Gaming Establishment, Non-restricted												S	S	S	S		page 328
Gaming Establishment, Restricted												A	A	A	A		page 328
Garden Supply/Plant Nursery												C	C	P	P		page 328
General Personal Service											A	P	P	P	P		page 328
General Retail Store, Other Than Listed (3500 Square Feet or More)												P	P	P	P		page 329
General Retail Store, Other Than Listed (Less than 3500 Square Feet)											A	P	P	P	P		page 329
Golf Driving Range											S	P	P	P	P		page 329
Government Facility										P	P	P	P	P	P		page 329
Grocery Store												P	P	P	P		page 329
Gun Club, Skeet or Target Range, or Archery Club (Indoor)													S	P	P		page 329
Gun Club, Skeet or Target Range, or Archery Club (Outdoor)	S													S	P		page 329
Health Club											A	P	P	P	P		page 329
Heavy Machinery and Equipment (Rental, Sales & Service)														P	P		page 330
Heavy Machinery and Equipment (Storage)															P		page 330
Helipad											S	S	S	P	P		page 330
Home Occupation	H	H	H	H	H	H	H	H	H								page 330
Horse Corral or Stable (Commercial)	S	S										C	C	C	C		page 330
Horse Corral or Stable (Private)	C	C															page 330
Hospice		S					S	S		S	S	P	P	S			page 330
Hospital											S	C	P	P	P		page 330
Hotel, Motel or Hotel Suites												S	P	P	P		page 331
Hotel, Residence								S				S	S	P			page 331
Internet Cafe												C	C	C	C		page 331

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Internet/Catalogue Sales Office										C	C	P	P	P	P		page 331
Jewelry Store, Class III												S	S	S	C		page 331
Jewelry Store, New												P	P	P	P		page 332
Keeping of Carrier or Racing Pigeons	S	S	S									S	S	S	S		page 332
Laboratory, Medical or Dental										A	A	P	P	P	P		page 332
Landfill															S		page 332
Laundry, Self-Service												P	P	P	P		page 332
Library, Art Gallery or Museum (Public)										P	P	P	P	P	P		page 332
Light Assembly & Fabrication												C	C	P	P		page 332
Liquefied Petroleum Gas Installation (288 Gallons or Less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 333
Liquefied Petroleum Gas Installation (Over 288 Gallons)												S	S	S	S	S	page 333
Liquor Establishment (Tavern)												S	S	S	S	S	page 333
Livestock Farming (Bovines/Horses)	C	C															page 334
Manufactured Home (Not Qualifying for Treatment as Single Family Detached Dwelling)									P								page 335
Manufactured Home (Qualifying for Treatment as Single Family Detached Dwelling)	C	C	C	C	C	C	C	C									page 335
Manufacturing, Heavy														S	P		page 335
Manufacturing, Light														P	P		page 335
Martial Arts Studio												P	P	P	P		page 336
Massage, Accessory										A	A	A	A	A	A		page 336
Massage Establishment												S	S	S	C		page 336
Mining, Sand & Gravel Excavation	S													S	S		page 336
Mini-Storage Facility												S	C	C	C		page 336
Mixed-Use							S	S		S	S	C	C				page 337
Mobile Home									P								page 338
Mobile Home Park									C								page 338
Monorail	S	S	S	S		S	S	S	S	S	S	S	S	S	S		page 338
Mortuary or Funeral Chapel												S	P	P	P	S	page 339
Motor Vehicle Sales (New)													C	C	C		page 339
Motor Vehicle Sales (Used)													S	C	C		page 339
Motorcycle/Motor Scooter Sales												S					page 340
Mounted Antenna of 15 Feet or Less (Ultimate Height)	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P		page 340

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Mounted Antenna over 15 Feet (Ultimate Height)	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P		page 340
Multi-Family Residential							P	P									page 340
Museum, Art Display, or Art Sales (Private)										S	P	P	P	P	P		page 340
Night Club												S	P	P	P		page 340
Office, Medical or Dental										P	P	P	P	P	P		page 340
Office, Other than Listed										P	P	P	P	P	P		page 340
Off-Premise Sign												S	S	S	S	S	page 340
Open Air Vending/ Transient Sales Lot												C	C	C	C		page 341
Outcall Entertainment Referral Service												S	S	P	P		page 341
Outdoor Storage, Accessory													C	C	C		page 341
Package Liquor Off-Sale Establishment												S	S	S	S		page 341
Parking Lot/Sidewalk Sale												T	T	T	T		page 342
Parking, Commercial										C	S	P	P	P	P		page 342
Pawn Shop												S	S	S	C		page 342
Pawn, Auto														S	C		page 343
Pet Boarding												C	C	C	C		page 344
Pet Shop												C	C	C	C		page 344
Post Office, Local Service										P	P	P	P	P	P		page 344
Post Office, Regional													P	P	P		page 344
Printing & Publishing														P	P		page 344
Private Club, Lodge or Fraternal Organization											S	P	P	P	P		page 344
Private Sports Arena, Stadium or Track													S	S	P		page 344
Private Street	C	C	C	C	C	C	C	C	C								page 344
Psychology Practice										P	P	P	P	P	P		page 345
Public or Private School, Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	page 345
Public or Private School, Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	page 346
Public Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		page 346
Radio Broadcasting											P	P	P	P	P		page 346
Radio, TV or Microwave Communication Tower											S	S	S	S	P		page 346
Rail/Transit Yard or Shop															P		page 346
Recording Studio												S	P	P	P		page 346

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Recreational Vehicle and Boat Storage												S	C	C	C		page 346
Recycling Collection Center														C	C		page 347
Rental Store (with Outside Storage)													S	P	P		page 347
Rental Store (without Outside Storage)												P	P	P	P		page 347
Rescue Mission or Shelter for the Homeless													S	S	S		page 347
Restaurant with Service Bar											S	S	S	S	S	S	page 347
Restaurant, 2000 sq. ft. or more (with Drive-Through)												C	C	C	C		page 348
Restaurant, 2000 sq. ft. or more (without Drive-Through)											A	P	P	P	P		page 348
Restaurant, Less than 2000 sq. ft. (with Drive-Through)												C	C	C	C		page 348
Restaurant, Less than 2000 sq. ft. (without Drive-Through)											A	P	P	P	P		page 348
Retail Establishment with Accessory Package Liquor Off-Sale												S	S	S	S		page 348
Salvage or Reclamation of Products (Indoor)														P	P		page 349
Salvage or Reclamation of Products (Outdoor)															C		page 349
Satellite Dish	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 350
Seasonal Outdoor Sales										T		T	T	T	T		page 350
Secondhand Dealer												S	S	C	C		page 350
Senior Citizen Apartments							C	C				S					page 351
Service Station (with Incidental Automotive Repair)												S	S	C	C		page 351
Service Station (without Automotive Repair)												C	C	C	C		page 352
Sex Offender Counseling Facility												S	S	C	C		page 352
Sexually Oriented Business														C	C		page 353
Shopping Center												P	P	P	P		page 354
Short-Term Residential Rental	C	C	C	C	C	C	C	C	C								page 354
Single Family, Attached				P	P	P	P	P									page 355
Single Family, Detached	P	P	P		P	P	P	P	P								page 355
Single Family, Zero Lot Line				C	C												page 355
Single Room Occupancy Residence													S	P			page 355
Slaughtering and Processing of Live Poultry												S	S	S	P		page 355

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Small Wind Energy System		C	C			C	C	C		C	C	C	C	C	C		page 356
Social Event with Alcoholic Beverage Sales										S	S	S	S	S	S	S	page 357
Social Service Provider											S	S	S	S	S		page 358
Solar Panel	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 358
Sound Stage												S	S	S	S		page 358
Supper Club											S	S	S	S	S	S	page 358
Swap Meet												S	S	C	C		page 359
Tattoo Parlor/Body Piercing Studio													S	P	P		page 359
Tavern-Limited Establishment												S	S	S	S		page 359
Taxicab/Limo Yard														P	P		page 359
Teen Dance Center												C	C	C	C		page 359
Temporary Contractor's Construction Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		page 360
Temporary Outdoor Commercial Event	T	T										T	T	T	T		page 360
Temporary Real Estate Sales Office	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 360
Tennis Courts, Accessory	C	C	C	C	C	C	C	C	C		C	C	C				page 361
Thriftshop												S	S	C	C		page 361
Thriftshop, Nonprofit												S	S	S	C		page 361
Time-Share Development													C				page 361
Towing & Impound Yard														C	C		page 361
Towing Service (with No Storage)													S	P	P		page 361
Townhouse					P		P	P									page 361
Trade School											C	P	P	P	P		page 362
Trailer/RV Camp or Park												S	S	S	P		page 362
Transit Passenger Facility												C	C	P	P		page 362
Truck Rental													S	P	P		page 362
Trucking Company													S	P	P		page 362
Tutoring Center										C	C	C	C	C	C		page 363
TV Broadcasting & Other Communication Service											S	S	S	P	P		page 363
Two-Family Dwelling						P	P	P									page 363
Urban Lounge												S	S	S	S		page 363
Utility Installation, Other Than Listed	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P		page 363
Utility Transmission Lines	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 363
Valet Parking											C	C	C	C	C		page 363

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	U	R-E	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-M	M	C-V	Additional Information
Vehicle Parking, Storage or Repair in Residential Zoning Districts	C	C	C	C	C	C	C	C	C								page 364
Warehouse/Distribution Center														P	P		page 366
Wedding Chapel												P	P	P	P		page 366
Welding Repair														P	P		page 366
Wholesale Showroom Facility													P	P	P		page 366
Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		page 366
Wireless Communication Facility, Non-Stealth Design (Qualifying for Conditional Use Approval)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 367
Wireless Communication Facility, Stealth Design	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		page 367

ACCESSORY USES AND STRUCTURES 19.12.020

A. General

An accessory use or structure which is customarily incidental to the principal use or structure, and is located on the same lot or tract of land shall be permitted as an accessory use without being separately listed as a permitted use.

B. Particular Accessory Uses

In any residential zoning district, each of the following uses shall be considered an accessory use to the extent described, without being separately listed in the Land Use Tables, provided in each case that the use is incidental to the property's use as a dwelling and does not alter the character of its use as a dwelling of the character permitted in the respective district:

1. Garage or yard sales, provided that:

a. No property may be offered for sale which has not been owned and used by the occupant of the premises;

b. No more than two garage or yard sales shall be conducted on the premises in any calendar year;

c. No garage or yard sale shall be conducted for longer than three days duration;

d. Garage or yard sales may be conducted during the daylight hours only; and

e. All signage shall conform to the provisions of LVMC 19.06.140(D)(5).

2. On a single-family residential lot, the parking of a motor vehicle that bears a sign advertising the vehicle for sale, provided that:

a. The vehicle is:

i. Owned by or registered to an owner or occupant of the property;

ii. Parked on an improved parking surface; and

iii. Not being sold in connection with an automobile sales business;

b. The vehicle identification number is clearly visible from outside the vehicle, if the vehicle was manufactured to include a visible vehicle identification number;

c. No more than one vehicle is parked on the lot for purposes of display and sale at any one time; and

d. No more than two vehicles are parked on the lot for purposes of display and sale within a twelve month period.

C. Unless otherwise permitted by this Title, any type of use listed in Subsection (B) that exceeds the limitations set forth for that use in Subsection (B) does not qualify as an accessory use and shall be deemed to be in violation of this Title.

TEMPORARY COMMERCIAL PERMITS 19.12.030

Temporary uses are permitted in accordance with the standards and procedures found in LVMC 19.12.070 and 19.16.160, respectively.

CONDITIONAL USES 19.12.040

A. General

Any use that is marked with the letter "C" in the Land Use Tables for a particular zoning district may be approved administratively as a conditional use if certain minimum conditions, identified as conditional use regulations, can be met. A use approved as a conditional use is subject to, and shall comply with:

1. The conditions use regulations that are listed in the Table for that use; and

2. All other applicable requirements of this Title.

B. Special Use Permit Required

Expect as otherwise specifically provided regarding a particular use, when one or more of the itemized conditional use regulations cannot or will not be met, a Special Use Permit is required for the use. Approval of such a Special Use Permit may be conditioned on requirements beyond those that are itemized as conditional use regulations for that use.

C. Conditional Use Verification

Uses that are permitted conditionally pursuant to this Section are made subject to conditional use regulation, some of which are conditions that must be met before a use may commence and others that represent ongoing

requirements or limitations. In order for the Department to verify compliance with the applicable conditional use regulations, the Director may require the submission of documentation regarding such compliance. For uses concerning which the Director requires such documentation, the submission shall be in the form of a Conditional Use Verification provided by the Department. Within the time period for submission established by the Department, the form must be signed, notarized and acknowledged, and filed with the Department. The form must be signed by the owner of record of the property for which the verification is sought; provided however, that such submission is also sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property upon which such conditional use is maintained. However, interest in such property must exist in a written agreement with the owner of the record attached to which is a copy of the submission and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the submission.

D. Noncompliance

Whether or not the Director requires the submittal of a Conditional Use Verification under Subsection (C) of this Section, each person or entity maintaining, operating or permitting a conditional use must comply with all provisions of this Title. Failure to comply with this Section or with any other requirement of this Title pertaining to conditional uses shall be grounds for enforcement action pursuant to LVMC 19.00.090 against the person or entity that owns the property or the person or entity that operated the conditional use.

SPECIAL USE PERMITS 19.12.050

A. General

Except as otherwise provided in this Subsection (A), any use that is marked with the letter "S" in the Land Use Tables for a particular zoning district may be permitted only by means of a Special Use Permit. A Special Use Permit may also be required by other provisions of law for other activities that are not listed as a use in the Land Use Tables. Notwithstanding the provisions of the first sentence of this Subsection (A), alcoholic beverage-related uses with an on-sale component that are ancillary to a non-restricted gaming establishment operated in conjunction with a hotel having more than two hundred rooms are deemed to be part of that use and are allowed without regard to the requirements of LVMC Chapter 19.12 provided that each such use otherwise conforms to the provisions of this Title and LVMC Chapters 6.40 and 6.50.

B. Conditions and Requirements of Approval.

Any use approved by means of a Special Use Permit is subject to, and shall comply with:

1. The Special Use Permit requirements, if any, that are listed in LVMC 19.12.070 for that use, which are the minimum conditions required for approval;

2. Other or additional requirements that may be imposed as conditions of Special Use Permit approval in order to ensure compatibility of the use in relation to surrounding uses and the pattern of development; and

3. All other applicable requirements of this Title.

C. Waivers.

The Special Use Permit requirements listed in LVMC 19.12.070 must be satisfied unless it can be shown by convincing and substantial evidence by the applicant that any waiver of these requirements will not compromise the objective of the City in safeguarding the interests of the City and the public. However, it shall not be permissible to waive any Special Use Permit requirement that is listed in LVMC 19.12.070 and marked with an asterisk (*).

PARKING REQUIREMENTS 19.12.060

A. The minimum number of on-site parking spaces for uses listed in Table 2 of LVMC 19.12.010 shall be as listed in LVMC 19.12.070 for each use.

B. Parking requirements for a use not specifically listed shall be determined by the Director based on the requirements for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

PERMISSIBLE USE DESCRIPTIONS AND APPLICABLE CONDITIONS AND REQUIREMENTS 19.12.070

The descriptions contained hereunder for each identified land use generally corresponds to the definition for that use that appears in LVMC 19.18.020. In each such case, the description that appears in this Section is for convenience of reference only and is not intended to supersede any corresponding definition in LVMC 19.18.020, which shall prevail in the event of conflict.

Accessory Structure (Class I)

Description: An accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provide living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.

Minimum Special Use Permit Requirements:

* 1. The size of the lot or parcel must exceed 6500 square feet.

2. Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.

On-site Parking Requirement: One additional parking space must be provided beyond the number of spaces normally required.

Accessory Structure (Class II)

Description: An accessory structure which is located on the same lot as a principal structure, is detached therefrom, is incidental or subordinate thereto, and does not qualify as an "Accessory Structure (Class I)."

Conditional Use Regulations:

1. The use shall comply with all provisions of Section 19.06.040 applicable to accessory structure.
2. Any use that does not comply may be permitted only by means of a Variance.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Adult Day Care Center

Description: A facility that provides personal care and related services to more than ten dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services typically offered in conjunction with an adult day care center include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.

Conditional Use Regulations:

1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. Access to the facility shall be by means of a collector street or larger.
3. The maximum lot coverage shall not exceed 50 percent.
4. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout driveways, circulation pattern and parking must be approved by the City Traffic Engineer prior to issuance of any building permits.
5. Usable floor space per client shall comply with State regulations.
6. Where adult day care center properties have residential adjacency:
   a. An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.
   b. The building entrance and access shall be oriented away from residential uses on local streets.
   c. Outdoor activity shall be limited to daylight hours.
   d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.
7. The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.

Minimum Special Use Permit Requirements:

1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. Access to the facility shall be by means of a collector street or larger.
3. The maximum lot coverage shall not exceed 50 percent.
4. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout driveways, circulation pattern and parking must be approved by the City Traffic Engineer prior to issuance of any building permits.
5. Usable floor space per client shall comply with State regulations.
6. Where adult day care center properties have a residential adjacency:
   a. An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.
   b. The building entrance and access shall be oriented away from residential uses on local streets.
   c. Outdoor activity shall be limited to daylight hours.
   d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.
7. The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.

On-site Parking Requirement: One space for each staff member, plus one space for each 10 clients.

Airport, Heliport or Landing Field

Description: Any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration, together with related refueling and terminal facilities.

On-site Parking Requirement: One space for each 100 square feet of public lobby area.

Amphitheater

Description: An oval, circular or semicircular outdoor theater in which the stage or screen area is surrounded by rising tiers of seating or assembling areas, or both.

Conditional Use Regulations:

1. The applicant must submit, for administrative review and approval, the following:
   a. A sound study that addresses how noise levels will be attenuated so as not to exceed the ambient noise levels adjacent to and beyond the subject site.
   b. An engineering and traffic study that addresses, as applicable, each of the following elements as they pertain to traffic movement and to stopping, standing and parking restrictions:
      i. Accident analysis.
      ii. Capacity analysis.
      iii. Geometric review, including roadway width.
      iv. Parking measurements, including parking angle and parking and maneuvering area.
      v. Pedestrian volume within parking and maneuvering area.
      vi. Sight distance, including corner sight distance.
      vii. Speed data, including speed limit.
      viii. Traffic volumes, including peak-hour volume.
2. The use shall comply with the approved sound study and traffic and engineering study, as well as all requirements and conditions imposed by the City in connection with the approval thereof.
3. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.
4. All screen and stage areas shall be screened from view from any public right-of-way.

Minimum Special Use Permit Requirements:

1. The use shall comply with a sound study and a traffic and engineering study that have been approved by the City, as well as all requirements and conditions imposed by the City in connection with the approval thereof.
2. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.
3. All screen and stage areas shall be screened from view from any public right-of-way.

On-site Parking Requirement: One space for every 3 persons that the facility is designed to accommodate when used to maximum capacity.

Ancillary Lounge Bar

Description: A bar located in a lounge area of a hotel or approved mixed-use building which has a minimum of 150 rooms or residential units, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms or units, where the lounge bar makes available alcoholic beverages for consumption in specified areas only. This use does not include a bar that is ancillary to a "Non-restricted Gaming Establishment," as defined in this Title.

Minimum Special Use Permit Requirements:

1. No ancillary lounge bar business use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed ancillary lounge bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed ancillary lounge bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
   a. Any leasehold parcel; or
   b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a proposed ancillary lounge bar located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the ancillary lounge bar will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a ancillary lounge bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
6. Where associated with a hotel use, alcoholic beverages shall be served and consumed only within the lounge bar area,

within a pool area, or within hotel rooms as incident to room service. Where associated with a mixed-use building, alcoholic beverages shall be served and consumed only within the lounge bar area.

7. The maximum available customer seating in the lounge bar area shall not exceed 50 seats.

* 8. No gaming-related use may be allowed in the ancillary lounge bar area.

* 9. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Animal Hospital, Clinic, or Shelter (with Outside Pens)

Description: A facility that:

1. Provides medical or surgical treatment for animals or pets, as well as shelter and care during the time of such treatment;

2. Uses outdoor pens in providing such shelter and care.

On-site Parking Requirement: One space for every 2 on-duty employees, plus one space per doctor and one space per examination room.

Animal Hospital, Clinic, or Shelter (with no outside Pens)

Description: A facility that:

1. Provides medical or surgical treatment for animals or pets, as well as shelter and care during the time of such treatment; and

2. Does not use any outdoor pens in providing such shelter and care.

Minimum Special Use Permit Requirements:

1. The use shall have access to a collector street or larger.
2. Animals shall be confined within an enclosed building at all times.
3. The building shall be designed to provide complete sound barriers and odor protection for adjacent properties.
4. Rooms containing cages or pens are not permitted to have windows, doors or other penetrations on exterior walls adjacent to residences.
5. Noise levels must comply with the applicable provisions of LVMC Title 7.
6. No more than 25% of the floor area may be used for the boarding of animals.

On-site Parking Requirement: One space for every 2 on-duty employees, plus one space per doctor and one space per examination room.

Animal Keeping & Husbandry

Description: The raising, keeping and breeding of domestic animals, including without limitation dogs, cats, birds, sheep, goats and pot-bellied pigs. The use must be ancillary to the principal use, but may be conducted for commercial purposes.

Conditional Use Regulations:

1. The applicant must submit to the Department, for administrative review and approval, a site plan with notes indicating the number and types of animals to be kept or reproduced on the premises.
2. No more than 3 sheep or goats may be kept for each one-half acre of land included in the building site.
3. All operations and activities shall be in accordance with LVMC Title 7

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Animal Keeping, Wild or Exotic

Description: The keeping of non-domestic animals, including without limitation wild animals as defined in LVMC 7.04.500.

Conditional Use Regulations:

1. Animals shall be confined at all times within a secured, enclosed or fenced area.
2. Animals which are kept outdoors must be located at least 1,500 feet from any residential dwelling, school, child care facility or public park.
3. The site must have a minimum area of 2 acres.
4. All operations and activities shall be in accordance with LVMC Title 7.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Animal Production

Description: A facility or area for raising animals (including fish and birds) and the development of animal products, such as meat, fur or eggs on a commercial basis. This use does not include raising animals to sell as pets.

On-site Parking Requirement: One space for each 1000 square feet of gross floor area designated for this use, plus one space for each 2,500 square feet of gross yard area so designated.

Antique/Collectible Store

Description: Any building used for the sale of:

1. Any old and authentic object of personal property which was made, fabricated or manufactured 60 or more years earlier and which has a unique appeal and enhanced value mainly because of its age; or
2. Any article of personal property which was made, fabricated or manufactured 20 or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Asphalt or Concrete Batch Plant

Description: A permanent facility or area for the mixing of concrete or asphalt.

On-site Parking Requirement: One space for each employee on the largest shift, plus one space for each facility vehicle.

Assisted Living Apartments

Description: An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. This use includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed five percent of the total gross floor area of the apartment complex and there is no external signage for, nor external access to, the commercial uses. This use does not include a convalescent care facility, nursing home or other medical facility that is specifically defined in LVMC Chapter 19.18.

On-site Parking Requirement: One space per three residents.

Astrologer, Hypnotist, or Psychic Art and Science

Description: Any person who practices, teaches, or professes to practice the business of astrology, hypnotism or the psychic arts and sciences for a fee, gift, donation, or otherwise. Psychic arts and sciences may include palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy. This use does not include a hypnotherapy practice.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Auction House

Description: An enclosed establishment for the temporary storage and offering by an auctioneer of qualified property which is offered or sold to the highest bidder by means of a request or invitation for bids. For purposes of this description, the term "qualified property" means property of any kind belonging to another, but excluding animals, motor vehicles and business inventory to be liquidated following or in connection with the closing of a business. This use does not include a secondhand dealer.

Minimum Special Use Permit Requirements:

* 1. Temporary storage shall be limited to three weeks or less.
2. No outdoor display, sales or storage of any merchandise shall be permitted.
3. The use shall comply with the applicable requirements of LVMC Title 6.
4. The installation and use of an outside public address system or bell system is prohibited.
5. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

On-site Parking Requirement: One space for each 2 fixed seats, or one space for each 50 square feet of non-fixed seating area in the assembly area. Where fixed seating consists of benches, each 20 linear inches of bench shall be considered one seat.

Auto Broker

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

Conditional Use Regulations:

1. No more than 2 vehicles may be displayed or stored on the property.
2. The installation and use of an outside public address system or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. The repair or servicing of vehicles is not allowed.
6. No retail sales of vehicles is allowed.
7. The Special Use Permit provisions of Section 19.12.050(B) do not apply to an auto broker use.

On-site Parking Requirement: One space for each 300 square feet of gross floor area, plus two additional spaces for vehicle display.

Auto Dealer Inventory Storage

Description: The parking or storage, other than for purposes of display, of new motor vehicles which constitute inventory of a new motor vehicle sales dealership, where such parking or storage is maintained by the dealership either on the same parcel as the dealership or on a separate parcel.

Minimum Special Use Permit Requirements:

1. All areas used for the parking or storage of vehicles shall be paved.
2. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
3. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and accessed through a parcel located on a primary or secondary thoroughfare.
4. Lighting shall be shielded from adjacent properties.
5. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of the parking area that is provided in excess of the parking that is required by this Section for other uses.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Auto Paint & Body Repair Shop

Description: A facility for collision services, including body, frame or fender straightening or repair and painting of vehicles in an appropriate paint booth.

Conditional Use Regulations:

1. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.
2. All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets.
3. Openings in service bays shall not face public right-of-way and shall be designed to minimize visual intrusion into adjoining properties.
4. All repair work shall be performed within an enclosed building.

On-site Parking Requirement: Five spaces, plus one space for each 200 square feet of gross floor area.

Auto Parts (Accessory Installation)

Description: A facility for the retail sale and installation of auto accessories such as stereos, alarms and other types of accessories.

Conditional Use Regulations:

1. The use is limited to the installation of auto accessories and minor parts only, including stereos, car alarms, other accessories, batteries, windshield wipers, hoses, fuses, lights, radios and similar minor elements, and excludes engine, transmission and differential service, repair or installation.
2. All installation work shall be done within a completely enclosed building.
3. Access doors to the installation bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. No dismantling, re-manufacturing or rebuilding shall be permitted.
5. No used or discarded minor automotive parts shall be located or stored in any open area outside of an enclosed building.

On-site Parking Requirement: Five spaces, plus one space for each 200 square feet of gross floor area.

Auto Parts (New & Rebuilt) (Accessory Sales & Service)

Description: A facility for the retail sale and installation of lubricating oils, tires, filters and other new or rebuilt goods for use in motor vehicles. The resurfacing of rotors, pressing of bearings, grinding of brake drums, and similar activities are permitted as incidental uses, as well as the installation of auto accessories.

Conditional Use Regulations:

1. If an installation service is offered, the service shall be restricted to the installation of auto accessories and minor parts only, including stereos, car alarms, other accessories, batteries, windshield wipers, hoses, fuses, lights, radios and similar minor elements, and excludes engine, transmission and differential service, repair or installation.
2. All installation work shall be done within a completely enclosed building.
3. Access doors to the installation bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. No dismantling, re-manufacturing or rebuilding shall be permitted.
5. No used or discarded minor automotive parts shall be located or stored in any open area outside of an enclosed building.

On-site Parking Requirement: Five spaces, plus one space for each 200 square feet of gross floor area.

Auto Repair Garage, Major

Description: A facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. This use includes a facility which performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds.

Conditional Use Regulations:

1. All repair and service work shall be performed within a completely enclosed building.
2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
4. No outside storage of stock, equipment or residual used equipment shall be located or stored in any open area outside of the enclosed building.
5. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets.

Minimum Special Use Permit Requirements:

1. All repair and service work shall be performed within a completely enclosed building. All windows and doors shall be completely closed when body and fender work, hammering, sanding or other noise-generating activities are being performed.
2. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
3. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. All disabled or wrecked vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets.
5. Outdoor hoists are prohibited.
6. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.
7. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.
8. Outdoor bells and loudspeakers are prohibited.

On-site Parking Requirement: Five spaces, plus one space for each 200 square feet of gross floor area.

Auto Repair Garage, Minor

Description: A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. This use also includes the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

Conditional Use Regulations:

1. All repair and service work shall be performed within a completely enclosed building.
2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
4. No outside storage of stock, equipment or residual used equipment shall be located or stored in any open area outside of the enclosed building.
5. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.

On-site Parking Requirement: Five spaces, plus one space for each 200 square feet of gross floor area.

Auto Sales Showroom

Description: A completely enclosed facility for the display, storage and sale (or leasing) of new or used automobiles and trucks, along with related accessories. This use does not include a motor vehicle sales use as defined in this Title and does not include any ancillary activity normally associated with such uses, including without limitation the service, repair and rental of vehicles.

On-site Parking Requirement: One space per 250 square feet of gross floor area.

Auto Smog Check

Description: A facility for the testing of vehicle emissions.

Conditional Use Regulations:

1. The facility must have a minimum size of 400 square feet, of which a minimum of 200 square feet must be an enclosed structure, with the remainder of the facility allowed to be located under service canopies.
2. All equipment must be stored and utilized within the enclosed structure.
3. If conducted as an accessory use to a service station, minor auto repair facility, or major auto repair facility, the auto smog check facility shall be designed to be architecturally compatible with the primary building on the site.
4. If service bay doors are provided, openings to service bay doors shall not face public rights of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. When operated as a primary use, no other automobile repair shall be permitted in conjunction with the facility.
6. Each station shall have a stacking lane that will accommodate at least 3 cars, and no parking spaces required for this use or another on-site use shall be used or eliminated in order to provide smog services.

On-site Parking Requirement: One space, independent of vehicle stacking space.

Auto Title Loan

Description: 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.

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No auto title loan use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than 1000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Regulation 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

Minimum Special Use Permit Requirements:

* 1. The use shall comply with all applicable requirements of LVMC Title 6.

* 2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.08.120(G)) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No auto title loan use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than 1000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Requirement 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

On-site Parking Requirement: One space for each 250 square feet of gross floor area. Vehicles whose title is serving as security for a loan may not be parked or stored in parking spaces that are designated as required on-site parking. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

Automobile Rental

Description: A facility for the rental of new or used automobiles or other passenger vehicles. For purposes of the limitations of this Title on outside storage, vehicles kept on a lot for rental purposes are not considered to be outside storage.

Conditional Use Regulations:

1. The minimum site area designated for rental services shall be 25,000 square feet.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Service bays for repairs, installations, cleaning or gas dispensing services facing a public street or a residential zoning district shall be screened to a height of at least 8 feet.

Minimum Special Use Permit Requirements:

1. No more than 5 rental vehicles shall be stored on the site at any one time.
2. No vehicles shall be offered for sale on the premises.
3. The installation and use of an outside public address or bell system is prohibited.
4. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.
5. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
6. Service bays for repairs, installations, cleaning or gas dispensing services facing a public street or a residential zoning district shall be screened to a height of at least 8 feet.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Automobile Repossession Agency

Description: Any parking area used for the storage of up to 2 operable vehicles which have been repossessed by or on behalf of a lender, together with related office operations. This use does not include the storage of more than 2 vehicles, which shall be treated as if the use were motor vehicles sales.

Conditional Use Regulations:

1. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
2. No vehicle repair or maintenance shall take place on the premises.
3. No used or discarded automotive parts or equipment shall be located in any open areas.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Bailbond Service

Description: An establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Bakery, Retail

Description: An establishment which specializes in the retail sale of baked goods, such as doughnuts, cookies, pastries and other similar goods, but does not provide meals as found in a restaurant.

On-site Parking Requirement: One space for each 175 square feet of gross floor area.

Banquet Facility

Description: An establishment which 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.

On-site Parking Requirement: One space per 100 square feet of gross floor area.

Banquet Facility (with Alcoholic Beverage Sales)

Description: An establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations and includes the sale of alcoholic beverages for on-premises consumption, only during an event. Such a use may or may not include:

1. Kitchen facilities for the preparation or catering of food and
2. Outdoor gardens or reception facilities.

Minimum Special Use Permit Requirements:

1. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government.

On-site Parking Requirement: One space per 100 square feet of gross floor area.

Bed & Breakfast Inn

Description: A facility wherein overnight accommodations and a morning meal are provided in a dwelling unit to tourists for compensation.

Minimum Special Use Permit Requirements:

1. The establishment must have a minimum of two and a maximum of five guest bedrooms.
2. Required on-site parking for guest bedrooms shall be screened by a 6 foot fence or by dense landscaping.
3. Access to the parcel on which the establishment is located must be by means of a paved street with a right of way width of at least 50 feet.
4. Cooking facilities for guest rooms are not permitted.
5. The Department of Fire and Rescue must inspect and approve the occupancy of an establishment before it may be used as a bed and breakfast inn.
6. Individual guest occupancy is limited to no more than one month in any 3-month period.
7. No sale or display of merchandise or other commodities may occur in connection with the establishment.
8. Private functions such as weddings, receptions, luncheons, parties and similar activities are not permitted, except to the extent such activities represent personal activities of the owner/resident.
9. Not more than one on premise sign shall be permitted. With respect to that sign:
   a. The copy may contain only the name and address of the establishment.
   b. The sign may not exceed 3 square feet in size or 4 feet in height.
   c. The sign may be freestanding or may be located on the dwelling itself or on a fence or wall.
   d. Any sign illumination must be exterior to the sign and must be shielded so as not to produce glare upon an adjacent property or a public right of way.
   e. The design materials and colors of the sign must be compatible with the architectural style of the dwelling.

On-site Parking Requirement: Two spaces for the primary resident, plus one additional space for each guest room.

Beer/Wine/Cooler Cultural Establishment

Description: An establishment

1. Whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only:
   a. At a museum, performing arts theater, or facility licensed as an art studio or otherwise licensed for art sales or display (or both); and
   b. During the hours of an artistic exhibition, presentation or performance; and
2. That meets the Minimum Special Use Permit Requirements set forth below.

Minimum Special Use Permit Requirements:

1. The use is limited to the area located within the boundaries of 18b The Las Vegas Arts District, as described in the Las Vegas Downtown Centennial Plan and as amended from time to time.
2. No gaming is permitted as part of this Special Use Permit.
3. The use must conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Beer/Wine/Cooler Off-Sale Establishment

Description: An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.

Minimum Special Use Permit Requirements:

* 1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

* 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines

of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:

a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. A proposed establishment having more than 50,000 square feet of retail floor space.

* 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS- TC (Main Street Mixed Use) in the Town Center Land Use Plan;

c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Beer/Wine/Cooler On- and Off-Sale Establishment

Description: An establishment:

1. Whose license to sell alcoholic beverages is limited to:

a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and

b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. Is operated in connection with a restaurant, grocery store or convenience store in which 30 or more people may be served with meals at any one time at tables or stools.

Minimum Special Use Permit Requirements:

* 1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

* 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
    b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirements in Requirement 1 do not apply to:
    a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
    b. A proposed establishment having more than 50,000 square feet of retail floor space.
* 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.
7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
    a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
    b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
    c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
    d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Beer/Wine/Cooler On-Sale Establishment

Description: An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 30 or more people may be served with meals at any one time at tables or stools.

Minimum Special Use Permit Requirements:

1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or
    b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
    b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall

take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:
   a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
   b. A proposed establishment having more than 50,000 square feet of retail floor space.
6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)
* 7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Billiard Parlor or Pool Hall

Description: A business establishment whose principal purpose is to make billiard tables available for use by the public for amusement or entertainment.

On-site Parking Requirement: Two spaces per billiard table.

Blood Plasma Donor Center

Description: A building used for the collection of human blood plasma from plasma donors. This use does not include a facility for the provision of medical care or treatment.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Boarding or Rooming House

Description: A building or portion thereof, other than a hotel, with no more than four guest rooms where, for compensation, lodging and meals are provided for no more than four persons who are not members of the immediate family occupying such building.

On-site Parking Requirement: Two spaces for the owner or principal occupant, plus one additional space for each rental unit.

Boat & Trailer Dealership (New and Used)

Description: The use of any building or lot for the display and sale of new or used boats, jet skis or other marine vessels, along with corresponding trailers.

Conditional Use Regulations:

1. The minimum site area shall be 25,000 square feet.
2. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure.
3. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.

Minimum Special Use Permit Requirements:

1. The minimum site area shall be 25,000 square feet.
2. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure.
3. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
4. All sales activities and storage shall be within an enclosed structure. (C-1 only).

On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area.

Building & Landscape Material/Lumber Yard

Description: A facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials.

Conditional Use Regulations:

1. Outside storage shall be screened from view from adjacent properties and streets. The screening must be architecturally consistent with the principal building in terms of materials, colors and details.

Minimum Special Use Permit Requirements:

1. Outside storage shall be screened from view from adjacent properties and streets. The screening must be architecturally consistent with the principal building in terms of materials, colors and details.

On-site Parking Requirement: One space for each 500 square feet of gross floor area, including any outside sales area.

Building Maintenance Service and Sales

Description: A facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Conditional Use Regulations:

1. Outside storage shall be screened from view from adjacent properties and streets.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Bus Charter Service & Service Facility

Description: Any premises for the transient housing, parking, servicing or repair of motor-driven buses.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Business School

Description: A facility or area for instruction and training in secretarial and related office skills, cosmetology, commercial art, computer software, cooking or similar training.

On-site Parking Requirement: One space for each staff member, plus one space for every 2 students in class when the school is at maximum capacity.

Car Wash, Full Service or Auto Detailing

Description: An establishment that provides for the washing, cleaning, waxing or detailing of passenger vehicles, either by means of employees or by means of automated or semi-automated methods of cleaning, or by a combination thereof.

Conditional Use Regulations:

1. Each wash bay shall have a stacking lane that will accommodate at least 6 cars.

Minimum Special Use Permit Requirements:

1. Each wash bay shall have a stacking lane that will accommodate at least 6 cars.

On-site Parking Requirement: One space for each 150 square feet of gross floor area, independent of vehicle stacking space.

Car Wash, Self-Service

Description: A coin operated car wash facility that is operated by the customer and does not utilize automobile conveyors or other automated or semi-automated methods of cleaning.

Conditional Use Regulations:

1. Each stall shall have a stacking lane that will accommodate at least 2 cars.

Minimum Special Use Permit Requirements:

1. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.
2. Openings to the wash bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel.
4. No retail sale of vehicles is allowed.
5. No repair or servicing of vehicles is allowed.
6. The use must not be located within 200 feet of a residential property unless the use is separated from the residential property by a street with a minimum right-of-way width of 80 feet.
7. The applicant must demonstrate that the use can be made inoperable and inaccessible to the public after business hours.
8. Vacuum bays are permitted as part of this use if their operation is in compliance with the other Minimum Special Use Permit Requirements for this use.
9. The use must be operated in conjunction with another motor vehicle related use, such as gasoline sales, smog inspection, minor automotive repair, or recreational vehicle and boat storage.
10. An attendant must be on the premises during all times the equipment is operational.
11. Each stall shall have a stacking lane that will accommodate at least 2 cars.

On-site Parking Requirement: Two spaces per stall, independent of vehicle stacking space.

Catering Service

Description: A service that provides for the preparation, storage, and delivery of food and food utensils for off-premise consumption.

Conditional Use Regulations:

1. No more than 2 delivery vehicles shall be dispatched from the site.
2. The maximum floor area shall not exceed 2,500 square feet.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Cemetery/Mausoleum

Description: Property and facilities used for interring of the dead.

Conditional Use Regulations:

1. A decorative masonry and/or wrought iron fence with a minimum height of 6 feet shall be constructed around the perimeter of the cemetery site. The wall along the primary street frontage shall be set back a minimum of 35 feet from the front property line. The front yard area shall not be used for interment and shall be landscaped.

2. Cemeteries shall only be allowed on parcels abutting and having access to collector streets or larger.

On-site Parking Requirement: One space for each employee on the largest shift.

Check Cashing Service, Limited

Description: The service of cashing checks for a fee, service charge or other consideration as a service that is supplemental to a retail business that otherwise does not provide services normally associated with a financial institution. The term does not include a general financial institution, specified financial institution, or any business that provides any kind of loan, cash advance, or deferred deposit service.

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of Title 6.
2. No loan, cash advance, or deferred deposit service may be provided in connection with this use.
3. No exterior advertising of this use is permitted.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Child Care – Family Home

Description: A residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of 6 children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Child Care – Group Home

Description: A residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of 7 children and a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada.

Minimum Special Use Permit Requirements:

* 1. The minimum lot size shall be 6500 square feet.

* 2. The site shall be designed so that all loading and unloading of passengers occurs on-site.

* 3. In order for this use to be conducted on a parcel developed with multi-family housing, the child care must be provided within a separate structure.

* 4. The use shall be subject to the child care regulations and standards of the State of Nevada.

5. Access to the facility shall be by means of a right-of way with a width of 60 feet or less.
6. The use of outdoor play areas shall be limited to the hours between 6:00 A.M. and 10:00 P.M.
7. All lighting shall be designed so it does not shine directly onto any abutting residential property.

On-site Parking Requirement: One space for each staff member, plus one space for each 6 children.

Child Care Center

Description: Any commercial facility which provides day or overnight care for more than 12 children. Such a use is subject to the child care regulations and standards of the State of Nevada.

Conditional Use Regulations:

1. Access to the child care center shall be by means of a collector street or larger.
2. The maximum lot coverage shall not exceed 30 percent.
3. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.
4. Where structures or play areas have residential adjacency:
   a. An 8-foot high block wall shall be installed along the common property line, with an additional buffer of evergreen trees along the play area. The trees shall be a minimum of 24-inch box, shall be installed at a minimum of 20 feet on center, and shall be a variety that will grow together to form a visual screen.
   b. The building entrance and access shall be oriented away from residential uses on local streets.
   c. Outdoor play shall be limited to daylight hours.
   d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.

On-site Parking Requirement: One space for each staff member, plus one space for each 10 children.

Church/House of Worship

Description: Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This use includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under LVMC Chapter 19.16. This use does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

Minimum Special Use Permit Requirements:

1. The Special Use Permit approval may include such activities as religious services, religious instruction, church club activities and similar activities.
2. The Special Use Permit approval may also include accessory functions, such as child care facilities, formal educational programs, preschool classes and similar related activities, if:
   a. The uses are specifically proposed in the application; and
   b. The Director finds that each such use is ancillary to the primary use.
3. Following approval of a Special Use Permit, if any additional uses not specifically covered by that Special Use Permit are proposed, an additional public hearing process shall be required to add the uses.

* 4. In residential districts, related uses such as thrift shops, homeless shelters and other similar activities may not be conducted and are not eligible for approval as part of a Special Use Permit. Such uses may be conducted only in the zoning districts in which such uses are permitted as primary uses, and must receive specific approval to operate.

* 5. Churches on sites larger than 5 acres shall not be permitted in the U District or a district with an "R" prefix.

On-site Parking Requirement: One space for each 4 fixed seats, or one space for each 100 square feet of non-fixed seating area in the gathering room. Where fixed seating consists of benches or pews, each 20 linear inches of bench or pew shall be considered one seat.

Cleaners, Commercial/Industrial

Description: A facility or premises which is used for cleaning items in bulk quantities, such as clothing and linens. This use includes diaper cleaning services and cleaning services for hospitals, restaurants, hotels and similar clients, as well as rug and dry cleaning plants, and may include on-premise retail services to individual households as an use incidental to the operation of the plant.

Minimum Special Use Permit Requirements:

1. The plant operation shall be within a fully enclosed building.
2. The use shall be at least 50 feet from any property which is zoned P-O, O, DC-O, C-1, or is zoned for any residential use. The distance requirement with respect to a nearby commercially-zoned property may be waived if the applicant demonstrates that the use is compatible with the area.

On-site Parking Requirement: One space for each 500 square feet of gross floor area, plus the greater of:

1. One space for each delivery vehicle; or
2. Five spaces.

Clinic

Description: A facility which is occupied and used for the purpose of providing dental or medical care, and which regularly provides any of those services to the general public on an emergency basis or without appointment. This use does not include a hospital or a facility which provides for the overnight care or overnight stay of patients.

On-site Parking Requirement: One space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 250 square feet.

Cold Storage Plant

Description: A facility for the protective storage of items such as food or furs, in a refrigerated place.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

College, University, or Seminary

Description:

1. College or university – An academic institution of higher learning beyond the level of secondary school.
2. Seminary – An institution for the training of candidates for the priesthood, ministry, rabbinate or other religious order.

On-site Parking Requirement: One space for every 4 students or trainees.

Commercial, Other than Listed

Description: Any commercial use not specifically identified in Table 2 of LVMC 19.12.010.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Commercial Recreation/Amusement (Indoor)

Description: An enclosed facility or area for sport, entertainment, games of skill, or recreation that is open to use by the general public for a fee. This use includes without limitation bowling alleys, indoor miniature golf courses, roller and ice skating rinks, game courts, swimming pools, walk-in movie theaters, physical fitness centers, gyms and video arcades.

Minimum Special Use Permit Requirements:

1. The use shall not be open to the public between the hours of 9:00 p.m. and 8:00 a.m.
2. The use must be consistent with and authorized by an approved Site Development Plan for an office project, and

may not occupy more than 35 percent of the floor area of the project.

3. No structure that houses the use may exceed 35 feet in height.
4. Each structure that houses the use shall be designed to provide reasonable sound barriers for adjoining properties.

On-site Parking Requirement:

Indoor Miniature Golf Course ... Three spaces per hole

Skating Rink ..... One space for each 150 square feet of rink area

Indoor Game Courts ..... Three spaces per court

Walk-in Theater ..... One space per 4 seats, plus one space for each employee

Video Arcade ..... One space for each 200 square feet of gross floor area, plus one space per 3 persons that the facility is designed to accommodate at maximum capacity.

Other Uses ..... One space for each 200 square feet of gross floor area.

Commercial Recreation/Amusement (Outdoor)

Description: An outdoor facility or area for sport, entertainment, games of skill, or recreation that is open to use by the general public for a fee. This use includes without limitation game courts, water slides, golf courses, outdoor miniature golf courses, drive-in theaters, batting cages, practice/instructional fields, amusement parks, and sports events, but does not include an amphitheater.

On-site Parking Requirement:

Miniature Golf Course ..... Three spaces per hole.

Golf Course ..... Four spaces per hole.

Amusement Park ..... One space per 3 persons that the facilities are designed to accommodate at maximum capacity.

Other Uses ..... One space for each 200 square feet of gross floor area.

Community Center, Private (Accessory)

Description: A facility associated with a planned residential development or multi-family development which provides for community activities for residents of the development.

Conditional Use Regulations:

1. The facility must be located on a collector street or larger.
2. The facility shall be limited to a single story in height and shall not exceed 3000 square feet in floor area.
3. The facility shall be designed to be integrated into the community.
4. No retail sales or other commercial activity shall be permitted.
5. The facility shall be for the exclusive use and enjoyment of the residents of the development.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Community Recreational Facility (Public)

Description: A facility which provides for community activities and is available to the general public.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Community Residence (including Family Community Residence and Transitional Community Residence)

Description: A residential family-like living arrangement for 5 to 10 unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following:

1. Senior Citizen Apartment;
2. Adult Day Care Center;
3. Convalescent Care Facility/Nursing Home;
4. Facility for Transitional Living for Released Offenders;
5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
6. Hospice;
7. Sex Offender Counseling Facility;

8. Boarding House or Rooming House;
9. Any other group living arrangement for unrelated individuals who are not disabled; or
10. Any of the following, as defined by NRS Chapter 449:
    a. Facilities for the Treatment of Drug and Alcohol Abuse;
    b. Modified Medical Detoxification Facilities;
    c. Transitional Living Facilities for Released Offenders;
    d. Facility for the Treatment of Narcotics; or
    e. Community Triage Center.

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any other Community Residence (measured from property line to property line).
2. Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an existing Community Residence, the minimum separation requirement
3. When the population of proposed Community Residence is of such a nature that its location must be kept confidential for it to function successfully, such as a Community Residence for victims of domestic abuse, the minimum separation requirements set forth in Regulations 1 and 2 above shall not apply.
4. A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counter toward the 10-person limit.
5. A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code requirements for the dwelling type in question.
6. In Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant must obtain that required license or certification before commencing operation of the Community Residence.
7. When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-use development.
8. The operator of the Transitional Community Residence:
    a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation Alcoholics Anonymous or an equivalent program, or
    b. Must prohibit the use of alcohol and illegal drugs by residents; and
    c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement Manager residents are in compliance with this Regulation.
9. Occupancy within a Community Residence shall not be made available to any individual whose tenancy would constitute a direct threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others.
10. The Community Residence must be consistent with the scale and architectural character of the neighborhood.
11. The Special Use Permit provisions of LVMC 19.12.040(B) shall not apply to Regulations 5 through 10 above.
12. In case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that one or more of the following conditions would occur:
    a. The building to be occupied as a Community Residence would be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
    b. The proposed Community Residence, together with existing Community Residences, would alter the residential character of the neighborhood by creating an institutional atmosphere due to the concentration of the Community Residences on a block or adjoining blocks; or
    c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.

On-site Parking Requirement: Two spaces per dwelling unit.

Condominium

Description: A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conditional Use Regulations (for residential condominiums only):

1. The use is limited to the following area: The Downtown Las Vegas Redevelopment Area, as established by Ordinance Nos. 3218, 3339, 3637, and 4036.
2. The condominium use shall be developed only in connection with ground-level nonresidential development, and, in the case of a multi-floor structure, shall not itself be permitted on the ground floor, except for access and entryways.

3. Structures associated with the use shall comply with the following design criteria:
   a. The primary resident/guest entryway to the condominium use shall be independent of ground floor commercial uses, and shall be directly from and oriented to a street.
   b. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

On-site Parking Requirement: Calculated by the capacity of each unit as described below, plus one additional guest space for every 6 units spread throughout the development:

1. Studio and One Bedroom Units – 1.25 spaces per unit.
2. Two Bedroom Units – 1.75 spaces per unit.
3. Three Bedroom and Above Units – Two spaces per unit.

Construction Material Supply Yard

Description: A facility for the storage and sales of construction materials.

On-site Parking Requirement: One space for each 500 square feet of gross yard area.

Contractor's Plant, Shop & Storage Yard

Description: A facility for the storage and maintenance of contractor's supplies and operational equipment, including accessory office uses.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Convalescent Care Facility/Nursing Home

Description: A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. This use includes a "rest home" and "nursing home," as well as a use that would qualify as a Community Residence except for the limitation on the number of residents, but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in LVMC Chapter 19.18.

Minimum Special Use Permit Requirements:

U through R-CL Districts

1. The minimum parcel size shall be 20,000 square feet.
2. The maximum number of beds per acre shall be 25.
3. Setbacks for buildings shall be the same as required for a single family dwelling in the zoning district where located.
4. The maximum building height shall be 2 stories.
5. The facility must be located on a collector street or larger.

R-2 and R-4 Districts

1. The minimum parcel size shall be 10,000 square feet.
2. The maximum number of beds per acre of land shall be 50.
3. Minimum building setbacks and building height are as follows:
   a. A one-story structure shall be set back a minimum of 25 feet from all property lines.
   b. A two-story structure shall be set back a minimum of 35 feet from all property lines.
4. The facility must be located on a collector street or larger.

On-site Parking Requirement: One space for each 6 beds, plus one space for each employee on the largest shift, plus 3 spaces for use by medical professionals.

Convenience Store

Description: A facility, limited in size and scope, that is primarily used for the retail sale to the public of merchandise for off-site consumption, including prepackaged food products, sundries, household items and similar consumer items. This term does not include a retail business licensed as a "drugstore" pursuant to LVMC Title 6.

Conditional Use Regulations:

1. The building or portion thereof that is dedicated to the use shall have a minimum size of 1200 square feet, and shall be designed to have no more than 5000 square feet of floor space, exclusive of warehouse and office area, devoted to the display of merchandise.
2. All loading areas shall be screened from view from adjacent residential properties.

On-site Parking Requirement: One space for each 175 square feet of gross floor area.

Convent or Monastery

Description: A house or set of buildings used as a residence by persons under religious vows.

On-site Parking Requirement: One space per three beds.

Convention Facility, Publicly Operated

Description: A structure which has at least 100,000 square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event whether the activity is open or closed to the general public that is owned, leased, operated and/or controlled by a local, state, or federal governmental entity.. For purposes of this Title, the term includes a stadium facility that is operated in conjunction with a convention facility.

Minimum Special Use Permit Requirements:

1. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government.

On-site Parking Requirement:

Convention Facility ..... One space per 1,000 square feet of gross floor area.

Stadium or Arena ..... One space for each 4 fixed seats, or where fixed seating consists of benches, each 20 linear inches of bench shall be considered one seat.

Copy Center

Description: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Country Club, Private

Description: A facility that is made available for use on a membership basis for recreational or athletic purposes, where membership is limited and the use of the facility is primarily restricted to members and their guests. This use includes accessory uses, such as:

1. A clubhouse.
2. Retail and restaurant facilities which do not have separate signage or advertising.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Crematory

Description: A facility used for the cremation of corpses.

Conditional Use Regulations:

1. All operations shall be within a completely enclosed building.
2. There shall be no audible or noticeable indication of the use outside of the building.
3. All structures shall be set back 100 feet from any residential use.

On-site Parking Requirement: If operated in conjunction with a mortuary or funeral chapel, one space for each 4 fixed seats or one space for each 100 square feet of non-fixed seating area in the gathering room, whichever is greater. If operated otherwise, one space for each employee on the largest shift.

Crop Production

Description: An area for raising or harvesting agricultural crops.

On-site Parking Requirement: One space for each employee on the largest shift.

Custodial Institution

Description: One or more buildings and related facilities used for the housing or detention of persons who have been charged with or have been convicted of felonies or misdemeanors.

Minimum Special Use Permit Requirements:

1. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

On-site Parking Requirement: One space for each 20 inmates at full capacity.

Custom & Craft Work

Description: A facility for the production of finished, personal or household items which are either made to order or involve considerable handwork. Examples include, but are not limited to, textiles, pottery, furniture repair or refinishing, woodworking, upholstery, sculpting and other work or wood products on an individualized single item basis. This use does not include cabinetmaking, cabinet assembly or the use of mechanized assembly line production.

Conditional Use Regulations:

1. All work shall be performed within an enclosed building.
2. All outside storage shall be screened from view from public streets and adjacent properties.

Minimum Special Use Permit Requirements:

1. All work shall be performed within an enclosed building.
2. All outside storage shall be screened from view from public streets and adjacent properties.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Daily Labor Service

Description: Any building or premises which 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 paragraph, "daily labor" means manual labor, including without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting and digging.

Minimum Special Use Permit Requirements:

* 1. The use must be located on a primary or secondary thoroughfare.
2. The use shall not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, City park, or residential zoning district.
* 3. The hours of operation shall be limited to the hours between sunrise and sunset.
* 4. Signage must be posted on the premises indicating that loitering on the premises is not allowed. The signage may not exceed 4 square feet in size.
* 5. Persons who are seeking employment must wait for employment within a fully-enclosed structure or an area screened from public view.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Delivery and Service Vehicle Storage

Description: The use of an area or facility for the parking and storage of commercial fleet vehicles that are used primarily in connection with the delivery of goods and services to the surrounding community.

Minimum Special Use Permit Requirements:

1. All areas used for the parking and storage of vehicles shall be paved, and shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
2. Lighting shall be shielded from adjacent properties.
3. The use shall not occupy or interfere with any parking spaces that are required for any other existing or proposed areas for which required parking is or will be provided on the site.
4. None of the following activities shall be permitted on site:
   a. The repair or servicing of vehicles.
   b. The storage or warehousing of goods or merchandise.

On-site Parking Requirement: .75 spaces for employee on the largest shift, plus one space per delivery or service vehicle.

Desktop Publishing

Description: An establishment that provides custom set-up of graphics and text for publication in an office setting. This use does not include an establishment that performs offset printing or related distribution.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Dry Cleaners

Description: A facility which is used to provide, to individual households, cleaning services for items such as clothing and linens. This use includes such facilities whether the plant operation is located on- or off-site.

Minimum Special Use Permit Requirements:

1. The operation shall be within a fully enclosed building.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Electric Generating Plant

Description: A facility that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources or nuclear fission and that is properly licensed or franchised by the authorities having jurisdiction.

On-site Parking Requirement: One space for each 1000 square feet of gross floor area.

Electric Utility Substation

Description: A facility for transforming electricity for distribution to individual customers.

On-site Parking Requirement: None

Electrical, Watch, Clock, Jewelry & Similar Repair

Description: An establishment that provides repair services for small electronics, clocks, watches, jewelry and other similar items.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Emergency Ambulance Services, Ground

Description: A facility which provides emergency ambulance service and does not include the use of helicopters.

On-site Parking Requirement: One space for each employee on the largest shift, plus one space for each facility vehicle.

Employment Agency

Description: Any establishment, other than a daily labor service, which provides one or both of the following:

1. Assistance to employers in finding and employing permanent or temporary employees, whether part-time or full-time.

2. Assistance to potential employees in identifying and obtaining permanent or temporary employment, whether part-time or full-time.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Environmentally Hazardous Materials

Description: The location of activities or products which have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the activity or use is conducted. Environmentally hazardous materials include, but are not limited to, the following activities:

1. The manufacture, storage and testing of explosives, fireworks or munitions.
2. The refining of petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities.
3. The manufacture, blending, or mixing of pesticides, certain acids and fertilizer.
4. Stockyards; feed pens; livestock sales with pens and/or shipping facilities; rendering of animal fats; slaughtering or processing of animals; and industrial manufacturing processes using the following raw materials: bones, garbage, offal and dead animals.
5. The refining of raw materials, such as, but not limited to, chemicals, rubber, wood or wood pulp, into other products.
6. The forging, casting, melting, refining, extruding, rolling, drawing or alloying of metals.
7. The testing of jet engines or other engines.
8. Refuse disposal services not listed elsewhere in this Title, including but not limited to landfills, incinerators and other locations which receive garbage and refuse generated off-site for storage, treatment or disposal.
9. Boiler works.

On-site Parking Requirement: One space for each 500 square feet of gross floor/yard area.

Escort Bureau

Description: A business establishment which, for a fee, commission, hire, or profit, furnishes or arranges for escorts to accompany other persons for social engagements.

Minimum Special Use Permit Requirements:

1. The business must be located at least 500 feet from any residentially-zoned property and 1500 feet from any church, school, child care facility or park, measured in each case from property line to property line without regard to intervening obstacles.
2. No escorts or escort runners shall be physically dispatched from the property.
3. No business may be transacted with patrons on the property.
4. Except as may otherwise be required by ordinance or by the Director, there shall be no on-site signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the business.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Facility for Transitional Living for Released Offenders

Description: 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. There term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this description, "person who has been released from prison" means:

1. A parolee
2. A person who is participating in:
   a. A judicial program pursuant to NRS 209.4886 or 213.625; or
   b. A correctional program pursuant to NRS 209.488 or 213.632;
3. 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
4. A person who, within the past 20 years, has been released from prison by expiration of his term of sentence.

Minimum Special Use Permit Requirements:

* 1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.
3. The facility must be located on a parcel that is within one thousand five hundred feet of an existing bus stop served by a regional bus system.
4. Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.
5. Indoor common area shall be provided on the basis of a minimum of fifteen 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 to facility as a Facility for Transitional Living for Released Offenders.
8. A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Facility for Transitional Living for Released Offenders, a Community Residence, church, synagogue, school, child care facility licensed for more than twelve children, or City park.
9. The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards
   a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
   b. For each bedroom thereafter:
      i. A maximum of one adult, for bedrooms less than one hundred square feet in area; and
      ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.

On-site Parking Requirement: Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.

Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse

Description: A facility that:

1. Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or
2. Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Financial Institution, General (with Drive-Through)

Description: Any business or organization:

1. Whose primary service is the exchange of currency; and
2. Whose service includes drive-through service.

This use includes without limitation banks and credit unions, but does not include any business engaged in retail sales or a business whose primary service is to lend money for repayment at a future date.

Conditional Use Regulations:

1. Each drive-through service window and drive-up automatic teller machine shall have a stacking lane that will accommodate at least 6 cars per lane and that is screened in accordance with LVMC 19.08.040(F).
2. In the O and DC-O Districts, drive-thru's shall be separated from residential properties by an intervening building and shall not have access to local residential streets.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Financial Institution, General (without Drive-Through)

Description: Any business or organization:

1. Whose primary service is the exchange of currency; and
2. Whose service does not include drive-through service.

This use includes without limitation banks and credit unions, but does not include any business engaged in retail sales or a business whose primary service is to lend money for repayment at a future date.

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Financial Institution, Specified

Description: Any business whose primary function is to:

1. Lend money;
2. Cash checks or other negotiable instruments for a fee, service charge or other consideration; or
3. Provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis.

This use includes without limitation a business that provides check cashing, services as a principal service offered, a paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances. The term does not include a pawn shop or a limited check cashing service, as described in this Section.

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.08.120 (G)) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No specified financial institution use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Regulation 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

Minimum Special Use Permit Requirements:

* 1. The use shall comply with all applicable requirements of LVMC Title 6.

* 2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.08.120 (G)) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No specified financial institution use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Requirement 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Food Processing

Description: A facility in which food for human consumption is provided in its final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. This use does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

Conditional Use Regulations:

1. Food processing shall be permitted only in conjunction with retail use.
2. A maximum of 5000 square feet in floor area shall be permitted.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Fraternity, Sorority House or Private Dorm

Description: A residential building associated with a college or university that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking, recreation or bathing facilities.

Minimum Special Use Permit Requirements:

1. The minimum lot area shall be 6000 square feet for the first five occupants of the building's designed occupancy and 900 square feet for each additional residential occupant.

On-site Parking Requirement: One and one-half spaces per guest room.

Gaming Establishment, General Business-Related

Description: A building or structure which is primarily used for some business other than gaming but in which restricted gaming is

permitted pursuant to Title 6. For purposes of the Special Use Permit requirements of this Title, this use does not include a location that has obtained and maintains current licensing and zoning approvals to sell alcoholic beverages.

Minimum Special Use Permit Requirements:

1. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Gaming Establishment, Non-restricted

Description: An establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required pursuant to LVMC Title 6. For informational purposes, this description refers to an establishment whose gaming operations consist of 16 or more slot machines, or any number of slot machines together with any other game, gaming device, race book or sports pool at that establishment. When operated in conjunction with a hotel having more than 200 rooms this use includes any number of ancillary alcoholic beverage-related uses with an on-sale component, without regard to the requirements of LVMC Chapter 19.12, but only to the extent such uses conform to the applicable requirements of LVMC Chapters 6.40 and 6.50.

Minimum Special Use Permit Requirements:

* 1. Except as otherwise exempted by State law, non-restricted gaming establishments must be located within the Gaming Enterprise Overlay District described in Section 19.10.120.

* 2. A Special Use Permit is required for:

   a. Any new non-restricted gaming establishment.

   b. Any increase in the amount, variety or magnitude of gaming to be offered within an existing non-restricted gaming establishment whether or not the existing gaming was approved by means of a Special Use Permit.

* 3. The Special Use Permit requirement in Paragraph (2) above:

   a. Applies to all property in the City, wherever located and whether or not it is located in the Gaming Enterprise Overlay District;

   b. Applies to existing non-restricted gaming establishments whether or not they have applied for an increase in the amount, variety or magnitude of gaming to be offered;

   c. Applies to any property or establishment irrespective of any rights or purported rights established by prior adjudication, to the extent such rights have not become vested by the exercise thereof; and

   d. Supersedes and prevails over every other provision of the Municipal Code to the contrary, or that might be deemed to be interpreted to the contrary.

On-site Parking Requirement: One space for each 90 square feet of gross floor area.

Gaming Establishment, Restricted

Description: An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, incidental to the primary business at the establishment, and no other game or gaming device.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Garden Supply/Plant Nursery

Description: A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Conditional Use Regulations:

1. Garden tools, supplies and fertilizer may be allowed outside an enclosed building, provided all storage is screened from view from any abutting streets.
2. Live plants may be located outside of an enclosed building.

On-site Parking Requirement: One space for each 500 square feet of indoor display area, plus one space for each 2500 square feet of outdoor display area.

General Personal Service

Description: A facility for the sale of personal services. Typical personal services include barber/beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, house cleaning service, weight reduction center, day spa, florist (excluding greenhouses), and permanent makeup establishment.

On-site Parking Requirement:

Barber/Beauty Shop ..... For a use located in a shopping center with more than 25,000 square feet of gross floor area, one space for each 250 square feet of gross floor area. Otherwise, two spaces for each barber chair and three spaces for each beautician station.

Tanning Salon ..... Two spaces per tanning bed.

Nail Salon ..... Two spaces per chair/station.

Other Uses Not Listed ..... One space for each 250 square feet of gross floor area.

General Retail Store, Other Than Listed (3500 Square Feet or More)

Description: A facility (with 3500 square feet or more) for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. This use does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in LVMC Chapter 19.18.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

General Retail Store, Other Than Listed (Less than 3500 Square Feet)

Description: A facility (with less than 3500 square feet) for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. This use does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in LVMC Chapter 19.18.

Conditional Use Regulations:

1. The following are not permitted:
   a. The sale or dispensing of gasoline or other automotive fuels.
   b. The sale of alcoholic beverages for off-premise consumption.
   c. Outdoor storage and sales.
2. All loading areas shall be screened from view from adjacent residential properties.

On-site Parking Requirement: One space per 175 square feet of gross floor area.

Golf Driving Range

Description: A facility or area that is made available to the public for the practice of golf driving techniques

On-site Parking Requirement: Three spaces, plus one space per tee.

Government Facility

Description: A facility or area used for public purposes and owned or operated by an instrumentality or agency of Federal, State, or local government.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Grocery Store

Description: A facility, over 5000 square feet in size, that is primarily used for the retail sale of household foodstuffs for offsite consumption, including any combination of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, baked food, prepared foods, and beverages. This use may include the sale of other household supplies and products, but only if secondary to the primary purpose of food sales.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

   waived in connection with the approval of a Special Use Permit.

   c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.

8. The number of occupants within a Group Residential Care Facility shall not exceed the following occupancy standards:
   a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
   b. For each bedroom thereafter:

Gun Club, Skeet or Target Range, or Archery Club (Indoor)

Description: A facility or area used for archery or the shooting of firearms, whether for practice or sport.

On-site Parking Requirement: One space per target or shooting position.

Gun Club, Skeet or Target Range, or Archery Club (Outdoor)

Description: A facility or area used for archery or the shooting of firearms, whether for practice or sport.

On-site Parking Requirement: One space per target or shooting position.

Health Club

Description: An establishment that operates physical fitness facilities, sports clubs or recreation clubs.

Conditional Use Regulations:

1. The structure shall not exceed 5000 square feet in size

On-site Parking Requirement: One space for each 200 square feet of gross floor area.

Heavy Machinery and Equipment (Rental, Sales & Service)

Description: A facility for the display, sale and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment, such as those used in building construction, farming, restaurants or manufacturing.

On-site Parking Requirement: One space for each 250 square feet of gross floor area. Rental equipment may not be parked or stored in parking spaces that are designated as required on-site parking.

Heavy Machinery and Equipment (Storage)

Description: A lot or facility used for the storage of heavy construction equipment, machinery and vehicles.

On-site Parking Requirement: One space for each employee on the largest shift, plus one space for each facility vehicle.

Helipad

Description: A facility for the landing and taking off of helicopters, but with no accessory gas sales, maintenance or other services.

Minimum Special Use Permit Requirements:

1. The use shall be permitted only as an accessory use to a hospital, medical facility or medical office.
2. The operator shall designate flight paths that minimize flight over residential areas and shall provide the City with evidence that such flight paths have been approved by the Clark County Department of Aviation.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Home Occupation

Description: An income producing activity conducted in a residential zone pursuant to LVMC 19.16.180.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Horse Corral or Stable (Commercial)

Description: A structure for the keeping of horses, mules or ponies which are boarded for compensation or for use in providing instructional or recreational activities for persons other than occupants of the premises.

Conditional Use Regulations:

1. Stables or corrals shall be placed more than 50 feet from any dwelling on an adjacent residential lot and at least 100 feet from the front property line.
2. All accessory structures shall comply with the setback requirements set forth in LVMC Chapter 19.08, and in no event shall be placed closer than 5 feet from any side or rear property line abutting a residential zoning district.

On-site Parking Requirement: One space for each 5 horses that can be boarded at the maximum capacity on the property.

Horse Corral or Stable (Private)

Description: An accessory structure for the keeping of horses, mules or ponies for the use of occupants of the premises.

Conditional Use Regulations:

1. Stables or corrals shall be placed at least 50 feet from any dwelling on an adjacent residential lot and at least 100 feet from the front property line.
2. Structures shall be placed at least 5 feet from any side or rear property line abutting a residential zoning district.
3. Barns and other structures shall conform to the standards for accessory buildings.
4. No more than three horses may be stabled for each one-half acre of land included in the building site.

On-site Parking Requirement: One space for each 5 horses that can be boarded at the maximum capacity on the property.

Hospice

Description: A home for the terminally ill.

On-site Parking Requirement: One space for each 8 beds, plus one space for each employee on the largest shift.

Hospital

Description: An institution, designed within an integrated campus setting, for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Conditional Use Regulations:

1. The use shall be located on a secondary thoroughfare or larger.

On-site Parking Requirement: One and one-half spaces for each patient bed.

Hotel, Motel or Hotel Suites

Description:

1. Hotel – A building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area. A hotel may also contain restaurants, conference rooms and personal service shops. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than 1 week.

2. Motel – A building or group of buildings whose main function is to provide rooms for temporary lodging, rooms which are directly accessible from an outdoor parking area. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than 1 week.

3. Hotel Suites – A facility offering temporary lodging accommodations to the general public in which rooms or suites may include kitchen facilities and sitting rooms in addition to the sleeping room. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than 1 week.

On-site Parking Requirement: One space per guest room.

Hotel, Residence

Description: A multi-dwelling facility for extended stay lodging, consisting of:

1. Efficiency units or suites with a complete kitchen suitable for long term occupancy;

2. Customary hotel services such as linen, maid service, telephone and upkeep of furniture; and

3. Optional resident and guest amenities such as meeting rooms, club house and recreation facilities.

This use does not include facilities which qualify as other types of dwelling units defined in this Title.

On-site Parking Requirement: One space per guest room.

Internet Café

Description: An establishment that provides for public use 5 or more computers or other electronic devices:

1. For purposes of accessing the internet, a local area network, e-mail programs or other computer software programs; and

2. The public use of which is in exchange for compensation of any kind and paid in any manner, including but not limited to the payment of a membership fee.

This use will generally include establishments commonly known as PC cafes, cyber cafes, cyber centers, and similar designations.

Conditional Use Regulations:

1. No persons under the age of 16 years may use the computers or other electronic devices between the hours of 8:00 A.M. through 2:00 P.M., Monday through Friday, and after 10:00 P.M. daily, unless accompanied by a parent or guardian. The 8:00 A.M. through 2:00 P.M. restriction shall not apply during school holidays and school vacation periods recognized by schools within the City.
2. Accessible and adequate storage for bicycles and skateboards shall be provided to prevent an accumulation of bicycles and skateboards in such a manner as to interfere with the public use of sidewalks or streets.

On-site Parking Requirement: One space for every computer or electronic device provided for use, plus one space for each staff member on the largest shift.

Internet/Catalogue Sales Office

Description: An establishment which specializes in the sale of products via the internet or by catalogue for delivery to a customer's home or business. This use may include in-person customer consultations at the establishment.

Conditional Use Regulations:

1. Neither the sale of products located on-site nor the delivery of products on-site is permitted.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Jewelry Store, Class III

Description: A store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. The use may additionally include operations similar to a new jewelry store.

Conditional Use Regulations:

1. The use shall comply with the applicable requirements of LVMC Title 6.
2. No outdoor display, sales or storage of any merchandise shall be permitted.
3. No such use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

Minimum Special Use Permit Requirements:

* 1. The use shall comply with the applicable requirements of LVMC Title 6.

* 2. No outdoor display, sales or storage of any merchandise shall be permitted.

* 3. No such use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.

2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Jewelry Store, New

Description: A store which primarily sells new merchandise and some used merchandise from estate sales or reconstitutes precious metals into jewelry forms which are sold at retail on the premises.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.

2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Keeping of Carrier or Racing Pigeons

Description: The keeping of pigeons that are bred and kept for the purpose of demonstration or racing, are registered with a national pigeon registry or organization, and are identified as to ownership and registration by a stamp or a band.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Laboratory, Medical or Dental

Description: A facility, other than a hospital, that:

1. Conducts general medical or scientific research, investigation, testing, or experimentation; or

2. Upon referral by or request of a medical professional, provides radiological or medical testing, or creates prosthesis or artificial dental work.

This use does not include a facility for the manufacture or sale of other products, except as incidental to the main purpose of the laboratory. This use also does not include a "facility to provide testing, treatment, or counseling for drug or alcohol abuse," as that term is defined in this Title.

On-site Parking Requirement: One space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 175 square feet.

Landfill

Description: A lot or premises used for the disposal of garbage, trash, refuse or waste material (other than sewage) which is officially sanctioned by proper authorities of the jurisdiction in which it is located.

On-site Parking Requirement: One space for each employee on the largest shift.

Laundry, Self-Service

Description: A laundry facility that provides coin operated washing and drying machines for customer operation. This use includes a facility that provides additional services such as fluff and fold or dry cleaning, provided that no dry cleaning equipment is located on the premises. This use does not include a laundry room located within a residential development that is provided solely for the use of residents of the development.

On-site Parking Requirement: One space per 250 square feet of gross floor area.

Library, Art Gallery or Museum (Public)

Description: A publicly-operated facility used for:

1. The housing of a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public; or

2. The acquisition, preservation, study or exhibition of works of artistic, historic or scientific value.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Light Assembly & Fabrication

Description: The assembly or manufacturing of objects or items that:

1. Are made from standard parts or components;

2. Are distinct from the individual parts or components; and

3. Are not of another type of assembly or fabrication specifically described in this Table 2.

Conditional Use Regulations:

1. All processing, manufacturing, and storage of materials, equipment and products shall be performed in a completely enclosed building.

2. There shall be no audible or noticeable indication of a manufacturing operation outside the building.
3. There shall be no smoke, dust or foreign matter emitted.
4. All exterior storage of material shall be in sturdy containers or enclosures which screen storage from surrounding properties and abutting streets. Storage containers for flammable materials shall be constructed of nonflammable material. [C-2 only]
5. No outside storage is permitted. [C-1 only]
6. The bulk manufactured items and raw materials stored shall not exceed 4 percent of the cubic content of the building. [C-1 only]
7. No more than 7 employees shall be engaged in the manufacture, treatment or processing operation. [C-1 only]
8. Only the following operations shall be allowed: [C-1 only]
   a. Lens grinding;
   b. Jewelry manufacture;
   c. Wholesale medallion sales and assembly;
   d. Wholesale and retail cooking;
   e. Sewing and embroidery shop;
   f. Stained glass assembly;
   g. Drapery manufacture; and
   h. Wholesale printing.

On-site Parking Requirement: One space for each 500 square feet of gross floor/yard area.

Liquefied Petroleum Gas Installation (288 Gallons or Less)

Description: A facility or system:

1. Which includes tanks, piping or gas equipment (or any combination thereof);
2. Is used or intended to be used for the storage, dispensing or other utilization of liquefied petroleum gas; and
3. Whose tanks:
   a. Have an aggregate water capacity of 288 gallons or less; or
   b. Are part of an installation in a mobile home park or similar multiple-unit installation whose units are served by individual tanks if the tanks are not interconnected and each individual tank has a water capacity of less than 125 gallons.

Conditional Use Regulations:

1. This use is permitted in accordance with the applicable zoning district requirements if the installation complies with the provisions of NRS 590.465 et seq.
2. Any installation which was made nonconforming by the adoption of the standards of this Title regarding liquefied petroleum gas installations is subject to the expansion and discontinuance provisions set forth in Chapter 19.14.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Liquefied Petroleum Gas Installation (Over 288 Gallons)

Description: A facility or system:

1. Which includes tanks, piping or gas equipment (or any combination thereof);
2. Is used or intended to be used for the storage, dispensing or other utilization of liquefied petroleum gas; and
3. Whose tanks have an aggregate water capacity of more than 288 gallons, unless the tanks are part of an installation in a mobile home park or similar multiple-unit installation whose units are served by individual tanks, the tanks are not interconnected, and each individual tank has a water capacity of less than 125 gallons.

Minimum Special Use Permit Requirements:

1. This use is permitted in accordance with the applicable zoning district requirements if the installation complies with the provisions of NRS 590.465 et seq.
2. Any installation which was made nonconforming by the adoption of the standards of this Title regarding liquefied petroleum gas installations is subject to the expansion and discontinuance provisions set forth in LVMC Chapter 19.14.
3. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Liquor Establishment (Tavern)

Description: A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and

certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park.

* 2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

* 3. For the purpose of Requirement 2, and for that purpose only:

a. The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

b. The "property line" of a liquor establishment (tavern) refers to:

i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or

ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:

A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;

C. All parking spaces required by this Subchapter 19.12.070 for the liquor establishment (tavern) use will be located on the same parcel as the use; and

D. The owners of all parcels within the commercial subdivision, including the owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:

a. Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;

b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;

c. Will be located within a regional mall; or

d. Will be located within a mixed-use development

i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;

ii. That has a minimum net site area of 15 acres; and

iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; or

e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.

6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

* 7. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Livestock Farming (Bovines/Horses)

Description: The raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. This use does not include the breeding or raising of animals for consumption or sale.

Conditional Use Regulations:

1. The minimum allowable parcel size is 1.25 acres.
2. A maximum of 25 animals (bovines or horses) is allowed per parcel.
3. No more than one bovine or horse is allowed per 7500 hundred square feet of lot area.
4. The parcel must also be occupied by a habitable dwelling.
5. Bovines may not be kept at any location south of Cheyenne Avenue.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Manufactured Home (Not Qualifying for Zoning Treatment as Single Family Detached Dwelling)

Description: A structure (as defined in NRS 489.113) that does not qualify for State-law zoning treatment as a Single Family Detached Dwelling. The fact that a structure does not qualify for State-law zoning treatment as a Single Family Detached Dwelling does not preclude it from being so treated for other purposes, or from being permanently affixed to a residential lot.

Conditional Use Regulations:

1. No sales or display of manufactured homes is permitted, except for:
   a. The sale in-place, by the owner or his agent, of a manufactured home that has previously been located and continuously occupied in that mobile home park by the owner.
   b. The sale in-place, by a manufactured home dealer, of a manufactured home that has previously been located and continuously occupied in that mobile home park by the owner of the home and that has been taken as a trade-in or purchased from the owner.
   c. The placement of a manufactured home within a mobile home park for the purpose of sale or display, or both, as a sales model only.

   For purposes of this Conditional Use Regulation 1, a financial institution that has succeeded to the interest in a manufactured home of its owner, through foreclosure, shall be deemed to be the agent of the owner.

On-site Parking Requirement: Two spaces per site.

Manufactured Home (Qualifying for Zoning Treatment as Single Family Detached Dwelling)

Description: A structure (as defined in NRS 489.113) that meets the Conditional Use Regulations listed below in order to qualify for State-law zoning treatment as a Single Family Detached Dwelling.

Conditional Use Regulations:

1. In order to qualify for State-law zoning treatment as a Single Family Detached Dwelling, a manufactured home must:
   a. Have been constructed or manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;
   b. Consist of at least 1200 square feet of living area, unless the Director approves a reduction in size;
   c. Be permanently affixed to the residential lot;
   d. Have its foundation masked architecturally or by landscaping, berming or planters; and
   e. Be demonstrated to be compatible with homes in the immediate vicinity, in terms of siding material, roofing, color, building configuration, design features, etc.

On-site Parking Requirement: Two spaces per site.

Manufacturing, Heavy

Description: A facility for the general mass producing of goods, usually for sale to wholesalers or other industrial or manufacturing uses. This use includes any use which employs any of the following or similar types of processes:

1. Milling of grain.
2. Production of animal food, and the tanning of animal hides.
3. Production of large durable goods such as, but not limited, to motorcycles, cars, manufactured homes or airplanes.
4. Canning or bottling of food or beverages for human consumption using a mechanized assembly line.
5. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical products, and use of a foundry for metals.
6. Production of items made from stone, clay, metal or concrete.
7. Tire recapping or retreading.
8. Production of items by means of the chemical processing of materials.

On-site Parking Requirement: One space for each 1000 square feet of gross floor/yard area.

Manufacturing, Light

Description: A facility for producing goods without the use of any of the processes described within the definition of "Heavy Manufacturing." This use includes without limitation the following activities:

1. Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinet making or the assembly of clocks, electrical appliances, or medical equipment.
2. Production of items made from materials derived from plants or animals including, but not limited to, leather, pre-milled wood, rubber, paper, wool or cork, or from textiles or plastics.
3. Electrical component manufacturing.

4. Reproduction, cutting, printing, or binding of written materials, drawings or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.

5. Machine shop where material is processed by machinery, cutting, grinding, or similar processes.

On-site Parking Requirement: One space for each 1000 square feet of gross floor/yard area.

Martial Arts Studio

Description: An establishment whose principal business activity is the instruction of the martial arts as defined by LVMC 6.53.020(C). This use does not include any nonprofit organization or entity that offers martial arts instruction only as an incidental service in its overall program of activities.

On-site Parking Requirement: One space for each staff member, plus one space for every 10 students in class when the facility is at maximum capacity.

Massage, Accessory

Description: The performing of massage therapy or therapeutic massage that:

1. Is accessory to a principal permitted use that is one of the following:

   a. A medical office or physical rehabilitation clinic;

   b. A fitness and health center;

   c. A country club or golf course clubhouse;

   d. A hotel with more than one hundred rooms; or

   e. A facility similar in nature to any of the facilities listed above;

2. Doe not occupy more than 150 square feet of space; and

3. Is not advertised on any exterior signage.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Massage Establishment

Description: A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. This use does not include the "accessory massage," as defined in this Title.

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The use must be located on a secondary thoroughfare or larger.
3. The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.
4. The use may not be located within 1000 feet of any other massage establishment.
5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m.

Minimum Special Use Permit Requirements:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The use must be located on a secondary thoroughfare or larger.
3. The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.
4. The use may not be located within 1000 feet of any other massage establishment.
5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.

On-site Parking Requirement: Two spaces for each massage room, massage table or massage chair, with a minimum of six spaces required.

Mining, Sand & Gravel Excavation

Description: The excavation of sand, gravel, minerals or other resources from the earth.

On-site Parking Requirement: One space for each employee on the largest shift, plus one space for each facility vehicle.

Mini-Storage Facility

Description: A facility with enclosed storage space, divided into separate compartments no larger than 500 square feet in size, which is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment.

Conditional Use Regulations:

1. No more than one manager's security residence shall be permitted.
2. All storage shall be within an enclosed building except for the storage of recreational vehicles, which shall be completely screened from view from surrounding properties and abutting streets.
3. The following activities are prohibited on or from the premises of a mini-storage facility:

a. The conducting of a business (other than the mini-storage business itself and permitted accessory uses);

b. The retail sale of stored items;

c. The commercial repair of motor vehicles, boats, trailers and other like vehicles;

d. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment;

e. The production, fabrication or assembly of products.

4. The rental of single unit trucks and small utility trailers shall be permitted as an accessory use to a mini-storage facility, provided the business is conducted out of the same office as that of the mini-storage facility. No trucks or trailers shall be displayed in public view, and the combined total of all trucks and trailers stored on site shall not exceed a ratio of 2 trucks or trailers for each 100 storage units.
5. Truck and trailer storage shall be screened from streets and adjacent properties.
6. When adjacent to a residential use, the exterior wall of the mini-storage shall be constructed of decorative block.

Minimum Special Use Permit Requirements:

1. No more than one manager's security residence shall be permitted.
2. All storage shall be within an enclosed building except for the storage of recreational vehicles, which shall be completely screened from view from surrounding properties and abutting streets.
3. The following activities are prohibited on or from the premises of a mini-storage facility:

a. The conducting of a business (other than the mini-storage business itself and permitted accessory uses);

b. The retail sale of stored items;

c. The commercial repair of motor vehicles, boats, trailers and other like vehicles;

d. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment;

e. The production, fabrication or assembly of products.

4. The rental of single unit trucks and small utility trailers shall be permitted as an accessory use to a mini-storage facility, provided the business is conducted out of the same office as that of the mini-storage facility. No trucks or trailers shall be displayed in public view, and the combined total of all trucks and trailers stored on site shall not exceed a ratio of 2 trucks or trailers for each 100 storage units.
5. Truck and trailer storage shall be screened from streets and adjacent properties.
6. When adjacent to a residential use, the exterior wall of the mini-storage shall be constructed of decorative block.

On-site Parking Requirement: One space per 50 storage units, spread throughout the development, plus a minimum of 5 spaces on the exterior side of the security fence for customers. If truck or trailer rental is conducted as an accessory use, one space for each rental vehicle shall be provided in addition to the number required under the preceding sentence.

Mixed-Use

Description: The vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.

Conditional Use Regulations:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts are permitted as conditional uses within a C-1 or C-2 Zoning District.
2. Commercial uses or civic uses shall be located at the ground level fronting the primary public rights-of-way, and the principal entryway for those uses shall be directly accessed from and oriented to the public sidewalk.
3. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector street.
4. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

Minimum Special Use Permit Requirements:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of a Special Use Permit within a P-O or O Zoning District.
2. Nonresidential uses permitted as of right in the P-O, O and C-1 Zoning District may be permitted by means of a Special Use Permit within an R-3 or R-4 Zoning District.
3. Commercial uses or civic uses shall be located at the ground level fronting the primary public rights-of-way, and the principal entryway for those uses shall be directly accessed from and oriented to the public sidewalk.
4. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion

thereof that is located at the interior of the development site and does not front on an arterial or collector street.

5. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

On-site Parking Requirement: To be determined in accordance with the applicable parking calculations for mixed-use developments that are set forth in LVMC 19.18.030.

Mobile Home

Description: A factory-assembled structure equipped with the necessary service connections and made so as to be movable as a unit on its own running gear and designed to be used for a one-family residential use.

Conditional Use Regulations:

1. No sales or display of mobile homes is permitted, except for:
   a. The sale in-place, by the owner or his agent, of a mobile home that has previously been located and continuously occupied in that mobile home park by the owner.
   b. The sale in-place, by a mobile home dealer, of a mobile home that has previously been located and continuously occupied in that mobile home park by the owner of the home and that has been taken as a trade-in or purchased from the owner.
   c. The placement of a mobile home within a mobile home park for the purpose of sale or display, or both, as a sales model only.

For purposes of this Conditional Use Regulation 1, a financial institution that has succeeded to the interest in a mobile home of its owner, through foreclosure, shall be deemed to be the agent of the owner.

On-site Parking Requirement: Two spaces per site.

Mobile Home Park

Description: An area or tract of land where 2 or more mobile homes or mobile home lots are rented or held out for rent. This use does not include an area or tract of land where:

1. More than half of the lots are rented overnight or for less than three months for recreational vehicles.
2. Mobile homes are used occasionally for recreational purposes and not as permanent residences.

Conditional Use Regulations:

1. No sales or display of mobile homes is permitted, except for:
   a. The sale in-place, by the owner or his agent, of a mobile home that has previously been located and continuously occupied in that mobile home park by the owner.
   b. The sale in-place, by a mobile home dealer, of a mobile home that has previously been located and continuously occupied in that mobile home park by the owner of the home and that has been taken as a trade-in or purchased from the owner.
   c. The placement of a mobile home within a mobile home park for the purpose of sale or display, or both, as a sales model only.

For purposes of this Conditional Use Regulation 1, a financial institution that has succeeded to the interest in a mobile home of its owner, through foreclosure, shall be deemed to be the agent of the owner.

On-site Parking Requirement: Two spaces per site (may be tandem) and one guest space for every 6 mobile home sites, distributed throughout the development.

Monorail

Description: A non technology specific system used to transport passengers, including any system on a fixed land route installed and operated on an extensive fixed guideway or rail, and including a monorail as defined in NRS Chapter 705. This use does not include a system to transport passengers between two end points with no intermediate stops, or a monorail that functions only as a part of a theme park or permanent exhibition under LVMC Chapter 6.81.

Minimum Special Use Permit Requirements:

1. A Special Use Permit may be approved only in conjunction with the approval of necessary licensing for the monorail and the approval of an agreement to authorize the operation of the monorail system with the City.
2. Conditions may be imposed upon associated passenger terminals, power propulsion systems, parking lots, maintenance facilities and other accessory land and buildings that are referred to in the application.
3. Accessory commercial uses may be permitted in conjunction with the system if they are specified in the application.
4. Structures shall be designed to be architecturally compatible with existing buildings and structures in the vicinity of the system. Structures associated with the system may be permitted at heights greater than otherwise permitted by this Title if the heights are specified in the application.
5. Site development standards otherwise applicable, such as yard setbacks, building separation or location requirements, may be reduced or eliminated in connection with the approval of a Special Use Permit.

6. Ground level equipment, power propulsion systems and maintenance facilities shall be screened from streets and residential development with a decorative block wall not to exceed 10 feet in height; landscaping sufficient to screen the equipment, systems and facilities; or a combination thereof, as required in connection with the approval of a Special Use Permit. If the height of the block wall exceeds 6 feet, a notarized letter of approval must be obtained from the owner of any adjacent property that has been developed.
7. Advertising signs are permitted only in accordance with the applicable requirements of this Title or as permitted in agreement with the City to authorize the operation of the monorail system.
8. Approval of a Special Use Permit shall not be deemed to give the monorail system the right to use the property of any person without that person's consent or to compel the City to use its power of eminent domain to acquire property for the system.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on a particular site.

Mortuary or Funeral Chapel

Description: A facility in which one or both of the following activities occur:

1. Dead bodies are prepared for burial or cremation.
2. Funeral services are conducted.

On-site Parking Requirement: If funeral services are conducted, one space for each 4 fixed seats or one space for each 100 square feet of non-fixed seating area in the gathering room, whichever is greater. If operated otherwise, one space for each employee on the largest shift.

Motor Vehicle Sales (New)

Description: A facility or area , other than an auto sales showroom, for the display and sale or leasing of new automobiles, trucks, motorcycles and motor scooters, but excluding mopeds. This use includes service bays and auto body shops which are incidental and accessory to the sales use.

Conditional Use Regulations:

1. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. All accessory service shall be performed inside an enclosed area.
6. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
7. Accessory automobile rental is permitted.

* 8. Any motor vehicle sales use to be located north of Cheyenne Avenue must be within the GC-TC land use designation.

On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

Motor Vehicle Sales (Used)

Description: A facility or area, other than an auto sales showroom, used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters , but excluding mopeds. This use includes service bays and auto body shops which are incidental and accessory to the sales use.

Conditional Use Regulations:

1. The installation and use of an outside public address or bell system is prohibited.
2. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
4. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. Accessory automobile rental is permitted.

Minimum Special Use Permit Requirements:

1. The minimum site area designated for this use shall be 25,000 square feet.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
6. Accessory automobile rental is permitted.

On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area designated for this use. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

Motorcycle/Motor Scooter Sales

Description: A facility or area for the display and sale of motorcycles and motor scooters, whether new or used, but excluding mopeds. This use includes service bays which are incidental and accessory to the sales use. The term "motorcycle/motor scooter sales" is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described here shall be treated under the appropriate category of motor vehicle sales.

Minimum Special Use Permit Requirements:

1. All display and sales shall take place in an enclosed building.
2. The minimum gross floor area of the building (or tenant space) that is dedicated to this use shall be 7000 square feet.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Mounted Antenna of 15 Feet or Less (Ultimate Height)

Description: An antenna that is attached to a structure as permitted under this Title and that has an ultimate height of 15 feet or less.

Conditional Use Regulations:

1. Mounted antennas shall not be placed on top of principal or ancillary residential structures.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Mounted Antenna over 15 Feet (Ultimate Height)

Description: An antenna that is attached to a structure as permitted under this Title and that has an ultimate height that exceeds 15 feet.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Multi-Family Residential

Description: A structure used or designed as a residence for 3 or more families or households living independently of each other.

On-site Parking Requirement: Calculated by the capacity of each unit as described below, plus one additional guest space for every 6 units spread throughout the development:

1. Studio and One Bedroom Units – 1.25 spaces per unit.
2. Two Bedroom Units – 1.75 spaces per unit.
3. Three Bedroom and Above Units – Two spaces per unit.

Museum, Art Display, or Art Sales (Private)

Description: A privately-operated facility or area for the acquisition, preservation, study, exhibition or sales of works of artistic, historic or scientific value.

On-site Parking Requirement: One space per 300 square feet of gross floor area.

Night Club

Description: An establishment, other than a teen dance center, that is operated as a place of entertainment, characterized by any or all of the following as principal activities:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.
2. Dancing.

On-site Parking Requirement: One space for every 3 persons at maximum capacity.

Office, Medical or Dental

Description: A professional office for the administration of professional medical or dental care, including examinations, screenings and minor outpatient surgical procedures. This use does not include a facility that provides housing for individuals, a clinic, or any other facility that is specifically defined in this Title.

On-site Parking Requirement: One space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 175 square feet.

Office, Other than Listed

Description: A building or rooms used for conducting the affairs of a business, profession, service, industry or government other than those which are specifically listed in this Title.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Off-Premise Sign

Description: Any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available at, nor is located on, the lot where the sign is erected or placed.

Minimum Special Use Permit Requirements:

1. See LVMC 19.12.110.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Open Air Vending/ Transient Sales Lot

Description: An area that is used exclusively for the sale or taking of orders for any merchandise where:

1. Such merchandise is displayed or sold in the open area;
2. The activity is not part of the operation of an established business; and
3. No permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

This use includes the display or sale of merchandise in or in connection with a truck, trailer or movable building of any type.

Conditional Use Regulations:

1. No signage, including temporary signage, is allowed, except that, in the case of sales activity from a vehicle or cart, the vehicle or cart may include signage which is affixed thereto..
2. The site must be kept free of any litter or debris at all times.
3. No structures shall be allowed within the public right-of-way.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Outcall Entertainment Referral Service

Description: A business which, for a fee, sends or refers an entertainer to an entertainment location (as defined in LVMC 6.57.030) in response to a telephone or other request to entertain a patron at the entertainment location.

Minimum Special Use Permit Requirements:

1. The business must be located at least 500 feet from any residentially-zoned property and 1500 feet from any church, school, child care facility or park, measured in each case from property line to property line without regard to intervening obstacles.
2. No outcall entertainers shall be physically dispatched from the property.
3. No business may be transacted with patrons on the property.
4. Except as may otherwise be required by ordinance or by the Director, there shall be no on-site signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the business.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Outdoor Storage, Accessory

Description: The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. This use does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

Conditional Use Regulations:

1. Storage shall not be permitted within required setbacks or buffer yards.
2. Except as otherwise provided in this Title or as specifically allowed in connection with the approval of a Special Use Permit:
   a. Outside storage areas that are not screened by an intervening building shall be screened from view from any public street by a screening devise at least 8 feet in height.
   b. Outside storage areas shall be screened from view of any adjoining property by a screening device at least 8 feet in height, except along adjacent property lines of property zoned C-M or M.
3. Except as otherwise provided in this Title, in the C-2 and C-M Zoning Districts, storage shall be limited to no more than 5 percent of the lot area containing the principal use.
4. In the C-2 Zoning District, incidental items that are normally associated with operations allowed as a matter of right are not required to be screened from view.
5. In the C-1 Zoning District, the only items allowable as accessory outdoor storage are live nursery products, which must be screened from view of adjacent properties and right-of-way by means of screening that is architecturally consistent with the principal building in terms of materials, colors and details.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Package Liquor Off-Sale Establishment

Description: An establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

Minimum Special Use Permit Requirements:

* 1. Except as otherwise provided, no package liquor off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
* 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or
    b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement
* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
    b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. The minimum distance requirements in Requirement 1 do not apply to:
    a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
    b. A proposed establishment having more than 50,000 square feet of retail floor space.
* 5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Parking Lot/Sidewalk Sale

Description: A promotional sales event that is conducted by a business operation outside the confines of the commercial or manufacturing structure in which the business operation is normally conducted.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Parking, Commercial

Description: A facility for parking that is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises.

Conditional Use Regulations:

1. The parking facility must be ground-level.
2. The parking facility shall conform with any applicable provisions of this Title.
3. A 6 foot-high masonry wall shall be installed and maintained along all property lines that adjoin any residential zone.
4. The use of the parking facility shall cease between 9:00 p.m. and 6:00 a.m., including the use of any exterior lighting (except for security lighting).

On-site Parking Requirement: One space, designated as employee-only parking, for each employee on the largest shift.

Pawn Shop

Description: A facility (other than a bank, savings and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Conditional Use Regulations:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
2. No outdoor display, sales or storage of any merchandise shall be permitted.
3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop use or specified financial institution use. For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

Minimum Special Use Permit Requirements:

* 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
* 2. No outdoor display, sales or storage of any merchandise shall be permitted.
* 3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop use or specified financial institution use. For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Pawn, Auto

Description: A pawn shop that lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property.

Conditional Use Regulations:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.
3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements of this Subchapter. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.
4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
5. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this Regulation 8, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

Minimum Special Use Permit Requirements:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.
3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements of this Subchapter. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.
4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
5. Window signs shall not:
   a. Cover more than 20 percent of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this Regulation 8, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Pet Boarding

Description: A lot, building, premises or structure on which four or more household pets are kept regularly and for extended periods of time for the benefit of persons who do not reside on the premises. This use includes facilities that provide shelter, care, feeding, exercising, grooming or incidental medical care for household pets for remuneration or otherwise on a commercial basis, as well as a kennel operation.

Conditional Use Regulations:

1. All animals shall be confined within an enclosed area or on a leash at all times.
2. Structures shall be designed to provide reasonable sound barriers and odor protection for adjoining properties.
3. Pens shall be screened from view from adjacent streets and adjoining properties.
4. Any exterior pens that are adjacent to a residential parcel shall be located a minimum of 50 feet from the parcel.
5. All operations and activities shall be in accordance with LVMC Title 7.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Pet Shop

Description: A retail establishment engaged in the sale of pets, small animals, pet supplies, or pet grooming services.

Conditional Use Regulations:

1. All animals shall be confined within an enclosed building at all times.
2. The building shall be designed to provide complete sound bafflers and odor protection for the adjacent property.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Post Office, Local Service

Description: A branch office of the United States Postal Service that handles the mail for no more than 5 zip codes.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Post Office, Regional

Description: A branch office of the United States Postal Service that handles the mail for more than 5 zip codes.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Printing & Publishing

Description: An establishment that provides printing, publishing, duplicating, or collating services using photocopy, blueprint, off-set printing, or related equipment.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Private Club, Lodge or Fraternal Organization

Description:

1. Private Club – A facility of a private organization for the preparation and service of food and/or drink for members and their guests.
2. Lodge or Fraternal Organization – A facility for a special purpose organization for the sharing of sports, arts, literature, politics or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business.

On-site Parking Requirement: One space for each 50 square feet of assembly area.

Private Sports Arena, Stadium or Track

Description: A facility that:

1. Is used for playing and watching sports, concerts, plays, etc.; and
2. Is not owned or operated by a public or quasi-public organization.

On-site Parking Requirement: One space for every 4 fixed seats or 5 feet of bench length.

Private Street

Description: A street designated for use by specified property owners, maintained by or on behalf of those property owners, and not dedicated to nor intended for access by the general public.

Conditional Use Regulations:

1. Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:
   a. The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and

b. All the lots within the subdivision conform to the minimum lot size requirements of Title 19.

2. Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.

3. Access Restrictions. The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be manned 24 hours every day or provide an alternative means of ensuring access to the subdivision by the City and other emergency and utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written consent of the City.

4. Access Restricted Entrance Design Standards. Any private street which has access control gates or cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of fourteen feet in height above the road surface.

5. Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used, maintained, or constructed as private streets. Also, the Department may deny the creation of any other private street if it is determined that the private street would have any of the following effects:

   a. Negatively affect traffic circulation on public streets;

   b. Impair access to property either on-site or off-site to the subdivision;

   c. Impair access to or from public facilities including schools, parks and libraries; or

   d. Delay the response time of emergency vehicles.

6. Property Owners' Associations Required. Subdivisions developed with private streets must have a mandatory property owners' association which includes the participation of all properties served by private streets. Except as otherwise provided in Regulation 7, the association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. Such documents are subject to review and approval by the City to ensure that adequate provision for maintenance has been made.

7. Private Street Requirements. Private streets must be located on property that is separately owned by a property owners' association or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easements must also provide the City and protective service providers with the same right of access they would have if the streets were public streets.

8. Waiver of Services. The subdivision final map, property deeds and property owners' association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, preparation of accident reports and other services which may not be reasonably or properly available within a particular development. All private regulatory signs shall conform to State of Nevada regulations.

9. Special Use Permit. In cases where a Special Use Permit is required to allow private streets that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not waivable in connection with a Special Use Permit approval.

On-site Parking Requirement: None

Psychology Practice

Description: A professional office in which a licensed professional, including a psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist, provides evaluation, testing, treatment or counseling services related to mental conditions or disorders. This use includes a hypnotherapy practice, but does not include a "facility to provide testing, treatment, or counseling for drug or alcohol abuse," or a "sex offender counseling facility," as those terms are defined in this Title.

On-site Parking Requirement: One space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 175 square feet.

Public or Private School, Primary

Description: An institution that provides kindergarten through 8th grade education and is supported by a public, religious or private organization.

Minimum Special Use Permit Requirements:

1. Adequate pick-up and drop-off areas must be provided on-site.

On-site Parking Requirement: Three spaces per classroom.

Public or Private School, Secondary

Description: An institution that provides 9th through 12th grade education and is supported by a public, religious or private organization.

Minimum Special Use Permit Requirements:

1. Schools shall be located on a collector street or larger.

On-site Parking Requirement: Nine spaces per classroom.

Public Park or Playground

Description: A park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a local or State-level government entity.

On-site Parking Requirement: Two spaces per gross acre, plus additional parking for each major sports or recreational facility as determined by reference to the applicable requirements of this table for similar facilities (e.g., commercial recreation/amusement facility, community recreational facility, golf course, golf driving range, game courts, etc.). For facilities not specifically listed, the parking requirement shall be determined by applying the nearest comparable standard, as determined by the Director.

Radio Broadcasting

Description: A building or portion of a building used as a place for radio broadcasting. This use does not include any antenna or antenna structure.

On-site Parking Requirement: One space per 750 square feet of gross floor area.

Radio, TV or Microwave Communication Tower

Description: A freestanding structure which supports antennae that transmit or receive any portion of the electromagnetic spectrum.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Rail/Transit Yard or Shop

Description: A facility or area for the maintenance, repair, or storage of bus, rail or other transit vehicles.

On-site Parking Requirement: One space for each employee on the largest shift.

Recording Studio

Description: A building or portion of a building used as a place to record music and videos. This use does not include broadcasting facilities.

On-site Parking Requirement: One space per 750 square feet of gross floor area.

Recreational Vehicle and Boat Storage

Description: An area or facility used for the storage of recreational vehicles, boats, or any combination thereof. For purposes of this description, a "recreational vehicle" is a vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes and converted trucks or buses.

Conditional Use Regulations:

1. Storage of recreational vehicles and boats is not permitted within required setbacks or buffer areas.
2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least 8 feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least 8 feet in height, except along the property line of any adjoining property that is zoned C-M or M.
3. The commercial repair of recreational vehicles, boats, trailers and other like vehicles is prohibited.

Minimum Special Use Permit Requirements:

1. Storage of recreational vehicles and boats is not permitted within required setbacks or buffer areas. Within the N-S District, no such storage is permitted within 50 feet of property zoned for residential use.
2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least 8 feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least 8 feet in height, except along the property line of any adjoining property that is zoned C-M or M.
3. The commercial repair of recreational vehicles, boats, trailers and other like vehicles is prohibited.

On-site Parking Requirement: One space for each 50 storage spaces, spread throughout the development., plus a minimum of five spaces for customer use on the exterior side of the security fence.

Recycling Collection Center

Description: A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container. This use does not include processing except for "can banks" that crush cans as they are deposited.

Conditional Use Regulations:

1. A collection center that is located in a parking area may not occupy required off-street parking spaces.
2. A collection center shall be sited so as to not impede traffic flow.
3. The owner of the property and the owner and operator of the collection center shall:
   a. Remove products stored at the collection center at least once a week;
   b. Keep the collection center in proper repair and maintain a neat and clean appearance on the exterior of the center; and
   c. Keep the building site clean and neat in appearance, and shall dispose of collected items and litter from the site.

On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor/yard area.

Rental Store (with Outside Storage)

Description: A facility for the rental of general merchandise to the general public, not specifically listed as a different use elsewhere in this Title, that includes outside storage of rental items. Typical general merchandise includes clothing and other apparel, electronics, videos, tools and garden equipment, furniture and other household appliances, special occasion or seasonal items, and similar consumer goods.

On-site Parking Requirement: One space for each 250 square feet of enclosed gross floor area, plus one space for each 1000 square feet of gross outside storage yard area.

Rental Store (without Outside Storage)

Description: A facility for the rental of general merchandise to the general public, not specifically listed as a different use elsewhere in this Title, that does not include outside storage of rental items. Typical general merchandise includes clothing and other apparel, electronics, videos, tools and garden equipment, furniture and other household appliances, special occasion or seasonal items, and similar consumer goods.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Rescue Mission or Shelter for the Homeless

Description: A building that is used or intended to be used to provide to homeless individuals temporary accommodations, shelter, meals or any combination thereof. For purposes of the preceding sentence, a "homeless individual" includes an individual who lacks a fixed, regular and adequate nighttime residence.

On-site Parking Requirement: One space per four beds, or one space per 750 square feet of gross floor area, if no beds are provided.

Restaurant with Service Bar

Description: A bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

Minimum Special Use Permit Requirements:

1. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
   a. Any leasehold parcel; or
   b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a restaurant service bar proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
   a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or
   b. In the case of a proposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or

occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

* 6. In the O District, a restaurant service bar is permitted only as an accessory use.

7. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

* 8. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Restaurant, 2000 sq. ft. or more (with Drive-Through)

Description: An establishment providing for the preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses, with the added provision of one or more drive-through lanes for ordering and dispensing food and beverages to patrons remaining in their vehicles.

Conditional Use Regulations:

1. Each drive-through service window shall have a stacking lane that will accommodate at least 6 cars per lane.

On-site Parking Requirement: One space for each 100 square feet of gross floor area, including outdoor areas for seating and waiting.

Restaurant, 2000 sq. ft. or more (without Drive-Through)

Description: An establishment providing for the preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Restaurant, Less than 2000 sq. ft. (with Drive Through)

Description: An establishment providing for the preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses, with the added provision of one or more drive-through lanes for ordering and dispensing food and beverages to patrons remaining in their vehicles.

Conditional Use Regulations:

1. Each drive-through service window shall have a stacking lane that will accommodate at least 6 cars per lane.

On-site Parking Requirement: One space for each 100 square feet of gross floor area, including outdoor areas for seating and waiting.

Restaurant, Less than 2000 sq. ft. (without Drive Through)

Description: An establishment providing for the preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Retail Establishment with Accessory Package Liquor Off-Sale

Description: A retail establishment:

1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

Minimum Special Use Permit Requirements:

* 1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

* 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

   a. Any leasehold parcel; or

   b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

   a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

   b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:

   a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

   b. A proposed establishment having more than 50,000 square feet of retail floor space.

* 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

   a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

   b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T C (Town Center) Zoning District and which is designated MS TC (Main Street Mixed Use) in the Town Center Land Use Plan;

   c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space; or

   d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Salvage or Reclamation of Products (Indoor)

Description: An indoor facility for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment which is not considered as another use under this Title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. This use includes facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans and other products, which can be returned to a condition in which they may again be used for production.

On-site Parking Requirement: One space for each 1000 square feet of gross floor area.

Salvage or Reclamation of Products (Outdoor)

Description: An outdoor area or facility for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment which is not considered as another use under this Title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. This use includes facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans and other products, which can be returned to a condition in which they may again be used for production.

Conditional Use Regulations:

1. The minimum site area dedicated to this use shall be 25,000 square feet.

2. All areas used for the parking and storage of operable vehicles shall be paved.
3. All stored, damaged, or wrecked vehicles, parts and equipment shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
4. In addition to the requirements in LVMC 19.08.040((F), mature evergreen trees shall be installed along the perimeter property lines to screen any vehicle parts storage area from surrounding properties.
5. Perimeter walls, a minimum of 8 feet in height, shall be installed along all property lines.
6. Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
7. Service bays with access from the exterior of the structure shall not face the public rights of way.
8. All on-site lighting shall be stationary and directed away from adjoining properties. All lighting shall be shielded, hooded or otherwise designed so that direct glare and reflections are contained within the boundaries of the parcel. No light shall extend into any residential zoning district.
9. All repair activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited.
10. Repair facilities shall close all windows and doors when performing body and fender work, hammering, sanding or other noise-generating activities.
11. All hazardous materials resulting from the repair, storage, or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.

On-site Parking Requirement: One space for each 1000 square feet of gross floor area dedicated to this use, plus one space for every 10,000 square feet of gross yard area.

Satellite Dish

Description: A device which:

1. Incorporates a reflective surface that is solid, open mesh, or bar-configured;
2. Has the shape of a shallow dish, cone, horn or cornucopia; and
3. Is used to receive electromagnetic signals.

Conditional Use Regulations:

1. Satellite dishes are permitted as an accessory use, subject to the following:
   a. In single-family residential districts, satellite dishes are permitted in the rear yard only, except that dishes 18 inches in diameter or smaller are also permitted in the side yards. In districts other than single-family residential, satellite dishes are allowed in yard areas or on rooftops.
   b. Satellite dishes shall be fully screened from view of streets and public open areas. When located on ground level, they shall be screened to the full height of the structure with landscaping. When located on a rooftop, they shall be located and screened so as to minimize visual impact from other properties in the area.
   c. Satellite dishes shall not exceed 10 feet in diameter, nor 12 feet in height when the dish is vertically positioned.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Seasonal Outdoor Sales

Description: The temporary outdoor sale and display of the following (and only the following) holiday goods in connection with the corresponding holidays:

1. Christmas trees;
2. Halloween pumpkins;
3. Valentine's Day flowers; and
4. Mother's Day flowers.

This use does not include fireworks sales, which are governed by LVMC Chapter 9.28 and are subject to the requirements of the Department of Fire and Rescue.

No Temporary Commercial Permit required if the sales operation:

1. Takes place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site; and
2. Conforms with all applicable City ordinances and standards.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Secondhand Dealer

Description: A specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. This use includes the sale of jewelry (Class III

type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes or used books, which shall be allowed where retail sales of new merchandise is permitted. This use also does not include a thriftshop or nonprofit thriftshop.

Conditional Use Regulations:

1. No outdoor display, sales or storage of any merchandise shall be permitted.
2. The use shall comply with the applicable requirements of LVMC Title 6.
3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

Minimum Special Use Permit Requirements:

* 1. No outdoor display, sales or storage of any merchandise shall be permitted.

* 2. The use shall comply with the applicable requirements of LVMC Title 6.

* 3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Senior Citizen Apartments

Description: An apartment house or other multi-family dwelling in which each unit is occupied by at least one person 55 years of age or older, or in which the units are intended and operated for occupancy by persons 55 years of age or older. This use includes an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under the provisions of Federal law, including without limitation 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 an intent to provide housing for persons 55 years of age or older to the extent allowed by applicable State or Federal law.

Conditional Use Regulations:

1. For any development that is over three stories in height:
   a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.
   b. Rooflines and facade elements shall be articulated in order to break down the apparent massing of the structures.

Minimum Special Use Permit Requirements:

1. For any development that is over three stories in height:
   a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.
   b. Rooflines and façade elements shall be articulated in order to break down the apparent massing of the structures.
2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor. (C-1 only)
3. The primary resident or guest entryway to the apartments must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street. (C-1 only)
4. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors. (C-1 only)
5. For any development that, in accordance with LVMC 19.08.050, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements, and all minimum setback requirements for the C-1 District, shall be met. (C-1 only)

On-site Parking Requirement: .75 spaces per unit (.5 spaces per unit within the Downtown Centennial Plan Overlay District).

Service Station (with Incidental Automotive Repair)

Description: A building or premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade. The use may include incidental minor automotive repair and an automatic car wash facility.

Conditional Use Regulations:

1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
   a. The dispensing of petroleum products, water and air from pump islands.
   b. The provision of emergency service of a minor nature.
   c. The sale of items via vending machines which shall be located next to the main structure.
2. Pump islands shall be located a minimum of 20 feet from a street right-of-way line. A canopy or roof structure over a

pump island may be located no closer than 10 feet from the street right-of-way line.

3. No vehicle shall be parked on the premises for the purposes 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.
5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
6. The installation of LPG tanks shall be permitted only as set forth in this Subchapter.
7. If the use includes a carwash facility, there must be a stacking lane that will accommodate at least 6 cars.

Minimum Special Use Permit Requirements:

1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
   a. The dispensing of petroleum products, water and air from pump islands.
   b. The provision of emergency service of a minor nature.
   c. The sale of items via vending machines which shall be located next to the main structure.
2. Pump islands shall be located a minimum of 20 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 10 feet from the street right-of-way line.
3. No vehicle shall be parked on the premises for the purposes 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.
5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
6. The installation of LPG tanks shall be permitted only as set forth in this Subchapter.
7. If the use includes a carwash facility, there must be a stacking lane that will accommodate at least 6 cars.

On-site Parking Requirement: One space for each 250 square feet of retail/commercial gross floor area.

Service Station (without Automotive Repair)

Description: A building or premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade. The use may include, as an incidental use, an automatic car wash facility, but may not include any automotive repair.

Conditional Use Regulations:

1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
   a. The dispensing of petroleum products, water and air from pump islands.
   b. The provision of emergency service of a minor nature.
   c. The sale of items via vending machines which shall be located next to the main structure.
2. Pump islands shall be located a minimum of 20 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 10 feet from the street right-of-way line.
3. No vehicle shall be parked on the premises for the purposes 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.
5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
6. The installation of LPG tanks shall be permitted only as set forth in this Subchapter.
7. If the use includes a carwash facility, there must be a stacking lane that will accommodate at least 6 cars.

On-site Parking Requirement: One space for each 250 square feet of retail/commercial gross floor area.

Sex Offender Counseling Facility

Description: A facility that regularly provides court-ordered or court-sanctioned treatment or counseling to sex offenders.

Conditional Use Regulations:

1. The applicant must submit, for administrative review and approval, the following:
   a. A site plan;
   b. A floor plan indicating the use of each room in the facility; and
   c. A business plan clearly indicating that the facility will provide services pursuant to or in conformance with judicial requirements.

On-site Parking Requirement: One space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 175 square feet.

Sexually Oriented Business

Description: Sexually Oriented Businesses include the following:

1. Adult emporium – An establishment which engages in the sale, rental or trade of books, films, videotapes, sexual novelties, discs, magazines and other periodicals and which:

   a. Will or does derive 35 percent or more of its gross revenue from the sale, rental or trade of sexual novelties or books, films, videotapes, discs, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific sexual activities or specific anatomical areas;

   b. At any particular time devotes 35 percent or more of its inventory floor and wall space to the types of inventory described in Paragraph (a) above;

   c. At any particular time has, as 35 percent or more of its total inventory or any category thereof, the types of inventory described in Paragraph (a) above; or

   d. Holds itself out, by advertising or otherwise, primarily as an outlet for the types of inventory described in Paragraph (a) above.

2. Adult mini-motion picture theater – An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

3. Adult motel – A motel wherein material is presented, as part of the motel services, via closed circuit television or otherwise, which is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

4. Adult motion picture arcade – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures, projectors or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

5. Adult motion picture theater – An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

6. Adult paper rack – Each self operated device or container, except those located in an adult emporium, which is primarily used for the distribution of magazines, papers or periodicals which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas or the advertisement of other sexually oriented businesses.

7. Massage parlor – Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or services related thereto exposes specified anatomical areas.

8. Model studio – Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

9. Nude show – Any establishment which provides and permits the viewing of live performances of specified sexual activities or the display of specified anatomical areas upon its premises as entertainment or any attraction for business. This use does not include the display of specified anatomical areas in the showroom of a resort hotel and casino with over three hundred rooms which is subject to the casino entertainment tax described in NRS 463.401 and which is located within the Downtown Casino Overlay District. For purposes of the preceding sentence, a showroom must contain a minimum of 300 seats. Any nude show which takes place at an establishment which is licensed or is required to be licensed to sell alcoholic beverages is subject to LVMC 6.50.430.

10. Sexual encounter center – Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not limited to, bathhouses, massage parlors and related or similar activities.

Conditional Use Regulations:

1. No person shall cause or permit the establishment of any sexually oriented business in an area zoned other than C-M or M. In addition, no person shall cause or permit the establishment of any sexually oriented business within 1000 feet of any other sexually oriented business, church, public or private school, day care, teen dance center, park or playground. The distance shall be the shortest distance between two property lines, one being the property line of the proposed sexually oriented business which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed sexually oriented business. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

2. Except as otherwise provided in Regulations 4, 5 and 6, the "establishment" of a sexually oriented business includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area or the conversion of an existing business location to any sexually oriented business.
3. Any person establishing a sexually oriented business must first file with the Department of Finance and Business Services the name and address of the business and the type of sexually oriented business to be conducted.
4. Any business existing as of September 16, 1992, that is made nonconforming by the provisions of Ordinance 3674 shall be permitted to remain in operation. However, except as otherwise provided in Regulation 6:
   a. No such business may be increased, enlarged, extended or altered, except to change the use to a conforming use; and
   b. If any such business is terminated or is abandoned for a period of at least 30 days, any future use of the property shall conform to the provisions of Ordinance 3674.
5. Except as otherwise provided in this Regulation and Regulation 6, the provisions of Regulations 3 and 4 above and the provisions of LVMC Chapter 19.14 shall apply to sexually oriented businesses. However, any existing sexually oriented business located in the M Zoning District that was made nonconforming as to a separation requirement by either of the following circumstances shall be deemed a conforming use for purposes of expansion, enlargement or alteration:
   a. The adoption of a different method of measuring distance; or
   b. The intervening establishment within the required separation area of either a protected use or another sexually oriented business.

   Any such business shall continue to be subject to the provisions regarding discontinuation and removal that are set forth in LVMC 19.14.030(A)(4) and 19.14.040, respectively.
6. The provisions of Regulation 4 and the provisions of Chapter 19.16 that prohibit the expansion, enlargement or alteration of an existing use shall not apply to an existing nude show located within the Downtown Centennial Plan area, as described in Ordinance No. 6051 and as amended from time to time, but only if and to the extent that the following conditions are met:
   a. Any expansion, enlargement or alteration, including all required on-site parking, must be contained entirely on the same legally-created parcel on which the use presently exists.
   b. The expansion, enlargement or alteration must be approved by means of a Major Site Development Review pursuant to LVMC 19.16.100(G).
   c. Except as otherwise provided in Paragraph (d), the discontinuation and abandonment provisions of LVMC 19.14.030(A) shall continue to apply.
   d. For a use that is discontinued for purposes of expansion, enlargement or alteration, the use shall not be considered abandoned. However, the building permit for such expansion, enlargement or alteration must be obtained within 6 months after operations cease and the permit must be exercised completely before the permit expires. Otherwise, the use shall be deemed abandoned, the nonconforming status lost, and the future use of the property must comply with current zoning requirements.
   e. For purposes of this Regulation 6, the expansion, enlargement or alteration of a use includes the rebuilding or replacement of the building or buildings associated with the use.
7. 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.
8. The Special Use Permit provisions of LVMC 19.12.040(B) do not apply to a sexually oriented business.

On-site Parking Requirement:

1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

Shopping Center

Description: Any structure or group of structures that:

1. House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses;
2. Have a minimum combined gross floor area of 25,000 square feet;
3. Are located upon a single parcel of land or upon contiguous parcels of land; and
4. Have common vehicular access and parking facilities.

This use includes a regional mall.

On-site Parking Requirement: One space per 250 square feet of gross floor area.

Short-Term Residential Rental

Description: The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleep purposes, wherein any individual guest rents or occupies the unit for a period of less than 31 consecutive calendar days.

Conditional Use Regulations:

1. The operator must obtain a permit from the Business Services Division to operate the use. The use must be operated by either the property owner or a property manager who holds a permit to engage in property management pursuant to NRS Chapter 645. For a use to be operated by the property owner, a separate permit must be obtained for each rental. For a use to be operated by a property manager, the permit shall be an annual permit, renewable annually at the discretion of the Division, subject to the provisions of Condition Use Regulation 6. In each case the operator shall pay such fee as the Division may establish for the permit. A copy of the permit, including all conditions established or imposed pursuant to Conditional Use Regulation 4, shall be posted in a conspicuous place within the rented premises.
2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees. However, a permit issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise required by LVMC 6.46.020.
3. The use must comply with the City's noise regulations as they apply to residential uses.
4. In connection with the issuance of a permit under Conditional Use Regulation 1, the Business Services Division may establish additional conditions on the use, including without limitation a time limit on outdoor activities and a limit on the number of occupants and guests that are on the premises at any one time. In addition, at any time following issuance of the permit, the Division may impose additional conditions on, or otherwise amend, the permit. The permit may be revoked or suspended immediately for noncompliance with these regulations or with applicable permit conditions, at which time the use permitted as a conditional use shall immediately cease.
5. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.
6. The operator shall notify the Business Services Division of any change in the operator's telephone number and other contact information. Any change in operator shall require the issuance of a new permit.
7. The operator must be available at all times to respond to law enforcement authorities and to concerns from neighborhood residents, and to take remedial action in the event of noncompliance with law or with permit conditions.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Single Family, Attached

Description: A dwelling unit attached to one or more other dwelling units where each dwelling unit is located on a separate lot. (Such a dwelling unit could include duplexes, townhouses, four-plexes, six-plexes, etc.)

On-site Parking Requirement: Two spaces per dwelling unit, plus one guest space for every 6 dwelling units.

Single Family, Detached

Description: A dwelling unit that is not attached to any other dwelling by any means, is located on a separate and individually owned lot, is surrounded by open space or yards, and is for the exclusive use of a single family maintaining a household. Except where specifically provided in this Title, no such unit may have more than 1 kitchen, and all rooms used for human habitation must have interior access to one another.

On-site Parking Requirement: Two spaces per dwelling unit.

Single Family, Zero Lot Line

Description: A single family dwelling unit that is located directly on 1 or more lot lines.

Conditional Use Regulations:

1. Roof overhangs and any architectural projections shall not be permitted to cross property lines.
2. No architectural openings of any kind shall be permitted on walls sited less than 3 feet from the property line.

On-site Parking Requirement: Two spaces per dwelling unit.

Single Room Occupancy Residence

Description: A residential facility in which furnished rooms are rented on a weekly or monthly basis and which provides common facilities and services for laundry, cleaning and meals.

On-site Parking Requirement: .75 spaces per dwelling unit.

Slaughtering and Processing of Live Poultry

Description: An operation in which live poultry is slaughtered and processed in preparation for human consumption.

Minimum Special Use Permit Requirements:

1. The slaughter and processing of live poultry shall be limited to chickens. The slaughter or processing of any other poultry or animals is prohibited.
2. The use may not be located closer than 1500 feet from any other facility used for the slaughter and processing of live poultry.
3. The slaughter and processing of poultry shall occur only as an accessory use to a retail commercial establishment.

4. The sale of poultry on the site shall be limited to retail sales of processed poultry.
5. There shall be no sale of live poultry from the site and no use of the site for the distribution of live or processed poultry for sale off site.
6. All live poultry shall be stored within an enclosed structure on the site where the processing will take place. The slaughter and processing of poultry shall take place in an enclosed structure that is operated in accordance with all Federal, State and local regulatory criteria, including without limitation all applicable regulations of the Clark County Health District. The processing facility must be available at any time for inspection by any and all regulatory agencies with jurisdiction.
7. The maximum number of live birds allowed to be kept or maintained on site at any one time is 50.
8. The delivery and unloading of live poultry shall be at a designated sealed loading dock and shall take place only between the hours of 8:00 a.m. and 8:00 p.m.
9. The exterior and interior of a processing facility shall be maintained in an attractive, safe and sanitary condition at all times, and all on site activity must be conducted so as not to create noise, dust, debris, odors or other similar nuisances to surrounding property owners.
10. Areas used for slaughtering and butchering shall not exceed 525 square feet and shall be located in an area not readily available to the public.
11. All waste and debris shall be removed from the processing facility on a daily basis in accordance with all Federal, State and local regulatory criteria, including without limitation applicable regulations of the Clark County Health District. Waste removal shall take place only between the hours of 8:00 a.m. and 8:00 p.m.
12. No slaughtering or butchering waste of any kind may be stored outside at any time. All such waste, including any contaminated paper or cardboard, shall be stored indoors in a temperature controlled, sealed room.
13. All glass viewing areas to be used by customers for bird selection shall be installed a minimum of 48 inches above floor level.
14. No live poultry shall remain on site overnight. Any live poultry not sold by 4:00 p.m. must be slaughtered, processed and packaged for sale with other poultry products.
15. The processing facility shall be landscaped and screened as required in connection with a Site Development Plan Review.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Small Wind Energy System

Description: A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure.

Conditional Use Regulations:

1. The minimum parcel size shall be 20,000 square feet.
2. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.
3. A system may be directly mounted on or attached to the principal structure on the site, or may be mounted on a freestanding tower. Where possible, the system should be integrated with other structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual impacts.
4. A system shall not extend to a height greater than the following, measured with reference to the highest point of the fixed structure to which the system is attached (but excluding the wind turbine):
   a. 50 feet, for parcels in the R-1 and R-2 Zoning Districts;
   b. 65 feet, for parcels in the R-E, and R-3 Zoning Districts, and
   c. 90 feet for parcels in the R-4, C-1, C-2, C-M and M Zoning Districts.
5. When a system is mounted on a freestanding tower:
   a. The tower and any guy-wires or other supports shall comply with all minimum setbacks for the property; and
   b. The tower shall be set back from any habitable structure on an adjacent property a distance at least as great as the height of the tower.
6. No more than one system shall be permitted on a parcel of land.
7. A system shall be constructed and maintained so that noise levels do not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or sever windstorms.
8. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
9. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Such approvals must be received prior to the submittal of a building permit application. For locations within the Airport Overlay District, the system must comply with all regulations and requirements applicable to that district.

10. A system must comply with all applicable fire codes and building codes.
11. A building permit application for a system must be accompanied by:
    a. Standard drawings of the wind turbine structure including base, tower and footings;
    b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and
    c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
12. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.
13. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.
14. Except with respect to Conditional Use Regulations 1, 3, 4, 5(b), 6 and 12 the Special Use Permit provision of Section 19.12.040(B) do not apply to this use. In the case of a Special use Permit application filed as a consequence of not qualifying for conditional use treatment regarding any of the Regulations listed in the preceding sentence, the remaining Regulations shall apply as Minimum Special Use Permit Requirements, and Regulations 2, 5(a), 7, 8, 9, 10, 11 and 13 above, when imposed as Minimum Special Use Permit Requirements, shall be deemed to be non-waivable.

Minimum Special Use Permit Requirements:

* 1. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.
2. A system may be directly mounted on or attached to the principal structure on the site, or may be mounted on a freestanding tower. Where possible, the system should be integrated with other structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual impacts.
3. A system shall not extend to a height greater than the following, measured with reference to the highest point of the fixed structure to which the system is attached (but excluding the wind turbine):
    a. 50 feet, for parcels in the P-O Zoning District; and
    b. 90 feet, for parcels in the O Zoning District.
4. When a system is mounted on a freestanding tower:

* a. The tower and any guy-wires or other supports shall comply with all minimum setbacks for the property; and
    b. The tower shall be set back from any habitable structure on an adjacent property a distance at least as great as the height of the tower.

* 5. A system shall be constructed and maintained so that noise levels do not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or severe windstorms.

* 6. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

* 7. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Such approvals must be received prior to the submittal of a building permit application. For locations within the Airport Overlay District, the system must comply with all regulations and requirements applicable to that district.

* 8. A system must comply with all applicable fire codes and building codes.

* 9. A building permit application for a system must be accompanied by:
    a. Standard drawings of the wind turbine structure including base, tower and footings;
    b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and
    c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

10. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.

*11. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Social Event with Alcoholic Beverage Sales

Description: The sale of alcoholic beverages for consumption only on the premises where the same are sold in connection with weddings, school graduations, employer and employee events, recognition ceremonies, awards ceremonies, family gatherings, fund-raising events, club and organization events or other similar events which

occur 17 times or more per calendar month at a facility not licensed for the sale of alcoholic beverages.

Minimum Special Use Permit Requirements:

1. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Social Service Provider

Description: A facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. This use includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission, homeless shelter or an adult day care center.

On-site Parking Requirement: One space for each 300 square feet of gross floor area.

Solar Panel

Description: A small-scale unit that is designed and used, on an incidental or accessory basis, to generate power or heat (or both) to be supplied to the principal use of the site. This use:

1. Does not include an "electric generating plant" or any other utility facility that is specifically defined in LVMC Chapter 19.18; and
2. Shall not be deemed an accessory structure for purposes of the standards of this Title that govern accessory structures.

Conditional Use Regulations:

1. When visible from a public right-of-way, solar panels shall be installed so that they project no more than 40 inches from the roof surface.
2. When mounted on a sloped roof, the enclosure cladding and support structure of solar panels (excepting the solar collection cells) shall match the roof in color and appearance.
3. Roof-mounted hot water storage systems shall not be visible from neighboring properties or public rights-of-way.
4. Within an area designated as an Historic District, the location of the proposed unit must first be reviewed and approved pursuant to LVMC 19.10.150.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

Sound Stage

Description: A building or portion of a building used for the production of movies.

On-site Parking Requirement: One space per 300 square feet of gross floor area.

Supper Club

Description: A restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the dining area will accommodate at least 125 persons. For purposes of this requirement, the "dining area" does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

Minimum Special Use Permit Requirements:

1. No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed supper club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
   a. Any leasehold parcel; or
   b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a supper club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
   a. From the nearest property line of the existing use to the nearest portion of the structure in which the supper club will be located, without regard to intervening obstacles; or

b. In the case of a proposed supper club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the supper club will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

* 5. In the O District, a supper club is permitted only as an accessory use.

6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

* 7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area, including outdoor areas for seating and waiting, plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Swap Meet

Description: A facility (whether indoor or outdoor) in which multiple vendors, dealers, sellers or traders have rented, leased, purchased or otherwise obtained an area from a swap meet operator for the purpose of selling, bartering, exchanging or trading new or used items of personal property, where the aggregate value of all such property exceeds the amount of 1000 dollars.

Conditional Use Regulations:

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.
2. No repair, installation or service work is permitted outside of an enclosed building.
3. All signage, including any temporary signage, shall comply with LVMC Chapter 19.08.
4. The swap meet operation shall comply with all applicable requirements of LVMC Title 6.

Minimum Special Use Permit Requirements:

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.
2. No repair, installation or service work is permitted outside of an enclosed building.
3. All signage, including any temporary signage, shall comply with LVMC Chapter 19.08.
4. The swap meet operation shall comply with all applicable requirements of LVMC Title 6.

On-site Parking Requirement:

Indoor: One space for each 175 square feet of gross floor area.

Outdoor: Four spaces for each retail stall or unit.

Tattoo Parlor/Body Piercing Studio

Description: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1. The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
2. The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

This use does not include a permanent makeup establishment.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Tavern-Limited Establishment

Description: An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Taxicab/Limo Yard

Description: An area or facility used for the storage or dispatch of taxicabs or limousines.

On-site Parking Requirement: One space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity.

Teen Dance Center

Description: An establishment that is primarily operated as a place of entertainment for persons under the age of 18 years, characterized by any or all of the following as principal activities:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.

2. Dancing.

Conditional Use Regulations:

1. The establishment must be located more than 1000 feet from any sexually oriented business. The distance shall be the shortest distance between the property line of the proposed teen dance center which is closest to the existing sexually oriented business, and the other being the property line of the sexually oriented business which is closest to the proposed teen dance center. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels.
2. The hours of operation shall be limited to the period between 6:00 p.m. and midnight.
3. The floor area shall not exceed 5000 square feet.

On-site Parking Requirement: One space for every 3 persons that the establishment is designed to accommodate.

Temporary Contractor's Construction Yard

Description: An on-site or off-site facility for the storage of construction materials and equipment intended for use in conjunction with a specific development, to be removed at the time the development is completed. This use may include a temporary batch plant.

No Temporary Commercial Permit required if the use is located on the same site as the approved development and is operated in conformance with all applicable City ordinances and standards.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Temporary Outdoor Commercial Event

Description: A promotional activity, fair, circus, rodeo, festival, carnival, arts and crafts fair, tent revival, haunted house, amusement system, or concert that will be conducted at a location other than a stadium, auditorium or other public assembly facility that is designed to accommodate such an event. This use does not include one-day residential celebrations; uses within public facilities or recreational facilities regulated or organized through the Department of Leisure Services; parades and similar events that occur in the public right-of-way and are regulated by or organized through the Las Vegas Metropolitan Police Department; or grand openings of new businesses that meet all requirements of the Department of Fire and Rescue.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Temporary Real Estate Sales Office

Description: An office operating at a fixed location within an existing model home, trailer or commercial structure which is used temporarily for the purpose of real estate sales.

Conditional Use Regulations:

1. Within any residential district:
   a. The use may be located within a model home or trailer;
   b. The sales activity shall be limited to lots within the subdivision in which the model home or trailer is located; and
   c. The use shall not be permitted to operate until the requirements of LVMC 19.16.190 have been met, including the approval of a final subdivision map.
2. Within any commercial or industrial district:
   a. The use may be located within a trailer or an existing commercial structure; and
   b. The use shall not be permitted to operate and is not entitled to a certificate of occupancy until a Site Development Plan has been approved for the development to which the sales pertains.
3. If the temporary real estate sales office is a model home or is conducted from a commercial structure, the use shall expire 2 years from the date of building permit approval or whenever sales are completed, whichever occurs first. If the temporary real estate sales office is a trailer, the use shall expire 6 months from the date of approval by the Department of Building and Safety.
4. Upon termination of the use, all temporary access improvements from this site to the abutting street(s) shall be removed and replaced with permanent access improvements that meet all City standards, as required by the Department of Public Works.
5. Pursuant to LVMC 19.02.290, direct vehicular access from primary and secondary street(s) through the back of bordering lots is prohibited unless approval is granted by the Director.
6. All development must be in conformance with the submitted plot plan and floor plan.
7. Any signage for this use must first be approved in writing by the Department.

On-site Parking Requirement: A minimum of 5 on site parking spaces shall be provided, and the spaces provided shall be in compliance with ADA parking requirements and LVMC Chapter 19.10. In any commercial or industrial district, the Director may waive one or more of the required on site spaces if an equivalent number of on street parking spaces is available on a street that directly abuts the lot on which the use is located.

Tennis Courts, Accessory

Description: Tennis courts that are available for use only as an incidental or accessory use in connection with the principal residential or commercial use of the premises.

Conditional Use Regulations:

1. Courts shall be screened, and lights shall be shielded, from adjacent residences.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Thriftshop

Description: A business operation that deals primarily in secondhand wearing apparel.

Conditional Use Regulations:

1. No outdoor display, sales or storage of any merchandise shall be permitted.
2. The use shall comply with the applicable requirements of LVMC Title 6.

Minimum Special Use Permit Requirements:

* 1. No outdoor display, sales or storage of any merchandise shall be permitted.

* 2. The use shall comply with the applicable requirements of LVMC Title 6.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Thriftshop, Nonprofit

Description: A shop that is operated by a nonprofit organization and that sells donated used merchandise only.

Conditional Use Regulations:

1. No outdoor display, sales or storage of any merchandise shall be permitted.
2. The use shall comply with the applicable requirements of LVMC Title 6.

Minimum Special Use Permit Requirements:

* 1. No outdoor display, sales or storage of any merchandise shall be permitted.

* 2. The use shall comply with the applicable requirements of LVMC Title 6.

On-site Parking Requirement: One space for each 250 square feet of gross floor area.

Time-Share Development

Description: A development consisting of a minimum of 50 units that are made available for use and occupancy on a recurrent periodic basis according to an arrangement allocating this right among various holders of a time-share ownership, leasehold or other similar interest.

Conditional Use Regulations:

1. No individual time-share unit may serve as a person's primary residence.
2. No access to any accessory use (giftshop, restaurant, beauty shop, etc.) shall be permitted other than from within the time-share development.
3. No exterior advertising or lighting is permitted in excess of that allowed for residential developments.

On-site Parking Requirement: One space for each time-share unit, plus 10 spaces for each 1,000 square feet of accessory uses.

Towing & Impound Yard

Description: A lot or building used for the storage of damaged, wrecked or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop, or recovery by the owner or operator.

Conditional Use Regulations:

1. All areas used for the parking and storage of operable vehicles shall be paved.
2. All stored, damaged, or wrecked vehicles, parts and equipment shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.

On-site Parking Requirement: One space for each employee, plus one space for each tow truck that is stationed at the facility. Vehicles that in storage may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements of this Table 2. The storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

Towing Service (with No Storage)

Description: An establishment that provides the service of transporting damaged, wrecked or impounded motor vehicles to an off-site storage area or other facility.

On-site Parking Requirement: One space for each employee, plus one space for each tow truck that is stationed at the facility.

Townhouse

Description: A row or cluster of at least 3 attached dwellings in which each dwelling is located on separately owned lot, each unit is separated by 1 or more common vertical walls, each unit has its

own front and rear yard access, and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

On-site Parking Requirement: Two spaces per dwelling unit, plus one guest space for every 6 dwelling units spread throughout the development.

Trade School

Description: A facility for instruction and training in trades or crafts such as auto repair, welding, bricklaying, machinery operation or other similar trades or crafts which require the use of large equipment, or outdoor training activities, or both.

Conditional Use Regulations:

1. No instruction or training in welding or auto repair shall be permitted.

On-site Parking Requirement: One space for each staff member, plus one space for every 2 students in class when the school is at maximum capacity.

Trailer/RV Camp or Park

Description: Any lot or tract of land used, or intended to be used, for the renting of space to accommodate two or more recreational vehicles.

Minimum Special Use Permit Requirements:

1. The maximum density permitted in a recreational vehicle park is 20 recreational vehicle sites per acre.
2. Recreational vehicle parks shall have a minimum frontage of 100 feet at the building setback line.
3. Recreational vehicle sites, office buildings, accessory buildings and other facilities shall be set back at least 10 feet from any property lines. When adjacent to any property line adjoining a public street, the required setback shall be 15 feet.
4. Vehicular spacing:
   a. Pull-through recreational vehicle sites shall maintain 15 feet between vehicle parking on adjoining sites.
   b. Back-in recreational vehicle sites shall maintain 10 feet between vehicles, to include automobiles parking in adjoining sites.
5. Recreational vehicle sites shall be set back 20 feet from any building.

* 6. A minimum of 10% of the total area of the park shall be reserved for purposes of open space or recreational facilities. Open space area shall be of sufficient size and distribution as to be a functional part of the entire park.

* 7. All access drives shall be a minimum of 20 feet wide and must first be approved by the City Traffic Engineer.

On-site Parking Requirement: One space for each recreational vehicle, plus one guest space for every 10 recreational vehicles.

Transit Passenger Facility

Description: A facility, including a park and ride, for the loading and discharging of train or bus passengers.

Conditional Use Regulations:

1. The facility must be operated by a public entity.
2. The facility must be located along a collector or arterial street.
3. The principal operating hours of the commuter parking lot must not significantly conflict with those of other uses on the parcel.
4. The use must be ancillary to a primary use, and the number of parking spaces dedicated to commuter parking shall not exceed 10% of the total amount of parking required for the primary use under this Chapter.

On-site Parking Requirement: To be determined on a case-by-case basis.

Truck Rental

Description: A facility for the rental of new or used trucks. For purposes of the limitations of this Title on outside storage, trucks kept on a lot for rental purposes are not considered to be outside storage.

On-site Parking Requirement: One space for each rental vehicle, plus one space for each 250 square feet of gross floor area.

Trucking Company

Description: A business, service or industry involving the use of commercial vehicles in the loading, unloading and transportation of cargo. This use may also include the fueling, maintenance, servicing, storage or repair of commercial vehicles or the storage of cargo.

Minimum Special Use Permit Requirements:

1. The use shall be limited to office operations and the parking of trucks and trailers.
2. No more than 5 trucks or trailers, or combination of trucks and trailers, shall be permitted on the site at any one time.
3. The parking of trucks and trailers shall be restricted to locations to the rear of onsite structures so as to not be visible from adjoining streets.
4. None of the following activities shall be permitted on site:
   a. The repair or servicing of vehicles.
   b. The storage or warehousing of goods or merchandise.

c. The loading or unloading of goods or merchandise.

On-site Parking Requirement: One space for each 250 square feet of floor area devoted to office use, plus one space for each 1000 square feet of remaining gross floor area.

Tutoring Center

Description: An institution or place of education or instruction, other than a public or private school (primary or secondary), business school, or trade school, that is owned and operated privately for profit and that does not offer a complete educational curriculum. This use includes an educational testing center.

Conditional Use Regulations:

1. Adequate pick-up and drop-off areas must be provided on-site.
2. Equipment used for instructional purposes must be stored within the building.
3. Instructional services must be provided with a pupil/instructor ratio no greater than 2:1. (P-O only)

On-site Parking Requirement: One space for each staff member, plus one space for every 5 students in class when the center is at maximum capacity.

TV Broadcasting & Other Communication Service

Description: A building or portion of a building used as a place for television broadcasting or similar communication-related activities.

On-site Parking Requirement: One space per 300 square feet of gross floor area.

Two-Family Dwelling

Description: A detached dwelling designed for and occupied exclusively by 2 families living independently of each other in separate dwelling units on a single lot.

On-site Parking Requirement: Two spaces per dwelling unit.

Urban Lounge

Description: An establishment that:

1. Is licensed for the sale of alcoholic beverages for consumption on the premises where the same are sold, and the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. Meets the Minimum Special Use Permit Requirements set forth below.

Minimum Special Use Permit Requirements:

1. The use is limited to the area located within the boundaries of the Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.
2. For each seat provided at the bar of the establishment, there must be a minimum of 2 seats within a lounge area located away from the bar.
3. The use is subject to the provisions of LVMC Chapter 6.40 relating to gaming and LVMC Chapter 6.50 relating to liquor control.

On-site Parking Requirement: To be determined on a case-by-case basis.

Utility Installation, Other Than Listed

Description: A facility or area used as (or for) a utility installation not specifically listed in this Title. This use does not include any type of wind energy conversion system.

On-site Parking Requirement: One space, plus an additional space for each 300 square feet of habitable office space.

Utility Transmission Lines

Description: Utility infrastructure providing electrical power, telephone, or cable television which is installed, operated and maintained by a municipality or a franchised utility company.

Conditional Use Regulations:

1. The location of routes for lines which are 15,000 volts or above must first be approved by the Planning Commission.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Valet Parking

Description: A service provided in conjunction with a business or other establishment by which employees (or others acting on behalf of the establishment) park the vehicles of patrons or visitors in an area set aside for that purpose.

Conditional Use Regulations:

1. A maximum of 20 percent of the number of parking spaces required by this Table for the principal use(s) on the site may be used for valet parking.
2. The applicant must submit to the Department, for administrative review and approval, a site development plan showing where valet spaces will be located and demonstrating that the area and methodology for valet parking will be physically designed to prevent queuing in the right-of-way.

3. The applicant must provide written assurance that the valet parking will be operated to conform with the hours of operation that are proposed and approved for the use.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Vehicle Parking, Storage or Repair in Residential Zoning Districts

Description: The parking, storage or repair of vehicles as an accessory use in residential zoning districts

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 to 14, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same is accessory and incidental to the use of the property for residential purposes and does not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. Unless stored or parked within a completely enclosed building, the motor vehicles shall be stored or parked:
   a. In the front yard, either:
      i. On an approved driveway;
      ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness;
      iii. On concrete or asphaltic paving that extends the full length and width of the vehicle; or
      iv. On a surface of decomposed granite no less than 2 inches thick, defined with borders, but this alternative is available only on lots with a zoning designation of R-E; or
   b. In the side yard, either:
      i. Obscured by a 6-foot high fence to permanently screen the vehicles from view;
      ii. On an approved driveway;
      iii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness; or
      iv. On concrete or asphaltic paving that extends the full length and width of the vehicle; provided, however, that the vehicle storage or parking complies with the other provisions set out in Regulations 1 to 14, inclusive.
2. Except as otherwise provided in Regulation 10 below, on a single family residential lot:
   a. No more than 3 operable vehicles may be stored, or one vehicle per 1,250 square feet of lot area, whichever allows the greater number of vehicles;
   b. No more than 50 percent of the front yard area may be used for the storage or parking of vehicles; and
   c. No more than one inoperable vehicle may be stored at one time.
   d. No stored vehicles may be utilized for storing items of personal property, and the area under each vehicle must be kept free of debris and vegetation.
3. Unless stored or parked within a completely enclosed building, a recreational vehicle or trailer, or combination thereof, may be stored or parked only as follows:
   a. In a rear yard, either:
      i. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness;
      ii. On a surface of decomposed granite no less than 2 inches thick, defined with borders; or
      iii. On concrete or asphaltic paving, gravel or chat that extends the full length and width of the vehicle, trailer or combination;
   b. In a front yard, but only on lots with a zoning designation of R-E or R-1, and in each case provided that the recreational vehicle or trailer, or combination thereof, is stored either on a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness; on concrete or asphaltic paving that extends the full length and width of the vehicle, trailer or combination; or on a surface of decomposed granite no less than 2 inches thick, defined with borders (provided, however, that this third alternative is available only on lots with a zoning designation of R-E). Additionally, on a lot with a size of .2 acres or less, no recreational vehicle or trailer, or combination thereof, may be stored or parked in a front yard if it exceeds 24 feet in length. Finally, in no event may a recreational vehicle or trailer, or combination thereof, be stored or parked in a front yard in any district described in this Subparagraph (b) unless at least one of the following conditions is met:
      i. The recreational vehicle or trailer, or combination thereof, is stored entirely in the yard area with no portion of the unit located closer than 2 feet from an adjacent public street or sidewalk; or
      ii. It is demonstrated that the side and rear yards are not reasonably accessible for storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards;
   c. In a side yard, either:
      i. Permanently screened from view from the public street by a 6 foot wall, with a 5 foot gate;
      ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness; or

iii. On concrete or asphaltic paving that extends the full length and width of the vehicle;

d. If it is not connected to any electrical or sewer service for more than 24 consecutive hours;

e. If it is not used for dwelling purposes;

f. If it is not used for the storage of goods, materials or equipment, other than those items considered to be part of the recreational vehicle and are related to the immediate use and enjoyment thereof; and

g. Its use is in full compliance with applicable provisions of the Fire Code and other technical codes.

4. Except as provided in Regulation 9 below:

a. No vehicle may be repaired, stored or parked for more than 4 consecutive hours if its manufacturer's rated carrying capacity exceeds one ton.

b. No vehicle may be repaired unless it is owned by a permanent resident at the location where the repair takes place.

c. On a parcel within a single-family residential district, not more than one passenger vehicle with commercial advertising displayed thereon may be stored or parked.

5. Except as otherwise provided in Regulation 10 below:

a. Any vehicle that is in mechanically inoperable condition shall be stored or repaired in a garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a 6-foot high fence to permanently screen the vehicle from view; provided, however, that if the abutting property is undeveloped, the fencing shall not be required until the adjacent property is developed.

b. No repair outside of an enclosure may occur later than 9:00 p.m. or earlier than 7:00 a.m.

6. Except as otherwise provided in Regulation 10 below:

a. No more than one vehicle that is in a mechanically inoperable condition shall be stored or repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair of vehicles or storage of mechanically inoperable vehicles in the side yards.

b. A vehicle shall not be stored in a mechanically inoperable condition for more than 60 days.

c. No repair may be performed on any motor vehicle, including a recreational vehicle, within the front yard, including any driveway area, unless the repair is a "normal, reasonable and customary repair" as defined in Regulation 14 below.

d. No more than 4 vehicles may be repaired on the same parcel within any 12-month period.

7. There shall be no storage of junked vehicles, or parts thereof. Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6-foot high fence to permanently screen the parts from view, or in a fully enclosed building; provided, however, that if the abutting property is undeveloped, the fence or enclosed building shall not be required until the adjacent property is developed. No more than 200 square feet of space shall be used for the storage of serviceable parts.

8. The following are prohibited, except in connection with an approved construction yard or except as necessary to perform grading or construction work on the premises pursuant to a development permit:

a. The repair or storage of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment; or

b. Unless for the sole purpose of loading or unloading passengers or goods, the parking or standing of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment.

9. Nothing in Regulations 1 to 14, inclusive, shall be construed to permit the operation of a business as defined in Title 6. There shall be no repair, restoration or modification of non-owned vehicles for money or barter. However, nothing in Regulations 1 to 14, inclusive, prohibits the temporary emergency repair of owned or non-owned vehicles which have become mechanically inoperable while on the property or in the street.

10. On any lot owned by a member of a duly-recognized organization of automobile collectors or restorers, the owner may exceed the limitations on vehicle storage and repair set forth in Regulations 2, 5(a) and 6 above with respect to the restoration, refurbishing or rebuilding of his or her own classic or antique vehicle if any such vehicle is covered with a fitted full-vehicle pullover cover when it is not being worked on, the vehicle's tires are inflated, and the area under the vehicle is kept free of debris and vegetation.

11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to 14, inclusive, any person responsible for or engaged in the parking, storage, repair, restoration or modification of any vehicle shall, upon request, provide to any authorized enforcement officer:

a. Evidence regarding the operability of the vehicle, as well as the ownership of the vehicle, such as current registration, title, bill of sale or other documentation from an authority responsible for motor vehicle regulation;

b. As applicable to the exception set forth in Regulation 10, evidence regarding the person's membership in a duly-recognized organization of automobile collectors or restorers; and

c. As applicable to the exception set forth in Regulation 10, evidence regarding the extent to which the vehicle

or vehicles in question are actually and currently in the process of being restored, refurbished or rebuilt.

12. No vehicle may be parked or stored in a driveway unless:
    a. All tires or wheels that support the vehicle are in contact with the driveway; or
    b. Where any such tire or wheel is not in contact with the driveway, the vehicle at that location is resting on a jack stand or wheel ramp that is designed and manufactured for the purpose of temporarily supporting a vehicle.
13. The provisions of Regulations 1 to 14, inclusive, shall apply to any person in control or lawful possession of any real property, including an owner, tenant, occupant, lessee or otherwise.
14. For purposes of these Regulations:
    a. "Approved driveway" means a driveway that complies with all applicable curb cut requirements that have been established by the City.
    b. "Mechanically inoperable," with respect to a motor vehicle, means that the vehicle is inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street or highway because one or more component parts necessary for such movement or lawful operation are lacking or have been damaged or deteriorated so as to become inoperative. Such component parts include without limitation the engine, transmission, wheels, tires, doors, windshield and windows.
    c. "Normal, reasonable and customary repairs," with respect to a motor vehicle, means incidental repairs or service, including changing flat tires; repairing or servicing the electrical or ignition system; replacing hoses; cleaning or replacing filters; installing minor accessories; and adding or replacing lubricants, coolants, refrigerants, or hydraulics system fluids.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal residential use on the site.

Warehouse/Distribution Center

Description: An enclosed structure for the storage of goods for distribution or transfer to another location.

On-site Parking Requirement: One space for each 1000 square feet of gross floor area.

Wedding Chapel

Description: A facility that is made available to be rented for wedding ceremonies, and may include a chapel, dressing rooms, offices, reception facilities and gardens.

On-site Parking Requirement: One space for each 150 square feet in the principal assembly space.

Welding Repair

Description: A facility in which products made of metal or metal alloy are repaired by means of welding.

On-site Parking Requirement: One space for each 500 square feet of gross floor area.

Wholesale Showroom Facility

Description: A building used primarily for the storage of goods and materials, and secondarily for the display of merchandise for wholesale purchase.

On-site Parking Requirement: One space for each 500 square feet of sales/display area, plus one space for each 2500 square feet of warehouse/storage area.

Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval)

Description: A wireless communication facility that does not qualify as a stealth design wireless communication facility.

Minimum Special Use Permit Requirements:

* 1. No residential use may exist on the property.

* 2. Any antenna tower that forms part of the facility shall conform with both the setback requirements of the zoning district and the applicable residential adjacency standards of this Title.

* 3. Except in the C-V Zoning District, no antenna tower that forms part of a facility may be located within 600 feet of:
    a. Any other antenna tower that forms part of a wireless communication facility; or
    b. Any pole or tower structure of any other type that has a height of at least 60 feet.

* 4. Antenna towers and associated components shall be initially painted and thereafter repainted with a flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surroundings or background so as to minimize its visibility.

* 5. Failure to perform necessary maintenance and repainting shall be grounds for administrative and other enforcement action, including action pursuant to Requirement 9 below.

* 6. Any proposed antenna tower must be designed to accommodate at least two communication providers or, in the case of a tower that exceeds 80 feet in height, at least 3 communications providers.

* 7. No signals, lights, or other attention gaining devices are permitted on any antenna tower or antenna unless required by the Federal Communications Commission or the Federal

Aviation Administration; provided, however, that this condition shall not be construed to prevent the mounting of an antenna on a signal, light or sign that has been legally permitted and installed.

* 8. All ground level equipment, buildings and the base of any antenna tower must be screened so as to not be visible from streets and residences, with appropriate landscaping designed to ensure compatibility with surrounding uses.

* 9. Any abandoned or unused antenna tower, and the associated components of any facility, shall be removed within 6 months after operations at the site cease. In the event that removal is not timely performed, the City may remove, or cause the removal of, the antenna tower and associated components, and assess the costs of removal against the property. Before taking such action, the City must deliver or mail to the property owner a notice of the City's intent to do so. The property owner shall have 30 days from the date notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed to be a waiver of the right to be heard, and the City may immediately cause the removal of the antenna tower and any associated components, and may assess the costs against the property.

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Wireless Communication Facility, Non-Stealth Design (Qualifying for Conditional Use Approval)

Description: A wireless communication facility that does not qualify as a stealth design wireless communication facility (but meets the Conditional Use Regulations listed below).

Conditional Use Regulations:

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:
   a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
   b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.
2. The facility must qualify as one or more of the following:
   a. An antenna that is to be collocated on an existing antenna tower or other existing structure.
   b. An antenna tower that is to be located on property in the C-V Zoning District.
   c. An antenna tower that is to be located:
      i. On property in the C-M or M Zoning District; and
      ii. A minimum distance of 600 feet from residentially zoned property.
   d. An antenna tower that is proposed to be located on property developed with a utility substation, and is to be located within that substation.
   e. A slim line design pole wireless communications facility.
3. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
4. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
5. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

Wireless Communication Facility, Stealth Design

Description: A wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof mounted antennas (with architectural screening when appropriate); building mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Conditional Use Regulations:

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:
   a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council.

Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.

b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.

2. No residential use may exist on the property.
3. The design must conform to the definition of the term "Wireless Communication Facility, Stealth Design," as set forth in LVMC 19.18.020 and as determined by the Director.
4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.

USE PROVISIONS FOR C-V DISTRICT 19.12.080

A. Permitted Land Uses

The following uses are permitted in the C-V District:

1. Any use operated or controlled by the City, County, State or Federal government, other than those indicated in Table 2 of LVMC 19.12.010 as requiring a Special Use Permit.

2. Any public or quasi-public use operated or controlled by a recognized religious, fraternal, veteran, civic or service organization, other than those indicated in Table 2 of LVMC 19.12.010 as requiring a Special Use Permit.

3. Utility company facilities, including electrical power substation facilities, telephone switching stations and towers, water district facilities, cable TV lines and wireless communication facilities.

USE RESTRICTIONS FOR P-O, O AND CD-O DISTRICTS 19.12.090

A. P-O District

All uses in the P-O District shall conform to the following:

1. No products shall be stored, displayed or sold on the premises, except for the sales activities otherwise permitted for the internet/catalogue sales office use.

2. No trucks, vans or other commercial vehicles shall be stored or parked on the property overnight.

3. No service shall be performed upon a client except those related to the service of the medical profession including dentists, opticians, optometrists, chiropractors, etc.

4. Services shall not include the production or repair of any goods except as an incidental use to a permitted service.

5. Instructional services at a physician's office must be provided with a pupil/instructor ratio no greater than two to one; provided, however, that the Director may approve a higher pupil/instructor ratio upon a showing that sufficient off-street parking is available for the number of pupils anticipated. Equipment used for instructional purposes must be stored within the building.

6. Except in accordance with a Special Use Permit approving the establishment of a Mixed-Use use as defined by LVMC Chapter 19.18, there shall be no mixed residential and commercial use of any property and in the event there is an existing residential use on a property, no commercial use of the property shall be permitted until the residential use has permanently ceased.

7. No use or business activity shall remain open to the public for business between the hours of 9:00 p.m. through 7:00 a.m. All exterior lighting, except for security lighting, shall be turned off.

B. O District. In the O District, all storage or display of merchandise and equipment shall be within a completely enclosed building. No trailers or other portable structures may be used for storage purposes.

C. CD-O District

All uses in the CD-O District shall conform to the following:

1. Retail shops shall sell new merchandise exclusively except for antique shops. All products produced, whether primary or incidental, shall be sold at retail on the premises, and not more than two persons shall be engaged in the production of such products.

2. There shall be no mixed residential and commercial use of any property and in the event there is an existing residential use on a property, no commercial use of the property shall be permitted until the residential use has permanently ceased.

3. No use or business activity shall remain open to the public for business between the hours of 9:00 p.m. and 7:00 a.m.

4. All uses and activity shall be contained within a completely enclosed building and there shall be no outside storage, service or sales. No trailers or other portable structures may be used for storage purposes.

D. All Non-Residential Districts. No outdoor storage, sales, rent or display of products or equipment is permitted except in accordance with the provisions of this Title, or a specific Special Use Permit approval granted thereunder.

SIMILAR AND PROHIBITED USES 19.12.100

A. Unlisted Uses

The uses permitted in this Chapter are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this Chapter are prohibited. However, additional new and unlisted uses may be permitted by the Director if the Director finds that the use is similar to other uses listed in the same zoning district.

B. Appeals

An applicant who is aggrieved by the decision of the Director with respect to the allowability of an unlisted use may appeal the decision to the City Council. The appeal shall be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. Unless otherwise stated in the Council's action, the determination of the Council with respect to the appeal shall constitute a permanent and consistent interpretative decision which the Director shall apply in all future instances.

C. Conditions

When considering requests to permit a new or unlisted land use as being similar to a listed use, the Director or City Council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate. Based upon such consideration, the Director or Council, in approving a request under this Section, may impose appropriate and reasonable conditions designed to ensure compatibility and consistency of uses.

D. Authorization of New Uses

New uses which have been permitted by the Director or City Council, pursuant to this Section shall be added by ordinance amendment on a periodic basis.

E. Uses Expressly Prohibited

Without limiting the general applicability of Subsection (A) above, the commercial use of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days, is prohibited except as otherwise permitted under this Title.

INTENT AND EFFECT OF CROSS-REFERENCING TOOLS 19.12.110

The Land Use Tables that appear in LVMC 19.12.010 and the various minimum standards that are set forth in other Sections of this LVMC Chapter 19.12 include certain cross-referencing tools that are intended to assist the City and the public in using and applying the Unified Development Code. For example, the Land Use Tables and LVMC 19.12.070 include asterisks and plus signs that are intended to remind the user to consult other portions of the Unified Development Code for additional information. Likewise, language in the other Sections of this Chapter occasionally refers to the Land Use Tables to help the user correlate the various provisions of the Code that apply. These cross-referencing tools are for the sake of convenience and assistance only, and do not diminish the applicability of substantive standards and limitations of this Code. Except as otherwise specifically indicated, the absence or omission of an asterisk or plus sign in the Land Use Tables or LVMC 19.12.070 shall not be deemed to limit or negate any other provision of this Code.

OFF-PREMISE SIGNS 19.12.120

A. Off-Premise Signs Defined

Off-premise signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-premise signs generally produce revenue to the property owner(s) as a land use as compared to on-premise signs which in themselves do not produce revenue but are incidental to a revenue-producing land use. However, because of the special characteristics of off-premise signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with off-premise signs as a permitted use in certain zoning districts.

B. Special Use Permit Required

1. Except as otherwise provided in Subsections (F) and (G) of this Section a Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Title. A Special Use Permit application shall be processed in accordance with LVMC 19.16.110. Furthermore, the property owner(s), owner(s) of the structure or other responsible person shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Title.

2. The Special Use Permit requirement set forth in Paragraph (1) is in addition to and independent of any locational provision or limitation contained in this Section. In determining whether to approve or deny a Special Use Permit under this Section, the Planning Commission and City Council may consider the aesthetic impact of the sign on the area and all other aspects of the sign's compatibility with the surrounding area, including the existence or nonexistence of other signage in the area.

3. In connection with the approval of a Special Use Permit under this Section, the Planning Commission or City Council may impose a time limit on the approval or require a periodic review of the sign as a condition of approval, provided that:

a. In the case of a time limit, the limit is not less than three years; and

b. In the case of a periodic review, the review is not sooner than three years after the approval.

4. After conducting a review, the City Council may require removal of the sign if it is demonstrated that conditions in the surrounding area have changed in such a manner that the sign no longer meets the standards established in LVMC 19.16.110(L).

C. Locational Provisions

1. No off-premise signs shall be erected in the public right-of-way.

2. No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Title (including those protecting existing signs).

3. Except as provided in Paragraph (12) below, off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only .

4. No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet. Any embellishment may include lettering, text, numerals or images, but only to the extent that such items do not exceed fifty percent of any linear side of the sign.

5. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet (measured along the highway frontage) to any other off-premise sign along the same frontage. Each side of the highway shall be considered a separate frontage. The sign and all other off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City.

6. The distance to and from a sign shall be measured with reference to the point on the ground that is directly beneath the center of the sign structure.

7. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall not be higher than 40 feet except as provided in Subparagraphs (a) and (b) below. The height shall be measured from the grade at the point of construction to the top of the sign. The display surface shall not be higher than 30 feet nor wider than 60 feet.

a. An off-premise sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.

b. An off-premise sign within 150 feet of the right-of-way line of any freeway or highway to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the freeway or highway may be increased to a maximum of 55 feet when authorized by the City Council.

8. All other off-premise signs shall be no higher than 40 feet from grade at the point of construction, except that an off-premise sign within 60 feet of the right-of-way line of the street to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the street may be increased to a maximum of 55 feet when authorized by the City Council.

9. Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.

10. No off-premise sign shall be erected or maintained within 660 feet of the nearest travel lanes of the Summerlin Parkway from Station 499 + 78 to Station 601 + 30.

11. No off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in the "U" zoning district or any "R" zoning district.

12. An off-premise may be permitted in the C-V District if in each case the parcel or use is operated or controlled by an agency of local, state or federal government, or by any fraternal, veteran, civic or service organization.

D. Additional Provisions

1. All structural elements of an off-premise sign to which the display panels are attached shall be screened from view. Display surface panels which are removed for the purpose of changing the advertising message shall be replaced within 30 days with display panels containing a new advertising message or uniformly painted blank panels.

2. All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.

3. For any off-premise sign that is proposed within 660 feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, a State of Nevada sign permit shall be obtained and a copy attached to the application prior to the issuance of a construction permit or sign certificate by the City.

4. No sign certificate shall be issued for an individual off-premise sign unless and until a site plan for the lot on which the sign will be erected has been submitted to and approved by the Director. The site plan shall include the following:

a. An accurate site plan of the lot, at the scale the Director requires;

b. The location of buildings, parking lots, driveways and landscaped areas on the lot;

c. An accurate indication of the location of all existing and proposed off-premise signs; and

d. Drawings that allow the computation of the area and the height of any off-premise signs and which indicate any sign characteristics such as illumination, embellishment areas or moving parts.

5. The permittee or holder of a sign certificate shall notify the Director in advance, by letter or fax and pursuant to LVMC 19.16.100(F) of any change in the characteristics of an off-premise sign, such as illumination, embellishment areas or moving parts, that are not shown on the approved site plan, and shall provide any additional supplemental drawings as the Director may require. Final approval of any changes under this Paragraph (5) shall be contingent upon final construction inspection and approval by the Department of Building and Safety regarding structural changes, including approval of any necessary electrical inspections. In the case of a proposed embellishment, the proposal shall be processed as in the case of a Minor Site Development Plan Review under LVMC 19.16.100(F), except that if the Director does not respond to the notice, within ten business days following receipt thereof, regarding whether or not the embellishment complies with this Title, the embellishment shall be deemed approved.

6. No display panel or advertising message may be placed upon a new off-premise sign structure until:

a. The Department of Building and Safety has performed all necessary final construction inspections of the structure and issued a certificate or other evidence of compliance with applicable codes; or

b. The applicant has obtained and filed with the City a certification by a licensed professional engineer that the sign is structurally sound.

7. Any illumination of an off-premise sign shall be in accordance with the applicable standards and permit requirements of the City's Electrical Code and Administrative Code.

8. With respect to existing signs for which no final construction inspection and approval exists, the owner of the sign, upon notice from the City, shall, within thirty days, obtain either construction inspection and approval by the City or structural certification, as those items are described in Paragraph (6).

E. Off-Premise Sign Exclusionary Zone

1. Off-premise signs are prohibited within the boundaries of the following area:

a. Bounded on the north by the Las Vegas/Clark County boundary.

b. Bounded to the east by the Las Vegas/North Las Vegas boundary (Decatur Boulevard), south to Cheyenne Avenue, then west along Cheyenne Avenue to Rainbow Boulevard, then continuing south along Rainbow Boulevard to Sahara Avenue.

c. Bounded on the south by Sahara Avenue, west to Durango Drive then continuing south along Durango Drive to Desert Inn Road, continuing west to Hualapai Way then north along Hualapai Way to West Charleston Boulevard, then west to the Las Vegas/Clark County boundary.

d. Bounded to the west by the Las Vegas/Clark County boundary, then continuing north to the Las Vegas/Clark County northern boundary.

2. The prohibition contained in Paragraph (1) of this Subsection does not apply to any sign which would be within 660 feet of the right-of-way line, and oriented toward, the following interstate and federal-aid primary routes, as defined by the Nevada Department of Transportation:

a. Oran K. Gragson Highway

b. U.S. Highway 95, south of Ann Road

c. Interstate 515

3. The prohibition of off-premise signs within the area described in Paragraph (1) or within any other area described in this Title shall not be deemed or interpreted:

a. As an indication that any other particular location is suitable for an off-premise sign.

b. To eliminate the need for a Special Use Permit or affect the determination of compatibility with respect to a proposed sign.

F. Relocation Of Signs Required To Be Removed For Publicly Funded Improvements

1. If an off-premise sign is required to be removed by a governmental entity in connection with the widening of a public roadway or the installation of publicly-funded improvements, the sign may be relocated without obtaining a Special Use Permit or Variance that would otherwise be required, but only if:

a. The applicant can demonstrate that the sign, at its existing or previous location, received all necessary approvals and permits, and that the approvals and permits remain valid;

b. The relocation will be on the same parcel or within the same commercial subdivision;

c. The applicant submits for and obtains a waiver, pursuant to Paragraph (4) below, of any and all requirements and limitations of this Section pertaining to distance separation and location that cannot otherwise be met by the sign as relocated;

d. There will be no increase in the area of the sign to be relocated; and

e. There will be no increase in the height of the sign, except that:

i. A sign within one hundred fifty feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be

erected thirty feet above the elevation of the elevated roadway surface nearest the sign; and

ii. A sign that, at a height of forty feet, will have a significant portion of its display surface obscured from view from the travel lanes of the right –of-way to which it is oriented, may be increased to a maximum of fifty-five feet.

2. The applicant for relocation of a sign under the provisions of Paragraph (1) must submit to the Department a written application for administrative review. The application must include:

a. A site plan;

b. An elevation drawing;

c. Evidence that the sign, at its existing or previous location, received all necessary approvals and permits, and that the approvals and permits remain valid;

d. A request for the waiver of any and all requirements and limitations of this Section pertaining to distance separation and location that cannot otherwise be met with the sign as relocated:

e. A request for any desired increase in the height of the sign that may be permitted under Subparagraph(e) of Paragraph (1);

f. A justification letter that includes the reason for removal and relocation; and

g. Any other information required by the Director.

3. If the Director determines that the relocation of the off-premise sign;

a. Conforms to the conditions set forth in Paragraph (1), the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless within that time a member of the City Council files with the Director a request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the council prior to issuance of any building permits.

b. Does not conform to the conditions set forth in Paragraph (1), the normal Special Use Permit and Variance requirements and limitations will apply. Any determination by the Director that the relocation of an off-premise sign does not conform to the conditions set forth in Paragraph (1) is not subject to appeal.

4. In connection with an application to relocate an off-premise sign pursuant to Paragraph (1), the requirements and limitations of the Section pertaining to distance separation and location may be waived by the Director, or in connection with City Council review pursuant to Subparagraph (a) of Paragraph (3), notwithstanding any other provision of this Title, upon a determination that the relocation, under the circumstances, will not have a materially different impact on surrounding properties and uses than the existing sign.

5. Unless otherwise indicated in a written notice of approval pursuant to Subparagraph (a) of Paragraph (3), conditions of approval from any previous Special Use Permit and Variance applications pertaining to the sign at its existing or previous location will apply to the relocated sign, and additional conditions may be added as appropriate.

6. A demolition permit must be obtained for the removal of an existing off-premise sign prior to removal. A building permit must be obtained and constructed related to the relocation of the sign completed within six months after issuance of the demolition permit, unless the Director grants an extension of time.

7. For purposes of this Subsection (F), the "relocation" of a sign includes both the re-erection of a sign at a replacement location and the erection of a new structure at that location.

G. Adjustments, Relocations And Modifications Of Signs Near Freeways

1. The Director shall have the authority to grant approval, by means of a Minor Site Development Plan Review under LVMC 19.16.100(F), to do any of the following regarding an off-premise sign within 660 feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, and, subject to the provision of Paragraph (3) of this Subsection (G), no Special Use Permit or public hearing shall be required in connection therewith:

a. Adjust the height or angle of an off-premise sign to a height or angle that:

i. Restores the visibility of the sign to the same or comparable visibility as before the construction of a noise abatement or highway improvement project;

ii. Is not more than 45 feet above the noise abatement improvement project, measured from the tallest point of the improvement project to the top of the sign; and

iii. Is not more than 65 feet from the existing grade at the base of the sigh to the top thereof;

b. Relocate a sign to another location on the same existing parcel in order to achieve visibility that was obstructed by a noise abatement or highway improvement project; or

c. Make a structural modification to allow a digital display on a sign that adjoins a controlled-access freeway, in compliance with the size limitations and other applicable requirements of this Title.

2. Application for approval under this Subsection (G) shall require signatures by both the property owner and the sign owner.

3. Action by the Director under this Subsection (G) shall be subject to the appeal provision of LVMC 19.00.080(N) and those governing Minor Site Development Plan Reviews under LVMC 19.16.100(F).

4. In the case of an adjustment, relocation or modification that exceeds the scope of the Director's authority under Paragraph (1) above, any approval by the City Council may not be conditioned upon a required periodic review of the sign if a condition requiring a review was not imposed when the sign was initially approved. Action by the City Council under this Paragraph (4) will be pursuant to a Site Development Plan Review with a public hearing rather than by means of the Special Use Permit process otherwise applicable. A sign approved by the City Council under this Paragraph (4) shall maintain any nonconforming status it had immediately before such approval.

MOTOR VEHICLE DEALERSHIPS, TEST DRIVING ROUTE PLANS 19.12.130

In order to facilitate the enforcement of LVMC 11.22.160, each motor vehicle dealership within the City that is engaged in Motor Vehicle Sales (New) or Motor Vehicle Sales (Used) shall file with the Department, for administrative approval, a test-driving plan showing which streets are proposed to be used for the test-driving of vehicles by customers and potential customers of that dealership. This requirement shall be considered to have been satisfied by new or existing dealerships that file such a plan in connection with a condition of zoning approval. For other new or existing dealerships, the requirement must be satisfied within six months after notice from the City to file such a plan. Any changes to an approved plan must be submitted to and approved by the Department. The failure of a dealership to comply with the provisions of the Section shall be grounds for disciplinary action against the dealership's business license.

19.14

Nonconforming Uses and Structures

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Nonconforming Uses and Structures

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INTENT 19.14.010

Within the zoning districts established by this Title, there may exist lots, structures and uses of land which were lawful before the effective date of this Title or an amendment thereto and which would be prohibited, regulated, or restricted under the terms of this Title. It is generally the intent of this Title to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent of this Title, that such nonconforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such nonconforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, nonconforming uses are declared to be incompatible with permitted uses in the same zoning districts.

APPLICABILITY 19.14.020

The provisions of this Chapter shall apply to lots, uses and buildings which become nonconforming by reason of the adoption of this Title, as well as to any amendment to this Title, as of the effective date of such amendment.

REGULATIONS 19.14.030

A. Nonconforming Use of a Conforming Building

1. **General Provisions.** A nonconforming use of a conforming building shall not be reestablished in a new building, extended or expanded into any other portion of the conforming building, or relocated on the same parcel or within the same commercial subdivision; provided, however, that an existing use which was made nonconforming by one or more of the following may be expanded or relocated on the same parcel or within the same commercial subdivision in accordance with Paragraph (2) of this Subsection (A):

   a. The adoption of a Special Use Permit requirement for that type of use;

   b. The adoption of a separation requirement between that type of use and a protected use;

   c. The adoption of a separation requirement between two uses of that type;

   d. The establishment of a protected use that, by virtue of a separation requirement, would otherwise prohibit the existing use from expanding; or

   e. The adoption of a different method of measuring distance for purposes of a separation requirement.

2. **Conditions of Allowable Continuation, Expansion, or Relocation of Use.** If the proposed expansion of a nonconforming use or relocation of the same use on the same parcel or within the same commercial subdivision qualifies under Paragraph (1) of this Subsection (A), the nonconforming use may be expanded or relocated on the same parcel or within the same commercial subdivision if the proposed expansion or relocation:

   a. Will not increase the size or extent of the use by more than 50%; and

   b. Will not require a Variance or Waiver regarding any other provision of this Title, including those that pertain to parking, landscaping and residential adjacency requirements.

3. **Discontinuation and Abandonment of Use.** If a nonconforming use of a conforming building is discontinued by ceasing to physically occupy or operate within the building, there shall be a rebuttable presumption that the nonconforming use has been abandoned as of the date the use was discontinued and, for purposes of this Paragraph (3), the Department may deem the use abandoned as of that date. The owner of the property or operator of the use may rebut the presumption of abandonment by demonstrating that the use has continued or existed beyond that date. The owner or operator shall have the burden of establishing the continuation or existence of the use beyond that date, as well as the burden of establishing the existence or continued operation of the use at any particular time.

   a. If a nonconforming use of a conforming building is abandoned for a period of one year, the future use of such building shall be only in conformance with the provisions of this Title.

   b. If a conforming building housing a nonconforming use is damaged or partially destroyed by fire, flood, wind, another calamity or act of God, and the use is abandoned for a period of two years, the future use of such building shall be only in conformance with the provisions of this Title.

c. If it appears, by reason of economic hardship, that a nonconforming use described in Subparagraph (a) or (b) above will be deemed abandoned for a period of time greater than the applicable abandonment period described in those subparagraphs, the owner of the property or operator of the use may request that the abandonment period be extended by the City Council. Such request shall be made by means of an application for an Extension of Time. The application shall include or be accompanied by a letter of justification explaining the economic hardship, which must be based on market conditions or other circumstances beyond the applicant's control, and shall be accompanied by the applicable fees, if any, that are set forth in the fee schedule. The application shall be heard at a public hearing of the City Council. An Extension of Time may be granted by the City Council only upon clear and convincing evidence of qualifying hardship and a determination that the public health, safety and welfare will not be jeopardized. An Extension of Time may not exceed the duration of the applicable abandonment period set forth in Subparagraph (a) or (b) above.

4. Notice to Discontinue Use. Independent of any other provision of this Chapter, a nonconforming use of a conforming building shall be discontinued upon written notice from the City to the owner to discontinue the use. The use shall be discontinued no later than the date described in the notice, which in no event shall be later than five years from the date notice is given. Notice shall be provided by mailing to the owner of the property as shown by the County Assessor's records and recording a copy of the notice in the office of the County Recorder. Such notice shall contain the legal description of the property, a description of the use required to be discontinued, the date that the use is to cease and desist and the section of this Title which declares the use to be nonconforming.

B. Nonconforming Use of a Nonconforming Building

The nonconforming use of a nonconforming building legally existing on the effective date of this Title or an amendment thereto may be continued subject to the following conditions:

1. Unoccupied Structure. A nonconforming building occupied by a nonconforming use which is or becomes vacant and remains unoccupied for one year, shall not be occupied thereafter, except by a use which conforms to the use regulations of that zoning district.

2. Expansion of Use. A nonconforming use of a nonconforming building may be extended or expanded into any other portion of the nonconforming building, provided no structural alterations are made thereto, except those required by law or ordinance.

C. Additions to Nonconforming Buildings

The Director may approve additions to nonconforming buildings when the nonconformance is a result of inadequate setbacks and provided that the addition conforms to all other provisions of this Title. The addition shall not encroach beyond the encroachment of the existing building, must be located in either a side or rear yard, and must not encroach more than 50 percent. In addition, the total of all such additions or enlargements shall not exceed more than 50 percent of the size of the original footprint of the structure. Additions may also be approved to nonconforming residential buildings in nonresidential zoning districts. Additions may be approved to any residential building made nonconforming by an action of a public entity. The addition, in either instance, shall be secondary in nature to the existing use on the property and will not substantially perpetuate the nonconforming use.

D. Nonconforming Use of Land

A nonconforming use of land that does not take place within a principal building, legally existing on the effective date of this Title or an amendment thereto shall be discontinued upon written notice from the City to the owner to discontinue the use. The use shall be discontinued no later than the date described in the notice, which in no event shall be later than five years from the date notice is given. Notice shall be provided by mailing to the owner of the property as shown by the County Assessor's records and recording a copy of the notice in the office of the County Recorder. Such notice shall contain the legal description of the property, a description of the use required to be discontinued, the date that the use is to cease and desist and the section of this Title which declares the use to be nonconforming.

1. Expansion of Use. No such nonconforming use of land shall in any way be extended or expanded either on the same or adjoining property;

2. Discontinuation of Use. If a nonconforming use of land is discontinued for a period of 90 days or changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Title.

EXPANSION OF A NONCONFORMING USE IN A CONFORMING BUILDING 19.14.040

Except as provided in LVMC 19.14.030, a non-conforming use may be continued provided no additions or enlargements are made to the building and no structural alterations are made, except those required by law or ordinance. If such nonconforming use is removed or made to conform, every future use of such building or structure shall be in conformity with all the provisions of this Title.

NONCONFORMING USES AND BUILDINGS – RESTORATION AFTER DAMAGE 19.14.050

A. Use of a Damaged or Destroyed Building

1. Except as otherwise provided in Paragraph (2) of this Subsection (A), a nonconforming use which was located in a building that has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God shall not be continued when the extent of damage or destruction is more than 50 percent of the replacement value of the building.

2. Paragraph (1) of this Subsection (A) does not apply to a use which was made nonconforming by one or more of the following:

a. The adoption of a Special Use Permit requirement for that type of use;

b. The adoption of a 400-foot or 1500-foot separation requirement between that type of use and a protected use;

c. The adoption of a 1500-foot separation requirement between two uses of that type;

d. The establishment of a protected use that, by virtue of a 400-foot or 1500-foot separation requirement, would otherwise prohibit the existing use from expanding or from continuing following redevelopment; or

e. The adoption of a different method of measuring distance for purposes of a separation requirement.

B. Nonconforming Building

Any nonconforming building which has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God shall be repaired, moved, remodeled or altered entirely in conformity with the provisions of this Title or entirely demolished within a period of ninety days from the date of such damage when the extent of damage or destruction is more than 50 percent of its replacement value. The City Council may extend this period for an additional 90 days, provided the public health, safety and welfare is not jeopardized.

BUILDING - ABATEMENT IN "R" RESIDENTIAL DISTRICTS 19.14.060

Any nonconforming building or structure, which was designed or intended for a use prohibited in any residential district, shall be completely removed or altered and converted to a conforming building and use. Such removal or conversion shall be required when the use or building has reached the age specified in the following table:

Building Type Under International Building Code	Age in Years When Conformance Required
I or II	50
III	40
IV	30
V	20

RENEWABLE ENERGY SYSTEMS AND NONCONFORMING USES AND BUILDINGS 19.14.070

Notwithstanding any other provision of this Chapter, a solar panel and or small wind energy system that is approved as a conditional use or approved by means of special use permit pursuant to LVMC Chapter 19.12 shall not be considered an impermissible expansion or alteration to a nonconforming use or structure under this Chapter. However, nothing in this Section precludes the denial of a Special Use Permit application for a solar panel and or small wind energy system based upon the extent to which the size, scope and impact of the proposed installation or system would impact surrounding properties or would tend to perpetuate the nonconformity in a manner contrary to the intent of this Chapter as described in LVMC 19.16.010.

NONCONFORMING SIGNS 19.14.080

A. Applicability

This Section shall not apply to any sign approved by a Variance, any sign approved as part of a Master Sign Plan, any off-premise sign, or any other sign protected from such provisions by Nevada law.

B. Continued Use Allowed

A lawfully nonconforming sign, as defined in this LVMC 19.18.020, may continue in use, except as otherwise provided in or authorized by this Section. A change in the information on the face of an existing nonconforming sign is allowed if the change does not increase the area of the sign face.

C. Burden of Proof

In any matter in which a property owner(s), sign owner(s), sign user or other person seeks the protection provided to lawful, nonconforming signs under this Section, the burden of proof shall be on the person seeking such protection to prove:

1. The date of erection or installation of the sign;
2. That the sign fully conformed to the sign ordinance then in effect;
3. That the person erecting the sign obtained all necessary permits for the erection of the sign; and
4. That any changes to the sign have been made in accordance with the requirements of this Section and in compliance with all applicable permit requirements.

D. Public Right-of-Way Improvements

The City may require signs to be modified or moved if streets are widened, or for other improvements made in the public-right-of-way. If a nonconforming sign or sign structure is moved under this requirement, it may be re-established on the same site without being brought into conformance.

E. Ownership

The status of a nonconforming sign or sign structure is not affected by changes in ownership.

F. Maintenance and Repair

Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size.

G. Termination of Nonconforming Signs.

1. **Change to a conforming sign.** A nonconforming sign or sign structure may be altered to become or be replaced with a conforming sign or sign structure. Once a sign or sign structure is brought into conformance or is replaced with a conforming sign or sign structure, the nonconforming rights for that sign or sign structure are lost and a nonconforming sign or sign structure may not be re-established.
2. **Alteration.** Except as provided in Subsection (D) above, sign structures that are moved, replaced, or the supporting structure is substantially altered, must be brought into conformance with this Section.
3. **Discontinuance.** If there is no sign in place on a sign structure or building wall for 12 continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure or building wall sign area is unused for less than 12 continuous months, a nonconforming sign may be re-established.
4. **Removal.** Except as provided in this Section, if a sign or sign structure is permanently removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.
5. **Damaged or deteriorated nonconforming signs.** If a sign or sign structure is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty percent or more of the cost of replacement of such sign, replacement signs and sign structures must comply with the current standards.

H. Optional Registration

1. A sign owner(s) or user may register a lawful, nonconforming sign in accordance with this Subsection. The registration shall be filed on a form provided by the Director, which form shall require at least the following:
   - **a.** Sign certificate number (if any);
   - **b.** Date of installation of the sign;
   - **c.** Address of premises;
   - **d.** Location of the sign on the premises (drawing or precise description of location);
   - **e.** Dimensions of the sign;
   - **f.** For a freestanding sign, the height of the sign; and
   - **g.** Photograph of the sign, as it exists at time of filing registration.

2. The Director shall review the registration within 30 days of receipt and shall notify the applicant of any inaccuracies or other deficiencies in the registration. Such inaccuracies or deficiencies shall be noted in the registration file. All provisions of the registration not subject to such a notice shall be deemed to be accepted by the City.

3. In any proceeding in which the legal status of a sign is material, the unchallenged facts set forth in a registration under this Subsection shall be presumed to be true; any facts subject to a notice from the Director questioning the accuracy or other matters shall not receive such protection unless the applicant amends the registration to cure the deficiencies.

NON-CONFORMITY RESULTING FROM CITY ACTION 19.14.090

No action by the City in connection with the acquisition or use of right-of-way or the installation of off-site improvements shall have the effect of rendering a previously conforming lot or structure non-conforming as to lot width, lot area, landscape buffer area or setback requirements.

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GENERAL REQUIREMENTS

A. Compliance with General Plan

Except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezonings, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan.

B. Application

1. **Time of Filing.** In order to provide sufficient time for the necessary investigation by the Department, Planning Commission and/or its Secretary and agents, a complete application for the request must be filed as follows:

   a. Applications that are subject to administrative review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application would be heard and considered if it Planning Commission and/or City Council review; and

   b. Applications that are subject to Planning Commission and/or City Council review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application is to be heard and considered.

2. **Notarized Application.** Applications shall be signed, notarized and acknowledged by the owner of record of the property for which the General Plan Amendment, rezoning or development application is sought. If the property has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the property if not all of the owners have signed the application.

3. **Pre-application Conference.** A pre-application conference with a designated representative from the Department is required prior to submitting an application for a Tentative Map, General Plan Amendment, Vacation, Rezoning, Major Site Development Plan Review, Special Use Permit, Variance or Development Agreement.

4. **Review of Applications.** Following the submittal of an application, staff shall review the application to verify that the information is complete and fulfills application requirements. If the application is not complete, staff will notify the applicant, and the application will not be scheduled on an appropriate agenda until the application is complete.

5. **Discretion Regarding the Acceptance of Applications.** The Director has the discretion not to accept any application which seeks action that is not available under this Title.

C. Fees

Fees charged related to the filing, processing or noticing of applications under this Chapter shall be in accordance with the Fee Schedule, as adopted pursuant to LVMC 19.00.120(A).

D. Posting of Signs

1. **General**

   a. Notification signs shall be posted by the Department or its authorized agent or contractor. An application will not be processed until the applicant has paid the fees established by the City for the posting of signs.

   b. Notification signs shall be posted in conformance with NRS 278.260 as supplemented by this section.

   c. Each notification sign must be of a size not less than four feet high and three feet wide; provided, however, that, in the case of a store frontage, the minimum size of a notification sign placed in the store front window shall be two feet high and two feet wide.

2. **Number of Signs Required**

   a. One notification sign is required for tracts of five acres or less.

   b. The Director may determine that additional notification signs should be posted for each additional five acres or portion thereof.

3. **Timing.** The required number of notification signs shall be posted on the property at least 10 days before the date of the first scheduled public hearing.

4. **Placement of Signs**

   a. The signs must be posted at a prominent location on the subject property and must be easily visible by the general public.

b. Required signs shall remain visible and legible from 10 days prior to the first public hearing and until final action is taken. The applicant is responsible for ensuring compliance with this paragraph once the required signs have been posted.

c. The City or its authorized agent or contractor is responsible for removing the notification signs after the final action on the case.

5. **Inadequate Notice.** If it is determined that adequate notice has not been provided in accordance with this Subsection, the Planning Commission or City Council may hold the application in abeyance or deny the application.

6. **Illegal Removal of Signs.** It is unlawful to intentionally or knowingly remove a notification sign that has been posted pursuant to this Subsection or conceal the sign message.

E. Development Impact Notice and Assessment (DINA)

1. **Background.** Pursuant to 1999 Statutes of Nevada, Chapter 481, ("Chapter 481"), a person who proposes to develop a project of significant impact is generally required to submit an impact statement to the local zoning authority before specified actions can be taken regarding the project. This Section implements the requirements associated with Chapter 481. The impact statement to be required by the City is identified as a Development Impact Notice and Assessment (DINA), and requires the information described in Chapter 481. The required information includes information regarding vehicle trips, student enrollment, sewage generation, water demand, storm water runoff, distance from public safety facilities, existing and planned capacities of service required for the project, and other anticipated effects of the project.

   For the purposes of this Subsection, a project is deemed to be a "project of significant impact" if it would create:

   a. Tentative maps, final maps or planned unit developments of 500 units or more;

   b. Tourist accommodations of 300 units or more;

   c. A commercial or industrial facility generating more than 3,000 average daily vehicle trips; or

   d. A nonresidential development encompassing more than 160 acres.

2. **Applicability.** This subchapter applies to all development within the City, except for any project:

   a. Located on property which was the subject of a development agreement with a local government, if the agreement became effective before June 8, 1999; or

   b. Which was approved before June 8, 1999.

3. **Requirements.** Before scheduling a pre-application conference in accordance with LVMC 19.16.010(B), a person proposing a development of significant impact in connection with an application for tentative map, rezoning, site development plan review, or a special use permit must meet with agencies and service providers from which the information required for a DINA report must be obtained. At the pre-application conference, the applicant must present to the Department staff, on forms provided by the Department, the agency and provider responses that have been obtained by the applicant. A completed DINA report must be submitted no later than at the time of making an application under this Chapter. The department is authorized to withhold the processing of an application until a completed DINA report has been submitted.

4. **Review.** Action by the City Council concerning a project of significant impact shall be in accordance with Chapter 481. Pursuant to the provisions of Chapter 481, the City Council may approve a project with respect to which the capacities of roads, sources of water supply or facilities for wastewater and flood control will not be sufficient to support the project if the Council requires the person who proposes to develop the project to carry out appropriate measures of mitigation to substantially reduce the impact of the project on those elements of infrastructure.

F. Projects of Regional Significance

1. **Determination.** At the earliest stage feasible, the Department shall determine whether a development proposal, proposed zoning map amendment, proposed local land use plan amendment, proposed Special Use Permit, or other proposal qualifies as a "project of regional significance." Where possible, this determination should be made at the time an application is filed for a proposal that requires review at a public meeting.

2. **Assessment and Referral.** Upon determining that a proposal qualifies as a "project of regional

significance" by reason of its proximity to the boundary of another municipal corporation or an unincorporated area (the "affected local government"), the Department shall refer the proposal to the affected government(s). The referral shall consist of a description of the proposal, copies of any application materials, and an impact statement that includes at a minimum:

a. The number of vehicle trips that the proposal will generate, estimated by applying to the proposal the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (or its successor).

b. The estimated number of pupils that the proposal will add to the enrollment of each elementary school, junior high/middle school, and high school that will be impacted by the proposal.

c. The distance from the site of the proposal to the nearest facilities from which firefighting, police and emergency services will be provided, including without limitation facilities of a local government that are planned but not yet constructed, and facilities that have been included in a local government's plan for capital improvements prepared pursuant to NRS 278.0226.

d. A brief statement setting forth the anticipated effect of the proposal on housing, mass transit, open space and recreation.

3. Comment by affected Local Government(s). Upon receipt of a referral, an affected local government shall have 15 calendar days within which to provide comments to the Department. The comments may propose suggestions for the mitigation of any negative impacts of the proposal on the affected local government.

4. Consideration of Comments. The Department shall, within its discretion, give consideration to any suggestions for mitigation that have been received from an affected local government and, in accordance therewith, shall require or recommend mitigation of the proposal's potential negative impacts on the affected local government to the maximum practical extent. For purposes of this paragraph, "maximum practical extent" means that under circumstances:

a. Reasonable efforts have been made to minimize any negative impacts of the proposal;

b. The costs of compliance with the suggestions for mitigation clearly exceed the potential benefits to the public, or would unreasonable burden the proposal; and

c. Reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the failure to implement the suggestions for mitigation.

5. Report of Findings. The Department shall prepare a written description of the manner in which the suggestions for mitigation by any affected local government(s) were addressed, and shall include the description with or in the staff report regarding the proposal. The description shall be included in the project file for the proposal. The Department shall send the description to any affected locate government that provided comments regarding the proposal, endeavoring to do so by the time that draft staff reports are distributed for the Planning Commission meeting at which the application for the proposal is to be heard.

6. Interpretation of Notification and Separation Requirements. For purposes of applying the distance-separation and property-owner notification requirements of this Title, distances shall be measured, and property owners notified, without regard to jurisdictional boundaries.

G. Treatment of Certain Tabled Applications

Any application under this Chapter that requires a public hearing and that is tabled at the request of an applicant shall expire six months after the last announced public hearing date, unless:

1. Within that period of time, the applicant has requested that the item be scheduled again for hearing; or

2. The motion to table the application specified otherwise.

After an application has expired in accordance with this Subsection (G), the applicant must submit a new application.

H. Recordation of Zoning Actions

In connection with the approval of any application under this Chapter that includes zoning conditions, requirements or limitations, the Department is authorized to record with the County Recorder's Office a notice advising that:

1. Zoning action regarding the property has been taken;

2. Such action is subject to conditions, requirements or limitations; and

3. Inquiry should be made to the City to obtain further information regarding the nature and extent of those conditions, requirements or limitations.

I. Reconsideration of Council Action to Deny an Application

1. Action by the City Council to deny an application, where such action is "final action" under the provisions of this Chapter, shall be deemed final action for purposes of judicial review, subject to the provisions of Paragraph (2) below. However, for purposes other than judicial review, City Council action taken pursuant to this Paragraph (1) or Paragraph (2) below shall be subject to the provisions of Paragraphs (3) through (5) below.

2. Any member of the City Council who voted with the majority regarding an application referred to in Paragraph (1) above may, at the same meeting at which the action was taken, request that the item be reconsidered at that meeting.

3. During the period of fourteen calendar days following action taken pursuant to Paragraph (1) or (2) above to deny an application, any member of the City Council who voted with the majority regarding the application may file with the City Clerk a written request for the item to be rescinded and reconsidered. If such a request is made (and subject to the provisions of Paragraph (4) below), an appropriate item to rescind the previous vote shall be put on the next available Council agenda, and a follow-up item to reconsider the vote may be put on that same agenda or the next available agenda.

4. No agenda item to rescind or to reconsider an item under this Subsection (I) shall be considered unless:

   a. Consideration of the item is in compliance with the requirements of NRS Chapter 241; and

   b. Notice of consideration of the item has been provided to property owners (and published) to the same extent as when the item was heard previously.

5. The provisions of this Subsection (I) shall apply notwithstanding any other provision of this Chapter, and notwithstanding any custom or procedural rule that governs or has governed action by the City Council.

19.16.020

ANNEXATION

A. Purpose

The purpose of the annexation procedures is to establish a process for incorporating property into the City of Las Vegas. The City of Las Vegas will consider annexation of any developed or undeveloped property that satisfies the eligibility requirements and provisions of NRS 268.570 to 268.608. The City will also zone newly annexed areas under the appropriate zoning category in accordance with procedures and guidelines contained in this Section and the adopted goals and policies of the City's General Plan.

B. Application

A petition for Annexation shall be made on a form provided by the Department and shall be filed with the Director.

C. Zoning Classification of Newly Annexed Territory

1. General

a. Annexation shall be in accordance with the provisions of NRS 268.570 through 268.608.

b. The following guidelines shall be used to determine the zoning classification of any parcel to be annexed to the City:

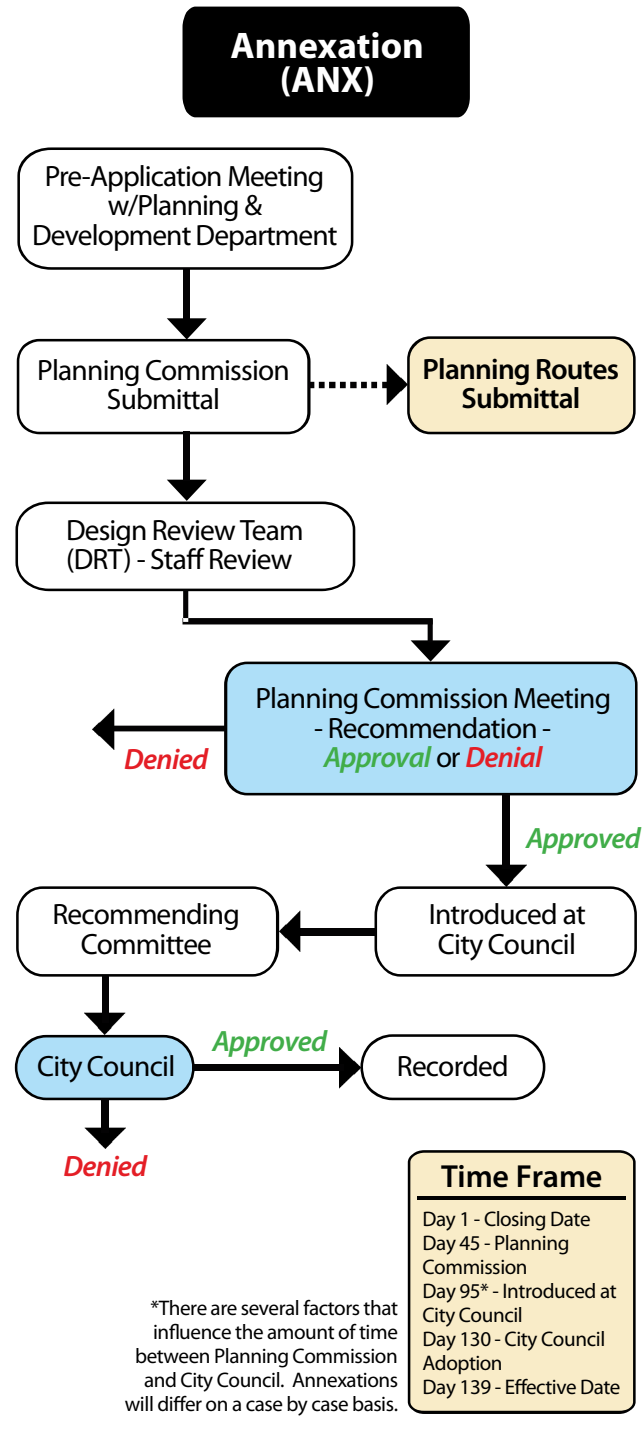
i. Developed. The annexed territory, if developed, shall be classified with the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification.

ii. Undeveloped. If the property annexed is undeveloped, but is classified for development other than residential uses or for residential uses permitting more than two dwelling units per acre, it shall be classified with the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification; or the City Council may, as a condition of annexation, change the classification to a more restrictive classification.

iii. Undeveloped and Classified. If the property annexed is undeveloped and classified for residential uses permitting no more than two dwelling units per acre, the parcel shall be classified with

Annexation

Typical Review Process **19.16.020**



the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification; or the City Council may, as a condition of annexation, classify the parcel(s) as U (Undeveloped) until such time as a proper classification is determined, at which time it may be rezoned under the procedures set forth in LVMC 19.16.090.

iv. **Partially Developed.** If the property to be annexed is partially developed, the property, as described in the above subsections, shall apply separately or collectively to the undeveloped portions and developed portions.

v. **Undeveloped Without Permanent Zoning.** For undeveloped property which has been approved for rezoning by Resolution of Intent or otherwise, but for which the rezoning has not been made permanent by ordinance, the City may, as a condition of annexation, change the zoning to a more restrictive classification.

D. Annexation Process and Procedures

1. **Annexation Process.** Standard annexation of territory must follow the annexation process and procedures established in NRS 268.578 through 268.596.

2. **Alternate Annexation Process.** As an alternative to the procedures set forth in NRS.268.578 through 268.596, the City may annex qualifying territory in accordance with NRS 268.597.

19.16.030

GENERAL PLAN AMENDMENT

A. Purpose

The purpose of this Section is to set forth the procedures by which the Planning Commission and City Council will periodically review and evaluate the General Plan to ensure that it remains an accurate statement of the City's land-use goals and policies based on current data.

B. Authority

Whenever the public health, safety and general welfare requires, the City Council may, upon a resolution of the Planning Commission carried by the affirmative votes of not less than five members, or upon review of a requested General Plan Amendment which has not been approved by resolution of the Planning Commission, change the General Plan land use designation for any parcel or area of land to allow different zoning classifications. Subsequent growth and development factors in the community may be considered, among other factors, when determining whether such amendment to the General Plan promotes the public health, safety and general welfare. For purposes of this Subsection (B), the Planning Commission's resolution may be in the form of a vote reflected in the minutes of the Planning Commission meeting.

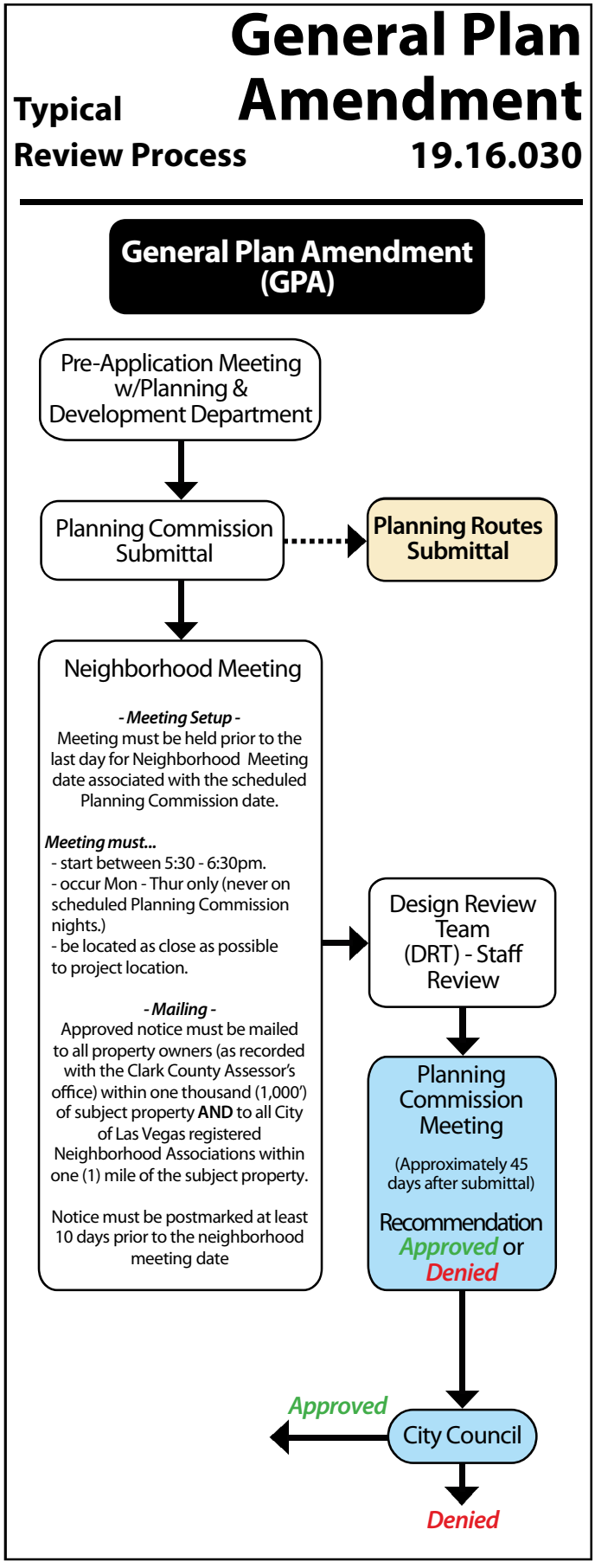
C. Application

1. **Initiation of Application.** A General Plan Amendment may be initiated by the Planning Commission or the City Council, or by means of an application filed by the owner(s) of record of each parcel of property proposed for a General Plan Amendment.

2. **Pre-Application Conference.** Before submitting an application for a General Plan Amendment, the owner or authorized representative shall engage in a pre-application conference with the staff of the Department to discuss preliminary land planning, including land use relationships, density, transportation systems, infrastructure facilities and landscaping and open space provisions.

3. **Form and Filing.**

   a. An application for a General Plan Amendment shall be made to the Planning Commission on a separate application form to be provided by the Department. The application shall be signed, notarized and acknowledged by the owner of record of each parcel of property. This application shall be filed with the Secretary of



the Planning Commission at the office of the Department.

b. In addition, any application for a General Plan Amendment shall specifically list reasons for the request and state why the proposed amendment works to promote the public health, safety and general welfare of the community. The application shall contain a list of factors requiring comment by the applicant, including:

i. Whether there has been unanticipated growth and development of the community in the area surrounding the application site or growth and development not specifically considered when the General Plan was adopted;

ii. Whether the proposed amendment to the General Plan will allow a zoning classification which imposes burdens similar to the burdens imposed by the classification currently provided for under the General Plan;

iii. Whether the amendment to the General Plan continues to promote the objectives of the General Plan as designated in NRS 278.

4. Other Governmental Ownership. With respect to property which is owned by the State of Nevada or the United States of America, a General Plan Amendment application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property.

5. Non-Property Owner. A General Plan Amendment application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the General Plan Amendment is sought. However, interest in that property must exist in a written agreement with the owner of record, attached to which is a copy of the General Plan Amendment application and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application.

6. Multiple Ownership. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. A list of all other owners shall be provided with the application.

7. Quarterly Consideration. In the interest of economy and efficiency in the processing of applications, and in the interest of providing for amendments to the General Plan that are orderly and well-considered in relation to each other and to the public interest, the Director is authorized to process applications to amend the General Plan so that such applications are presented to the Planning Commission and City Council on a quarterly basis. Such applications may be filed at any time, but the Director may withhold the processing of such applications in order to accomplish the purposes of this Paragraph. After its initial presentation to the Planning Commission or City Council, any such application may be held in abeyance to and considered at any subsequent meeting. The Director may withhold the scheduling of related zoning applications until a meeting subsequent to the one at which proposed Plan Amendments are heard.

D. Successive Applications

1. Previously Denied Application. An application for a General Plan Amendment for a parcel in which all or any part was the subject of a previous General Plan Amendment application for the same land use category, a similar category or a less restrictive land use category has been denied, or which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the following periods have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:

a. After the first denial or any withdrawal after public notice has been given – one year.

b. After the second or subsequent denial or withdrawal after public notice has been given - two years.

2. Previously Withdrawn Application. The time periods that are described in Paragraph (1) of this Subsection and that otherwise would become effective because of the withdrawal of an application shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

F. Planning Commission Public Hearing and Action

1. Hearing. Subject to the provisions of LVMC 19.16.030(C)(7), upon receipt of a complete General Plan Amendment application or an Amendment proposed by the Planning Commission or City Council, the Planning Commission shall hold a public hearing.

2. Notice

a. Notice Provided. Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

i. Publishing the notice in a newspaper of general circulation within the City;

ii. Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;

D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (a)(ii)(F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

d. Signs. Notification signs shall be posted in conformance with LVMC 19 .18.010(D).

3. Planning Commission Decision

a. A decision to recommend approval of a General Plan Amendment shall be by resolution of the Planning Commission with the affirmative votes of not less than two-thirds of the total membership of the Commission. For purposes of this Subparagraph (a), the Planning Commission's resolution may be in the form of a vote reflected in the minutes of the Planning Commission meeting. The Planning Commission may approve or deny an application for a General Plan Amendment.

b. In making a decision to approve the proposed General Plan Amendment, the Planning Commission shall consider the facts presented at the public hearing and shall make the determinations contained in Subsection (I) of this Section. The Planning Commission may consider recommending:

i. The approval of a more restrictive land use category than that set forth in the application; or

ii. The amendment of fewer than all parcels described in the application to either the land use category requested in the application or a more restrictive land use category, but only if such parcels are distinct legal parcels.

c. Following the hearing, the Planning Commission shall make its decision to either recommend approval or denial of the application.

4. **Notice of Planning Commission Decision.** Following the date of its decision, the Planning Commission shall transmit a report of its recommendation to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the Amendment necessary to carry out the provisions and general purposes of this Title. A copy of the report shall be mailed to the applicant, agent, or both, at the address(es) shown on the application filed with the Secretary of the Planning Commission. A copy of the report shall also be filed with the City Clerk, acting as agent for the City Council.

G. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a General Plan Amendment is warranted.

H. City Council Public Hearing and Action

1. **Notice and Hearing.** Subject to the provisions of LVMC 19.16.030(C)(7), the City Council shall consider a proposed General Plan Amendment and the recommendation of the Planning Commission thereon at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

2. **City Council Action**

   a. **Decision.** The City Council may approve or deny a proposed General Plan Amendment. In making a decision to approve the proposed General Plan Amendment, the City Council shall consider the recommendation of the Planning Commission and the facts presented at the public hearing. The City Council may consider:

      i. The approval of a more restrictive land use category than that set forth in the application; or

      ii. The amendment of fewer than all parcels described in the application to either the land use category requested in the application or a more restrictive land use category, but only if such parcels are distinct legal parcels.

   b. **Change to More Restrictive Category.** If at the Council hearing, the applicant proposes amending the application to a more restrictive land use category, the City Council has the option to refer the application back to the Planning Commission for consideration.

   c. **Significant Changes.** If the applicant proposes significant changes to the application during the hearing or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.

3. **Notice of City Council Decision.** Following the hearing on a proposed General Plan Amendment, the City Council shall reach a decision concerning the proposal. The decision shall include reasons for the decision. Written notice of the decision shall be provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

I. General Plan Amendment - Determinations

In order to approve a proposed General Plan Amendment, the Planning Commission and City Council must determine that:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and

4. The proposed amendment conforms to other applicable adopted plans and policies.

J. Certain Minor Amendments

Notwithstanding any other provision of this Section, the City Council, upon appropriate noticing and public hearing, may amend the General Plan, or any part thereof, without action by the Planning Commission and without limitation as to frequency, in order to:

1. Change a boundary that is based on a geographical feature, including , without limitation, topography, slops, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;

2. Reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such alteration; or

3. Update statistical information that is based on a new or revised study.

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PARCEL MAP

A. Purpose

The provisions of this Section set forth the administrative and procedural requirements for the division of land by a parcel map. The parcel map process does not require Planning Commission or City Council action.

B. Applicability

Whenever a division of real property into four or fewer lots is proposed for purposes of sale, transfer or development the submittal, approval and recordation of a parcel map is required. Parcel maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Section.

C. Application -- Form and Copies

The owner of property to be divided by means of the parcel map process shall file with the Director an application on a form to be provided by the Department and made available to the public. The complete parcel map application submission shall be accompanied by a sufficient number of copies, as determined by the Director, of a twenty-four by thirty-two inch original of a parcel map drawing and shall contain the items set forth in Appendix A to this Title.

D. Application -- Review

Upon determining that a parcel map application is complete, the Director shall cause review of the application for a parcel map and obtain comments from other affected departments. This review shall be conducted within the time period specified by NRS Chapter 278.

E. Approval -- Determination

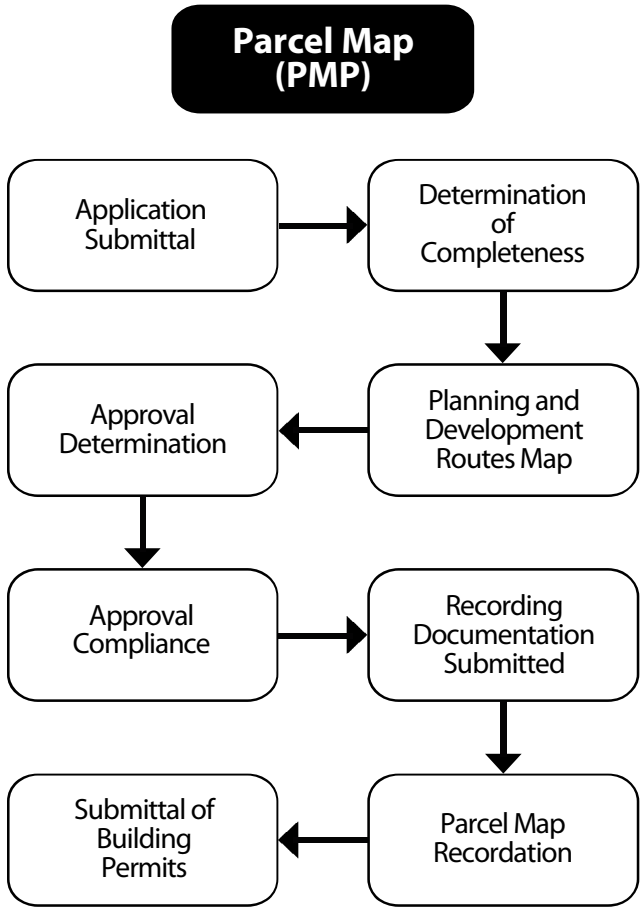
The Director, in conjunction with the Director of Public Works, shall determine whether or not a parcel map complies with this Section. Upon determining, pursuant to this Section, that all conditions and requirements have been met and that all appropriate certification signatures are complete, the Director and the Director of Public Works shall give final approval for the parcel map, sign the appropriate certifications, and release the parcel map for recordation.

F. Approval -- Compliance

Approval of a parcel map shall be contingent upon a determination that the map and the proposed development comply with applicable zoning regulations, the provisions of this Title and all requirements set forth in

Typical Review Process

Parcel Map 19.16.040



Subsections (G) to (S), inclusive, of this Section.

G. Water Supply Systems

Water supply systems shall be installed and maintained in accordance with City standards, Las Vegas Valley Water District standards, Clark County District Board of Health standards or State of Nevada standards, whichever are applicable. Approval of a parcel map does not in any manner ensure the adequacy or availability of future water supplies to service the proposed development.

H. Sanitary Sewer Collection and Disposal Systems

Sanitary sewer collection and disposal systems shall be required, installed and maintained in accordance with City standards. Unless septic systems are permitted by the Clark County Health District, connection to the public sanitary sewer system shall be required. If required improvements are deferred, a public improvements covenant which runs with the land shall be recorded which ensures future installation of any deferred improvements.

I. Public Street Access

All lots resulting from the division of land in accordance with the parcel map process shall have frontage on a public street or access to a public street via a private street or private drive. Public street dedications to ensure lot access or the continuity of necessary public streets adjacent to or through the parcel map site also may be required, as necessary, by the Department of Public Works.

J. Lots Less Than Two And One-Half Acres -- Access By Way of All-Weather Street Required

All lots resulting from the division of land in accordance with the parcel map process that are less than two and one-half acres in size shall have access by way of an all-weather street which meets the requirements of the Air Pollution Control Regulations of the Clark County District Board of Health. Proof of legal access to the parcel map site may be required to be submitted prior to approval of the parcel map.

K. Public Improvements

Except as otherwise specifically provided in this Subsection or in a development agreement, all public improvements adjacent to and, if proposed, interior to the parcel map site shall be fully installed, to current City standards, before the parcel map is released for recordation. The Director of Public Works is authorized to allow the installation of public improvements or any portion thereof to be delayed for any of the following reasons, but only if the applicant provides security, in accordance with Subsection (O), for the installation of all improvements so delayed prior to the release of the parcel map for recordation:

1. The parcel map will create large lots upon which no immediate development is intended;

2. The parcel map site is located more than six hundred sixty feet (one nominal block) from existing full or partial improvements;

3. The parcel map site is located in an area where partial or full public street improvements are not customary;

4. The parcel map site is located in an area where no street improvements currently exist and none have been obligated by means of a public improvements covenant, a covenant running with land agreement, a valid outstanding condition of approval for zoning or site development plan review, a budget appropriation or signed contract, or another similar document or evidence of commitment; or

5. Other extenuating site-related circumstances exist.

L. Dust Control Improvements

The applicant shall be responsible for the installation of all dust control improvements that may be required under applicable law, or the contribution of moneys in lieu of improvements, on all public streets adjacent to the parcel map site. Bonds will not be allowed in lieu of improvements for dust control improvements.

M. Private Street Improvements

Private streets shall be constructed to applicable City standards.

N. Flood Control Requirements

A parcel map site two gross acres or larger in size shall comply with the requirements of LVMC Title 20, relating to flood control. A parcel map site smaller than two acres gross may be required to meet such requirements if the site is determined by the Department of Public Works to be in an area of known flooding or if the site is in an area of unknown flood potential.

O. Completion of Dedication and Required Improvements

Prior to or concurrent with the release of the parcel map for recordation, all dedications and required improve-

ments shall be completed, unless additional time has been granted pursuant to Subsection (K) for the installation of improvements, and security for their installation has been provided. The installation of improvements shall be secured by means of a recorded covenant running with land agreement or as otherwise provided under LVMC Chapter 19.02.

P. Memorandum of Oaths and Certificate of Surveyor

The parcel map shall include the memorandum of oaths described in NRS 625.320 and the certificate of the surveyor required pursuant to NRS 278.375.

Q. Recording -- Documentation Requirements

A parcel map presented for recording shall include the following items:

1. A report from a title company which lists the names of each owner of record of the land to be divided and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording;

2. The written consent of each holder of record of a security interest described in Paragraph (1), consenting to the preparation and recordation of the parcel map. A holder of record may consent by signing the parcel map or a separate document that is filed with the parcel map and that declares his consent to the division of land;

3. Certificates that are in substantial compliance with Appendix E; and

4. All other information required by NRS Chapter 278.

R. Recordation

The parcel map shall be recorded within one year after the map has been approved by the City, or such approval shall become null and void. The approved parcel map and any covenants shall be filed and recorded with the County Recorder prior to the sale or transfer of land that is included within a parcel map. Immediately following recordation of the parcel map, the surveyor (or a designee) shall submit to the Director a reproducible copy of the recorded parcel map or a compatible digital format (or both, if required by the Director).

S. Issuance of Building Permit

No building permit shall be issued for any structure on property within a parcel map land division until:

1. The parcel map has been recorded with the County Recorder;

2. A reproducible copy of the recorded parcel map has been filed in accordance with Subsection (R);

3. All required public streets and easements, including access from public streets to the parcels, have been dedicated; and

4. Required street improvements have been constructed or their construction adequately secured or guaranteed.

T. Appeals

Any person aggrieved by a decision of the Director or the Director of Public Works to approve or deny a parcel map may appeal to the Planning Commission in writing within fifteen days after receiving written notice of the decision. All appeals of parcel map decisions shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning Commission shall hear the appeal within thirty days after the appeal is filed. If the appeal is denied, the applicant shall have seven days in which to file an appeal with the City Council. The City Council shall hear the appeal within thirty days after the appeal to the City Council is filed. All appeals granted by the Planning Commission shall be forwarded automatically to the City Council for final action.

CLV
WEB
E-MAIL

19.16.050

TENTATIVE MAP

A. Purpose

The provisions of this Section set forth the administrative and procedural requirements for the subdivision of land by means of a tentative map. The tentative map process requires Planning Commission review and action.

B. Applicability

Whenever a division of land is proposed that does not meet the criteria for a parcel map, the applicant shall file a tentative map of the proposed subdivision with the Secretary of the Planning Commission at the office of the Department. The preparation and submission of a tentative map shall be in compliance with the provisions of NRS Chapter 278 and any additional regulations contained in this Title.

C. Conformance with Zoning Requirements

1. No application for a tentative map is eligible for approval unless it is determined that the proposed subdivision will be in conformance with all applicable zoning regulations, including all applicable provisions of this Title; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect. If the proposed subdivision will not so conform, the Director is under no obligation to accept or process an application for a tentative map until the applicant has made any necessary application for rezoning or site development plan review, or both; the Planning Commission has made a recommendation in support of the zoning-related application(s); and a City Council hearing date has been set for the zoning-related application(s).

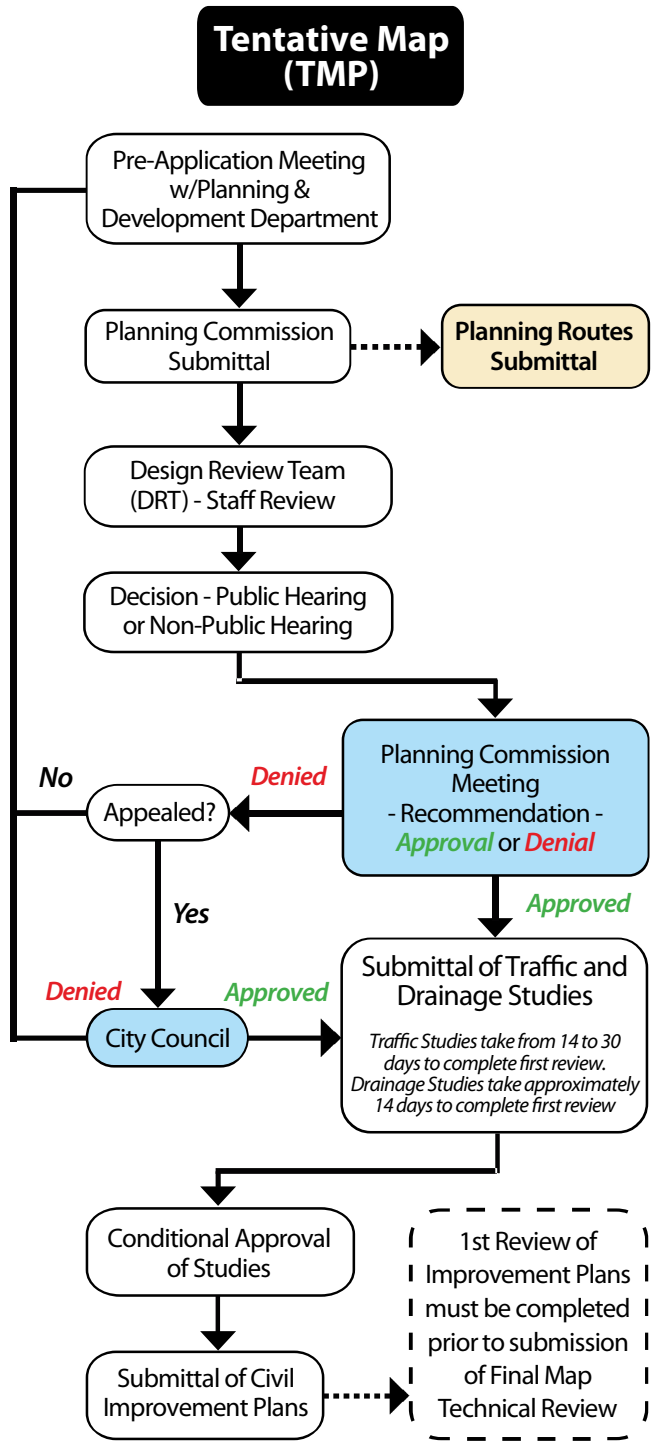
2. In cases where approval of a rezoning or a site development plan review by the City Council is necessary before a tentative map can be approved:

a. The Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the City Council's final approval of the rezoning or site development plan review application, or both; and

b. The Director may extend the time for reviewing the tentative map if the Council's rezoning or site development plan approval requires that additional issues be addressed or changes made before map approval can occur.

Typical Review Process

Tentative Map 19.16.050



3. In cases where a rezoning is unnecessary and the Planning Commission is authorized to take final action on a site development plan review, the Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the Planning Commission has approved the application for site development plan review.

4. The Director's obligation to withhold action or ability to extend time under Paragraph (2) is subject to the time limits referred to in NRS 278.350, as they may be extended by mutual consent. In addition, the Director's failure to comply with any obligation described in this Subsection shall not be deemed a violation subject to criminal or administrative action and shall not invalidate any action taken.

D. Procedure.

Tentative maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Section.

E. Pre-Application Conference Required

Before submitting an application for tentative map, the subdivider or a representative shall attend a pre-application conference with the Department to obtain the Department's assessment of the proposed tentative map and notice of any changes necessary to bring the application into conformance with City requirements.

F. Application -- Form -- Copies

A complete application for a tentative map shall be made to the Planning Commission on a separate application form to be provided by the Department. An application for a tentative map shall be accompanied by a sufficient number of copies, as determined by the Director, each twenty-four by thirty-six inches in size, of a tentative map drawing and contain the items set forth in Appendix B to this Title. The drawing shall be made at an engineer's scale and should be such that it will fill no less than seventy-five percent of the sheet. A scale of 1"=20' is preferred, with 1"=40', 1"=100' and 1"=200' the next most preferred scales. If the Director determines that the tentative map will not fit on a twenty-four by thirty-six inch drawing such that all pertinent information is clearly legible, the Director may approve the use of a larger map size that does not exceed thirty-six by forty-eight inches.

G. Application -- Determination of Completeness

The Director shall determine if the application is complete and includes all required data and information necessary to conduct a complete evaluation. Within five working days after submittal of a tentative map application, the Director shall:

1. Accept the application as complete and begin the review process, scheduling the map for consideration on the next available Planning Commission agenda; or

2. Provide written notice to the applicant specifying the deficiencies of the application. Such notice is sufficient if it has been delivered, mailed or faxed to the applicant. The Director shall take no further action on the application until the deficiencies are remedied.

H. Application -- Review

Upon determining that the tentative map application is complete, the Director shall cause review of the application and preparation of a staff report. The Director shall coordinate the review of the application by other departments and shall incorporate appropriate recommendations by those Departments into the staff report. The report shall be made available to the applicant, if possible, at least five days before the Planning Commission meeting for which the application is scheduled to be heard. The Director shall recommend any changes in the design of the proposed subdivision necessary to achieve the purposes of this Title.

I. Tentative Map Requirements

A tentative map shall indicate, without limitation:

1. Demonstration of compliance with the necessary traffic circulation and access requirements set forth in this Title, including those relating to streets, access points, driveways, and site visibility restriction zones, as well as compliance with LVMC 19.02.170 and 19.02.280;

2. Demonstration, by means of preliminary drawings, of compliance with good traffic control practices and applicable standards and ordinances, as determined by the Traffic Engineer;

3. Demonstration of compliance with the requirements of the Title regarding residential parking, walls and landscaping; and

4. Demonstration of how each parcel will be served by the public sewer system including the proposed sanitary sewer layout.

5. Any and all trails that are necessary to be provided

in accordance with the City's Master Plan and ordinances.

J. Proposed Perimeter Grades

1. It is the intent of the City to minimize to the extent possible those instances in which grade changes result in large expanses of monotonous walls facing adjacent property or public streets. Type "B" and Type "C" drainage and cross-fall streets, while undesirable, may be allowed on a case-by-case basis as measures to mitigate large expanses of monotonous walls.

2. Each tentative map application must include, for all sites, a legible schematic cross section drawing which:

a. Has a minimum size of eleven inches by seventeen inches and a maximum size of twenty-four inches by thirty-six inches;

b. Has an exaggerated vertical scale, with labeled horizontal and vertical dimensions at the property lines;

c. Shows the maximum grade differentials;

d. Includes the existing and proposed condition elevations on the cross sections;

e. Includes cross sections that extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures. Measurements shall be made from the centerline of adjacent streets, or from the property line where no street exists. The Department may require cross sections for up to one hundred feet beyond the property line or the centerline of an abutting street, whichever is greater; and

f. Includes cross sections, to scale, for maximum wall heights, typical wall heights and wall elevations.

3. When considering the tentative map application, the Planning Commission shall take into account the submitted plan of proposed project perimeter grades. Approval of the tentative map shall constitute approval of the associated plan of project perimeter grades.

4. If the final drainage and grading plan for the project changes an approved plan for project perimeter grades by more than two feet in either direction, as determined by the Director or by the Director of Public Works, the tentative map and a new project perimeter grade plan must be reviewed and approved by the Planning Commission as in the first instance. Nothing in this Paragraph (4) affects the application of the maximum retaining wall height limitations contained in this Title.

K. Parks And Playgrounds In Lieu Of Residential Construction Tax

A subdivider who desires to construct parks or playgrounds in lieu of paying the residential construction tax described in LVMC Chapter 4.24 shall show such parks or playgrounds on the tentative map, demonstrating that the parks and playgrounds will conform to all applicable City standards, regulations, plans and policies regarding the construction of such facilities in lieu of paying the tax.

L. Forwarding Copy of Map

1. In connection with an application for tentative map that proposes to subdivide land within one mile of the boundary of an unincorporated area of the county, the City shall forward a copy of the proposed map to the Clark County Planning Commission or its designated representative, as required by NRS 278.345.

2. In connection with any application for tentative map, the City shall forward a copy of the proposed map to the Clark County School District and to any general improvement district in which the property is located, as required by NRS 278.346 and 278.347.

3. Comment and action by the agencies described in this Subsection concerning the proposed map shall be in accordance with and subject to the provisions of NRS 278.345 to 278.347, inclusive.

M. Planning Commission Review

The Planning Commission shall conduct its review and take action on the application for tentative map in accordance with NRS Chapter 278, and within the time frames set forth in NRS 278.349 and 278.350.

N. Revisions or Amendments to Tentative Map

In the event that Planning Commission approval of a tentative map is contingent upon significant revisions or amendments, the applicant shall submit to the Director four new prints of the revised tentative map incorporating such revisions or amendments before the submission of an application for final map.

O. Recordation Time Limits

1. If a final map is not approved and recorded within:

a. Two years following the date of approval of the tentative map;

b. One year following the date of approval of a previously-recorded final map covering a portion of the tentative map; or

c. One year following an extension of time granted pursuant to Subsection (P) of this Section, the tentative map application and approval shall lapse and a new tentative map shall be required.

2. For a phased project, the first of a series of final maps covering a portion of the approved tentative map must be approved and recorded within two years following the date of approval of the tentative map. Subsequent final maps must be approved and recorded within one year following the date of the approval of the previously recorded final map, unless an extension is granted pursuant to Subsection(P) of this Section, or all further proceedings concerning the subdivision shall be terminated.

P. Recordation Extension of Time

By delegation, the Director, upon application, may grant a single one-year extension of time within which to present and record a final map or any one of a series of final maps covering a portion of the tentative map, except that no extension may be granted if a final map, or the first in a series of final maps, is not recorded within two years following the date of approval of the tentative map. In order to qualify for an extension of time under this Subsection, application therefore must be made prior to expiration of the approval.

Q. Appeals

Any person aggrieved by the final action of the Planning Commission with respect to a tentative map may appeal that action, in writing, to the City Council within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The City Council shall hear the appeal within thirty days after the appeal is filed.

19.16.060

FINAL MAP

A. Purpose of Provisions

The provisions of this Section set forth the administrative and procedural requirements for the subdivision of land by a final map. The final map process requires review and action by the Director, the Director of Public Works, and, in some cases, the Planning Commission.

B. Required

A final map, prepared in accordance with the approved tentative map, or a series of final maps each covering a portion of an approved tentative map, shall be submitted in compliance with the provisions of NRS Chapter 278, LVMC 19.16.050 (O), and the additional regulations contained in this Title.

C. Application -- Fee

A final map application shall be submitted to the Department, along with the fee set forth in the fee schedule. The fee shall be nonrefundable. The application initially shall be processed under the final map technical review process described in this Chapter.

D. Application -- Form -- Copies

1. Application for a final map shall be made on a form established by the Director and made available to the public. The application must be accompanied by a sufficient number of copies, as determined by the Director, of a twenty-four by thirty-two inch original of the final map drawing. In order to be accepted for review under the final map technical review process, the final map application must:

a. Demonstrate compliance with Subsections (N) to (U), inclusive, and Appendix C to this Title;

b. Include documentation from the Department of Public Works that:

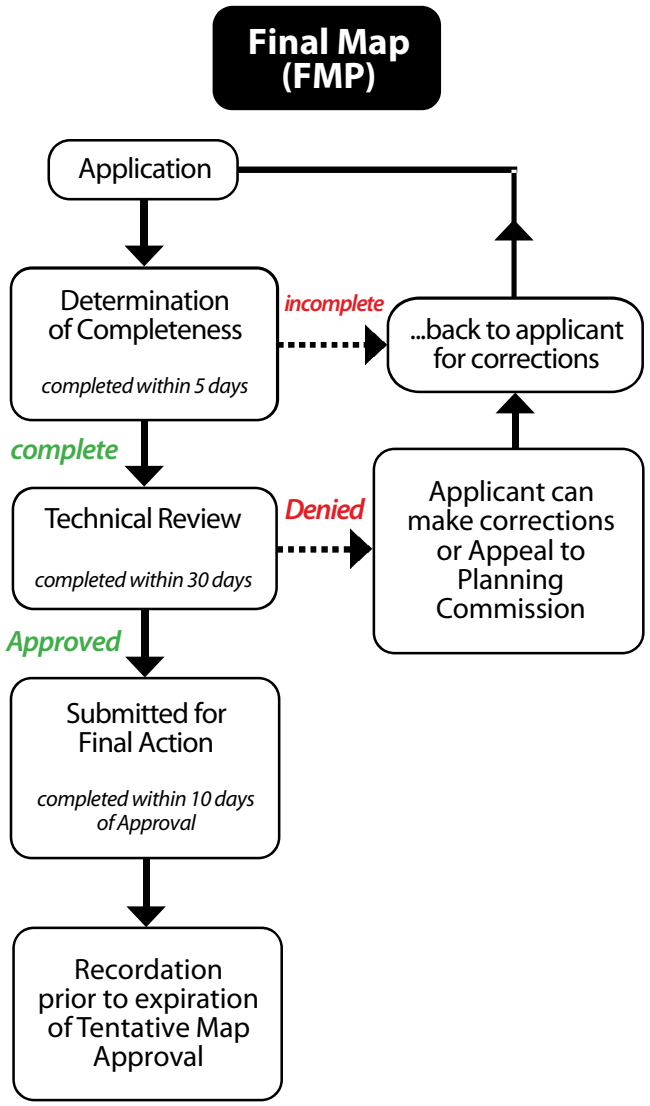
i. A drainage plan and technical drainage study is not required or that the required plan and study have been approved by the Department of Public Works; and

ii. A traffic impact analysis is not required or that the traffic impact analysis has been approved by the Department of Public Works.

2. In order to be deemed complete, the final map application must have been reviewed and approved

Typical Review Process

Final Map 19.16.060



in connection with the final map technical review process described in this Section.

E. Application -- Determination of Completeness

1. The Director shall determine if the application is in proper form and includes all required data and information necessary to conduct the final map technical review in accordance with this Section. Within five working days after submittal of a final map application, the Director shall:

a. Accept the application as being in proper form and containing the necessary information, and begin the final map technical review process; or

b. Provide written notice to the applicant specifying the deficiencies of the application. Such notice is sufficient if it has been delivered, mailed or faxed to the applicant. The Director is under no obligation to take further action on the application until the deficiencies are remedied.

2. If the Director determines that the application is in proper form and contains the necessary information, the Director shall, within the review period, perform the final map technical review, which consists of determining whether the application conforms with the tentative map approved by the Planning Commission, the requirements of NRS Chapter 278, and the provisions of this Title. In connection with that determination, the Director may approve the final map technical review, deny it, or approve it subject to conditions designed to bring it into conformance.

3. Except as otherwise provided in Paragraph (4), the review period described in Paragraph (2) consists of the thirty-day period following the determination that a final map application is in proper form and contains the necessary information.

4. The review period:

a. Does not apply if the Director elects to refer the final map technical review to the Planning Commission to decide if there is compliance with the tentative map or a condition thereof;

b. Does not apply if the subdivider elects to have an adverse decision by the Director concerning the final map technical review considered by the Planning Commission to decide if there is compliance with the tentative map or a condition thereof; and

c. May be waived by the subdivider in order to allow the subdivider additional time to demonstrate that the final map technical review should be approved.

F. Application -- Approval or Denial

1. Upon approval of the final map technical review, the final map application and final map itself may be submitted for final action by the Director. The Director shall review the application and map for conformance with the final map technical review. Except as otherwise provided in Paragraph (2), the Director, within ten days, shall either approve or deny the application and final map.

2. The ten-day period may be waived by the subdivider in order to allow the subdivider:

a. Additional time to demonstrate that the final map should be approved; or

b. As an alternative to denial of the final map by the Director, an opportunity to have the Planning Commission review or consider the final map.

G. Recordation -- Requirements and Conditions

After a final map has been approved, the applicant shall make those modifications necessary to ensure compliance with any conditions imposed by the Director or by the Planning Commission. The Director, together with the Director of Public Works, shall be responsible for determining compliance with all requirements before a final map may be released for recordation. Before signing the final map certificate, the Director must determine that all requirements and conditions have been met, including:

1. Submittal of a corrected final map, if appropriate;

2. Completion of all certification signatures in substantial conformance with Appendix E;

3. Dedication of all easements and rights-of-way approved for inclusion on the final map, and vacation of all existing easements and rights-of way not to be included on the final map;

4. Completion of all public improvements and common area improvements associated with the subdivision, as required by the City, unless the subdivider elects to enter into an agreement with the City to make such improvements pursuant to LVMC Chapter 19.02;

5. Approval of a phasing plan or development agreement, if required by LVMC Chapter 19.02;

6. Payment of all applicable inspection and developer fees and posting of all required bonds or documents of security;

7. Execution of all required agreements; and

8. Submittal of a one inch equals two hundred foot scale version of the final map drawing or a copy of such drawing in compatible digital format.

H. Traffic Studies or Drainage Studies -- Submission and Approval Required

For any subdivision concerning which traffic studies or drainage studies have been required in connection with zoning or other development approval, those studies must have been submitted and approved before the subdivider submits improvement plans pursuant to this Section. The Department of Public Works may require the traffic and drainage studies be submitted in an electronic format. The improvement plans must take into account and be based upon those approved studies.

I. On-Site and Off-Site Improvements Permits

Following approval of a final map, permits for the construction of on-site and off-site improvements may be granted:

1. Upon approval of the following plans, as applicable, by the Department of Public Works:

   a. All public and private street plans, including profiles;

   b. All sewer, storm drains and water plans, including profiles;

   c. All street lighting and traffic plans;

   d. All drainage plans;

   e. All parks plans; and

2. Upon approval by the Director of the plans for any common area improvements or private improvements, other than private streets, which have been required to be installed by the City in connection with development approval.

J. Recordation -- Title Company Report -- Consent of Holders of Record

A final map presented for recording shall include the following items:

1. A report from a title company which lists the names of each owner of record of the land to be divided and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust. If for a common-interest community, as defined in NRS 116.110323, said report shall show that there are no liens of record against the property or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording; and

2. The written consent of each holder of record of a security interest described in Paragraph (1), consenting to the preparation and recordation of the final map. A holder of record may consent by signing the final map or a separate document that is filed with the final map and that declares his consent to the division of land.

K. Monuments

Monuments must be set before the final map is recorded unless the subdivider furnishes a performance bond or other suitable assurance to the City guaranteeing that the monuments will be set by a land surveyor on or before a date certain. Monumentation shall comply with the specifications set forth in Appendix D to this Title.

L. Recordation -- Time Limits

The provisions of NRS Chapter 278 and this Title shall govern the time within which a subdivider must record a final map or obtain any extension of time therefor. The subdivider shall be responsible for the timely filing of any extension request.

M. Plans and Specifications -- Documents and Information Required

Construction plans and specifications related to a final map shall be accompanied by or include the documents and information described in Subsections (N) to (U), inclusive, of this Section. Such plans and specifications shall be submitted to and approved by the Director of Public Works prior to start of construction of any improvements.

N. Plans and Specifications -- Plan Sheets

All subdivision construction plans and specifications shall be sealed by an engineer licensed in the State of Nevada and shall comply with City standards. Any deviation from City standards must be noted on the plans. In order to obtain a deviation, the request for deviation must be included in a letter to the Director of Public Works which outlines each deviation and the reasons for requesting the deviation. Plans and specifications shall clearly indicate the distinction between existing and proposed improvements, and each plan sheet shall carry in the lower right-hand corner the name of the subdivision, the type of design shown on the plan, the name of the streets shown on the plan, the name of the engineer, the date, the sheet number and any other information deemed necessary by the Director of Public Works. Each plan sheet shall have a north arrow and indicate the scale used. Submitted plans shall be on original reproducible sheets, mylar preferred, with permanent ink, and shall be twenty four inches by thirty-six inches in dimension. A compatible digital format copy of the approved plans may be required by the Department of Public Works.

O. Submission of Street Plans, Profiles, and Plans for Public Alleys

1. The applicant shall submit street plans and profiles showing curve data, centerline and curb-lines with reference to back of curb, including radius, center angle, tangent and length of curve; curb type; street names; benchmarks; all valley gutters; ADA accommodations; and improvements relating to public transportation. Each profile view shall show the existing ground line prior to construction, percent grades of centerline and centerline elevations at all changes in vertical and horizontal alignment. Any documentation from the City Traffic Engineer that is required by LVMC 19.02.140 shall be submitted with street plans and profiles.

2. The applicant shall submit plans showing any public alleys that are proposed to be dedicated and improved. Public alleys may be included within a subdivision only after consultation with, and approval for inclusion by, the Director of Public Works.

P. Street Lighting

Plans shall indicate the proposed location of each streetlight standard, including pole type and gauge; the number and type of luminaries per pole; luminaire wattage and lamp type; conductor quality, size and insulation type; all underground conduit locations, sizes and types; proposed service connection locations or, if approved prior to submittal, the connection point to an existing street lighting circuit. All equipment and locations shall be in conformance to City standards unless the City Council allows an exception. The installation of conforming lighting may be deferred if the deferral is approved by the City Council and the applicant executes a covenant running with land agreement to secure the installation.

Q. Drainage Patterns

The applicant shall submit sufficient information in the form of maps and profiles prepared by an engineer to indicate the proper drainage of surface water to natural drainage courses or into existing or proposed public drainage-ways. Any modifications to drainage patterns adjacent to the subject site shall also be noted on the plans. If drainage is proposed across lands used as private lots, the location, width and types of rights-of-way and easements shall be indicated on the final map.

R. Sanitary Sewer Collection System

The applicant shall submit sufficient plans and profiles to show all sanitary sewer collection system information necessary to determine compliance with City standards. Each plan view shall show lot lines; lot and block numbers; exact location of wastewater lines with reference to property lines; coordinates for both the location of manholes and house laterals; street names; and benchmark elevations. Each profile view shall show the proposed finished grade above the pipe or, if no street construction is involved, existing ground line; top of manhole elevation; invert elevation; stationing and coordinates (NAD 83) of each manhole; size and type of pipe, percent of grade and distance between manholes.

S. Water Lines, Valves and Fire Hydrants

The applicant shall submit plans showing the exact size and location of all water lines, valves and fire hydrants.

T. Grading Plan

1. The applicant shall submit a grading plan showing:

a. North arrow and scale;

b. Benchmark (City datum);

c. Engineer's dated signature and seal;

d. Existing topography at one-foot contour intervals to extend one hundred feet beyond the tract limits measured from the centerline of adjacent roadways (with the exception that, where grades exceed ten percent, two-foot

contour intervals may be used);

e. Property corners and spot elevations sufficient to show drainage patterns and all conforming conditions;

f. Proposed pad and finished floor elevations;

g. Finished floor elevations of buildings within one hundred feet of the centerline of adjacent roadways or, where no adjacent roadway exists or is planned to exist, the exterior property line of the tract;

h. Proposed curb elevations at grade breaks, beginning and end of curve;

i. Direction of water flow and percent of grade of site;

j. Direction of water flow and percent of grade of existing and proposed drainage ways;

k. Direction of flow, percent of grade and other pertinent features for any off-site drainage improvements which are part of the project;

l. Details of proposed drainage facilities for the lots;

m. Details of all proposed drainage facilities including but not limited to storm drains, pipe sizes, inlets, manholes, valley gutters, swales, berms and easements;

n. Plan and profile drawings of drainage facilities in public rights-of-way or public drainage easements; and

o. Existing walls abutting the subdivision and proposed walls within or adjacent to the subdivision.

2. The grading plan must comply with the cross section drawing required to be submitted with the tentative map pursuant to LVMC 19.16.050(J). The plan shall be considered to be in substantial compliance if the grades are within two feet of the elevations shown on the cross section drawing and tentative map. If actual grading does not conform to the approved grading pan or the requirements of LVMC 19.16.050(J), the Director, or the Director of Public Works, may require the subdivider to re-grade the site or to appear before the Planning Commission for appropriate resolution.

3. The grading plan must comply with the approved drainage study on file as certified by an engineer, and the plan shall include a note indicating such certification.

U. Additional Data

The following data shall be submitted with the plans:

1. Excavation and fill (cubic yards);

2. AC paving and gravel base (square yards);

3. Curb and gutter (lineal feet);

4. Sidewalk (square feet);

5. Valley gutter (square feet);

6. Sewer mains, trunk lines, laterals and connections (size and lineal feet);

7. Manholes (each);

8. Street lighting (each);

9. Water mains (size and lineal feet), water services and number of fire hydrants;

10. Quantity takeoffs in tabular form for public drainage facilities; and

11. Sidewalk ramps (each).

V. Commencement of Construction and Installation Work Relating to Required Public Improvements

The applicant shall notify the Director of Public Works at least twenty-four hours in advance of the scheduled date and time that construction and installation work relating to required public improvements or private streets is to commence. If delays occur, the applicant shall notify the Director of Public Works not less than two hours prior to the rescheduled time.

W. Commercial Subdivisions -- Additional Requirements

In addition to the other provisions and requirements set forth in this Section, a final map for a commercial subdivision shall comply with the following requirements prior to being released for recordation:

1. Within the C-1 District (or its equivalent), the Director of Public Works may require all parcels created through the commercial subdivision process to have perpetual unobstructed access to

driveways servicing the overall subdivision site. For sites larger than ten acres in size, the requirement may be imposed only if the requirement has been recommended in an approved Traffic Impact Analysis. If the requirement is imposed, a note to that effect shall be included on the final map.

2. The on-site sewer system servicing the overall commercial subdivision shall be identified as one of the following types, with the appropriate wording to appear as a note on the final map:

a. A public sewer, with a minimum pipe diameter of eight inches, located within dedicated public sewer easements which are a minimum of twenty feet wide.

b. A common element of the commercial subdivision which is privately owned and which is maintained in accordance with covenants, conditions and restrictions that govern the subdivision.

c. A common element of the commercial subdivision which is privately owned and which is maintained in accordance with a joint use agreement applicable to the subdivision.

3. All subdivided parcels comprising the commercial subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits, and a note to this effect shall appear on the final map.

X. Appeals

Any person aggrieved by the final action of the Director with respect to a final map may appeal that action, in writing, to the Planning Commission within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning Commission shall hear the appeal within thirty days after the appeal is filed.

19.16.070

REVERSIONARY MAP

A. Amendment of Plats - Generally

Any amendment of a recorded plat, parcel map or other record which changes or purports to change the physical location of any monument, property line or boundary line shall be subject to the requirements of NRS Chapter 278 regarding the amendment of plats.

B. Application -- Review -- Final Action

Any application to revert any final map, parcel map or other instrument to undivided acreage shall comply with the requirements of NRS Chapter 278 regarding the abandonment of maps or reversion of divided land to acreage. The application shall be filed with the Director, who shall be responsible for reviewing and acting upon the application.

C. Merging and Resubdivision of Contiguous Parcels

In accordance with NRS 278.4925, the owner of two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490. The recording of the resubdivided parcels or lots on any map constitutes the merging of the preexisting parcels into a single parcel and then resubdivision into new parcels or lots. For any public street, easement or utility easement that will not remain in effect after the merger and resubdivision, a certificate must be attached to the parcel map or final map indicating that the Planning Commission or Director, as applicable, has determined that the public street, easement or utility easement has been vacated or abandoned in accordance with NRS 278.480. If streets, easements and utility easements are to remain in effect after the merger and resubdivision, they shall be clearly delineated on the map.

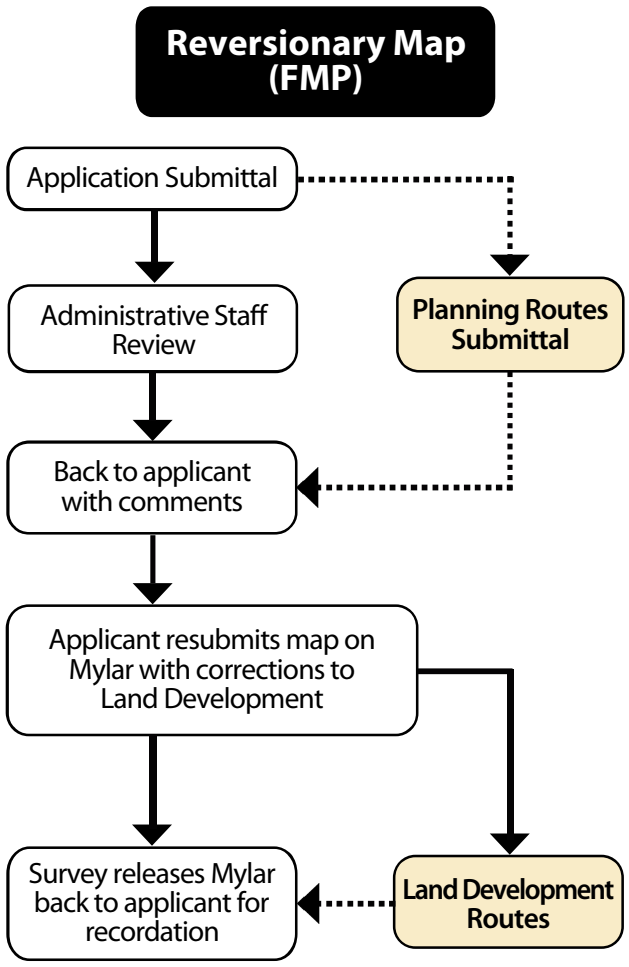
D. Final Map of Reversion – Preparation

The final map of reversion shall be prepared by a professional land surveyor licensed pursuant to NRS Chapter 625. The surveyor shall include in the required surveyor's certificate all the information required by NRS Chapter 278, including the representation that the map has been prepared from information on a recorded map or maps that are being reverted. The certificate:

1. May include a statement that the professional land surveyor assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the recorded document(s).

Typical Review Process

Reversionary Map 19.16.070



2. Shall include information which is sufficient to identify clearly the recorded map or maps being reverted.

E. Final Map of Reversion -- Legibility -- Copies

The final map of reversion shall be clearly and legibly drawn pursuant to the requirements of NRS Chapter 278. The application shall be accompanied by fourteen copies of a twenty-four by thirty-two inch original drawing which complies with the requirements of that Section.

F. Application – Contents

The application for a map of reversion shall include:

1. A report from a title company which lists the names of each owner of record of the land and each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording; and

2. The written consent of each holder of record of a security interest listed pursuant to the section above to the preparation and recordation of the map of reversion or abandonment. A holder of record of a security interest may consent by signing the map of reversion or abandonment or a separate document that is filed with the map of reversion or abandonment and declares his consent to the reversion or abandonment, provided the map contains a notation that a separate document has been recorded to this effect.

G. Certificate of Consent

A map of reversion or abandonment must include a certificate, signed and acknowledged pursuant to NRS 111.240, by each person who is an owner of the land, consenting to the preparation and recordation of the map for the purpose of reversion or abandonment.

H. Certificate of Planning Commission Approval

A map of reversion or abandonment presented to the county recorder for recording shall include a certificate by the Secretary of the Planning Commission stating that the Planning Commission approved the map.

I. Lien Deemed Not To Be An Interest In Land

For purposes of Subsections (F) and (G) of this Section, a lien for taxes or special assessment and a trust interest under a bond indenture shall be deemed not to be an interest in land.

J. Reversion of City-Owned Street or Easement

If a map of reversion or abandonment includes the reversion of any street or easement owned by the City or other governmental entity, the applicable provisions of NRS 278.480 shall be followed before approval of the map.

19.16.080

VACATIONS

A. Petitions -- Form – Contents

A public street or easement, or the City's interest in a government patent reservation, may be vacated upon the petition of at least one owner of property abutting the area proposed to be vacated, or upon the initiative of the City. In the case of a petition by an abutting property owner, two copies of a properly signed petition shall be filed with the Secretary of the Planning Commission on a form provided by the Department. The petition shall contain a written statement describing the area to be vacated and the reasons for the proposed request, and either a complete legal description from which the right-of way or other property proposed to be vacated may be plotted or a drawing acceptable to the Department showing an accurate representation of the proposed vacation.

B. Petitions – Sufficiency

A petition for vacation must be accompanied by a deed or other sufficient evidence of ownership. In the case of a City-initiated vacation, an appropriate written request shall be filed and processed as if it were a petition under this Section.

C. Petitions -- Public Record

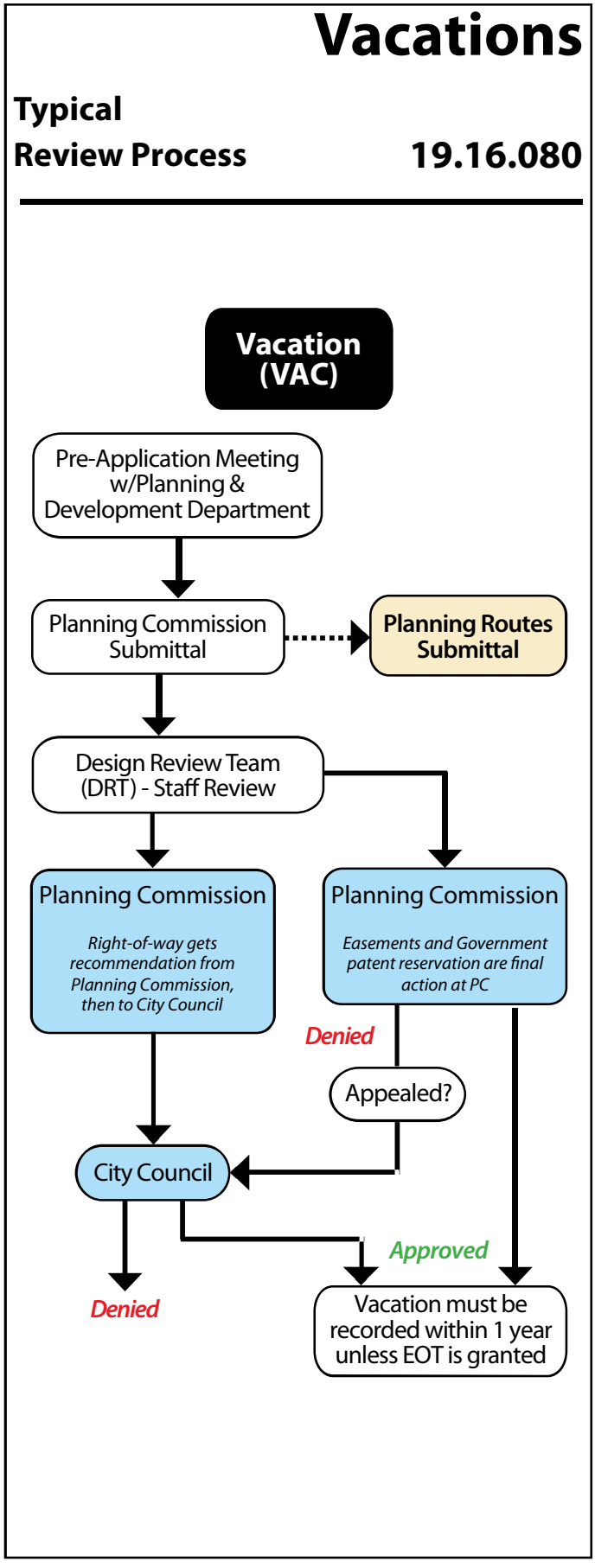
Upon receipt of a properly executed petition, the Secretary of the Planning Commission shall maintain said petition, together with all pertinent attachments and exhibits, in the permanent files of the Department as a public record.

D. Petitions -- Filing – When

In order to provide sufficient time for the necessary investigation by the Planning Commission and its Secretary and agents, a petition for vacation must be filed with the Secretary of the Planning Commission a minimum of thirty days prior to the date of the meeting of the Planning Commission at which said petition for vacation is to be heard and considered.

E. Public Hearing, Notice And Order Of Vacation – Dedicated Right Of Way

1. In the case of a petition for the vacation of a dedicated right-of-way, the Planning Commission shall hold a public hearing on the petition for vacation. Thereafter, the Planning Commission shall make its finding regarding the petition by way of recommendation, and shall report that recommendation to the City Council.



2. The City Council shall consider the recommendation at a public hearing. Not less than ten business days before the public hearing, notice of the hearing, setting forth the extent of the proposed vacation and setting the date of the hearing, shall be:

   a. Sent by mail, sufficient to meet the requirements of NRS 278.480, to each owner of property abutting the proposed vacation; and

   b. Published at least once in a newspaper of general circulation in the City.

3. If, following the public hearing, the City Council is satisfied what the public will not be materially injured by the proposed vacation, it may order the right-of-way vacated. The City Council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

F. Public Hearing, Notice and Order of Vacation – Easement or Government Patent Reservation

1. In the case of a petition for the vacation of an easement or government patent reservation, the Planning Commission shall hold a public hearing on the petition. Not less than ten business days before the public hearing, notice of the hearing, setting forth the extent of the proposed vacation and setting the date for the hearing, shall be:

   a. Sent by mail, sufficient to meet the requirements of NRS 278.480, to each owner of property abutting the proposed vacation; and

   b. Published at least once in a newspaper of general circulation in the City.

2. Following the public hearing, the Planning Commission shall take final action on the petition. If the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it may order the easement or government patent reservation vacated. The Planning Commission may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed. In the case of the a government patent reservation, the order may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as an order of vacation under the provisions of this Section.

G. Continuation of Utility Easements

If a utility has an easement over any dedicated right-of-way which is vacated, the City Council shall provide in its order for the continuation of that easement. In the case of a vacation of the City's interest in a government patent reservation, easements for utilities will not be retained because they are not included within the City's interest and, therefore, are not affected by vacation of the City's interest.

H. Requirements to Be Met Prior to Recordation of Order

Following the approval of a vacation, all applicable City code requirements and design standards of all City departments must be met prior to recordation of the Order of Vacation.

I. Modification of Public Improvements

All public improvements adjacent to or in conflict with any proposed vacation shall be modified, as necessary, at the expense of the applicant or other responsible person, as required by the Department of Public Works. Approval of the vacation may be conditioned upon a requirement that existing public improvements and appurtenances with a potential salvage value be:

1. Removed in a manner designed to protect that value; and

2. Delivered to a City facility for reuse, as directed by the Department of Public Works.

J. Drainage Plan and Technical Drainage Study

Where determined necessary by the Department of Public Works, a drainage plan and technical drainage study shall be submitted by the applicant to and approved by that department prior to recordation of an order of vacation. All drainage easements recommended within the approved drainage study shall be retained.

K. Signage

As and to the extent deemed necessary by the Department of Public Works, the applicant or other responsible person shall install appropriate signage to clearly state that the area vacated is private property and shall construct appropriate off-site improvements or erect barricades to block through traffic movements.

L. Removal of Streetlights

All public streetlights located within the vacation area shall be removed and delivered to the City Electrical Yard by the applicant or other responsible person, as required by the Department of Public Works. The applicant or other responsible person shall pay all costs associated with the rerouting of conduits and electrical circuits and any additional electrical service which is required to maintain the continuity of surrounding streetlights.

M. Dedication of Radius Corners

Where needed to provide proper transition of right-of-way, the applicant or other responsible person shall dedicate radius corners as required by the Department of Public Works prior to recordation of an order of vacation.

N. Order Not Recorded Until All Requirements Met – Exception

An order of vacation shall not be recorded until all the requirements imposed on the vacation have been met, except that any requirement may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with LVMC 19.02.130((E).

O. Time Limitation on Recordation

If the order of vacation is not recorded within one year after approval by the City Council or within such additional time as may be granted by the Director, approval of the vacation terminates and a new petition must be submitted.

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19.16.090

REZONING

A. Purpose

The purpose of this Section is to set forth the procedures by which the Planning Commission and City Council will periodically review and amend the Official Zoning Map Atlas of the City to ensure that it meets the goals and objectives of the General Plan and related land use policies and plans.

B. Authority

Whenever public necessity, safety and general welfare may require, the City Council may, upon recommendation by the Planning Commission, rezone any parcel or area of land within the City from one zoning district to another when the rezoning will conform to the General Plan and the requirements of Subsection (K) of this Section.

C. General Plan Amendment

If a proposed rezoning will not conform as to use or density, the application may not be approved unless the General Plan is amended first to accommodate the proposed rezoning. The applicant may submit an application to amend the General Plan and an application for rezoning at the same time, and the applications may be heard concurrently.

D. Minimum Site Requirements

Property which is proposed to be rezoned to the following zoning districts must meet the minimum criteria denoted below in order to be considered for rezoning:

1. **P-C District.** Minimum site area of three thousand acres.

2. **PD District.** Minimum site area of five acres.

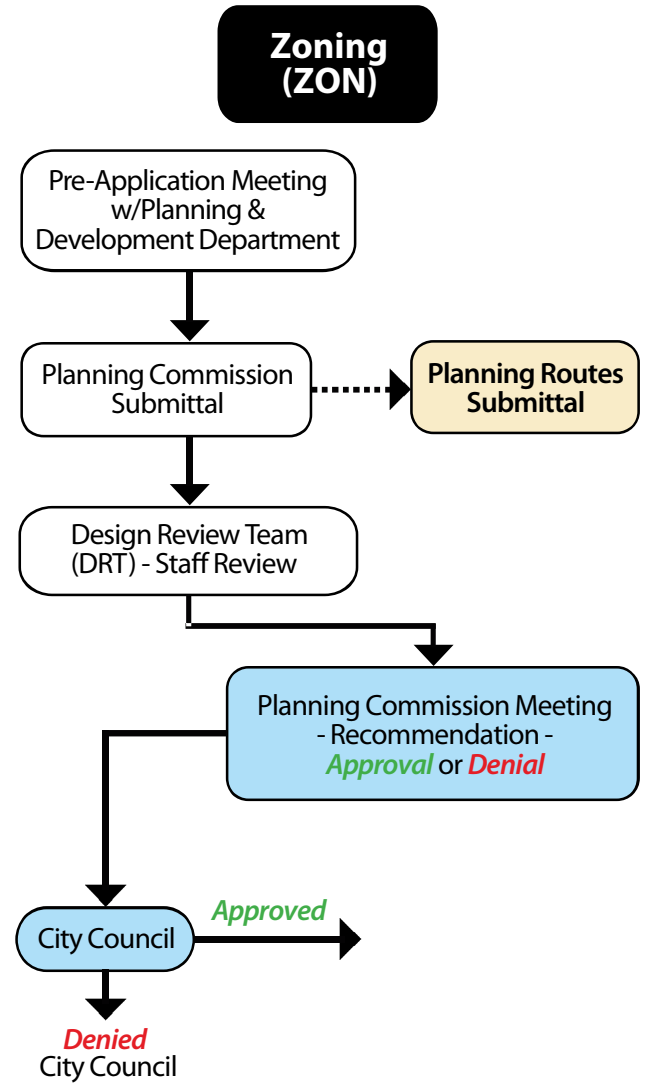
E. Application - General

1. **Application Form.** An application to rezone property shall be on a form provided by the Department. The application shall be signed, notarized and acknowledged by the owner of record of each parcel of property. The application shall be filed with the Secretary of the Planning Commission at the office of the Department.

2. **Initiation of Application.** An application for a rezoning may be initiated by the Department, Planning Commission or by the City Council, or by means of an application filed by the owner(s)

Rezoning

Typical Review Process **19.16.090**



of record of each parcel of property proposed for rezoning.

3. **Other Governmental Ownership.**

   a. **Application Requirements.** With respect to property which is owned by the State of Nevada or the United States of America, a rezoning application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has:

      i. Entered into a contract with the governmental entity to obtain ownership of the property;

      ii. Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or

      iii. Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

   b. **Effect of Letter of No Objection.** In the case of an application that is supported by a letter of no objection under Subparagraph (a)(iii) of this Paragraph (3), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that:

      i. The processing of the application is done as an accommodation only;

      ii. The application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and

      iii. The applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

4. **Non-Property Owner.** A rezoning application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the rezoning is sought. However, interest in that property must exist in a written agreement with the owner of record, attached to which is a copy of the rezoning application and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to be bound by the requested rezoning.

5. **Multiple Ownership.** In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. A list of all other owners shall be provided with the application.

6. **Contiguous Land.** Except with respect to rezoning applications initiated by the Department, Planning Commission or the City Council, all of the land in the application shall be contiguous with at least one common point.

F. Application - Specific Requirements

1. **Pre-Application Conference.** Before submitting an application to rezone, the owner or authorized representative shall engage in a pre-application conference with the staff of the Department to discuss preliminary land planning, including land use relationships, density, transportation systems, infrastructure facilities and landscaping and open space provisions.

2. **PD District.** A site development plan or concept plan, as required by LVMC 19.10.040, shall be submitted concurrently with any application for rezoning to a PD District.

3. **P-C District.** A concept plan and other documentation specified in LVMC 19.10.030(E) shall be submitted concurrently with any application for rezoning to a P-C District.

G. Successive Applications

1. **Previously Denied Applications.** An application to rezone a parcel in which all or any part was the subject of a previous application for rezoning to the same zoning classification, to a less restrictive classification or for the same use or one of a similar density which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the following periods have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the ordinary course:

a. After the first denial or withdrawal - one year.

b. After the second or a subsequent denial or withdrawal - two years.

2. Previously Withdrawn Applications. An application for a Rezoning concerning all or any part of a previous application for a Special Use Permit or a Variance for the same use, a similar use or a less restrictive use which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the time periods described in Paragraph (1), above, have elapsed.

3. Applications Withdrawn Without Prejudice. The time periods described in Paragraphs (1) and (2) above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

H. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

I. Planning Commission Public Hearing and Action

1. Hearing. The Planning Commission shall hold a public hearing when considering any application for rezoning of property.

2. Notice

a. Notice Provided. Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

i. Publishing the notice in a newspaper of general circulation within the City;

ii. Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C) Each tenant of any mobile home park that is located within on thousand feet of the property described in the application;

D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide, at the request of the applicant, the name and address of any person notified pursuant to Subparagraph (a)(ii)(F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

d. Signs. Notification signs shall be posted in conformance with LVMC 19.16.010 (D).

3. Planning Commission Decision

Following the public hearing or hearings, the Planning Commission shall make its recommendations concerning the application for rezoning. The recommendation may be for approval or denial. In considering whether to recommend approval or denial of an application, the Planning Commission may, when it appears necessary or expedient, consider recommending:

a. The approval of a more restrictive zoning classification than that set forth in the application; or

b. That fewer than all parcels described in the application be rezoned to either the zoning

classification requested in the application or a more restrictive classification, but only if such parcels are distinct legal parcels.

4. Notice of Planning Commission Decision

Following the date of the Planning Commission decision, a report of its findings and decision shall be forwarded to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or the denial of the rezoning necessary or appropriate to carry out the provisions and general purposes of this Title. Written notice of the decision shall be provided to the applicant, agent, or both.

J. Burden of Proof

The applicant bears the burden of proof to establish that the approval of the rezoning is warranted.

K. City Council Public Hearing and Action

1. Notice and Hearing. The City Council shall consider the proposed rezoning and the recommendation of the Planning Commission at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

2. City Council Decision

a. Decision. The City Council may approve or deny an application for a rezoning. In considering whether to approve or deny an application, the City Council may consider:

i. The rezoning of the property to a more restrictive zoning classification than that set forth in the application; or

ii. The rezoning of fewer than all parcels described in the application to either the zoning classification requested in the application or a more restrictive classification, but only if such parcels are distinct legal parcels.

b. Change to More Restrictive Zoning. If, at the public hearing, the applicant proposes amending the rezoning application to a more restrictive zoning classification, the City Council may act on the request or refer the application back to the Planning Commission for consideration.

c. Significant Changes to Application. If the applicant proposes significant changes to the application during the hearing, or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.

3. Notice of City Council Decision. Following the hearing on a proposed rezoning, the City Council shall reach a decision concerning the proposal. The decision shall include the reasons for the decision. Written notice of the decision shall be provided to the applicant or his agent, or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

L. Rezoning Determinations—Approval

In order to approve a proposed rezoning, the Planning Commission or City Council must determine that:

1. The proposal conforms to the General Plan.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

M. Rezoning Determinations—Denial or Limited Approval

In order to: (1) Deny a proposed rezoning which conforms to the General Plan as to use or is within the range of density allowable under the General Plan; or (2) Over the applicant's objection, approve the application for a lesser density or for a more restrictive zoning classification than requested, the Planning Commission or City Council must determine that the proposed rezoning is inconsistent with other elements of the General Plan or is incompatible with the surrounding development in the area.

N. Site Development Plan

The Planning Commission and the City Council may, as a part of an approval motion, reserve the right to review any subsequent Site Development Plan for the site.

O. Authorization to Proceed

Approval of a rezoning application by the City Council constitutes a declaration of intent to amend the Official Zoning Map Atlas of the City to reflect the zoning district approved for the property. Such approval authorizes the applicant to proceed with the process to develop and/or use the property in accordance with the development and design standards and procedures of all City departments and in conformance with all requirements and provisions of the City of Las Vegas Municipal Code.

P. Procedures Governing Rezoning Approvals Granted Before July 1, 2007

1. **Resolution of Intent.** Before the City Council adopts an ordinance to effectuate a rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms and shall have a time limit not to exceed two years.

2. **Finalizing Rezoning by Ordinance.** The final step in the rezoning process, whether or not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance in which the zoning classification of one or more parcels is formalized.

3. **Changes.** No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council. This approval requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning that parcel.

4. **Termination of Rezoning Approvals Subject to a Resolution of Intent**

   a. **Approvals Not Subject to Time Limit.** If development does not occur in a timely manner or if conditions in the area change subsequent to the original approval of a rezoning that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions of approval. In addition, if such a rezoning approval no longer conforms to the use and density classification of the General Plan, the City may notify the property owner that the rezoning must be exercised within one year. Thereafter, the approval shall be treated as an approval subject to a time limit in accordance with Subparagraph (b) below.

   b. **Approvals Subject to Time Limit.** Except as otherwise provided in Paragraph (5) below, a rezoning approval which is not exercised within the time limit established for or by the Resolution of Intent shall be void.

   c. **Methods for Exercising Rezoning Approvals.** For purposes of this Paragraph (4), a rezoning approval is exercised as follows:

      i. For applications that require the creation of a residential subdivision, upon the recordation of a final subdivision map;

      ii. For applications that require the construction of one or more new structures, but do not require the creation of a residential subdivision map, upon the issuance of a building permit for the new construction;

      iii. For all other applications, upon the issuance of a certification of occupancy or approval of a final inspection, whichever is applicable.

5. **Extension of Time-General Requirements.** If the approval of a Resolution of Intent is subject to a time limit, the approval expires at the end of that time limit unless the City Council extends the approval period. Extension of an approval period may be granted only if:

   a. Application therefore is made prior to the expiration of the time limit;

   b. The applicant demonstrates good cause; and

   c. The applicant conforms to the additional requirements set forth in Paragraph (6) below.

6. **Extensions of Time-Additional Requirements.** If a time-limited zoning approval that is sought to be extended continues to conform to the use and density classifications of the General Plan, the applicant must demonstrate that the rezoning remains consistent with the surrounding area and the pattern of development in the area. If the rezoning sought to be extended no longer conforms to the use and density classifications of the General Plan, the extension of time, if granted,

shall be limited to a one-year period. If, within that period, the zoning approval is not exercised by means of the recordation of a final subdivision map or by the commencement of actual construction, the approval terminates.

Q. Procedures Governing Rezoning Approvals Granted On or After July 1, 2007

The approval of a rezoning application shall be formalized by the subsequent adoption of an ordinance in which the rezoning of one or more parcels is reflected. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council.

19.16.100

SITE DEVELOPMENT PLAN

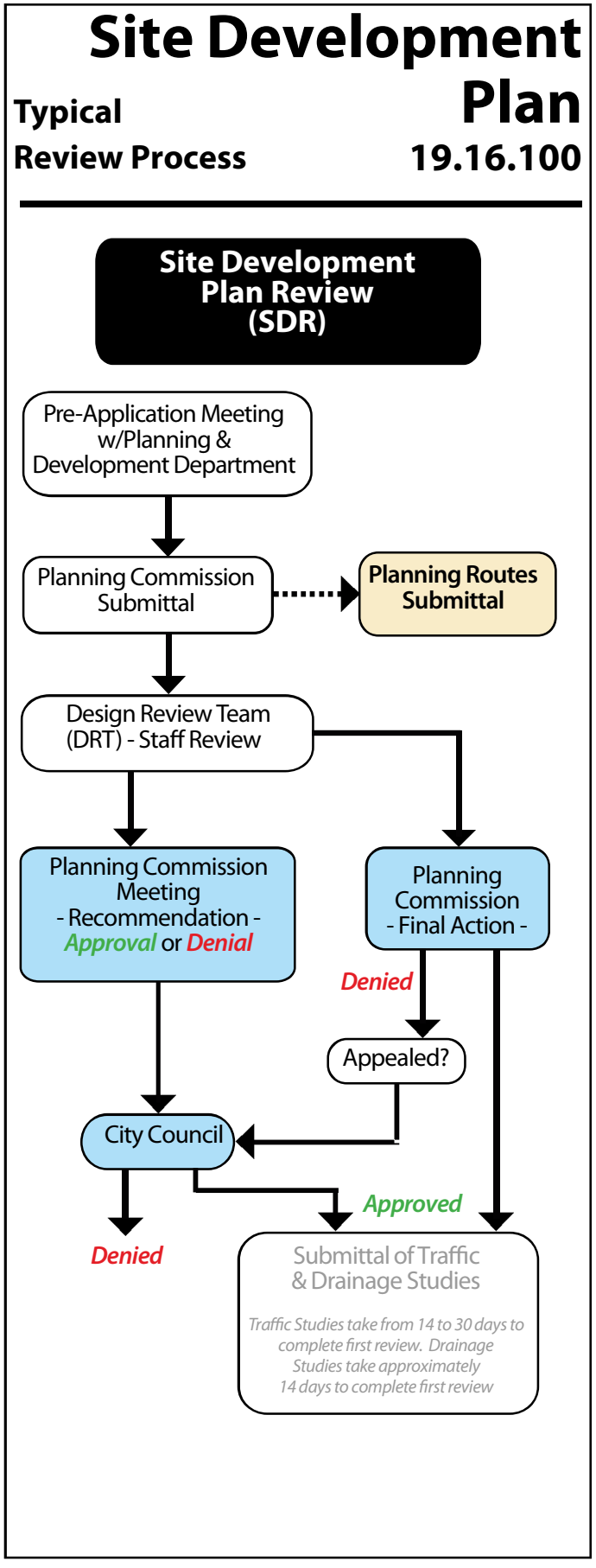
A. Purpose

The purpose of the Site Development Plan Review process is to ensure that each development:

1. Is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards and other regulations, plans and policies of the City;
2. Contributes to the long term attractiveness of the City;
3. Contributes to the economic vitality of the community by ensuring compatibility of development throughout the community; and
4. Contributes to the public safety, health and general welfare.

B. Applicability

1. **Site Development Plans Required.** Except as otherwise provided in this Subsection (B), a Site Development Plan is required for all development in the City.
2. **Exemptions.** Except where the City Council or Planning Commission has specifically reserved the right of review through a prior action, the following activities and improvements do not require a Site Development Plan Review:
   - **a.** Single-family or duplex dwelling units, except as provided in Paragraph (3) below;
   - **b.** Residential accessory buildings;
   - **c.** On-site signs, walls and fences;
   - **d.** Demolition of a structure;
   - **e.** Sculptures, fountains and other similar improvements;
   - **f.** Normal repairs and maintenance of an existing building or structure;
   - **g.** Activities and improvements undertaken in conjunction with a Temporary Commercial Permit; and
   - **h.** Alterations which do not affect the external



dimensions of an existing building or structure, unless the alterations are made to change the use or type of occupancy within part or all of the altered building or structure.

3. **Certain Conversions.** The conversion of any development from multi-family or apartment development to condominium status shall require a Site Development Plan Review.

C. Authority

1. The Director shall have the authority to:

   a. Determine whether an activity or improvement is exempt under Paragraph (2) of Subsection (B) of this Section;

   b. Determine whether a Site Development Plan will be subject to a major review or a minor review under this Section; and

   c. Approve or deny any Site Development Plan which requires a minor review; provided, however, that final approval authority shall rest with:

      i. The Planning Commission, if the Commission specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan; or

      ii. The City Council, if the Council specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan, or if a member of the City Council requests a review pursuant to this Section.

2. In approving a Site Development Plan, the Director, or if applicable, the Planning Commission or City Council, may impose conditions deemed necessary to ensure the orderly development of the site.

D. Design Standards

All required Site Development Plans shall meet or exceed the minimum standards established in this Title. In addition, the City may adopt policy documents as a resource for acceptable standards and design solutions. To the extent that such documents establish minimum requirements and standards and are formally adopted by the City Council, Site Development Plans must comply with those documents.

E. Criteria for Review of Site Development Plans

The review of Site Development Plans is intended to ensure that:

1. The proposed development is compatible with adjacent development and development in the area;

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

4. Building and landscape materials are appropriate for the area and for the City;

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

F. Minor Review of Site Development Plans

1. **Minor Review Decisions.** Site Development Plans requiring Minor Reviews may be approved administratively by the Director. Minor Reviews include without limitation:

   a. Alterations which affect the external dimensions of an existing building or structure that complies with all applicable requirements of this Title and with any previous conditions or discretionary approval.

   b. New commercial or industrial construction of five thousand square feet or less that complies with all applicable requirements of this Title.

   c. New residential construction consisting of no more than four dwelling units that complies with all applicable requirements of this Title and is not part of a sequential application for additional units.

2. **Minor Review Process.** A Minor Development Review is initiated by the submission of a Site Development Plan Review application or an application for a Building Permit. If submitted as part of a Building Permit application, issuance of the Building Permit shall constitute approval of the Minor Review and no further action is required.

3. **Review by City Council.** The administrative approval of a Site Development Plan pursuant to this Subsection (F) shall be final action unless, within 10 days following the approval, a member of the City Council files with the Director a written request for the Council to review the approval. In the event such a request is filed, the Site Development Plan shall be subject to the Major Development Review Process set forth in Subsection (G) of this Section.

G. Major Review of Site Development Plans

1. **Major Review.** A Major Review of a Site Development Plan is required if:

   a. The Planning Commission or City Council, through prior action, has determined that the proposed project or improvement shall be processed as a Major Review;

   b. The proposed development contains a building which is four stories or greater in height; or

   c. The Director determines that the proposed development could significantly impact the land uses on the site or on surrounding properties.

2. **Major Review Process**

   a. Application. A pre-application conference pursuant to LVMC 19.16.010(B)(3) is required prior to submitting an application for a Major Development Review. A Site Development Plan requiring a Major Development Review shall be filed with the Department. The application shall be signed and notarized:

      i. By the owner of the property, where the development is to be undertaken by the owner or the owner's authorized agent; or

      ii. By a prospective purchaser or the property, where the property is owned by the State of Nevada or the United States of America and the prospective purchaser has:

         A) Entered into a contract with the governmental entity to obtain ownership of the property;

         B) Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or

         C) Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

      In the case of an application that is supported by a letter of no objection under Subparagraph (a)(ii)(C) of this Paragraph (2), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that the processing of the application is done as an accommodation only; that the application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and that the applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

   b. Drawings and Plans Required. Plans describing the proposed development of the property shall be submitted as required by the Director. Complete working drawings are not necessary; however, proposed structures (including building elevations), streets, driveways and access points, sight visibility restriction zones (as described in LVMC 19.02.190), on-site circulation and parking, walls, landscaping, building materials, dumpster locations and other improvements must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances. Floor plans are not normally required. For any development site where twenty percent or more of the aggregate site has a slope of natural grade above four percent, a cross section must be submitted. Each cross section must extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent

structures; the maximum grade differentials; and the elevations of existing and proposed conditions.

c. Circulation to Departments. After an application has been determined complete, it shall be forwarded to interested City Departments for their respective comments, recommendations and requirements.

d. Planning Commission Notice and Hearing. After interested City Departments have had the opportunity for comment and the Department has conducted its review, each application for Major Review shall be presented to the Planning Commission. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

i. Publishing the notice in a newspaper of general circulation within the City;

ii. Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;

D) The owner of each of the thirty separately-owner parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Subparagraph (d);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

e. Planning Commission Decision. In making its final decision, the Planning Commission shall consider the recommendation of the City Departments, the evidence presented at the hearing and the criteria set forth in Subsection (E) of this Section. The Planning Commission may approve, approve with conditions, or deny an application for a Major Review. All actions by the Planning Commission are final unless:

i. An appeal is filed by the applicant in accordance with Subparagraph (f) below;

ii. Otherwise required by prior action of the City Council; or

iii. In the case of Planning Commission approval, a member of the City Council files with the City Clerk, within 10 days following the approval, a written request for the Council to review the approval.

f. Appeal of Planning Commission Action. If the applicant is aggrieved by the Planning Commission's denial of an application, or by any condition imposed upon an approval, the applicant may appeal the decision to the City Council by written request. In the case of an approval, an appeal may be filed by any property owner within the area of notification for the Planning Commission hearing, as well as by anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Any appeal must be filed in the Office of the City Clerk within ten days after the Planning Commission's action. Pursuant to LVMC 19.16.010(C), the City Council my establish one or more fees to be paid in connection with the filing of an appeal under this Subparagraph (f), and the amount of any fee so established shall be as set forth in the Fee Schedule.

g. City Council Notice and Hearing. All Major Reviews requiring review by the City Council shall be forwarded to the Office of the City Clerk and shall be placed on the next available City Council agenda for hearing. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

h. City Council Decision. In making its final decision, the City Council shall consider the

recommendation of the City Departments and the Planning Commission, the evidence presented at the hearing and the criteria set forth in Section (E) of this subchapter. The City Council may approve, approve with conditions, or deny an application for a Major Review. All actions by the City Council are final. Written notice of the decision shall be provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

H. Amendment to an Approved Site Development Plan

After a Site Development Plan has been approved, any request to amend the approved Plan shall be submitted to the Department. Upon receipt of an amendment request, the Director shall determine if the amendment is a minor or major change.

1. **Minor Amendment.** Minor relocation or reorientation of buildings, lot lines and/or easements, relocation of internal access and circulation; relocation or rearrangement of parking areas, reduction of established square footage and/or density limitations, and increase of landscape or building setbacks are considered minor amendments and may be approved administratively. However, the Director has no authority to approve any:

   a. Alteration in the basic relationship of the proposed development to adjacent property;

   b. Change necessitating a waiver or variance of development standards set forth in this Title;

   c. Increase in the maximum density, floor area, or height by more than ten percent;

   d. Material decrease in the amount of off-street parking, unless the amount of parking remains sufficient and conforms to the requirements of this Title;

   e. Reduction in the minimum yards or setbacks by more than 10 percent;

   f. Material change in the characteristics of the elevational drawings so as to alter the basic design quality and character of the proposed development; or

   g. Other material change that is not necessitated by the minimum requirements adopted under the authority of LVMC Title 6, LVMC Chapter 20.10 or the Uniform Standard Drawings, as adopted by the City.

2. **Major Amendment.** Any amendment which does not quality as a Minor Amendment shall be deemed to be considered a Major Amendment and shall be processed in the same manner as a new Site Development Plan application.

I. Revocation or Modification

1. **Notice.** The authority responsible for the final approval of a Site Development Plan may hold a hearing to revoke or modify an approved Site Development Plan. In cases where the Director was the approval authority, the Director may issue a written notice of hearing concerning a possible revocation or modification of the Plan, or may refer the item to the Planning Commission. At least ten days prior to any hearing, written notice of the hearing shall be delivered to the owner, developer, or both. Notice may be delivered in person or by certified mail, return receipt requested, to the address shown in the records of the Clark County Assessor.

2. **Grounds.** A Site Development Plan approval may be revoked or modified by the reviewing authority for cause, including a finding of one or more of the following:

   a. That the Site Development Plan approval was obtained by misrepresentation or fraud;

   b. That the development is not in compliance with one or more of the conditions of approval;

   c. That the development is in violation of any State or local law, ordinance or regulation.

3. **Notice of Decision.** Written notice of the decision shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

J. Expiration

A Site Development Plan which is not exercised within the approval period shall be void, unless an extension of time is granted upon a showing of good cause. An extension of time may be granted only if application

therefor is made prior to the expiration of the approval period. For purposes of this Subsection (J):

1. The "approval period" for a Site Development Plan is the time period specified in the approval, if one is specified, and is two years otherwise.

2. A Site Development Plan is exercised upon the issuance of a building permit for the principal structure on the site or, in the case of a residential subdivision, upon the recordation of a final subdivision map.

19.16.110

SPECIAL USE PERMIT

A. Purpose

The purpose of the Section is to establish a Special Use Permit process to ensure that a proposed use is conducted in a manner that is harmonious and compatible with uses located on the same or surrounding properties. The process recognizes that, within a given zoning district, certain uses may be appropriate and compatible in some locations but not in others. The Special Use Permit process allows a site-specific inquiry into the compatibility of a proposed use at a particular location, taking into account: the characteristics of the site and the surroundings; the relevant zoning and planning principles; and the input of the Planning Commission, City Council and other interested parties.

B. Authority

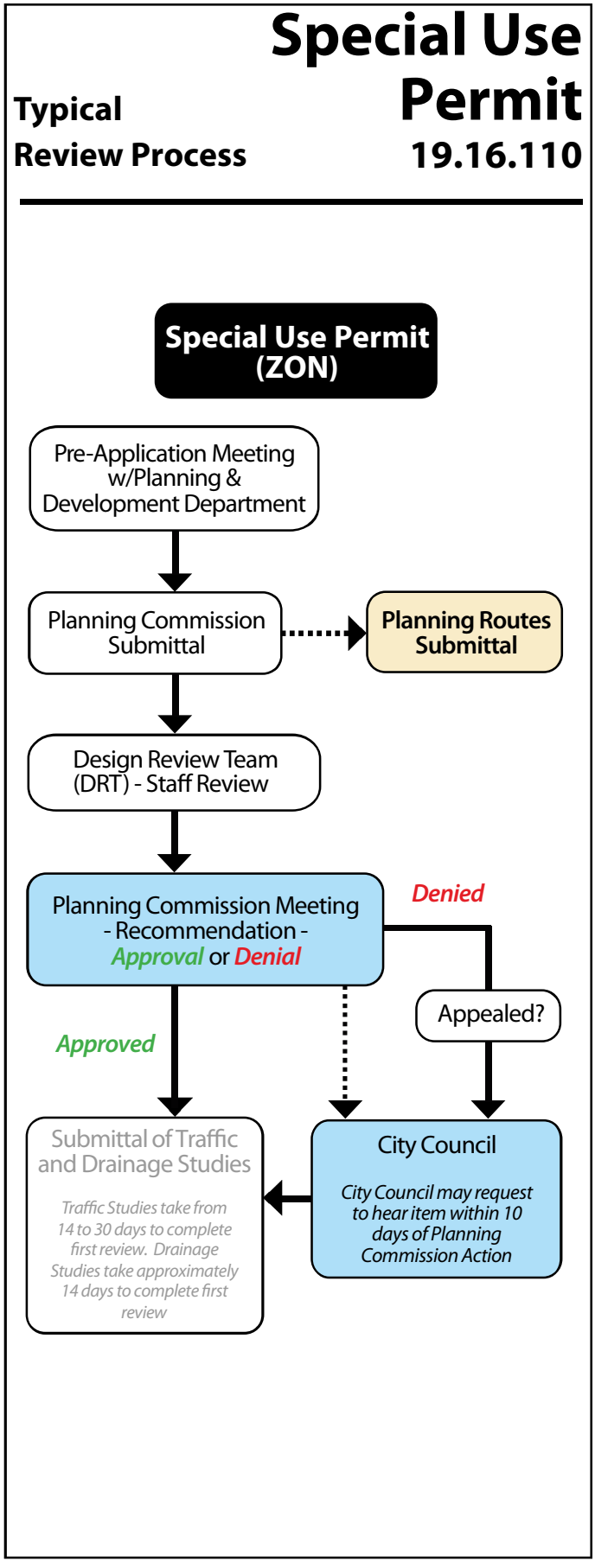
Except as otherwise provided in this Subsection (B), the Planning Commission shall have the authority to approve, approve with conditions, or deny an application for a Special Use Permit, and the decision of the Planning Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City Council in accordance with this Section, the City Council may affirm, modify or reverse the decision of the Planning Commission. The decision of the City Council is final for purposes of judicial review.

C. Application

A pre-application conference shall be required prior to the submittal of any application for a Special Use Permit. An application for a Special Use Permit shall be made on a form to be provided by the Department. The application shall be filed with the Secretary of the Planning Commission at the office of the Department. The application shall be signed, notarized and acknowledged by the record owner of the property for which the Special Use Permit is sought, provided however, that:

1. **Other Governmental Ownership.** With respect to property which is owned by the State of Nevada or the United States of America, a Special Use Permit application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;

2. **Non-Owner Applicant.** A Special Use Permit application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which a Special Use



Permit is sought. However, interest in that property must exist in a written agreement with the owner of record attached to which is a copy of the Special Use Permit application and, in which, the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to honor and be bound by the requested Special Use Permit if it is approved and by any conditions of approval attached thereto.

3. **SUP for Gaming.** Applications for a Special Use Permit to allow gaming pursuant to the requirements of LVMC 6.40.140 (C) and LVMC 6.40.150 (E) may be signed and acknowledged by a lessee of the premises; provided however, that a lessee/applicant must provide copies of lease agreements to show that there are no prohibitions therein to conducting gaming operations on the leased premises. The application need only be accompanied by the applicable lease documents, the floor plan location of the slot machines and the requisite fee.

D. Successive Applications

1. **Previous SUP Application.** An application for a Special Use Permit, of which all or any part of a previous application for the same use, a similar use or a less restrictive use has been denied, or of which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon, shall not be accepted until the following periods will have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:

   a. After the first denial or any withdrawal after public notice has been given – one year.

   b. After the second or subsequent denial or withdrawal after public notice has been given - two years.

2. **Previous Similar Application.** An application for a Special Use Permit concerning all or any part of a previous application for a Variance or Rezoning for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the periods described in Paragraph (1) have elapsed.

3. **Withdrawal Without Prejudice.** The time periods that are described in Paragraphs (1) and (2) above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Required Drawings Plans and Other Submittals

1. **General.** A Site Development Plan and a floor plan of the site which is the subject of the Special Use Permit application shall be submitted concurrently with any application for a Special Use Permit. Guidelines for the preparation of the site plan, floor plans and building elevations are available in the Department. Complete working drawings are not necessary; however, proposed improvements, streets, landscape areas and similar items must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances.

2. **Non-stealth Design Wireless Communication Facility.** In addition to the information required by Paragraph (1) of this Subsection, the applicant for a Special Use Permit for a non-stealth design wireless communication facility shall provide the Department with the following:

   a. An inventory of all of the communication providers (or antenna tower owners if the providers are not yet known) for existing antenna towers that are within the City and within 1500 feet of the border thereof, including specific information about the location, height and design of each such tower. This information is required with the first Special Use Permit application, but may be waived (in conjunction with subsequent applications) at the discretion of the Director if the applicant provides a written statement indicating that no new antenna towers have been constructed since the initial application.

   b. A map of all existing communication towers, buildings, utility poles or other structures over 60 feet in height within 1000 feet of the proposed tower; and

   c. A photo simulation which identifies the potential visual impacts of the antenna tower, especially from public areas and residences. This requirement may be waived if the Director determines that the visual impacts would be minimal.

d. Assurance that the antenna planned for the proposed antenna tower cannot be accommodated as a stealth design wireless communication facility, or on an existing or approved tower, building or other structure within 1000 feet of the proposed location based on the communications grid established or to be established by the communication provider(s). Reasons which may support a finding that a proposed antenna cannot be accommodated as a stealth design wireless communication facility, or on an existing or approved tower, building or other structure include:

i. That the Director has determined that co-location on an existing or approved tower, building or other structure would be unsightly;

ii. That the owner of the existing tower, building or structure is unwilling to agree to co-location or to provide adequate space on the property for the equipment necessary to support communication antennas;

iii. That the structural capacity for the antenna on the existing tower, building or other structure would be inadequate;

iv. That the new antenna would interfere with existing or other planned equipment on the existing or approved tower, building or other structure;

v. That the existing or approved towers, buildings or other structures in the area are not high enough support the antenna; and

vi. That it is commercially impracticable or technically unfeasible to locate on the existing tower, building or other structure for other reasons. To substantiate these reasons, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings or other structures are not available for use in the area where the antenna is to be located.

e. In the case of the proposed tower greater than 60 feet in height, a description of the applicant's efforts to design for and accommodate facilities for other communication providers.

3. Amphitheater. In addition to the information required by Paragraph (1) of this Subsection, the applicant for a Special Use Permit for an amphitheater shall provide the Department with the following:

a. A sound study that addresses how noise levels will be attenuated so as not to exceed the ambient noise levels adjacent to and beyond the subject site.

b. An engineering and traffic study that addresses, as applicable, each of the following elements as they pertain to traffic movement and to stopping, standing and parking restrictions:

i. Accident analysis.

ii. Capacity analysis.

iii. Geometric review, including roadway width.

iv. Parking measurements, including parking angle and parking maneuvering area.

v. Pedestrian volume within parking and maneuvering area.

vi. Sight distance, including corner sight distance.

vii. Speed data, including speed limit.

viii. Traffic volumes, including peak-hour volume.

F. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

G. Planning Commission Public Hearing and Action

1. Hearing. The Planning Commission shall hold a public hearing on each application for a Special Use Permit within 65 days after the application is properly filed.

2. Notice

a. Notice Provided. Notice of the time, place and purpose of the hearing must be given at least

10 days before the hearing by:

i. Publishing the notice in a newspaper of general circulation within the City;

ii. Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application, or in the case of an application to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred (1500) feet;

C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application, or in the case of an application to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred (1500) feet;

D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide at the request of the applicant, the name and address of any person notified pursuant to Subparagraph (a)(ii)(F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least ten days before the date of the hearing.

d. Signs. Notification signs shall be posted in conformance with LVMC 19.16.010 (D) and NRS Chapter 278.

3. Hearing. The Planning Commission shall conduct a public hearing on the application. In its discretion and for good cause, the Planning Commission may hold the application in abeyance for further study. However, subject to the provisions of State law, the Commission may not grant to an applicant more than two continuances on the same matter, unless the Commission determines, upon good cause shown, that the granting of additional continuances is warranted. Following the hearing or hearings, the Planning Commission shall approve, approve with conditions, or deny the application for a Special Use Permit. The decision shall be based upon the recommendation of City departments and other evidence that makes the grant or denial of the Special Use Permit appropriate under Subsection (L) of this Section.

4. Conditions of Approval. In connection with the approval of a Special Use Permit, the Planning Commission may impose any conditions, restrictions or limitations as the Commission may determine to be necessary to meet to the general purpose and intent of this Title and to ensure that the public health, safety and welfare are being maintained.

5. Notice of Planning Commission Decision. The Planning Commission shall provide written notice of its decision, which shall include the reasons for the decision,, and if the decision is to approve the Special Use Permit, any modifications, conditions or limitations that the Planning Commission may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

H. Precedents

The fact that a Special Use Permit for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

I. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Special Use Permit is warranted.

J. Appeals and City Council Review

1. **Appeal and Requests for Review.** Except as otherwise provided in Paragraph (2) below, a decision by the Planning Commission becomes final and effective at the expiration of ten days after the date of the decision unless, within that period, a written appeal or written request to review is filed in the office of the City Clerk. An appeal may be filed by the applicant and, with respect to an approval, by any property owner within the area of notification for the Planning Commission hearing, as well as by anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Pursuant to LVMC 19.16.010(C), the City Council may establish one or more fees to be paid in connection with the filing of an appeal under this Paragraph (1), and the amount of any fee so established shall be as set forth in the Fee Schedule. A request to review may be filed by a member of the City Council.

2. **Applications Automatically Forwarded to City Council.** Special Use Permit applications of the following types, whether approved or denied by the Planning Commission, shall be forwarded automatically to the City Council for final decision:

   a. A Special Use Permit application that is required to be heard by the City Council by virtue of prior Council action;

   b. A Special Use Permit application that is related to and was filed in connection with an application for any of the following:

      i. A General Plan Amendment;

      ii. A Rezoning; or

      iii. A Site Development Plan Review that, pursuant to LVMC 19.16.100(G) requires final action by the City Council.

K. City Council Public Hearing

1. **Notice and Hearing.** The City Council shall conduct a public hearing on all Special Use Permit applications which are appealed or are forwarded to the Council for final action. The City Clerk is authorized to consolidate all appeals or requests for review that have been filed regarding a particular application, or to schedule them in sequence or otherwise, in which case the City Council may hear the items separately or consolidate them for purposes of hearing, as the Council deems appropriate. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

2. **City Council Decision.** In considering whether to affirm, modify or reverse the decision of the Planning Commission, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing, and shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020. Action by the City Council is final for purposes of judicial review. In the case of an appeal, the City Council:

   a. May not grant to an aggrieved person more than two continuances on the same matter, unless the Council determines, upon good cause shown, that the granting of additional continuances is warranted; and

   b. Must render its decision within forty-five days, unless otherwise agreed to by the person filing the appeal.

3. **Notice of City Council Decision.** The City Council shall provide written notice of its decision, which shall include the reasons for the decision and if the decision is to approve the Special Use Permit, any modifications, conditions or limitations that the City Council may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

L. Special Use Permit - Determinations

1. In order to approve a proposed Special Use Permit application, the Planning Commission or City Council must determine that:

   a. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan;

   b. The subject site is physically suitable for the type and intensity of land use being proposed;

   c. Street or highway facilities providing access to the property are or will be adequate in size to

meet the requirements of the proposed use; and

d. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.

2. In order to approve a Special Use Permit application for a non-stealth design wireless communication facility, the Planning Commission or City Council must determine, based upon satisfactory evidence, that:

a. Within an area designated as a Historic Preservation District, the proposed facility has first been reviewed by the Historic Preservation Commission.

b. The antenna planned for the proposed facility cannot be accommodated as part of a stealth design communication facility, or on an existing or approved tower, building or other structure, within 1000 feet of the proposed location based on the communications grid established or to be established by the communication provider.

Reasons which may support such a determination include:

i. That the co-location on an existing or approved tower, building or other structure would be unsightly;

ii. That the owner of the existing tower, building or structure is unwilling to agree to co-location or to provide adequate space on the property for the equipment necessary to support communication antennas;

iii. That the structural capacity for the antenna on the existing tower, building or other structure would be inadequate;

iv. That the new antenna would interfere with existing or other planned equipment on the existing or approved tower, building or other structure;

v. That the existing or approved towers, buildings or other structures in the area are not high enough to support the antenna; and

vi. That it is commercially impracticable or technically unfeasible to locate on the existing tower, building or other structure for other reasons.

c. In the case of a proposed tower greater than 60 feet in height, the applicant has made satisfactory efforts to design for an accommodate facilities for other communication providers.

M. Amendments to an Approved Special Use Permit

Any request to amend or modify an approved Special Use Permit shall be submitted to the Department. Upon receipt of such a request, the Director shall determine if the request constitutes a minor amendment or a major amendment. Minor amendments may be approved administratively. A major amendment requires approval by the Planning Commission or City Council, whichever body took final action to approve the Special Use Permit. Minor and major amendments are categorized as follows:

1. Minor Amendments. An amendment qualifies as a minor amendment if it meets either of the following criteria and does not require the waiver of any minimum Special Use Permit requirement or the increase or expansion of such a waiver that was allowed previously:

a. A reduction or expansion of the use allowed by the Special Use Permit that represents less than fifty percent of the square footage of the original approval.

b. A relocation of the use on the same legal parcel as the original approval where any reduction or expansion of the use qualifies under Subparagraph (a) above.

2. Major Amendment. A major amendment includes any change which does not qualify as a minor amendment.

N. Premature Use of Property

The issuance of a building permit or business license for a use that requires a Special Use Permit, before Special Use Permit is approved, does not replace or otherwise affect the Special Use Permit requirement.

O. Revocation

1. Notice. A Special Use Permit may be revoked or modified by the Planning Commission or the City Council, whichever body took final action to

approve the Special Use Permit. Such action must be preceded by a hearing, written notice of which must be delivered to the owner, developer, or both at least ten days before the hearing. Notice may be delivered in person or by certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.

2. **Findings.** A Special Use Permit may be revoked or modified for cause, including a finding of one or more of the following:

   a. That the Special Use Permit was obtained by misrepresentation or fraud;

   b. That conditions have changed and the use or development is no longer compatible with surrounding land uses or the General Plan;

   c. That the use or development is not in compliance with one or more of the conditions of approval;

   d. That the use permitted by the Special Use Permit is in violation of any statute, ordinance, law or regulation.

3. **Notice of Decision.** Written notice of a decision regarding the revocation or modification of a Special Use Permit shall be provided to the owner, developer or agent.

4. **Appeal.** In the case of a decision by the Planning Commission to revoke or modify a Special Use Permit that was approved as final action by the Commission, the appeal provisions of Subsection (J) and (K) of this Section shall apply.

P. Termination

1. **Expiration for Failure to Exercise**

   a. A Special Use Permit which cannot be exercised except upon construction of a new building, and which is not exercised within the approval period, shall be void, unless the applicant obtains an extension of time upon a showing of good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Special Use Permit. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subparagraph (a):

      i. The "approval period" for a Special Use Permit is the time period specified in the approval, if one is specified, and is two years otherwise.

      ii. A Special Use Permit is exercised upon the issuance of a building permit for the new construction.

   b. A Special Use Permit which does not require the construction of a new building in order to be exercised, and which is not exercised within the approval period shall be void, unless the applicant obtains an extension of time upon a showing of good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Special Use Permit. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subparagraph (b):

      i. The "approval period" for a Special Use Permit is the time period specified in the approval, if one is specified, and is two years, otherwise.

      ii. A Special Use Permit is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a no-work certificate of occupancy (where no structural work is required) or the approval for tenant improvements.

2. **Cessation of Use.** A Special Use Permit shall be void without further action if:

   a. The Special Use Permit was issued for alcoholic beverage use and such use ceases for one hundred and eighty days or more, or twenty-four months or more if the building in which the use was being conducted has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God; or

   b. The Special Use Permit was issued for a use other than alcoholic beverage use and such use ceases for twelve months or more, or twenty-four months or more if the building in which the use was being conducted has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God.

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19.16.120

ADMINISTRATIVE DEVIATION

A. Purpose

The purpose this Section is to establish a procedure (entitled an Administrative Deviation) to allow for minor adjustments of specific requirements of this Title where, because of special and unique conditions applicable to a specific lot or structure, the literal enforcement of the requirements as applied to the lot or structure would result in an unnecessary hardship. The Administrative Deviation procedure is available as an alternative to the Variance procedure, to be pursued at the option of the applicant. If an application for Administrative Deviation is denied, the Variance procedure must be followed in order for the applicant to obtain the relief sought.

B. Authority

The Director shall have the authority to grant an Administrative Deviation, in accordance with the provisions of this Subchapter, to allow a deviation of up to ten percent regarding the following:

1. Front, rear and side yard building setbacks;

2. Wall heights;

3. Accessory structure setbacks and heights;

4. Planting areas and materials; and

5. Loading and stacking spaces.

C. Eligibility to Apply

1. No application for an Administrative Deviation regarding a building setback may be submitted unless:

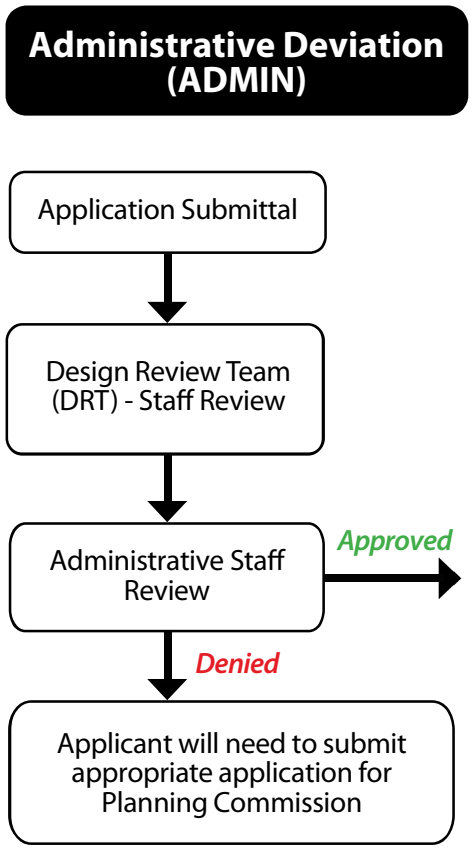
a. In the case of a required side or rear setback of ten feet or less, the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the setback is measured;

b. In the case of required side or rear yard setback of greater than ten feet or a required front yard setback of greater than ten feet (exclusive of front-loading garages), the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the

Administrative Deviation

Typical Review Process

19.16.120



setback is measured; and

c. The requested deviation is for a structure that will not exceed the greater of one story or 15 feet in height.

2. No application for an Administrative Deviation may be submitted regarding the height of an accessory structure unless the requested height does not exceed 1.2 times the height of the main dwelling and does not exceed the allowable building height for the zoning district in which the property is located.

D. Application

1. An application for an Administrative Deviation shall be made to the Director on a form provided by the Department. The application shall be filed with the office of the Department.

2. The application shall be signed, notarized and acknowledged by the record owner of the property for which the Administrative Deviation is sought.

E. Decision

Within 30 days after a complete application for Administrative Deviation has been filed and accepted, the Director shall make a decision to approve, approve with conditions or deny the application.

F. Administrative Deviation Determinations

In order to approve an Administrative Deviation, the Director must determine that:

1. The request does not exceed the prescribed limitations of Subsection (C);

2. Granting the Administrative Deviation will not be inconsistent with the spirit and intent of the General Plan;

3. The request is not intended to be combined with a previous or future Variance request in order to achieve a deviation that would not likely be granted by means of Variance alone; and

4. That one or more of the following conditions exist:

a. There are special circumstances applicable to the property, such as size, shape, topography, location or surroundings and that the strict application of the Code requirement deprives the property of privileges enjoyed by other property in the vicinity and under the identical land use district classification;

b. Granting the Administrative Deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the Administrative Deviation is sought;

c. The Administrative Deviation will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located; or

d. Granting the Administrative Deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

G. Conditions

In connection with the approval of an Administrative Deviation, the Director may impose any conditions, restrictions or limitations as the Director determines to be necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and general welfare are being maintained.

H. Notice of Decision

The Director shall provide written notice of his or her decision, which shall include the reasons for the decision and, if the decision is to approve the Administrative Deviation, any modifications, conditions or limitations that the Director may impose. The notice shall be provided to the owner or the owner's agent.

I. Precedents

The fact that an Administrative Deviation for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

J. Burden of Proof

The applicant bears the burden of proof to establish that the approval of an Administrative Deviation is warranted.

K. Premature Use of Property

The issuance of a building permit or business license for

a development or structure that cannot be permitted without an Administrative Deviation, before an Administrative Deviation is approved, does not replace or otherwise affect the Administrative Deviation requirement.

L. Revocation

1. **Notice.** The Director may hold a hearing to revoke or modify an Administrative Deviation. At least 10 days prior to any hearing, written notice of the hearing shall be delivered to the owner or developer, or both. Notice may be delivered in person or certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.

2. **Grounds.** An Administrative Deviation may be revoked or modified for cause, including a finding of one or more of the following:

   a. That the Administrative Deviation was obtained by misrepresentation or fraud;

   b. That the development or structure is not in compliance with one or more of the conditions of approval;

   c. That the development or structure permitted by the Administrative Deviation is in violation of any statute, ordinance, law or regulation.

3. **Notice of Decision.** Written notice of the decision shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

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19.16.130

WAIVER

A. Purpose

The purpose this Section is to establish a procedure to allow for modifications of specific requirements of this Title where, the applicant can show through convincing and substantial evidence that the modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposal will substantially meet the intent of the standard, and the granting of the modification will not detrimentally affect the public health, safety or general welfare. The Waiver procedure may be granted in connection with the approval of a Site Development Plan Review or Special Use Permit, or as a stand-alone item.

B. Authority

Except as otherwise provided in this Subsection (B), the Planning Commission shall have the authority to approve, approve with conditions, or deny an application for a Waiver, and the decision of the Planning Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City Council, the City Council may affirm, modify or reverse the decision of the Planning Commission. The decision of the City Council is final for purposes of judicial review.

C. Application

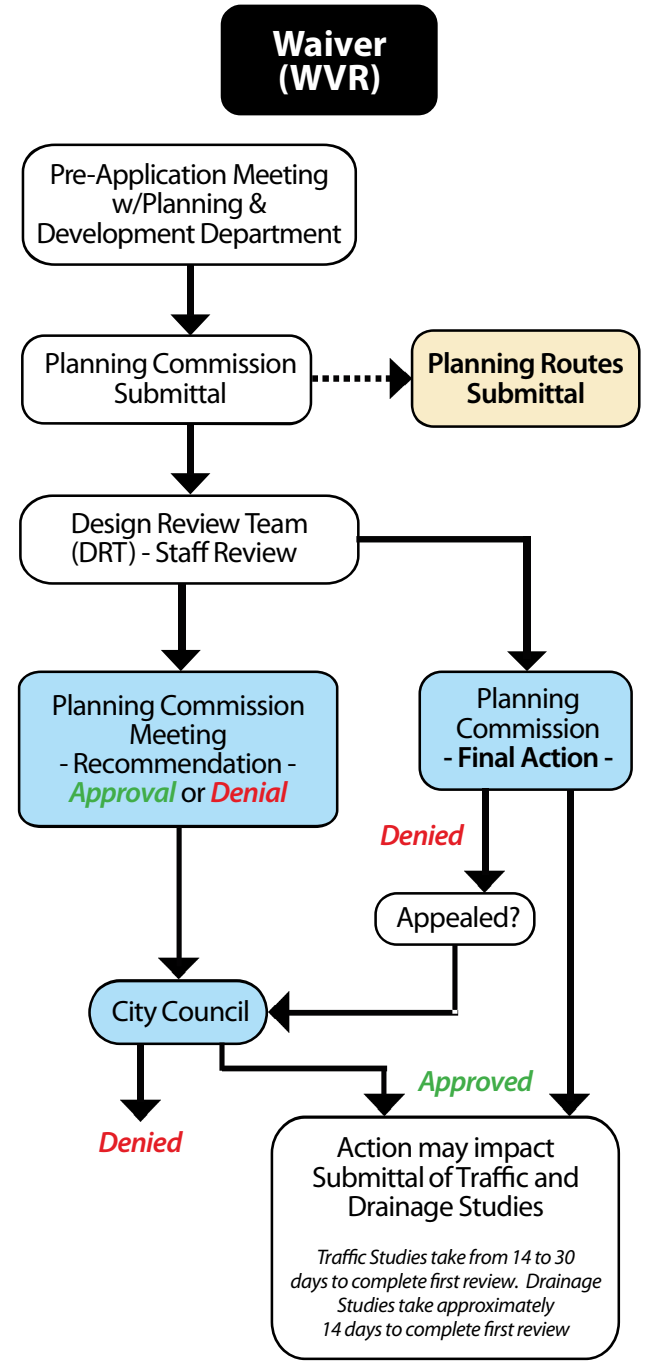
The applicant for a Waiver shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for a Waiver shall be filed with the Department in connection with a Site Development Plan Review or Special Use Permit, or as a stand-alone item on a form to be provided by the Department. If submitted in connection with a Site Development Plan Review or Special Use Permit, the Waiver should be requested by submitting a letter to the Director indicating the nature of the Waiver sought and stating why it should be granted. If submitted as a stand-alone item, the application shall be signed and acknowledged by the owner of record of the property for which the Waiver is sought, and shall be notarized as to the owner's signature. Waivers submitted in connection with a Special Use Permit shall follow the application requirements of LVMC 19.16.110(C).

D. Decision

The Planning Commission or City Council, as the case may be, may approve, approve with conditions or deny an application for Waiver. The decision is final, subject to the right of appeal available under State law.

Waiver

Typical Review Process **19.16.130**



E. Waiver Determinations

In order to approve an Waiver, the following shall be determined:

1. The request does not exceed the prescribed limitations of the applicable provisions of this Title that specifically allow for a Waiver;

2. Granting the Waiver will not be inconsistent with the spirit and intent of the General Plan;

3. That one or more of the following conditions exist:

   a. There are special circumstances applicable to the property, such as size, shape, topography, location or surroundings and that the strict application of the Code requirement deprives the property of privileges enjoyed by other property in the vicinity and under the identical land use district classification;

   b. Granting the Waiver is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the Waiver is sought;

   c. The Waiver will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located; or

   d. Granting the Waiver does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

F. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

G. Precedents

The fact that a Waiver for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

H. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Waiver is warranted.

I. Premature Use of Property

The issuance of a building permit or business license for a development or structure that cannot be permitted without a Waiver, before a Waiver is approved, does not replace or otherwise affect the Waiver requirement.

19.16.140

VARIANCE

A. Purpose

The purpose this Section is to establish a procedure to allow for an adjustment of certain specific requirements of this Title, as permitted by State law.

B. Scope and Limitations

Pursuant to NRS Chapter 278 and this Section, the Planning Commission and the City Council have the authority to act upon Variance applications as set forth in this Section and as they deem appropriate. Variance applications shall initially be heard by the Planning Commission. Where a Variance application is proposed in connection with another application to be heard by the Planning Commission, including an application for Special Use Permit, an application for Rezoning, or an application for Site Development Plan Review, the Variance application shall be considered by the Planning Commission, as a separate application, in conjunction with the associated application. A Variance:

1. Is not available to permit a use in a zoning district in which the use is not allowed, or to vary any minimum spacing requirement between uses: and

2. Shall not be granted in order to relieve a hardship which is solely personal, self-created or financial in nature.

C. Application

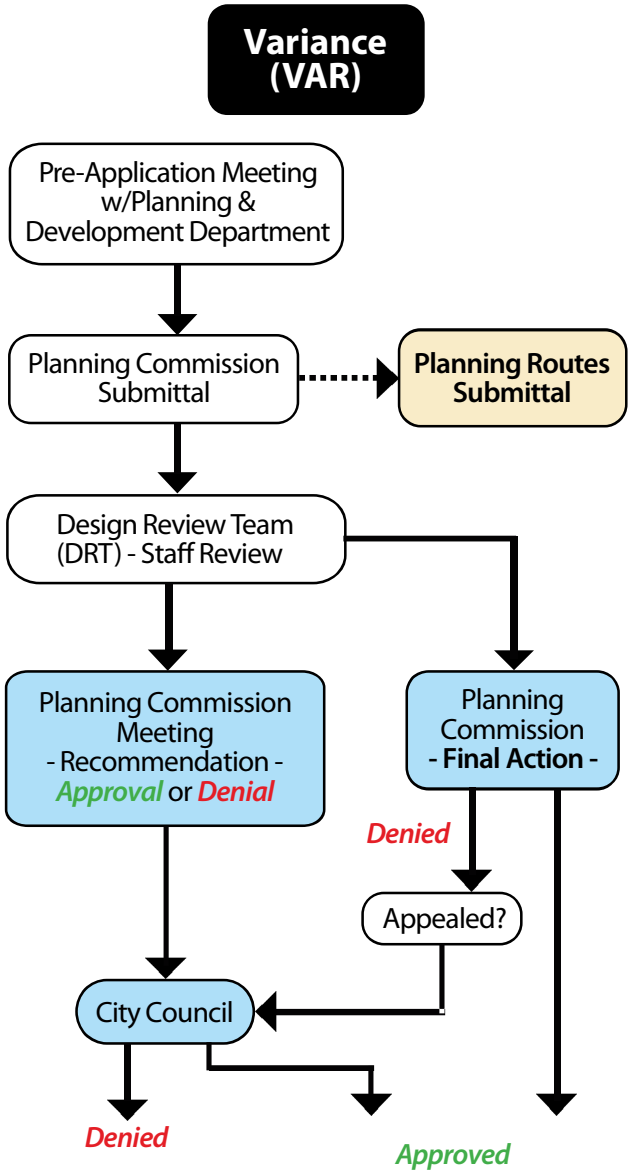
An application for a Variance shall be made on a form provided by the Department. This application shall be filed at the office of the Department. The application shall be signed, notarized and acknowledged by the owner of record of the property for which the Variance is sought; provided however, that:

1. **Other Governmental Ownership.** With respect to property which is owned by the State of Nevada or the United States of America, a Variance application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;

2. **Non-Owner Applicant.** A Variance application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which a Variance is sought. However, interest in that property must exist in a written agreement with the owner of record attached to which is a copy of the Variance application and

Variance

Typical Review Process **19.16.140**



in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to honor and be bound by the requested Variance if it is approved and by any conditions of approval attached thereto.

D. Successive Applications

1. **Previous Variance Application.** An application for a Variance on property concerning all or any part of a previous application for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the following periods will have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:

   a. After the first denial or any withdrawal after public notice has been given – one year.

   b. After the second or subsequent denial or withdrawal after public notice has been given - two years.

2. **Previous Similar Application.** An application for a Variance concerning all or any part of a previous application for a Special Use Permit or Rezoning for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the periods described in this Paragraph (1) have elapsed.

3. **Withdrawn Without Prejudice.** The time periods that are described in Paragraphs (1) and (2) above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Request for Abeyance

An applicant who wishes to have an application held in abeyance following the notice and posting of a hearing before the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation. The Planning Commission may not grant to an applicant, and the City Council may not grant to an aggrieved person, more than two continuances on the same matter, unless the Commission or Council determines, upon good cause shown, that the granting of additional continuances is warranted.

F. Drawings and Plans Required

Plans describing the proposed development of the property shall be submitted with the application. Guidelines for the preparation of the site development plan, floor plans and building elevations are available in the Department. Complete working drawings are not necessary; however, improvements, streets, landscape areas and similar items must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances.

G. Public Hearing and Action

1. **Hearing.** The Planning Commission shall hold a public hearing upon each application for a Variance within 65 days after the application is properly filed.

2. **Notice**

   a. Notice Provided. Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

      i) Publishing the notice in a newspaper of general circulation within the City; and

      ii) Mailing a copy of the notice to:

         A) The applicant;

         B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

         C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;

         D) The owner of each of the 30 separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (a)(ii)(F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

3. Hearing. The Planning Commission shall conduct a public hearing on the application. In its discretion and for good cause, the Planning Commission may hold the application in abeyance for further study. However, subject to the provisions of State law, the Commission may not grant to an applicant more than two continuances on the same matter, unless the Commission determines, upon good cause shown, that the granting of additional continuances is warranted. Following the hearing or hearings, the Planning Commission shall make a decision to approve, approve with conditions, or deny the Variance application. The decision shall be based upon evidence that makes the grant or denial of the Variance appropriate. The decision shall either be a final decision or a recommendation, as determined in accordance with Subsection (J).

4. Conditions of Approval or Recommendation. In approving or recommending the approval of a Variance, the Planning Commission may impose any conditions, restrictions or limitations as deemed necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and general welfare are being maintained.

5 Notice of Decision. The Planning Commission shall provide written notice of each decision on a Variance application, which shall include the reasons for the decision and, if the decision is to recommend approval of the Variance, any modifications, conditions or limitations that the Planning Commission may impose or recommend to be imposed in connection with the approval. The notice shall be provided to the owner, developer or agent.

H. Precedents

The fact that a Variance for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

I. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Variance is warranted.

J. Appeals

1. Denials Generally. Except as otherwise provided in Paragraph (3), a decision by the Planning Commission to deny a Variance application becomes final and effective at the expiration of 10 days after the date of the decision unless, within that period, the applicant appeals the decision by written request filed with the City Clerk. Pursuant to LVMC 19.16.010(C), City Council may establish a fee to be paid in connection with the filing of an appeal, and the amount of any fee so established shall be set forth in the fee schedule.

2. Approvals Generally. Except as otherwise provided in Paragraph (3), a decision by the Planning Commission to approve a Variance application becomes final and effective at the expiration of 10 days after the date of the decision unless, within that period, a member of the City Council requests that the item be reviewed by the Council, or an aggrieved person appeals the decision by written request filed with the City Clerk. For purposes of this Paragraph (2), an "aggrieved person" means any property owner within the area of notification for the Planning Commission hearing, as well as anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Pursuant to LVMC 19.16.010(C), the City Council may establish a fee to be paid in connection with the filing of an appeal, and the amount of any fee so established shall be as set forth in the fee schedule.

3. Automatic Review by City Council. With respect to any Variance application related to and filed in connection with an application for a General Plan Amendment; an application for rezoning; or an application for a Site Development Plan Review or Special Use Permit that requires final action by the City Council, the decision by the Planning

Commission, whether an approval or denial, constitutes a recommendation to the City Council, which shall make the final decision concerning that Variance application.

K. City Council Public Hearing and Action

1. **Notice and Hearing.** The City Council shall conduct a public hearing on any Variance application which is appealed or forwarded to the Council for final action. The City Clerk is authorized to consolidate all appeals or requests for review that have been filed regarding a particular application, or to schedule them in sequence or otherwise, in which case the City Council may hear the items separately or consolidate them for purposes of hearing, as the Council deems appropriate. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

2. **Penalty.** If a structure which is the subject of a Variance application has been or is being constructed without a building permit and is in violation of any of the provisions of this Title, the City Council, in granting the Variance, may impose a penalty in an amount that does not exceed 10 percent of the value of the structure as determined in accordance with the City's Administrative Code.

3. **City Council Decision.** The City Council may review the Variance application de novo, and has the authority to reverse, modify, or confirm any action of the Planning Commission. In making a decision regarding a Variance application, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing and shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020 Action by the City Council is final for purposes of judicial review. In the case of an appeal, the City Council:

   a. May not grant to an aggrieved person more than two continuances on the same matter, unless the Council determines, upon good cause shown, that the granting of additional continuances is warranted; and

   b. Must render its decision within forty-five days, unless otherwise agreed to by the person filing the appeal.

4. **Notice of City Council Decision.** The City Council shall provide written notice of its decision, which shall include the reasons for the decision and, if the decision is to approve the Variance, any modifications, conditions or limitations that the Council may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

L. Determinations

1. In order to recommend approval of, or to approve a Variance application, the Planning Commission or City Council must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Paragraph (2) below.

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

M. Premature Use of Property

The issuance of a building permit or business license for a development or structure that requires a Variance, before a Variance is approved, does not replace or otherwise affect the Variance requirement.

N. Revocation

1. **Notice.** A Variance may be revoked or modified by the Planning Commission or the City Council, whichever body took final action to approve the Variance. Such action must be preceded by a hearing, written notice of which must be delivered to the owner, developer, or both, at least ten days prior to any hearing. Notice may be delivered in person or by certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.

2. **Grounds.** A Variance may be revoked or modified for cause, including a finding of one or more of the following:

   a. That the Variance was obtained by misrepresentation or fraud;

   b. That the development or structure is not in compliance with one or more of the conditions of approval; or

   c. That the development or structure permitted by the Variance is in violation of any statute, ordinance, law or regulation.

3. **Notice of Decision.** Written notice of a decision regarding the revocation or modification of a Variance shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

4. **Appeal.** In the case of a decision by the Planning Commission to revoke or modify a Variance that was approved as final action by the Commission, the appeal provisions of Subsections (J) and (K) of this Section shall apply.

O. Termination

1. **Expiration for Failure to Exercise**

   a. A Variance which will require the construction of a new building and which is not exercised within the approval period shall be void, unless the applicant obtains an extension of time upon a showing of good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Variance. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subparagraph (a):

      i. The "approval period" for a Variance is the time period specified in the approval, if one is specified, and two years, otherwise.

      ii. A Variance is exercised upon the issuance of a building permit for the new construction.

   b. A Variance which will not require the construction of a new building and which is not exercised within the approval period shall be void, unless the applicant obtains an extension of time upon a showing of good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Variance. An extension of time may be granted only if application therefore is made prior to the expiration of the approval period. For purposes of this Subparagraph (b), a Variance is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a no-work certificate of occupancy (where no structural work is required) or the approval of a final inspection for tenant improvements.

2. **Cessation of Use.** A Variance to allow a use that is not permitted in a particular zone shall be void without further action if the use approved by the Variance ceases for a period of twelve months or more.

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19.16.150

DEVELOPMENT AGREEMENT

A. Statutory Authority - Conformance Required

Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter into development agreements to regulate the development of land within the City. The agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 through NRS 278.0207 and the provisions of this Chapter.

B. Planning Commission Review

Before the City Council enters into a development agreement pursuant to this Section, the agreement shall be reviewed by the Planning Commission for consistency with the City's General Plan.

C. Administration and Enforcement

Subject to review and input from other City departments, the Department shall be responsible for applying, administering and enforcing the provisions of this subchapter including the negotiation and enforcement of development agreements.

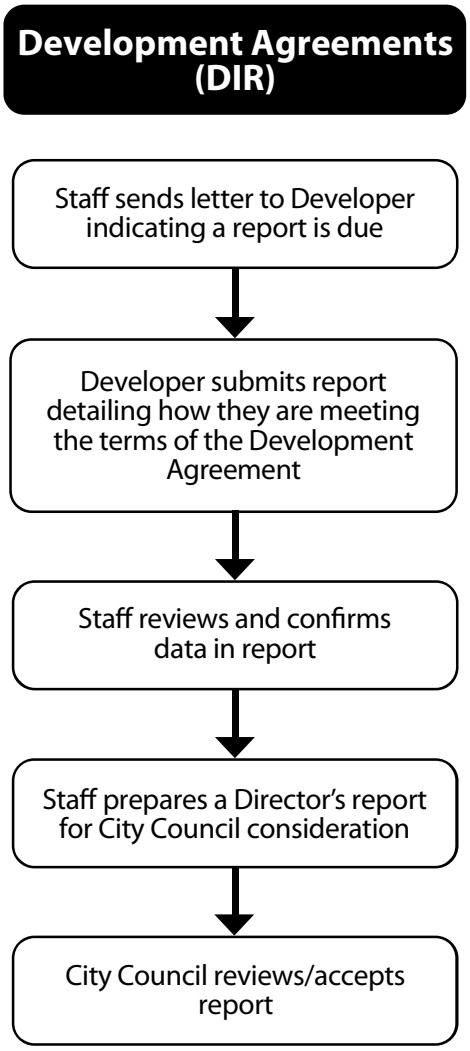
D. Application of Zoning Provisions

Except as otherwise provided in NRS 278.0201 through 278.0207 or in a development agreement entered into pursuant to this Section, all the procedures and requirements of this Title shall apply to the development of property that is the subject of a development agreement.

Typical Review Process

Development Agreement

19.16.150



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19.16.160

TEMPORARY COMMERCIAL PERMIT

A. Purpose

The purpose of this Section is to provide for a Temporary Commercial Permit to allow certain short-term activities that otherwise would not be allowed and to limit the activities to the circumstances and conditions set forth in this Section. The requirements of this Section apply to the activities specified herein whether or not they are conducted for profit.

B. Authority

1. The Director shall have the authority to approve, approve with conditions, or deny a Temporary Commercial Permit.

2. The Director may at any time refer an application for a Temporary Commercial Permit to the Planning Commission for decision.

C. Permitted Uses

The following temporary uses may be permitted by means of the issuance of a Temporary Commercial Permit.

1. A Temporary Contractor's Construction Yard in conjunction with an approved development project; provided, however, that no Temporary Commercial Permit is required if the use is located on the same site as the approved development and is operated in conformance with all applicable City ordinances and standards.

2. Seasonal Outdoor Sales, but only if such sales are limited to a maximum of thirty days prior to the specified holiday. No Temporary Commercial Permit is required when the sales operation:

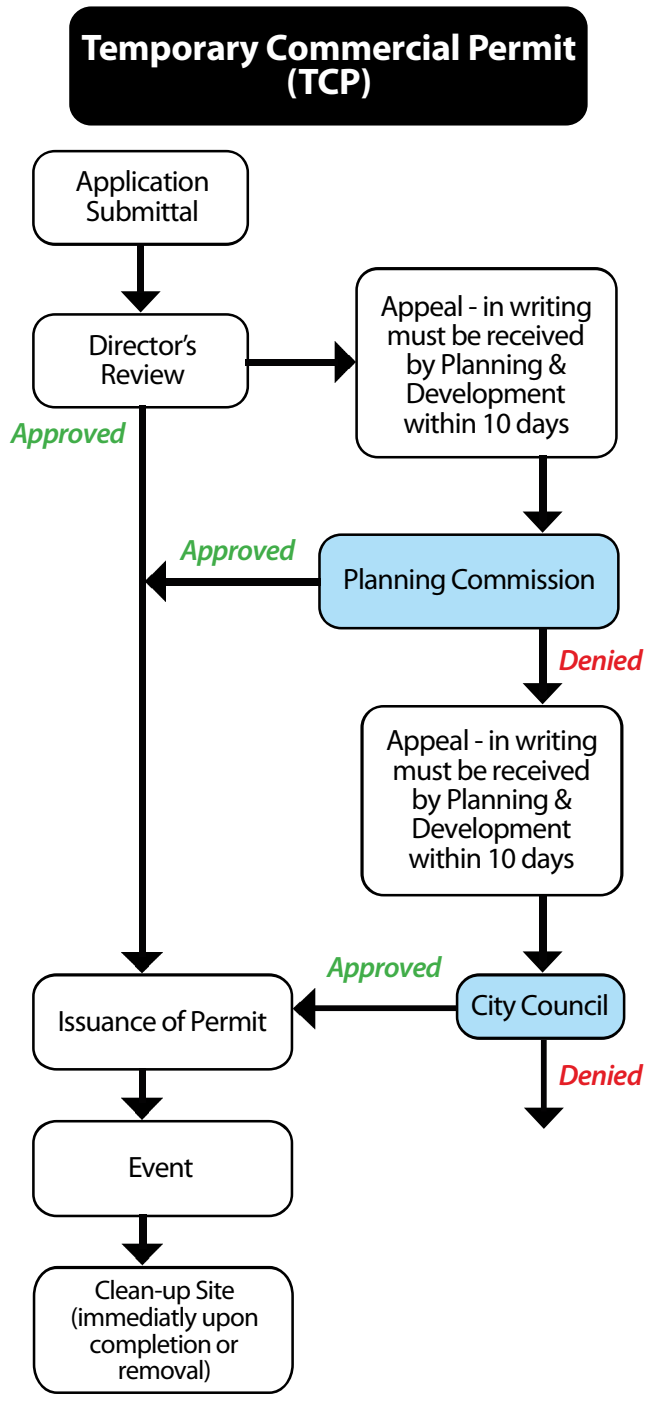
a. Takes place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site; and

b. Conforms with all applicable City ordinances and standards.

3. Parking Lot/Sidewalk Sales; provided, however, that such sales:

a. Must take place on the same site as, and be in conjunction with, the operation of an established commercial business with a valid business license for that site;

Temporary Commercial Permit
Typical Review Process 19.16.160



b. Must take place on a paved or concrete area that is located on the same lot or within the same commercial subdivision as the structure that houses the business;

c. Are limited to a duration of seven days each; and

d. Occur no more that four times within a calendar year.

4. Temporary Outdoor Commercial Events; provided, however, that such events:

a. Are limited to a duration of thirty days each; and

b. Occur no more than six times within a calendar year.

5. The sales of new automobiles, new trucks, or new boats at a shopping mall of at least 90 acres in size and located in the C-1 (or a less restrictive) Zoning District. At any one shopping mall, no more than four sales events may occur within any twelve-month period, and no one sale event may last more than three days.

6. Any other temporary use that is similar to those enumerated in this Subsection (C) and that, in the opinion of the Director, is compatible with the zoning district and surrounding land uses.

D. Application and Decision

An application for a Temporary Commercial Permit shall be filed with the Director and shall be accompanied by a filing fee as set forth in the fee schedule. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this Section. Within 30 days after receipt of a complete and sufficient application, the Director shall take appropriate action to approve, approve with conditions or deny the application. The Director may approve a Temporary Commercial Permit if the Director determines that:

1. The proposed use is compatible with existing land uses on the same property and on surrounding properties;

2. The subject site is physically suitable for the type and intensity of the use being proposed;

3. There will be adequate public access to the site and adequate provision for on-site parking;

4. The application is not a continuation of consecutive applications or otherwise an attempt to circumvent the limitations contained in this Section.

E. Appeal

The applicant may appeal a decision of the Director to the Planning Commission by filing a written request with the Department. Any appeal pursuant to this section must be filed within 10 days after the date of the decision that is the subject of the appeal. The decision of the Planning Commission is final, unless appealed to the City Council as in the case of a Variance.

F. Conditions of Approval

In approving a Temporary Commercial Permit, the Director (or, upon appeal, the Planning Commission) may impose conditions, stipulations or limitations as are deemed necessary to ensure that the activity will be consistent with Subsection (D) of this Section. Such conditions may include, but are not limited to the following:

1. Provision for temporary parking facilities, including vehicle ingress and egress;

2. Measures to prevent or reduce nuisance factors such as glare, excessive illumination noise, vibration, smoke, dust, dirt, odors, gases and heat;

3. Regulation of placement, height, size and location of structures, facilities, landscaping and equipment, including provision for buffering and separation;

4. Provision for sanitary facilities and for waste collection and disposal;

5. Measures to promote safety and security;

6. Regulation of signs and other attention-gaining devices;

7. Regulation of operating hours and duration of the temporary commercial use;

8. Regulation of the hours and duration of set-up and dismantling activities;

9. Compliance with applicable provisions of the Las Vegas Municipal Code;

10. Any other conditions which will ensure the operation of the proposed temporary use is conducted in an orderly, efficient manner and in accordance with the intent and purpose of this Section.

G. Cleanup of Temporary Site

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

H. Revocation

A Temporary Commercial Permit may be revoked or modified by the Director, upon notice to the permit holder, if the Director finds that:

1. The permit was obtained by misrepresentation or fraud;

2. The activity is not in compliance with the permit or any condition of approval;

3. The use to be allowed by means of the permit is conducted in violation of any applicable statute, ordinance, or regulation; or

4. The permit is being employed as a means to circumvent the limitations contained in this Title.

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19.16.170

TEMPORARY SIGN PERMIT

A. Procedures

The procedures contained in this Section shall govern the application for, and issuance of, all temporary sign permits under this Title.

B. Authority

The Director shall have the authority to approve, approve with conditions, or deny a Temporary Sign Permit.

C. Application and Decision

An application for a Temporary Sign Permit shall be filed with the Department and shall be accompanied by a filing fee as set forth in the Fee Schedule. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this Section. Within 30 days after receipt of a complete and sufficient application, the Director shall take appropriate action to approve, approve with conditions or deny the application. The Director may approve a Temporary Sign Permit if the Director determines that:

1. The proposed temporary signage is compatible with existing signage and land uses on the same property and on surrounding properties;

2. The subject site is physically suitable for the type and intensity of the temporary signage being proposed;

3. The temporary signage meets all applicable standards of this Title for the zoning district and signage type being requested;

4. The application is not a continuation of consecutive applications or otherwise an attempt to circumvent the limitations contained in this Title.

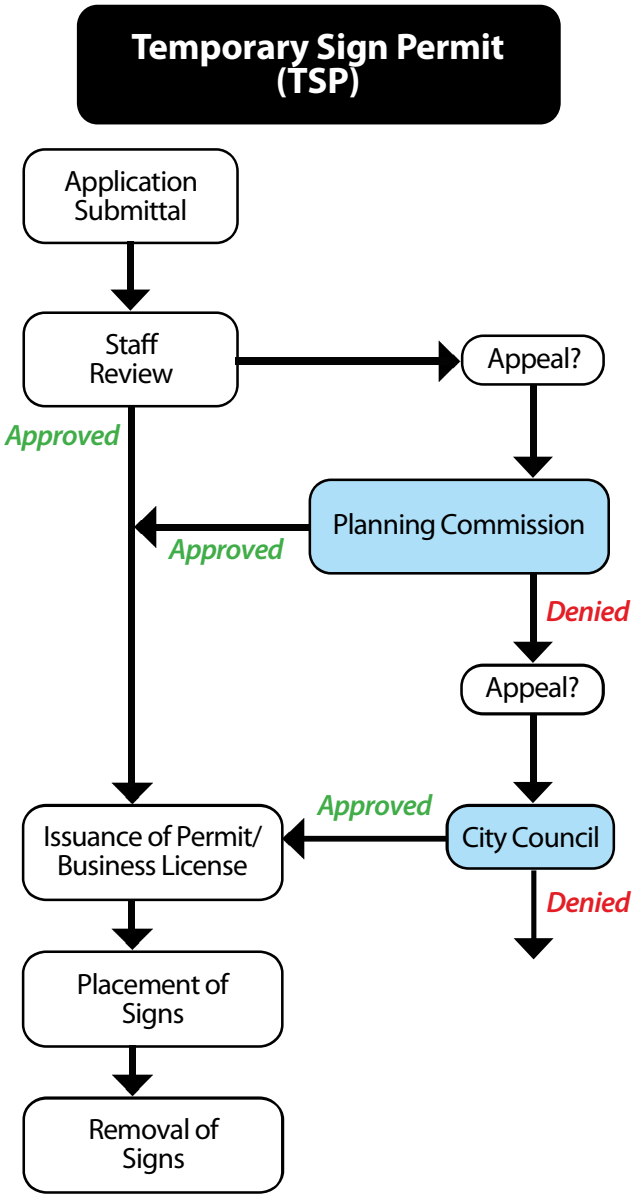
D. Appeal

The applicant may appeal a decision of the Director to the Planning Commission by filing a written request with the Department. Any appeal pursuant to this section must be filed within 10 days after the date of the decision that is the subject of the appeal. The decision of the Planning Commission is final, unless appealed to the City Council as in the case of a Variance.

E. Conditions of Approval

In approving a Temporary Sign Permit, the Director (or,

Temporary Sign Permit
Typical Review Process
19.16.170



upon appeal, the Planning Commission) may impose conditions, stipulations or limitations as are deemed necessary to ensure that the temporary signage will be consistent with Subsection (C) of this Section. Such conditions may include, but are not limited to the following:

1. Measures to prevent or reduce nuisance factors;

2. Regulation of placement, height, size and location of temporary signage, including provision for separation;

3. Compliance with applicable provisions of the Las Vegas Municipal Code;

4. Any other conditions which will ensure the proposed temporary signage is used in accordance with the intent and purpose of this Section.

F. Removal

The holder of a Temporary Sign Permit shall be responsible for the removal of temporary signage within the time frame specified for the signage type pursuant to this Title or as otherwise specified by the permit. If the holder of the Temporary Sign Permit is not the record owner of the property, the holder and the property owner(s) are jointly and severally responsible for compliance with this Subsection (F).

G. Revocation

A Temporary Sign Permit may be revoked or modified by the Director, upon notice to the permit holder, if the Director finds that:

1. The permit was obtained by misrepresentation or fraud;

2. The signage is not in compliance with the permit or any condition of approval;

3. The signage to be allowed by means of the permit is conducted in violation of any applicable statute, ordinance, or regulation; or

4. The permit is being employed as a means to circumvent the limitations contained in this Title.

19.16.180

HOME OCCUPATION PERMIT

A. Purpose

The purpose of this Section is to provide for a Home Occupation Permit to allow limited types of income producing activities within residential zoning districts. A home occupation is an incidental or secondary use so located that the average neighbor, under normal circumstances, would not be aware of its existence. Except as otherwise provided in this Section and Title, no residentially zoned parcel may be used for the purpose of conducting any business or income producing activity except as allowed by means of a Home Occupation Permit.

B. Exceptions

No Home Occupation Permit shall be required for educational activities, including but not limited to music lessons, academic tutoring or religious instruction, provided that no more than two students are present at any one time and the use complies with the requirements of this Section.

C. Authority

The Director or, upon appeal, the Planning Commission, shall have the authority to approve, approve with conditions, or deny a Home Occupation Permit. In approving a Home Occupation application, the Director (or if applicable, the Planning Commission) may impose conditions, stipulations or restrictions as are deemed necessary to ensure that the activity will be consistent with the intent of this Section.

D. Application

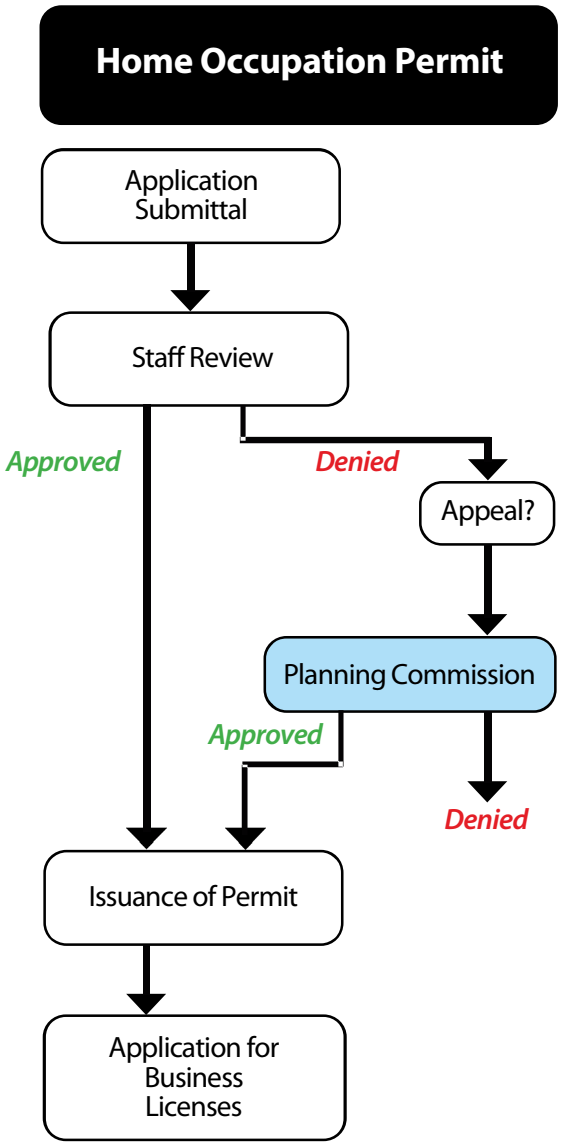
An application for a Home Occupation Permit shall be filed with the Director. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this Section. If the Home Occupation is to be conducted by the tenant of property which is leased or rented, the tenant shall obtain written authorization from the property owner or property manager and submit the authorization with the Home Occupation Permit application.

E. Process and Review

Within 30 days after receipt of a complete application, the Director shall approve, approve with conditions, or deny the application.

Home Occupation Permit

Typical Review Process **19.16.180**



F. Decision and Notice of Decision

1. The Director shall approve a Home Occupation Permit if the Director finds that;

a. The proposed Home Occupation is compatible with the existing residential uses on the property and surrounding properties; and

b. The proposed Home Occupation will conform to the Operational Standards and requirements contained in this subchapter.

2. The Director shall provide written notice of the decision, which shall include the reasons for the decision and, if the decision is to approve the Home Occupation Permit, any modifications, conditions or limitations that the Director may impose. The notice shall be provided to the owner or the owner's agent.

G. Operational Standards

1. In order to approve a Home Occupation Permit, the Director (or if appealed, the Planning Commission) must be satisfied that the proposed Home Occupation can and will comply with the following operational standards:

a. Only the occupants of the dwelling unit shall be engaged in the business activity approved for the Home Occupation Permit;

b. No employees shall report to work or be dispatched from the property;

c. There shall be no transacting of business or offers to transact business with customers or clients who have come to the property;

d. There shall be no signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the property or identifies the existence of a Home Occupation on the property. A home telephone number or a post office box may be advertised by any medium other than on-site signage;

e. No motor vehicle repair, paint or body work; commercial preparation of food for service on the premises; business related to or involving explosives, ammunitions or weapons; beauty parlor or barber shop; or ambulance or related emergency services shall be permitted as a Home Occupation;

f. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess of the normal amount associated with residential uses in the district;

g. A Home Occupation shall be conducted exclusively within the main dwelling or within an accessory structure which has been approved for the Home Occupation Permit, except for horticultural activities;

h. No more than one vehicle, with a maximum capacity of one-ton, shall be used in connection with a Home Occupation Permit;

i. The number of on-site parking spaces shall not be reduced to less than two;

j. There shall be no outdoor storage or use of any toxic chemicals or hazardous materials of any type or in any amount not normally found in a residential structure;

k. There shall be no electrical or mechanical equipment which is not normally found in a residential structure, and no equipment found on the premises shall cause a change in the fire safety or occupancy classification of the dwelling unit; and

l. No Home Occupation shall create or cause noise, dust, light, vibration, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference or other hazards or nuisances.

2. The following uses are uses that normally may be permitted by means of Home Occupation Permit if they can be conducted in compliance with the Operational Standards in Paragraph (1) of this Subsection. This is not a comprehensive list but should be used to establish appropriate types of uses for Home Occupations.

a. 800 and 900 number telephone services;

b. Accounting, bookkeeping, tax preparation or related services;

c. Appraisal, real estate or related services;

d. Architectural, engineering, general contractor or related professional services;

e. Artist, artisans, hobbyists, jeweler or related services;

f. Computer based businesses, desktop

publishing, drafting or related services;

g. Consulting or related services;

h. Employment services;

i. Financial investment, brokerage or related services;

j. Handicrafts, gift basket assembly, floral, ceramics or related services;

k. Health fitness training services;

l. Home improvement and repair services;

m. Incidental office and telephone uses;

n. Information services;

o. Insurance services;

p. Interior design and decorating services;

q. Legal, court reporting or related services;

r. Mail order and catalog services;

s. Mobile serve businesses;

t. Network marketing services;

u. Janitorial, maintenance and repair services;

v. Party planning services;

w. Photography, video or related services;

x. Secretarial, typing, answering or related services;

y. Tailoring and sewing services;

z. Teaching or related services with a maximum of two students at any one time;

aa. Travel services;

bb. Vending machine businesses; and

cc. Writers, authors or related professionals.

3. Any Home Occupation Permit which is found to be similar to those enumerated in this Subsection and which, in the opinion of the Director, is compatible with the intent of this Section, may be approved or approved with conditions. If the Director determines that a proposed Home Occupation would be detrimental to the public health, safety and welfare or injurious to the existing land uses on the property or to the surrounding properties, or does not substantially conform to the Operational Standards contained in this Section, the Director shall deny the Home Occupation Permit.

H. Appeal of Director's Action

If the applicant is aggrieved by the Director's decision, or any conditions attached thereto, the applicant may appeal the decision to the Planning Commission by written request within 10 days after the date of decision by the Director. The appeal must be filed with the Department. The appeal hearing shall be scheduled as soon as is reasonably possible, and appropriate notice of the hearing shall be provided. The Planning Commission may affirm, reverse or modify the Director's decision. Notice of the Planning Commission's decision shall be provided to the applicant or the applicant's agent, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

I. Optional Treatment of Appeal

The Director or Planning Commission may require that an appeal filed pursuant to Subsection (H) be heard as a public hearing item. The requirement for a public hearing must be based upon a determination that, in the instance of that particular application, the public interest will best be served by providing notice and an opportunity to be heard to surrounding property owners. In such event, the Director shall process the application in accordance with the standards and procedures for Special Use Permit applications.

J. Transfer of Permits

A Home Occupation permit shall not be transferable to:

1. Another address, or

2. Any person other than the applicant, a family member residing in the home, or a legal entity in which the applicant or resident family member has a controlling interest.

K. Expiration

Home Occupation Permits not exercised within one year after approval shall be void without further action unless a greater time limit is specified in the approval. Home Occupation uses which cease for more than 6 months shall be void without further action.

L. Revocation or Modification

1. **Notice and Hearing.** Upon proper notice to, and an opportunity to be heard by, the permit holder, the Director may revoke or modify a Home Occupation permit if the Director determines one or more of the following:

   a. That the Home Occupation is not in compliance with one or more of the Operational Standards of this subchapter;

   b. That the Home Occupation Permit was obtained by misrepresentation or fraud;

   c. That the Home Occupation is being conducted in violation of any statute, ordinance, law or regulation.

2. **Appeal and Notice of Decision.** The Director's decision may be appealed in the same manner as the initial denial of a Home Occupation Permit, in accordance with Subsection (H). The provisions of Subsection (I) shall not apply to the appeal, except that the Director and the or the Planning Commission may provide notice and opportunity to be heard to surrounding property owners.

19.16.190

MODEL HOME PERMIT

A. Issuance -- Required Conditions

With respect to any separately identified subdivision, building permits may be issued for not more than six model homes before the final subdivision map pertaining thereto is recorded if and only if all of the following conditions are met:

1. The final map has been approved by the Director or the Planning Commission.

2. All preconstruction requirements of zoning and plot plan approvals have been met.

3. The site and setbacks of the model homes are in conformance with the final map and the approved zoning.

4. Plan checking of the model homes has been completed and all the items described in LVMC 19.16.060 have been submitted and approved in accordance therewith.

5. The following departments have certified in writing, through their authorized representatives, that their respective preconstruction requirements have been met:

a. The Department of Public Works;

b. The Department of Planning and Development; and

c. The Department of Fire and Rescue.

6. The applicant for such model home permits has acknowledged and agreed in writing that:

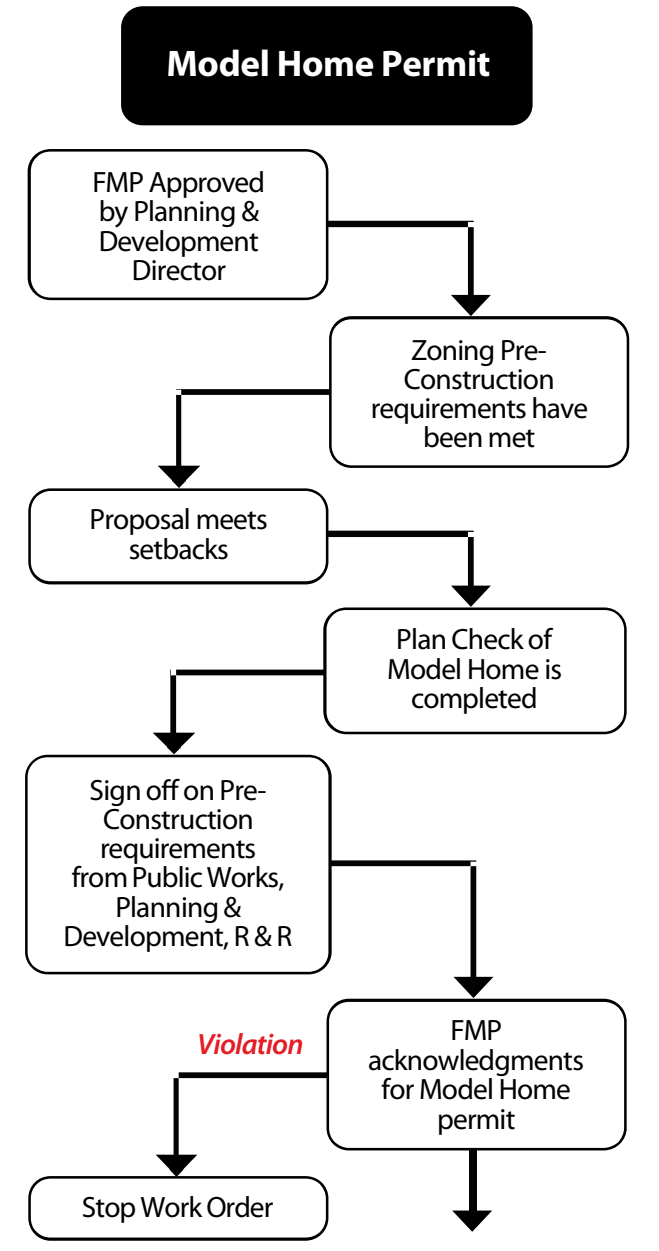
a. No changes to the final map as approved will be made, except those required by the City, and all construction and improvements will conform to the approved map.

b. The permitted model homes will not be sold or occupied for residential purposes until the final map has been recorded.

c. The issuance of model home permits will be expressly limited to the model home use and will not be construed as a commitment by the City to approve the final map or to approve any zoning matter.

d. The applicant will indemnify, defend and hold

Model Home Permit
Typical Review Process
19.16.190



the City and its officers, agents and employees harmless from any liability and from and against any claim, loss or damage it or they may incur because of the issuance of any such permit.

B. Violation -- Revocation -- Stop-Work Order

If the permittee or applicant violates or fails to comply with any requirement of this Title or breaches any promise or obligation entered into pursuant to this Section, the City may deny, suspend or revoke any building permit for a model home and may issue a stop-work order with respect thereto.

19.16.200

SIGN CERTIFICATE

A. Procedures

The procedures contained in this Section shall govern the application for, and issuance of, all sign certificates under this Title.

1. All applications for sign certificates of any kind shall be submitted to the Department on an application form or in accordance with application specifications published by the Department.

2. Within 5 days of receiving an application for a sign certificate, the Department shall review it for completeness. If the application is complete, then the application shall be processed. If the application is incomplete, then notice shall be sent to the applicant, within a 5-day period, of the specific ways in which the application is deficient.

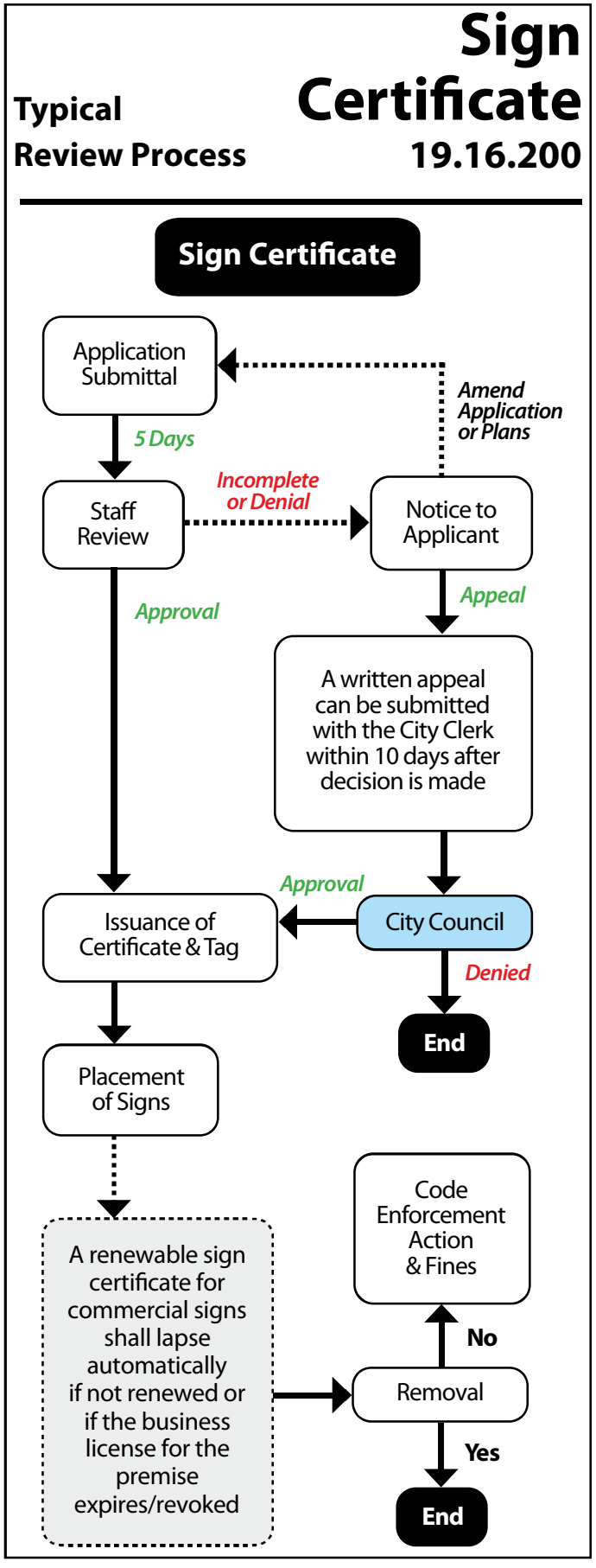
3. Upon approval, the City will issue a certificate and tag for the sign. The tag shall be affixed to the sign in a location where it is plainly visible. Absence of the tag or any record of the issuance of the tag on any sign, which is required by this Title to have a certificate, shall subject that sign to removal in the same manner as in LVMC 19.08.120(D).

4. A renewable sign certificate for a commercial sign shall lapse automatically if not renewed or if the business license for the premise expires or is revoked.

5. Any sign that is the subject of an application received after the effective date of this Title, or any amendment thereto, shall be subject to all the provisions of this Section and shall not be subject to the nonconforming sign protections described in LVMC 19.14.080. For any sign on property annexed into the City after the effective date of this Title, an application for a sign certificate shall be submitted within three months of the effective date of the annexation or within such period as may be established in an annexation agreement between the City and the land owner(s).

B. Removal

Any sign for which a certificate has lapsed shall be removed immediately. The owner(s) of the property on which the sign is erected or displayed, the certificate holder, the owner(s) of the sign, or any person that caused the sign to be installed shall be jointly and severally responsible for the removal of the sign, provided that nothing herein shall be construed to allow any pri-



vate person to enter onto the property of another person without the permission of the property owner(s).

C. State Sign Permit Required

For any sign that does not qualify as an on-premise sign and that is proposed within 660 feet of any highway classified by the State of Nevada as part of the interstate and primary highway system, a State of Nevada sign permit shall be obtained prior to the issuance of a construction permit or sign certificate by the City. The issuance of a State of Nevada permit does not take the place of the City's Special Use Permit requirement nor compel the granting of a Special Use Permit. Likewise, the approval of a Special Use Permit by the City does not affect the State of Nevada's authority or discretion to deny a state permit.

D. Appeal

Any person aggrieved in connection with the inability to obtain a sign certificate or by any other decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of any provision of this Section may appeal the decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed with the Department. The appeal must be filed within 10 days after the administrative decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council. This Section shall not apply to actions on Master Sign Plans, which shall follow the procedures, including appeals, set forth in LVMC 19.16.270.

E. Violations, Remedies, Penalties

1. Violations

Any of the following shall be a violation of this Section and shall be subject to the enforcement remedies and penalties provided for in this Title:

a. To install, create, erect or maintain any sign in any manner that is inconsistent with any Master Sign Plan;

b. To install, create, erect, or maintain any sign in a way that is inconsistent with any site plan review or aesthetic review governing the sign for the lot on which sign is located;

c. To install, create, erect, or maintain any sign requiring a certificate without such a certificate;

d. To fail to display a tag in conformance with this Section;

e. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Section, or for which the sign certificate has lapsed;

f. To continue any violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Section;

g. To install, create, erect, or maintain any sign prohibited by or in violation of this Section; or

h. To abandon any sign.

2. Remedies and Penalties

Any sign installed or placed on any property in violation of the requirements of this Section shall be subject to the following:

a. With respect to any sign that constitutes a hazard to the public or a sign without proper certification that has been installed or placed on unimproved property, on public property or within public right-of-way, the sign may be immediately removed and impounded. The City shall notify the sign owner(s) or installer (or other responsible person) of the impoundment, if the person or persons are known to or reasonably can be determined by the City. The notice shall be given within 5 days after impoundment of the sign, or within the additional time as may be necessary in order to identify and locate the person or persons. The City will keep the sign for a period of 30 days following the sign's removal, during which time the owner(s) or other responsible person may reclaim the sign. At the end of the 30-day period, the sign may be destroyed.

b. Signs that are not made subject to the impoundment provisions described in Subparagraph (a) above are subject to removal and impoundment 10 days after appropriate notice has been given, or after such shorter period as the notice may indicate. Appropriate notice shall be deemed to have been given if the City provides written notice to the owner(s) or installer of the sign (or other responsible person). If the notice cannot be given after reasonable efforts to identify and locate the person or persons, the City may affix a notice of noncompliance to the sign itself. If the sign has not been removed or brought into compliance

within 10 days, or such shorter time as the notice may indicate, the City may remove and impound the sign. Following the removal and impoundment of a sign, the City will keep the sign for a period of 30 days following the sign's removal, after which the sign may be destroyed.

c. In addition to other remedies, the City shall have the right to recover from the owner(s) or installer of such a sign, or the owner(s) of the property on which it is located, or any other responsible person, the full costs of removal and disposal of the sign. The City shall certify the removal and may charge the owner(s) or installer or other responsible person for the removal, payable within 10 days after receipt of a statement of charges or the charges may be a special assessment and a lien on the property involved and subject to the provisions of LVMC 9.12.150, 9.12.160 and 9.12.170. It is presumed that the person or entity whose identity is represented on the sign is a person responsible for installing the sign, which presumption may be rebutted by competent evidence. However, the presumption is not rebutted if the sign was erected or placed by a person or entity who, pursuant to contract or otherwise, is acting on behalf of the person or entity whose identity is represented on the sign.

d. Removal pursuant to this Subsection may be accomplished by the City or its authorized agent.

e. For any premises on which there is an existing sign that violates any part of this Section, the City may withhold permits for any other signs, including temporary signs, until the violation has been corrected or the property owner(s) has entered into a written agreement with the City for abatement of the violation by a specified date. The provisions of this Paragraph (2) shall not apply to any sign that is not under the legal control of the applicant for a new sign, whether as owner(s) or lessee(s). A sign user simply renting one space on a larger "tenant board" or other sign advertising multiple businesses shall not be considered to be in control of such sign.

f. Any violation of this Section shall be a misdemeanor. The City may issue a citation and upon conviction seek imposition of fines in accordance with the following schedule:

i. Upon a first conviction, a minimum of $250;

ii. Upon a second conviction within a period of one year, or a first conviction within a period of one year following a finding of civil liability regarding a violation of this Subchapter, a minimum of $500; and

iii. Upon each subsequent conviction a fine of $1,000.

g. As an alternative to a criminal prosecution regarding a particular violation, the City may process the violation as a civil nuisance under LVMC 9.04.04. et seq. Upon a finding of civil liability, the City may seek an imposition of civil liability in accordance with the following schedule:

i. Upon the first finding of civil liability, a minimum of $250;

ii. Upon a second finding of civil liability within period of one year; a first finding of civil liability within a period of one year following a conviction; or any subsequent such finding, a minimum of $500.

h. Each day that any sign has been installed, created, erected, maintained or abandoned in violation of this Section shall be considered a separate violation when applying the criminal or civil penalty portions of this Section.

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19.16.210

MAINTENANCE DISTRICT

A. State Law Subjectivity

This Section is enacted pursuant to, and is subject to, the provisions of NRS 278.478 to 278.4787, inclusive.

B. Definitions

As set forth in this Section, the following terms shall have the meanings ascribed to them:

"Assessment" means the monetary amount levied against each tract or assessment unit as an assessment against a lot or parcel of real property within a development or subdivision for any given assessment period benefitted by an improvement.

"Assessment amount" means the monthly amount established by the City as the amount necessary to pay the proportionate share of the cost to maintain the improvements included within the maintenance district, to include, without limitation, the City's administrative costs, the actual cost for contracted services performed, and the associated labor, equipment, insurance, utility, and material costs.

"Assessment period" means each successive period of time running from and including July 1 to and including June 30 of the following year.

"Assessment unit" means each legal lot or parcel of real property comprising, and being included within, the boundaries of the maintenance district and upon which a building may be constructed, whether such building has been constructed or not.

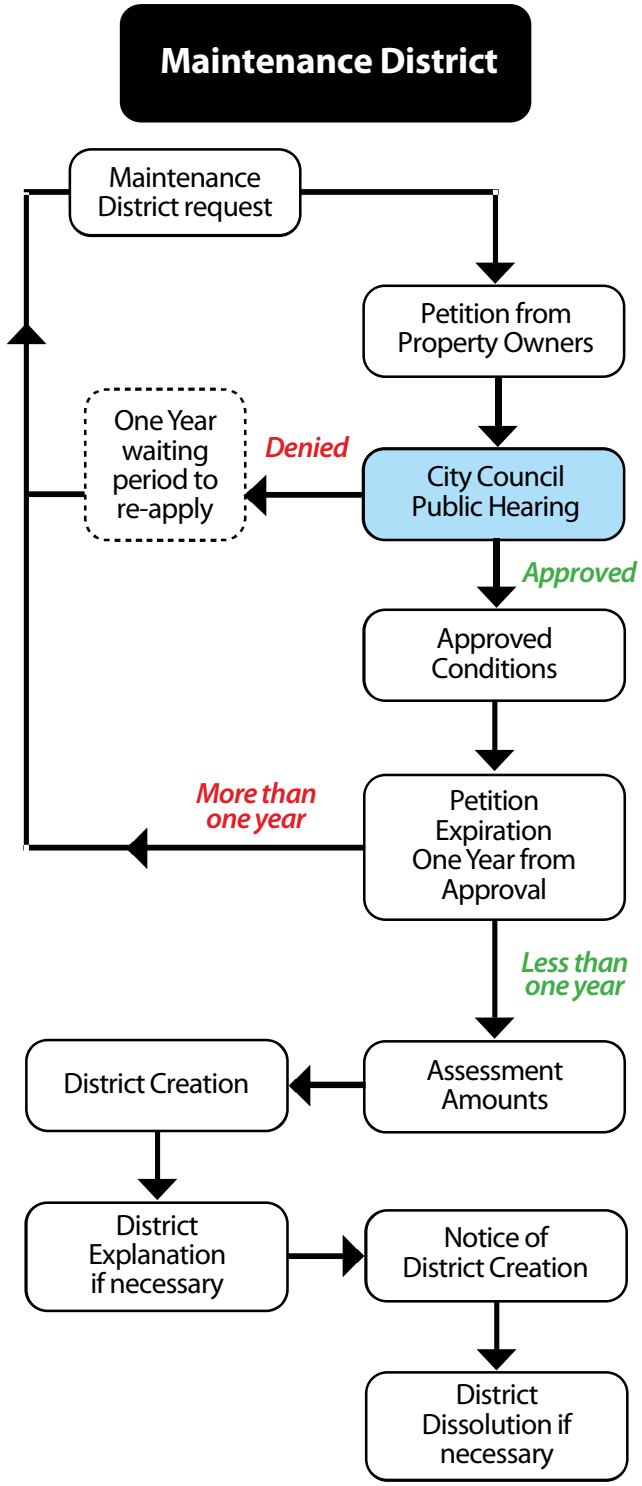
"Improvement" or "improvements" means any of the following improvements that are included or proposed to be included within a maintenance district in accordance with this Section:

1. Landscaping;
2. Public lighting;
3. Security walls; or
4. Trails, parks and open space that provide a substantial public benefit or are required by the City for the primary use of the public.

"Improvement plan" means the plan approved by the City which details the installation of the improvements proposed to be maintained within the maintenance district.

Maintenance District

Typical Review Process



"Landscaping" has the meaning ascribed to it in NRS 278.4781.

"Maintenance" means the care for and upkeep of improvements, including normal repair and replacement of materials and items to sustain an improvement to a level and quality acceptable to the City.

"Maintenance district" means the assessment district created, formed, and established pursuant to this Subchapter to provide for the maintenance of improvements.

"Maintenance district property" means the sum of all legal parcels of real property containing improvements that are requested by the applicant to be included and maintained within the maintenance district. The maintenance district property shall be shown as common area on the final map for a development or subdivision. The ownership of the maintenance district property will be ownership in common shared by the applicant and all future owners of property within the development or subdivision.

"Public lighting" has the meaning ascribed to it in NRS 278.4783.

"Security wall" has the meaning ascribed to it in NRS 278.4785.

C. Right to Petition the City

Pursuant to NRS 278.4787, persons who propose to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to NRS 278.460, inclusive, or NRS Chapter 278A may, in lieu of providing for the creation of an association for a common interest community, petition the City to assume the maintenance of improvements within the development or subdivision. Additionally, if persons who own tracts of land or residential units within an existing subdivision or development with existing improvements, agree to dissolve the association for their common interest community in accordance with the governing documents of their common interest community they may, in lieu of said association, petition the City to assume the maintenance of those existing improvements.

D. Petition Requirements--General

A request for the City to maintain improvements from a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to NRS 278.460, inclusive, or NRS Chapter 278A, shall be filed with the Department at least one hundred twenty days before the approval of the final map for the land, unless such time is otherwise waived by the City. The request must be made by written petition, on a form to be provided by the City. In order to be deemed complete, the petition must include, or be accompanied by the following:

1. The notarized signature(s) of at least a majority of the owners whose property will be assessed;
2. A description of all tracts of land or residential units that would be subject to an assessment;
3. A list of the improvements (including plans) that are proposed to be maintained by the City;
4. An explanation of why the City should accept maintenance of the improvements and what public benefit the City derives from the maintenance of the improvements;
5. An instrument granting the City, its officers, agents, employees, and contractors the right to enter and access the proposed maintenance district property to the extent necessary to inspect the improvements which are proposed to be maintained within the maintenance district;
6. Such other information as the City deems necessary in order to properly evaluate the petition; and
7. An application fee and inspection fee as set forth in the fee schedule.

E. Petition Requirements--Property Owners

A request for the City to maintain existing improvements from property owners in an existing development or subdivision, who propose to dissolve, or have dissolved, their common interest association in accordance with the governing documents of their common interest association, shall be filed with the Department. The request must be made by written petition, on a form to be provided by the City. In order to be deemed complete, the petition must include, or be accompanied by the following:

1. Notarized signatures from at least fifty-one percent of those property owners who would be subject to an assessment, or notarized signatures from at least the same percentage of property owners that would be required by the governing documents of the common-interest community to dissolve the common interest association, whichever is greater;
2. A description of all tracts of land or residential units that would be subject to an assessment;

3. A list of the improvements (including plans) that are proposed to be maintained by the City;

4. An explanation of why the City should accept maintenance of the improvements and what public benefit the City derives from the maintenance of the improvements;

5. Documentation evidencing that a conditional affirmative vote was had by the membership of the common interest association to dissolve the common interest association upon the City's acceptance of the petition for maintenance;

6. An instrument granting the City, its officers, agents, employees, and contractors the right to enter and access the proposed maintenance district property to the extent necessary to inspect the improvements which are proposed to be maintained within the maintenance district;

7. Such other information as the City deems necessary in order to properly evaluate the petition; and

8. An application fee and inspection fee as set forth in the fee schedule.

F. Petition--Public Hearing

1. Unless the requirement is waived by the City Council, the Council shall hold a public hearing regarding a complete petition described in Subsection (D) of this Section at least ninety days before the approval of the final map for the land. The City Council shall hold a public hearing regarding a complete petition as described in Subsection (E) of this Section within one hundred twenty days of its receipt of the completed petition. This time period may be extended at the discretion of the City Council. A petition shall be deemed complete if, in the City's judgment and discretion, it fully complies with the requirements of Subsection (D) or (E) of this Section. Any petition may be reviewed by City staff, by a committee, or by both, for the purpose of providing a recommendation to the City Council.

2. The purpose of the public hearing described in Paragraph (1) shall be for the City to determine the desirability of assuming the maintenance of the specified improvements. The maintenance assessments shall not, however, be effective until the City inspects and accepts the constructed improvements for maintenance. In determining if it is desirable for the City to assume maintenance of the improvements, the following factors may be considered by the City Council:

a. Whether the maintenance of the improvements on the subject property alone, or cumulatively with other maintenance districts in the City, would create an unreasonable administrative or financial burden upon the City;

b. Whether the location of the proposed maintenance district would interfere with the City's ability to efficiently and effectively maintain improvements on the subject property;

c. The extent to which the maintenance district property is located on parcels that are contiguous;

d. Whether the improvement plan submitted by the applicant is consistent with the requirements of the City, City policies, and the City's master plan, including the applicable land use guide approved by the City;

e. Whether the proposed improvements are compatible with the character of the area of the City in which the improvements will be located;

f. Whether the improvements are constructed to any standards for such improvements that have been adopted by the City and are otherwise acceptable to the City;

g. The number and percentage of property owners who signed the petition and the number of protests received from property owners who would be subject to the assessment;

h. Whether the maintenance of the proposed improvements will promote the health, safety and general welfare of the community;

i. The extent to which the proposed maintenance district would be in the public interest;

j. Any recommendation by City Staff and by any committee that may review the petition; and

k. Any other factor deemed by the City Council to be relevant to the petition or to the proposed maintenance district.

G. Petition--Decision by Council

1. If the City makes a determination that it is desirable to assume the maintenance of the improvements,

the City shall form a maintenance district, by ordinance, in accordance with NRS 278.4787(4).

2. If the City Council determines that it would be undesirable for the City to maintain the specified improvements, the Council shall specify the reasons therefor.

3. An applicant whose petition has been considered by the City Council and denied may not repetition the City for a maintenance district within the same development or subdivision for a period of one year.

H. Petition Approval--Council's Right to Impose Certain Conditions

1. In approving a petition, the City Council may impose conditions designed to address the impacts that otherwise would make maintenance of the improvements by the City undesirable. Such conditions may include, without limitation, a requirement to:

a. Submit an agreement or instrument, acceptable to the City, granting the City, its officers, agents, employees, and contractors an exclusive right to enter and access the maintenance district property to the extent necessary to maintain the improvements on the maintenance district property;

b. Submit a written agreement, acceptable to the City, providing a warranty for all improvements for a period of twelve months, or for a shorter period if agreed to by the City, and indemnifying the City for damage or loss resulting from the improper installation or defective design of the improvements.

c. Provide an assessment deposit, equal to the first year of assessments and start up costs, as estimated by the City, for the maintenance district and the costs associated with recording notice with the Clark County Recorder's Office as required in NRS 278.4787(6);

d. Provide an easement, in a form suitable for recordation, that will provide the necessary access by which the City, through its officers, employees, agents and contractors, may perform the maintenance associated with the maintenance district; and

e. If applicable, submit documentation, acceptable to the City, evidencing the costs that have been incurred in maintaining the improvements that are proposed to be maintained by the City. Documentation regarding the maintenance costs shall be for the three-year period preceding the submission of the petition, unless a different time period is agreed to by the City.

2. The City may impose additional conditions as it deems necessary and appropriate at the time of the public hearing at which the creation of the maintenance district is considered.

I. Petition Expiration

A petition approved by the City shall expire one year from the date of the approval, unless all conditions of approval are met and construction of the improvements in question are commenced within that time period. The City shall have the discretion to establish a different expiration period for any particular maintenance district.

J. Assessment Amounts

1. The assessment amount for each assessment unit, including the billing cycle, shall be determined for each assessment period, subject, however, to an annual adjustment. The maintenance district may be considered for revision or adjustment annually and the assessment amount shall be adjusted accordingly based upon the bids received and the actual contracts approved by the City. Additionally, if costs and expenses are increased within the maintenance district by ten percent or more, the assessment amount shall be increased accordingly during the remainder of the assessment period.

2. Assessment amounts shall be payable according to the payment schedule adopted with the establishment of the maintenance district. The City, or its agent, shall mail to the property owner of the assessment unit a bill for the assessment amount to the same address for the property owner of such assessment unit as billings for real property taxes are sent by the Clark County Assessor's Office.

3. Assessment amounts for any partial assessment period shall be prorated based on a three hundred sixty-five day year.

4. The City shall assess a ten percent penalty for each assessment not paid within sixty days from the due date. Interest shall accrue on delinquent payments at the legal rate with unpaid principal, penalties, and accrued interest compounded semi-annually.

K. Improvement Installation Prior To Maintenance District Creation

1. Prior to the creation of a maintenance district, the improvements to be included therein must be fully installed:

   a. In accordance with the City-approved improvement plan supplied by the applicant;

   b. In accordance with any standards for such improvements that have been adopted by the City; and

   c. In a good, workmanlike, and lien free manner.

2. The City may accept a right-of-entry for access purposes at such time as the maintenance district is created.

3. Once the improvements are installed, the applicant shall notify the City, so that the City may inspect the improvements for compliance with the approved improvement plan and other applicable requirements and standards.

4. The City may undertake, or cause to be undertaken, the maintenance of the improvements consistent with the levels and standards approved by the City upon the City's creation of the maintenance district and acceptance of the public access rights. The maintenance of the improvements may be provided by the City or by a contract approved and administered by the City or its agent, under the provisions of NRS Chapters 271, 332 and 338 where applicable.

L. Maintenance District Expansion

Upon the filing of a supplemental petition, containing the same information as required for a complete petition in Subsections (D) and (E) of this Section, and by compliance with all provisions of this Section, the maintenance district may be expanded to include future phases of a development or subdivision provided that the same conditions as required for the creation of the original maintenance district are satisfactorily fulfilled, as determined by the City.

M. Notice Of District Creation

Subsequent to the creation of a maintenance district, the City shall record, in the office of the Clark County Recorder, a notice of the creation of the maintenance district or unit of assessment against the property located within the maintenance district that is sufficient to advise the owners of tracts of land or residential units that the tracts of land or residential units are subject to the assessment. The costs of recording the notice shall be paid by the petitioners. The notice shall be in such form and content so as to encumber the property located within the maintenance district and run with the title thereto.

N. District Dissolution

1. A maintenance district may be dissolved by the City if:

   a. The City determines that the improvements that are covered by the maintenance district are no longer necessary, or maintenance of those improvements is no longer necessary;

   b. A majority of the property owners of the assessment units request that the City dissolve the maintenance district, and an association for a common-interest community has been formed to maintain the improvements in lieu of the maintenance district; or

   c. The City otherwise determines that it is no longer desirable for the City to maintain the improvements within the maintenance district and that an association or other means has been or will be established to maintain the improvements.

2. Any money that may remain in the maintenance district fund after the dissolution of the district may be remitted to an entity that has been created within the development or subdivision to maintain the improvements.

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19.16.220

UNIFIED DEVELOPMENT CODE (UDC) TEXT AMENDMENT

A. Purpose

The purpose of this Section is to provide for a process to amend the text of this Title.

B. Authority

1. Whenever public health, safety and general welfare may require, the City Council may amend, supplement, modify, change, or repeal any of the regulations contained in this Title.

2. Except where immediate concern for the public health, safety or general welfare dictate otherwise, the substance of any proposed amendment to the text of this Title shall be presented to the Planning Commission for its recommendation.

C. Planning Commission Public Hearing and Action

1. The Planning Commission shall hold a public hearing upon any proposed text amendment that has been presented to the Planning Commission for review.

2. Notice of the time, place and purpose of the hearing shall be given at least 10 days before the hearing by publishing a notice in a newspaper of general circulation within the City.

3. The Planning Commission shall hear and consider evidence and facts from any person present at the public hearing who desires to be heard and shall consider written communication from any person.

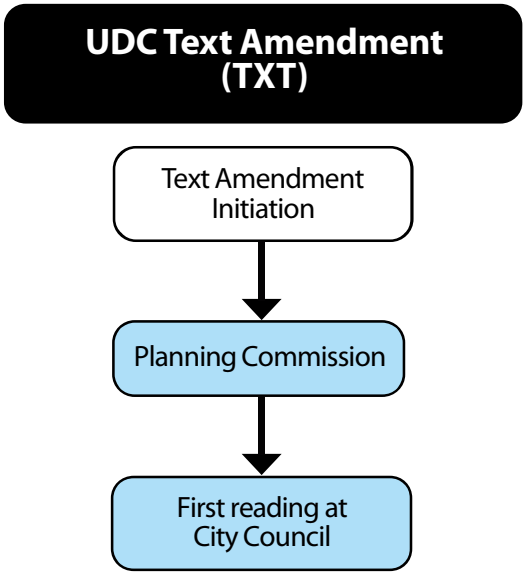
4. At the conclusion of the public hearing on the text amendment, the Planning Commission may recommend approval, approval with modification or disapproval of the amendment, or may hold the item in abeyance for further study.

D. City Council Consideration

The recommendation of the Planning Commission shall be made available to the City Council in connection with the Council's consideration, if any, of the substance of the text amendment.

Typical Review Process

UDC Text Amendment 19.16.220



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19.16.230

STREET NAME CHANGE

A. Purpose

1. The purpose of this Section is to establish a procedure to change the name of any street or a portion of a street.

2. Street name changes will be made consistent with LVMC 19.04.060 and the edition of the City of Las Vegas Street Naming and Address Assignment Regulations adopted therein, as it may be amended from time to time.

B. Application

A petition for Street Name Change shall be made on a form to be provided by the Department. The applicant shall file two copies of the petition with the Director. The petition shall describe with certainty the portion of the street or streets to be affected. The petition shall be signed by all abutting property owners or a representative of the local government initiating the petition.

C. Time of Filing

In order to provide sufficient time for the necessary investigation by the Planning Commission and/or the Director, an application for a Street Name Change must be filed with the Director a minimum of 30 days prior to the date of the meeting of the Planning Commission at which the Street Name Change application is to be heard and considered.

D. Planning Commission Public Hearing and Action

1. **Process and Review.** The Planning Commission shall hold a public hearing upon a completed application for Street Name Change following receipt of the petition.

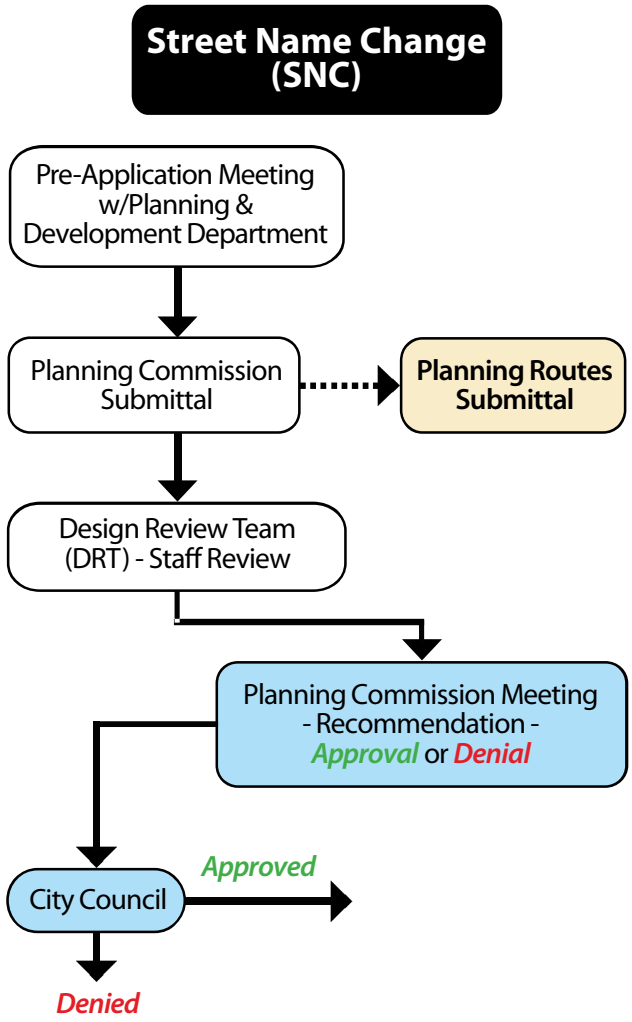
2. **Notice.** The Director shall endeavor to mail notices of the Planning Commission meeting at which the petition will be considered to all persons owning property abutting the street or streets to be affected by the proposed name change; however, the failure to do so shall not invalidate any action taken at the meeting.

3. **Decision and Report.** Following the conduct of a public hearing or hearings, the Planning Commission shall make its recommendation either to grant or deny the application for a Street Name Change. The Planning Commission shall transmit a report of its recommendation to the City Council.

Street Name Change

Typical Review Process

19.16.230



E. City Council Public Hearing and Review

The City Council shall consider the application for Street Name Change and the recommendation of the Planning Commission at its next available meeting. If the City Council finds that it is in the best interest of the public and that no person will be materially injured, the City Council may order that the name of the street be changed.

F. Recording

The order contemplated in Subsection (E) of this Section shall be recorded in the office of the County Recorder and in the event the original name of the affected street is indicated on a subdivision map, parcel map or plat on file with the Recorder, the County Recorder shall make a written notation of the change on any map affected by the order.

19.16.240

REVIEW OF CONDITIONS

A. Purpose and Intent

The purpose of a Review of Condition is to provide a mechanism for reviewing proposed modifications to conditions of approval imposed by the City Council or Planning Commission. The provisions of this Section are intended to govern whenever there is a proposal to amend, modify or review a condition of approval of an application under this Chapter, notwithstanding the fact that other provisions of this Chapter regarding amendments and modifications to approved applications or plans might otherwise apply. The provisions of this Section are not intended to limit the authority of the Planning Commission or City Council.

B. Application

The applicant for a Review of Condition shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for Review of Condition shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Review of Condition is sought, and shall be notarized as to the owner's signature.

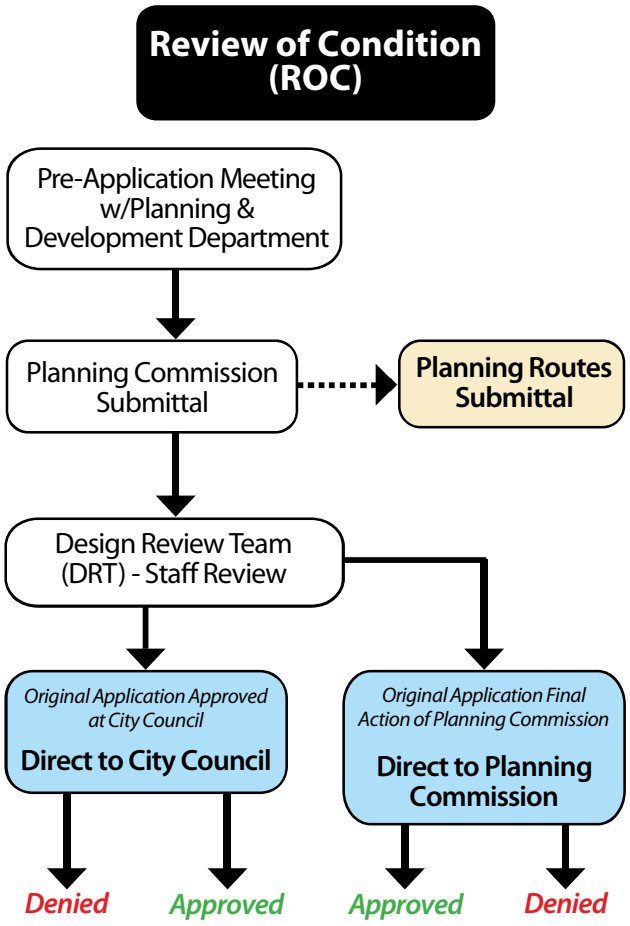
C. Hearing

An application for Review of Condition shall be heard by the Planning Commission or City Council, depending on which body took final action to impose the condition or conditions being reviewed. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

1. Publishing the notice in a newspaper of general circulation within the City; and
2. Mailing a copy of the notice to:
   - **a.** The applicant;
   - **b.** Each owner of real property located within a minimum of one thousand feet of the property described in the application;
   - **c.** The president or head of any registered local neighborhood organization whose organization boundaries are located within the minimum of one mile of the property described in the application; and
   - **d.** The owner of each of the 30 separately-owned

Typical Review Process

Review of Conditions 19.16.240



parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2).

D. Decision

The Planning Commission or City Council, as the case may be, may approve, approve with conditions or deny an application for Review of Condition. The decision is final, subject to the right of appeal available under State law.

E. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

19.16.250

REQUIRED REVIEW

A. Purpose

The Planning Commission and City Council are authorized by the provisions of this Title to impose conditions in connection with their approval of applications under this Title. From time to time, such conditions of approval include a condition requiring that the application so approved (the "approved item") be brought back for review, either an administrative review or a review by the approving body. The purpose of the Required Review process described in this Section is to provide the mechanism by which approved items may be reviewed for compliance with the provisions of this Title and with conditions that were imposed in connection with the approval.

B. Application

An application for a Required Review shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Required Review is sought, and shall be notarized as to the owner's signature. In the absence of a voluntary application, the Department may process the Required Review on its own initiative.

C. Types of Required Review

Where the type of review required by a condition of approval was an administrative review, the Required Review shall be performed by the Director. Where the type of review required by a condition of approval was not an administrative review, the provisions of Subsections (D) through (F) of this Section shall apply.

D. Hearing

An application or agenda item for a Required Review shall be heard by the Planning Commission or City Council, depending on which body took final action to approve the items subject to a Required Review. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

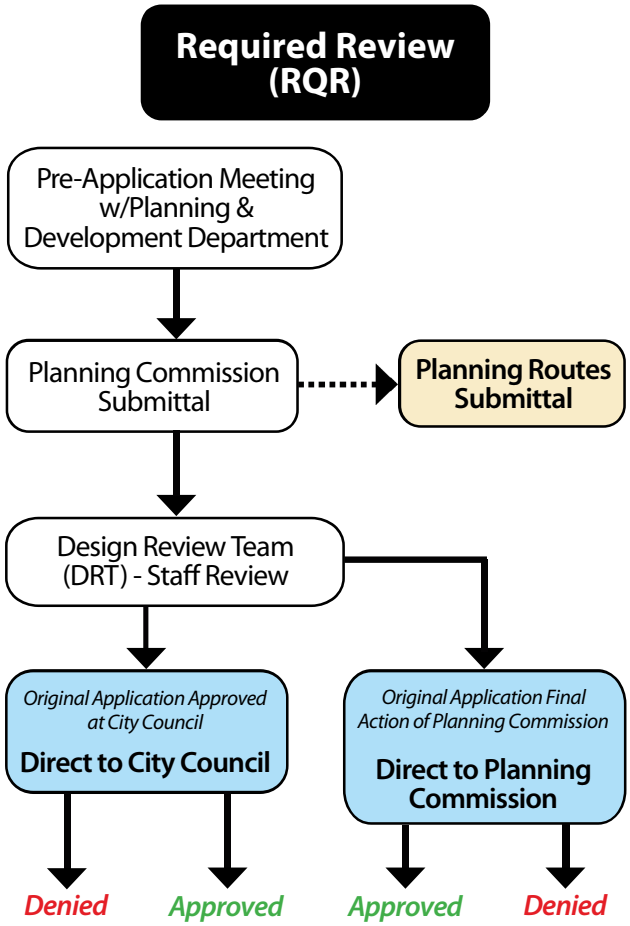
1. Publishing the notice in a newspaper of general circulation within the City; and

2. Mailing a copy of the notice to:

a. The applicant, if any, or otherwise to the property owner, operator of the use, or other representative;

Typical Review Process

Required Review 19.16.250



b. Each owner of real property located within a minimum of one thousand feet of the property described in the application;

c. The president or head of any registered local neighborhood organization whose organization boundaries are located within the minimum of one mile of the property described in the application; and

d. The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent that this notice does not duplicate the notice otherwise required by this Paragraph (2).

E. Decision

The Planning Commission or City Council, as the case may be, may take such action as it deems appropriate regarding the application, including without limitation:

1. Allowing the previous approval to continue subject to further review;

2. Allowing the previous approval to continue without further review;

3. Allowing the previous approval to continue subject to a different scope, or subject to conditions other than any previously imposed; or

4. Revoking or otherwise terminating the previous approval, but only if notice of the potential to take such action is provided at least fourteen days in advance of the hearing to:

a. The applicant (if any) or to the applicant's agent; or

b. Otherwise, to the property owner or operator of the use (or an agent).

F. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant, if any, or the applicant's agent, or otherwise to the property owner, the operator of the use, or an agent thereof. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

19.16.260

EXTENSION OF TIME

A. Purpose

The purpose of an Extension of Time is to provide a mechanism for extending the approval period of an approved application with time limitations imposed by the City Council or Planning Commission. The provisions of this Section are intended to govern whenever there is a proposal to extend an application under this Chapter, unless otherwise addressed any other provision of this Title. The provisions of this Section are not intended to limit the authority of the Planning Commission or City Council.

B. Application

An application for an Extension of Time shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Extension of Time is sought, and shall be notarized as to the owner's signature.

C. Hearing

An application for an Extension of Time shall be heard by the Planning Commission or City Council, whichever body took final action to approve the item subject to an Extension of Time. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by publishing the notice in the newspaper of general circulation within the City.

D. Decision

The Planning Commission or City Council, as the case may be, may take such action as it deems appropriate regarding the application, including without limitation:

1. Allowing the extension of the previous approval;

2. Allowing the extension of the previous approval subject to conditions other than any previously imposed; or

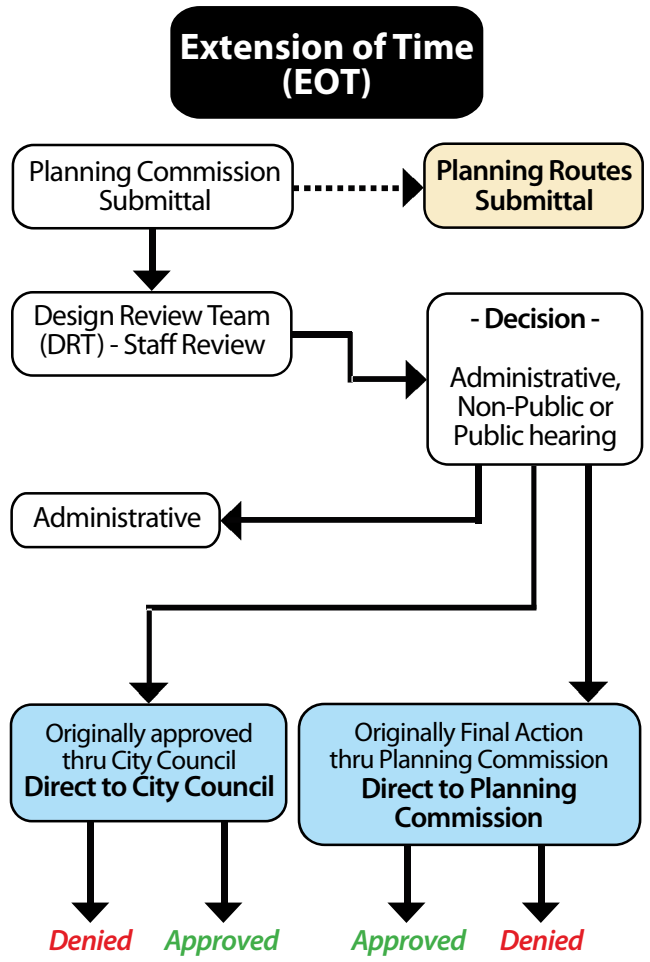
4. Denial of the extension of the previous approval.

E. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefore, shall be provided to the applicant, if any, or the applicant's agent, or otherwise to the property owner, to the operator of the use, or an agent

Typical Review Process

Extension of Time 19.16.260



thereof. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

19.16.270

MASTER SIGN PLAN

A. Purpose

A Master Sign Plan is required for certain types of development in order to allow the Planning Commission and City Council to ensure the appropriate relationships among building elevations, signage and circulation. Larger commercial developments are likely to generate greater impacts on surrounding residential properties than smaller commercial projects. An effective Master Sign Plan encourages integrated signage, with an emphasis on wall signs and central identification signage rather than multiple freestanding signs along the street frontage. Reducing the amount of sign clutter along street frontages allows the customer of the commercial center to readily identify establishments that have the goods and services they seek.

B. Applicability

1. A Master Sign Plan shall be submitted and approved before any on-premise signage may be installed for the following:

a. Any non-residential project with a site larger than 15 net acres; or

b. Any non-restricted gaming establishment.

2. A Master Sign Plan may be submitted for any development or property not otherwise required to submit a Master Sign Plan to accomplish one or more of the following:

a. To establish the requirements and limitations for signs located in the Gaming and Downtown Overlay districts, and for signs relating to uses that are not regulated elsewhere in this Title and that are located on property in the Planned Community and Planned Development districts;

b. To establish requirements and limitations for signs in a specific development that are more restrictive than would otherwise be required by this Title; or

c. To satisfy a condition or requirement imposed by the Planning Commission or City Council.

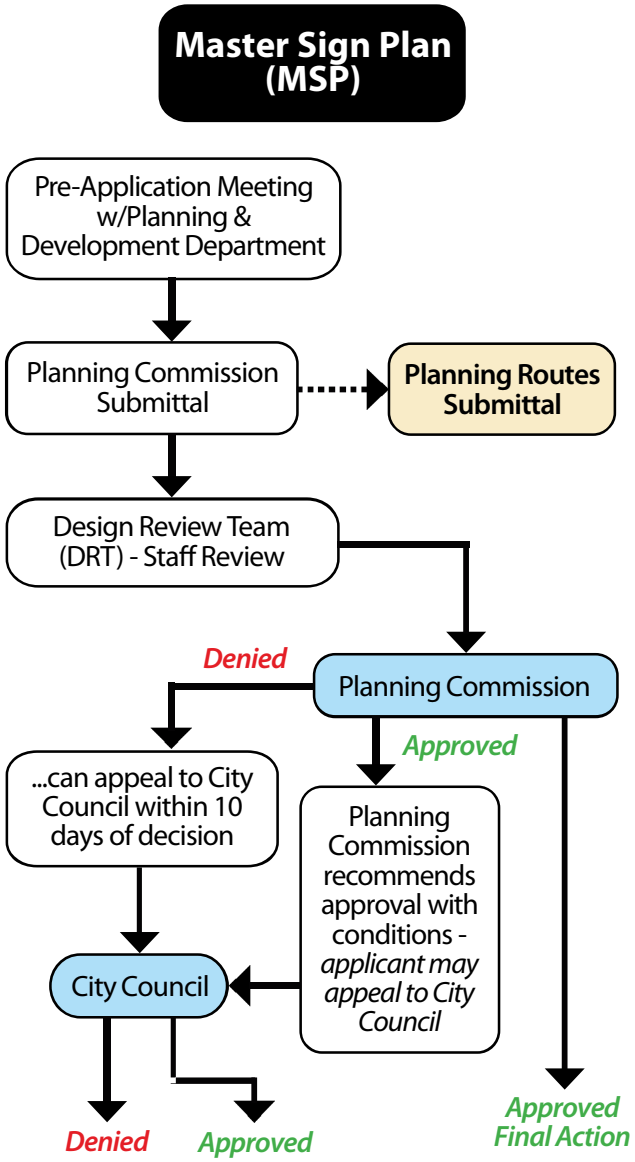
C. Master Sign Plan Requirements

A proposed Master Sign Plan generally may be submitted in connection with a Site Development Plan Review. The Master Sign Plan shall be signed by all the owners

Master Sign Plan

Typical Review Process

19.16.270



or the owner's authorized agent of the subject property on the form the Director requires, and shall include the following:

1. An accurate site plan of the lot, drawn to scale, indicating the location of buildings, parking lots, driveways and landscaped areas on the lot;

2. An accurate indication of the location of each present and proposed sign of any type, whether or not the sign requires a sign certificate, except that incidental signs need not be shown;

3. Design drawings which allow the computation of the sign area and the height of any existing or proposed signs and which indicate any sign characteristics such as illumination or moving parts;

4. A copy of any private restrictions or sign criteria which the owner(s) or developer agrees will govern all signs affected by the Master Sign Plan;

5. The applicable fees set forth in the Fee Schedule;

6. If applicable, standards for window signs that indicate the general type of window signage to be allowed (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window); and

7. If applicable, a schedule for bringing all existing signs into conformance with the requirements in the Master Sign Plan.

D. Procedures

1. Hearing

The Planning Commission shall review a proposed Master Sign Plan within 65 days after it is properly submitted for review. The Planning Commission, in its discretion, may hold the Master Sign Plan in abeyance for good cause. Following the review, the Planning Commission shall make its recommendation to approve, approve with conditions, or deny the Master Sign Plan. The decision shall be based upon evidence that makes approval or denial of the Master Sign Plan appropriate.

2. Conditions of Approval

In approving a Master Sign Plan, the Planning Commission may impose the following conditions, restrictions or limitations as the Commission may determine to be necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and welfare are being maintained. All signs in the Master Sign Plan shall:

a. Either conform to all standards for the zoning district in which the sign will be located, under this Title, or establish sign requirements and limitations that are more restrictive than those set forth in this Title and that are consistent with the standards and criteria set forth in the following Subparagraphs (b) through (g). Master Sign Plans may also be used to establish the requirements and limitations for signs located in the Gaming and Downtown Centennial Plan Overlay districts, and the Planned Community and Planned Development Districts;

b. Conform to the Residential Protection Standards set forth in this Title;

c. Conform to site plan and development standards regarding circulation and emergency exit patterns, parking and loading requirements and other standards related generally to the location of structures within a development;

d. Be compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination;

e. Be professionally designed and fabricated from materials that meet the physical demands of an urban setting;

f. Be creative in the use of two- and three-dimensional forms, iconographic representations, illumination and graphic design, including the use of color, pattern, typography, and materials; and

g. Be designed as attractive and complementary features of the development, which it serves.

3. Effect of Denial; Appeal

A decision by the Planning Commission to deny a Master Sign Plan becomes final and effective at the expiration of 10 calendar days after the date of the decision unless, within that period, the applicant appeals the decision by written request filed with the City Clerk.

4. Final Action Concerning Appeal or Approval

A decision by the Planning Commission to approve a Master Sign Plan constitutes final action, unless, with respect to a conditional approval, the applicant appeals the decision by written request filed with the City Clerk within ten calendar days after the date of the decision. The City Council shall review and make the final decision concerning each Master Sign Plan which has been appealed to the City Council.

5. City Council Decision

In the case of an appeal, the City Council may approve, approve with conditions, or deny the Master Sign Plan. In doing so, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing. Action by the City Council is final.

6. Deemed Disapproval

If there is no final action by the Planning Commission or City Council on a Master Sign Plan within 90 days after the filing of a complete Master Sign Plan application, exclusive of any period of delay agreed to by the applicant thereof, it shall constitute a denial of the proposed Master Sign Plan. In the case of a failure by the City Council to reach final action on a Master Sign Plan, the applicant may seek direct judicial review of that denial based on the record then pending before the City Council.

E. Amendments

1. Minor Amendment

a. Applicability. This Minor Amendment process shall apply to any amendment to a Master Sign Plan which does not propose any of the following:

i. Any increase by greater than ten percent in the number or size of freestanding or consolidated signs requiring certificates;

ii. Any substantial increase in the size, or illumination of wall, awning, roof, marquee or permanent window signs located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use; or

iii. Any substantial change in the location of wall, awning, roof, marquee or permanent window signs located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use.

b. Procedure. The applicant shall file an application in writing, with supporting drawings, specifically identifying the proposed changes to the approved Master Sign Plan. The Director shall review the application for completeness, and the applicability of the Minor Amendment process under this Section, within 5 business days of the date the application is received. After the Director finds that the application is complete, and that the Minor Amendment process applies, the Director shall review and act on the Amended Master Sign Plan application within 15 business days of the date the application is received. The application shall be reviewed for consistency with any conditions included in the original Master Sign Plan. If the "Master Sign Plan with Minor Amendments," is consistent with any conditions included in the original Master Sign Plan, the Director shall approve the application. The Director shall mark the approved plan as "Master Sign Plan with Minor Amendments," and indicate the date of approval. From that date, the amended Master Sign Plan shall be the official Master Sign Plan.

c. Resubmission or Appeal. If the Minor Amendment is denied under this Paragraph (1), the applicant may revise and resubmit the application or may submit the complete application as a Major Amendment, in accordance with Paragraph (2). The submission of the application as a Major Amendment shall be in lieu of any appeal.

2. Major Amendment

a. Applicability. Any amendment to a Master Sign Plan, which does not meet the criteria for a "Minor Amendment," as set forth in Paragraph (1), shall be reviewed as a Major Amendment.

b. Procedure. A Major Amendment Master Sign Plan is accomplished by the same process and procedures required establishing a new Master Sign Plan. The proposed Major Amendment shall specifically identify the proposed changes to the existing Master Sign Plan that is in effect.

c. Schedule for Achieving Conformance. If any application for a Major Amendment to a Master Sign Plan is filed for a property on which

existing signs are located, the application for the amended Master Sign Plan shall include a schedule for bringing into conformance all signs that do not conform to the proposed amended Master Sign Plan.

F. Effect

After approval of a Master Sign Plan, or amended Master Sign Plan, no sign shall be erected, placed, or altered, except in conformance with the Master Sign Plan, and the Master Sign Plan shall be enforced in the same way as any provision of this Title.

19.16.280

APPENDICES

A. Adopted

There are adopted, as part of this Chapter, five appendices, designated as Appendices "A," "B," "C," "D," and "E," which are incorporated by this reference and copies of which shall be maintained in the office of the City Clerk and the Department. The appendices are related to the preparation and submittal of parcel maps, tentative subdivision maps, final subdivision maps under the applicable provision of this Title and requirements related to boundary line adjustments as authorized and described by State law. The appendices are listed as follows:

1. Appendix A - Parcel Map Application Checklist ;
2. Appendix B - Tentative Map Application Checklist;
3. Appendix C - Final Map Application Checklist;
4. Appendix D - Monumentation Requirement ;
5. Appendix E - Required Certificates;

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Definitions & Measures

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19.18 Definitions & Measures

19.18.010 General 339

19.18.020 Words and Terms Defined 339

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GENERAL 19.18.010

Terms which are used in this Title and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Director and staff of the Department shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Title, or an interpretation which is consistent with previous usage or interpretation.

WORDS AND TERMS DEFINED 19.18.020

Abandoned Sign. A sign that:

1. Has ceased to be used to display a message relating to an on-going business, product, service, idea or commercial activity and where the owner(s) of the sign has manifested an intention to permanently cease to use the sign. A sign shall be presumed to be abandoned if it has not been used to display or support such a message during any continuous one-year period;
2. Is an on-premise sign pertaining to a building that has been destroyed or damaged beyond use, and substantial construction work for its repair or replacement has not begun within six months after such destruction. This period may be extended by the Planning Commission upon application of the property owner(s) for good cause shown; or
3. Is an on-premise sign pertaining to a business that has advertised or otherwise publicly indicated that it is "going out of business," closing, moving, or closing at this location by a date that has passed.

Abandoned. Concerning a building or use, means not having been developed or maintained for a stated period of time.

Abut. To physically touch or border upon; or to share a common property line, but not overlap.

Access. A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Structure. A structure that is:

1. Located on the same lot as a principal structure;
2. May be detached from or attached to the principal structure; and
3. Incidental or subordinate to the principal structure.

Accessory Structure (Class I). An accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.

Accessory Structure (Class II). An accessory structure which is located on the same lot as a principal structure, is detached therefrom, is incidental or subordinate thereto, and does not qualify as an "Accessory Structure (Class I)."

Accessory Use. A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Action. The decision made by the reviewing authority on a land use application; the determination made and any conditions of approval.

Adjacent. To be separated by common property lines, lot lines, or is directly across a street, private street or access easement, or right-of-way (other than a freeway or arterial) from the subject property.

Adult Day Care Center. A facility that provides personal care and related services to more than ten dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services typically offered in conjunction with an adult day care center include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.

Advertising. Any writing, painting, display, emblem, drawing, sign or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea or statement.

Air Rights. The right to use space above ground level.

Airport Elevations. The highest point of an airport's useable landing area measured in feet above mean sea level.

Airport, Heliport or Landing Field. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration, together with related refueling and terminal facilities.

Alley. A private or public way which affords only a secondary means of access to abutting property and which is not intended for general travel or circulation.

Alter. To make any change in the structural members or other features of a building; or any change to allow the building to be used for purposes other than those for which it was originally intended. "Alter" includes "enlarge".

Amenity. A natural or created feature that enhances the aesthetic quality, visual appeal or attractiveness of a particular property, place or area.

Amphitheater. An oval, circular or semicircular outdoor theater in which the stage or screen area is surrounded by rising tiers of seating or assembling areas, or both.

Ancillary Lounge Bar. A bar located in a lounge area of a hotel or approved mixed-use building which has a minimum of one hundred-fifty rooms or residential units, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms or units, where the lounge bar makes available alcoholic beverages for consumption in specified areas only. The term does not include a bar that is ancillary to a "Non-restricted Gaming Establishment," as defined in this Title

Ancillary Use. A use incidental to and customarily associated with a specific principal use and which is located on the same parcel or lot.

Animal Hospital, Clinic, or Shelter. A facility that provides medical or surgical treatment for animals or pets, as well as shelter and care during the time of such treatment. Such a facility may, but does not necessarily, include the use of outdoor pens in providing such shelter and care.

Animal Keeping and Husbandry. The raising, keeping and breeding of domestic animals, including without limitation dogs, cats, birds, sheep, goats and pot-bellied pigs. The use must be ancillary to the principal use, but may be conducted for commercial purposes.

Animal Keeping, Wild or Exotic. The keeping of nondomestic animals, including without limitation wild animals as defined in LVMC 7.04.500.

Animal Production. A facility or area for raising animals (including fish and birds) and the development of animal products, such as meat, fur or eggs on a commercial basis. This use does not include raising animals to sell as pets.

Antenna. Any exterior apparatus that is mounted on a structure and is used for transmitting or receiving communications, including electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communication signals or other communication signals.

Antenna Tower. A pole or other structure, including any supporting elements, that is used to support one or more wireless communication antennas. The term includes a pole or other structure that supports a wireless communication antenna and that is attached to a trailer or other portable support.

Antenna Tower Alternative Structure. A structure such as a flagpole, man-made tree, clock tower, bell steeple, or similar alternative-design mounting structure that substantially camouflages or conceals the presence of wireless communication antennas or antenna towers.

Antique/Collectible Store. Any building used for the sale of:

1. Any old and authentic object of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age; or
2. Any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial mark which is in excess of its original value.

Apartment House. A structure which contains three or more apartment dwelling units and which does not qualify as a condominium, townhouse dwelling or residence hotel.

Apartment. A room, or suite of rooms, within an apartment house which has facilities for the preparation of meals, is designed for and used or intended to be used by one family and is intended to be occupied on a rental basis with a rental period of at least one week.

Arcade Sign. A wall or projecting sign attached to the roof or the wall of an arcade and totally within the outside limits of the structural surfaces that delineate the arcade.

Archeological Site. A site that has yielded, or exhibits the promise of yielding, information important in the understanding of human prehistory or history. Such information may consist of evidence of past human life, habitation or activity, as well as material remains.

Architectural Feature. A decorative element intended to enhance the character of a structure and may be an integral part of the structure. Architectural features may include, but are not limited to, porches, eaves or freestanding forms and monuments.

Asphalt or Concrete Batch Plant. A permanent facility or area for the mixing of concrete or asphalt.

Assisted Living Apartment. An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an apartment complex

as long as the total amount of floor space dedicated to such uses does not exceed 5% of the total gross floor area of the apartment complex and there is no external signage for, nor external access to, the commercial uses. The term does not include a convalescent care facility/nursing home or other medical facility that is specifically defined in this Chapter.

Astrologer, Hypnotist, or Psychic Art & Science. Any person who practices, teaches, or professes to practice the business of astrology, hypnotism or the psychic arts and sciences for a fee, gift, donation, or otherwise. Psychic arts and sciences may include palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy. The term does not include a hypnotherapy practice.

Attached Sign. Any sign that is attached to an occupied building or building designed for occupancy.

Attention Gaining Device. Any streamer, pennant, propeller, inflatable sign, tethered balloon, portable sign, bunting or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated or still, that is intended to attract attention to a use or business being conducted either on or off site.

Auction House. An enclosed establishment for the temporary storage and offering by an auctioneer of qualified property which is offered or sold to the highest bidder by means of a request or invitation for bids. For purposes of this definition, the term "qualified property" means property of any kind belonging to another, but excluding animals, motor vehicles and business inventory to be liquidated following or in connection with the closing of a business. The term "auction house" does not include a secondhand dealer.

Auctioneer. A person who cries out or otherwise requests or solicits bids for purposes of offering to sell property to the highest bidder.

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

Auto Dealer Inventory Storage. The parking or storage, other than for purposes of display, of new motor vehicles which constitute inventory of a new motor vehicle sales dealership, where such parking or storage is maintained by the dealership either on the same parcel as the dealership or on a separate parcel.

Auto Paint & Body Repair Shop. A facility for collision services including body, frame or fender straightening or repair and painting of vehicles in an appropriate paint booth.

Auto Parts (Accessory Installation). A facility for the retail sale and installation of auto accessories such as stereos, alarms and other types of accessories.

Auto Parts (New & Rebuilt) (Accessory Sales & Service). A facility for the retail sale and installation of lubricating oils, tires, filters and other new or rebuilt goods for use in motor vehicles. The resurfacing of rotors, pressing of bearings, grinding of brake drums, and similar activities are permitted as incidental uses, as well as the installation of auto accessories.

Auto Repair Garage, Major. A facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. The term includes a facility which performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds.

Auto Repair Garage, Minor. A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. The term also includes the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

Auto Sales Showroom. A completely enclosed facility for the display, storage and sale (or leasing) of new or used automobiles and trucks, along with related accessories. This use does not include a motor vehicle sales use as defined in this Title and does not include any ancillary activity normally associated with such uses, including without limitation the service, repair and rental of vehicles.

Auto Smog Check. A facility for the testing of vehicle emissions.

Auto Title Loan. 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.

Automobile Detailing Shop. Any building or premises used for washing and cleaning of passenger vehicles.

Automobile Rental. A facility for the rental of new or used automobiles or other passenger vehicles. For purposes of the limitations of this Title on outside storage, vehicles kept

on a lot for rental purposes are not considered to be outside storage.

Automobile Repossession Agency. Any parking area used for the storage of up to two operable vehicles which have been repossessed by or on behalf of a lender, together with related office operations. The term does not include the storage of more than two vehicles, which shall be treated as if the use were motor vehicles sales.

Auxiliary Kitchen. A second kitchen in a single-family detached dwelling that is:

1. Intended solely for use by members of the household for private dinner parties or social gatherings; and
2. Not located within an accessory structure and is directly accessible from the rest of the dwelling.

Average Daily Traffic (ADT). The average number of motor vehicles per day that pass a given point.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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

Bailbond Service. An establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

Bakery, Retail. An establishment which specializes in the retail sale of baked goods, such as doughnuts, cookies, pastries and other similar goods, but does not provide meals as found in a restaurant.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Banquet Facility. Establishment which 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.

Basement. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one-half of its height above grade.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Bed & Breakfast Inn. A facility wherein overnight accommodations and a morning meal are provided in a dwelling unit to tourists for compensation.

Beer/Wine/Cooler Cultural Establishment. An establishment:

1. Whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only:
   a. At a museum, performing arts theater, or facility licensed as an art studio or otherwise licensed for art sales or display (or both); and
   b. During the hours of an artistic exhibition, presentation or performance; and
2. That meets the criteria for a beer/wine/cooler cultural establishment as set forth in LVMC 19.12.070.

Beer/Wine/Cooler Off-Sale Establishment. An establishments whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.

Beer/Wine/Cooler On-Sale Establishment. An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which thirty or more people may be served with meals at any one time at tables or stools.

Beer/Wine/Cooler On- and Off-Sale Establishment. An Establishment:

1. Whose license to sell alcoholic beverages is limited to:
   a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and
   b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. Is operated in connection with a restaurant, grocery store or convenience store in which thirty or more people may be served with meals at any one time at tables or stools.

Benchmark. Grade elevations as determined by standardized vertical ground controls established by the National Geodetic Survey, the City of Las Vegas or Clark County.

Billiard Parlor or Pool Hall. A business establishment whose principal purpose is to make billiard tables available for use by the public for amusement or entertainment.

Block. Property designated on an officially recorded map and bounded by streets and other natural or physical barriers which make it a unit not to exceed 660 feet in length.

Blood Plasma Donor Center. A building used for the collection of human blood plasma from plasma donors. The term does not include a facility for the provision of medical care or treatment.

Boarding or Rooming House. A building or portion thereof, other than a hotel, with no more than four guest rooms where, for compensation, lodging and meals are provided for no more than four persons who are not members of the immediate family occupying such building.

Boat and Trailer Dealership (New and Used). The use of any building or lot for the display and sale of new or used boats, jet skis or other marine vessels, along with corresponding trailers.

Bubbler Heads. An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers emit a trickle, umbrella or short stream pattern.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. "Building" includes "structure".

Building & Landscape Material/Lumber Yard. A facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials.

Buildable Area. That portion of a building site exclusive of the required setback areas in which a structure or building improvements may be erected including the actual structure, driveway, parking lot, pool and other construction as shown on a Site Development Plan.

Building Coverage. The ratio of the horizontal area measured from the exterior surface of exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building Elevation. The exterior face of a building, including all vertical elements of the building facing in the same general direction.

Building Height. Building height refers to the vertical distance between the average finished grade along the front of a building and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.

Building Line. A line established by measuring from the property line, a distance equal to the required setback line, which is generally parallel to the curb line or edge of pavement. No part of a building shall project into the area between the property line and the building line except as otherwise provided in this Title.

Building Maintenance Service & Sales. A facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Building Marker. Any sign indicating the name of a building, date or incidental information about its construction. Building markers are cut into the exterior building materials or made of bronze or other permanent material.

Building Mass. The height, width and depth of a structure.

Building Permit. Written permission issued by the Department of Planning and Development for the construction, repair, alteration or addition of a structure.

Building Scale. The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

Building Site. The total area of the building together with all yard areas adjacent thereto, as required by this Title.

Building, Detached. One building on one building lot surrounded by yards or open space; or buildings in a building group that are physically detached one from the other.

Building, Principal. A building in which the principal use of the lot is conducted.

Build-to Line. A line established at a certain distance from the corresponding lot line along which the building, or a portion thereof, must be built.

Bus Charter Service & Service Facility. Any premises for the transient housing, parking, servicing or repair of motor-driven buses.

Business School. A facility or area for instruction and training in secretarial and related office skills, cosmetology, commercial art, computer software, cooking or similar training.

Caliper. The diameter of a tree trunk measured four and one-half feet above the ground.

Canopy. A rigid roof, generally supported at all corners or extremities by poles, posts or direct attachment to a building. A canopy typically has little vertical or wall space on it and is only as thick as necessary to create a functional roof. See "Marquee" and "Awning."

Canopy Sign. A sign attached to or painted on a canopy.

Car Wash, Full Service or Auto Detailing. An establishment that provides for the washing, cleaning, waxing or detailing of passenger vehicles, either by means of employees or by means of automated or semi-automated methods of cleaning, or by a combination thereof.

Car Wash (Self-Service). A coin operated car wash facility operated by the customer and which does not utilize automobile conveyors or other automatic methods of cleaning.

Carport. A permanent roofed structure for vehicle parking which is not completely enclosed.

Casino. A room or structure whose principal use is for the conduct of gaming activities.

Catering Service. A service that provides for the preparation, storage, and delivery of food and food utensils for off-premise consumption.

Cemetery/ Mausoleum. Property and facilities used for interring of the dead.

Changeable Copy Sign. Any sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. The message may be changed manually or electronically. Animated signs shall not be considered changeable copy signs.

Chat. Coarse fragments of hard silica rock principally used for railway ballast, highway construction and concrete production.

Check Cashing Service, Limited. The service of cashing checks for a fee, service charge or other consideration as a service that is supplemental to a retail business that otherwise does not provide services normally associated with a financial institution. The term does not include a general financial institution, specified financial institution, or any business that provides any kind of loan, cash advance, or deferred deposit service.

Child Care Center. Any commercial facility which provides day or overnight care for more than twelve children. Such a use is subject to the child care regulations and standards of the State of Nevada.

Child Care – Family Home. A residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of six children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada.

Child Care – Group Home. A residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of seven and a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada.

Church, House of Worship. Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. The term includes the use of the building and premises for other related activities, such as child care, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.16. The term does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

City. The City of Las Vegas, Nevada.

City Council (Council). The Mayor and City Council of the City of Las Vegas, Nevada.

City Standards. In their most recent editions and with the most recent amendments adopted by the City, the Standard Drawings for Public Works Construction Off-Site Improvements, Clark County, Nevada, Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County, Nevada; Uniform Regulations for the Control of Drainage and Hydrologic Criteria and Drainage Design Manual, Clark County Regional Flood Control District; Design and Construction Standards for Wastewater Collection Systems of Southern Nevada; Summerlin Development Standards; Summerlin Revised Improvement Standards; Urban Design Standards; Landscape, Wall and Buffer Standards; and any other engineering, development or design standards and specifications adopted by the City Council. The term

includes standards for public improvements and standards for private improvements required under this Title.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church or religious institution, civic fraternal or other organization.

Cleaners, Commercial/Industrial. A facility or premises which is used for cleaning items in bulk quantities, such as clothing and linens. The term includes diaper cleaning services and cleaning services for hospitals, restaurants, hotels and similar clients, as well as rug and dry cleaning plants, and may include on-premise retail services to individual households as a use incidental to the operation of the plant.

Clinic. A facility which is occupied and used for the purpose of providing dental or medical care, and which regularly provides any of those services to the general public on an emergency basis or without appointment. The term does not include a hospital or a facility which provides for the overnight care or overnight stay of patients.

Club. Private quarters for a private organization; a principal purpose of which is the preparation and service of food and/or drink for members and their guests only.

Cold Storage Plant. A facility for the protective storage or items such as food or furs, in a refrigerated place.

College, University or Seminary. A college or university is an academic institution of higher learning beyond the level of secondary school. A seminary is an institution for the training of candidates for the priesthood, ministry, rabbinate or other religious order.

Collocation. The use of wireless communication facilities by more than one communication provider.

Commercial Message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, idea or commercial activity. The term does not include sign copy that consists solely of the electronic indication of time, temperature, or both.

Commercial Recreation/Amusement (Inside). An enclosed facility or area for sport, entertainment, games of skill, or recreation that is open to use by the general public for a fee. The term includes without limitation bowling alleys, indoor miniature golf courses, roller and ice skating rinks, game courts, swimming pools, walk-in movie theaters, physical fitness centers, gyms and video arcades.

Commercial Recreation/Amusement (Outside). An outdoor facility or area for sport, entertainments, games of skill or recreation that is open to use by the general public for a fee. The term includes without limitation game courts, water slides, golf courses, outdoor miniature golf courses, drive-in theaters, batting cages, practice/instructional fields, amusements parks, and sports events, but does not include an amphitheater.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Las Vegas.

Common Interest Community. Real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty years in a unit, including options to renew.

Communication Provider. A person or entity that provides a communicative service to the community by means of transmission lines or by electronic transmission via wireless service, such as radio, television, microwave or other means of communicative transmission.

Community Center, Private (Accessory). A facility associated with a planned residential development or multi-family development which provides for community activities for residents of the development.

Community Interior Directional Sign. A sign placed within the interior of a subdivision to provide directions within the subdivision.

Community Recreational Facility, Public. A facility which provides for community activities and is available to the general public.

Community Residence. A residential family-like living arrangement for five to ten unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use includes a Family Community

Residence and a Transitional Community Residence, but does not include any of the following:

1. Senior Citizen Apartment;
2. Adult Day Care Center;
3. Convalescent Care Facility/Nursing Home;
4. Facility for Transitional Living for Released Offenders;
5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
6. Hospice;
7. Sex Offender Counseling Facility;
8. Boarding House or Rooming House;
9. Any other group living arrangement for unrelated individuals who are not disabled; or
10. Any of the following, as defined by NRS Chapter 449:
    a. Facilities for the Treatment of Drug and Alcohol Abuse;
    b. Modified Medical Detoxification Facilities;
    c. Transitional Living Facilities for Released Offenders;
    d. Facility for the Treatment of Narcotics; or
    e. Community Triage Center.

Condominium. A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis.

Connectivity. A measure of how efficiently a transportation network provides access between destinations.

Connectivity Ratio. A measure of connectivity computed by taking the ratio of links (street segments) to nodes (intersections and cul-de-sac terminuses). It is determined by dividing the number of street segments (street sections between intersections and or cul-de-sac terminuses) by the number of intersections and cul-de-sac terminuses. For the purposes of this calculation, proposed street intersections with existing roads and stub roads for future access to vacant developable lands shall count as 0.5 intersections.

Consolidated Sign. An oversized freestanding ground sign which advertises one or more tenants within a non-residential development. Consolidation occurs when the conditions for such signs are met, and the area for multiple signs is consolidated into one sign.

Construction Material Supply Yard. A facility for the storage and sale of construction materials.

Construction Permit. A permit issued pursuant to the City's building and technical codes for the construction of any sign.

Construction Sign. A sign advertising a construction project and the parties involved in its development, proposed to be located on the lot or parcel of land on which the sign is located.

Contractor's Plant, Shop & Storage Yard. A facility for the storage and maintenance of contractor's supplies and operational equipment. Offices are considered an accessory use.

Contributing Property. A classification applied to an individual property within a designated Historic District, signifying that the property contributes generally to the distinctive character of the District, or an archeological site.

Convalescent Care Facility/Nursing Home. A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. The term includes a "rest home" and "nursing home," as well as a use that would qualify as a Community Residence except for the limitation on the number of residents, but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in this Chapter.

Covenant, Public Improvements. A recorded agreement wherein the owner and all successors in ownership of a parcel of land acknowledge and consent that normal public improvements required under this Code have been deferred with concurrence of the City until such future time that the improvements are then required to be installed per written request of the City or via a special improvement district, or other means, either individually or jointly with other land owners in the vicinity of the parcel. (Also referred to as a "covenant running with land agreement".)

Convent or Monastery. A house or set of buildings used as a residence by persons under religious vows.

Convention Facility. A structure which has at least 100,000 square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event whether the activity is open or closed to the general public. For purposes of this Title, the term includes a stadium facility that is operated in conjunction with a convention facility.

Convenience Store. A facility, limited in size and scope that is primarily used for the retail sale to the public

of merchandise for off-site consumption, including prepackaged food products, sundries, household items and similar consumer items. The term does not include a retail business licensed as a "drugstore" pursuant to LMVC Title 6.

Copy Center. A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

Corner Lot. A lot situated at the intersection of two or more streets, with frontage on at least two streets.

Country Club, Private. A facility that is made available for use on a membership basis for recreational or athletic purposes, where membership is limited and the use of the facility is primarily restricted to members and their guests. The term includes accessory uses, such as:

1. A clubhouse.
2. Retail and restaurant facilities which do not have separate signage or advertising.

County. Clark County.

Court. An open, unoccupied space, other than a required yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

Crematory. A facility used for the cremation of corpses.

Crop Production. An area for raising or harvesting agricultural crops.

Cul-de-sac. A local street with only one connection to other streets and with an approved method of termination at the closed end.

Curb. A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.

Curb Cut. The opening along the curb line at which point vehicles may enter or leave the roadway to access adjacent property.

Custodial Institution. One or more buildings and related facilities used for the housing or detention of persons who have been charged with or have been convicted of felonies or misdemeanors.

Custom & Craft Work. A facility in which finished, personal or household items which are either made to order or which involve considerable handwork are produced. Examples include, but are not limited to textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting and other work or wood products on an individualized single item basis. The term does not include cabinet making, cabinet assembly or the use of mechanized assembly line production.

Cut. The excavation and mechanical removal of earth material.

Cut and Fill. The excavation and mechanical removal of earth material, and the relocation thereof, for purposes of altering the level or slope of land.

Daily Labor Service. Any building or premises which 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 paragraph, "daily labor" means manual labor, including without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting and digging.

Deciduous Shade Tree. A tree that sheds all its leaves every year during a certain season.

Decorative Block. Generally refers to non-standard masonry building block. The face of the block is typically textured and contains a non-standard finish or shape. Gray, smooth finish CMU is not considered decorative block.

Decorative Wall. A masonry wall where at least 20 percent of the wall is of a type of masonry which is differentiated by texture, color, style or a combination of all three characteristics.

Deed. A legal document conveying ownership of real property.

Delivery and Service Vehicle Storage. The use of an area or facility for the parking and storage of commercial fleet vehicles that are used primarily in connection with the delivery of goods and services to the surrounding community.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Department. The City's Planning and Development Department.

Design. The design elements of a development site, including the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all easements and rights-of-way; lot size and configuration; traffic access; grading; land

to be dedicated for parks or recreational purposes; building design and configuration; landscaping and open space; and other such specific physical requirements.

Designated Property. Any property which has been classified as a Landmark, Historic Property or a contributing property within an Historic District.

Desktop Publishing. An establishment that provides custom set-up of graphics and text for publication in an office setting. The term does not include an establishment that performs off-set printing or related distribution.

Detached. Any building or structure that does not have a roof or wall in common with any other building or structure.

Determination of Application Sufficiency (Completeness). A determination that an application for review and approval of a parcel map, tentative, or final map is or is not complete at the time of filing. Failure to submit all required forms, fees, studies, drawings, maps and other submission requirements may result in a finding of insufficiency, and no further review or effort to schedule the application for processing is required until sufficiency is achieved.

Development Entry Statement Sign. A sign placed at the entry to a subdivision, apartment development, or identifiable community to identify the subdivision, apartment development, or identifiable community.

Development Plan. A map or maps that identify in the proposed general land use designations, design standards, transportation plans, open space and community facilities.

Development Standards. Documentation that identifies the requirements and standards for commercial and residential development, including, but not limited to, densities; building height, bulk and setback requirements by land use type; signage; landscaping; parking; open space. The "Design Standards Manual," to the extent adopted by the City Council, contains required development standards for development within the City.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of the use of land.

Director. The Director of the Department of Planning and Development of the City.

Directory Sign. A sign that provides a map or listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purpose of identification only.

Disability or Disabilities. Refers to:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities;
2. A record of having such impairment; or
3. Being regarded as having such an impairment.

The terms are intended to be coextensive with the terms "handicap" and "disability" as set forth in Federal fair housing legislation and other Federal legislation protecting individuals with a handicap or disability. The terms include the impairment associated with recovery from alcohol and drug abuse, but do not include impairment caused by current, illegal use of, or addiction to a controlled substance.

Domestic Animal. Any animal which is not a wild or exotic animal and which is typically considered to be capable of being kept in or near residential dwellings.

Drainage Facilities. Any type of on-site or off-site berm, containment, conveyance, inlet or discharge improvement to manage storm or nuisance waters within, through or adjacent to a development site.

Drainage Facilities, Type A. Refers to lots which are graded to drain surface water directly to the street independently of other properties.

Drainage Facilities, Type B. Refers to lots which are graded to drain surface water from the rear yards of lots which are higher in elevation onto adjacent lots which are lower in elevation. Surface water from the front and/or side yards drains to the street independently of other properties.

Drainage Facilities, Type C. Refers to lots which are graded to drain all surface water from lots which are higher in elevation onto lots which are lower in elevation.

Drive, Private. A private roadway that provides access:

1. To a limited number of individual dwelling units and their respective garage units, driveways or parking spaces within developments in which the private roadway is held in common; or
2. Within a commercial subdivision.

A private drive typically is a dead-end or looped roadway that intersects with a public roadway.

Driveway. The improved area that provides ingress and egress between a roadway and adjoining property.

Drought Tolerant Plant. A plant that can survive with minimum supplemental water, as defined by the Las Vegas Valley Water District.

Dry Cleaners. A facility which is used to provide, to individual households, cleaning services for items such as clothing and linens. The term includes such facilities whether the plant operation is located on- or off-site.

Duplex. A building containing two attached single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof with both dwellings located on the same lot or parcel.

Dwelling. A structure with one or more rooms that is used exclusively for human habitation; designed, occupied, or intended for occupancy as a separate living quarter with sleeping, cooking and sanitary facilities provided.

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-family. A building or group of buildings which contain at least three attached dwellings and may include units that are located one over the other.

Dwelling, Patio Home. A single-family detached dwelling with open space setbacks on three sides and with a court.

Dwelling, Single-Family Attached. A dwelling unit attached to one or more other dwelling units where each dwelling unit is located on a separate lot. (Such a dwelling unit could include duplexes, townhouses, four-plexes, six-plexes, etc.)

Dwelling, Single-Family Detached. A dwelling unit:

1. That is not attached to any other dwelling by any means;
2. That is located on a separate and individually owned lot;
3. That is surrounded by open space or yards;
4. That is for the exclusive use of a single family maintaining a household;
5. That has no more than one kitchen with full kitchen facilities; and
6. In which all rooms used for human habitation must have interior access to one another.

Nothing in this definition, however, prohibits the construction or use of a Class I accessory structure in accordance with this Title or the construction or use of an auxiliary kitchen as defined in this Chapter.

Dwelling, Townhouse. A row or cluster of at least three attached dwellings in which each dwelling is located on separately owned lot; each unit is separated by one or more common vertical walls; each unit has its own front and rear yard access; and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

Dwelling Unit. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining the household. Easement. A grant of one or more property rights by the property owner for use by the public, a corporation or another person or entity.

Easement. A grant of one or more property rights by the property owner for use by the public, a corporation or another person or entity as defined by the granting document.

Egress. An exit.

Electric Generating Plant. A facility that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources or nuclear fission and that is properly licensed or franchised by the authorities having jurisdiction.

Electric Message Unit. A sign or portion of a sign which provides a message, image or combination of the two that is changed electronically. A sign that is changed fewer than eight times per 24-hour period or that is changed only to reflect changing time or temperature shall not be considered an electric message unit under this Chapter.

Electric Utility Substation. A facility for transforming electricity for distribution to individual customers.

Electrical, Watch, Clock, Jewelry & Similar Repair. An establishment that provides repair services for small electronics, clocks, watches, jewelry and other similar items.

Electronic Reader Board. A sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign. The term does not include a sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Elevation. (1) A vertical distance above or below a fixed reference level; (2) A fully dimensional drawing of the front, rear and sides of a building showing features such as construction materials, design, height, dimensions,

windows, doors, other architectural features and relationship of grade to floor level.

Embellishment. A frame or bracket around the outside of a sign that is used to define the boundaries of or hold the sign, or an extension around the outside of the sign that is used as decoration.

Emergency Ambulance Services, Ground. A facility which provides emergency ambulance service and does not include the use of helicopters.

Employment Agency. Any establishment, other than a daily labor service, which provides one or both of the following:

1. Assistance to employers in finding and employing permanent or temporary employees, whether part-time or full-time.
2. Assistance to potential employees in identifying and obtaining permanent or temporary employment, whether part-time or full-time.

Engineer. A person currently registered as a professional engineer under the provisions of NRS Chapter 625.

Enlargement. An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

Entrance, Public. Any exterior entrance to a building regularly used by the public for ingress or egress. Entrances to storage areas, emergency exits and employee entrances are not considered public entrances.

Environmentally Hazardous Materials. The location of activities or products which have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the activity or use is conducted. Environmentally hazardous materials include, but are not limited to, the following activities:

1. The manufacture, storage and testing of explosives, fireworks or munitions.
2. The refining of petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities.
3. The manufacture, blending, or mixing of pesticides, certain acids and fertilizer.
4. Stockyards; feed pens; livestock sales with pens and/or shipping facilities; rendering of animal fats; slaughtering or processing of animals; and industrial manufacturing process using the following raw materials: bones, garbage, offal and dead animals.
5. The refining of raw materials, such as, but not limited to, chemicals, rubber, wood or wood pulp, into other products.
6. The forging, casting, melting, refining, extruding, rolling, drawing or alloying of metals.
7. The testing of jet engines or other engines.
8. Refuse disposal services not listed elsewhere in the Title, including but not limited to landfills, incinerators and other locations which receive garbage and refuse generated off-site for storage, treatment or disposal.
9. Boiler works.

Erect. To "construct," "reconstruct," "alter," "move in," or "move upon".

Escort Bureau. A business establishment which, for a fee, commission, hire, or profit, furnishes or arranges for escorts to accompany other persons for social engagements.

Establishment. A use, building, structure or premises which is used for business, office, or commercial purposes.

Evergreen Tree. A tree, either broad leaf or conifer, which maintains at least a portion of its leaves or needles throughout the year.

Existing Use. Unless otherwise specified, the use of a lot or structure at the time of the enactment of this Title or an amendment thereto. For purposes of applying any limitation or requirement of this Code with regard to distances between uses, a use shall be deemed to be an existing use if any necessary special use permit approval has been obtained for such use or, if no such approval is necessary, a building permit has been properly issued for the structure in which the use will occur. The lapse of any necessary special use permit approval or, alternatively building permit approval regarding the use shall be sufficient to remove the its status as "existing" for purposes of applying measurement criteria.

Facility for Transitional Living for Released Offenders. 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 include a Transitional Community Residence or a Facility for the Treatment of Abuse of Alcohol or Drugs. As used in

this definition, "person who has been released from prison" means:

1. A parolee;
2. A person who is participating in:
   a. A judicial program pursuant to NRS 209.4886 or 213.625; or
   b. A correctional program pursuant to NRS 209.488 or 21.3632;
3. 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
4. A person who, within the past twenty years, has been released from prison by expiration of his term of sentence.

Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse. A facility that:

1. Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or
2. Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

Family. With respect to the occupancy of a dwelling unit:

1. One or more individuals related by blood, marriage, adoption, guardianship or legal custody; or
2. No more than four unrelated individuals living together as a single housekeeping unit.

Family Community Residence. A Community Residence other than a Transitional Community Residence.

Fee Schedule. The schedule of fees which has been adopted by the City Council and which authorizes the City to charge fees for the processing of applications and other activities in connection with zoning and development approval.

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

Fill. The placement of sand, gravel or other earth material for purposes of building up the level of land or altering slope.

Final map. A map prepared in accordance with the NRS Chapter 278 and the provisions of LVMC 19.16.060 of this Title.

Final Map Technical Review. The process by which all technical aspects of a proposed final map are reviewed, excluding the final submittal of approvable mylar copies in preparation for recordation.

Financial Institution, General. Any business or organization, whose primary service is the exchange of currency. The term includes without limitation banks and credit unions, with or without drive-through service, but does not include any business engaged in retail sales or a business whose primary service is to lend money for repayment at a future date.

Financial Institution, Specified. Any business whose primary function is to lend money; to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The term includes without limitation a business that provides check cashing services as a principal service offered, a paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances. The term does not include a pawn shop or a limited check cashing service, as defined in this Section.

Finished Elevation. The proposed elevation of the land surface of a site after completion of all site preparation work.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, logos or symbols, used as a representative symbol of a government, political subdivision or private entity.

Floor Area, Gross. The sum of the gross horizontal areas of all the floors of a building or structure measured from the exterior face of exterior walls, but excluding any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, and interior vehicular parking or loading. The term excludes any floors which are not used or intended to be used for human habitation or service to the public.

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total gross lot area.

Food Processing. A facility in which food for human consumption is provided in its final form, such as candy,

baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

Fraternity, Sorority House or Private Dorm. A residential building associated with a college or university that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking, recreation or bathing facilities.

Freestanding Sign. A detached sign which is supported by columns, uprights, poles or braces from the ground or from an object on the ground, or a detached sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure, or other sign.

Functional Classification. A classification system that defines the purposes and hierarchy of all streets and highways within the Master Plan of Streets and Highways.

Gaming Establishment, General Business Related. A building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For purposes of the Special Use Permit requirements of this Title, the term does not include a location that has obtained and maintains current licensing and zoning approvals to sell alcoholic beverages.

Gaming Establishment, Non-restricted. An establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required pursuant to LVMC Title 6. For informational purposes, the term refers to an establishment whose gaming operations consist of sixteen or more slot machines, or any number of slot machines together with any other game, gaming device, race book or sports pool at that establishment. When operated in conjunction with a hotel having more than 200 rooms, the use includes any number of ancillary alcoholic beverage-related uses with an on-sale component, without regard to the requirements of LVMC Chapter 19.12, but only to the extent such uses conform to the applicable requirements of LVMC Chapters 6.40 and 6.50.

Gaming Establishment, Restricted. An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6 of the Las Vegas Municipal Code. For informational purposes, the term refers to an establishment whose gaming operations are limited to not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device.

Gaming or Gambling. Any activities which are regulated pursuant to Chapter 6.40 of the Las Vegas Municipal Code.

Garage. An enclosed building, or a portion of an enclosed building, used for the parking of vehicles.

Garage, Side-load. A private garage where the overhead doors are perpendicular to the front lot line and generally not visible from a public way.

Garage Sale. Garage or Yard Sale means the sale of personal property from a parcel that is located within a residential district and upon which is located a dwelling.

Garden Supply/Plant Nursery. A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

General Personal Service. A facility for the sale of personal services. Typical personal services include barber/beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, house cleaning service, weight reduction center, day spa, florist (excluding greenhouses) and permanent makeup establishment.

General Plan. The adopted General Plan or Master Plan of the City, as amended.

General Retail Store, Other than Listed. A facility for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. The term does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in this Chapter.

Gift Basket Limited. A facility which sells alcoholic beverages in original sealed or corked containers in quantities not greater than 25.4 ounces measured in the English system of weights and measures, or in quantities not greater than seven hundred fifty milliliters, measured in the metric system of weights and measurements, to be packaged in a receptacle or a container along with other assorted food items or novelty items, or both, which items have a minimum retail value of thirty-five dollars apart from the retail value of the alcoholic beverages; provided, however:

1. The contents of the gift baskets are not sold separately but, instead, are included as part of the unit price of the gift basket; and
2. The alcoholic beverages are consumed off the premises where the gift basket is sold.

Gift Shop Limited. A facility located within the physical structure of a nonrestricted gaming establishment which sells, to customers only and not for resale, alcoholic beverages in original sealed or corked containers in quantities less than

one pint, measured in the English system of weights and measures, or in quantities less than three hundred seventy-five milliliters, measured in the metric system of weights and measures, for consumption off the premises where the same are sold.

Golf Driving Range. A facility or area that is made available to the public for the practice of golf driving techniques.

Governing Body. The City Council of the City.

Government Facility. A facility or area used for public purposes and owned or operated by an instrumentality or agency of Federal, State, or local government.

Grade. The degree of rise or descent of a sloping surface (see Slope).

Grade, Finished. The average proposed level of the finished surface of the ground adjoining a building after all site development work has been completed.

Grade, Natural. The average proposed level of the finished surface of the ground adjoining a building prior to site development work.

Grading. Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Grand Opening. A one-time promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after occupancy, to inform the public of their location and service available to the community.

Grocery Store. A facility, over 5,000 square feet in size, that is primarily used for the retail sale of household foodstuffs for off-site consumption, including any combination of fresh produce, meats, poultry, fish, deli produces, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. A "grocery store" may include the sale of other household supplies and products, buy only if secondary to the primary purpose of food sales.

Gross Acreage. The total area within the property lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel. The term does not include adjacent property which has already been dedicated for such purposes.

Gross Density. The number of dwelling units per acre of land, without deduction for public streets, easements or other areas to be dedicated.

Gross Floor Area. The sum of the gross horizontal areas of all the floors of a building or structure measured from the exterior face of exterior walls, but excluding any space where the floor-to-ceiling height is less than six feet.

Ground Cover. Plants grown for their low spreading capabilities for the protection of soils, to prevent growth of weeds and for aesthetic purposes.

Group Dwelling. Two or more detached one-family, two-family or multiple-family dwellings, occupying a parcel of land in one ownership, which may have a yard or porch in common, but not including automobile courts, as herein defined.

Gun Club, Skeet or Target Range. A facility or area used for archery or the shooting of firearms, whether for practice or sport.

Harmonious Relationship. The design, arrangement and location of buildings or other created or natural elements of the urban environment that are sufficiently consistent in design, scale, height, color, character and siting with other buildings, or created or natural elements in the area so as to avoid abrupt or severe differences or incompatibilities.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Health Club. An establishment that operates physical fitness facilities, sports clubs or recreation clubs.

Heavy Construction Trade Yard. A lot or facility used for the storage of heavy construction equipment, machinery and vehicles.

Heavy Machinery & Equipment (Storage). A lot or facility used for the storage of heavy construction equipment, machinery and vehicles.

Height, Airport Zoning. For the purpose of determining the height limits in all zones shown on an airspace zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Helipad. A facility for the landing and taking off of helicopters, but with no accessory gas sales, maintenance or other services.

Hillside Area. Land with a slope of 15% or greater.

Historic District. A designation, in the form of overlay zoning, applied to all properties within an area with defined boundaries, as a result of formal adoption by the City Council, which expresses a distinctive character worthy of preservation.

Historic Preservation Plan. A document, formally adopted by the City Council, containing goals and policies directing historic preservation activity within the City.

Historic Property. A designation, in the form of overlay zoning, applied to an individual property, as a result of formal adoption by the City Council, which expresses a distinctive character worthy of preservation; or an archeological site.

Historic Sign. A sign designated as historic in accordance with LVMC 19.10.150 (Q).

Home Occupation. An income producing activity conducted in a residential zone pursuant to LVMC 19.16.170.

Horse Corral or Stable (Commercial). A structure for the keeping of horses, mules or ponies which are boarded for compensation or for use in providing instructional or recreational activities for persons other than occupants of the premises.

Horse Corral or Stable (Private). An accessory structure for the keeping of horses, mules or ponies for the use of occupants of the premises.

Hospice. A home for the terminally ill.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel, Motel, or Hotel Suites.

1. Hotel. A building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area. A hotel may also contain restaurants, conference rooms and personal service shops. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than one week.
2. Motel. A building or group of buildings whose main function is to proved rooms for temporary lodging, rooms which are directly accessible from an outdoor parking area. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than one week.
3. Hotel Suites. A facility offering temporary lodging accommodations to the general public in which rooms or suites may include kitchen facilities and sitting rooms in addition to the sleeping room. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than one week.

Hotel, Residence. A multi-dwelling unit for extended stay lodging consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy; customary hotel services such as linen, maid service, telephone and upkeep of furniture; and optional resident and guest amenities such as meeting rooms, club house and recreation facilities. The term does not include facilities which qualify as other types of dwelling units defined in this title.

HPC. The Historic Preservation Commission.

HPO. The Historic Preservation Officer.

Hypnotherapy Practice. A facility in which one or more duly licensed or certified mental health professionals provide psychotherapeutic treatment utilizing hypnosis, or training in self-hypnosis conditioning, to patients or clients. For purposes of this definition "duly licensed or certified" means:

1. Licensed by the State of Nevada Psychological Examiner's Board; or
2. Certified by a nationally recognized professional hypnotherapy organization, with a current membership of a least one thousand members, that is dedicated to providing training, continuing education, and performance testing in hypnotherapy.

Illegal Sign. A sign erected on public property, including the public right-of-way, in violation of this Code; a temporary sign for which the period allowed for its display has expired; or any other sign for which a time period included as a condition of its certificate has expired.

Improvement. Any building, structure, landscaping, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," and "telephone" signs; directory signs and drive-through menu boards; and other similar directives or identifying messages. In order to qualify as an incidental sign, a sign may contain the logo or name of the business that is on the same parcel as the sign but shall not contain any other commercial message legible from a position off the lot on which the sign is located.

Infeasibility Determination. A determination that the Connectivity Ratio is impractical to meet due to topographic conditions, environmental constraints, and property shape or accessibility.

Ingress. Access or entry.

Intensity of Use. The number of dwelling units per acre for residential development and floor area ratio for nonresidential development.

Interconnectivity. Physical connections of roadways and sidewalks between two or more independent developments or residential subdivisions.

Internet Café. An establishment that provides for public use five or more computers or other electronic devices:

1. For purposes of accessing the internet, a local area network, e-mail programs or other computer software programs; and
2. The public use of which is in exchange for compensation of any kind and paid in any manner, including but not limited to the payment of a membership fee.

This term will generally include establishments commonly known as PC cafés, cyber cafés , cyber centers, and similar designations.

Internet/Catalogue Sales Office. An establishment which specializes in the sale of products via the internet or by catalogue for delivery to a customer's home or business. This use may include in-person customer consultations at the establishment.

Institutional Sign. An on-premise sign designed to communicate information about any house of worship, school, or other institution that is a permitted use in the subject zoning district.

Intra-connectivity. Physical connections of streets and sidewalks within a single development or residential subdivision.

Irrigation System. The combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscaping.

Jewelry Store, Class III Type. A store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store.

Jewelry Store, New. A store which primarily sells new merchandise and some used merchandise from estate sales or reconstitutes precious metals into jewelry forms which are sold at retail on the premises.

Keeping of Carrier or Racing Pigeons. The keeping of pigeons that are bred and kept for the purpose of demonstration or racing, are registered with a national pigeon registry or organization, and are identified as to ownership and registration by a stamp or a band.

Keg Beer. A facility which sells beer in keg containers having a capacity of at least one-quarter barrel size for delivery only to the premises of a purchaser.

Kiosk. A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchen. That portion of a dwelling unit devoted to the cooking or preparation of food for the purpose of consumption by residents of the dwelling unit. The term includes a "kitchenette," "wet bar" or any area equipped with items such as a counter-top hot plate, counter-top grill, or microwave oven, together with an under-counter refrigerator and sink. "Full Kitchen Facilities" indicates the presence of complete cooking facilities (i.e., stove, oven or microwave oven, refrigerator, and sink). The presence within any food preparation area of a ventilation hood, gas stub, two hundred-twenty volt electrical outlet or wiring, or any combination thereof, shall be considered "full kitchen facilities."

Laboratory, Medical or Dental. A facility, other than a hospital, that:

1. Conducts general medical or scientific research, investigation, testing, or experimentation; or
2. Upon referral by or request of a medical professional, provides radiological or medical testing, or creates prosthesis or artificial dental work.

The term does not include a facility for the manufacture or sale of other products, except as incidental to the main purpose of the laboratory. The term also does not include a "facility to provide testing, treatment, or counseling for drug or alcohol abuse," as that term is defined in this Section.

Land Surveyor. One who is licensed by the State as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.

Landfill. A lot or premises used for the disposal of garbage, trash, refuse or waste material, but not including sewage, which is officially sanctioned by proper authorities of the jurisdiction in which it is located.

Landmark. A designation applied to an individual property as a result of formal action by the City Council in accordance with LVMC 19.10.150.

Landscaping. The combination of natural elements such as trees, shrubs, ground covers, vines, and other living organic and inorganic material which are installed for purposes of creating an attractive and pleasing environment; screening unsightly views; reducing environmental heat; filtering particulate matter from the air; and boosting oxygen levels.

Laundry, Self-Service. A laundry facility that provides coin operated washing and drying machines for customer operation. The term includes a facility that provides additional services such as fluff and fold or dry cleaning, provided that no dry cleaning equipment is located on the premises. The term does not include a laundry room located within a residential development that is provided solely for the use of residents of the development.

Library, Art Gallery or Museum (Public). A publicly-operated facility used for:

1. The housing of a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public; or
2. The acquisition, preservation, study or exhibition of works of artistic, historic or scientific value.

Light Assembly & Fabrication. The assembly or manufacturing of objects or items that:

1. Are made from standard parts or components;
2. Are distinct from the individual parts or components; and
3. Are not of another type of assembly or fabrication specifically described in Table 2, as adopted in LVMC 19.12.010.

Linkages. Roadways, sidewalks, access-ways and walkways that connect between adjacent development parcels and subdivisions.

Liquefied Petroleum Gas Installation. A facility or system which includes tanks, piping or gas equipment (or any combination thereof) and is used or intended to be used for the storage, dispensing or other utilization of liquefied petroleum gas.

Liquefied Petroleum Gas. Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of propane, propylene, butanes (either normal butane or isobutane) and butylenes.

Liquor Caterer. A person who dispenses, serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

Liquor Establishment (Tavern). A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

Live/Work Unit. A structure or portion thereof that combines a low-intensity nonresidential work space with an integrated residential space, with the residential space being subordinate and accessory to the nonresidential use.

Livestock Farming (Bovines/Horses). The raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. The term does not include the breeding or raising of animals for consumption or sale.

Loading Space. An off-street space or berth used for loading or unloading of cargo, products or materials from vehicles.

Lodge or Fraternal Organization. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics or other similar interest; but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues or other houses of worship.

Lot. A tract, plot or portion of a subdivision, addition or other parcel of land whose existence, location and dimensions have been defined on a legally recorded subdivision map, survey map of record or a metes and bounds description occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance and other development regulations, and having its principal frontage upon a public street or officially approved private access easement. Lot includes the words Plot, Parcel, Tract and Premises.

Lot Area. That area of a horizontal plane bounded by the front, side and rear property lines including any portion of an easement which may exist within such property lines but exclusive of rights-of-way for street purposes.

Lot, Corner. A lot situated at the intersection of two or more streets, with frontage on at least two streets.

Lot Coverage. The percentage of lot area covered by all buildings and structures after the area required for dedicated public right-of-way is subtracted.

Lot Depth. The length of a line connecting the mid-point of the front and rear property lines.

Lot, Double Frontage. A lot (not a corner lot) which adjoins two streets which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street property lines shall be deemed front lot lines, unless designated otherwise on a recorded Final Map.

Lot, Flag. A lot having access or an easement to a public or private street by a narrow, private right-of-way.

Lot Frontage. The side of the lot which fronts on a street or drive. In the case of a corner lot, the "front" of the lot shall be considered to be the side which has the lesser dimension in width, unless the Director authorizes another side to be designated as the "front" and attaches whatever conditions are deemed necessary to ensure that such alternative designation does not result in land use incompatibility with the surrounding area. In the case of a through lot, either side which abuts a street or drive may be considered the "front," except in cases where deed restrictions, covenants or map notes prohibit access from one street.

Lot, Improved. (1) A lot upon which a building can be constructed and occupied; (2) A lot with existing buildings or structures.

Lot, Interior. A lot other than a corner lot.

Lot, Key. A lot with a side property line that abuts the rear property line of any one or more adjoining lots.

Lot Line. A property line that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Corner. The property line abutting a street or drive, other than a front lot line.

Lot Line, Front. The property line separating the lot frontage from a street right-of-way.

Lot Line, Rear. The property line opposite and most distant from the front property line. In the case of a triangular or otherwise irregularly shaped lot, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front property line.

Lot Line, Side. Any property line which is not a front lot line, rear lot line or corner lot line and is generally perpendicular to a front or rear property line.

Lot, Minimum Area. The smallest lot area permissible in a particular zoning district on which a use or structure may be located.

Lot of Record. A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

Lot, Reverse Corner. A corner lot, the rear of which abuts the side of another lot.

Lot, Substandard. A parcel of land that has less than the minimum area or minimum dimensions required in the zoning district in which the lot is located.

Lot, Through. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot, Transition. A lot in one zoning district which abuts another zoning district.

Lot Width. The mean horizontal distance between the side lot lines.

Main Building. A building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal dwelling located on that lot.

Maintenance. The upkeep of property, building, structures, amenities, parking facilities, landscaping or lot including repair, painting, trimming, pruning, as well as watering and other on-going activities that are associated with maintenance.

Manufactured Home. A structure as defined in NRS 489.113. A manufactured home may or may not qualify for State-law zoning treatment as a single-family detached dwelling pursuant to Table 2, as adopted in Section 19.10.010.

Manufactured Slope. Slope that results from mechanical excavation or fill activity.

Manufacturing, Heavy. A facility for the general mass producing of goods, usually for sale to wholesalers or other industrial or manufacturing uses. The term includes any use which employs any of the following or similar types of processes:

1. Milling of grain as retail sales and service.
2. Production of animal food, and the tanning of animal hides.
3. Production of large durable goods such as, but not limited, to motorcycles, cars, manufactured homes or airplanes.
4. Canning or bottling of food or beverages for human consumption using a mechanized assembly line.
5. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical products, and use of a foundry for metals.

6. Production of items made from stone, clay, metal or concrete.
7. Tire recapping or retreading.
8. Production of items by means of the chemical processing of materials.

Manufacturing, Light. A facility for producing goods without the use of any of the processes described within the definition of "Heavy Manufacturing." The term includes without limitation the following activities:

1. Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinet making or the assembly of clocks, electrical appliances, or medical equipment.
2. Production of items made from materials derived from plants or animals including, but not limited to, leather, pre-milled wood, rubber, paper, wool or cork, or from textiles or plastics.
3. Electrical component manufacturing.
4. Reproduction, cutting, printing, or binding of written materials, drawings or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.
5. Machine shop where material is processed by machinery, cutting, grinding, or similar processes.

Map. The Official Zoning Map of the City of Las Vegas.

Marquee or Porte Cochere. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign or Porte Cochere Sign. Any sign attached to, in any manner, or made a part of a marquee or porte cochere.

Martial Arts Studio. An establishment whose principal business activity is the instruction of the martial arts as defined by LVMC 6.53.020(C). The term does not include any nonprofit organization or entity that offers martial arts instruction only as an incidental service in its overall program of activities.

Massage, Accessory. The performing of massage therapy or therapeutic massage that:

1. Is accessory to a principal permitted use that is one of the following:
   a. A medical office or physical rehabilitation clinic;
   b. A fitness and health center;
   c. A country club or golf course clubhouse;
   d. A hotel with more than one hundred rooms; or
   e. A facility similar in nature to any of the facilities listed above;
2. Does not occupy more than 150 square feet of space; and
3. Is not advertised on any exterior signage.

Massage Establishment. A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52.. The term does not include the use "accessory massage," as defined in this Title.

Master Sign Plan. A plot plan and accompanying documentation which identifies all existing and proposed on-premise signage on a development or complex of buildings.

Median. A paved or planted area separating lanes of travel on a street.

Mining, Sand & Gravel Extraction. The excavation of sand, gravel, minerals or other resources from the earth.

Mini-Storage Facility. A facility with enclosed storage space, divided into separate compartments no larger than five hundred square feet in size, which is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment.

Miscellaneous Residential Sign. Any incidental or real estate sign on a single dwelling unit lot or other residential lot.

Mixed-Use. The vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.

Mobile Home. A factory-assembled structure equipped with the necessary service connections and made so as to be movable as a unit on its own running gear and designed to be used for a one-family residential use.

Mobile Home Park. An area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. The term does not include an area or tract of land where: (a) More than half of the lots are rented overnight

or for less than three months for recreational vehicles. (b) Mobile homes are used occasionally for recreational purposes and not as permanent residences.

Mobile Home Space Boundary Line. The lines which bound a mobile home site on its front, sides or rear.

Mobile Home Space. That portion of a mobile home park designated, used, or designed for the occupancy of not more than one mobile home and includes that area set aside or used for automobile parking, carports, cabanas, awnings, accessory buildings or other structures, and the yard area as required herein.

Monorail. A non-technology specific system used to transport passengers, including any system on a fixed land route installed and operated on an exclusive fixed guideway or rail, and including a monorail as defined in NRS Chapter 705. The term does not include a system to transport passengers between two end points with no intermediate stops, or a monorail that function only as part of a theme park or permanent exhibition under LVMC Chapter 6.81.

Monument Sign. A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the lowest point of the ground adjacent to the sign.

Moped. Means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than two gross brake horsepower, has a displacement of not more than fifty cubic centimeters or produces not more than fifteen hundred watts final output, and is capable of a maximum speed of not more than thirty miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. For purposes of the provisions of this Title relating to vehicle sales, mopeds shall be considered retail goods rather than motor vehicles.

Mortuary or Funeral Chapel. A facility in which one or both of the following activities occur:

1. Dead bodies are prepared for burial or cremation.
2. Funeral services are conducted.

Motorcycle/Motor Scooter Sales. A facility or area for the display and sale of motorcycles and motor scooters, whether new or used, but excluding mopeds. The term includes service bays which are incidental and accessory to the sales use. The term is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described in this definition shall be treated under the appropriate category of motor vehicle sales.

Motor Vehicle Sales (New). A facility or area, other than an auto sales showroom, for the display and sale (or leasing) of new automobiles, trucks, motorcycles and motor scooters, but excluding mopeds. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Motor Vehicle Sales (Used). A facility or area, other than an auto sales showroom, used primarily for the display and sale (or leasing) of used automobiles, motorcycles and motor scooters, but excluding mopeds. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Mounted Antenna. An antenna, other than a wireless communication facility, that is attached to a structure as permitted under this Code.

Mulch. A protective covering of inorganic material including rock, gravel, and decomposed granite, which is placed on the earth around plants to reduce weed growth, to minimize evaporation of moisture from the soil surface, to maintain even temperatures around plant roots, and to retard erosion.

Multi-Family Residential. A structure used or designed as a residence for three or more families or households living independently of each other.

Multi-phase Development. A development project that is constructed in stages, each stage being capable of existing independently of the others.

Museum, Art Display, or Art Sales (Private). A privately-operated facility or area for the acquisition, preservation, study, exhibition or sales of works of artistic, historic or scientific value.

Natural Area or Feature. May include slopes in excess of Hillside Ordinance for maximum slopes or conservation natural areas.

Natural Slope. Slope which is not manufactured.

Neighborhood. An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features.

Net Lot Area. The total area within the property lines of a lot or parcel of land after public street rights-of-way or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Night Club. An establishment, other than a teen dance center, that is operated as a place of entertainment, characterized by any or all of the following as a principal use:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.
2. Dancing.

Noncommercial Message. A message, the sole purpose of which is to direct attention to a political, social, community or public-service issue.

Non-Conforming Lot. A lot which was lawful in terms of the area, dimensions or location prior to the adoption, revision or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.

Non-Conforming Sign. Unless otherwise provided, any sign that conformed to existing sign regulations at the time it was erected but that would no longer be permitted by virtue of the adoption of this Title, or an amendment thereto.

Non-Conforming Structure. A building or structure legally and properly located on a lot or parcel at the time of construction or erection of said building, but which subsequently would not be permitted to be constructed at that location by virtue of adoption of this Title, or an amendment thereto.

Non-Conforming Use. Any legally pre-existing use of land which is inconsistent with the provisions of this Title, or an amendment thereto.

Non-Contributing Property. A classification applied to an individual property located within a designated Historic District, signifying that the property does not contribute to the distinctive character of the District.

Nonprofit Club General. Any nonprofit corporation, association or organization which has been in continual existence for at least two years and:

1. Is organized or qualified to do business and operate under the laws of the State;
2. Has tax-exempt status granted by the United States Internal Revenue Service;
3. Has a membership of at least one hundred members who are twenty-one years of age or older and who pay dues to the nonprofit corporation, association or organization; and
4. Operates a clubhouse, clubroom or meeting room in a permanent location which it owns or leases.

Nonprofit Club Restaurant Service Bar. A bar wherein alcoholic beverage drinks are prepared for service in connection with meals at tables in the restaurant area of a nonprofit club where members of the general public are invited to dine.

Nuisance. An interference with the enjoyment and use of property.

Obstruction. Any structure, growth or other object, including a mobile object, which exceeds a limiting height.

Occupancy or Occupied. With respect to a structure, refers to the residing of one or more individuals in a dwelling or to the storage or use of equipment, merchandise or machinery in any public, commercial, or industrial building.

Off-Premise Sign. Any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not located nor available on the lot where the sign is erected or placed.

Off-Site Improvements. Refers to any Public Improvements, Public Roadway Improvements, or Private Roadway Improvements as defined by this Title, separately or in any combination.

Off-Site Parking. Parking provided for a specific use but located on a site other than the one on which the specific use is located.

Off-Street Loading. Designated areas on a development site for the loading and unloading of cargo adjacent to buildings and not in the public right-of-way.

Office. A building used primarily for conducting the affairs of a business, profession, service, industry or government and which may include ancillary services for office workers, such as restaurants, newsstands or other minor commercial establishments.

Office, Medical or Dental. A professional office for the administration of professional medical or dental care, including examinations, screenings and minor outpatient surgical procedures. The term does not include a facility that provides housing for individuals, a clinic, or any other facility that is specifically defined in this Title.

Office Park. A development which contains a number of separate office buildings, accessory and supporting uses, and open space and which is designed, planned, constructed, and managed on an integrated and coordinated basis.

Office, Other Than Listed. A building or rooms used for conducting the affairs of a business, profession, service, industry or government other than those which are specifically listed in this Title.

On-Premise Sign. Any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is available or located at or on the lot, same site, or within the same Master Sign Plan area where the sign is erected or placed.

On-Site. Located on the lot that is the subject of an application for development.

Open Air Vending/Transient Sales Lot. An area that is used exclusively for the sale or taking of orders for any merchandise where:

1. Such merchandise is displayed or sold in the open area;
2. The activity is not part of the operation of an established business; and
3. No permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

The term includes the display or sale of merchandise in or in connection with a truck, trailer or movable building of any type.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

Open Space, Private. Open space which is normally limited to the use of the occupants of a single dwelling or building or property that abuts such open space.

Open Space, Public. Open space owned and maintained by a public agency for the use and enjoyment of the general public.

Outcall Entertainment Referral Service. A business which, for a fee, sends or refers an entertainer to an entertainment location (as defined in LVMC 6.57.030) in response to a telephone or other request to entertain a patron at the entertainment location.

Outdoor Storage, Accessory. The use of a significant portion of a lot or area for the long term retention (more than twenty-four hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

Overlay Zone. A zoning district that is imposed on one or more underlying base zoning districts and which provides additional requirements and limitations beyond those required by the underlying zoning district.

Owner. An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Package liquor off-sale establishment. An establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorized their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

Painted Wall Sign. Means any sign that is painted directly on a building wall surface.

Parcel Map. A map prepared for recording in accordance with NRS Chapter 278 and with the provisions of this Title.

Park and Ride. A facility for the boarding and deboarding of transit vehicles that includes an area for the parking of commuters' vehicles in connection with their use of transit vehicles.

Parking Area. A paved area, other than a public right-of-way, used for the parking of automobiles.

Parking, Commercial. A facility for parking that is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises.

Parking Lot/Sidewalk Sale. A promotional sales event that is conducted by a business operation outside the confines of the commercial or manufacturing structure in which the business operation is normally conducted.

Parking Space. A space within a building, garage or parking area, as defined, for the temporary parking or storage of one automobile with continuous and unimpeded access to a public right-of-way, service drive or aisle.

Patio Cover. An attached or detached accessory structure which is not enclosed and provides sheltered outdoor space.

Pawn, Auto. A Pawn Shop that lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property.

Pawn Shop. A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wires, or string, usually in a series, designed to move in the wind. A pennant shall be considered a temporary sign.

Permanent Makeup Establishment. A facility that applies natural pigment to the dermal layer of the skin, by the use of needles or other instruments designed to contact or puncture the skin, for the sole purpose of providing either permanent coloration for medical skin restoration or cosmetic coloration to enhance or diminish personal features.

Permitted Use. Any use allowed in a zoning district as a matter of right if it is conducted in accordance with the restrictions applicable to that district. Permitted uses are designated in the Land Use Table by the letter "P".

Person. An individual, firm, partnership, corporation, company, association, joint stock association, governmental entity, trustee, receiver, assignee or similar representative of any of them.

Pet Boarding. A lot, building, premises or structure on which four or more household pets kept regularly and for extended periods of time for the benefit of persons who do not reside on the premises. The term included facilities that provide shelter, care, feeding, exercising, grooming or incidental medical care for household pets for remuneration or otherwise on a commercial basis. The term includes a kennel operation.

Pet Shop. A retail establishment engaged in the sale of pets, small animals, pet supplies, or pet grooming services.

Physical Constraints. Limitation on development or access created by topographical features on the development parcel, or adjacent parcels, such as spacing of existing adjoining streets, freeways, or other physical structures.

Planned Community Program. The development plan and development standards for a development in the P-C (Planned Community) District.

Planning Commission. The Planning Commission of the City of Las Vegas duly appointed by the Mayor with the approval of City Council. The Planning Commission shall have the powers and duty to provide for development as prescribed by State law and City ordinances.

Pole Sign. A Freestanding sign supported by one column, upright, pole, or brace in or upon the ground the sum width/diameter of which is less than 25 percent of the width of the sign.

Political Sign. Any sign relating to a candidate, issue, proposition, ordinance or other matter in a public election or referendum, or any sign pertaining to the advocacy of political views or policies by persons, groups, or parties.

Portable Sign. Any sign which is not permanently attached to the ground or to another permanent structure; including, but not limited to, temporarily placed signs designed to be transported; signs by means of wheels; signs converted to A- or T-frames; movable menu and sandwich board signs; tethered balloons used as signs; and signs attached to or painted on a vehicle or trailer which is parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

Post Office, Local Service. A branch office of the United States Postal Service that handles the mail for no more than five zip codes.

Post Office, Regional. A branch office of the United States Postal Service that handles the mail for more than five zip codes.

Potentially Developable or Re-developable Land. Land that is not restricted from development by virtue of factors such as parklands, conservation transfer areas, federal or state lands, reservation areas or excluded due to environmental constraints.

Pre-Existing Use. A lawful and conforming existing use of a lot or structure prior to the time of the enactment of this Title.

Preservation Covenant. A recorded deed restriction which requires the preservation of a property for an agreed-upon period of time.

Preservation Easement. A non-possessory interest in real property which creates rights and obligations related to the preservation of the distinctive character of that property or a portion thereof.

Primary Ridgeline. The ridgeline that has the greatest prominent public visibility from existing and undeveloped portions of the City.

Principal Building. The building in which the principal use of the lot is conducted. Lots with multiple uses may have multiple principal buildings. The term does not include storage buildings, garages or other buildings which normally are considered accessory buildings.

Principal Use. The purpose for which land, premises or building is designed, arranged or constructed.

Printing & Publishing. An establishment that provides printing, publishing, duplicating, or collating services using photocopy, blueprint, off-set printing, or related equipment.

Private Club, Lodge or Fraternal Organization.

1. Club. A facility of a private organization for the preparation and service of food and/or drink for members and their guests.
2. Lodge or Fraternal Organization. A facility for a special purpose organization for the sharing of sports, arts, literature, politics or other similar interests; but not primarily\ for profit or to render a service that is customarily carried on as a business.

Private Garage. An accessory building, or an attached portion of the main building, designed or used for the shelter and storage of automobiles.

Private Improvements. Improvements installed within a development for private or quasi-public purposes, but not owned or maintained by the City.

Private Roadway Improvements. Roadway improvements within or adjacent to private roadways which may include, but are not limited to, paving, curbs, gutters, sidewalks, medians, street lighting systems, traffic control signage and systems, traffic signal systems and interconnected facilities, drainage facilities, fire hydrants and sanitary sewer facilities.

Private Sports Arena, Stadium or Track. A facility that:

1. Is used for playing and watching sports, concerts, plays, etc.; and
2. Is not owned or operated by a public or quasi-public organization.

Private Street. Any roadway, other than a private drive, that is not owned by a public entity or is designated for use by specified property owners, maintained by or on behalf of those property owners, and not dedicated to nor intended for access by the general public.

Prohibited Use. A use that is not permitted by any means in a particular zoning district.

Project of Regional Significance. Any of the following:

1. A site-specific building or development project, whether private, public or quasipublic in nature, that is proposed within one-half mile of the boundary of another municipal corporation or an unincorporated area, and that qualifies as one or more of the following:
   a. A project with a tentative map including 500 lots or more;
   b. A planned unit development of 500 units or more;
   c. A development including tourist accommodations of 300 units or more;
   d. A commercial or industrial facility that is estimated to generate more than 6250 average daily vehicle trips, as defined by the Institute of Transportation Engineers (or its successor); or
   e. A nonresidential development encompassing more than 160 acres.
2. A zoning map amendment or local land use plan amendment that is proposed within one-half mile of the boundary of another municipal corporation or an unincorporated area, and that could result in development meeting or exceeding any of the criteria listed in Paragraphs 1(a) through 1(d) above.
3. A Special Use Permit application concerning property within 500 feet of the boundary of another municipal corporation or an unincorporated area.

Projecting Sign. Any sign affixed to a building in such a manner that its leading edge extends more than twelve inches beyond the surface of the building. The term does not include a decorative awning or canopy.

Property. A lot, parcel, or tract of land together with the building and structures located thereon.

Psychology Practice. A professional office in which a licensed professional, including a psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist, provides evaluation, testing, treatment or counseling services related to mental conditions or disorders. The term includes a hypnotherapy practice, but does not include a "facility to provide testing, treatment, or counseling for drug or alcohol abuse," or a "sex offender counseling facility," as those terms are defined in this Section.

Public Areas. Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other publicly operated buildings; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

Public Hearing. A meeting, announced and advertised in advance and open to the public, in which members of the public have an opportunity to participate.

Public Improvement. Improvements may include but are not limited to, drainage facilities, fire hydrants, sanitary sewer systems, trails, trail paths, and other miscellaneous facilities and improvements to be owned by a public entity and are generally for the benefit of the public. These improvements are to be constructed and accepted within public rights-of-way, public easements, or City owned real property. The term may also include the dedication and construction of park facilities to be accepted by the City.

Public Notice. The advertisement of a public hearing in a paper of general circulation and through the mail, or the posting of a sign on property, each designed to indicate the time, date, place, and nature of a public hearing.

Public or Private School, Primary. An institution that provides kindergarten through 8th grade education and is supported by a public, religious or private organization.

Public or Private School, Secondary. An institution that provides 9th through 12th grade education and is supported by a public, religious or private organization.

Public Park or Playground. A park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a local or State level government entity.

Public Right-of-Way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public utilities or facilities.

Public Roadway Improvements. Roadway improvements within or adjacent to public roadways which may include, but are not limited to, paving, curbs, gutters, sidewalks, medians, street lighting systems, traffic control signage and systems, traffic signal systems and interconnected facilities, drainage facilities, fire hydrants and sanitary sewer facilities.

Public Use Airport. Any of the facilities of McCarran International Airport and North Las Vegas Airport.

Public Utility. A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

Pylon Sign. A freestanding sign supported by two or more columns, uprights, poles, or braces in or upon the ground, or a freestanding sign supported by a single column, upright, pole or brace in or upon the ground the sum width/diameter of which is 25 percent or more of the width of the sign.

Quarter Mile Section. A square quarter mile bounded by 1,320 feet offset increments from a section line.

Quasi-Public Use. A use owned or operated by a nonprofit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs.

Radio Broadcasting. A building or portion of a building used as a place for radio broadcasting. The term does not include any antenna or antenna structure.

Radio, TV, Microwave Communication Tower. A freestanding structure which supports antennae that transmit or receive any portion of the electromagnetic spectrum.

Rail/Transit yard or Shop. A facility or area for the maintenance, repair, or storage of bus, rail or other transit vehicles.

Ramada. Any freestanding roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

Raw Land. Unimproved land without buildings, structures, utilities or streets.

Real Estate Sign. A sign to advertise a commercial or residential property for sale, lease, or rent.

Recording Studio. A building or portion of a building used as a place to record music and videos. The term does not include broadcasting facilities.

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

Recreational Vehicle and Boat Storage. The storage of recreational vehicles, boats, or any combination thereof.

Recycling Collection Center. A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or

container. The term does not include processing except for "can banks" that crush cans as they are deposited.

Rental Store. A facility for the rental of general merchandise to the general public and not specifically listed as a different use elsewhere in this Title. Typical general merchandise includes clothing and other apparel; electronics; videos; tools and garden equipment; furniture and other household appliances; special occasion or seasonal items; and similar consumer goods.

Regional Mall. An enclosed structure with a minimum square footage of three hundred fifty thousand square feet:

1. That is used or intended to be used as an assemblage of various tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses;
2. That includes a minimum of two major anchor tenants; and
3. In which the typical means of access to the various uses in from inside the mall structure.

Rescue Mission or Shelter For The Homeless. A building that is used or intended to be used to provide to homeless individuals temporary accommodations, shelter, meals or any combination thereof. For purposes of this Title, a "homeless individual" includes an individual who lacks a fixed, regular and adequate nighttime residence.

Restaurant. A use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.

Restaurant, Carry-Out. An establishment designed for selling prepared foods for off-premise consumption.

Restaurant with Drive-Through. A restaurant that includes one or more drive-through lanes for ordering and dispensing food and beverages to patrons remaining in their vehicles.

Restaurant with Service Bar. A bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

Review Authority. The authority responsible for the review and final action on an application filed under this Title, such as the City Council, Planning Commission or the Director.

Retail Establishment With Package Liquor Off-Sale. A retail establishment:

1. Whose license to sell alcoholic beverages authorizes their sale to consumer only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

Rezone. To change the zoning classification of particular lots or parcels of land.

Ridgeline. A line connecting the series of the highest elevation points of a ridge, mountain, shoulder, hill or mesa.

Right of Access. The legal authority to enter or leave a property.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other public utility or facility.

Right-of-Way Line. The property line that separates the public right-of-way and an adjacent property.

Roadway. A public or private corridor for pedestrian or vehicular movements (or both), along with corresponding right-of-way and easements, and any improvements constructed therein.

Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof or parapet of the building.

Runoff. Irrigation water that is not absorbed by the soil to which it is applied and which flows onto hard-surfaced areas. Runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or where a severe slope exists.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone. A trapezoidal area at ground level for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people.

Rural Preservation Neighborhood. A subdivided or developed area:

1. Which consists of ten or more residential dwelling units;
2. Where the outer boundary of each lot that is used for residential purposes is not more than three hundred thirty feet from the outer boundary of any other lot that is used for residential purposes;
3. Which has no more than two residential dwelling units per acre; and
4. Which allows residents to raise or keep animals non-commercially.

Salvage or Reclamation of Products. A facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment which is not considered as another use under this Title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans and other products, which can be returned to a condition in which they may again be used for production.

Satellite Dish. A device which:

1. Incorporates a reflective surface that is solid, open mesh, or bar-configured;
2. Has the shape of a shallow dish, cone, horn, or cornucopia; and
3. Is used to receive electromagnetic signals.

Scale of Development. The physical development of a particular project, in terms of its size, height, bulk, intensity and aesthetics.

Seasonal Outdoor Sales. The temporary outdoor sale and display of the following (and only the following) holiday goods in connection with the corresponding holidays:

1. Christmas trees;
2. Halloween pumpkins;
3. Valentine's Day flowers; and
4. Mother's Day flowers.

The term does not include fireworks sales, which are governed by LVMC Chapter 9.28 and are subject to the requirements of the Department of Fire and Rescue.

Secondhand Dealer. A specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. The term includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. The term does not include the buying and selling of foreign or domestic coins for numismatic purposes or used books, which shall be allowed where retail sales of new merchandise, is permitted. The term also does not include a thriftshop or nonprofit thriftshop.

Section Area. A one square mile area bounded by section lines.

Senior Citizen Apartments. An apartment house or other multi-family dwelling in which each unit is occupied by at least one person fifty-five years of age or older. The term includes an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under the provisions of Federal law, including without limitation 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 an intent to provide housing for persons fifty-five years of age or older to the extent allowed by applicable State or Federal law.

Service Station. Any building, or premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade, together with any incidental minor automotive repair or automatic car wash facility.

Setback. The minimum required separation distance between the nearest portion of a structure and the lot line.

Setback Area, Corner Side. A yard area of which the width is measured between the non-frontage street right-of-way line and the required corner side yard setback line and the

depth is measured between the front yard setback line and the rear yard setback line

Setback Area, Front. A yard area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the required front setback line.

Setback Area, Rear. A yard area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the rear property line and the required rear yard setback line.

Setback Area, Required. That portion of a lot which is required to be unoccupied and unobstructed from the ground to the sky between a required setback line and the property line, except as otherwise provided in this Title.

Setback Area, Side. A yard area of which the width is measured between the side property line and the required side yard setback line and the depth is measured between the front yard setback line and the rear yard setback line.

Sex Offender Counseling Facility. A facility that regularly provides court-ordered or court-sanctioned treatment or counseling to sex offenders.

Sexually-Oriented Business. See LVMC 19.12.070.

Shopping Center. Any structure or group of structures that:

1. House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses;
2. Have a minimum combined gross floor area of 25,000 square feet;
3. Are located upon a single parcel of land or upon contiguous parcels of land; and
4. Have common vehicular access and parking facilities.

This term includes a regional mall.

SHPO. The State Historic Preservation Office.

Short-Term Residential Rental. The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days.

Sidewalk/Parking Lot Sale. A promotional sales event which is conducted outside the confines of the commercial or manufacturing structure in which such business is normally conducted and which occurs on a paved or concrete area on the same lot as the structure.

Sign. Any device, fixture, placard, structure or other medium, including its structure and component parts, that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Animated. Any sign that uses any of the following: animation or movement; mechanical devices such as spinning, rotating, revolving or oscillating mechanical or structural components; flashing, sequential or oscillating lights; lighting that moves from bright to dim and back to bright; or other similar continuously automated methods or dynamic devices, such as steam, fog, misting, or change of lighting or message, to depict action or create a special effect or alternating scene that results in movement, the appearance of movement, or the changing of sign image or message. The term includes any sign or portion thereof with characters, letters or illustrations, that can be changed or rearranged manually or electronically without altering the face or the surface of the sign. The term does not include a sign on which the only copy that changes is the electronic indication of time, temperature, or both.

Sign, Off-Premise. Any sign whose copy advertises or announces any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed.

Sign, On-Premise. Any sign whose copy is limited to advertising or announcing any place, product, goods, services, idea or statement whose subject is available or located at or on the lot where the sign is erected or placed.

Sign Certificate. A certificate issued by the Department of Planning and Development to authorize a sign pursuant to Chapter 19.14.

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

Single Family Attached Dwelling. See Dwelling, Single-Family Attached.

Single Family Detached Dwelling. See Dwelling, Single-Family Detached.

Single Family Unit Equivalent. A residential density value based on the vehicular traffic generated by a single family dwelling.

Single Family, Zero Lot Line. A single family dwelling unit that is located directly on 1 or more lot lines.

Single Room Occupancy Residence. A residential facility in which furnished rooms are rented on a weekly or monthly basis and which provides common facilities and services for laundry, cleaning and meals.

Site Built Single Family Home. A single family dwelling which is constructed under the standards of the Uniform Building Code (UBC), Uniform Electrical Code (UEC), Uniform Fire Code (UFC), Uniform Mechanical Code (UMC) and the Uniform Plumbing Code (UPC) as adopted in the Las Vegas Municipal Code (LVMC), including all appurtenant supplements thereto.

Slaughtering and Processing of Live Poultry. An operation in which live poultry is slaughtered and processed in preparation for human consumption.

Slope. The incline associated with a land surface.

Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power. For purposes of this Title, the use shall not be deemed an accessory structure.

Social Event With Alcoholic Beverage Sales. The sale of alcoholic beverages for consumption only on the premises where the same are sold in connection with weddings, school graduations, employer and employee events, recognition ceremonies, awards ceremonies, family gatherings, fund-raising events, club and organization events or other similar events which occur six times or more per month at a facility not licensed for the sale of alcoholic beverages.

Social Service Provider. A facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.

Soil. All unconsolidated mineral and organic material that overlies bedrock and can be readily excavated.

Soil Amendments. Organic and inorganic material added to soils to improve texture, nutrients, moisture holding capacity and infiltration rates.

Solar Panel. A small-scale unit that is designed and used, on an incidental or accessory basis, to generate power or heat (or both) to be supplied to the principal use on the site. A "solar panel":

1. Does not include an "electric generating plant" or any other utility facility that is specifically defined in Chapter 19.18; and
2. Shall not be deemed an accessory structure for purposes of the standards of this Title that govern accessory structures.

Sound Stage. A building or portion of a building used for the production of movies.

Special Use Permit. A specific approval for a use which has been determined to be more intense or to have a potentially greater impact than a permitted or conditional use within the same zoning district.

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.

Stacking Lane. An area for temporary queuing of motor vehicles.

Standard Conditions. Conditions which have been approved by the Planning Commission or the City Council and which are designed to be imposed as a matter of course, where applicable, on the approval of development applications.

Standards for Private Drives. Those adopted City standards governing the design and construction of private drives.

Standards for private streets. "Standards for private streets" means those adopted standards governing the design and construction of private streets and detailed in the City standards.

Stem Wall. A wall, usually less than two feet in height, used to divert or direct storm water flows within an area specified by the Department of Public Works.

Storage. A space or place where goods, materials or personal property is placed and kept for more than 24 consecutive hours.

Stored. With reference to vehicles or vehicle parts, means allowed to remain in one place for more than 72 consecutive hours.

Story. That portion of a building between the surface of any floor and the surface of the floor next above it; or if there is

no floor above it, then the space between the floor and the ceiling next above.

Street. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property; including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

Street, All-weather. A public or private roadway which is surfaced with materials that allow ordinary motorized vehicles to utilize the street in all weather conditions.

Street Classification.

1. Freeway. A divided highway with 150 foot wide minimum right-of-way and classified as "controlled access"; a high-speed road with grade-separated interchanges.
2. Expressway. A divided highway with a 150 foot wide minimum right-of-way and classified as "limited access"; a high-speed road with at-grade, cross-traffic intersections.
3. Parkway Arterial. A street or highway which has a minimum right-of-way width of 120 feet and an existing or potential design capacity of three or more travel lanes of traffic in each direction with 10 feet for an amenity zone and sidewalk on each side and divided by a landscaped median.
4. Primary Arterial. A street or highway which has a minimum right-of-way width of 100 feet and an existing or potential design capacity of three or more travel lanes of traffic in each direction, divided by a raised median with left turn pockets.
5. Major Collector. A street which has a minimum right-of-way width of 80 feet and an existing or potential design capacity of two travel lanes of traffic in each direction with a center turn lane or raised median with left turn pockets.
6. Minor Collector. A street with a minimum right-of-way width of 60 feet which collects traffic from the local streets and distributes it to the major collector or arterial system.
7. Residential Street. A street which is designed to carry residential traffic between minor collectors.
8. Local Street. A street which is designed to carry a combination of light commercial and residential traffic between minor collectors, major collectors and primary arterials.
9. Local Access or Service Road. A street or that portion of a major or secondary thoroughfare lying outside of the principal roadway designed to provide frontage for individual lots and which primarily carries traffic having a destination or origin on the street itself.

Street Frontage. The distance along which a property line of a lot adjoins a public street, from one side lot line intersecting the street to the furthest distance side lot line intersecting the same street.

Streetscape. The visual image of a street, including the combination of buildings, parking, signs and other hardscape and street furniture.

Structure. An object, including a mobile object, constructed or installed including, but not limited to, a building, tower, crane, smokestack, earth formation, sign, overhead transmission line and an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivider. A person, firm, corporation, partnership or association that has legal or beneficial ownership of land and who causes that land to be divided by means of the parcel map or tentative/final map processes of this Title.

Subdivision. Has the meaning ascribed to that term in NRS Chapter 278.

Subdivision Development Sale Sign. A sign located within the subject residential subdivision that advertises the availability of lots or dwellings for sale.

Subdivision Development Directional Sign. A sign not located within the subject residential subdivision that advertises the availability of lots or dwellings for sale.

Sub-Surface Irrigation System. The application of water via buried pipe and emitters, with flow rates measured in gallons per hour.

Supper Club. A restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the dining area will accommodate at least one hundred twenty-five persons. For purposes of this requirement, the "dining area" does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area.
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;

4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

Surveyor. A person currently licensed as a professional land surveyor under the provisions of NRS Chapter 625.

Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by the surface.

Swap Meet. A facility (whether indoor or outdoor) in which multiple vendors, dealers, sellers or traders have rented, leased, purchased or otherwise obtained an area from a swap meet operator for the purpose of selling, bartering, exchanging or trading new or used items of personal property, where the aggregate value of all such property exceeds the amount of one thousand dollars.

Tavern-Limited Establishment. An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.

Tattoo Parlor/Body Piercing Studio. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1. The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
2. The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include a permanent makeup establishment.

Taxicab/Limo Yard. An area or facility used for the storage or dispatch of taxicabs or limousines.

Teen Dance Center. An establishment that is primarily operated as a place of entertainment for persons under the age of 18 years, characterized by any or all of the following as a principal use:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.
2. Dancing.

Temporary Contractor's Construction Yard. An on-site or off-site facility for the storage of construction materials and equipment intended for use in conjunction with a specific development, to be removed at the time the development is completed. The term may include a temporary batch plant.

Temporary Outdoor Commercial Event. A promotional activity, fair, circus, rodeo, festival, carnival, arts and crafts fair, tent revival, haunted house, amusement system, or concert that will be conducted at a location other than a stadium, auditorium or other public assembly facility that is designed to accommodate such an event. The term does not include on-day residential celebrations; uses within public facilities or recreational facilities regulated or organized through the Department of Leisure Services; parades and similar events that occur in the public right-of-way and are regulated by or organized through the Las Vegas Metropolitan Police Department; or grand openings of new businesses that meet all requirements of the Department of Fire and Rescue.

Temporary Real Estate Sales Office. An office operating at a fixed location within an existing model home, trailer or commercial structure which is used temporarily for the purpose of real estate sales.

Temporary Sign. Any sign not constructed or intended for long term use, such as for sale or for rent signs, pennants, political campaign signs or other similar signs. The term does not include a temporary special event sign.

Temporary Special Event Sign. Any sign that is used only temporarily and is not permanently mounted, such as banners, pennants, inflatable signs, tethered balloons, portable signs and similar devices.

Temporary Use. A use established for a specified period of time with the intent to discontinue the use at the end of the designated time period.

Tennis Courts, Accessory. Tennis courts that are available for use only as an incidental or accessory use in connection with the principal residential or commercial use of the premises.

Tentative Map. A preliminary plan or map prepared for the purpose of showing the location, design and conditions of a proposed subdivision.

Thirty-Six Inch Box Trees. Trees measuring a minimum of 12 feet in height, and 8 feet in spread with a 3 inch trunk caliper measured at 4 1/2 feet above the soil line.

Thriftshop. A business operation that deals primarily in secondhand wearing apparel.

Thriftshop, Nonprofit. A shop that is operated by a nonprofit organization and that sells donated used merchandise only.

Time-Share Development. A development consisting of a minimum of 50 units that are made available for use and occupancy on a recurrent periodic basis according to an arrangement allocating this right among various holders of a time-share ownership, leasehold or other similar interest.

Topsoil. The top layer of native soil. The term is also used to describe good soil imported for landscaping.

Towing & Impound Yard. A lot or building used for the storage of damaged, wrecked or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop, or recovery by the owner operator.

Towing Service (with No Storage). An establishment that provides the service of transporting damaged, wrecked or impounded motor vehicles to an off-site storage area or other facility.

Townhouse. See Dwelling, Townhouse.

Trade School. A facility for instruction and training in trades or crafts such as auto repair, welding, bricklaying, machinery operation or other similar trades or crafts which require the use of large equipment, or outdoor training activities, or both.

Traffic and Transportation Plan (TTP). A plan document submitted to the City as part of a complete application for development approval of subdivision streets or of access to development parcels that are 10 acres or larger, depicting proposed local street layout and proposed locations for connections to higher order roads.

Traffic Entry Study (TES). A study of an entry to a residential development with focus on the entry and its impact on the adjacent roadway.

Traffic Impact Analysis (TIA). A study that provides information on the projected traffic likely to be generated by a proposed development and assesses its impact on the roadways in the immediate proximity of a proposed development. The TIA should identify any potential traffic operational problems or concerns and recommend appropriate actions to address such problems or concerns.

Traffic Impact Study. A report which analyzes the conditions of a particular roadway or roadways as they are anticipated to exist if a particular proposed development occurs, as well as if the development does not occur.

Trailer. A vehicle, other than a vehicle defined as a Recreational Vehicle, that is without motor power and is designed for carrying persons, property, equipment or other items on its own structure, including, but not limited to semi-trailers, utility trailers, flatbed trailers and hauling trailers.

Trailer Coach. Any building, structure or vehicle equipped with wheels to facilitate movement from place to place or to travel on a public thoroughfare, and designed, used, and maintained for human habitation. Such definition shall include automobiles or trucks where used for living or sleeping purposes.

Trailer/RV Camp or Park. Any lot or tract of land used, or intended to be used, for renting of space to accommodate two or more recreational vehicles.

Transit Passenger Facility. A facility, including a park and ride, for the loading and discharging of train or bus passengers.

Transition Zone. A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zones, could be considered incompatible to each other.

Transitional Area. (1) An area in the process of changing from one use to another; (2) An area that acts as a buffer between two land uses of different intensity and compatibility.

Transitional Community Residence. A Community Residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse.

Truck Rental. A facility for the rental of new or used trucks. Trucks kept on the lot for rental purposes are not considered to be outside storage.

Trucking Company. A business, service or industry involving the use of commercial vehicles in the loading, unloading and transportation of cargo. The term may also include the fueling, maintenance, servicing, storage or repair of commercial vehicles or the storage of cargo.

Turf. Any grassy area maintained by frequent mowing, fertilization and watering, commonly used for lawns and playing fields.

Tutoring Center. An institution or place of education or instruction, other than a public or private school (primary or secondary), business school, or trade school, that is owned and operated privately for profit and that does not offer a complete educational curriculum. The term includes an educational testing center.

TV Broadcasting & Other Communication Service. A building or portion of a building used as a place for television broadcasting or similar communication related activities.

Twenty-four Inch Box Trees. Twenty-four inch box trees shall be a minimum of 8 feet in height, 6 feet in spread and 2 inch trunk caliper measured at 4 1/2 feet above the soil line.

Two-Family Dwelling. A detached dwelling designed for and occupied exclusively by two families living independently of each other in separate swelling units on a single lot.

Ultimate Height. With regard to an antenna, the maximum height of the antenna above ground level.

Urban Core Area. Means the area defined as the Downtown Centennial Plan Overlay District in LVMC 19.10.110.

Urban Lounge. An establishment that:

1. Is licensed for the sale of alcoholic beverages for consumption o the premises where the same are sold, and the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. Meets the criteria for an urban lounge as set forth in LVMC 19.12.070.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Used For Residential Purposes. A lot that is five acres or less in area and contains a residential dwelling unit of a permanent nature.

Utility Installation, Other than Listed. A facility or area used as (or for) a utility installation not specifically listed in this Title. The term does not include any type of wind energy conversion system.

Utility Transmission Lines. An utility infrastructure that:

1. Provides electrical power, telephone, or cable television; and
2. Is installed, operated and maintained by a municipality or a franchised utility company.

Vacation. The abandonment of a right-of-way or easement, or the relinquishment of the City's interest (if any) in a government patent reservation.

Valet Parking. A service provided in conjunction with a business or other establishment by which employees (or others acting on behalf of the establishment) park the vehicles of patrons or visitors in an area set aside for that purpose.

Variance. Approval to vary from the requirements of a development regulation.

Vehicle, Classic or Antique. A motor vehicle that is 25 or more years old and, because of its limited production or exceptionally fine workmanship, is a rarity or of historic interest and has been, or is in the process of being restored, maintained, or preserved by automobile hobbyists.

Vehicle, Junked. Any vehicle which is wrecked, partially wrecked, dismantled, or partially dismantled.

Vehicle, Mechanically Inoperable. A vehicle that is temporarily inoperable due to the need for normal, reasonable and customary repairs before the vehicle can be operated on the roadways.

Vehicle, Parking, Storage or Repair in Residential Zoning Districts. The parking, storage or repair of vehicles as an accessory use in residential zoning districts.

Vehicle, Recreational. Any vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or other vehicle of a similar nature.

Vehicle, Stored. A vehicle that has remained stationary in one place on any property in a residential zoning district for more than seventy-two consecutive hours.

Wall/Fence, Front Yard. A structure which is designed to delineate or provide security along the front property line of a residential parcel, or to provide security within the front setback area of a residential parcel.

Wall, Perimeter. An opaque structure constructed in accordance with the applicable standards of this Title with the purpose of providing security or a visual buffer within, along or in proximity to the property line of a subdivision or parcel and separating the subdivision or parcel from right-of-way, another land use or another property.

Wall, Retaining. A wall with the grade on one side greater than the grade on the opposite side that is designed and constructed to withstand the lateral earth and hydrostatic pressures upon it.

Wall, Screen. An opaque structure constructed in accordance with the applicable standards of this Title with the purpose of providing a buffer for privacy or to mitigate a potentially negative noise or visual impact.

Wall Sign. Any sign (other than a projecting sign) which is attached parallel to a wall or building, or to a canopy or awning attached to a building. The sign may be painted on or erected upon the building, awning, or canopy.

Warehouse/Distribution Center. An enclosed structure for the storage of goods for distribution or transfer to another location.

Wedding Chapel. A facility which is made available to be rented for wedding ceremonies. Such facilities may include a chapel, dressing rooms, offices, reception facilities and gardens.

Weekend Directional Sign. A sign used to direct traffic to residential subdivisions for sale.

Welding Repair. A facility in which products made of metal or metal alloy are repaired by means of welding.

Wholesale Showroom Facility. A building used primarily for the storage of goods and materials and secondarily for the display of merchandise for wholesale purchase.

Window Sign. Any sign, picture, symbol or combination thereof, designed to communicate information about an on-premises activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is legible from the exterior of the window from a public right-of-way a distance of more than three feet beyond the lot line of the lot or parcel on which the sign is located.

Wireless Communication Antenna. An antenna that transmits or receives, or both transmits and receives, wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

Wireless Communication Facility. An antenna tower, wireless communication antenna, or any associated structure or equipment, or combination thereof, that is intended for commercial or institutional use in connection with the transmission or reception of wireless communication signals.

Wireless Communication Facility, Non-stealth Design. A wireless communication facility that does not qualify as a stealth design wireless communication facility.

Wireless Communication Facility, Slim-line Design Pole. A wireless communication facility, consisting of a pole and one or more antennas, on which the antenna panels are narrow and closely spaced with one another atop the pole and extend no more than one foot beyond the circumference of the pole.

Wireless Communication Facility, Stealth Design. A wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilized multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Wireless Communication Signals. Communication signals, including electromagnetic waves, analog signals, digital signals and other spectrum-based communication signals, that operate within the range of frequencies from 100KHz to 300GHz. The term does not include television broadcast signals; direct broadcast signals; direct broadcast satellite services; multi-channel, multi-point distribution services; or amateur radio signals.

Xeriscape. The use of sound horticultural and creative landscaping practices to achieve water conservation, including proper planning and design, soil improvements; and the use of limited turf areas, mulches, low water demand plants, efficient irrigation and appropriate maintenance.

Yard. The areas on a lot that are unoccupied by structures, except for projections and the specific accessory uses or structures allowed in those areas under the provisions of this Title.

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

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

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

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

Zoning District. An area designated on the Official Zoning Map in which certain uses are permitted and certain others are not permitted, all in accordance with this Title.

MEASUREMENT RULES 19.18.030

This Section explains how to calculate results and determine various measurements referenced in this Title.

A. Density/Intensity

1. Gross Acreage

Gross acreage is calculated by measuring the total land area within the property lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel.

2. Density

Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site on which the dwelling units are located.

For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries shall not be included.

3. Lot Coverage

Measured as a percentage of the lot area covered by all buildings and structures (not including non-building impervious surfaces such as driveways, patio slabs, and sidewalks), as measured from the outside of the building or structure at ground level unless otherwise specified in this Title.

4. Gross Floor Area (GFA)

Measured as the sum of the horizontal areas of all floors of a building or structure measured from the exterior face of exterior walls, but excluding any space where the floor-to-ceiling height is less than six feet.

5. Net Floor Area

Measured as the difference of the gross floor area and the sum of the horizontal areas of all floors of a building or structure used for stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading spaces and any floors which are not used or intended to be used for human habitation or service to the public.

6. Floor Area Ratio (FAR)

Measured as the ratio of the gross floor area of all buildings and structures on a lot divided by the total site area.

B. Height

1. Building Height (See Figure 1)

Measured as the vertical distance in feet between the average finished grade along the front of a building and either the highest point of the coping of a flat roof, the deck line of a mansard roof or the average height level between the eaves and ridge line of a gable, hip or gambrel roof.

2. Wall/Fence Height (See Figure 2)

Measured as the vertical distance in feet from the finished grade, on the side with the greatest vertical exposure above the finished grade, to the top of the fence or wall.

C. Setbacks

1. Attached Buildings

Attached buildings, whether principal or accessory, shall be treated as a single structure for the purpose of applying setbacks. This requirement shall not apply to residential patio covers, carports, or open shade structures.

2. Measurement (See Figure 3)

Setbacks shall be measured as the distance between the nearest lot line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Allowable projections into setback areas shall not be utilized for measurement of setbacks.

D. Computing Parking

1. Parking-Impaired Development

A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the on-site parking requirements of this Title, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a "parking-impaired development." The following rules shall apply to the remodeling, alteration, expansion or reuse of parking-impaired developments:

a. Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with the on-site parking requirements of this Title, provided that such work does not increase the building area or result in a change of use that requires an increase in the number of required parking spaces.

b. For any remodeling, alteration, or expansion of a parking-impaired development that requires an increase in the number of required parking spaces, including the expansion of existing buildings or the construction of new buildings, only the increased number of parking spaces shall be required.

c. For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.

2. On-Site Parking Requirements

a. Calculations. When measurements of the number of required spaces for one or more uses on a site result in fractions, the space requirements for each use shall be rounded upward to the next whole number of spaces.

c. Different Use Areas. Parking shall be calculated separately for each different use area in a building or on a site, including any ancillary use, unless otherwise allowed by a provision of this Title.

d. Parking Based on Seating. When the parking requirements are based on seating and the

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FIGURE 1 - BUILDING HEIGHT MEASUREMENT

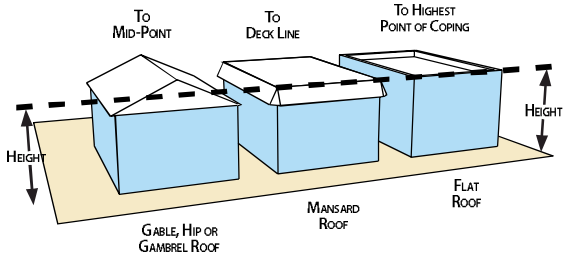
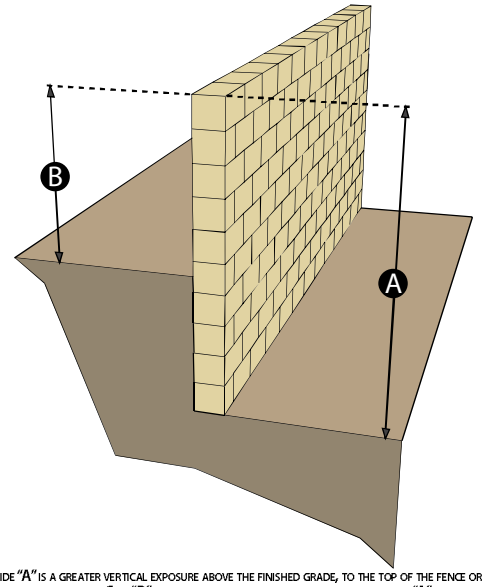
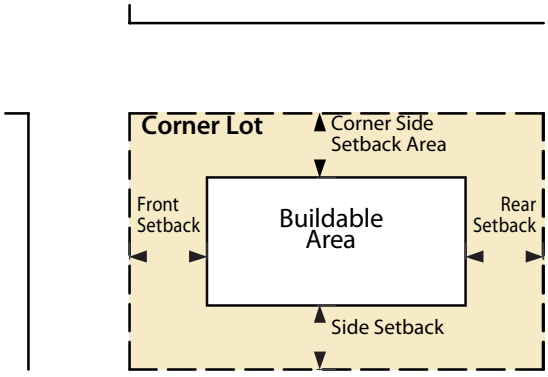


FIGURE 2 - WALL/FENCE HEIGHT MEASUREMENT



SIDE "A" IS A GREATER VERTICAL EXPOSURE ABOVE THE FINISHED GRADE, TO THE TOP OF THE FENCE OR WALL THAN SIDE "B" THEREFORE THE WALL HEIGHT IS DETERMINED BY SIDE "A"

FIGURE 3 - SETBACKS



seating consists of benches or pews, each twenty linear inches of bench or pew shall be considered one seat.

e. Parking Based on Floor Area. Unless specifically stated otherwise, when computing parking requirements based on the amount of square footage in buildings, all calculations shall be on a gross floor area basis.

f. Parking Based on Employees. For the purpose of computing parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift.

g. Single-family Parking. Driveways may be used to satisfy minimum on-site parking requirements for single-family dwellings, provided that sufficient space is available to satisfy the minimum design standards.

h. Unimpeded Parking. No parking space shall be located so as to require the moving of any vehicle on the premises in order to enter or leave any other space.

3. Handicapped Parking Calculations

a. Except as otherwise required by the City's Building Code, handicapped parking spaces shall be provided for all uses other than residential at the rate shown in Table 1 below:

HANDICAP PARKING REQUIREMENTS — TABLE 1

Total Number of Required Parking Spaces	Number of Handicapped Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total required spaces
1,001 and above	20 spaces, plus 1 space for each 100 over 1,000 spaces or fraction thereof.

4. Parking Alternatives. The Director is authorized to allow parking requirements to be met by any method described in this Paragraph (4), or any combination of such methods.

a. Off-Site Parking. The parking requirements may be met by locating the required parking spaces on a separate parcel from the lot on which the principal use is located. Off-site parking may be approved only if:

i. The parcels containing the use and the off-site parking are under common ownership;

ii. The parcel to be used for parking is located not more than three hundred feet from the building or use it is intended to serve;

iii. The parcel to be used for parking is not separated or divided from the building or use it is intended to serve by a freeway, expressway, highway or primary thoroughfare;

iv. The applicant satisfies the Director that the use of the off-site parcel for parking will not be detrimental to public safety; and

v. The owner of the parcels executes an agreement or similar document, satisfactory to the City Attorney, which outlines the terms and conditions of the off-site parking use. The document must contain the legal description of both the off-site parcel and the parcel where the principal use is located and must be of sufficient duration to ensure the continued use of the off-site parcel for parking. In order to provide record notice of the existence of the off-site parking arrangement, the City may record the document in the office of the County Recorder, or require the applicant to do so.

b. Shared Parking. The parking requirements may also be met by securing the consent to share parking facilities on another parcel and under another ownership. Shared parking may only be approved if:

i. The shared facilities are located on a parcel zoned for such use;

ii. The shared facilities are not more than three hundred feet from the building or use they are intended to serve;

iii. The shared facilities are not separated or divided from the building or use they are intended to serve by a freeway, expressway, highway or primary thoroughfare;

iv. The owners of the parcels cooperatively establish and operate the facilities;

v. The uses separately generate parking demands, primarily during hours when the remaining uses are not in operation;

vi. A minimum number of spaces are provided to meet the requirements of the use with the single greatest parking demand;

vii. Satisfactory evidence, as deemed by the Director, has been submitted describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict; and

viii. The owners of the parcels execute an agreement, satisfactory to the City Attorney, which outlines the terms and conditions of the shared parking arrangement. The agreement must contain the legal description of both parcels and must be of sufficient duration to ensure the continued use of the shared parking facilities. In order to provide record notice of the existence of the shared parking arrangement, the City may record the agreement in the office of the County Recorder, or require the applicant to do so.

c. Mixed-Use Development—Alternative Parking Requirements. Mixed-use developments that are approved pursuant to LVMC Chapter 19.12 may utilize Table 2 below for determining parking requirements as an alternative to those otherwise applicable under this Paragraph and LVMC Chapter 19.12. A hotel/casino mixed-use development may choose the alternative determination available under this Subparagraph (c) or the administrative reduction available under Subparagraph (d) of this Subsection, but may not take advantage of both alternatives or any combination thereof.

MIXED-USE DEVELOPMENTS-ALTERNATIVE PARKING REQUIREMENTS — TABLE 2

GENERAL LAND USE CLASSIFICATION	WEEKDAYS		
	Mid - 7am	7am - 6pm	6pm - Mid
Office & Professional	5%	100%	5%
Retail & Personal Services	0%	100%	80%
Residential	100%	55%	85%
Restaurant	50%	70%	100%
Hotel	100%	65%	90%
Theaters/ Entertainment & Amusement	0%	70%	100%
	WEEKENDS		
	Mid - 7am	7am - 6pm	6pm - Mid
Office & Professional	0%	60%	10%
Retail & Personal Services	0%	100%	60%
Residential	100%	65%	75%
Restaurant	45%	70%	100%
Hotel	100%	65%	80%
Theaters/ Entertainment & Amusement	5%	70%	100%

i. Calculation of Parking Requirement. Calculate the number of spaces required for each use based on the applicable parking requirements calculated under this Paragraph and LVMC Chapter 19.12. Applying the general land use category listed above to each proposed use, utilize the percentages to calculate the number of parking spaces required for each time period (six time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time

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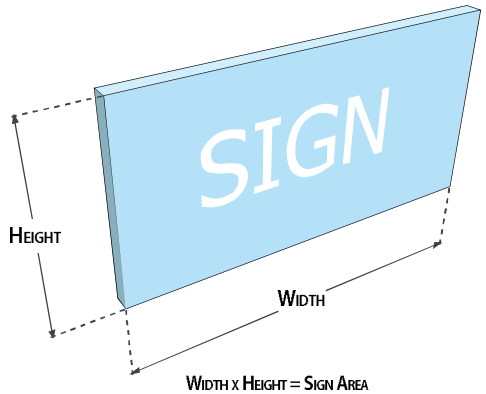
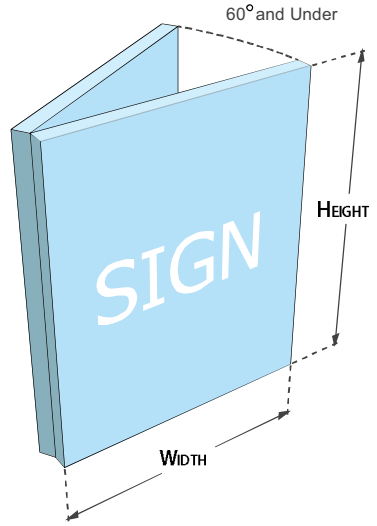
FIGURE 4 - SIGN AREA MEASUREMENT - 2 SIDED FLAT SIGN

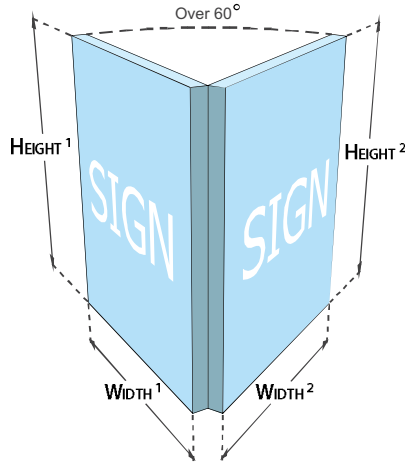


WIDTH X HEIGHT = SIGN AREA

FIGURE 5 - SIGN AREA MEASUREMENT - 2 SIDED ANGLED SIGNS



IF ANGEL IS 60° OR LESS THEN, WIDTH X HEIGHT = SIGN AREA



IF ANGLE IS GREATER THAN 60° THEN, (WIDTH 1 X HEIGHT 1) + (WIDTH 2 X HEIGHT 2) = SIGN AREA

period. Select the time period with the highest total parking requirement, and utilize that total as the mixed-use parking requirement.

ii. **Changes in Use.** Any proposed changes in the commercial uses for an existing approved mixed-use development shall be submitted to the Department for review and a determination of consistency with the parking requirements set forth in Table 2. Where a change in use will increase the number of parking spaces required, the additional spaces shall be provided.

d. **Alternative Parking Standard—Parking Demand Analysis.** Where the unique operation of a particular use creates a lesser parking demand than the parking requirements otherwise applicable under this Subsection and LVMC Chapter 19.12, an alternative parking standard for the use may be established in conjunction with the submittal of a Parking Demand Analysis. In order to qualify for consideration, a Parking Demand Analysis must be signed and sealed by a professional traffic engineer, must document the weekday and weekend peak parking demand for the proposed use(s) for the site, and must provide justification for the alternative parking standard. The request for an alternative parking standard pursuant to this Subparagraph (d):

i. Shall follow the process for a Special Use Permit application under LVMC 19.16.0110, to the extent the process can be made applicable.

ii. May be approved as requested, or as modified, and may be made subject to conditions if the Planning Commission or City Council, as the case may be, determines that approval of the alternative parking standard is warranted.

e. **Hotel/Casino Mixed-Use Parking Requirements.** The Director may authorize a reduction in the total number of required parking spaces for hotel/casino mixed-use developments. Such reduction shall apply only to such uses as restaurants, retail stores, amusement/recreational facilities and similar uses which are clearly ancillary to the hotel. Required parking for supplementary uses

may be reduced to one-half of the parking required for each use as specified in this Title. In determining the parking requirement, the following shall be considered:

i. The characteristic of each use and the projected peak parking demand, including hours of operation;

ii. The potential reduction in vehicle movements afforded by multi-purpose use of spaces by employees or customers;

iii. The potential reduction in vehicle trips afforded by multiple use of the facilities by guests and customers; and

iv. The extent to which the applicant can document the lack of potential conflict among parking needs and facilities.

E. Signage

1. Measurement of Sign Area -- General

a. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the smallest perimeter of the sign's message.

b. Except as otherwise provided in this Subsection, the area of a sign face does not include any supporting framework, bracing, architectural detail or decorative fence or wall which is clearly incidental to the sign. Where the supports or structural elements constitute a commercial symbol, logo, or text, those elements shall be computed as part of the sign area.

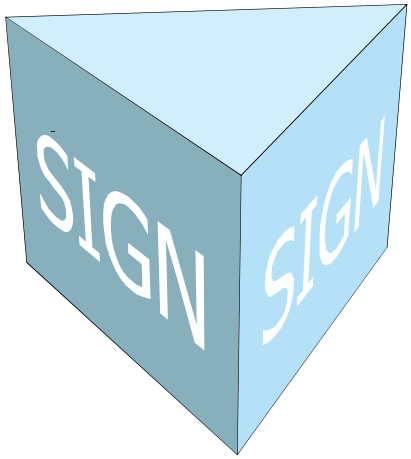
2. Measurement of Sign Area – Specific Types

a. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. (See Figure 4)

b. Two sided freestanding signs (See Figure 5)

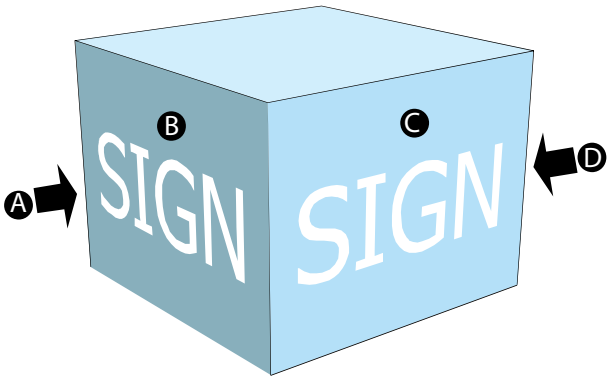
i. Signs with two faces intersecting at an angle of 60 degrees or less shall be computed by measuring the area of the largest sign face.

FIGURE 6 - SIGN AREA MEASUREMENT - 3 SIDED SIGN



LARGEST SIDE (WIDTH X HEIGHT) + 2ND LARGEST SIDE (WIDTH X HEIGHT) = SIGN AREA

FIGURE 7 - SIGN AREA MEASUREMENT - 4 SIDED SIGN



IF SIDE Ⓐ IS LARGER THAN SIDE Ⓒ AND SIDE Ⓑ IS LARGER THAN SIDE Ⓓ THEN,

SIDE Ⓐ (WIDTH X HEIGHT) + SIDE Ⓑ (WIDTH X HEIGHT) = SIGN AREA.

IF OPPOSING SIDES ARE EQUAL THEN, SIDE Ⓑ (WIDTH X HEIGHT) + SIDE Ⓒ (WIDTH X HEIGHT) = SIGN AREA.

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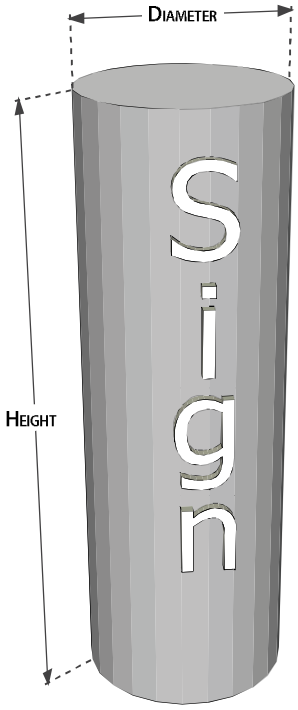
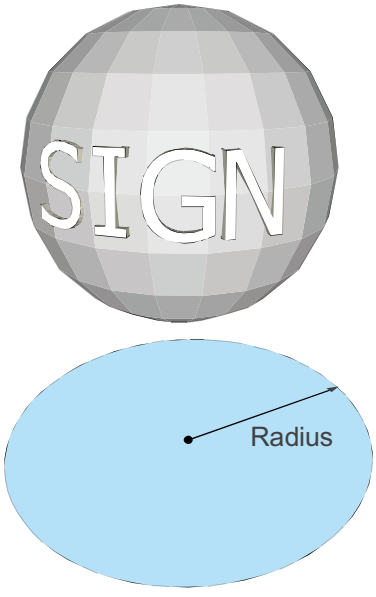
FIGURE 8 - SIGN AREA MEASUREMENT - CYLINDRICAL/SPHERICAL



CYLINDER HEIGHT x DIAMETER = SIGN AREA



3.14 x (RADIUS ^{2}) = SIGN AREA FOR CIRCLE OR SPHERE

ii. Signs with two faces intersecting at an angle of greater than 60 degrees shall be computed by measuring the area of both sign faces.

c. **Three sided signs.** The total area of signs with three faces shall be the sum total area of the two largest faces. (See Figure 6)

d. **Four-sided signs.** The total area of signs with four sign faces arranged in a square, rectangle, or diamond shall be the sum total area of the two largest opposing faces. If the faces are equal in size, the total area of the sign shall be the sum of two of the intersecting faces. (See Figure 7)

e. **Cylindrical or spherical signs.** The area of a cylindrical sign shall be the diameter multiplied by the height of the cylinder. The area of a spherical sign shall be the radius of the sphere squared multiplied by 3.14. (See Figure 8)

f. **Multiple cabinets.** For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face

g. **Signs on a base material.** When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.

h. **Individual elements.** When signs are constructed of individual elements attached to a building elevation, the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the limits of the sign message. (See Figures 9, 10 and 11)

i. **Painted wall signs.** Painted wall signs shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the limits of the sign elements. Visible area of the building elevation includes windows and doors, but not openings such as loading entrances.

j. Awnings and marquees. When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel or within 60 degrees of parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

k. Changing Image Sign

i. Changing image sign features are measured by drawing an imaginary rectangle around the edge of each of the changing elements. Sign elements will be measured as one unit when the individual elements are read as one single message.

ii. When used as a border around an otherwise static sign, changing image sign elements are measured by drawing a series of rectangles around the changing elements.

iii. When the changing image sign feature is composed of moving light from a projected source, including laser light, or other display that has the appearance of a static element moving across a static background, the changing image sign element shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompass the limits of the projected image.

3. Height Computation (See Figure 12)

a. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

b. Normal grade shall be the lower of:

i. Existing grade prior to construction; or

ii. Newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the sole purpose of locating the sign.

c. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the

Illustrations & Graphics 19.18.030

FIGURE 9 - SIGN AREA MEASUREMENT - INDIVIDUAL ELEMENTS

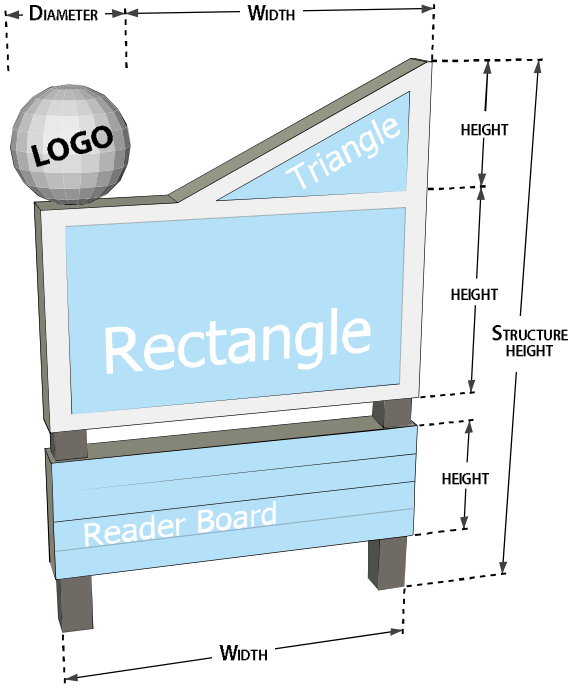
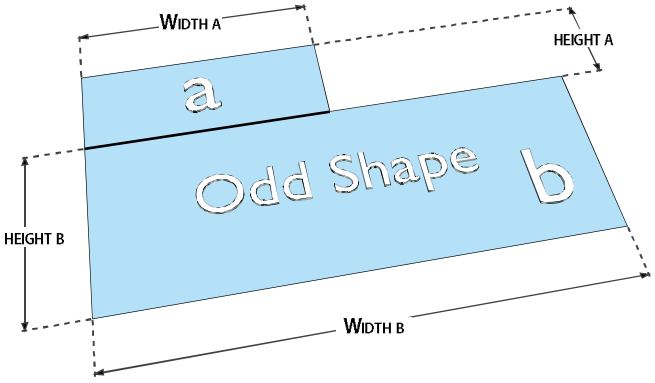


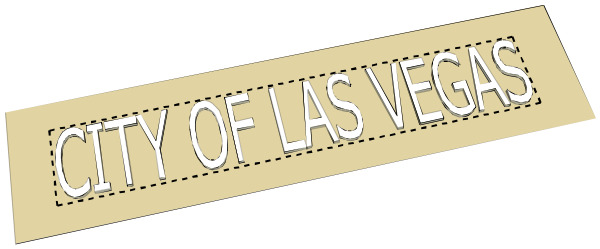
FIGURE 10 - SIGN AREA MEASUREMENT - INDIVIDUAL ELEMENTS



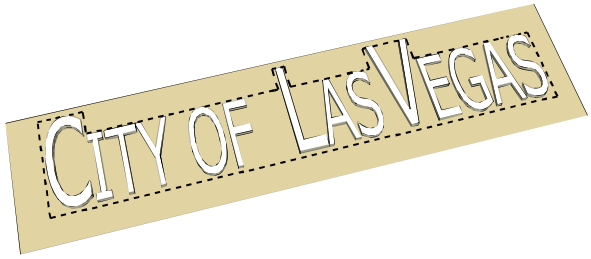
IN THE CASE OF AN ODD SHAPE, CALCULATE THE SMALLEST REGULAR GEOMETRIC SHAPE (TRIANGLE, RECTANGLE OR CIRCLE) THAT ENCOMPASSES THE PERIMETER OF THE SIGN AND ADD THE AREAS TOGETHER FOR THE TOTAL AREA.

Illustrations & Graphics 19.18.030

FIGURE 11 - SIGN AREA MEASUREMENT - CHANNEL LETTERS



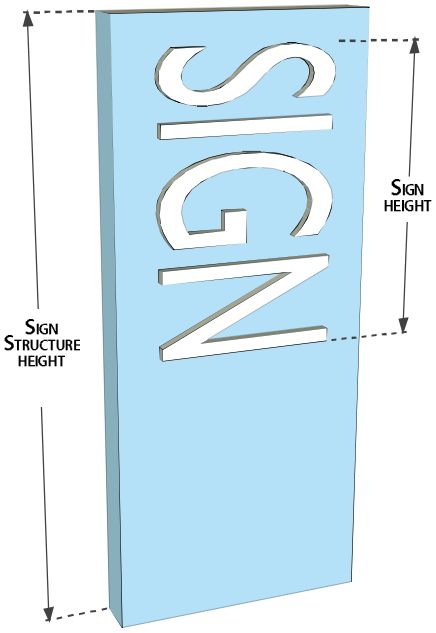
THE SMALLEST CONTINUOUS PERIMETER THAT ENCOMPASSES THE ENTIRE COHERENT MESSAGE IS USED



THE SMALLEST CONTINUOUS PERIMETER THAT ENCOMPASSES THE ENTIRE COHERENT MESSAGE IS USED, IN THIS CASE, THE PERIMETER IS ADJUSTED FOR THE SMALLER HEIGHT LETTERS

THE SMALLEST CONTINUOUS PERIMETER THAT ENCOMPASSES THE ENTIRE COHERENT MESSAGE IS USED, IN THIS CASE, THE WORDS MAKING UP THE MESSAGE ARE INTENTIONALLY SPREAD FAR APART

FIGURE 12 - SIGN HEIGHT MEASUREMENT



elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal building, whichever is lower.

4. Building Elevation, Determination, and Computation

a. In general, a building will have four elevations, one for each side. A building elevation shall include all vertical elements of the building facing in the same general direction, including articulations and offsets.

b. The area of the building elevation shall be the surface area of the elevation, measured from normal grade (see definition under "height computation") to the top of the wall, including windows, doors and other voids but not including the area of intervening portions of the elevation that face in another direction and that create offsets, articulations, entries or other architectural features.

c. The area of a building elevation shall not include any part of the roof or any part of the wall that deviates from a vertical, 90-degree angle to the plane surface of the lot, by more than 10 degrees.

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Appendices

Appendices

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Appendix A

Parcel Map Application Checklist

The following information/data shall be submitted with each parcel map application:

☐ A. One (1) copy of the County Assessor's map showing all area within six hundred sixty (660) feet of subject property and depicting all area therein owned by the applicant.

☐ B. One (1) copy of the recorded deed reflecting current ownership and description of property, or one (1) copy of any other document which shows such ownership to the satisfaction of the City Attorney.

C. Parcel Map Contents:

☐ 1. Certificate of ownership and easement dedication, dedicating easements, alleys, streets, highways or other public ways as shown on the map (per Appendix E);

☐ 2. Certificate of land surveyor, signed and sealed by the professional land surveyor who was responsible for the survey (per Appendix E);

☐ 3. All monuments found, set, reset, replaced or removed, describing kind, size and location and other data relating thereto;

☐ 4. Bearing or witness monuments, basis of bearings, bearing and length of lines and scale of map;

☐ 5. Name and legal description of tract in which survey is located and ties to adjoining tracts;

☐ 6. Existing easements granted or dedications made within one hundred fifty (150) feet of the parcel boundaries, if applicable;

☐ 7. Street names, location and width of existing and proposed rights of way to serve as access for the parcels, up to a minimum of one hundred fifty (150) feet from boundary of proposed division, and access streets connecting development to existing dedicated streets;

☐ 8. Where applicable, proposed street names and addresses for each lot, in accordance with the City's street addressing regulations;

☐ 9. Survey analysis sufficient to delineate boundary controlling monuments;

☐ 10. Identification of adjoining properties;

☐ 11. A legend, as necessary, which denotes the meaning of all symbols utilized and includes the date and north arrow;

☐ 12. Dimensions of property and parcels to be created, which shall be shown in acres, calculated to the nearest one hundredth (0.01) of an acre, if an area is two (2) acres or more, or in square feet if area is less than two (2) acres;

☐ 13. All proposed and existing structures and other physical features that have bearing on the proposed division, which shall be shown to scale and with setbacks clearly defined;

☐ 14. Certificate of approval by the Director of Planning and Development and the City Surveyor;

☐ 15. Impact Statement, if required; and

☐ 16. Location of all trails.

D. Supplemental Information

The following supplemental information may be required by the Department of Public Works prior to the approval of the parcel map. When required, it shall be submitted on separate drawings or sheets:

☐ A. All off site improvements proposed by the applicant that have a bearing on the proposed division; and

☐ B. Certification by a surveyor that the parcel map complies with NRS Chapter 278, if the City Surveyor has waived the requirement for a new survey and the map is prepared from a previously recorded survey.

Appendix B

Tentative Map Application Checklist

The following information/data shall be submitted with each tentative map application:

A. Tentative Map Contents

☐ 1. Name of the proposed subdivision.

☐ 2. Names, addresses and phone numbers of owner, subdivider and surveyor or engineer.

☐ 3. A legend which denotes the meaning of all the symbols used and which includes the date, north arrow and scale.

☐ 4. A location map giving sufficient legal description to describe tract boundaries and relationships to surrounding areas and existing public streets.

☐ 5. Identification of adjoining properties.

☐ 6. Existing topography (obtained by actual survey at one (1) foot contours (based on city datum) on site and within one hundred fifty (150) feet of the proposed subdivision (except for the interior of existing subdivisions within one hundred, fifty (150) feet). The Department of Public Works may require larger contour intervals for large tracts.

☐ 7. Existing structures and other physical features.

☐ 8. Existing and proposed lot lines and dimensions. Each proposed lot shall be numbered in sequence, and each block shall be numbered or lettered. Letters may be used to identify common lots.

☐ 9. Existing and proposed street right of way widths, grades (with the direction of drainage indicated) and corner radii.

☐ 10. Existing and proposed street names.

☐ 11. Except for commercial subdivisions, existing and proposed street addresses or address ranges for each block, in accordance with the City's street addressing regulations.

☐ 12. Locations and widths of existing and proposed utility rights-of-way and easements.

☐ 13. Locations and widths of existing and proposed irrigation or drainage ditch rights-of-way and easements.

☐ 14. Existing and proposed storm drains.

☐ 15. Proposed sanitary sewer systems, showing pipe sizes, manholes, direction of flow and point of connection to existing facilities.

☐ 16. Existing and proposed potable water mains and, for subdivisions to be supplies by wells, the location, pressure and capacity of such wells, and the potential population capable of being served by such wells. The wells must be authorized under State certificate.

☐ 17. Proposed reservations or dedications for parks, trails, open spaces, schools, or other public or quasi public uses.

☐ 18. Existing street names, rights of way and pavement widths for streets within one hundred fifty (150) feet of the proposed subdivision.

☐ 19. If required, an Impact Statement in accordance with Section 18.08.090 and a Traffic Management Plan.

☐ 20. Note on the map indicating whether streets, drainage corridors, sewer corridors, parks, trails, open spaces and schools are to be public or private.

☐ 21. Note on the map that above ground utility boxes shall not be placed within trail corridors, if trail areas are designated on the map.

B. Supplemental Information

The following supplemental information may be required by the Department of Public Works or the Department of Planning and Development. When required, it shall be submitted on separate drawings or sheets.

☐ 1. A Traffic Impact Analysis, Single Subdivision Access Report, or Master Driveway and Onsite Circulation Plan, prepared in accordance with City standards or as directed by the City Traffic Engineer.

- ☐ 2. Development Impact Notice and Assessment (DINA) per Section 19A.18.O1O(E) of the Zoning Code.

- ☐ 3. Any proposed deviations from City standards.

- ☐ 4. A copy of the deed for the property, if required.

- ☐ 5. Whenever, on the perimeter of a project, walls are proposed which (1) face a public street or adjoining property not in common ownership; (2) are within a single plane and are not separated by landscaping; and (3) exceed the maximum acceptable wall heights indicated in Table "A" contained in Chapter 18.08, the applicant shall submit three copies of a plan or proposed perimeter grades which indicates all such walls. This plan may be superimposed on the tentative map but must be legible. The plan shall include cross sections of all sections of the project perimeter with walls which exceed the heights indicated in Table "A".

- ☐ 6. A compatible digital format copy of the tentative map.

- ☐ 7. If applicable, a letter indicating that an in lieu of park is proposed.

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Appendix C
Final Map Application Checklist

The following information/data shall be submitted with each final map application:

A. Final Map Contents

☐ 1. Name of proposed subdivision (which should include designation as a condominium, townhouse, residential planned development or commercial subdivision, if applicable).

☐ 2. A legend which denotes the meaning of all the symbols used and which includes the date, north arrow and scale.

☐ 3. Identification of adjoining properties.

☐ 4. A survey analysis sufficient to delineate boundary controlling monuments.

☐ 5. Existing and proposed lot lines and dimensions, including the square footage of all proposed lots. Each lot shall be numbered in sequence, and each block shall be numbered or lettered. Letters may be used to identify common lots.

☐ 6. Existing and proposed street right of way widths and corner radii.

☐ 7. A reproduction of the approved tentative map showing all proposed addresses for the tentative map.

☐ 8. A list, separate from the final map, of proposed addresses for every legal lot shown on the final map.

☐ 9. Locations and widths of existing and proposed utility rights of way and easements.

☐ 10. Locations and widths of existing and proposed irrigation or drainage ditch rights of way and easements.

☐ 11. All monuments found, set, reset, replaced or removed, describing kind, size and location and other data relating thereto.

☐ 12. Bearing or witness monuments, basis of bearings, bearing and length of lines and scale of map.

☐ 13. Name and legal description of tract in which survey is located and ties to adjoining tracts.

☐ 14. Areas of unobstructed vision at intersections, as described in Chapter 18.12.

☐ 15. Note on the map whether streets, drainage corridors, sewer corridors, parks, trails, open spaces and schools are to be public or private.

☐ 16. Note on the map that above ground utility boxes shall not be placed within trail corridors, if trail areas are designated on the map.

B. Required Certifications

In addition to any other certifications required by State law, the following certifications shall appear on the title sheet of the final map. Copies of required certificate format are presented in Appendix E.

☐ 1. Certificate of ownership and easement dedication. All final maps shall contain a certificate of ownership and easement dedication, dedicating easements and rights of way for alleys, streets, highways or other public ways as shown on the map.

☐ 2. Certificate of land surveyor. All final maps shall be signed and sealed by the professional land surveyor who was responsible for the survey.

☐ 3. Certificate of City Engineer or City Surveyor. All final maps shall be certified by the City Engineer or City Surveyor stating that the final map is technically correct and complies with City standards.

☐ 4. Certificate of Clark County District Board of Health. All final maps shall be certified by the Clark County District Board of Health that they comply with all requirements relating to wastewater disposal, water pollution, water quality and water supply and that they are predicated upon plans for public/private potable water supply and community/individual wastewater system.

☐ 5. Certificate of Water Resources Division. All final maps shall be certified by the Division of Water Resources of the State Department of Conservation and Natural Resources as to their compliance with all water quantity requirements.

☐ 6. Certificate of Director of Planning and Development/Planning Commission approval. All final maps shall be certified by the Director as to compliance with the approved tentative map, all applicable regulations and all conditions imposed upon the final map. No final map shall be filed with the County Recorder until it has been certified by the Director that he or she (or the Planning Commission) has approved the final map and accepted all rights of way, easements or parcels for public dedication.

☐ 7. Certificate of easement recipients.

☐ 8. Certificate of acknowledgment.

C. Supplemental Requirements

The following supplemental information may be required by the Department of Public Works or the Department of Planning and Development. When required, it shall be submitted on separate drawings or sheets.

☐ 1. Evidence that a Drainage Plan and Technical Drainage Study has been submitted in proper form to the Department of Public Works or that said study is not required.

☐ 2. A copy of the deed attesting to the current ownership of the property.

☐ 3. A statement from the Title Company which complies with the requirements of NRS Chapters 278 and 116 listing the names of the current owners of record of the land and the holders or record of a security interest in the land and the written consent of each.

☐ 4. A copy of a sewer connection agreement verifying that downstream sewer capacity is available or that sewer capacity mitigation measures acceptable to the Department of Public Works will be provided.

D. Final Map Drawings

Following all required final revisions and before the Director signs the final map, the final map drawings shall be submitted at a scale of one (1) inch equals two hundred (200) feet or a digital format as specified by the Department of Planning and Development.

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Appendix D
Monumentation Requirements

A. General Requirements

A complete and accurate survey of the land to be divided, developed or improved, which is delineated by a parcel map, final map, improvements or other plans, shall be made by a Nevada Licensed Professional Land Surveyor in accordance with the standard practices and principals of land surveying. Where survey monuments are to be set, or are subject to disturbance and replacement, only a professional land surveyor, duly licensed by the State of Nevada shall be authorized to determine or establish the exact location for a survey monument and only such professional land surveyor shall be authorized to perpetuate and reference existing survey monuments located within the limits of public rights of way or private streets and easements.

B. Monuments

1. General

a) Monuments shall be set in conformance with the standard detail drawings and the applicable parcel or final maps recorded under authority of NRS Chapter 278, or those maps and plans approved and on file with the Department of Public Works. Such monuments shall be set within or directly adjacent to the project at:

(1) All street centerline intersections.

(2) All angle points of tangency and points of curvature in street centerlines.

(3) All intersections of street centerlines with survey boundaries.

(4) All section corners, quarter corners and sixteenth section corners. All the above established points which fall within the limits of public rights of way or private streets and easements shall be referenced to four (4) firmly established ties within a radius of twenty (20) feet to one hundred (100) feet. The angle from tie to tie shall be as near ninety degrees (90) as possible, radiating from the established intersection or control monument.

b) All monuments set within the limits of public rights of way or private streets and easements shall have a nonferrous metal cap securely attached to the top of the monument permanently marking the exact center. The professional land surveyor's registration or license number shall be stamped on the nonferrous metal cap, preceded by the letters: "P.L.S."

c) Monuments may be set after approval of the map or plan, but must be set prior to the final acceptance of the improvements. If the monuments are to be set after recordation of an applicable parcel map of final map or prior to the final acceptance of the improvements or other plans, a cash deposit or approved bond in an amount set by the Department of Public Works shall be filed guaranteeing such work.

d) All monuments shall conform to City standards. Prior approval of alternate survey monuments is recommended prior to a request for acceptance of final improvements. All alternate types of survey monuments must equal or surpass City standards regarding quality, durability and conformance with applicable laws or ordinances.

e) Where hard rock or other physical obstructions are encountered, monument length may vary within reasonable limits as long as length is sufficient to resist removal.

f) All monuments shall be set in such a manner that the accuracy of their relative positions is not less than the requirements of the "Standards of Practice for Professional Land Surveyors" as enumerated by Nevada Administrative Code (NAC), Sections 625.651 to 625.795, inclusive.

g) A reproducible original of a Survey Monumentation Plan, clearly identifying all monument locations, including reference monuments, shall be prepared and certified by a Nevada Professional Land Surveyor. This plan shall be submitted to the City Surveyor prior to the release of the improvement bond or prior to release or the final map if improvements are to be installed without bond, and shall certify that the monuments are of the character and occupy the positions shown.

(1) The following documents may constitute a Survey Monumentation Plan providing they are in accordance with the requirements of this Chapter, and are delivered as a formal document to the City Surveyor for approval.

a. Record of Survey in accordance with NRS 625.340;

b. Corner Record in accordance with NRS Chapter 329.

(2) The following certificate prepared and certified by a Professional Land Surveyor is required on all monumentation plans:

I, _____, a Licensed Professional Land Surveyor in the State of Nevada, do hereby certify that the monuments that have been set and the tie distances established as shown hereon. This survey was completed on _____.

2. Types of Monuments

a) Type I. This monument shall be installed as a section corner or section corner surface monument in a public right of way or private street or easement which is paved with Portland Cement Concrete or Asphaltic Concrete. For construction, see Standard Drawing No. 239.

b) Type II. This monument shall be installed as a surface monument at 1/16 section corners within a street or road section which is paved with Portland Cement Concrete or Asphalt Concrete. Type II monuments may also be used as subsurface section corner and ¼ section corner monuments in an unimproved street or road section where maintenance would preclude the use of surface monuments. For construction, see Standard Drawing No. 240.

c) Type III. This monument shall be installed at all other survey control points located in paved or unpaved streets, roads or other public or private rights of way shown on the parcel map or final map. Such locations may include: secondary street intersections, center of hammerhead turnarounds or circular cul de sac, points of curvature and/or tangency, points of intersection and points of reverse and/or compound curvature. For construction, see Standard Drawing No. 241.

d) Type IV. This monument is a reference monument to be placed in accordance with Standard Drawing No. 243 and with a tie to tie angle as near to 90 degrees as possible. For construction see Standard Drawing No. 242. If the monuments are to be set in a concrete curb, they must be placed in a tangent section of curb, approximately two (2) feet from the end of the return.

3. Nevada State Plan Coordinates

a) Where sufficient control exists within one half (½) mile of a site, Nevada State Plane Coordinates shall be established in accordance with NRS Chapter 327 for monuments located within the limits of public or private rights of way which are coincident with section corners, ¼ sections corners or 1/16 section corners, as a the case may be, and shown on the Monumentation Plan. The professional land surveyor shall consult with the City Surveyor with regard to the availability of sufficient survey controls.

b) In situations where street centerlines are obstructed by median islands, planting, streetlights or other structures, consideration should be given to placing clearly identified monuments on an offset line.

c) Monumentation at a Point of Intersection which falls within the limits of a public or private right of way will be preferred over setting monuments at a Point of Curvature or Point of Tangency, unless the Point of Intersection falls outside the paved area.

d) In places where the placement of monuments as outlined above is impossible or impractical, the City Surveyor may approve additional or alternate monument locations.

4. Monument Construction

The physical construction of monuments must be performed under the direct supervision of a Professional Land Surveyor. All requirements of City standards must be met. Poor workmanship or substandard materials will not be accepted.

Appendix E
Required Certificates

A. Certificate of ownership and easement dedication

1. The Certificate of Ownership and Easement Dedication shown on the final map shall be in substantially the following form, with necessary modifications consistent with project needs to be made by the owner or map applicant:

(I/We), _____, do hereby certify that (I/we) am/are the owner(s) of the parcel of land which is shown upon the map of _____, and do hereby consent to the preparation and recordation of this map, and do hereby offer and dedicate all public streets, alleys, easements, rights of way and public places (exclude items not applicable) as indicated and outlined hereon, for the use of the public. No part of the parcels marked "Not a part of this subdivision" is offered for dedication.

Furthermore, (I/we) hereby grant and convey to Nevada Power Company and Sprint Corporation (jointly and severally), Southwest Gas Corporation, Las Vegas Valley Water District, Cox Communications Las Vegas, Inc., and _____ (any other utilities authorized to provide service) and to their respective successors and assigns: (i) a three foot wide easement on all side property lines, exclusive of easements for drainage, sewer, trails, and all other public use easements; (ii) a three foot wide easement from property line to meter panel to provide access for underground service; (iii) a five-foot wide easement on all property lines that abut public and private streets, exclusive of easements for drainage, sewer, trails, and all other public use easements, to include access to above ground transformer pads; and (iv) a two foot wide easement around each transformer pad within the platted lands for the construction, maintenance, operation and final removal of street lights, fire hydrants, underground power, telephone, gas, water and cable television lines and appurtenances, together with the right of ingress thereto and egress therefrom.

Provided, however, that no above ground utility vaults that would substantially interfere with the intended use of the trail corridor shall be allowed within any easements, corridors, or common lots designated as public multi use trail easement areas, and no such easement rights shall be granted to the above listed utility companies, nor any other parties, in conflict with this statement.

Further, the undersigned owner hereby grants and conveys to the City of Las Vegas and to its successors and assigns a five foot wide easement adjacent to all property lines where lots or common areas abut public streets for purposes of placing public fire hydrants and public streetlights and an additional easement of up to two feet in radius from each fire hydrant and streetlight, to extend beyond the five foot easement if necessary, together with the right of ingress to and egress from these easements. (If private roadways are utilized, this paragraph should be modified to refer to easements adjacent to "private" streets and refer to "public fire hydrants" only.)

Dated this _____ day of 20____.

2. For commercial subdivision, planned unit developments and condominium developments, the dedication of utility type easements shall be in substantially the following form:

Furthermore, (I/we) hereby grant and convey to Nevada Power Company and Sprint Corporation (jointly and severally), Southwest Gas Corporation, Las Vegas Valley Water District, Cox Communications Las Vegas, Inc. and _____ (any other utilities authorized to provide service) and to their respective successors and assigns: (i) a three foot wide easement on all side property lines, exclusive of easements for drainage, sewer, trails, and all other public use easements; (ii) a three foot wide easement from property line to meter panel to provide access for underground service; (iii) a five-foot wide easement on all property lines that abut public and private streets, exclusive of easements for drainage, sewer, trails, and all other public use easements, to include access to above ground transformer pads; and (iv) a two foot wide easement around each transformer pad within the platted lands for the construction, maintenance, operation and final removal of street lights, fire hydrants, underground power, telephone, gas, water and cable television lines and appurtenances, together with the right of ingress thereto and egress therefrom.

Provided, however, that no above ground utility vaults that would substantially interfere with the intended use of the trail corridor shall be allowed within any easements, corridors, or common lots designated as public multi use trail easement areas, and no such easement rights shall be granted to the above listed utility companies, nor any other parties, in conflict with this statement.

Further, the undersigned owner hereby grants and conveys to the City of Las Vegas and to its successors and assigns a five foot wide easement adjacent to all property lines where lots or common areas abut public streets for purposes of placing public fire hydrants and public streetlights and an additional easement of up to two feet in radius from each fire hydrant and streetlight, to extend beyond the five foot easement if necessary, together with the right of ingress to and egress from these easements. (If private roadways are utilized, this paragraph should be modified to refer to easements adjacent to "private" streets and refer to "public fire hydrants" only.)

Further, the undersigned owner hereby grants and conveys to the City of Las Vegas and to its successors and assigns a permanent easement within the area shown hereon as private streets, common areas and all areas not occupied by any building for the construction, maintenance, operation and final removal of public street lights, if any, and public fire hydrants, together with the right of ingress to and egress therefrom.

B. Surveyor's Certificate

I, _____(name of surveyor)___, a Professional Land Surveyor licensed in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my direct supervision at the instance of (owner).

2. The lands surveyed lie within (Section, Township, Range, Meridian and, if required by the City Surveyor, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less), and the survey was completed on _____.

3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the local government gave its final approval.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(Or)

4a. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by (a day certain) and an appropriate financial guarantee will be posted with the City before recordation to assure the installation of the monuments.

Name of Surveyor	License/Registration No. and Seal

C. Certificate of City Surveyor (or City Engineer)

I, (name), City Surveyor (or City Engineer) of the City of Las Vegas, do hereby certify that I have examined the Final Subdivision map of (name of subdivision) _____ and am satisfied that the map is technically correct.

(If monuments have not been set, the certificate must include the following statement:)

Monuments have not been set, but a proper performance bond has been deposited to guarantee their setting on or before (a day certain).

City Surveyor (or City Engineer, PE)	Date

D. Certificate of District Board of Health

This final map is approved by the Clark County District Board of Health. This approval concerns sewage disposal, water pollution, water quality and water supply facilities and is predicated upon plans for a public water supply and a community system for the disposal of sewage.

_____ _____

Date

_____

Clark County District Board of Health

(Print name under signature)

E. Certificate of District Board of Health

This final map is approved by the Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity, subject to the review of approval on file in this office.

_____ _____

Date

_____

Division of Water Resources

(Print name under signature)

F. Certificate of Director of Planning and Development/Planning Commission

I certify that this final map substantially complies with the tentative map and any approved alterations thereto; that the map complies with applicable statutory and ordinance provisions; that all conditions imposed upon the final map have been met; and that the map was approved and the parcels herein were accepted for dedication by the Director of Planning and Development (or by the Planning Commission of the City of Las Vegas) on the _____ day of _____,20____.

_____ _____

Date

_____

Director of Planning and Development/

Secretary of Planning Commission

(Print name under signature)

G. Certificate of Easement Recipients

We, the herein named easement recipients, approve the grant of the designated easements:

Southwest Gas Corporation

_____ _____
Date

_____
(Print name under signature)

Nevada Power Company

_____ _____
Date

_____
(Print name under signature)

Sprint Corporation

_____ _____
Date

_____
(Print name under signature)

Cox Communications Las Vegas, Inc.

_____ _____
Date

_____
(Print name under signature)

Las Vegas Valley Water District

_____ _____
Date

_____
(Print name under signature)

City of Las Vegas, City Engineer

_____ _____

Date

_____

(Print name under signature)

(Additional Authorized Utility, if any)

_____ _____

Date

_____

(Print name under signature)

H. Certificate of Acknowledgment

1. The following certificate is sufficient for an acknowledgment in an individual capacity:

ACKNOWLEDGMENT

State of Nevada
County of Clark

This instrument was acknowledged before me on _____(date)_____
by _____name(s) of person(s)_____.

_____

(Signature of notarial officer)
(Seal, if any)

_____

(Title and rank)
(My commission expires: _____)

2. The following certificate is sufficient for an acknowledgment in a representative capacity:

ACKNOWLEDGMENT

State of Nevada
County of Clark

This instrument was acknowledged before me on _____(date)_____
by _____names(s) of person(s)_____
as _____(type of authority, e.g., officer, trustee, etc.)_____
of _____(name of party on behalf of whom instrument was executed)_____.

_____
(Signature of notarial officer)
(Seal, if any)

_____
(Title and rank)
(My commission expires: _____)

NOTE: An appropriate Certificate for Attorney-in-Fact may be substituted for the Certificate of Acknowledgement if deemed equivalent by the Director of Public Works.

CLV
WEB
?
E-MAIL

AIA las vegas
a chapter of the American Institute of Architects

October 11, 2010

City of Las Vegas
Planning & Development
Development Services Center
731 S. Fourth Street
Las Vegas, NV 89101
Attn: Ms. Courtney Mooney, AICP
Urban Design Coordinator, Historic Preservation Officer

Dear Ms. Mooney,

On behalf of the Las Vegas Chapter of the American Institute of Architects, representing approximately 85% of licensed architects practicing in the Las Vegas Valley, we are pleased to add our endorsement to the City's Title 19 Unified Development Code revisions and consolidations for chapters 19.00, 19.12, 19.14 and 19.18. Our support for these chapters is based on:

- The City's movement toward more sustainable community development.
- The City's acceptance of the ideals envisioned by the "AIA 150 Blueprint for America," conceived to inspire communities to come together around architecture, to share ideas for creating and sustaining livable communities. The Blueprint's 10 principles of livable communities: 1) Design on a human scope; 2) Provide choices; 3) Encourage mixed-use development; 4) Preserve urban centers; 5) Vary transportation options; 6) Build vibrant public spaces; 7) Create a neighborhood identity; 8) Protect environmental resources; 9) Conserve landscapes; and 10) "Design matters."
- The City's agreement in the near future to seek specific efficiencies relevant to automobile parking, with the goal of achieving significant reductions in parking ratios for many projects and uses. Such reductions offer myriad community advantages including aesthetic, practical, environmental, sustainability, and economic benefits. These measures will also place the City at the forefront of responsible community design, while potentially presenting a meaningful competitive advantage when compared with other jurisdictions.
- The City's goal within the near future of creating new guidelines for adaptive reuse and infill projects, certain to take a more central role during any meaningful economic recovery. These guidelines will signal a new direction for the valley by encouraging and rewarding responsible use, adaptation and re-tasking of existing buildings, previously thought to beyond their useful lives.
- The City's commitment to regard the subject revisions as living documents, subject to frequent and continuous improvement and modification, with the ultimate goal of creating and supporting more livable communities.

We look forward to working together on future chapter revisions and appreciate the opportunity to comment on these meaningful issues.

Sincerely,

Jim Stroh, AIA, NCARB
Chairman, AIA Las Vegas Codes Committee

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401 South 4th Street, Suite 175, Las Vegas, Nevada 89101
www.aialasvegas.org T 702.895.0936 F 702.895.4417

REGIONAL TRANSPORTATION COMMISSION
RTC
OF SOUTHERN NEVADA
600 S. Grand Central Parkway, Suite 350 • Las Vegas, Nevada 89106-4512 • 702-676-1500 • Fax: 702-676-1518

Jacob L. Snow,
General Manager

July 7, 2010

Margo Wheeler, AICP
Director
Planning & Development
731 South Fourth Street
Las Vegas, Nevada 89101

DEVELOPMENT CODE UPDATE

Dear Ms. Wheeler:

We are pleased to offer our support of the revisions to your Zoning and Subdivision Codes that include development of a Unified Development Code, in particular Chapters 19.02: Subdivision Design, Construction and Improvement Requirements; 19.04: Complete Streets Standards; and 19.08: Commercial and Industrial Districts – Purpose and Development and Design Standards. Having served on the Customer Feedback group, we appreciate the opportunity to have worked with staff and community representatives and are very supportive of the proposed revisions.

Should you have any questions, please contact Polly Carolin, FAICP, at (702) 676-1721 or carolinp@rtcsnv.com.

Sincerely,

Martyn James
Director of Planning Services

cc: Courtney Mooney

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Courtney Mooney

From: Sandie Taylor [sandie@snhba.com]
Sent: Thursday, November 11, 2010 3:18 PM
To: Margo Wheeler
Cc: Joe Pantuso
Subject: Comments on Changes to Title 19

Follow Up Flag: Follow up
Flag Status: Flagged

Southern Nevada Home Builders Association

Margo Wheeler
Planning Director
City of Las Vegas
Las Vegas, NV

Dear Margo:

The Southern Nevada Home Builders Association has participated with city staff representatives from the Planning and Public Works Departments for several months in a review of the proposed changes to Title 19. It has been a positive experience and I want to particularly thank Courtney Mooney, Robert Summerfield and Bart Anderson for their dedication to the process and high level of professionalism in working with the home building community representatives in reviewing many of the complex aspects in the code.

The home building industry in Southern Nevada is committed to adhering to sound planning principals for in the end doing such will benefit not only home buyers, but the community at large. There are outstanding examples of developments in the Las Vegas Valley that reflect a close level of cooperation between planners and home builders.

Let me begin by stating that the web-based interactive nature of the new code will be of great assistance to our builders and their consultants. The detailed linking that is provided throughout the document is a great technological tool that will benefit your customers and staff.

During the course of our review process, we have brought to the attention of staff aspects of the code that are of concern to the home building industry. The first of those was the initial high level of connectivity for new developments at an index of 1.5. We noted that by adopting such a level would all but eliminate the possibility of desired the cul-de-sac configurations in developments. We are pleased that the city recognized that such a high level of connectivity will result in the reduction of various amenities new home buyers seek. By agreeing to reduce the connectivity index to 1.3, staff displayed a willingness to work with developers. An index level of 1.3 provides for more connection within and between developments than currently exists, yet allows some of the desired features of a community such as the selective use of cul-de sacs and improved safety to residents.

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To achieve this lower level of connectivity it was agreed that pedestrian connections may be counted toward achieving the level stated level.

We worked with staff to come to some level of agreement on the matter of reductions in asphalt pavement for 47' streets. Additionally, we appreciate the city's effort to off set the costs of landscaping and additional paving at the periphery of developments in an amenity zone by reducing the Open Space requirements within a development. Nevertheless, this tradeoff in terms of equalizing costs may work for only some projects.

The portion of the code that still remains very troublesome for the building community is the policy which requires a ridged plan of minor collector streets at 1,320' intervals. This requirement could directly affect the economic feasibility of a project. Even with adjustment in levels of connectivity and the other adjustments that have been made in the code to date, this requirement would still be very burdensome from a cost perspective.

While many new concepts may be desirable for the city's agencies, it is the home buying public we must please. The home buying public is highly desirous of cul-de-sacs, less intersections, controlled traffic; a separation of land uses and in many cases privacy for their communities.

The SNHBA will support the adoption of this code if there are changes made in the section dealing with the Complete Street Policy--specifically the requirement for 60' minor collector streets at ¼ mile intervals. SNHBA stands ready to discuss further this aspect of the code that remains troublesome and welcomes the opportunity to continue to work with City staff.

Irene Porter

Irene Porter
Executive Director
SNHBA

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City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: DAN TARWATER ☐ **Consent** ☒ **Discussion**

SUBJECT:
Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
To discuss labor issues

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:

Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

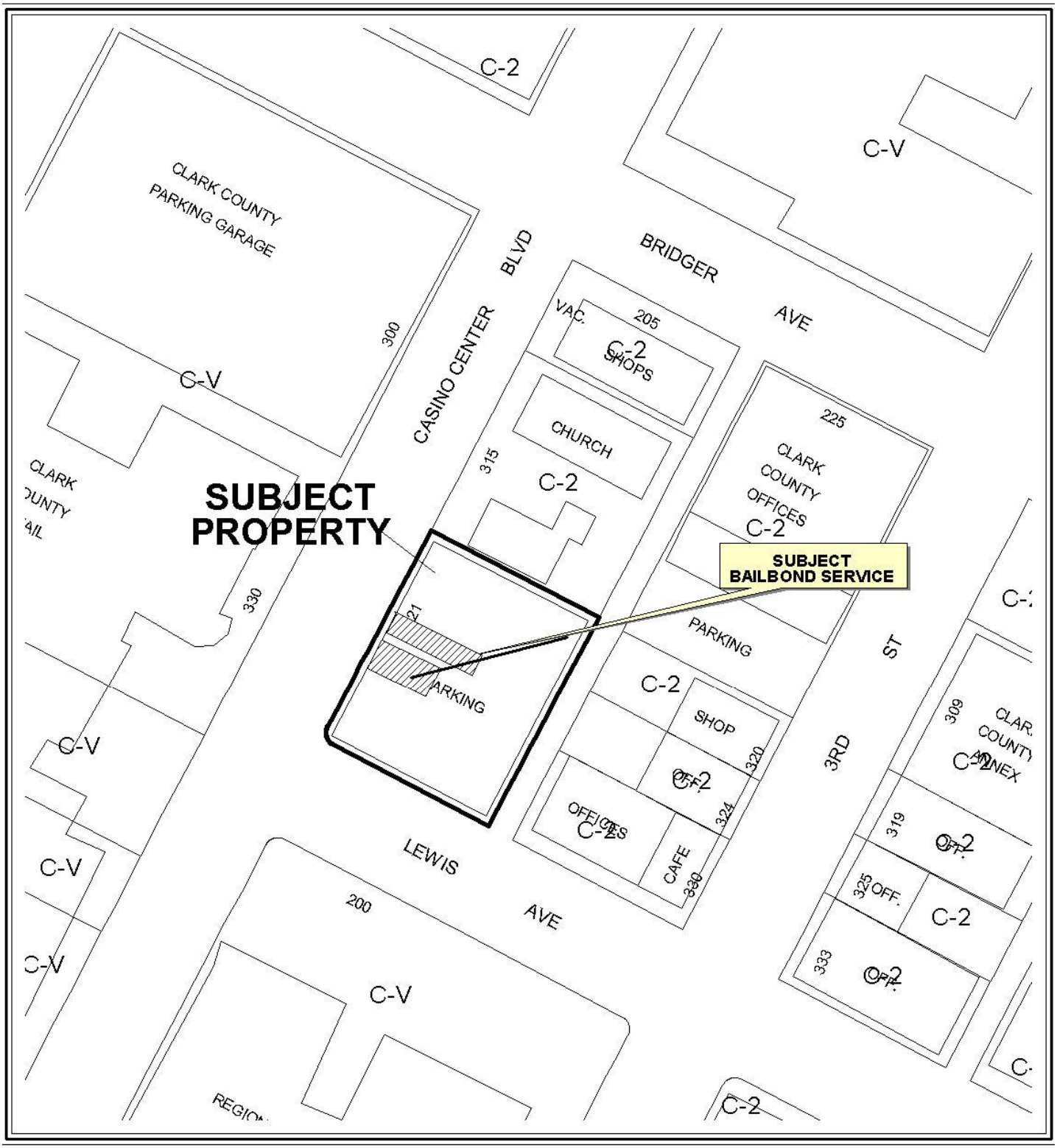
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
EOT-40578 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-36552) FOR A PROPOSED 1,624 SQUARE-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suites #110 and #115 (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-36552
5. Justification Letter



CASE: **EOT-40578**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

CASE: **EOT-40578**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-40578	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

EOT-40578 CONDITIONS

Planning and Development

1. This Special Use Permit (SUP-36552) shall expire on January 20, 2012 unless another Extension of Time request is approved by City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-36552) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is occupied by an existing parking garage with previous approval for a Special Use Permit (SUP-36552) for Bailbond Services at 321 South Casino Center Boulevard, Suites 110 and 115. Plan Check and subsequent building permits were issued for tenant improvements for the proposed build-out, but all have since expired. The applicant is requesting additional time to complete construction due to ongoing disputes with their engineer.

Note: There is a second Special Use Permit (SUP-36551) approved for a Bailbond Service in Suite 105 that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/24/63	The Board of City Commissioners approved a request for Rezoning (Z-0159-62) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the east side of 2nd Street between Bridger and Lewis.
02/19/03	The City Council approved a request for a Site Development Plan Review (SDR-1298) and a waiver of the Downtown Centennial Plan building setback standards for a proposed eight-level Parking Garage with ground level retail (17,959 square feet) on 0.56 acres adjacent to the northeast corner of Lewis Avenue and Casino Center Boulevard. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a request for an Extension of Time (EOT-5631) of a previously approved Site Development Plan Review (SDR-1298) for a proposed eight-level Parking Garage with ground level retail (17,959 square feet) on 0.56 acres adjacent to the northeast corner of Lewis Avenue and Casino Center Boulevard.
02/21/07	The City Council approved a request for a Special Use Permit (SUP-18695) for a proposed Bailbond Service at the northeast corner of Casino Center Boulevard and Lewis Avenue. The Planning Commission and staff recommended approval.
03/21/07	The City Council approved a request for a Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. The Planning Commission and staff recommended approval.
05/07/08	The City Council approved a request for an Extension of Time (EOT-27576) of a previously approved Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. Staff recommended approval.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/20/10	The City Council approved a request for a Special Use Permit (SUP-36551) for a proposed 1,079 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suite 105. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-36552) for a proposed 1,624 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suites 110 and 115. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
01/24/08	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/02/09	Plan Check #34361 was issued for tenant improvements build-outs for a Certificate of Completion at 321 South Casino Center Boulevard. The Plan Check expired on 04/02/10.
10/09/09	A building permit (148408) was issued for tenant improvement build-outs at 321 South Casino Center Boulevard. The permit expired on 04/02/10.
06/07/10	A building permit (165295) was processed for tenant improvement build-outs at 321 South Casino Center Boulevard. The permit expired on 09/15/10 with comments annotated that D&R Construction requested the permit cancelled.
There has not been any business licenses issued for the subject site.	

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	0.55

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Parking Garage-Proposed Bailbond Service	C (Commercial)	C-2 (General Commercial)
North	Church	C (Commercial)	C-2 (General Commercial)
South	Regional Justice Center	PF (Public Facilities)	C-V (Civic)
East	Offices, Wedding Chapel	C (Commercial)	C-2 (General Commercial)
West	Clark County Jail	PF (Public Facilities)	C-V (Civic)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan (Office Core)	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Special Use Permit (SUP-36552) for a proposed 1,624 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suites 110 and 115. Plan Check 34361 and subsequent building permits (148408 and 165295) were issued for tenant improvements for the proposed build-out, but all have since expired. No business licenses have been issued for the proposed use.

FINDINGS

The Special Use Permit (SUP-36552) has not met Title 19.18.060 requirements to exercise the entitlement as a business license has not yet been issued for the proposed use. The applicant is requesting an Extension of Time due to ongoing disputes with their engineer, but anticipates completing construction within the next 3-4 months. The Special Use Permit (SUP-36552) still complies within the minimum requirements of Title 19.04 for a Bailbond Service; therefore, staff is recommending approval with a one-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-36552) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-40578** APN: 139-34-201-020

Name of Property Owner: Oak Brook Realty & Investments II LLC

Name of Applicant: Oak Brook Realty & Investments II LLC

Name of Representative: Kim M. Plencner

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Kim Marvin Plencner, Managing Member

Subscribed and sworn before me

This 20th day of December, 2010

_____

Notary Public in and for said County and State

OFFICIAL SEAL
PAMELA JOHNSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/23/11

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DEC 23 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of time SUP-36552-special use permit bail bonds

Project Address (Location) 321 Casino Center, #110 & 115, Las Vegas, Nevada

Project Name Bail Bonds, 110 & 115 **Proposed Use** Bail Bonds

Assessor's Parcel #(s) 139-34-201-020 **Ward #** 3(Reese)

General Plan: existing C-2 proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage 1,624 **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Oak Brook Realty & Investments II LLC **Contact** Kevin Plencner

Address 1000 Royce **Phone:** (630) 268-4000 **Fax:** (630) 268-4444

City OakBrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

APPLICANT Oak Brook Realty & Investments II LLC **Contact** Kevin Plencner

Address 1000 Royce **Phone:** (630) 268-4000 **Fax:** (630) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

REPRESENTATIVE Kevin M. Plencner **Contact** Kevin M. Plencner

Address 1000 Royce **Phone:** (847) 609-4663 **Fax:** (630) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Kim Marvin Plencner, Managing Member

Subscribed and sworn before me

This 20th day of December, 2010.

_____

Notary Public in and for said County and State

OFFICIAL SEAL
PAMELA JOHNSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/23/11

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	EOT-40578
Meeting Date:	2-2-11
Total Fee:	$300.00
Date Received:*	12-23-10
Received By:	JFmill

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

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TENANT IMPROVEMENT FOR UNIT #110
LOCATED AT THE FIRST FLOOR OF
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA

OAKBROOK REALTY & INVESTMENT, LLC
8100 ROYCE BOULEVARD
OAKBROOK TERRACE, IL 60181

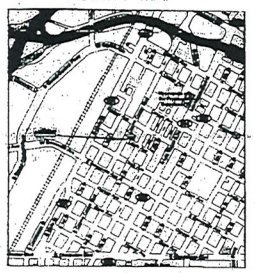
ARCHITECT
PRINCIPAL DESIGN PROFESSIONAL
THOMAS J. O'NEILL
ARCHITECTURE DESIGN & DEVELOPMENT
2160 W. CHARLESTON BLVD.
SUITE J
LAS VEGAS, NV 89102
TELEPHONE: 702-382-0427
FAX: 702-382-9952
EMAIL: add@lvcm.com

MECHANICAL & PLUMBING ENGINEER
MOE KAZEMEINI, MSME, P.E.
PRECISION DESIGN GROUP
6275 MCLEOD DRIVE
SUITE 6
LAS VEGAS, NV 89120
TELEPHONE: 702-307-0912
FAX: 702-307-0913
EMAIL: moe@pd-group.net

ELECTRICAL ENGINEER
NOSRAT ROUHANI, P.E.
NRC ENGINEERS, INC.
3320 WYNN ROAD
SUITE D
LAS VEGAS, NV 89102
TELEPHONE: 702-248-1592
FAX: 702-3248-1593
EMAIL: nosrat@nrceng.com

GENERAL CONTRACTOR
RICK RAINEY
MILLENNIUM CONSTRUCTION INC.
3900 S. HUALAPAI WAY
SUITE 140
LAS VEGAS, NV 89147
TELEPHONE: 702-533-6423
FAX: 702-688-6438
EMAIL: rickrainey@mcinv.net

VICINITY MAP



GENERAL NOTES

1. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO COMPLETELY FAMILIARIZE HIMSELF WITH THESE PLANS AND THE EXISTING SITE CONDITIONS AND TO VERIFY ALL DETAILS WITH THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
2. ANY DEVIATIONS FROM STAMPED AND APPROVED CONTRACT DOCUMENTS WITHOUT PROPER WRITTEN NOTIFICATION TO THE ARCHITECT WILL VOID THE ARCHITECTS RESPONSIBILITY FOR THE PROJECT.
3. FIGURATED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS-DO NOT SCALE DRAWINGS.
4. WHERE NECESSARY, THE SUB-CONTRACTOR IS TO PROVIDE LINE DIAGRAMS, LOAD CALCULATIONS, SHOP DRAWINGS, ETC. TO THE ARCHITECT FOR APPROVAL AND FOR ANY CHANGES AND OR SUBMITTAL
5. ALL WORK SHALL EQUAL OR EXCEED ALL CURRENT, BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, FIRE SAFETY, AND ZONING CODE ISSUES.
6. THE CONTRACTOR SHALL DIRECT ALL INQUIRIES TO THE ARCHITECT REGARDING PLAN CLARIFICATIONS AND SUBMITTALS.
7. CONSTRUCTION TECHNIQUES SHALL CONFORM WITH ALL LOCAL CODES AND ALL APPLICABLE HANDICAPPED ACCESSIBILITY CODES (FEDERAL AND LOCAL)
8. ALL PRODUCTS AND SYSTEMS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND OR DETAILS.
9. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CHECK AND VERIFY ALL DIMENSIONS BEFORE STARTING CONSTRUCTION.
10. FAILURE TO COMPLY WITH THE ABOVE GENERAL NOTES AND THE CONSTRUCTION DOCUMENTS WILL VOID THE ARCHITECT'S RESPONSIBILITY FOR SAID PART OR MEANING OF THE ABOVE NOTES. FAILURE TO MAKE THE ARCHITECT AWARE OF AND /OR FAILURE TO SUBMIT TO THE ARCHITECT FOR APPROVAL ANY CHANGES, SUBMITTALS, REVISIONS TO CONSTRUCTION DOCUMENTS SHALL ALSO VOID THE ARCHITECTS RESPONSIBILITY FOR SAID CHANGES, SUBMITTALS OR REVISIONS.
11. ALL FINISHES ARE OWNER SELECT U.N.O.

CODE ANALYSIS

SCOPE OF WORK: BUILDING PERMIT FOR BAILBONDS OFFICE TENANT IMPROVEMENT OF UNIT #110 AT EXISTING GROUND LEVEL OF EXISTING GARAGE BUILDING.

CODES USED: 2006 I.B.C., 2006 IECC/IPC/IMC, 2005 NEC, ICC/ANSI A117.1-2003

ZONING: C-1/C-J DOWNTOWN OVERLAY

GROSS SITE AREA: 24,500 SQ. FT.

EXISTING BUILDING CONSTRUCTION TYPE: 1A

NEW T.I. SHELL CONSTRUCTION TYPE: 1A

OCCUPANCY GROUP: B (BUSINESS)

FLOOR AREA:

TENANT #110 = 1,024 SQ. FT.

ALLOWABLE FLOOR AREA (PER I.B.C. TABLE 503): UNLIMITED

OCCUPANCY LOADS (BUSINESS @ 1 PER 100 SQ. FT.):

TENANT #110 = 11

EXITS REQ'D & PROVIDED (PER I.B.C. TABLE 1018.1): 2

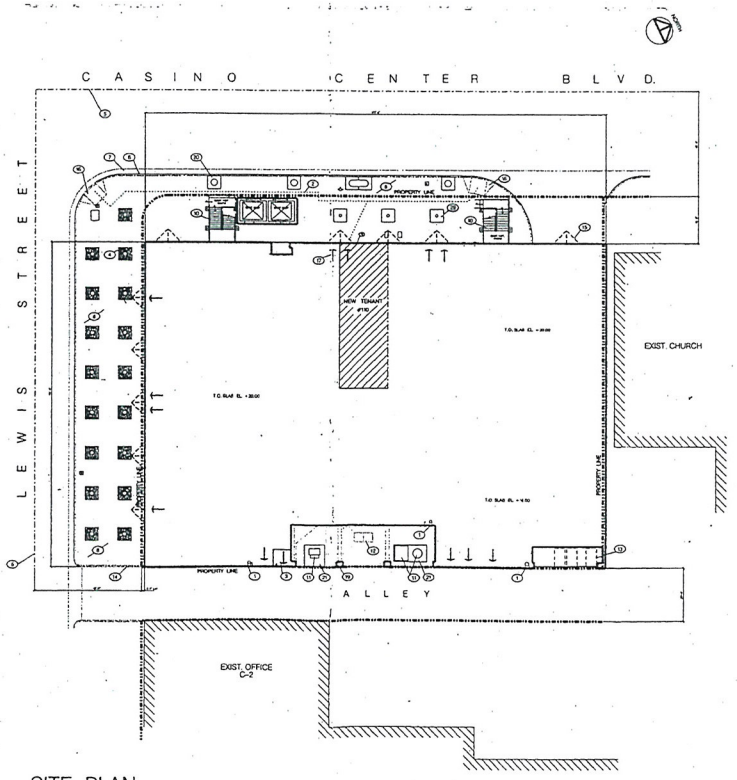
FIRE SPRINKLERS: PROVIDED @ GROUND FLOOR

PARKING REQ'D: 1,024 SQ. FT. @ 1/1000 = 5 SPACES

PARKING PROVIDED: 426 SPACES PROVIDED (INCLUDING 8 REGULAR HC SPACES & 2 VAN HC SPACES

PLUMBING ANALYSIS

AREA	OCCUPANCY	# OF OCCUPANTS	M.W.C.	W.W.C.	U.W.C.	M.LAV.	W.LAV.	U.LAV.
COMMON AREA	NA	1	0	0	1	0	0	1
TENANT #100	B	17	0 FUTURE	0 FUTURE	2 FUTURE	0 FUTURE	0 FUTURE	2 FUTURE
TENANT #105	B	11	1 FUTURE UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					
TENANT #110	B	11	1 UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					
TENANT #115	B	8	1 FUTURE UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					



SITE PLAN
1" = 20'

KEYNOTES

1. EXIST. DRAINS FROM ABOVE
2. ACCESSIBLE HC ROUTE
3. EXIST. FIRE RISER RM.
4. EXIST. CAST IRON GRATES AT EXIST. TREE WELLS
5. CENTERLINE OF STREET
6. EXIST. CONC. CURB
7. EXIST. CONC. GUTTER
8. EXIST. CONC. SIDEWALK
9. NOT USED
10. EXIST. STAIRS
11. EXIST. NEVADA POWER EQUIP.
12. EXIST. NEVADA POWER STEEL HATCH (AT GRADE) FOR ACCESS TO VAULT
13. TRASH CONTAINERS
14. EXIST. TOP OF CONC. CURB IS FLUSH W/EXIST. TOP OF ALLEY SURFACE
15. EXIST. BANNER FRAME ABOVE
16. EXIST. HC CURB RAMP
17. LOCATION OF EXIST. EXIT DOORS
18. NOT USED
19. EXIST. CONC. COL.
20. EXIST. CONC. GRATES AT EXIST. TREE
21. EXIST. 6" HIGH CONC. PAD FOR EQUIP.

LIST OF DRAWINGS

A-1 EXISTING SITE PLAN
A-2 EXISTING FIRST FLOOR PLAN
A-3 NEW TENANT IMPROVEMENT FLOOR PLAN, REFLECTED CEILING PLAN, SCHEDULES & DETAILS
A-4 HANDICAPP ACCESSIBLE DETAILS & SPECS
A-5 DETAILS

M1.01 MECHANICAL PLAN
P1.01 PLUMBING PLAN
EG.01 SPECIFICATIONS & LEGEND
E1.01 ELECTRICAL PLAN

REVISIONS	BY

TENANT IMPROVEMENT FOR UNIT #110
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BLVD.
LAS VEGAS, NV
OAKBROOK REALTY & INVESTMENT, LLC

ARCHITECTURE DESIGN AND DEVELOPMENT
702-382-0427
fax. 382-9952
2160 W. Charleston Blvd. Suite J
Las Vegas, NV 89102

SITE PLAN, NOTES & LIST OF DRAWINGS

Date: 8 /4 /09
Scale: 1" = 20'-0"
Drawn:
Job:
Sheet: A-1 of

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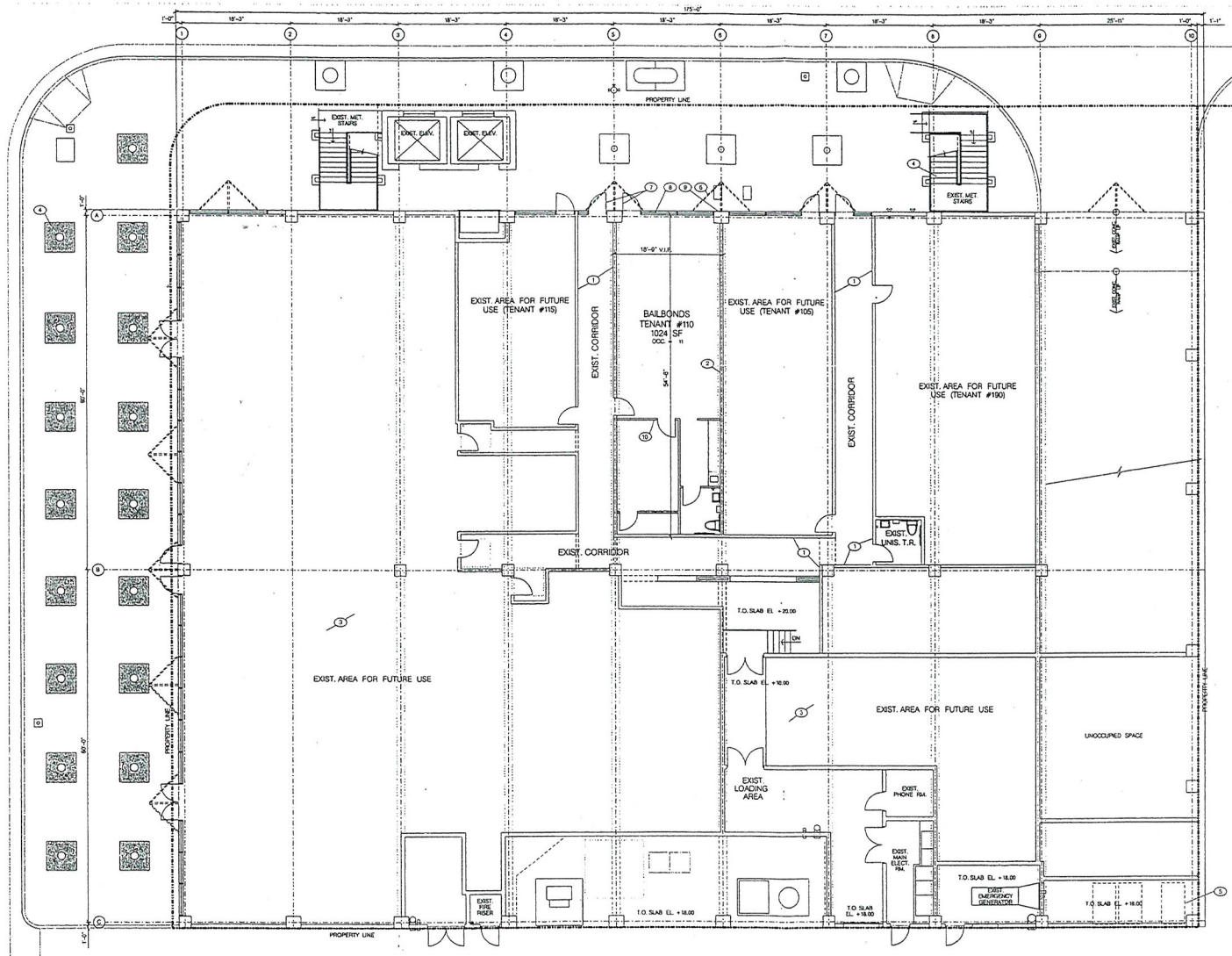
EOT-40578



KEYNOTES

1. EXIST. MET. 6" STUD PARTION W/1 LAYER 5/8" GYP. BD. AT THE CORRIDOR SIDE
2. TENANT DIMESSING WALL (EXIST. MET. 6" STUD PARTITION)
3. EXIST. CONC. SLAB ON GRADE
4. EXIST. STAIRS
5. TRASH CONTAINERS
6. EXIST. AWNNER FRAME ABOVE
7. EXIST. STOREFRONT DOOR
8. EXIST. STOREFRONT WINDOWS
9. EXIST. CONC. COL.
10. NEW 3 5/8" MET. STUD PARTITION W/1 LAYER 5/8" GYP. BD AT EACH SIDE OF PARTITION - SEE DET. #1 SHEET A-5

FIRST FLOOR PLAN

1/8" = 1'-0"

REVISIONS	BY

TENANT IMPROVEMENT FOR UNIT #110
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BLVD.
LAS VEGAS, NV

OAKBROOK REALTY & INVESTMENT, LLC

ARCHITECTURE
DESIGN AND
DEVELOPMENT

702-382-0427
fax. 382-9952

2100 W. Charleston Blvd. Suite J
Las Vegas, NV 89102

EXISTING FIRST FLOOR PLAN

Date	8 /4 /09
Scale	1/8" = 1'-0"
Drawn	
Job	
Sheet	A-2
of	

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EOT-40578

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

January 22, 2010

Mr. Kevin Plencner
Oakbrook Realty & Investments
1000 Royce Boulevard
Oakbrook Terrace, Illinois 60432

RE: SUP-36552 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF JANUARY 20, 2010

Dear Mr. Plencner:

The City Council at a regular meeting held January 20, 2010 APPROVED the request for a Special Use Permit FOR A PROPOSED 1,624 SQUARE-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suite #110 and #115 (APN 139-34-201-020), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on January 21, 2010. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Bailbond Service use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. No temporary signage such as; banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining items or devices shall be displayed upon the subject property without appropriate permits.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

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EOT-40578

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

FM-0044-08-09

Printed with environmentally friendly soy ink

OAKBROOK REALTY AND INVESTMENT, LLC

December 20, 2010

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

JUSTIFICATION LETTER/sup # 36552/bail bonds 321 Casino Center #110 & 115

We hereby request an extension of time for the special use permit referenced above, because of an ongoing dispute with our engineer, construction has been delayed. We anticipate completion of construction within the next three to four months. Your consideration is appreciated.

Sincerely;

Kevin M. Plencner

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DEC 23 2010

EOT-40578

1000 Royce Boulevard
Oakbrook Terrace, Illinois 60181
(630) 268-4000
FAX: 630 268 4444

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

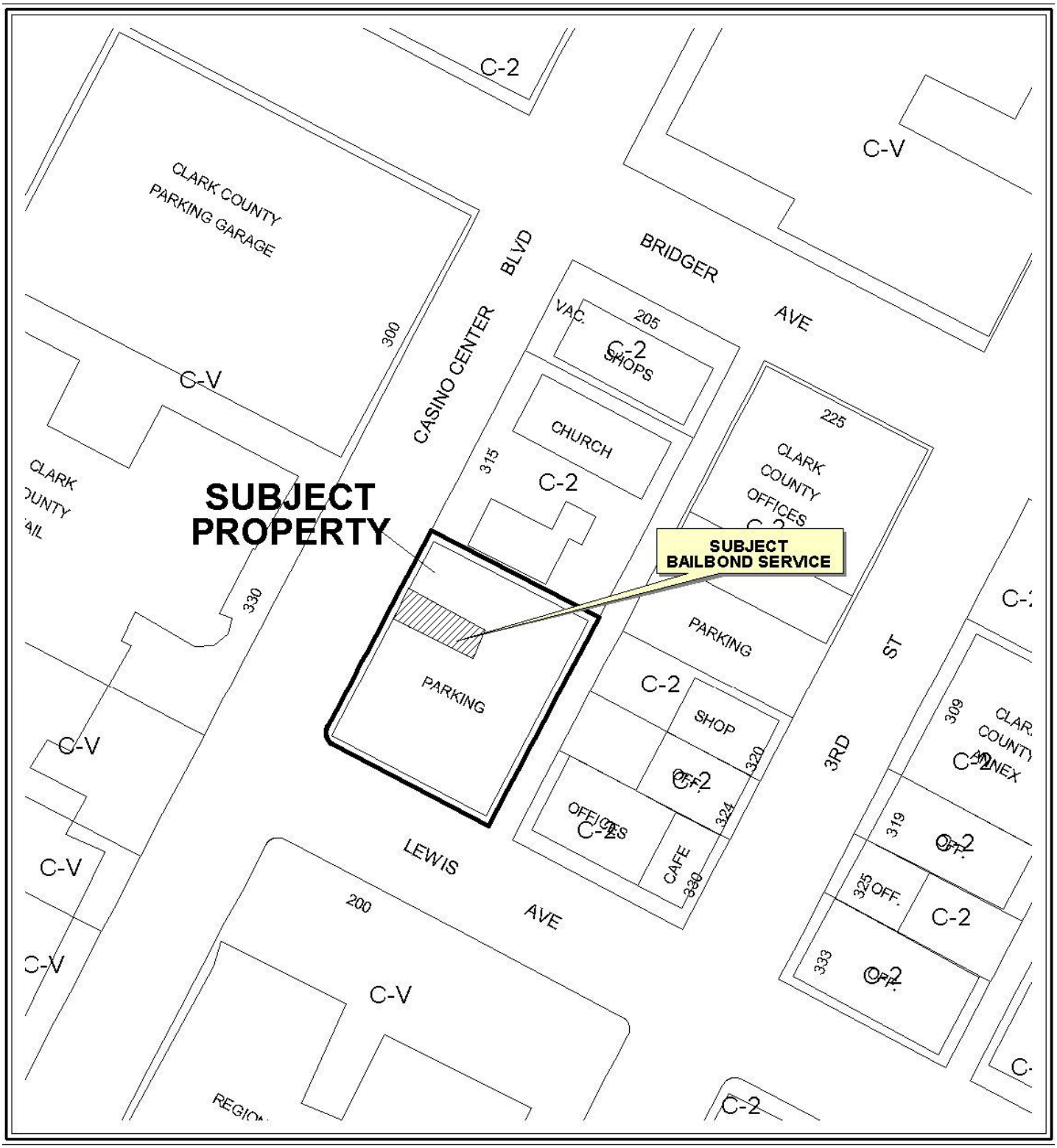
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
EOT-40580 - EXTENSION OF TIME - APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-36551) FOR A PROPOSED 1,079 **SQUARE**-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suite #105 (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-36551
5. Justification Letter



0 100 200 Feet

CASE: EOT-40580

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

0 100 200 Feet

CASE: EOT-40580

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: OAK BROOK REALTY & INVESTMENTS II, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-40580	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

EOT-40580 CONDITIONS

Planning and Development

1. This Special Use Permit (SUP-36551) shall expire on January 20, 2012 unless another Extension of Time request is approved by City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-36551) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is occupied by an existing parking garage with previous approval for a Special Use Permit (SUP-36551) for Bailbond Services at 321 South Casino Center Boulevard, Suite 105. Plan Check and subsequent building permits were issued for tenant improvements for the proposed build-out, but all have since expired. The applicant is requesting additional time to complete construction due to ongoing disputes with their engineer.

Note: There is a second Special Use Permit (SUP-36552) approved for a Bailbond Service in Suites 110 and 115 that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/24/63	The Board of City Commissioners approved a request for Rezoning (Z-0159-62) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the east side of 2nd Street between Bridger and Lewis.
02/19/03	The City Council approved a request for a Site Development Plan Review (SDR-1298) and a waiver of the Downtown Centennial Plan building setback standards for a proposed eight-level Parking Garage with ground level retail (17,959 square feet) on 0.56 acres adjacent to the northeast corner of Lewis Avenue and Casino Center Boulevard. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a request for an Extension of Time (EOT-5631) of a previously approved Site Development Plan Review (SDR-1298) for a proposed eight-level Parking Garage with ground level retail (17,959 square feet) on 0.56 acres adjacent to the northeast corner of Lewis Avenue and Casino Center Boulevard.
02/21/07	The City Council approved a request for a Special Use Permit (SUP-18695) for a proposed Bailbond Service at the northeast corner of Casino Center Boulevard and Lewis Avenue. The Planning Commission and staff recommended approval.
03/21/07	The City Council approved a request for a Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. The Planning Commission and staff recommended approval.
05/07/08	The City Council approved a request for an Extension of Time (EOT-27576) of a previously approved Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. Staff recommended approval.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/20/10	The City Council approved a request for a Special Use Permit (SUP-36551) for a proposed 1,079 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suite 105. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-36552) for a proposed 1,624 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suites 110 and 115. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
01/24/08	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/02/09	Plan Check #34361 was issued for tenant improvements build-outs for a Certificate of Completion at 321 South Casino Center Boulevard. The Plan Check expired on 04/02/10.
10/09/09	A building permit (148408) was issued for tenant improvement build-outs at 321 South Casino Center Boulevard. The permit expired on 04/02/10.
06/07/10	A building permit (165295) was processed for tenant improvement build-outs at 321 South Casino Center Boulevard. The permit expired on 09/15/10 with comments annotated that D&R Construction requested the permit cancelled.
There has not been any business licenses issued for the subject site.	

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	0.55

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Parking Garage-Proposed Bailbond Service	C (Commercial)	C-2 (General Commercial)
North	Church	C (Commercial)	C-2 (General Commercial)
South	Regional Justice Center	PF (Public Facilities)	C-V (Civic)
East	Offices, Wedding Chapel	C (Commercial)	C-2 (General Commercial)
West	Clark County Jail	PF (Public Facilities)	C-V (Civic)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan (Office Core)	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Special Use Permit (SUP-36551) for a proposed 1,079 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suite 105. Plan Check 34361 and subsequent building permits (148407 and 165291) were issued for tenant improvements for the proposed build-out, but all have since expired. No business licenses have been issued for the proposed use.

FINDINGS

The Special Use Permit (SUP-36551) has not met Title 19.18.060 requirements to exercise the entitlement as a business license has not yet been issued for the proposed use. The applicant is requesting an Extension of Time due to ongoing disputes with their engineer, but anticipates completing construction within the next 3-4 months. The Special Use Permit (SUP-36551) still complies within the minimum requirements of Title 19.04 for a Bailbond Service; therefore, staff is recommending approval with a one-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-36551) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-40580** APN: 139-34-201-020

Name of Property Owner: Oak Brook Realty & Investments II LLC

Name of Applicant: Oak Brook Realty & Investments II LLC

Name of Representative: Kim M. Plencner

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Kim Marvin Plencner, Managing Member

Subscribed and sworn before me

This 20th day of December, 2010

_____

Notary Public in and for said County and State

OFFICIAL SEAL
PAMELA JOHNSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/23/11

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PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of time SUP-36551-special use permit bail bonds

Project Address (Location) 321 Casino Center, #105, Las Vegas, Nevada

Project Name Bail Bonds, 105 **Proposed Use** Bail Bonds

Assessor's Parcel #(s) 139-34-201-020 **Ward #** 3(Reese)

General Plan: existing C-2 proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage 1,079 **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

II LLC

PROPERTY OWNER Oak Brook Realty & Investments **Contact** Kevin Plencner

Address 1000 Royce **Phone:** (630) 268-4000 **Fax:** (630) 268-4444

City OakBrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

APPLICANT Oak Brook Realty & Investments II LLC **Contact** Kevin Plencner

Address 1000 Royce **Phone:** (630) 268-4000 **Fax:** (630) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

REPRESENTATIVE Kevin M. Plencner **Contact** Kevin M. Plencner

Address 1000 Royce **Phone:** (847) 609-4663 **Fax:** (630) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Kim Marvin Plencner, Managing Member

Subscribed and sworn before me

This ~~20th~~ day of ~~December~~, 2010.

Pamela Johnson

Notary Public in and for said County and State

OFFICIAL SEAL
PAMELA JOHNSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/23/11

FOR DEPARTMENT USE ONLY

Case #	EOT-40580
Meeting Date:	2-2-11
Total Fee:	$300.00
Date Received:*	12-23-10
Received By:	

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*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

TENANT IMPROVEMENT FOR UNIT #105
LOCATED AT THE FIRST FLOOR OF
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA

OAKBROOK REALTY & INVESTMENT, LLC
8100 ROYCE BOULEVARD
OAKBROOK TERRACE, IL 60181

ARCHITECT
PRINCIPAL DESIGN PROFESSIONAL
THOMAS J. O'NEILL
ARCHITECTURE DESIGN & DEVELOPMENT
2160 W. CHARLESTON BLVD.,
SUITE J
LAS VEGAS, NV 89102
TELEPHONE: 702-382-0427
FAX: 702-382-9952
EMAIL: add@tjvcm.com

MECHANICAL & PLUMBING ENGINEER
MOE KAZEMEINI, MSME, P.E.
PRECISION DESIGN GROUP
6275 MCLEOD DRIVE
SUITE 6
LAS VEGAS, NV 89120
TELEPHONE: 702-307-0912
FAX: 702-307-0913
EMAIL: moe@pd-group.net

ELECTRICAL ENGINEER
NOSRAT ROUHANI, P.E.
NRC ENGINEERS, INC.
3320 WYNN ROAD
SUITE D
LAS VEGAS, NV 89102
TELEPHONE: 702-248-1592
FAX: 702-3248-1593
EMAIL: nosrat@nrceng.com

GENERAL CONTRACTOR
RICK RAINEY
MILLENNIUM CONSTRUCTION INC.
3900 S. HUALAPAI WAY
SUITE 140
LAS VEGAS, NV 89147
TELEPHONE: 702-533-0423
FAX: 702-688-6438
EMAIL: rickrainey@mcinv.net

GENERAL NOTES

1. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO COMPLETELY FAMILIARIZE HIMSELF WITH THESE PLANS AND THE EXISTING SITE CONDITIONS AND TO VERIFY ALL DETAILS WITH THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
2. ANY DEVIATIONS FROM STAMPED AND APPROVED CONTRACT DOCUMENTS WITHOUT PROPER WRITTEN NOTIFICATION TO THE ARCHITECT WILL VOID THE ARCHITECTS RESPONSIBILITY FOR THE PROJECT.
3. INDICATED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS-DO NOT SCALE DRAWINGS.
4. WHERE NECESSARY, THE SUB-CONTRACTOR IS TO PROVIDE LINE DIAGRAMS, LOAD CALCULATIONS, SHOP DRAWINGS, ETC. TO THE ARCHITECT FOR APPROVAL AND FOR ANY CHANGES AND OR SUBMITTAL
5. ALL WORK SHALL EQUAL OR EXCEED ALL CURRENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, FIRE SAFETY, AND ZONING CODE ISSUES.
6. THE CONTRACTOR SHALL DIRECT ALL INQUIRIES TO THE ARCHITECT REGARDING PLAN CLARIFICATIONS AND SUBMITTALS.
7. CONSTRUCTION TECHNIQUES SHALL CONFORM WITH ALL LOCAL CODES AND ALL APPLICABLE HANDICAPPED ACCESSIBILITY CODEDS (FEDGRAL AND LOCAL)
8. ALL PRODUCTS AND SYSTEMS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND OR DETAILS.
9. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CHECK AND VERIFY ALL DIMENSIONS BRFORE STARTING CONSTRUCTION.
10. FAILURE TO COMPLY WITH THE ABOVE GENERAL NOTES AND THE CONSTRUCTION DOCUMENTS WILL VOID THE ARCHITECT'S RESPONSIBILITY FOR SAID PART OR MEANING OF THE ABOVE NOTES FAILURE TO MAKE THE ARCHITECT AWARE OF AND /OR FAILURE TO SUBMIT TO THE ARCHITECT FOR APPROVAL ANY CHANGES, SUBMITTALS, REVISIONS TO CONSTRUCTION DOCUMENTS SHALL ALSO VOID THE ARCHITECT'S RESPONSIBILITY FOR SAID CHANGES, SUBMITTALS OR REVISIONS.
11. ALL FINISHES ARE OWNER SELECT U.N.O.

CODE ANALYSIS

SCOPE OF WORK: BUILDING PERMIT FOR BAILBONDS OFFICE TENANT IMPROVEMENT OF UNIT #105 AT EXISTING GROUND LEVEL OF EXISTING GARAGE BUILDING.

CODES USED: 2006 I.B.C., 2006 IECC/UPC/UMC, 2005 NEC, ICC/ANSI A117.1-2003

ZONING: C-1/C-2 DOWNTOWN OVERLAY

GROSS SITE AREA: 24,500 SQ.FT.

EXISTING BUILDING CONSTRUCTION TYPE: IA

NEW T.I. SHELL CONSTRUCTION TYPE: IA

OCCUPANCY GROUP: B (BUSINESS)

FLOOR AREA:

TENANT #105 = 1,279 SQ. FT.

ALLOWABLE FLOOR AREA (PER I.B.C. TABLE 503): UNLIMITED

OCCUPANCY LOADS (BUSINESS @ 1 PER 100 SQ.FT.):

TENANT #105 = 11

EXITS REQ'D & PROVIDED (PER I.B.C. TABLE 1018.1): 2

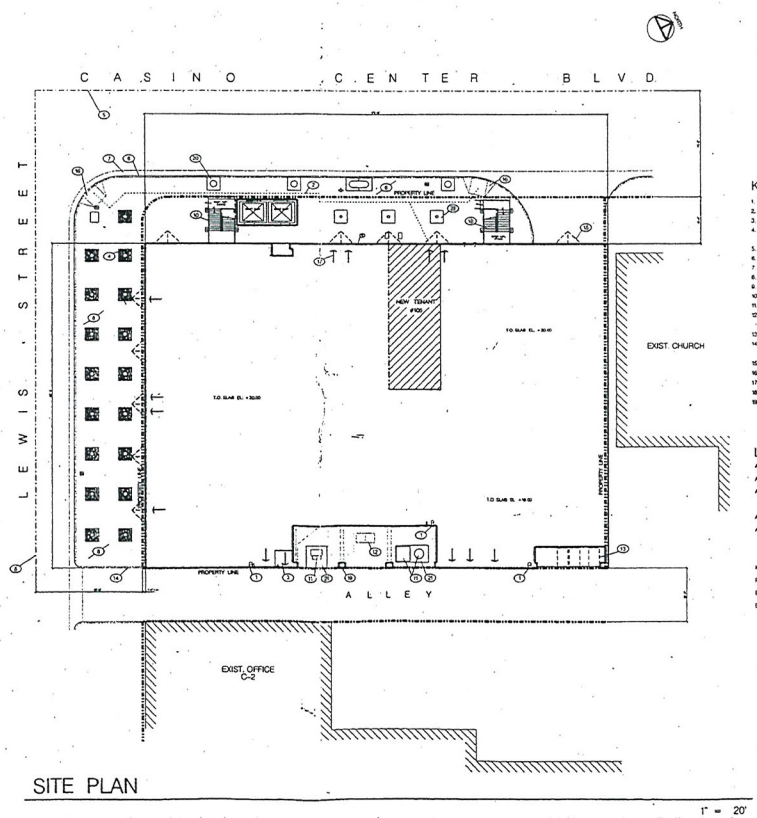
FIRE SPRINKLERS: PROVIDED @ GROUND FLOOR

PARKING REQ'D: 1,279 SQ.FT. @ 1/200 = 5 SPACES

PARKING PROVIDED: 436 SPACES PROVIDED (INCLUDING 8 REGULAR HC SPACES & 2 VAN HC SPACES

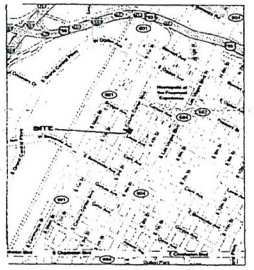
PLUMBING ANALYSIS

AREA	OCCUPANCY	# OF OCCUPANTS	M.W.C.	W.W.C.	U.W.C	M.LAV.	W.LAV.	U.LAV.
COMMON AREA	NA	1	0	0	1	0	0	1
TENANT #190	B	17	0 FUTURE	0 FUTURE	2 FUTURE	0 FUTURE	0 FUTURE	2 FUTURE
TENANT #105	B	11	1 UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					
TENANT #110	B	11	1 FUTURE UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					
TENANT #115	B	8	1 FUTURE UNISEX TOILET RM. TO BE PROVIDED PER IBC [P] 2902.2 EXCEPTION 2					



SITE PLAN
1" = 20'

VICINITY MAP



KEYNOTES

1. EXIST. DRAINS FROM ABOVE
2. ACCESSIBLE HC ROUTE
3. EXIST. FIRE RISER RM.
4. EXIST. CAST IRON GRATES AT EXIST. TREE WELLS
5. CENTERLINE OF STREET
6. EXIST. CONC. CURB
7. EXIST. CONC. GUTTER
8. EXIST. CONC. SIDEWALK
9. NOT USED
10. EXIST. STAIRS
11. EXIST. NEVADA POWER EQUIP.
12. EXIST. NEVADA POWER STEEL HATCH (AT GRADE) FOR ACCESS TO VAULT
13. TRASH CONTAINERS
14. EXIST. TOP OF CONC. CURB IS FLUSH W/EXIST. TOP OF ALLEY SURFACE
15. EXIST. BANNER FRAME ABOVE
16. EXIST. HC CURB RAMP
17. LOCATION OF EXIST. EXIT DOORS
18. NOT USED
19. EXIST. CONC. COL.
20. EXIST. CONC. GRATES AT EXIST. TREE
21. EXIST. 6" HIGH CONC. PAD FOR EQUIP.

LIST OF DRAWINGS

A-1 EXISTING SITE PLAN
A-2 EXISTING FIRST FLOOR PLAN
A-3 NEW TENANT IMPROVEMENT FLOOR PLAN, REFLECTED CEILING PLAN, SCHEDULES & DETAILS
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REVISIONS | BY

TENANT IMPROVEMENT FOR UNIT #105
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BLVD.
LAS VEGAS, NV
OAKBROOK REALTY & INVESTMENT, LLC

ARCHITECTURE DESIGN AND DEVELOPMENT
702-382-0427
fax. 382-9952
2160 W. Charleston Blvd. Suite J
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SITE PLAN, NOTES & LIST OF DRAWINGS

Date: 6 /3 /09
Scale: 1" = 20'-0"
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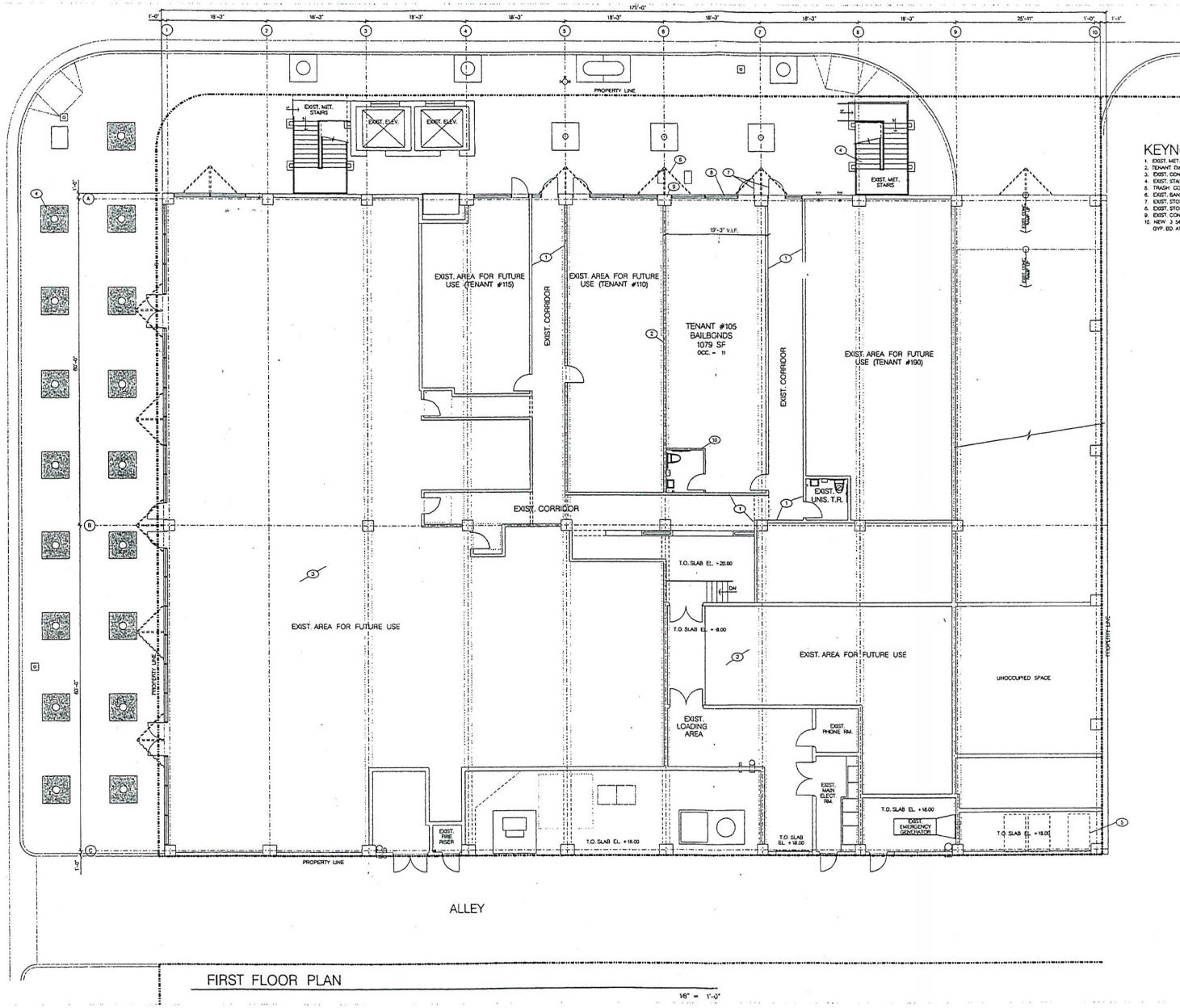

FIRST FLOOR PLAN

1/8" = 1'-0"

NORTH

KEYNOTES

1. EXIST. MET. 6" STUD PARTITION W/1 LAYER 5/8" GYP. BD. AT THE CORRIDOR SIDE
2. TENANT DRESSING WALL (EXIST. MET. 6" STUD PARTITION)
3. EXIST. CONC. SLAB ON GRADE
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10. NEW 3 5/8" MET. STUD PARTITION W/1 LAYER 5/8" GYP. BD AT EACH SIDE OF PARTITION - SEE DET. #1 SHEET A-5

REVISIONS	BY

TENANT IMPROVEMENT FOR UNIT #105
CASINO CENTER PARKING PLAZA
321 CASINO CENTER BLVD.
LAS VEGAS, NV

OAKBROOK REALTY & INVESTMENT, LLC

ARCHITECTURE
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2160 W. Charleston Blvd. Suite J
Las Vegas, NV 89102

EXISTING FIRST FLOOR PLAN

Date: 8/3/09
Scale: 1/8" = 1'-0"
Drawn:
Job:
Sheet: A-2 of

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DEC 23 2010

EOT-40580

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
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GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

January 22, 2010

Mr. Kevin Plencner
Oakbrook Realty & Investments
1000 Royce Boulevard
Oakbrook Terrace, Illinois 60432

RE: SUP-36551 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF JANUARY 20, 2010

Dear Mr. Plencner:

The City Council at a regular meeting held January 20, 2010 APPROVED the request for a Special Use Permit FOR A PROPOSED 1,079 SQUARE-FOOT BAILBOND SERVICE at 321 South Casino Center Boulevard, Suite #105 (APN 139-34-201-020), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on January 21, 2010. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Bailbond Service use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. No temporary signage such as; banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining items or devices shall be displayed upon the subject property without appropriate permits.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

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CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

EOT-40580

Printed with environmentally friendly soy ink.

OAKBROOK REALTY AND INVESTMENT, LLC

December 20, 2010

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

JUSTIFICATION LETTER/sup # 36551/bail bonds 321 Casino Center #105

We hereby request an extension of time for the special use permit referenced above, because of an ongoing dispute with our engineer, construction has been delayed. We anticipate completion of construction within the next three to four months. Your consideration is appreciated.

Sincerely;

Kevin M. Plencner

RECEIVED
DEC 23 2010

1000 Royce Boulevard
Oakbrook Terrace, Illinois 60181
(630) 268-4000
FAX: 630 268 4444

EOT-40580

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:

RESCIND - EOT-39951 - EXTENSION OF TIME - APPLICANT/OWNER: CHARLES & GAIL SHIELDS - Request for an Extension of Time of a previously approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Ross). Staff recommends APPROVAL.

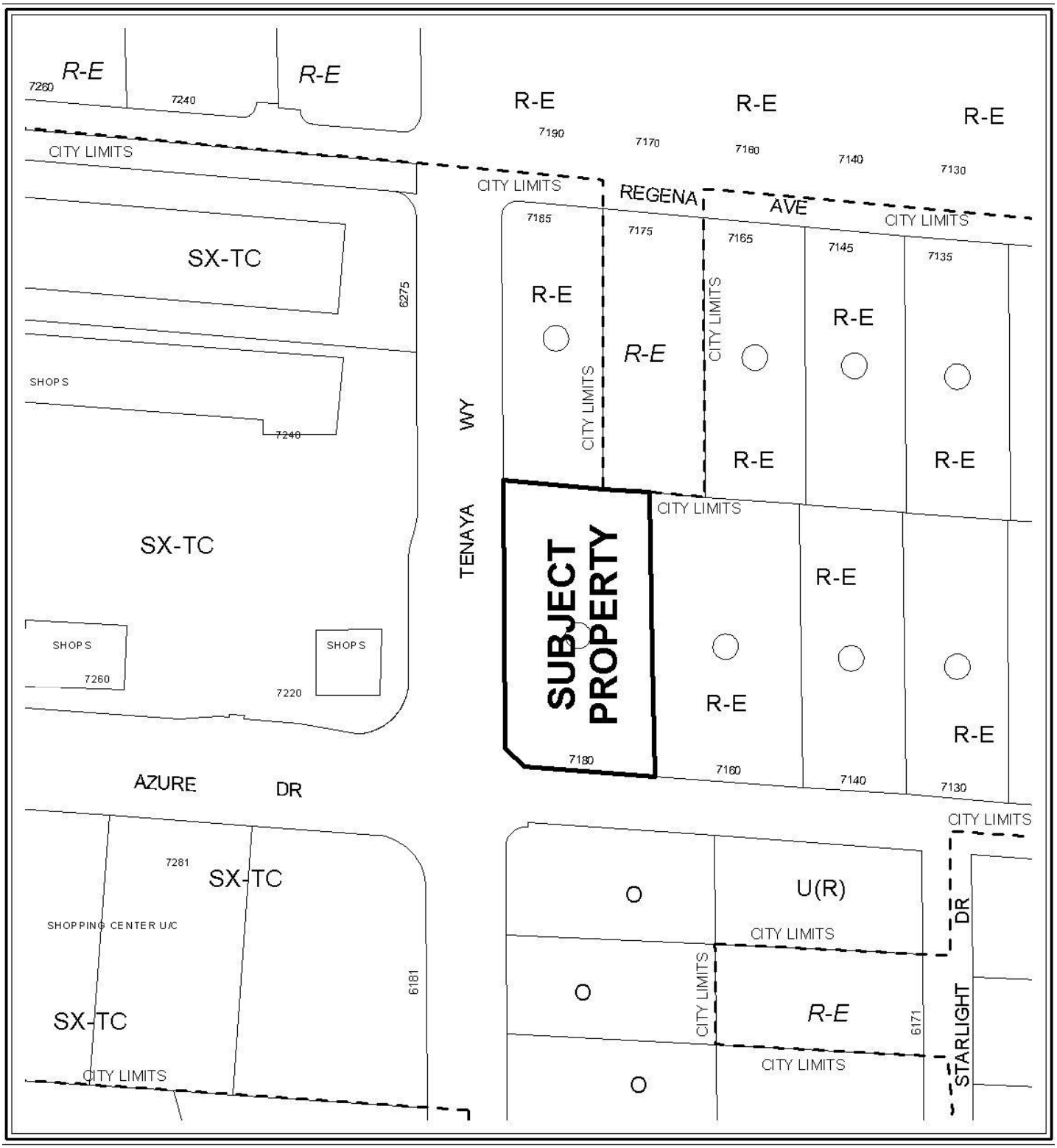
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. City Council Approval Letter for ZON-15233
5. City Council Approval Letter for EOT-30803
6. Justification Letter



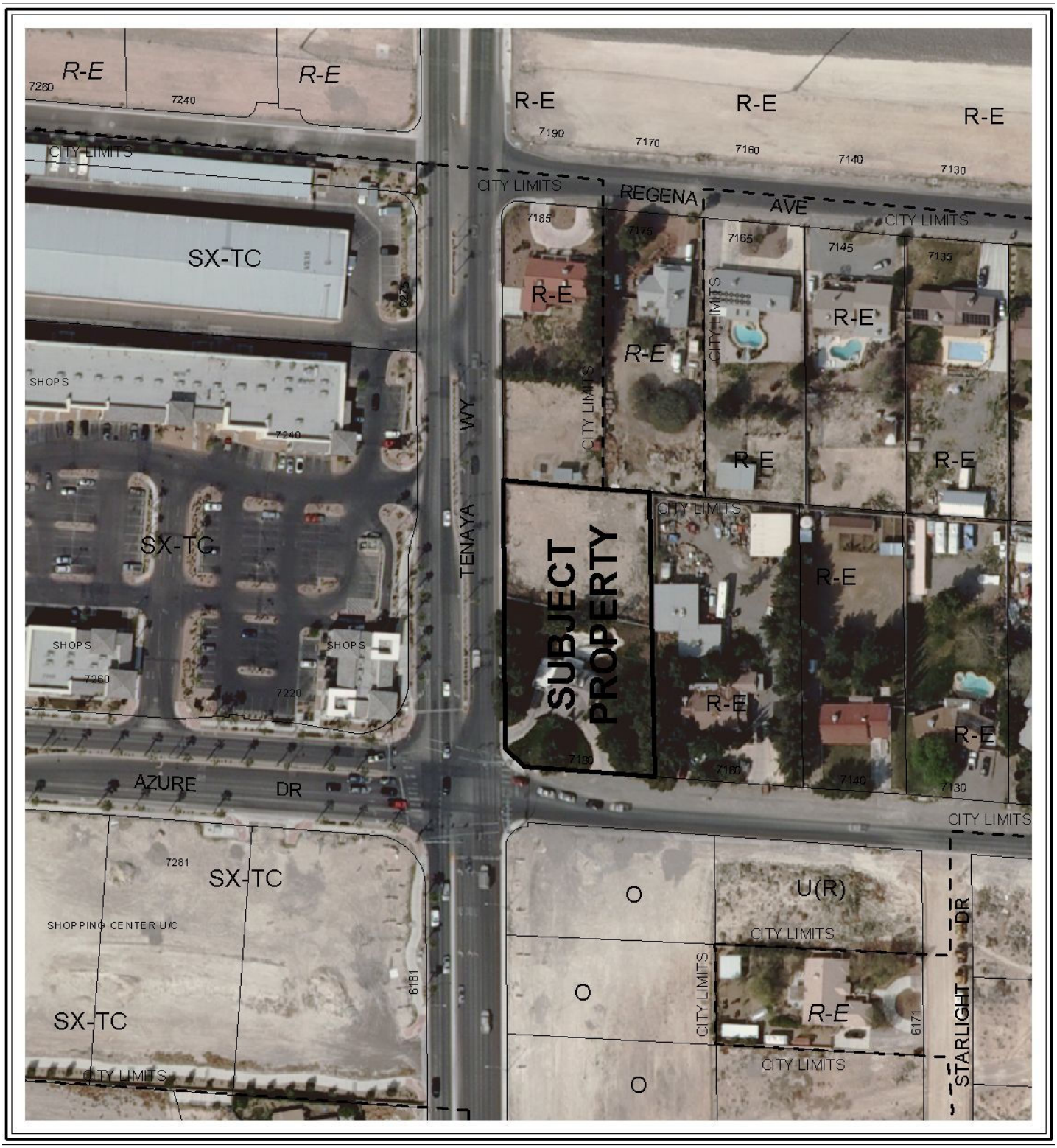
0 100 200 Feet

CASE: **EOT-39951**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING) ZONE AND R-E (RESIDENCE ESTATES) ZONE [PROPOSED: P-R (PROFESSIONAL OFFICE AND PARKING) ZONE]

N



0 100 200 Feet

CASE: **EOT-39951**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING) ZONE AND R-E (RESIDENCE ESTATES) ZONE [PROPOSED: P-R (PROFESSIONAL OFFICE AND PARKING) ZONE]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHARLES & GAIL SHIELDS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-39951	Staff recommends APPROVAL.	None

DS

** STAFF REPORT **

PROJECT DESCRIPTION

A portion of the subject site is undeveloped land with the remaining part occupied by a single-family residence. The applicant received previous approval for Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking) for the proposed conversion of the single family dwelling to an office. The Rezoning to P-R (Professional Office and Parking) aligns with the General Plan designation of O (Office). There has been a change in the zoning designation of property to the south of the subject site from U (Undeveloped) to O (Office), and new development that includes a convenience store with restricted gaming and fuel pumps to the southwest; and beer/wine/cooler off-sale within a retail establishment to the west.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/17/00	The City Council approved a Petition to Annex [A-0044-99(A)] an area consisting of approximately 19.069 acres of land located on the southeast corner of Regena Avenue and Tenaya Way. The Planning Commission and staff recommended approval. The Annexation became effective on 05/26/00.
10/06/04	The City Council approved a request to amend a portion of the Centennial Hills Inter-local Land Use Plan of the General Plan (GPA-4631) from R (Rural) to O (Office) on 0.96 acres at 7180 West Azure Drive. The Planning Commission and staff recommended denial.
	The City Council approved a related request for Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for a Site Development Plan Review (SDR-4638) for a proposed office and parking lot.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16411) of a previously approved Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking) on 0.96 acres at 7180 West Azure Drive. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-16402) of a previously approved Site Development Plan Review (SDR-4638) that allowed an office and parking lot.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/15/06	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan (GPA-15231) from R (Rural Density Residential) to O (Office) on a portion of 0.96 acres at 7180 West Azure Drive. The Planning Commission and staff recommended denial.
	The City Council approved a related request for Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for a Site Development Plan Review (SDR-15235) for a proposed conversion of a single-family residence to an office.
11/19/08	The City Council approved a request for an Extension of Time (EOT-30803) of a previously approved Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking) on a portion of 0.96 acres at 7180 West Azure Drive. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-29674) of a previously approved Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for an Extension of Time (EOT-30794) of a previously approved Site Development Plan Review (SDR-15235) for the proposed conversion of a single family residence to an office.

Most Recent Change of Ownership	
05/08/90	A deed was recorded for a change in ownership (125-27-503-008).

Related Building Permits/Business Licenses
There are no current business licenses nor have there been any building permits issued or plans submitted for review for the proposed project.

Pre-Application Meeting
A pre-application meeting was not required nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required nor was one held.

Details of Application Request	
Site Area	
Gross Acres	0.96

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Undeveloped Land and Single-Family Residence	O (Office)	R-E (Residence Estates) with a Resolution of Intent to P-R (Professional Office and Parking)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Undeveloped Land	O (Office)	O (Office)
East	Single-Family Residences	R (Rural Density Residential)	R-E (Residential Estates)
West	Retail Establishments and Storage	TC (Town Center)	T-C (Town Center) [GC (General Commercial) Town Center Special Land Use Designation]

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 7180 West Azure Drive. The applicant had received previous approval for a Site Development Plan Review (SDR-15235) to convert an existing single-family residence to an office, but due to constant requests for changes to the design by potential tenants, the applicant has decided to allow the Site Development Plan Review (SDR-15235) to expire and will resubmit a new plan when a tenant is secured.

FINDINGS

The Rezoning to P-R (Professional Office and Parking) aligns with the General Plan designation of O (Office). There has been a change in the zoning designation of property to the south of the subject site from U (Undeveloped) to O (Office), and new development that includes a convenience store with restricted gaming and fuel pumps to the southwest; and beer/wine/cooler off-sale within a retail establishment to the west. The Rezoning (ZON-15233) does not negatively affect the changes in land use and development in the surrounding areas. The applicant is requesting an extension of time due to architectural issues for the proposed project. Staff has no objection to this request and is recommending approval.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-39951** APN: 125-275-03-008

Name of Property Owner: CHARLES SHIELDS

Name of Applicant: AS ABOVE

Name of Representative: AS ABOVE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☑ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Charles H. Shields

Print Name: CHARLES H. SHIELDS

Subscribed and sworn before me

This 19 day of October, 2010

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
WILLIAM R. KANE
No: 05-101830-1
My Appointment Expires Dec. 14, 2013

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PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Application of Time

Project Address (Location) 7180 West Azure Dr, Las Vegas 89130

Project Name SHIELDS OFFICE BUILDING **Proposed Use** MEDICAL CLINIC

Assessor's Parcel #(s) 125-275-03-008 **Ward #** 6

General Plan: existing _____ proposed _____ **Zoning:** existing P-R proposed _____

Commercial Square Footage 2860 **Floor Area Ratio** 4%

Gross Acres .96 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER CHARLES & GAIL SHIELDS **Contact** CHARLES SHIELDS

Address 7180 WEST AZURE DR, **Phone:** 525 4668 **Fax:** _____

City LAS VEGAS **State** NV **Zip** 89130

E-mail Address MAGOO24@ATTGLOBAL.NET

APPLICANT CHARLES & GAIL SHIELDS **Contact** CHARLES SHIELDS

Address 7180 WEST AZURE DR **Phone:** 525 4668 **Fax:** _____

City LAS VEGAS **State** NV **Zip** 89130

E-mail Address ABOVE

REPRESENTATIVE SEE ABOVE **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

FOR DEPARTMENT USE ONLY

Case #	EOT - 39951
Meeting Date:	12/1/10 CC
Total Fee:	~~$300~~ 300
Date Received:*	10/19/10
Received By:	

Property Owner Signature* Charles H Shields

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CHARLES H. SHIELDS

Subscribed and sworn before me

This 19th day of October, 20 10.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
WILLIAM R. KANE
No: 05-101830-1
My Appointment Expires Dec. 14, 2013

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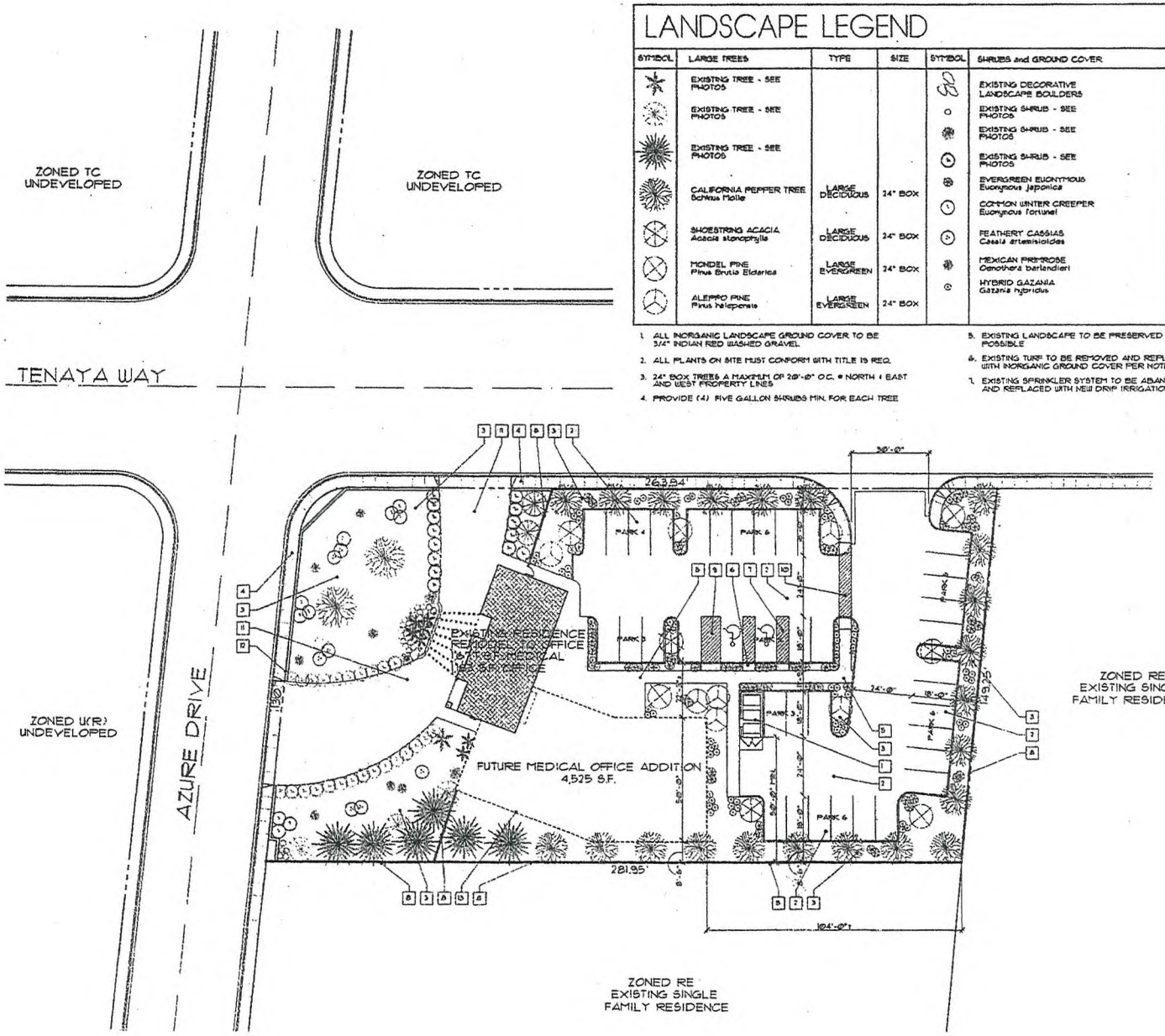
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance



1 SITE PLAN

SCALE: 1" = 20'-0"

LANDSCAPE LEGEND

SYMBOL	LARGE TREES	TYPE	SIZE
	EXISTING TREE - SEE PHOTOS		
	EXISTING TREE - SEE PHOTOS		
	EXISTING TREE - SEE PHOTOS		
	CALIFORNIA PEPPER TREE Schinus Molle	LARGE DECIDUOUS	24" BOX
	SHOESTRING ACACIA Acacia stenophylla	LARGE DECIDUOUS	24" BOX
	MONDEL PINE Pinus Brutia Eldarica	LARGE EVERGREEN	24" BOX
	ALEPPO PINE Pinus Halepensis	LARGE EVERGREEN	24" BOX

SYMBOL	SHRUBS and GROUND COVER	SIZE
	EXISTING DECORATIVE LANDSCAPE BOULDERS	
	EXISTING SHRUB - SEE PHOTOS	15 GAL
	EXISTING SHRUB - SEE PHOTOS	15 GAL
	EXISTING SHRUB - SEE PHOTOS	1 GAL
	EVERGREEN EUONYMOUS Euonymous Japonica	1 GAL
	COMMON WINTER CREEPER Euonymous Fortunei	1 GAL
	FEATHERY CASSIAS Cassia artemisioides	
	MEXICAN PRIMROSE Oenothera berlandieri	
	HYBRID GAZANIA Gazania hybridus	

1. ALL INORGANIC LANDSCAPE GROUND COVER TO BE 3/4" INDIAN RED WASHED GRAVEL
2. ALL PLANTS ON SITE MUST CONFORM WITH TITLE 19 REQ.
3. 24" BOX TREES A MAXIMUM OF 20'-0" O.C. @ NORTH & EAST AND WEST PROPERTY LINES
4. PROVIDE (4) FIVE GALLON SHRUBS MIN. FOR EACH TREE
5. EXISTING LANDSCAPE TO BE PRESERVED WHERE POSSIBLE
6. EXISTING TURF TO BE REMOVED AND REPLACED WITH INORGANIC GROUND COVER PER NOTE 1
7. EXISTING SPRINKLER SYSTEM TO BE ABANDONED AND REPLACED WITH NEW DRIP IRRIGATION SYSTEM

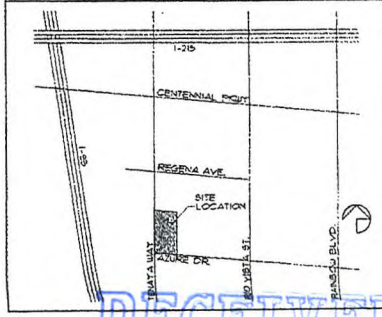
KEYNOTES

#	description
1	6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE WITH PAIR OF 3050 WROUGHT IRON GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH
2	2" A.C. PAVING
3	LANDSCAPED AREA - BY OTHERS
4	CONCRETE SIDEWALK, CURB & GUTTER AS PER CITY OF LAS VEGAS
5	4" CONCRETE SIDEWALK W/ROCKSALT FINISH
6	HANDICAP CURB RAMP
7	HANDICAP ACCESS AISLE
8	EXISTING 6'-0" HIGH CONCRETE BLOCK WALL
9	VAN ACCESSIBLE HANDICAP ACCESS AISLE
10	HANDICAP ACCESSIBLE ROUTE FROM PUBLIC WAY
11	NEW CONCRETE DRIVEWAY W/ROCKSALT FINISH
12	EXISTING DECORATIVE ROCK WALL
13	PROPOSED FUTURE CONSTRUCTION

PROJECT DATA

EXISTING ZONING:	RE
REQUIRED ZONING:	PR
BUILDING AREA	EXISTING OFFICE GENERAL OFFICE = 1183 S.F. MEDICAL OFFICE = 1671 SF FUTURE OFFICE MEDICAL OFFICE = 4525 S.F. TOTAL GENERAL OFFICE = 1353 S.F. TOTAL MEDICAL OFFICE = 6,202 S.F.
PARKING REQUIRED:	GENERAL OFFICE 1/360 X 1183 S.F. = 3.04 SPACES MEDICAL OFFICE @ 1/200 FOR 2,000 S.F. OF G.F.A. AND 1/175 S.F. FOR ADDITIONAL @ 6,202 S.F. 2,000 S.F. @ 1/200 = 10 SPACES 4,202 S.F. @ 1/175 S.F. = 24.01 SPACES TOTAL = 37.05 SPACES
PARKING PROVIDED:	38 SPACES
FLOOR AREA RATIO:	4%
FUTURE AREA RATIO:	15%
SITE ACREAGE	41,943 S.F. .96 ACRES
APN#	125-215-03-008

LOCATION



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EOT-39951

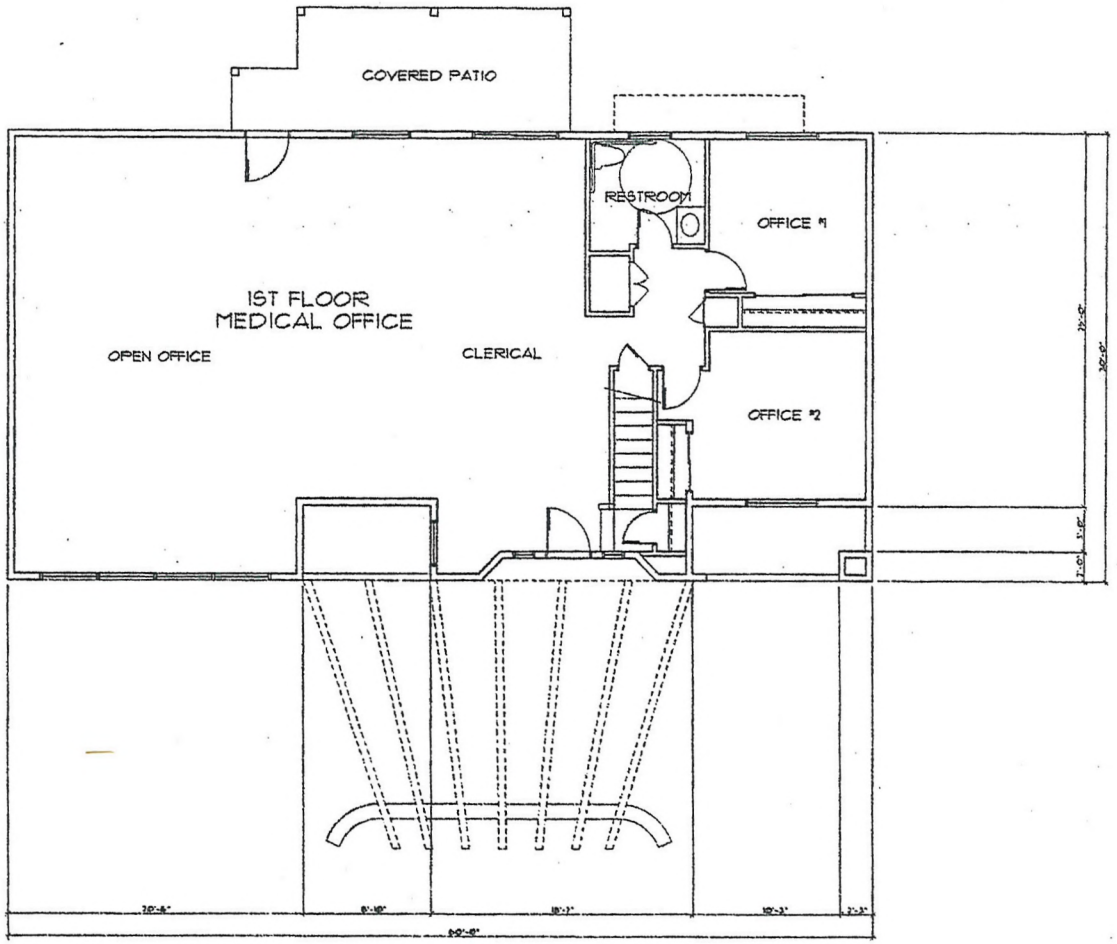
revisions

john gaull architect

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields

date	4-15-2010
proj. no.	2004-21
drawn by	

sheet no. A1



FLOOR PLAN

SCALE: 1/4" = 1'-0"

1ST FLOOR AREA = 1,677 S.F.
2ND FLOOR AREA = 1,183 S.F.
TOTAL AREA = 2,860 S.F.

KEYNOTES

- description

revisions

john dauw burke, architect
3411 WEST OQUENDO RD. #301 LAS VEGAS NV

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields
City of Las Vegas Nevada

date	4-15-2004
proj. no.	2004-01
drwn. by	
chkd. by	

sheet no. A2

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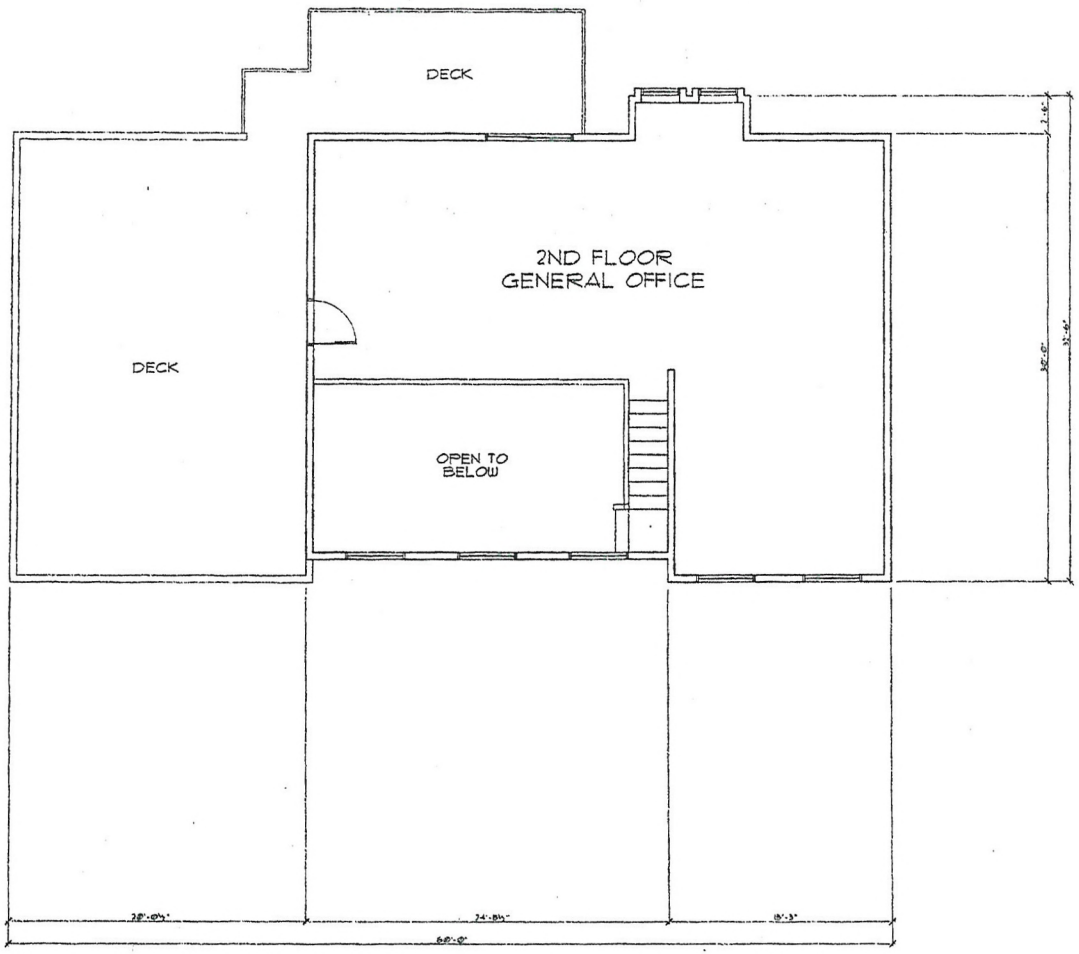

1 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

1ST FLOOR AREA = 1,677 S.F.
2ND FLOOR AREA = 1,183 S.F.
TOTAL AREA = 2,860 S.F.

#	description

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EOT-39951

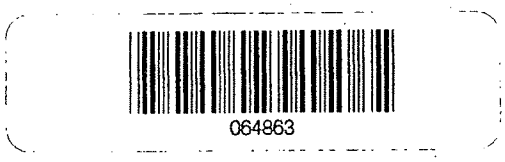
revisions

john daull burke, architect
3471 WEST OQUENDO RD. #301 LAS VEGAS, NV 89118 / 702.876-4863

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields
Nevada

date	4-15-2004
proj. no.	2004-21
drwn. by	-

sheet no. A3



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

November 16, 2006

Mr. and Mrs. Charles Shields
7180 West Azure Drive
Las Vegas, Nevada 89130

RE: ZON-15233 - REZONING
CITY COUNCIL MEETING OF NOVEMBER 15, 2006
RELATED TO GPA-15231 AND SDR-15235

Dear Mr. and Mrs. Shields:

The City Council at a regular meeting held November 15, 2006 APPROVED the request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008). The Notice of Final Action was filed with the Las Vegas City Clerk on November 16, 2006. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA-15231) to an O (Office) Land Use Designation approved by the City Council.

2. A Resolution of Intent with a two-year time limit is hereby granted.

3. A Site Development Plan Review (SDR-15235) application, if approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate an additional five feet of right-of-way for a total half-street width of 45 feet on Tenaya Way and a 54-foot radius on the northeast corner of Tenaya Way and Azure Drive adjacent to this site prior to the issuance of any permits. Also dedicate appropriate right-of-way adjacent to this site for a bus turnout on Tenaya Way in accordance with Standard Drawing #234.3 and grant a passenger shelter and loading pad easement in accordance with Standard Drawing #234.2 if requested by the Regional Transportation Commission (RTC) prior to the issuance of any permits, unless otherwise allowed by the City Traffic Engineer.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

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OCT 19 AM
EOT-39951

5. Construct all incomplete half-street improvements on Tenaya Way, including a bus turnout, to meet current City Town Center Standards adjacent to this site concurrent with development. In addition, construct half-street improvements, including appropriate transitional paving, on Azure Drive adjacent to this site concurrent with development. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

6. Coordinate with the Collection Systems Planning Section of Public Works to determine an appropriate public sewer connection to service this site prior to the issuance of any permits for this site.

7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

EOT-39951

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

November 21, 2008

Mr. Charles Shields
7180 West Azure Drive
Las Vegas, Nevada 89130

RE: EOT-30803 – EXTENSION OF TIME
CITY COUNCIL MEETING OF NOVEMBER 19, 2008

Dear Mr. Shields:

The City Council at a regular meeting held November 19, 2008 APPROVED the request for an Extension of Time of an approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008). The Notice of Final Action was filed with the Las Vegas City Clerk on November 20, 2008. This approval is subject to:

Planning & Development

1. This Rezoning (ZON-15233) shall expire on 11/15/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to the conditions of approval of Rezoning (ZON-15233) as required by the Department of Public Works.

Sincerely,

Gabriela Portillo-Brenner

Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

099210

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OCT 19 2010
EOT-39951

Captain Charles H. Shields

24th September 2010

City of Las Vegas Planning and Development,
731 S. Fourth Street,
Las Vegas. NV. 89101

Re: Justification Letter, Extension of Time: 7180 west Azure Dr, Las Vegas.89130
Assessor's Parcel Number – 125-275-03-008

We are requesting an extension of time for the above property P-R zoning. We need it because of architectural issues

The site is located east of Tenaya Way and north of Azure Drive just south of the 1-215 Beltway and east of US-95. Although the proposed site is planned for rural use, immediately west of the site is planned and zoned Town Center (TC). The TC category is described as a General Commercial Planned Development. The equivalent General Plan Categories for the TC designation are Service Commercial, General Commcial, Office, Light Industrial/Research and High Density Residential. TC is described as "a mixed uses employment center development category" created by the intersection of US95 and the proposed beltway systems. Uses include mall facilities or shopping centers and other retail facilities: high density residential uses: planned business: office and industrial park: and recreational uses.

The proposed General Plan Amendment and Rezoning from Rural to Office Professional is the ideal transition from this high density, urban master planned community which is immediately adjacent to the proposed site, and the residential development to the southeast.

Further, the burdens imposed by such a change will be consistent with those imposed by the TC uses as well as the current traffic flow on Tenya and Azure just south of the Beltway.

The proposed plan amendment and rezoning is compatible with the TC to the east and furthers the goals of the general plan by promoting transitional zoning where appropriate.

Please contact me if you have any questions or concerns.

Charles H Shields

CHARLES H. SHIELDS

7180 West Azure Dr,
LAS VEGAS
NEVADA. U.S.A. 89130

Phone: (702) 658 3385
Fax: (702) 658 8202
Cell: (702) 525 4668

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City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:

REHEAR - EOT-39951 - EXTENSION OF TIME - REZONING - APPLICANT/OWNER: CHARLES & GAIL SHIELDS - Request for an Extension of Time of a previously approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Ross). **NOTE: THIS REQUEST IS TO ADD REZONING (ZON-4635) TO THE EXTENSION OF TIME REQUEST AND DELETE THE TEXT "ON A PORTION OF" SO AS TO INCLUDE THE ENTIRE 0.96 ACRES** Staff recommends APPROVAL.

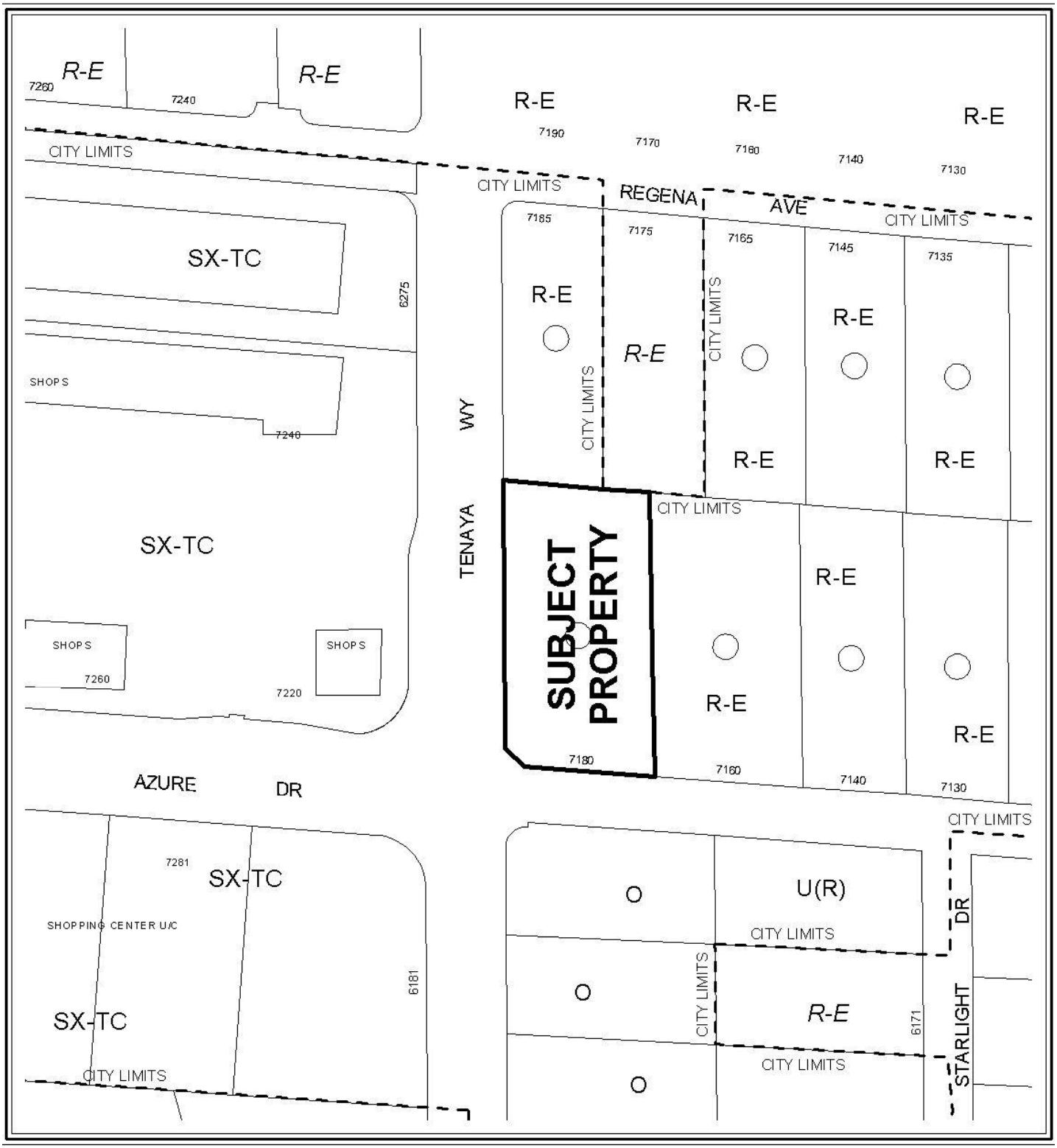
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. City Council Approval Letter for ZON-15233
5. City Council Approval Letter for EOT-30803
6. Justification Letter



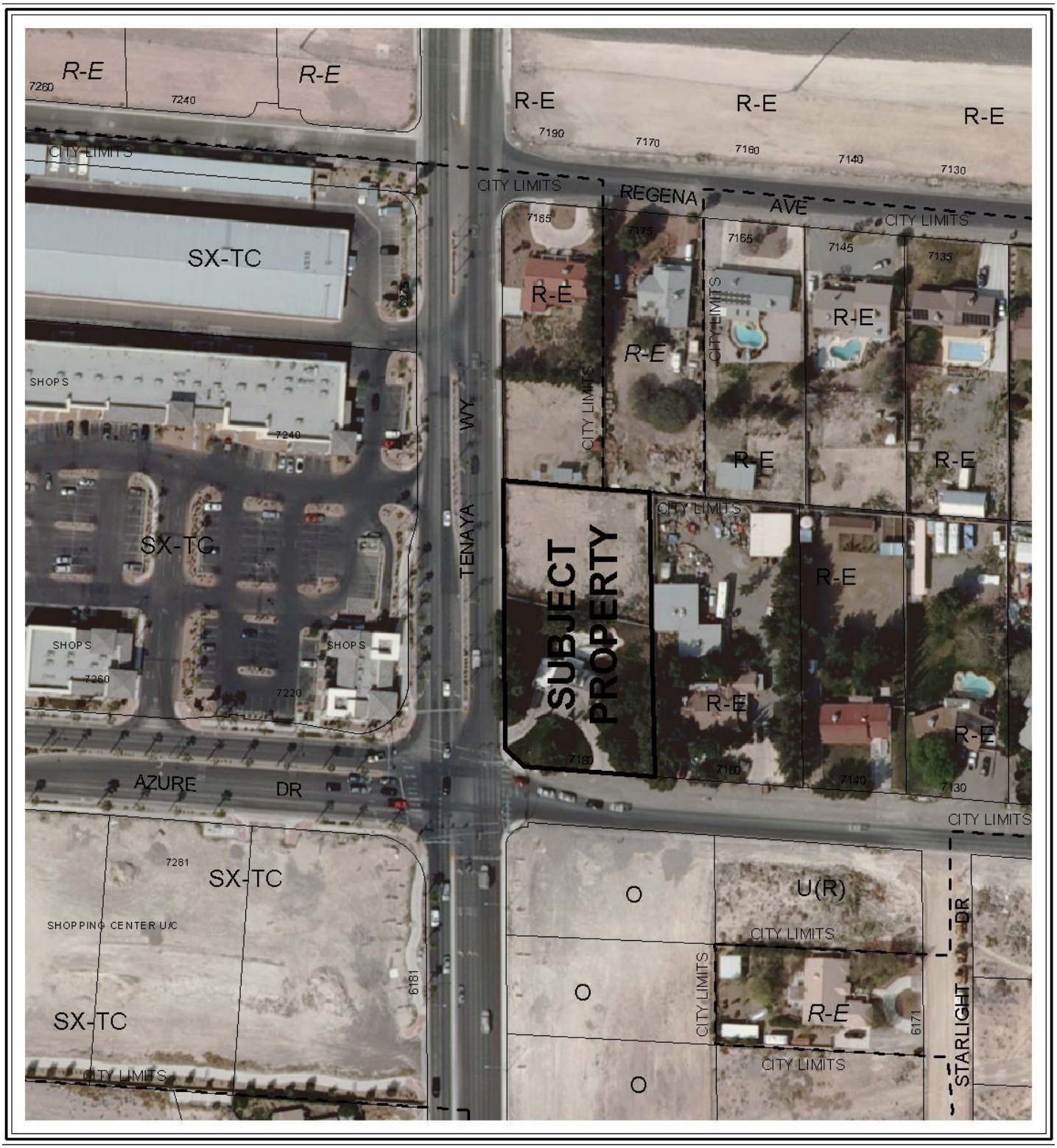
0 100 200 Feet

CASE: **EOT-39951**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING) ZONE AND R-E (RESIDENCE ESTATES) ZONE [PROPOSED: P-R (PROFESSIONAL OFFICE AND PARKING) ZONE]

N



0 100 200 Feet

CASE: **EOT-39951**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING) ZONE AND R-E (RESIDENCE ESTATES) ZONE [PROPOSED: P-R (PROFESSIONAL OFFICE AND PARKING) ZONE]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHARLES & GAIL SHIELDS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-39951	Staff recommends APPROVAL.	None

DS

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is undeveloped land on the north and a single-family residence on the southern portion of the parcel, which totals 0.96 acres in its entirety. The applicant received previous approval for Rezoning (ZON-15233 and ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking) for the proposed conversion of the single family dwelling to an office. The Rezoning to P-R (Professional Office and Parking) aligns with the General Plan designation of O (Office). There has been a change in the zoning designation of property to the south of the subject site from U (Undeveloped) to O (Office), and new development that includes a convenience store with restricted gaming and fuel pumps to the southwest; and beer/wine/cooler off-sale within a retail establishment to the west.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/17/00	The City Council approved a Petition to Annex [A-0044-99(A)] an area consisting of approximately 19.069 acres of land located on the southeast corner of Regena Avenue and Tenaya Way. The Planning Commission and staff recommended approval. The Annexation became effective on 05/26/00.
10/06/04	The City Council approved a request to amend a portion of the Centennial Hills Inter-local Land Use Plan of the General Plan (GPA-4631) from R (Rural) to O (Office) on 0.96 acres at 7180 West Azure Drive. The Planning Commission and staff recommended denial.
	The City Council approved a related request for Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for a Site Development Plan Review (SDR-4638) for a proposed office and parking lot.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16411) of a previously approved Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking) on 0.96 acres at 7180 West Azure Drive. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-16402) of a previously approved Site Development Plan Review (SDR-4638) that allowed an office and parking lot.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/15/06	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan (GPA-15231) from R (Rural Density Residential) to O (Office) on a portion of 0.96 acres at 7180 West Azure Drive. The Planning Commission and staff recommended denial.
	The City Council approved a related request for Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for a Site Development Plan Review (SDR-15235) for a proposed conversion of a single-family residence to an office.
11/19/08	The City Council approved a request for an Extension of Time (EOT-30803) of a previously approved Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking) on a portion of 0.96 acres at 7180 West Azure Drive. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-29674) of a previously approved Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking).
	The City Council approved a related request for an Extension of Time (EOT-30794) of a previously approved Site Development Plan Review (SDR-15235) for the proposed conversion of a single family residence to an office.
12/01/10	The City Council approved a request for an Extension of Time (EOT-39951) of a previously approved Rezoning (ZON-15233) from R-E (Residence Estates) to P-R (Professional Office and Parking) on a portion of 0.96 acres at 7180 West Azure Drive. Staff recommended approval.

Most Recent Change of Ownership	
05/08/90	A deed was recorded for a change in ownership (125-27-503-008).

Related Building Permits/Business Licenses
There are no current business licenses nor have there been any building permits issued or plans submitted for review for the proposed project.

Pre-Application Meeting
A pre-application meeting was not required nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required nor was one held.

Details of Application Request	
Site Area	
Gross Acres	0.96

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped Land and Single-Family Residence	O (Office)	R-E (Residence Estates) with a Resolution of Intent to P-R (Professional Office and Parking)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Undeveloped Land	O (Office)	O (Office)
East	Single-Family Residences	R (Rural Density Residential)	R-E (Residential Estates)
West	Retail Establishments and Storage	TC (Town Center)	T-C (Town Center) [GC (General Commercial) Town Center Special Land Use Designation]

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Rezoning (ZON-15233) and third request for Rezoning (ZON-4635) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 7180 West Azure Drive. The Rezonings (ZON-4635 and ZON-15233) were approved independently, each addressing only a portion of the entire parcel (APN 125-27-503-008). In addition, the applicant had received previous approval for a Site Development Plan Review (SDR-15235) to convert the existing single-family residence to an office, but due to constant requests for changes to the design by potential tenants, the applicant has decided to allow the Site Development Plan Review (SDR-15235) to expire and will resubmit a new plan when a tenant is secured.

FINDINGS

The applicant is requesting an extension of time due to architectural issues for the proposed project. The Rezoning to P-R (Professional Office and Parking) aligns with the General Plan designation of O (Office). There has been a change in the zoning designation of property to the south of the subject site from U (Undeveloped) to O (Office), and new development that includes a convenience store with restricted gaming and fuel pumps to the southwest; and beer/wine/cooler off-sale within a retail establishment to the west. The Rezoning (ZON-15233 and ZON-4635) does not negatively affect the changes in land use and development in the surrounding areas and remains in compliance with Title 19.18.04 requirements; therefore, staff is recommending approval.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-39951** APN: 125-275-03-008

Name of Property Owner: CHARLES SHIELDS

Name of Applicant: AS ABOVE

Name of Representative: AS ABOVE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☑ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Charles H. Shields

Print Name: CHARLES H. SHIELDS

Subscribed and sworn before me

This 19 day of October, 2010

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
WILLIAM R. KANE
No: 05-101830-1
My Appointment Expires Dec. 14, 2013

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OCT 19 2010

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Application of Time

Project Address (Location) 7180 West Azure Dr, Las Vegas 89130

Project Name SHIELDS OFFICE BUILDING **Proposed Use** MEDICAL CLINIC

Assessor's Parcel #(s) 125-275-03-008 **Ward #** 6

General Plan: existing _____ proposed _____ **Zoning:** existing P-R proposed _____

Commercial Square Footage 2860 **Floor Area Ratio** 4%

Gross Acres .96 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER CHARLES & GAIL SHIELDS **Contact** CHARLES SHIELDS

Address 7180 WEST AZURE DR, **Phone:** 525 4668 **Fax:** _____

City LAS VEGAS **State** NV **Zip** 89130

E-mail Address MAGOO24@ATTGLOBAL.NET

APPLICANT CHARLES & GAIL SHIELDS **Contact** CHARLES SHIELDS

Address 7180 WEST AZURE DR **Phone:** 525 4668 **Fax:** _____

City LAS VEGAS **State** NV **Zip** 89130

E-mail Address ABOVE

REPRESENTATIVE SEE ABOVE **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

FOR DEPARTMENT USE ONLY

Case #	EOT - 39951
Meeting Date:	12/1/10 CC
Total Fee:	~~$300~~ 300
Date Received:*	10/19/10
Received By:	

Property Owner Signature* Charles H Shields

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CHARLES H. SHIELDS

Subscribed and sworn before me

This 19th day of October, 20 10.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
WILLIAM R. KANE
No: 05-101830-1
My Appointment Expires Dec. 14, 2013

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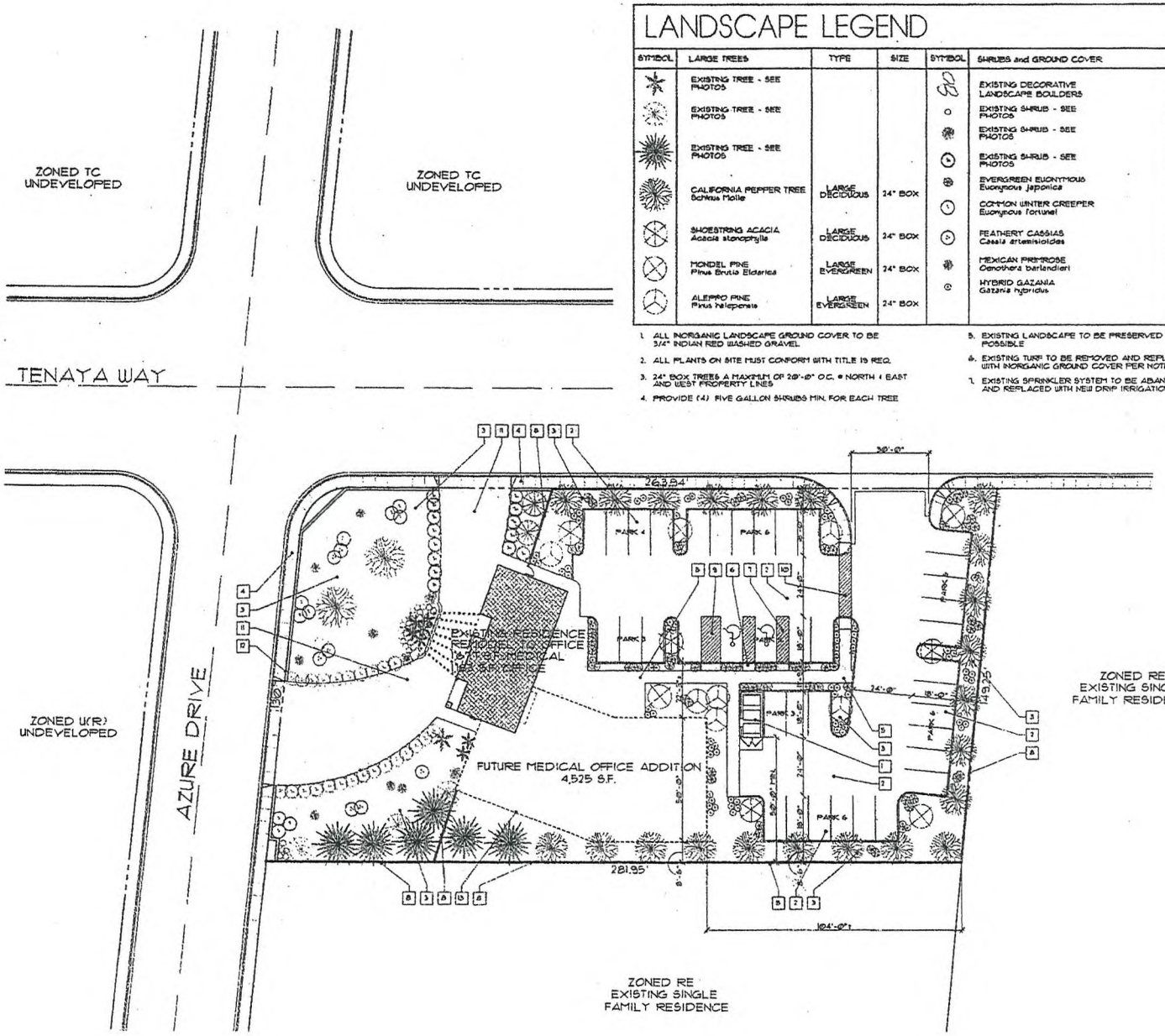
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance



1 SITE PLAN

SCALE: 1" = 20'-0"

LANDSCAPE LEGEND

SYMBOL	LARGE TREES	TYPE	SIZE
	EXISTING TREE - SEE PHOTOS		
	EXISTING TREE - SEE PHOTOS		
	EXISTING TREE - SEE PHOTOS		
	CALIFORNIA PEPPER TREE Schinus Molle	LARGE DECIDUOUS	24" BOX
	SHOESTRING ACACIA Acacia stenophylla	LARGE DECIDUOUS	24" BOX
	MONDEL PINE Pinus Brutia Eldarica	LARGE EVERGREEN	24" BOX
	ALEPPO PINE Pinus Halepensis	LARGE EVERGREEN	24" BOX

SYMBOL	SHRUBS and GROUND COVER	SIZE
	EXISTING DECORATIVE LANDSCAPE BOULDERS	
	EXISTING SHRUB - SEE PHOTOS	15 GAL
	EXISTING SHRUB - SEE PHOTOS	15 GAL
	EXISTING SHRUB - SEE PHOTOS	1 GAL
	EVERGREEN EUONYMOUS Euonymous Japonica	1 GAL
	COMMON WINTER CREEPER Euonymous Fortunei	1 GAL
	FEATHERY CASSIAS Cassia artemisioides	
	MEXICAN PRIMROSE Oenothera berlandieri	
	HYBRID GAZANIA Gazania hybridus	

1. ALL INORGANIC LANDSCAPE GROUND COVER TO BE 3/4" INDIAN RED WASHED GRAVEL
2. ALL PLANTS ON SITE MUST CONFORM WITH TITLE 19 REQ.
3. 24" BOX TREES A MAXIMUM OF 20'-0" O.C. @ NORTH & EAST AND WEST PROPERTY LINES
4. PROVIDE (4) FIVE GALLON SHRUBS MIN. FOR EACH TREE
5. EXISTING LANDSCAPE TO BE PRESERVED WHERE POSSIBLE
6. EXISTING TURF TO BE REMOVED AND REPLACED WITH INORGANIC GROUND COVER PER NOTE 1
7. EXISTING SPRINKLER SYSTEM TO BE ABANDONED AND REPLACED WITH NEW DRIP IRRIGATION SYSTEM

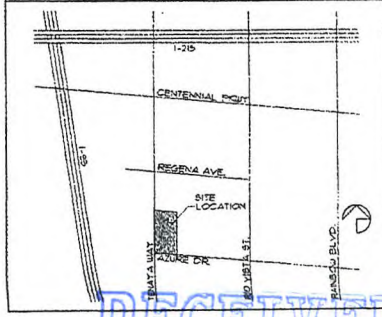
KEYNOTES

#	description
1	6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE WITH PAIR OF 3050 WROUGHT IRON GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH
2	2" A.C. PAVING
3	LANDSCAPED AREA - BY OTHERS
4	CONCRETE SIDEWALK, CURB & GUTTER AS PER CITY OF LAS VEGAS
5	4" CONCRETE SIDEWALK W/ROCKSALT FINISH
6	HANDICAP CURB RAMP
7	HANDICAP ACCESS AISLE
8	EXISTING 6'-0" HIGH CONCRETE BLOCK WALL
9	VAN ACCESSIBLE HANDICAP ACCESS AISLE
10	HANDICAP ACCESSIBLE ROUTE FROM PUBLIC WAY
11	NEW CONCRETE DRIVEWAY W/ROCKSALT FINISH
12	EXISTING DECORATIVE ROCK WALL
13	PROPOSED FUTURE CONSTRUCTION

PROJECT DATA

EXISTING ZONING:	RE
REQUIRED ZONING:	PR
BUILDING AREA	EXISTING OFFICE GENERAL OFFICE = 1183 S.F. MEDICAL OFFICE = 1671 SF FUTURE OFFICE MEDICAL OFFICE = 4525 S.F. TOTAL GENERAL OFFICE = 1353 S.F. TOTAL MEDICAL OFFICE = 6,202 S.F.
PARKING REQUIRED:	GENERAL OFFICE 1/360 X 1183 S.F. = 3.04 SPACES MEDICAL OFFICE @ 1/200 FOR 2,000 S.F. OF G.F.A. AND 1/175 S.F. FOR ADDITIONAL @ 6,202 S.F. 2,000 S.F. @ 1/200 = 10 SPACES 4,202 S.F. @ 1/175 S.F. = 24.01 SPACES TOTAL = 37.05 SPACES
PARKING PROVIDED:	38 SPACES
FLOOR AREA RATIO:	4%
FUTURE AREA RATIO:	15%
SITE ACREAGE	41,943 S.F. .96 ACRES
APN#	125-215-03-008

LOCATION



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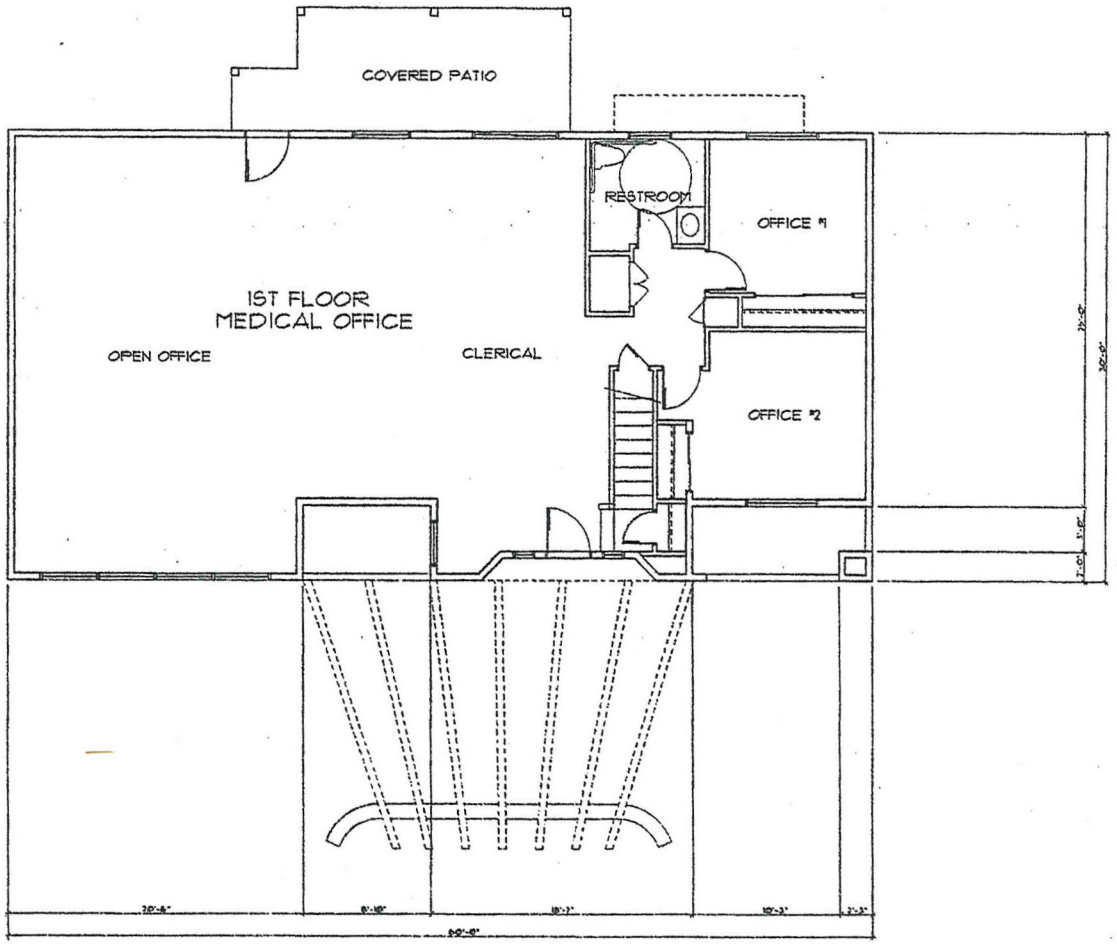
revisions

john gaull architect

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields

date	4-15-2010
proj. no.	2004-21
drawn by	

sheet no. A1



FLOOR PLAN

SCALE: 1/4" = 1'-0"

1ST FLOOR AREA = 1,677 S.F.
2ND FLOOR AREA = 1,183 S.F.
TOTAL AREA = 2,860 S.F.

KEYNOTES

* description

revisions

john dauw burke, architect
3411 WEST OQUENDO RD. #301 LAS VEGAS NV

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields
City of Las Vegas Nevada

date	4-15-2004
proj. no.	2004-01
drwn. by	
chkd. by	

sheet no. A2

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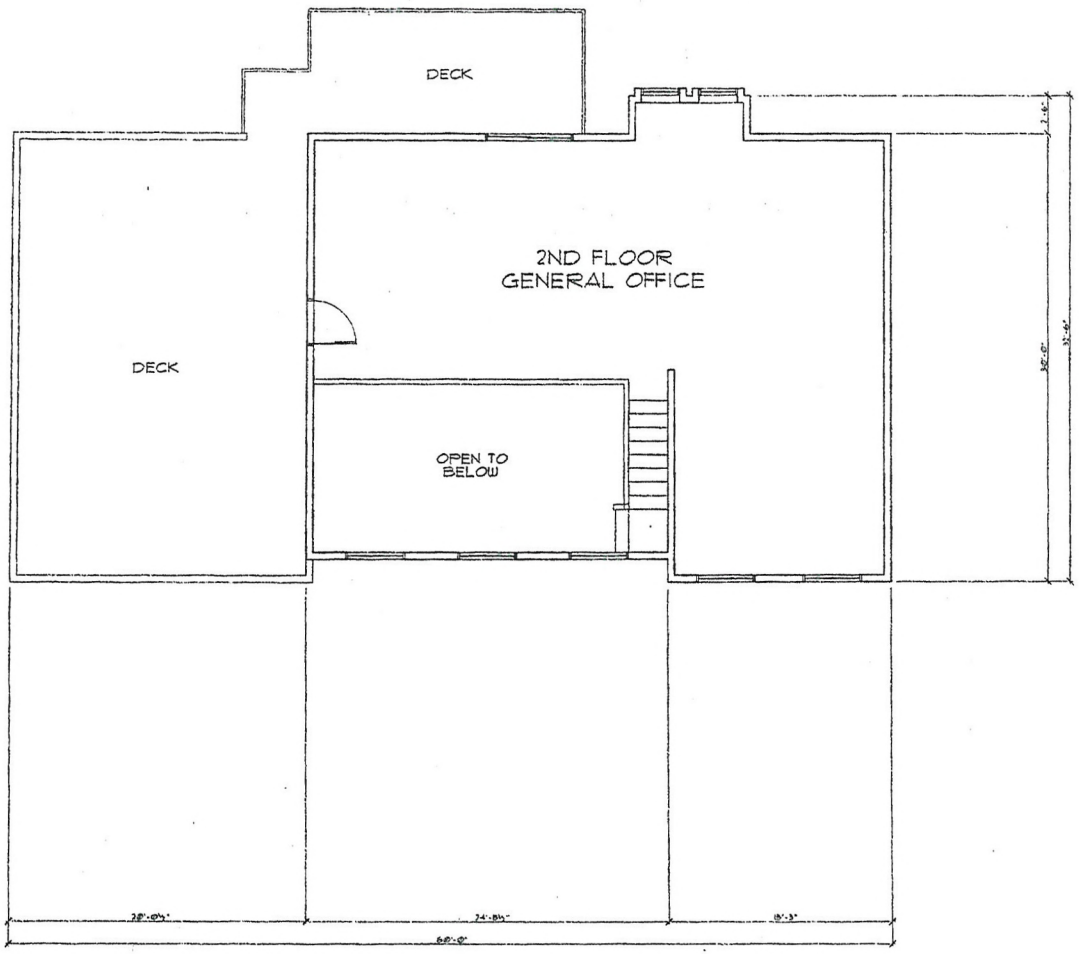

1 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

1ST FLOOR AREA = 1,677 S.F.
2ND FLOOR AREA = 1,183 S.F.
TOTAL AREA = 2,860 S.F.

#	description

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OCT 19 2010
EOT-39951

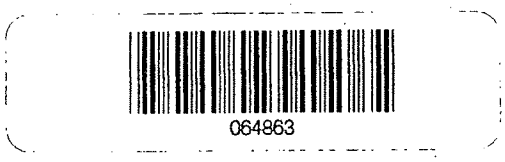
revisions

john daull burke, architect
3471 WEST OQUENDO RD. #301 LAS VEGAS, NV 89118 / 702.876-4863

OFFICE BUILDING
7180 W. AZURE DRIVE
for: Chuck & Gail Shields
Nevada

date	4-15-2004
proj. no.	2004-21
drwn. by	-

sheet no. A3



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

November 16, 2006

Mr. and Mrs. Charles Shields
7180 West Azure Drive
Las Vegas, Nevada 89130

RE: ZON-15233 - REZONING
CITY COUNCIL MEETING OF NOVEMBER 15, 2006
RELATED TO GPA-15231 AND SDR-15235

Dear Mr. and Mrs. Shields:

The City Council at a regular meeting held November 15, 2006 APPROVED the request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008). The Notice of Final Action was filed with the Las Vegas City Clerk on November 16, 2006. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA-15231) to an O (Office) Land Use Designation approved by the City Council.

2. A Resolution of Intent with a two-year time limit is hereby granted.

3. A Site Development Plan Review (SDR-15235) application, if approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate an additional five feet of right-of-way for a total half-street width of 45 feet on Tenaya Way and a 54-foot radius on the northeast corner of Tenaya Way and Azure Drive adjacent to this site prior to the issuance of any permits. Also dedicate appropriate right-of-way adjacent to this site for a bus turnout on Tenaya Way in accordance with Standard Drawing #234.3 and grant a passenger shelter and loading pad easement in accordance with Standard Drawing #234.2 if requested by the Regional Transportation Commission (RTC) prior to the issuance of any permits, unless otherwise allowed by the City Traffic Engineer.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

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5. Construct all incomplete half-street improvements on Tenaya Way, including a bus turnout, to meet current City Town Center Standards adjacent to this site concurrent with development. In addition, construct half-street improvements, including appropriate transitional paving, on Azure Drive adjacent to this site concurrent with development. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

6. Coordinate with the Collection Systems Planning Section of Public Works to determine an appropriate public sewer connection to service this site prior to the issuance of any permits for this site.

7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

EOT-39951

LAS VEGAS CITY COUNCIL

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MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

November 21, 2008

Mr. Charles Shields
7180 West Azure Drive
Las Vegas, Nevada 89130

RE: EOT-30803 – EXTENSION OF TIME
CITY COUNCIL MEETING OF NOVEMBER 19, 2008

Dear Mr. Shields:

The City Council at a regular meeting held November 19, 2008 APPROVED the request for an Extension of Time of an approved Rezoning (ZON-15233) FROM: R-E (RESIDENCE ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on a portion of 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008). The Notice of Final Action was filed with the Las Vegas City Clerk on November 20, 2008. This approval is subject to:

Planning & Development

1. This Rezoning (ZON-15233) shall expire on 11/15/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to the conditions of approval of Rezoning (ZON-15233) as required by the Department of Public Works.

Sincerely,

Gabriela Portillo-Brenner

Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

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Captain Charles H. Shields

24th September 2010

City of Las Vegas Planning and Development,
731 S. Fourth Street,
Las Vegas. NV. 89101

Re: Justification Letter, Extension of Time: 7180 west Azure Dr, Las Vegas.89130
Assessor's Parcel Number – 125-275-03-008

We are requesting an extension of time for the above property P-R zoning. We need it because of architectural issues

The site is located east of Tenaya Way and north of Azure Drive just south of the 1-215 Beltway and east of US-95. Although the proposed site is planned for rural use, immediately west of the site is planned and zoned Town Center (TC). The TC category is described as a General Commercial Planned Development. The equivalent General Plan Categories for the TC designation are Service Commercial, General Commcial, Office, Light Industrial/Research and High Density Residential. TC is described as "a mixed uses employment center development category" created by the intersection of US95 and the proposed beltway systems. Uses include mall facilities or shopping centers and other retail facilities: high density residential uses: planned business: office and industrial park: and recreational uses.

The proposed General Plan Amendment and Rezoning from Rural to Office Professional is the ideal transition from this high density, urban master planned community which is immediately adjacent to the proposed site, and the residential development to the southeast.

Further, the burdens imposed by such a change will be consistent with those imposed by the TC uses as well as the current traffic flow on Tenya and Azure just south of the Beltway.

The proposed plan amendment and rezoning is compatible with the TC to the east and furthers the goals of the general plan by promoting transitional zoning where appropriate.

Please contact me if you have any questions or concerns.

Charles H Shields

CHARLES H. SHIELDS

7180 West Azure Dr,
LAS VEGAS
NEVADA. U.S.A. 89130

Phone: (702) 658 3385
Fax: (702) 658 8202
Cell: (702) 525 4668

RECEIVED
OCT 19 2010
EOT-39951

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-38534 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO SUP-38533 - PUBLIC HEARING - APPLICANT: LOANEX - OWNER: DECATUR-OAKEY PLAZA LIMITED PARTNERSHIP - Request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER USE (JEWELRY) WITHIN AN EXISTING 750 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED at 1620 South Decatur Boulevard, Suite A (APN 163-01-602-005), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

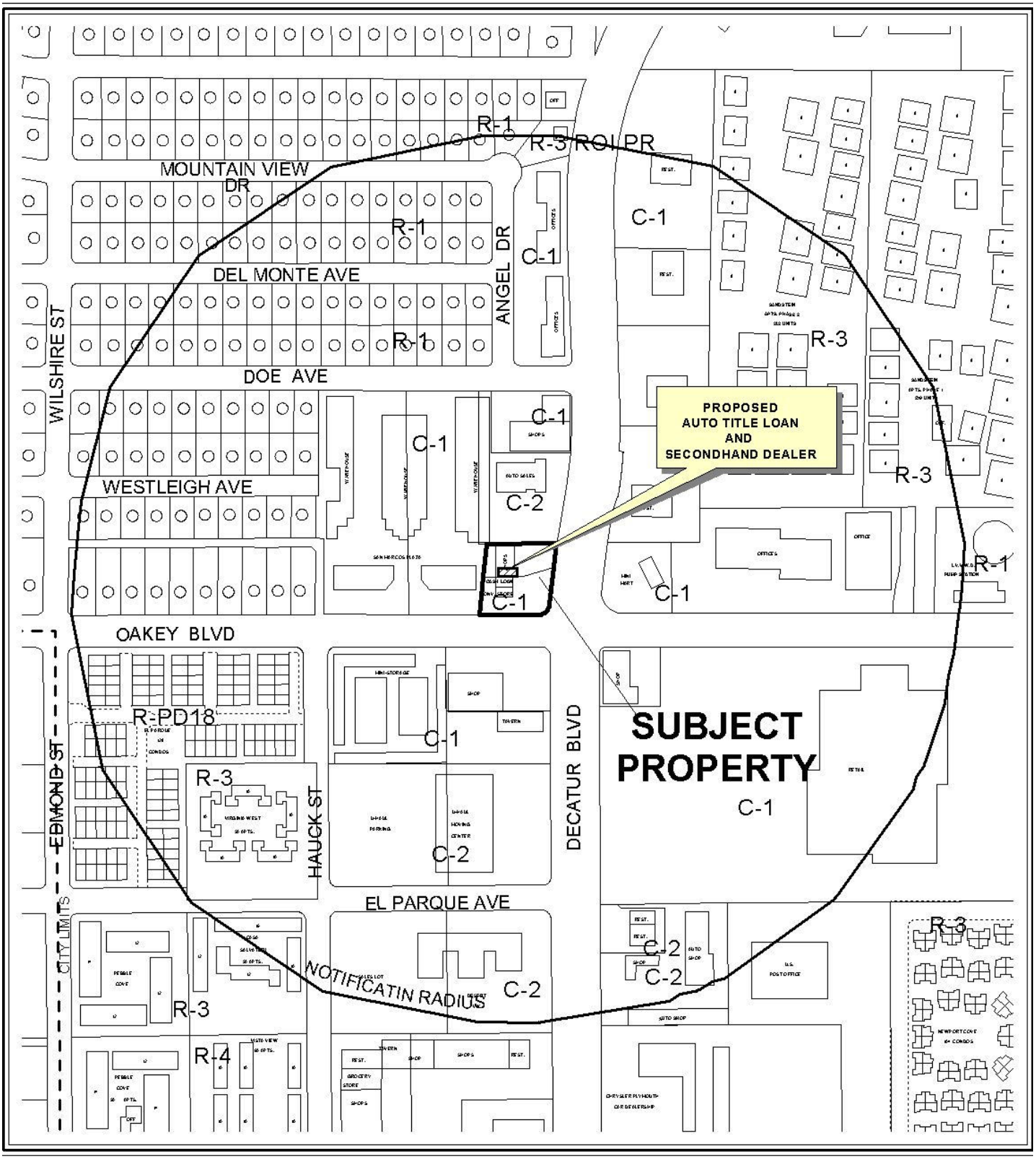
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

The Planning Commission (7-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the July 29, 2010 Planning Commission Meeting for Item SUP-38534



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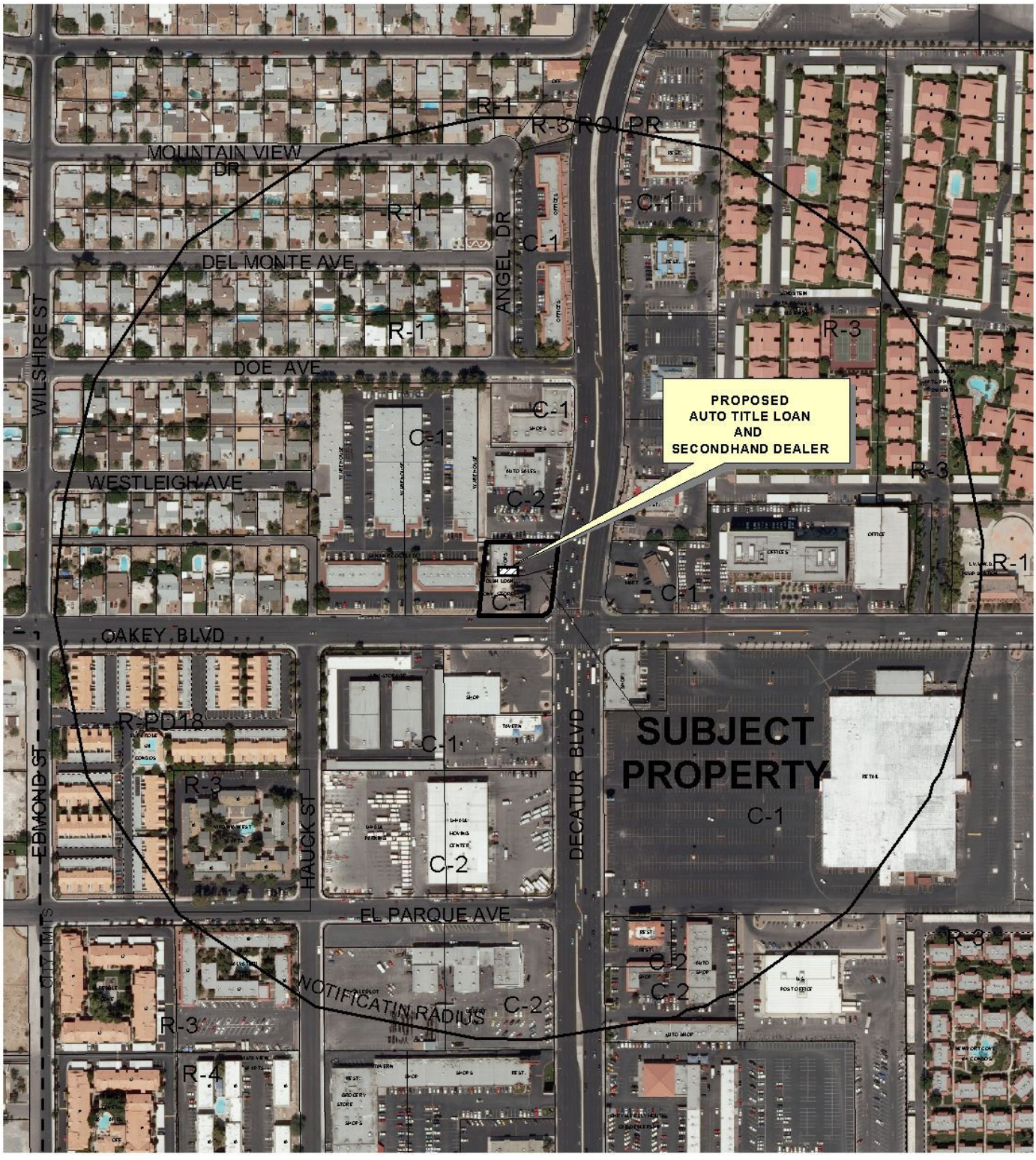
CASE: **SUP-38533 AND SUP-38534**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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CASE: **SUP-38533 AND SUP-38534**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: LOANEX - OWNER: DECATUR-OAKEY PLAZA LIMITED PARTNERSHIP

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 5, 2011 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-38534	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-38534 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Secondhand Dealer use.

2. All window signage shall be in conformance with LVMC Title 19.14, or removed within 30 days of the date of final approval.

3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

RG

Staff Report Page One
February 2, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting two Special Use Permit for Auto Title Loan and Secondhand Dealer within an existing 750 square-foot non-conforming Financial Institution, Specified at 1620 South Decatur Boulevard, Suite A. The applicant is requesting for a waiver for the Auto Title Loan to allow the minimum of 750 square feet, where 1,500 square feet minimum of the building or portion thereof that is dedicated for the use. Staff is recommending approval of these applications because the proposed uses can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. If this request is denied, the Auto Title Loan and Secondhand Dealer uses cannot be permitted on this site.

ISSUES

- A waiver is required to allow 750 square feet for the Auto Title Loan use where 1,500 square feet is the minimum floor area required.
- A site visit by staff and noted that a window signage was observed and exceeded the 25 percent coverage allowed pursuant to Title 19.14.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/21/69	05/21/69 - The Board of City Commissioners approved for a Rezoning (Z-0026-69) on property generally located on the northwest corner of Oakey Boulevard and Decatur Boulevard, from R-3 and R-1 to C-1. The Planning Commission recommended approval.
10/22/69	The Board of City Commissioners approved a request for a six month Extension of Time under Z-0026-69 on property generally located on the northwest corner of Oakey Boulevard and Decatur Boulevard, C-1 Zone. The Planning Commission recommended approval.
02/14/85	The Planning Commission approved a Plot Plan Review (Z-0026-69) of property generally located on the northwest corner of Oakey Boulevard and Decatur Boulevard, C-1 Zone. Staff recommended approval.
07/29/10	The Planning Commission voted (7-0) to recommend APPROVAL of companion items SUP-38533 and SUP-38534 (PC Agenda Items #44-45/rg).
09/01/10	The City Council voted (5-1) to recommend APPROVAL of companion item SUP-38533 and voted to hold this item in abeyance to the January 5, 2011 City Council meeting.

Most Recent Change of Ownership	
12/24/90	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/12/85	A building permit (#6238) was issued for a Commercial Retail Building at 1620 South Decatur Boulevard. The project was completed on 07/19/85.
08/08/95	A business license (C21-00023) was issued for a Check Cashing Service at 1620 South Decatur Boulevard Suite #A. The license was reclassified to Non-Depository Lender on 09/18/09.
01/07/10	A temporary business license (N02-00124) was issued for Non-Depository Lender at 1620 North Jones Boulevard Suite #A. The temporary business license will expire on 07/07/10.

Pre-Application Meeting	
06/03/10	A pre-application meeting with applicant was held where elements of submitting Special Use Permit applications for an Auto Title Loan and Secondhand Dealer were discussed. The topic included: • The submittal of application materials, meeting dates, and deadlines were discussed. • The parking requirement for an Auto Title Loan and Secondhand Dealer are the same as the Financial Institution, Specified. The required parking is one space per 250 square feet of gross floor area and no additional parking is required for the proposed use. • The site plan needs to be revised to include a comprehensive parking calculation with the parking requirements of different uses on-site. • The justification letter needs to be revised to include the business address and suite number of the proposed use. • The hours of operation needs to be indicated on the justification letter indicating that the use will not extend beyond the hours of 8:00 a.m. to 11:00 p.m. Otherwise, a waiver is required to extend the required hours of operation requirements. • A waiver is required to allow 750 square feet for the use where 1,500 square feet is the minimum floor area required.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
06/24/10	A field check was conducted by staff and observed window signage of the subject suite. Pursuant to Title 19.14, the window signage exceeds 25 percent.

Details of Application Request	
Site Area	
Net Acres	0.30

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Office/General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Motor Vehicle Sales, Used	GC (General Commercial)	C-2 (General Commercial)
South	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Convenience Store & Service Station (without Automotive Repair)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Financial Institution, Specified	750 SF	1/250 SF	3				
Retail	1,500 SF	1/175 SF	10				
General Retail	750 SF	1/175 SF	5				
Office other than listed	2,250 SF	1/300 SF	9				
Beauty Salon	750 SF	3 space per station	15				
TOTAL SPACES REQUIRED			42		16		
TOTAL (With Handicapped)			40	2	15	1	N
Loading Spaces	6,000 SF	Less than 10,000 SF	1		1		Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
1,500 square feet minimum of the building or portion thereof that is dedicated for the use.	750 square feet is the existing area of the suite.	Approval

ANALYSIS

The proposed Auto Title Loan will allow a business that provides check cashing services such as a principal service deferred, a paycheck advance service, and any business primarily providing cash loans, installment loans or cash. The proposed Secondhand Dealer will allow a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. The term includes the sale of jewelry (Class III type) and scrap precious metals. The parking requirement for this site is determined by the different uses; therefore, 37 parking spaces are required. Currently, the provided parking for the site is 16 spaces and it is a parking-impaired development, pursuant to Title 19.10.010. The proposed Auto Title Loan and Secondhand Dealer uses will not increase the area of the suite or result in a change of use that requires an increase in the number of required parking spaces, whereas they have the same parking requirement as the existing non-conforming Financial Institution, Specified. The Financial Institution, Specified use has been pre-existing on-site prior to the requirements for a Special Use Permit.

A minimum Special Use Permit requirement for the proposed Auto Title Loan use is a 1,500 square-foot minimum floor area for the use. The applicant has requested a waiver to allow 750 square feet of floor area for the proposed use.

A site visit was conducted by staff noted a window signage was observed and exceeded the 25 percent coverage allowed pursuant to Title 19.14. A condition of approval has been added to address the window signage.

The proposed Auto Title Loan and Secondhand Dealer uses can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. No additional parking requirements for the proposed uses, staff is recommending approval of this request.

FINDINGS (SUP-38533)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed use can be conducted in a manner that is harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site is physically suitable for the type and intensity of the proposed use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Decatur Boulevard, a 100-foot Primary Arterial and Oakey Boulevard, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets are of sufficient size to accommodate the needs of the proposed Auto Title Loan use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use does not meet the applicable condition per Title 19.04. Staff recommends approval of a waiver to allow 750 square feet minimum for the proposed use, where 1,500 square feet minimum is required.

FINDINGS (SUP-38534)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed use can be conducted in a manner that is harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site is physically suitable for the type and intensity of the proposed Secondhand Dealer use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Decatur Boulevard, a 100-foot Primary Arterial and Oakey Boulevard, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets are of sufficient size to accommodate the needs of the proposed Auto Title Loan use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5. The use meets all of the applicable conditions per Title 19.04.

The Secondhand Dealer use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 261 (By City Clerk)

APPROVALS 1

PROTESTS 2

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JUN 14 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-38534** APN: 163-01-602-005

Name of Property Owner: Decatur - Oakey Plaza, L.P.

Name of Applicant: Loanex

Name of Representative: Bob Gronauer - Kaempfer Crowell Renshaw Gronauer & Fiorentino

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

X Signature of Property Owner: Joseph Vranesh

Print Name: Joseph VRANESH

Subscribed and sworn before me

This 10 day of June, 2010

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
SCOTT K. CATERER
My Appointment Expires
No: 05-101729-1 December 2, 2013

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JUN 14 2010

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit for Second Hand Sales

Project Address (Location) 1620 S. Decatur Boulevard Suite A

Project Name Loanex **Proposed Use** Second Hand Sales

Assessor's Parcel #(s) 163-01-602-005 **Ward #** 1

General Plan: existing _____ proposed N/A **Zoning:** existing C-1 proposed N/A

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information See attached justification letter

PROPERTY OWNER Decatur-Oakey Plaza, L.P. **Contact** John Grewell

Address 1700 S. 8th Street **Phone:** (702) 856-7419 **Fax:** _____

City Las Vegas **State** NV **Zip** 89104

E-mail Address johngrewell@gmail.com

APPLICANT Loanex **Contact** John Grewell

Address 71 Marsh Harbor Court **Phone:** (702) 856-7419 **Fax:** _____

City Las Vegas **State** NV **Zip** 89148

E-mail Address johngrewell@gmail.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

Address 8345 W. Sunset Road, Suite 250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address rjg@kcnvlaw.com

X **Property Owner Signature*** Joseph Vranesh

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Joseph VRANESH

Subscribed and sworn before me

This 10 day of June, 20 10.

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
SCOTT K. CATERER
My Appointment Expires
No: 05-101729-1 December 2, 2013

FOR DEPARTMENT USE ONLY

Case #	SUP 38534
Meeting Date:	7.29.10
Total Fee:	$1,030.-
Date Received:*	6.14.10
Received By:	JBA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

SUP-38533 & SUP-38534 - APPLICANT: LOANEX - OWNER: DECATUR-OAKEY PLAZA, LIMITED PARTNERSHIP
1620 SOUTH DECATUR BOULEVARD, SUITE A

06/24/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
LAS VEGAS OFFICE

ANTHONY J. CELESTE
aceleste@kcnvlaw.com
702.693.4215

LAS VEGAS OFFICE
8345 West Sunset Road
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Fax: 702.796.7181

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5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.882.0257

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

June 11, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: ***Justification Letter – Special Use Permit for Auto Title Loan & Secondhand Sales and Waivers to Reduce Square Footage Requirements***
APN: 163-01-602-005

To Whom It May Concern:

Please be advised this office represents Loanex (the "Applicant"). The Applicant is seeking a special use permit for an auto title use, secondhand dealer for the buying and selling of gold and a waiver of square footage requirements at its existing business located at 1620 S. Decatur Blvd. Suite A. on the northwest corner of Decatur Boulevard and Oakey Boulevard, more particularly known as APN: 163-01-602-005 (the "Site").

The Applicant has been lawfully operating its 750 square foot check cashing/payday loan/title loan business from 9am to 6pm Monday through Friday for a number of years at the Site, including offering an auto title use to it customers. The Code requires a minimum square footage of 1500 square feet and the Applicant's suite is 750 square feet. However, the Nevada legislature recently amended the state law which resulted in existing businesses of this type to reclassify their local business licenses which carved out auto title loans as a separate use. Therefore, as the Site is zoned C-1 a special use permit is now required for the Applicant to obtain approval of the amended business license.

As a result and in order to comply with the new state and local laws, the Applicant is seeking the special use permit to continue offering auto title uses at the Site, as it has for the past several years.

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JUN 14 2010

SUP-38533
SUP-38534

Secondhand Dealer

In addition the Applicant wishes to expand its business by offering the buying and selling of gold and precious metals at this Site. This use is allowed in a C-1 zone with the approval of a special use permit.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Anthony J. Celeste for

AJC/

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JUN 14 2010

SUP-38533
SUP-38534

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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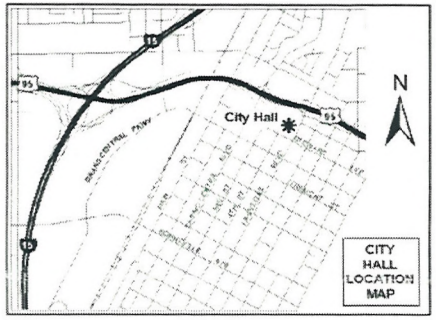
JUL 16 2010
MAILED FROM ZIP CODE 89101

RECEIVED
JUN 21 2010

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-38533 & SUP-38534

Planning Commission Meeting of 7/29/2010

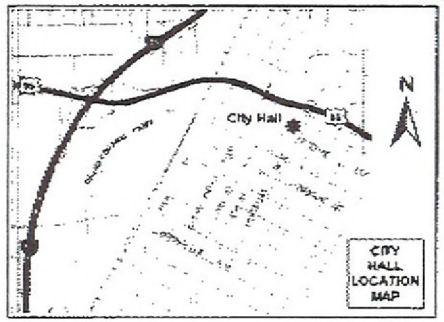
Case: SUP-38533
16301616002
BRYANT JEFFREY DELL & AMY
5232 W OAKEY BLVD
LAS VEGAS NV 89146-3314

44-45

07/22/2010 19:32 7028773349 ERIC: "=LANETTE PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-38533 & SUP-38534

Planning Commission Meeting of 7/29/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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MAILED FROM ZIPCODE 89101

Case: SUP-38533

16301616004
HIGGONBOTHAM ERIC & LANETTE
5224 W OAKEY BLVD
LAS VEGAS NV 89146-3314

RECEIVED
JUN 23 2010

Submitted after final agenda
Date
Item 44-45 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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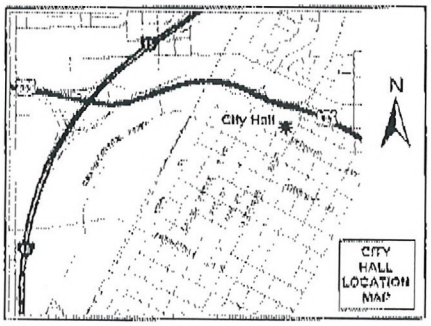
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-38533 & SUP-38534

Planning Commission Meeting of 7/29/2010

Case: SUP-38533

16301602005
DECATUR-OAKEY PLAZA L P
1700 S 8TH ST
LAS VEGAS NV 89104-2845

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JUN 2 0 2010

44-45
A

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

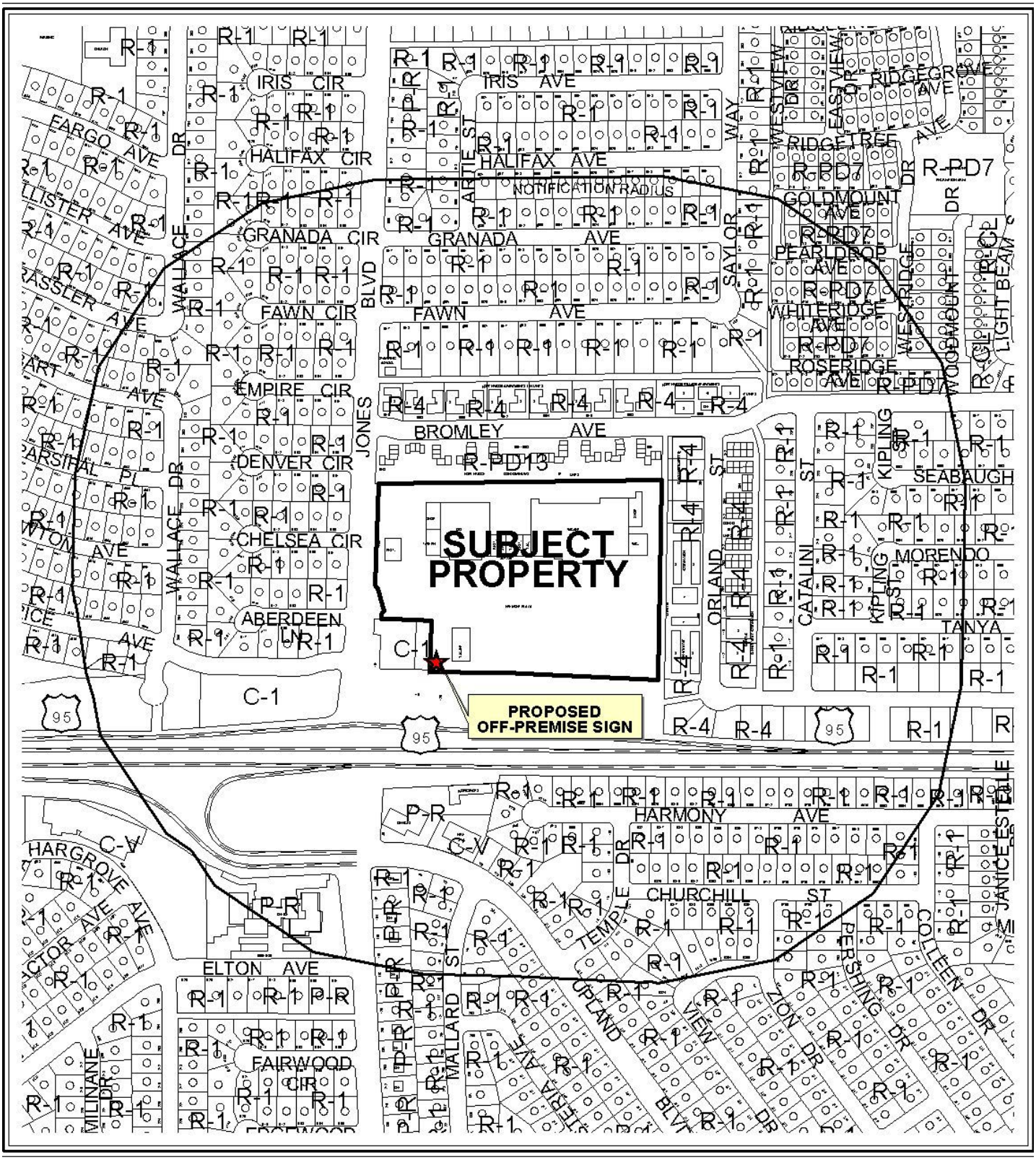
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-39433 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on 14.49 acres at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**9**	**Planning Commission Mtg.**	**4**
City Council Meeting	**5**	**City Council Meeting**	**2**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-39433 and SUP-39432
2. Conditions and Staff Report - VAR-39433 and SUP-39432
3. Supporting Documentation
4. Photos - VAR-39433 and SUP-39432
5. Justification Letter - VAR-39433 and SUP-39432
6. Protest/Support Postcards – VAR-39433 and SUP-39432
7. Abeyance Request Letter by Kaempfer Crowell Renshaw Gronauer and Fiorentino – VAR-39433 and SUP-39432
8. Backup referenced from the October 21, 2010 Planning Commission Meeting for Items – VAR-39433 and SUP-39432



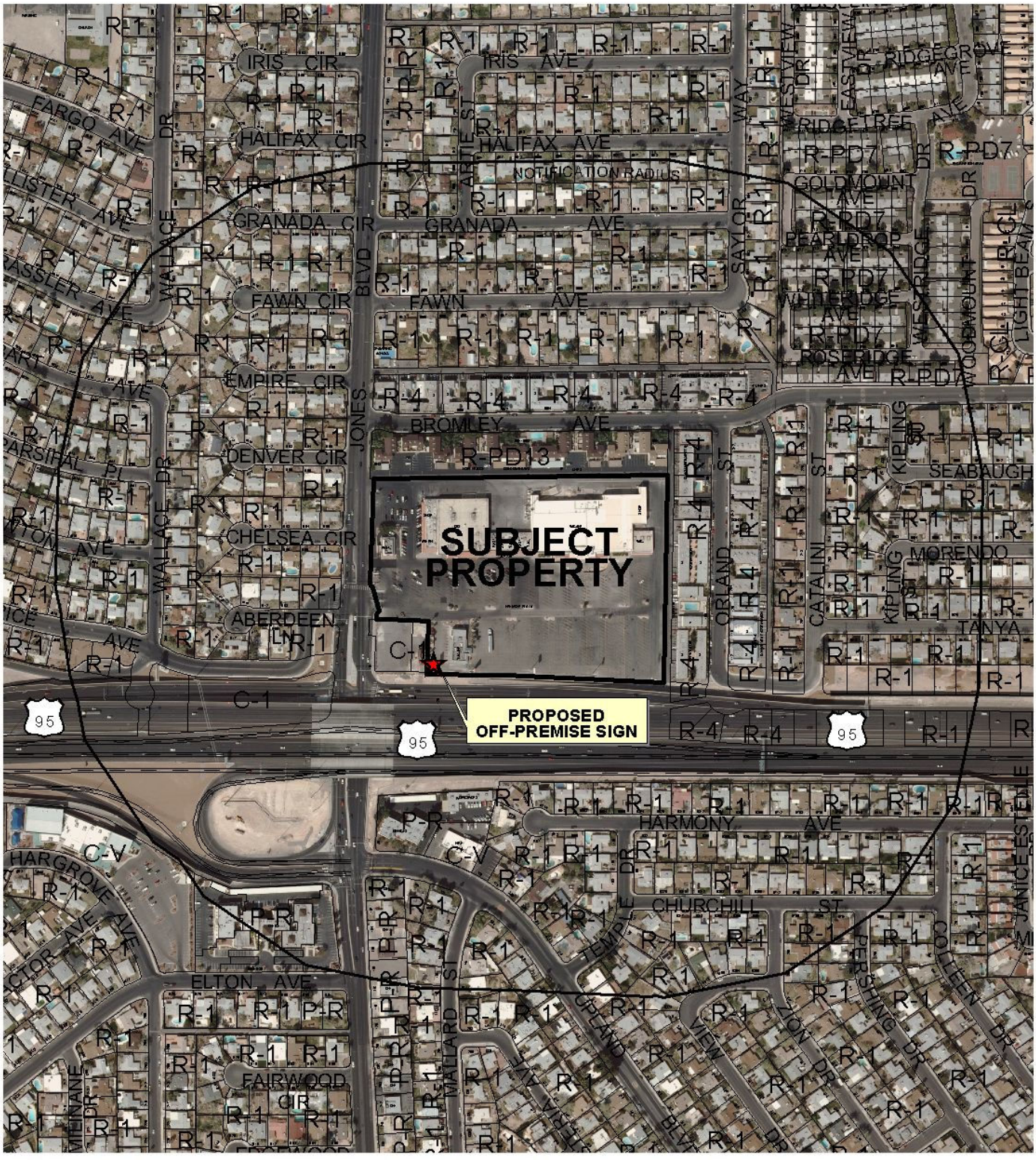
0 300 600 Feet

CASE: **VAR-39433 AND SUP-39432**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **VAR-39433 AND SUP-39432**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 19, 2011 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-39433	Staff recommends DENIAL, if approved subject to conditions:	N/A
SUP-39432	Staff recommends DENIAL, if approved subject to conditions:	VAR-39433

**** CONDITIONS ****

VAR-39433 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-39432) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-39432 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Off-Premise Sign use.

2. Approval of and conformance to the Conditions of Approval for Variance (VAR-39433) shall be required.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department. The existing sign at 110 North Jones Boulevard shall be removed prior to the issuance of any building permit for the proposed sign. A demolition permit is required.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

6. This Special Use Permit shall be reviewed in three year(s), at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

7. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

8. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

9. Only one advertising sign is permitted per sign face.

10. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit and Variance shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

11. The Off-Premise Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

12. Bird deterrent devices shall be installed on the sign.

13. A Demolition Permit shall be obtained, prior to the removal of the existing Off-Premise Sign.

14. The protective island at the base of the sign shall be curbed and ground cover shall be provided. The island shall not reduce required drive aisles to less than 24 feet.

15. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.

16. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

17. The proposed off premise sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The sign base shall not be located within existing or proposed public sewer or drainage easements.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for the removal of an existing 50-foot tall, 14-foot by 48-foot Off-Premise Sign, located at 110 North Jones Boulevard, and to permit a 65-foot tall, 14-foot by 48-foot Off-Premise Sign located at 120 North Jones Boulevard. An existing 25-foot On-Premise Freestanding Sign is presently located where the proposed Off-Premise Sign is to be installed; the applicant has indicated that this sign will be removed. The proposed Off-Premise Sign does not meet the minimum requirements of Title 19.14, as indicated by the request for the height Variance, and staff recommends denial. If denied, the existing 50-foot, tall 14-foot by 48-foot Off-Premise Sign would remain.

ISSUES

- An Off-Premise Sign use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Due to the height of the proposed sign, approval of a Variance (VAR-39433) is required to approve the associated request for a Special Use Permit (SUP-39432).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/22/97	The City Council approved a Special Use Permit (U-0107-96) to allow a 50-foot tall, 14-foot by 48-foot (672 square feet each side) Off-Premise Sign at 110 North Jones Boulevard, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
02/20/02	The City Council approved the Required Five-Year Review [U-0107-96(1)] of an approved Special Use Permit (U-0107-96) for a 14-foot by 48-foot (672 square feet each side) Off-Premise at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.
07/07/04	The City Council approved a Required Two-Year Review (RQR-3686) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.
09/06/06	The City Council approved a Required Two-Year Review (RQR-13987) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.

10/01/08	The City Council approved a Required Two-Year Review (RQR-28940) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.
10/21/10	The Planning Commission voted (6-0-1/rt) to recommend APPROVAL of companion items VAR-39433 and SUP-39432 (PC Agenda Items #51-52/jg).
11/17/10	The City Council voted to hold this item in abeyance to the December 15, 2010 City Council meeting.
12/15/10	The City Council voted to hold this item in abeyance to the January 19, 2011 City Council meeting

Most Recent Change of Ownership	
09/28/00	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/17/97	A building permit (97003468) was issued for a 50-foot tall, 14-foot by 48-foot (672 square feet each side) Off-Premise Sign at 110 North Jones Boulevard. The permit was finaled on 03/04/97.
08/19/04	A building permit (04019099) was issued under plan check L-3214-04 to relocate the existing billboard due to the widening of US-95. The permit was re-issued on 07/10/08 and a letter from a Profession Engineer licensed with the State of Nevada was provided in lieu of a #225 Final Inspection per Title 19.14.100(D)6.b.

Pre-Application Meeting	
08/27/10	A pre application meeting was held with the applicant, where the submittal requirements for a Special Use Permit and Variance were discussed.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
09/16/10	The site contains an existing 50-foot Off-Premise Sign, with a storage container at the base containing equipment, ripped chain link fencing and no bird deterrent devices.

Details of Application Request	
Site Area	
Net Acres	14.49

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD13 (Residential Planned Development – 13 Units per Acre)
South	Right-of-Way (US 95)	Right-of-Way (US 95)	Right-of-Way (US 95)
East	Apartments	M (Medium Density Residential)	R-4 (High Density Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	*Code Requirement*	*Provided*	*Compliance*
Location	No Off-Premise Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Sign is not in right-of-way and is not located within the Off-Premise Sign Exclusionary Zone	Y

Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-V, C-M and M Zoning Districts only	Sign is in C-1 Zoning District	Y
Area	No Off-Premise Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 square feet with no embellishments	Y
Height	An Off-Premise Sign within 150 feet of the right-of way of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.	65 feet (58 feet above US-95)	N
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	All structural elements screened from view	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US-95	Approximately 830 feet	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Approximately 308 feet from closest residentially-zoned property	Y

Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The Off-Premise Sign is permanently secured to the ground on C-1 (Limited Commercial) zoned property.	Y

Functional Classification of Street(s)	***Governing Document***	***Street Width (Feet)***	***Compliance with Street Section***
Jones Boulevard: Secondary Collector	Master Plan of Streets and Highways	80	Y

ANALYSIS

An Off-Premise Sign use is defined by Title 19.20.020 as "any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not located nor available on the lot where the sign is erected or placed."

The subject site contains an existing Shopping Center and is located in the Airport Overlay District (175 feet); the proposed Off-Premise Sign meets the restriction of 175 feet. Title 19.14.100(C) 7(a) allows for an Off-Premise Sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented to be erected 30 feet above the elevation of the elevated roadway surface nearest the sign. The Off-Premise Sign 50 feet tall would be permitted with the approval of Special Use Permit (SUP-39432), but the requested height of 65 feet is 15 feet taller than permitted, which is a 23 percent deviation, and would require approval of a variance (VAR-39433).

Since the hardship is a self-created, staff recommends denial of the Variance and consequently, staff recommends denial of this Special Use Permit request.

FINDINGS (VAR-39433)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an Off-Premise Sign that is 15 feet taller than permitted by code. Alternatively, the Off-Premise Sign could be lowered to 50 feet in height to conform to Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SUP-39432)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed land use is compatible with existing surrounding land uses; however, the height of the structure exceeds that allowed by Title 19.14, and will not be harmonious with the surrounding existing land uses.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site is physically suitable for the type and intensity of the existing Off-Premise Sign use. However, the height of the structure on the lot does not conform to Title 19.14 standards.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Access to the subject sites is provided via Jones Boulevard. The sites will be sufficiently served by existing roadway facilities.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   As conditioned, the proposed use meets all applicable conditions of Title 19.04, with the exception of the requested height of 65 feet.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 590 (By City Clerk)

APPROVALS 6

PROTESTS 14

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SEP 0 2 2010

Case Number: **VAR-39433** APN: 138-25-404-004

Name of Property Owner: D&W Inc. c/o General Growth Properties (GGP)

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: WENDELL E. TOBLER

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Wendell E Tobler

Print Name: WENDELL E. TOBLER

Subscribed and sworn before me

This 14 day of July, 2010

Shari L. Perry

Notary Public in and for said County and State

SHARI L. PERRY
Notary Public State of Nevada
No. 99-56449-1
My appt. exp. June 19, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED SEP 0 2 2010

APPLICATION / PETITION FORM

Application/Petition For: Variance

Project Address (Location) 120 N. Jones Blvd.

Project Name US 95 / Jones Relocation **Proposed Use** Off-premise sign

Assessor's Parcel #(s) 138-25-404-004 **Ward #** 1

General Plan: existing SC proposed ____ **Zoning:** existing C-1 proposed ____

Commercial Square Footage 672 **Floor Area Ratio** ____

Gross Acres 12.8 **Lots/Units** ____ **Density** ____

Additional Information ____

PROPERTY OWNER D& W Inc. c/o GGP **Contact** Cynthia Stanley-Lee

Address 4300 Meadows Lane **Phone:** (702) 878-3331 **Fax:** ____

City Las Vegas **State** NV **Zip** 89107

E-mail Address ____

APPLICANT Lamar Central Outdoor, LLC **Contact** Scott Naftzger

Address 1863 Helm Drive **Phone:** (702) 873-4600 **Fax:** (702) 873-4344

City Las Vegas **State** NV **Zip** 89119

E-mail Address snaftzger@lamar.com

REPRESENTATIVE Same as Applicant **Contact** ____

Address ____ **Phone:** ____ **Fax:** ____

City ____ **State** ____ **Zip** ____

E-mail Address ____

Property Owner Signature* Wendell E. Tobler

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps

Print Name WENDELL E. TOBLER

Subscribed and sworn before me

This 14 day of July, 20 10.

Shari L. Perry

Notary Public in and for said County and State

SHARI L. PERRY
Notary Public State of Nevada
My appointment expires ____, 2011

Revised 10/27/08

FOR DEPARTMENT USE ONLY

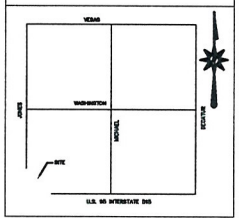
Case #	VAR 39433
Meeting Date:	10.21.10
Total Fee:	$830.-
Date Received:*	9.2.10
Received By:	JFA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

PARKING ANALYSIS		
TYPE OF SPACE	TOTAL EXISTING	REQUIRED BY ZONING
REGULAR	669	468
HANDICAP	22	9
TOTAL	721	477
TAKEN BY NEW SIGN	1	
TOTAL	720	477

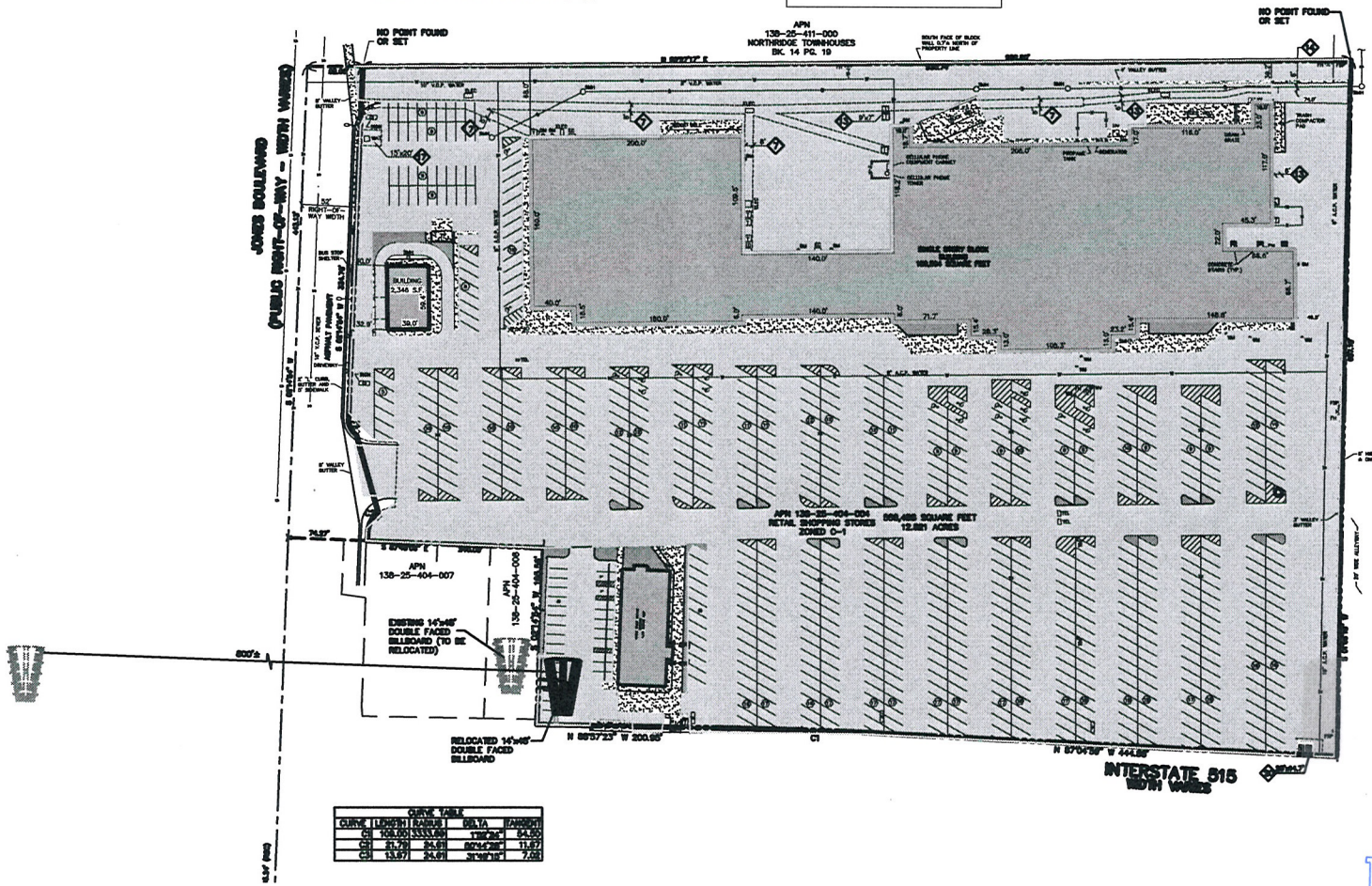
VICINITY MAP NOT TO SCALE



SCALE 1" = 50'

BASIS OF BEARING

NORTH 02°14'54" EAST – THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M. AS SHOWN ON NEVADA HIGHWAY DEPARTMENT DRAWINGS.



LEGEND

- POINT FOUND AS NOTED
- STREET CENTERLINE
- PROPERTY LINE
- BUILDING LINE
- BLOCK WALL
- CHAIN LINK FENCE
- OVERHEAD POWER & TELEPHONE LINE
- EDGE OF PAVEMENT
- STREETLIGHT
- AREA LIGHT
- PT POWER TRANSFORMER
- ELEC ELECTRIC VAULT
- PP POWER POLE
- GUY GUY ANCHOR
- WV WATER VALVE
- FH FIRE HYDRANT
- WM WATER METER
- WATER VAULT
- SMH SANITARY SEWER MANHOLE
- GM GAS METER
- EC ELECTRICAL CABINET
- TE TRASH ENCLOSURE
- SIGN
- FSP FIRE STAND PIPE
- PM POWER METER
- PARKING SPACES

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	109.00	3333.69	1°52'24"	54.50
C2	21.79	24.61	50°44'28"	11.67
C3	13.67	24.61	31°49'15"	7.02

VAR-39433
SUP-39432
REVISED

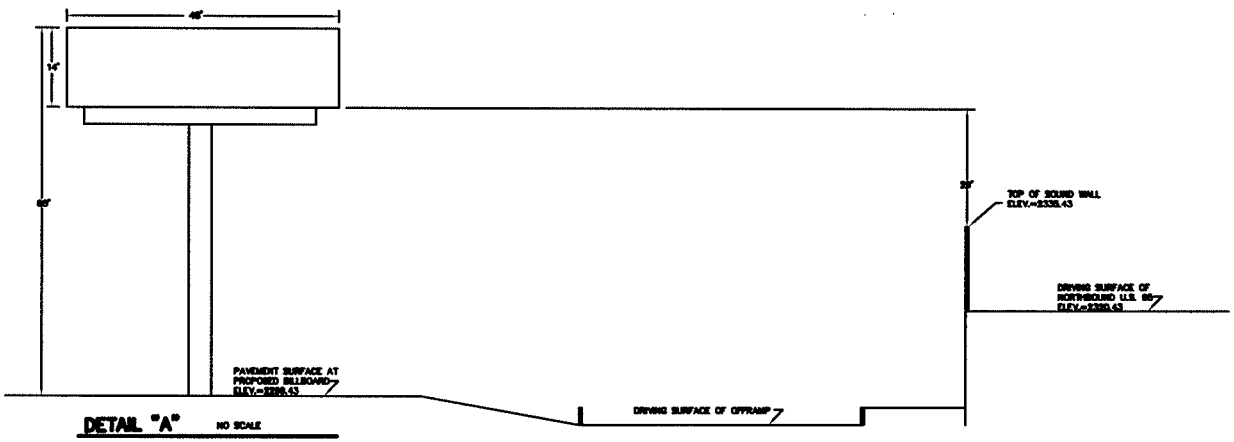
RECEIVED
SEP 28 2010

PREPARED FOR: LAMAR ADVERTISING

BAUGHMAN & TURNER, INC.
CIVIL ENGINEERS LAND PLANNERS
LAND SURVEYORS
1210 HINSON STREET LAS VEGAS, NEVADA 89102
Ph. (702) 870-5771 Fax (702) 878-2696

BILLBOARD PLAN
A.P.N. 138-25-404-004
A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.
CITY OF LAS VEGAS CLARK COUNTY NEVADA

SHEET 1 of 2



DETAIL "A" NO SCALE

DECLARATION:

OFF-PREMISES SIGNS NOT PERMITTED:

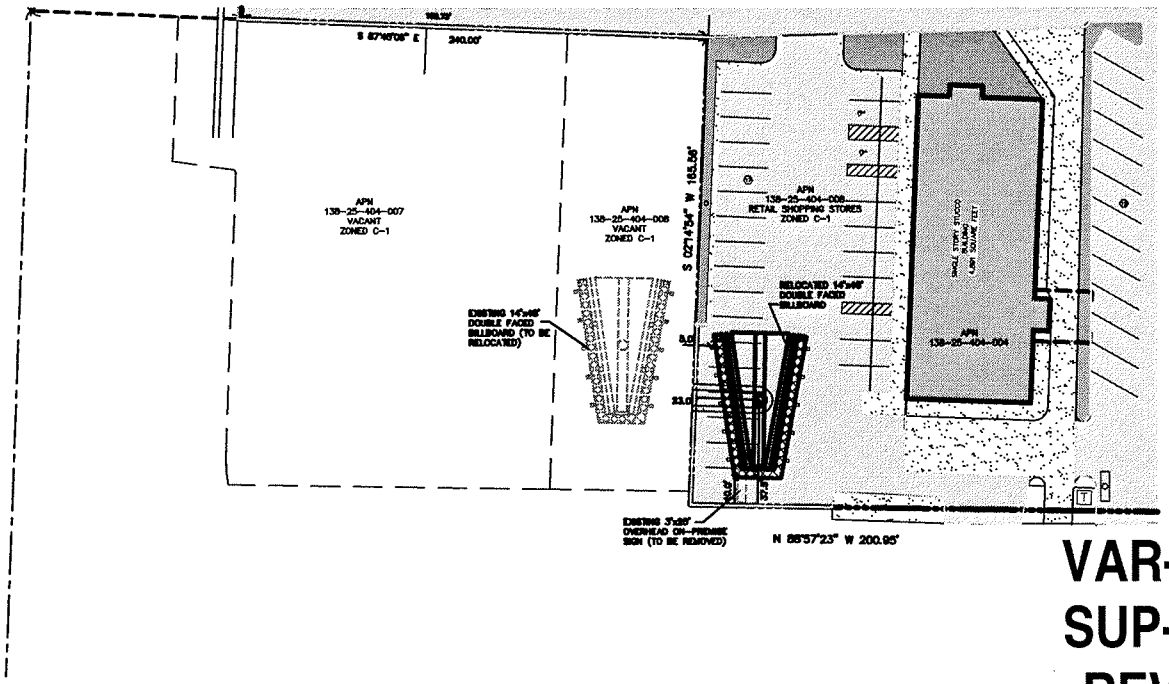
WITHIN 750' OF ANY OTHER OFF-PREMISES SIGN ALONG A FREEWAY OR FEDERAL ROUTE.

WITHIN 300' OF ANY OTHER OFF-PREMISES SIGN ON THE SAME SIDE OF A PUBLIC RIGHT-OF-WAY.

WITHIN 300' OF ANY RESIDENTIALLY ZONED PROPERTY.

WITHIN 50' OF THE POINT OF INTERSECTION OF ANY ROADWAY.

TO FLAG OVER ANY BUILDING OR STRUCTURE.



VAR-39433
SUP-39432
REVISED

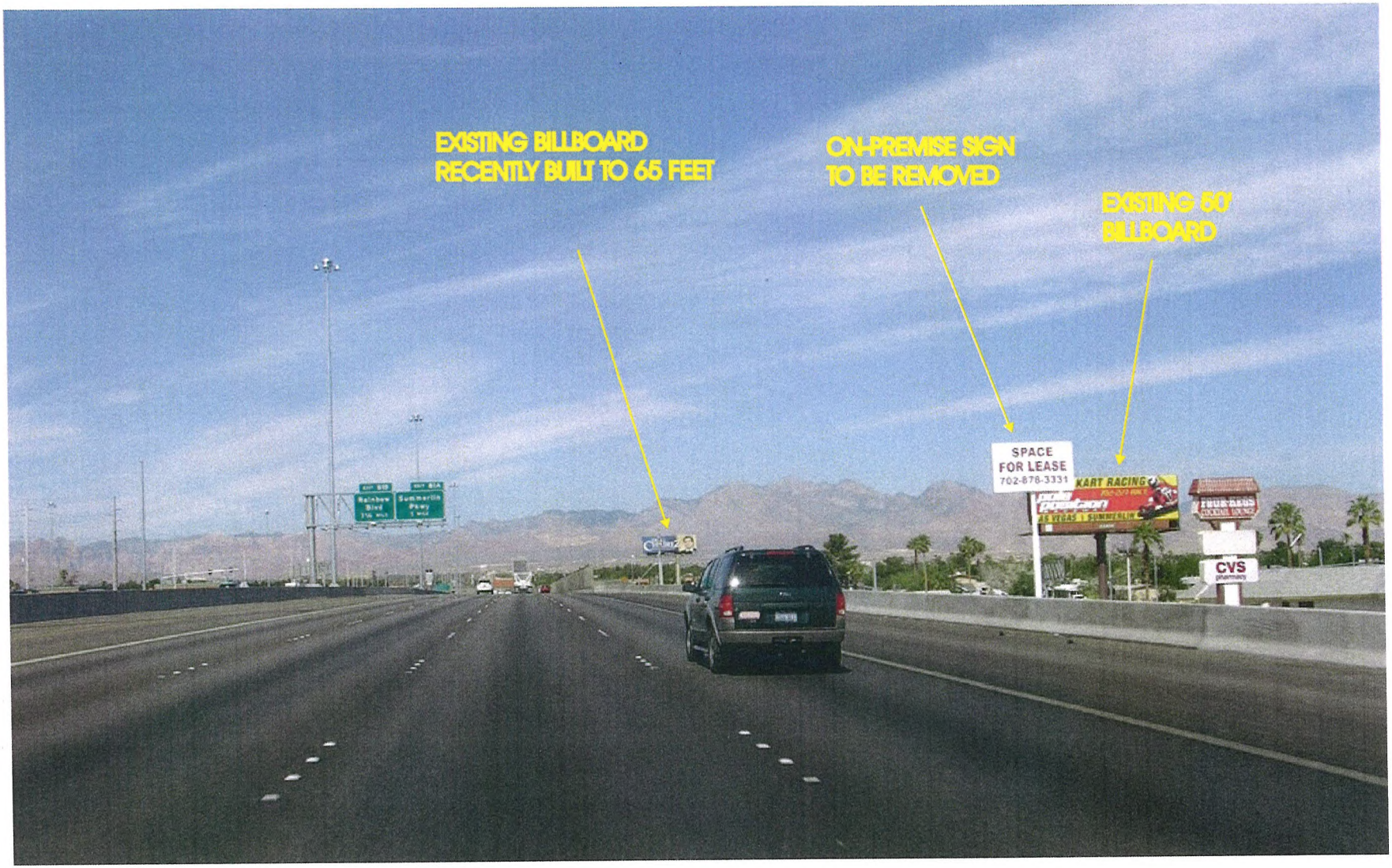
SEP 28 2010

LAMAR ADVERTISING

BAUGHMAN & TURNER, INC.
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS
1210 HINSON STREET LAS VEGAS, NEVADA 89102
PH. (702) 870-5771 FAX (702) 878-2895

BILLBOARD PLAN
A.P.N. 138-25-404-004
A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.
CITY OF LAS VEGAS CLARK COUNTY NEVADA

SHEET 2 OF 2



CURRENT VIEW

RECEIVED
SEP 02 2010

VAR-39433
SUP-39432

VIEW WITH ON -PREMISE SIGN REMOVED AND BILLBOARD RELOCATED AND REBUILT TO 65'

RECEIVED
SEP 02 2010

VAR-39433
SUP-39432

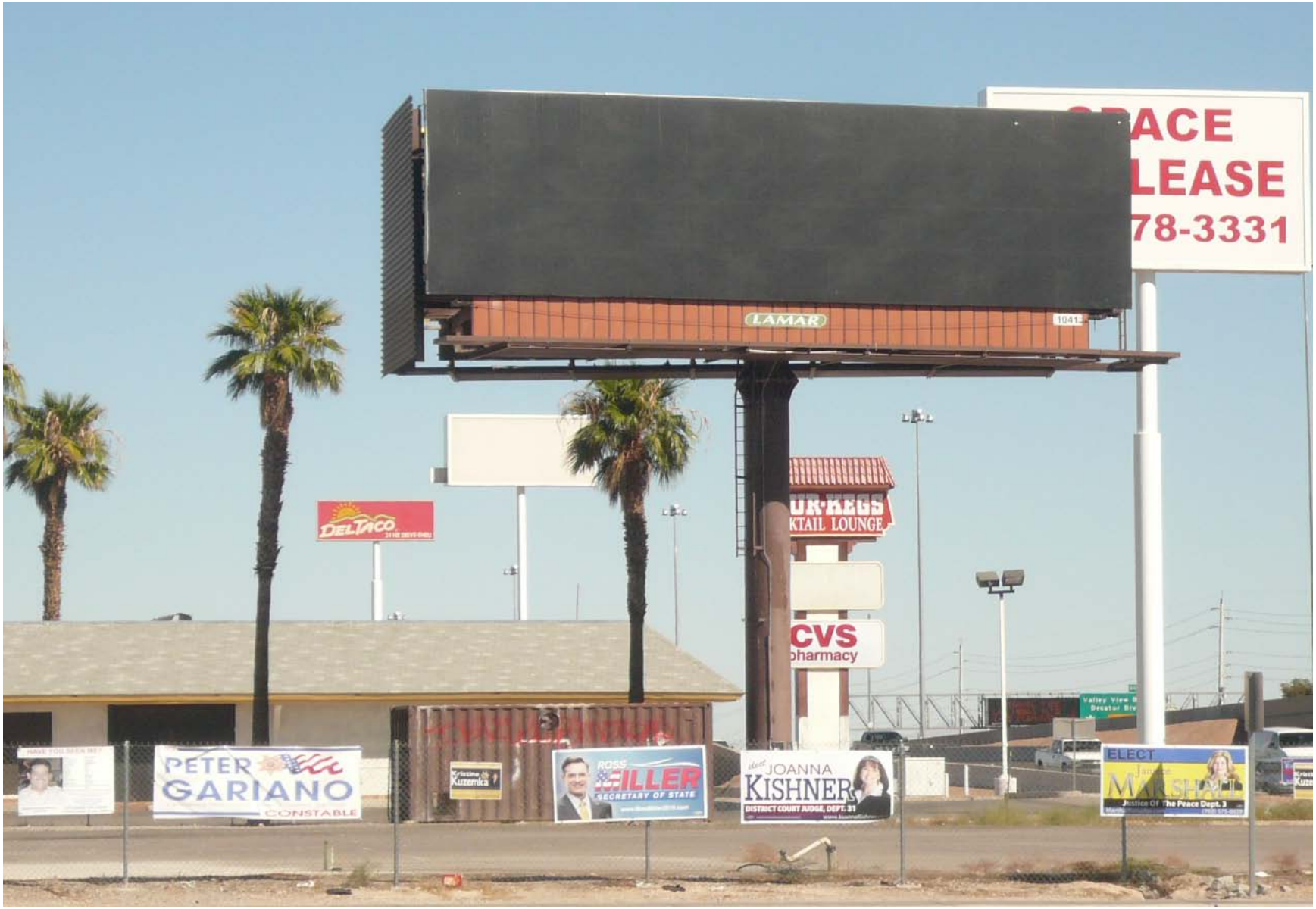
EASTBOUND VISIBILITY AT 65' OVERALL HEIGHT.

RECEIVED
SEP 0 2 2010

VAR-39433
SUP-39432

VAR-39433 & SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC – OWNER: D&W, INC.
120 NORTH JONES BOULEVARD

09/16/10



VAR-39433 & SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC – OWNER: D&W, INC.
120 NORTH JONES BOULEVARD

09/16/10

VAR-39433 & SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC – OWNER: D&W, INC.
120 NORTH JONES BOULEVARD

09/16/10

VAR-39433 & SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC – OWNER: D&W, INC.
120 NORTH JONES BOULEVARD

09/16/10

VAR-39433 & SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC – OWNER: D&W, INC.
120 NORTH JONES BOULEVARD

09/16/10

LAMAR ADVERTISING COMPANY

SEP 0 2 2010

May 17, 2010

City of Las Vegas
Planning and Development
731 S. 4th Street
Las Vegas, NV 89101

Dear Sir:

Lamar Central Outdoor, LLC ("Lamar") desires to construct a new 65' tall billboard upon the southwest portion of the property located at 120 N. Jones Blvd (APN 138-25-404-004). In conjunction with the construction of the new billboard, Lamar will remove its existing billboard (Special Use Permit U-0107-96) located upon the adjacent property at 110 N. Jones Blvd (APN 138-25-404-008). In addition, Lamar will remove the existing on-premise "For Lease" sign located on the subject property at 120 N. Jones Blvd.

With the removal of its existing billboard on the adjacent property, the new billboard will conform to all codified separation distance requirements from other billboards and residential properties. Just as the existing billboard is now, the new billboard would be within 60' of, and oriented toward, the US 95 Highway. The property upon which the proposed sign would be located is zoned C-1 and is not located in the billboard exclusionary zone.

In addition, Lamar desires a Variance to construct the new sign to an overall height of 65' due to the existence of a nearby noise abatement wall to the west of the proposed location. At 65' overall height, the sign would be 43' above the top of the sound wall which is less than the 45' allowed by code. Also, the height of 65' is consistent with the height of an existing billboard located approximately 800' to the west of the proposed site that was recently approved by the City Council. Although the code permits an existing sign to be raised to 65' with a Minor Site Development Plan Review when it is obstructed by a noise abatement wall, it requires a Variance for new signs to be permitted at 65' under the same circumstances.

This application is, in essence, a relocation of a conforming billboard with a variance to allow unobstructed viewing over a noise abatement wall. It is not the construction of an additional billboard adding to the overall number of signs in the City of Las Vegas. As

1863 Helm Drive • Las Vegas, Nevada 89119
PH. (702) 873-4600 FAX (702) 873-4344

VAR-39433
SUP-39432

well, the Variance request for 65' overall height is consistent with what the City permits for existing signs when a noise abatement wall is present.

Also, if approved, Lamar would like permission to construct the new column prior to removal of the old structure. Our plan is to use the head of the old sign with a new column, so permission to construct the new column before complete demolition of the old sign would allow us to simply lift the old head onto the new column. This would preclude the need to have a large crane and tractor trailer hauler on site twice.

Lamar respectfully requests your approval.

Sincerely,

Scott Naftzger
Lease Manager
Lamar Central Outdoor, LLC

VAR-39433
SUP-39432

11/08/2010 MON 17:25 [TX/RX NO 8513] 001

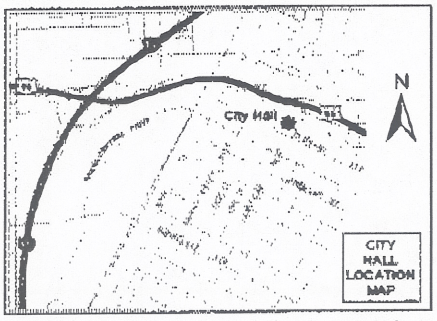
RECEIVED
CITY CLERK
2010 NOV -9 A 8:00

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
02 1M
0004279218
$ 00.41⁴
NOV 05 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

STEWART JOSEPH & ERMA REV LIV
4523 DON VALDES DR
LOS ANGELES CA 90008-4116

APN#13825412041

11/08/2010 18:15 3232997125 SIEWART1 PAGE 01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES

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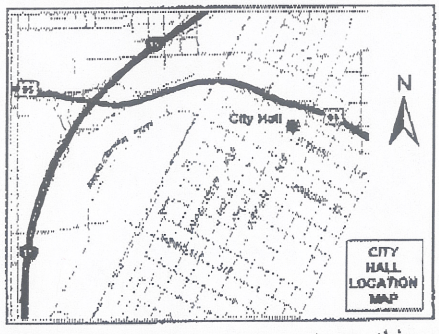

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

MEDINA JAVIER A & ANA M
3330 E UNIVERSITY
LAS VEGAS NV 89121-5139

APN#13825412023

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2010 NOV -8 A 11:36

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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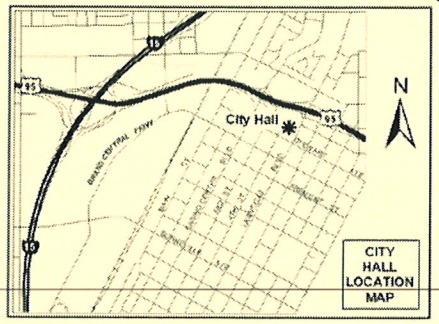
Official Notice of Public Hearing



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VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

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2010 NOV 10 A 11:25

THOMPSON VIRGINIA LIVING TRUST
THOMPSON VIRGINIA TRS
5604 TANYA AVE
LAS VEGAS NV 89107-1662

APN#13825415036

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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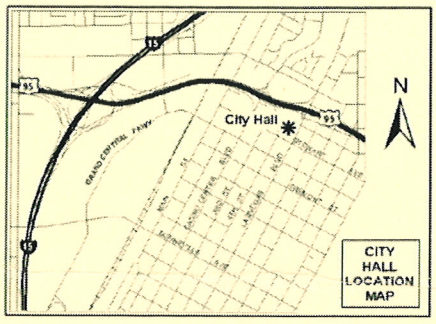
Official Notice of Public Hearing



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VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

The present code restricts height to 50 feet, not 65

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CITY CLERK
2010 NOV 10 A 11:25

KAL-EL L L C
5204 LYTTON AVE
LAS VEGAS NV 89146-1425

APN#13825415097

11/17/10

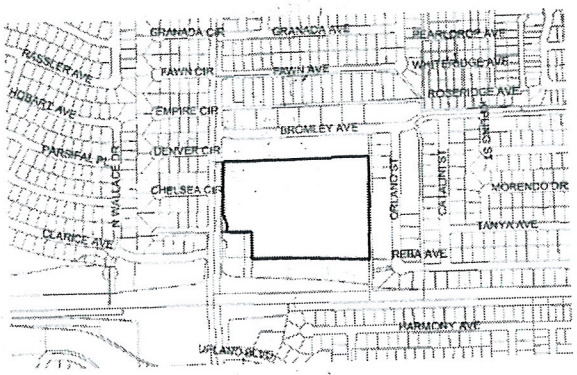
Application Information

VAR-39433 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on 14.49 acres at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

SUP-39432 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Special Use Permit FOR A PROPOSED 65 FOOT TALL 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

50 FT. is MAXIMUM ALLOWED NO VARIANCE

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	*November 17, 2010*
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

MAXIMUM MEANS JUST THAT

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
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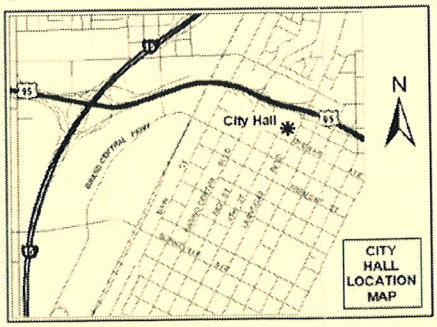
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

2010 NOV 16 A 11:11
RECEIVED
CITY CLERK

CHRISTENSEN GLENN
5712 WHITERIDGE AVE
LAS VEGAS NV 89107-1508

APN#13825316044

11/17/10

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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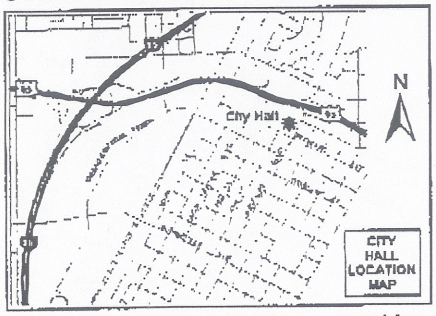

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

BAUGHMAN JAMES JEFF
5472 FLORINE ST
LAS VEGAS NV 89130-2502

APN#13825310019

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CITY CLERK
2010 NOV -9 A 8:01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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MAILED FROM ZIP CODE 89101

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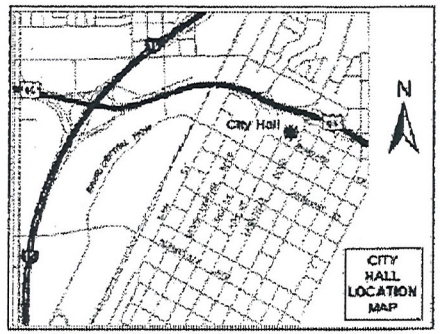
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

CHADWICK DAVID B
1157 FAN CORAL AVE
LAS VEGAS NV 89123-5304

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2010 NOV -9 P 2:40

APN#13836119003

IMPOSE ZONE

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW

LAS VEGAS OFFICE

JENNIFER LAZOVICH
jlazovich@kcnvlaw.com
702.792.7050

LAS VEGAS OFFICE
8345 West Sunset Road
Suite 250
Las Vegas, NV 89113
Tel: 702.792.7000
Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.882.0257

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 13, 2011

VIA FACSIMILE
382-4803

Ms. Beverly K. Bridges
City Clerk
City of Las Vegas
400 E. Stewart, 1st Flr.
Las Vegas, NV 89101

2011 JAN 13 A 10:38

RECEIVED
CITY CLERK

Re: Request to Hold– Las Vegas City Council Meeting January 19, 2011
Items: 48 and 49 (Lamar Central Outdoor) VAR-39433 & SUP-39432

Dear Ms. Bridges:

Please be advised that this office represents Lamar Central Outdoor, LLC, the ("Applicant"). On behalf of the Applicant, we respectfully request that items 48 and 49, scheduled to be heard by the Las Vegas City Council on January 19, 2011, be held for 2 weeks until February 2, 2011.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Jennifer Lazovich

JJL/sfm

cc: S. Naftzger

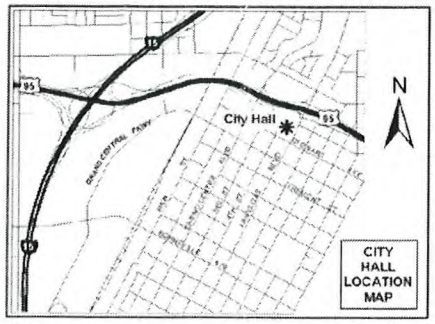
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
OCT 08 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

RECEIVED
OCT 14 2010

Case: VAR-39433
13825314026
KUCZKOWSKI JOHN P & DONNA M
5900 GRANADA AVE
LAS VEGAS NV 89107-1465

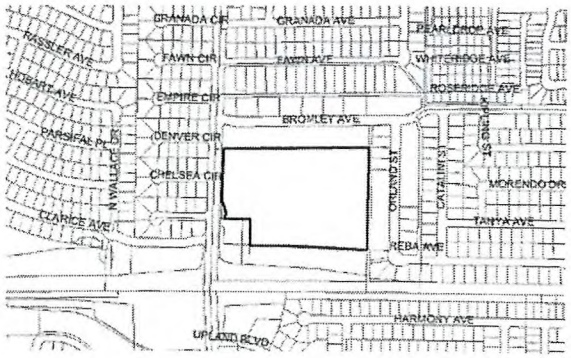
Application Information

VAR-39433 - VARIANCE - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on 14.49 acres at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

SUP-39432 - SPECIAL USE PERMIT RELATED TO VAR-39433 - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Special Use Permit FOR A PROPOSED 65 FOOT TALL 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

THERE'S ALREADY TOO MANY TALL SIGNS IN THIS AREA, WE DON'T NEED ONE THAT TOWERS OVER THE OTHERS

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***October 21, 2010***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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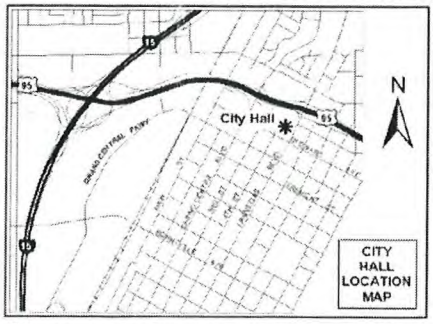
Official Notice of Public Hearing



There are too many signs along the 95 at this time. Including 2 that flash lights into our home all night. Lthm PRY

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13826812011
PRY MIMI MICHELLE M & LANCE A
312 N WALLACE DR
LAS VEGAS NV 89107-0215

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OCT 14 2010

Application Information

VAR-39433 - VARIANCE - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Variance TO ALLOW A 65-FOOT TALL OFF PREMISE SIGN WHERE 50 FEET IS THE MAXIMUM HEIGHT ALLOWED on 14.49 acres at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

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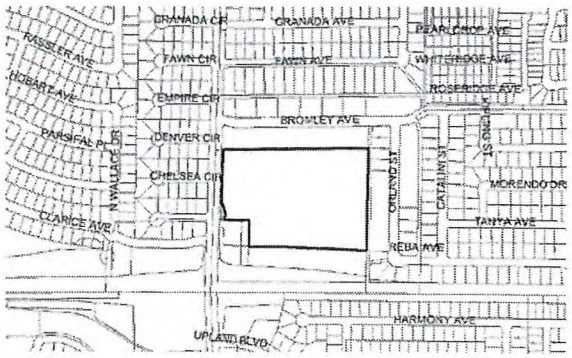
NO

Application Location



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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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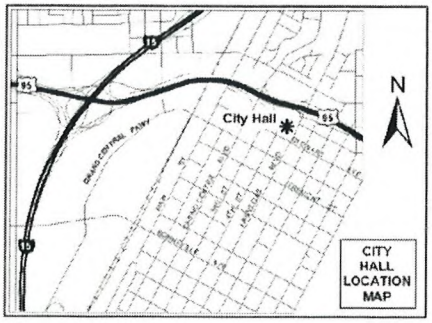
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825415036
THOMPSON VIRGINIA LIVING TRUST
5604 TANYA AVE
LAS VEGAS NV 89107-1662

OCT 18 2010

Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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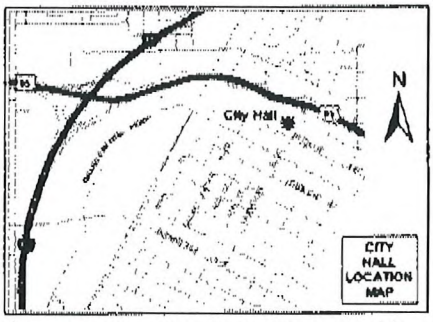

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VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825412041
STEWART JOSEPH & ERMA REV LIV TR
4523 DON VALDES DR
LOS ANGELES CA 90008-4116

10/12/2010 14:35 3232997125 STEWART PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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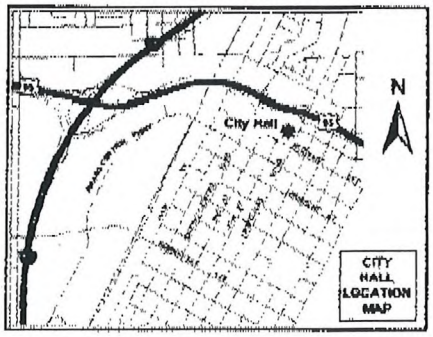
Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825412023
MEDINA JAVIER A & ANA M
3330 E UNIVERSITY
LAS VEGAS NV 89121-5139

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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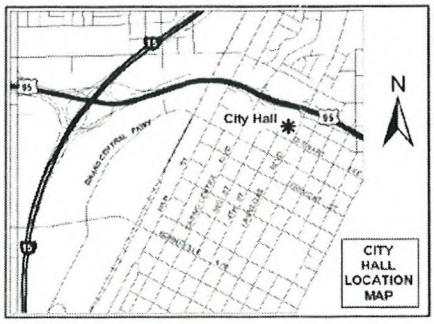
0004279218 OCT 08 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825415097
SKARI LILLIAN E
10204 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7606

RECEIVED
OCT 18 2010

FWD

89134@9998

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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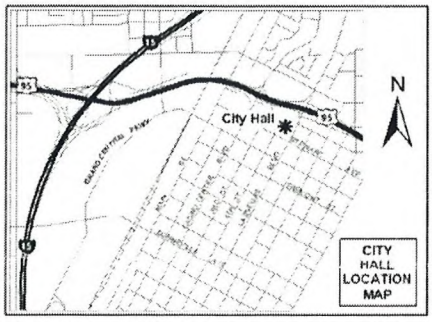
Return Service Requested
Official Notice of Public Hearing



No reason for a variance.

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825415098
KAL-EL L L C
5204 LYTTON AVE
LAS VEGAS NV 89146-1425

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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Return Service Requested
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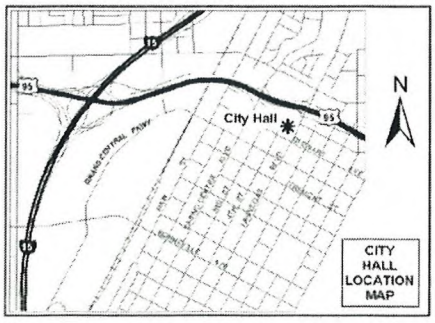

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OCT 14 2010

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825310029
MARKHOUSE EDWARD F & CAROL M
5808 FAWN AVE
LAS VEGAS NV 89107-1429

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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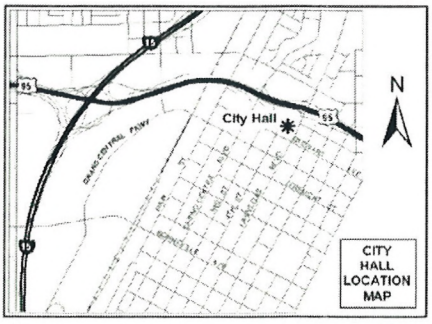
OCT 08 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433

13825411028
BUI AN-DON
16050 CARLETON ST
FOUNTAIN VALLEY CA 92708-1319

RECEIVED
OCT 18 2010

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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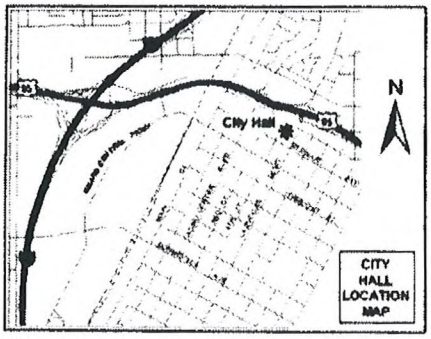
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825415088
FIRMENICH GILBERT
5517 TANYA AVE
LAS VEGAS NV 89107-1630

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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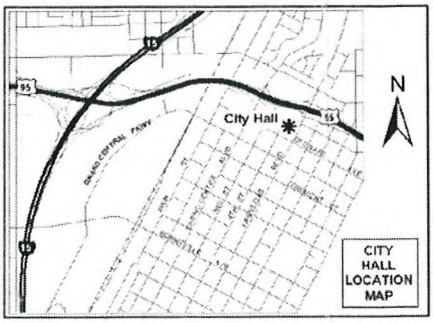
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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[✓] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13825411012
DANG TYFFANI MAI
16050 CARLETON ST
FOUNTAIN VALLEY CA 92708-1319

RECEIVED
OCT 18 2010

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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02 1M $ 00.41⁴
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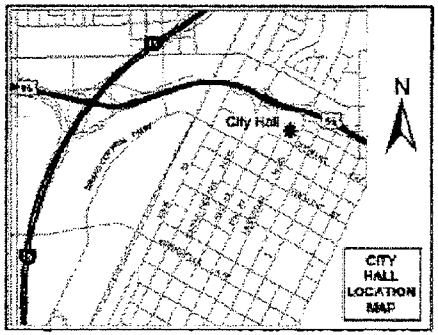
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13836119003
CHADWICK DAVID B
1157 FAN CORAL AVE
LAS VEGAS NV 89123-5304

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JANUARY 19, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

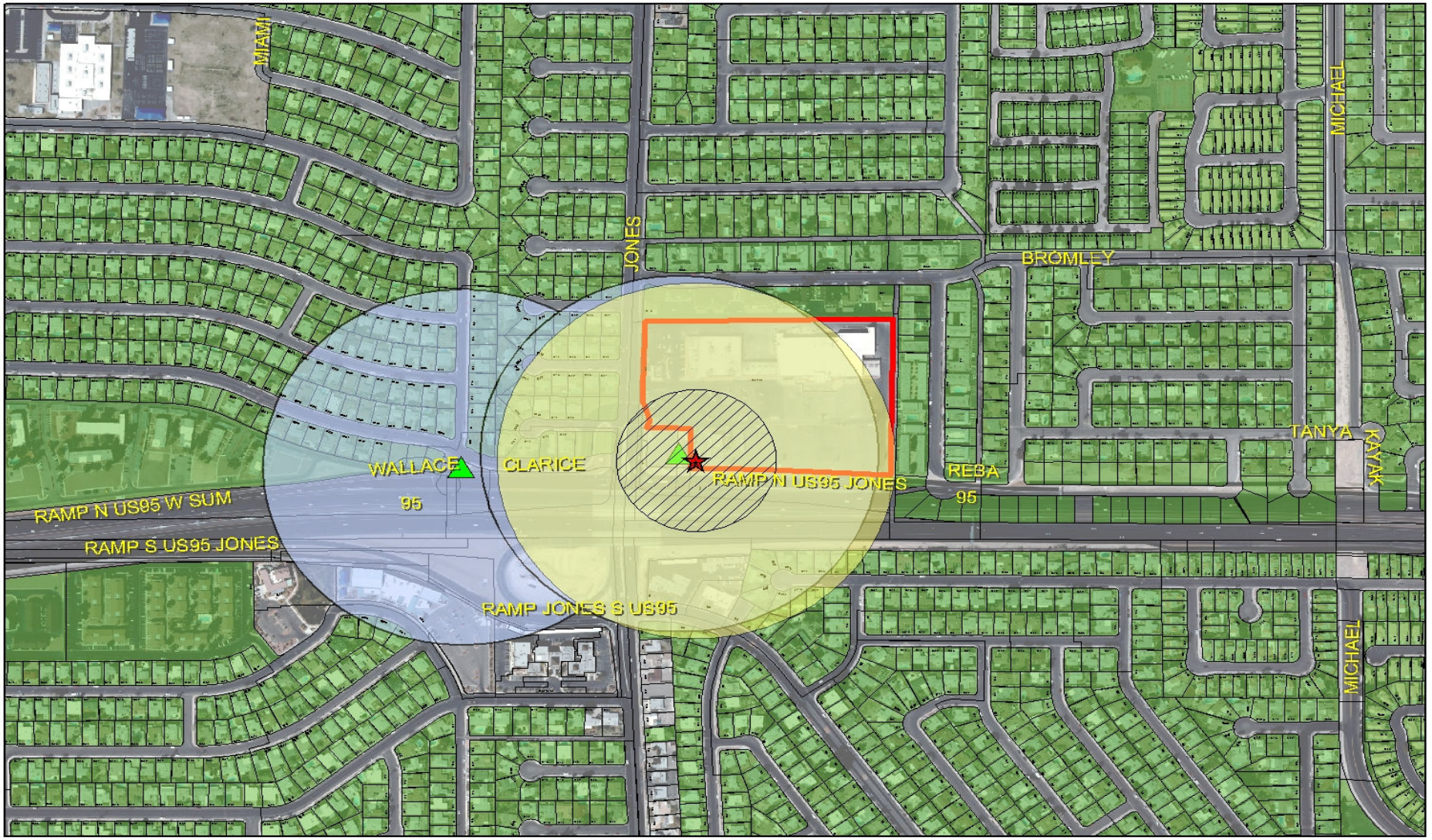
SUBJECT:
SUP-39432 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-39433 - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Special Use Permit FOR A PROPOSED 65-FOOT TALL 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 120 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**9**	**Planning Commission Mtg.**	**4**
City Council Meeting	**5**	**City Council Meeting**	**2**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Special Map
3. Supporting Documentation
4. Protest/Support Postcards

Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.



SUP-39432

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- Proposed Billboard

City of Las Vegas Billboard Data

- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Proposed 300 Foot Billboard Buffer
- Proposed 750 Foot Freeway Billboard Buffer
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SEP 0 2 2010

Case Number: **SUP-39432** APN: 138-25-404-004

Name of Property Owner: D&W, Inc. c/o General Growth Properties (GGP)

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: WENDELL E. TOBLER

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Wendell E Tobler

Print Name: WENDELL E TOBLER

Subscribed and sworn before me

This 14 day of July, 2010

Shari L. Perry

Notary Public in and for said County and State

SHARI L. PERRY
Notary Public State of Nevada
No. 99-56449-1
My appt. exp. June 19, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

SEP 0 2 2010

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit

Project Address (Location) 120 N. Jones Blvd

Project Name US 95 / Jones Relocation - BILLBOARD **Proposed Use** Off-premise sign

Assessor's Parcel #(s) 138-25-404-004 **Ward #** 1

General Plan: existing SC proposed ____ **Zoning:** existing C-1 proposed ____

Commercial Square Footage 672 **Floor Area Ratio** ____

Gross Acres 12.8 **Lots/Units** ____ **Density** ____

Additional Information Application for a new billboard in conjunction with the removal of an existing billboard on an adjacent property.

PROPERTY OWNER D&W Inc. c/o GGP **Contact** Cynthia Stanley-Lee

Address 4300 Meadows Lane **Phone:** (702) 878-3331 **Fax:** ____

City Las Vegas **State** NV **Zip** 89107

E-mail Address ____

APPLICANT Lamar Central Outdoor, LLC **Contact** Scott Naftzger

Address 1863 Helm Drive **Phone:** (702) 873-4600 **Fax:** (702) 873-4344

City Las Vegas **State** NV **Zip** 89119

E-mail Address snaftzger@lamar.com

REPRESENTATIVE Same as Applicant **Contact** ____

Address ____ **Phone:** ____ **Fax:** ____

City ____ **State** ____ **Zip** ____

E-mail Address ____

Property Owner Signature* Wendell E Tobler

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name WENDELL E TOBLER

Subscribed and sworn before me

This 17 day of July, 2010.

Shari L. Perry

Notary Public in and for said County and State

SHARI L. PERRY
Notary Public State of Nevada
No. 99-56449-1
My appt. exp. June 19, 2011

FOR DEPARTMENT USE ONLY

Case #	SUP 39432
Meeting Date:	10.21.10
Total Fee:	$1,030.—
Date Received:*	9.2.10
Received By:	JFR

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

Revised 10/27/08

Please refer to VAR-39433 for related Protest/Support Postcards.

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:

RQR-40547 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: PRINCESS MASSAGE - OWNER: CHETAK DEVELOPMENT, INC. - Request for a Required Review of a previously approved Special Use Permit (SUP-11419) WHICH ALLOWED A 1,200 SQUARE-FOOT EXPANSION OF AN EXISTING MASSAGE ESTABLISHMENT WITH A WAIVER OF THE MINIMUM 1,000 FOOT SEPARATION REQUIREMENT FROM THREE EXISTING MASSAGE ESTABLISHMENTS at 2212 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

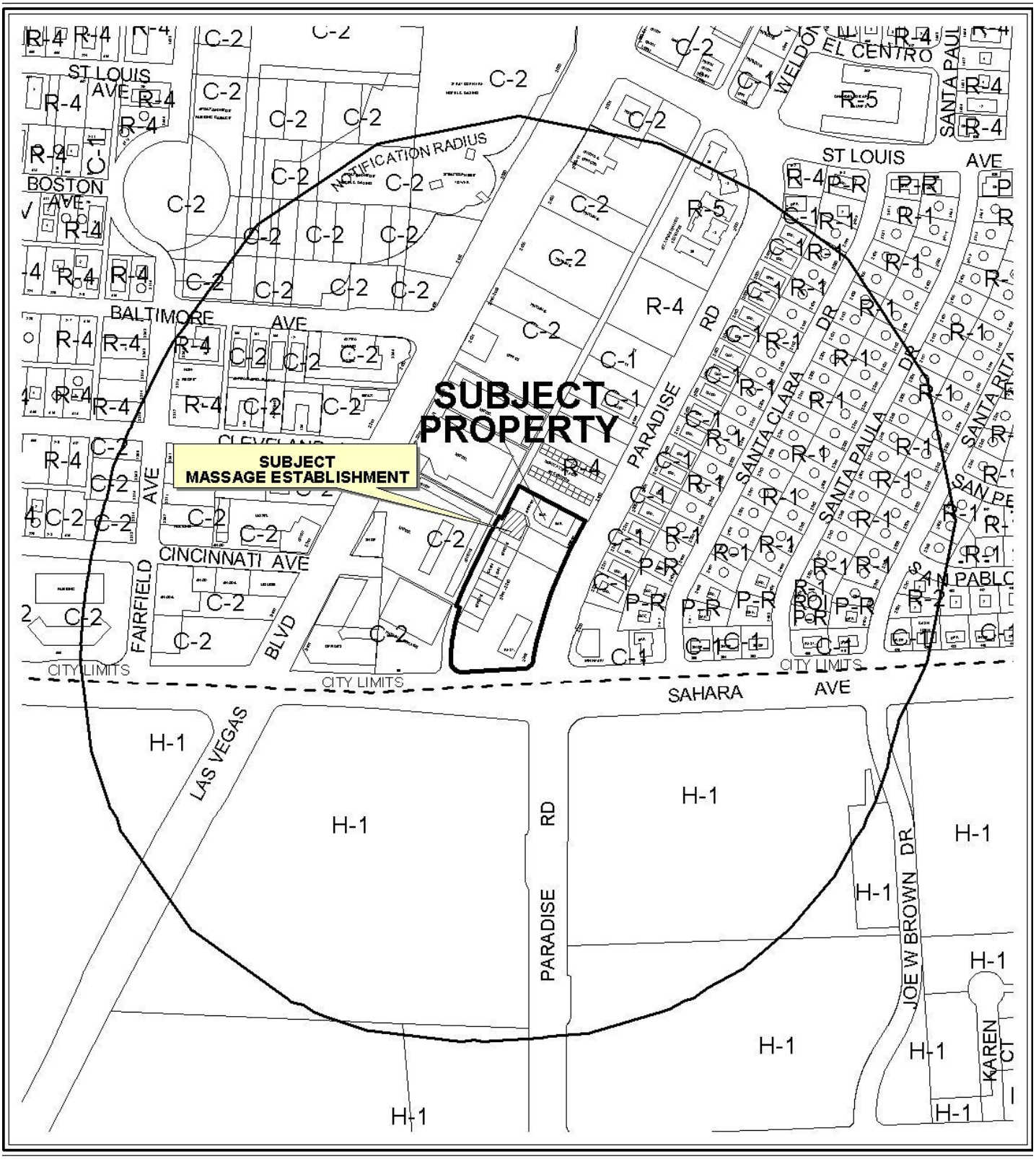
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-36890
6. City Council Approval Letter for SUP-11419
7. Protest Postcards



0 300 600 Feet

CASE: **RQR-40547**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

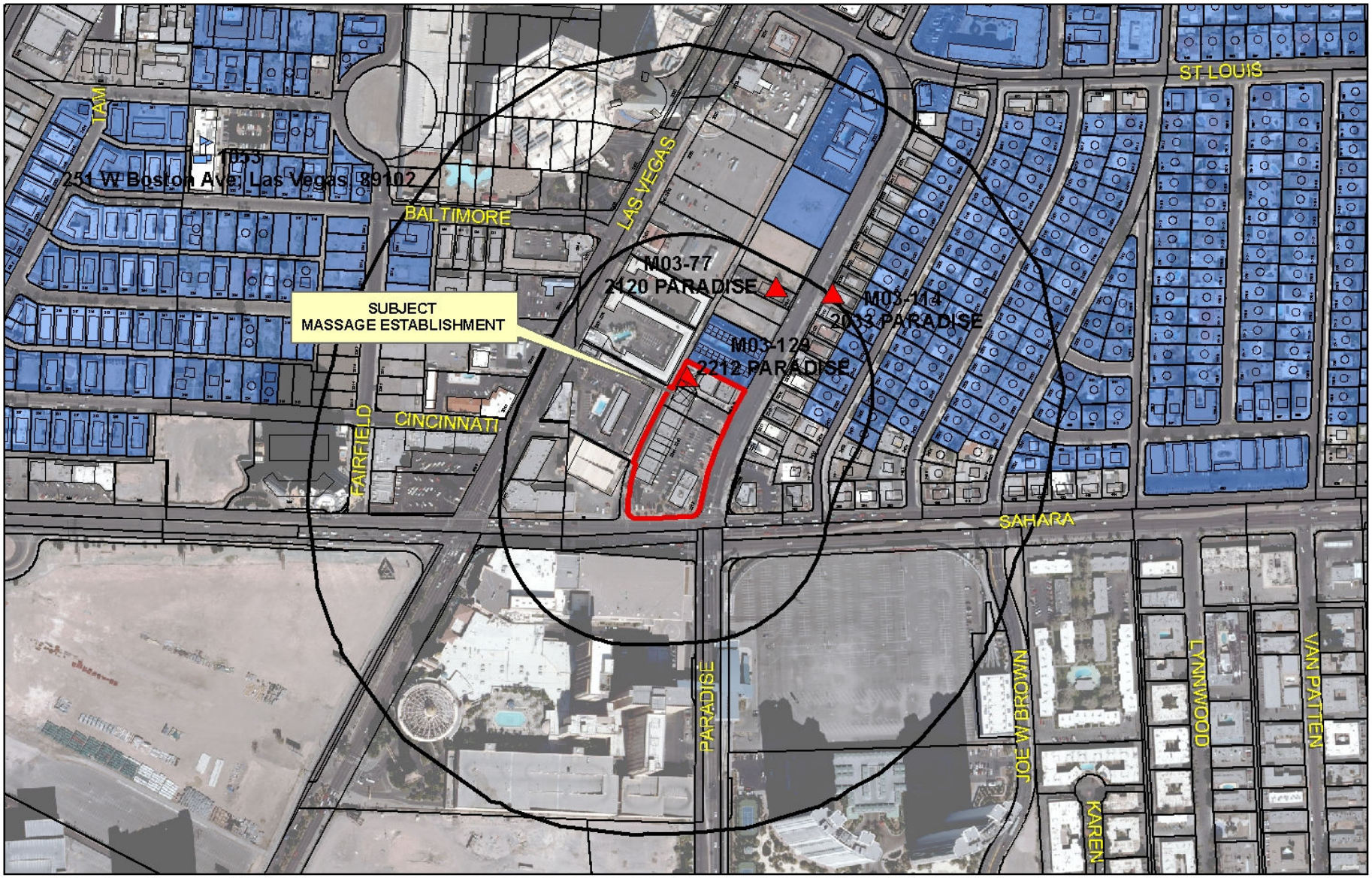
0 300 600 Feet

CASE: **RQR-40547**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-40547
Massage Establishment

Business Licenses
- Massage Establishment
- Child Care/ Children Facility

Protected Landuses
- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- Residential Property
- 400' & 1000' Buffer

0 255 510 1,020 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 2, 2011
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: PRINCESS MASSAGE - OWNER: CHETAK DEVELOPMENT, INC.

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-40547	Staff recommends APPROVAL, subject to conditions:	None

RQR-40547 CONDITIONS

Planning and Development

1. This Special Use Permit (SUP-11419) shall be subject to a one-year review at a public hearing, at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.

2. Conformance to the conditions of approval of Special Use Permit (SUP-11419) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is within an existing shopping center that includes a Massage Establishment, Retail Establishments, a Restaurant, and Tavern. The Special Use Permit (SUP-11419) allowed a 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments. Since the last Required Review (RQR-36890) in February 2010, there has not been any negative police reports/incidents reported, nor have any new building permits been issued for the subject site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/05/06	The City Council approved a request for a Special Use Permit (SUP-11419) for a proposed 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments and a waiver to allow the business to be open 24-hours a day at 2212 and 2214 Paradise Road. The Planning Commission recommended approval, staff recommended denial.
10/01/08	The City Council approved a request for a Required Review (RQR-29379) of a previously approved Special Use Permit (SUP-11419) for a proposed 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments and a waiver to allow the business to be open 24-hours a day at 2212 and 2214 Paradise Road. Staff recommended denial. Note: City Council added Condition 'A' to amend Condition Number 5 to change the hours of operation from 24-hours to 9:00 a.m. to 11:00 p.m.
02/17/10	The City Council approved a request for a Review of Condition Number 5 (ROC-36892) of a previously approved Special Use Permit (SUP-11419) to allow 24-hour operations for a Massage Establishment located at 2212 and 2214 Paradise Road. Staff Recommended denial. Note: City Council allowed a waiver to allow business operations to be 9:00 a.m. to 3:00 a.m.
	The City Council approved related request for a Required Review (RQR-36890) of a previously approved Special Use Permit (SUP-11419) for a proposed 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments at 2212 and 2214 Paradise Road. Staff recommended denial.

Most Recent Change of Ownership	
11/01/00	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/16/04	A business license (M12-01099) was issued for Massage Therapy at 2212 Paradise Road. The license is still active.
03/01/10	A business license (M03-00129) was issued for a Massage Establishment at 2212 Paradise Road. The license is still active.
06/15/10	A business license (M12-01902) was issued for Massage Therapy at 2212 Paradise Road. The license is still active.
07/19/10	A business license (M12-01911) was issued for Massage Therapy at 2212 Paradise Road. The license is still active.
There have not been any recent building permits issued for the subject site.	

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/04/11	Staff conducted a field check of the subject site and found the area surrounding the establishment to be neat and clean in appearance with no discrepancies noted.

Details of Application Request	
Site Area	
Gross Acres	0.35

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping center with a Massage Establishment	C (Commercial)	C-1 (Limited Commercial)
North	Retail Establishment and Tavern	C (Commercial)	C-1 (Limited Commercial)

South	Retail Establishment and Restaurant	C (Commercial)	C-1 (Limited Commercial)
East	Offices	C (Commercial)	P-R (Professional Office and Parking)
West	Motels	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Beverly Green /Southridge Neighborhood	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third request for a Required Review of a previously approved Special Use Permit (SUP-11419) for a proposed 1,200 square-foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments at 2212 and 2214 Paradise Road. There have not been any recent building permits issued for the subject site, nor are there any negative police reports/incidents reported for the location since the last Required Review in February 2010. Staff conducted a field inspection on 01/04/11 and found the area surrounding the establishment to be free of debris and neat in appearance.

FINDINGS

The Massage Establishment is located in a C-1 (Limited Commercial) zoning district. The area surrounding the business is in good condition and being properly maintained. As no discrepancies have been noted for the subject site since February 2010, staff is recommending approval with a one-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 755 (By Planning)

APPROVALS 0

PROTESTS 0

DS

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-40547** APN: 16203411010

Name of Property Owner: Chetak Development, Inc.

Name of Applicant: Princess Massage

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☒ **Yes** ☐ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Richard W. Truesdell (Plan. Comm.)

Partner(s): Will Kemp _____

APN: 16203411010

Signature of Property Owner: Will Kemp, Pres.

Print Name: Will Kemp, President

Subscribed and sworn before me

This 13 day of December, 2010

Notary Public in and for said County and State

MONICA JACOBS
Notary Public State of Nevada
No. 08-6784-1
My appt. exp. Apr. 25, 2012

RECEIVED
DEC 21 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Required One Year Review

Project Address (Location) 2212-2214 Paradise Road

Project Name Princess Massage **Proposed Use** Massage Estab.

Assessor's Parcel #(s) 16203411010 **Ward #** 3

General Plan: existing C proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.36 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Chetak Development, Inc. c/o Cornerstone Company **Contact** Justin Michaels

Address 9901 Covington Cross Drive, #170 **Phone:** (702) 383-3033 **Fax:** (702) 383-8576

City Las Vegas **State** NV **Zip** 89144

E-mail Address jmichaels@cornerstonecompany.com

APPLICANT Princess Massage **Contact** Douglas Wingo

Address 2212 Paradise Rd **Phone:** (702) 630-9920 **Fax:** _____

City Las Vegas **State** NV **Zip** 89104

E-mail Address Oceans0023@Hotmail.com

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* Willis L. Kemp Pres.

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Will Kemp

Subscribed and sworn before me

This 13th day of December, 2010.

Notary Public in and for said County and State

MONICA JACOBS
Notary Public State of Nevada
No. 08-6784-1
My appt. exp. Apr. 25, 2012

FOR DEPARTMENT USE ONLY

Case #	RQR-40547
Meeting Date:	2/8/11 PC
Total Fee:	$800
Date Received:*	12-21-10
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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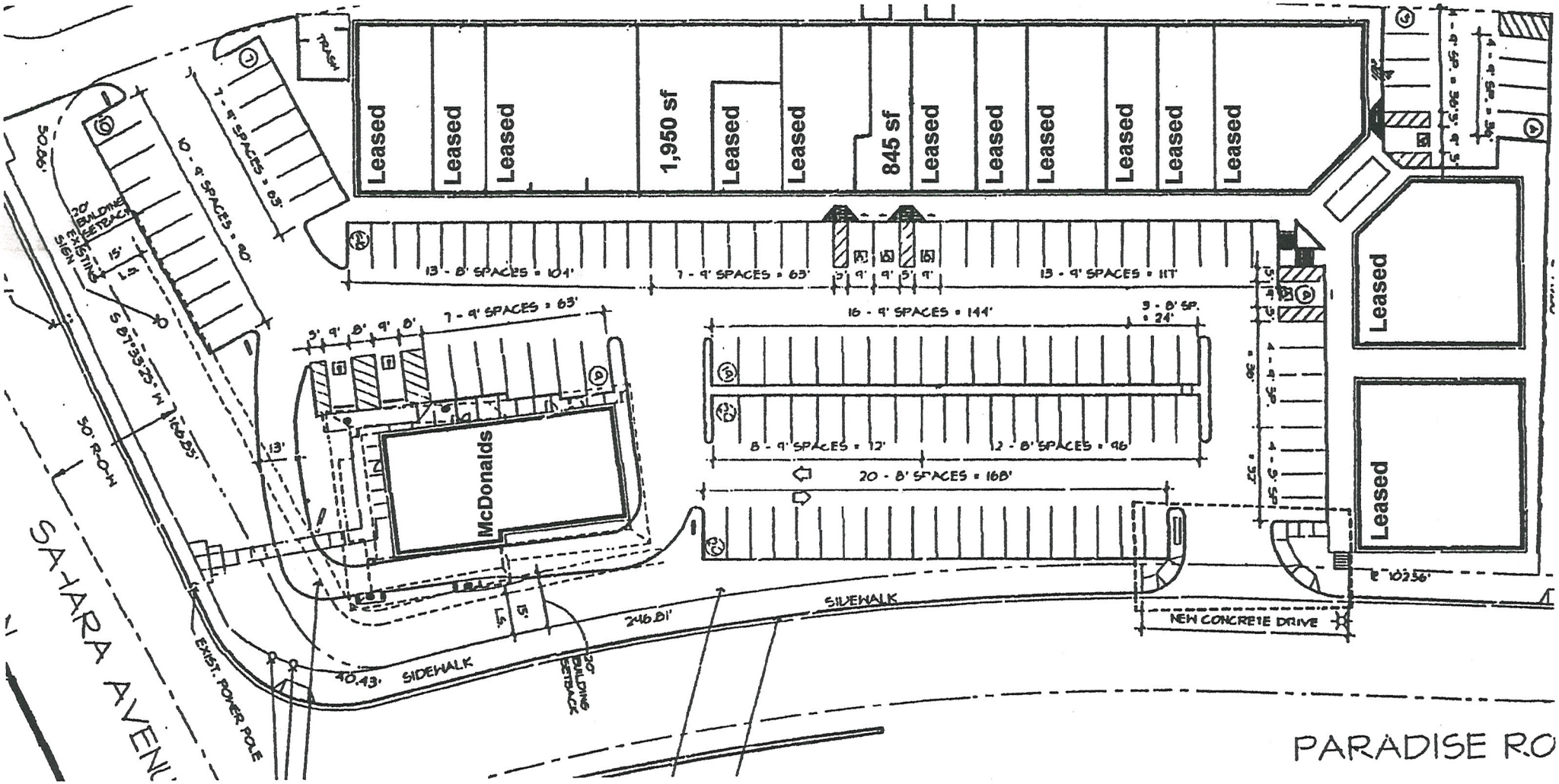
DEC 21 2010

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf



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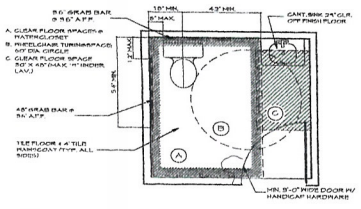
DEC 21 2010
RQR-40547

GENERAL NOTES:

VERIFY ALL FINISHES WITH OWNER PRIOR TO ORDER.

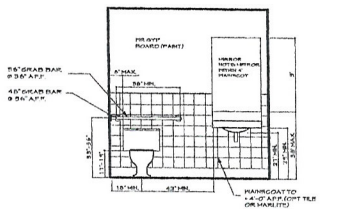
INTERIOR NON-BEARING WALLS TO BE:

3 5/8" 25 ga. MTL STUDS @ 24" O.C.
WITH 5/8" TYPE X GYP BOARD TO
4" ABOVE GRID (MIN)
AND OTHERWISE NOTED
ALL WET AREAS TO HAVE WR. GYP BOARD

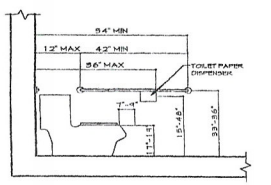


1 HANDICAP RESTROOM
NOT TO SCALE

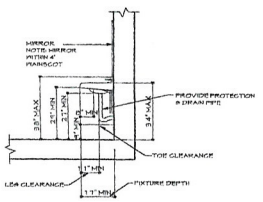
NOTE: PROVIDE ELECTRIC EXHAUST FAN (TYP. ALL RESTROOMS)



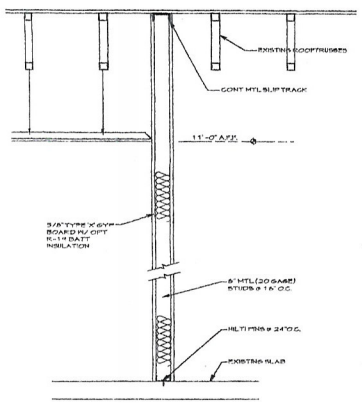
2 HANDICAP BATHROOM ELEVATION
NOT TO SCALE



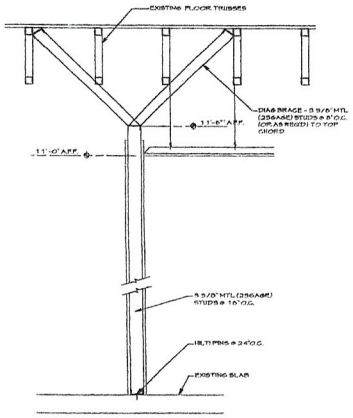
3 WATER CLOSET SIDE VIEW
NOT TO SCALE



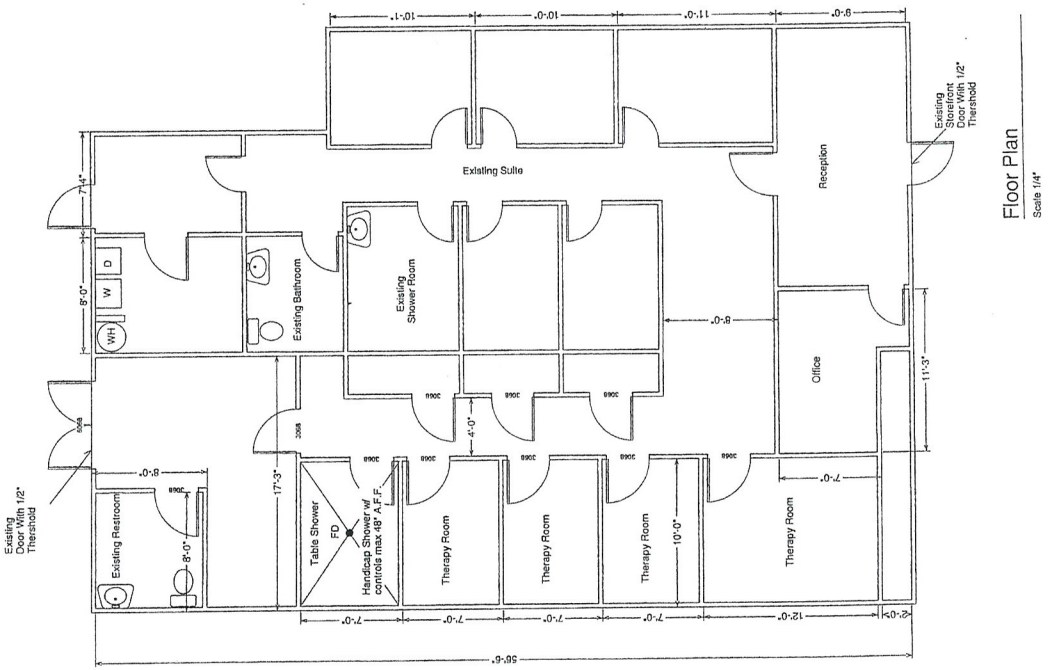
4 LEG CLEARANCES
NOT TO SCALE



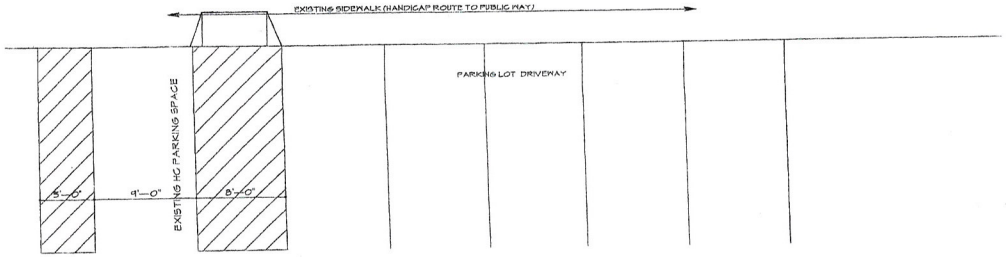
5 INTERIOR WALL DETAIL
NTS
1 HR. EXISTING WALL



6 INTERIOR WALL DETAIL
NTS



Floor Plan
Scale: 1/4"



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DEC 21 2010
RQR-40547

Princess Massage
SITE / FLOOR PLAN

REVISIONS
1
2
3
4

C & L ENTERPRISES
(LIC#60690)
4009 SPRING MOUNTAIN ROAD
LAS VEGAS NV 89102
TLE:702-289-9788
FAX:702-835-8858

A 1

PRINCESS MASSAGE
WALK-INS WELCOME
2212
Princess
COUPLE ROOM
ENTRANCE
OPEN
2212
MASSAGE
Hours
Open 7 Days
369--1717
NEVADA
175 STG
RQR-40547

PRINCESS MASSAGE
WALK-INS WELCOME
2212
Princess
OPEN
2212
MASSAGE
Hours
Open 7 Days
317-WZE
Desert BMW
X5
RQR-40547

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

February 18, 2010

Ms. Christina Frye
Chetak Development Inc.
c/o Cornerstone Company
9901 Covington Cross Drive, #170
Las Vegas, NV 89144

RE: RQR-36890 – REQUIRED REVIEW
CITY COUNCIL MEETING OF FEBRUARY 17, 2010
RELATED TO ROC-36892

Dear Ms. Frye:

The City Council at a regular meeting held February 17, 2010 APPROVED the request for a Required Review of a previously approved Special Use Permit (SUP-11419) THAT ALLOWED A 1,200 SQUARE-FOOT EXPANSION OF AN EXISTING MASSAGE ESTABLISHMENT WITH A WAIVER OF THE MINIMUM 1,000 FOOT SEPARATION REQUIREMENT FROM THREE EXISTING MASSAGE ESTABLISHMENTS located at 2212 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on February 18, 2010. This approval is subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-11419), Required Review (RQR-29379), and all other site related actions as required by the Planning and Development Department and Department of Public Works.

2. This Special Use Permit (SUP-11419) shall be subject to one-year review at a public hearing, at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.

3. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

cc: Mr. Douglas Wingo
7514 Longhorn Lodge Avenue
Las Vegas, NV 89113

RQR-40547

Printed with environmentally friendly soy ink.

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

May 12, 2006

Mr. Richard Truesdell
Chetak Development
3810 Meadows Lane
Las Vegas, Nevada 89107

RE: SUP-11419 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF APRIL 5, 2006

Dear Mr. Truesdell:

The City Council at a regular meeting held April 5, 2006 APPROVED the request for a Special Use Permit FOR THE PROPOSED 1,200 SQUARE FOOT EXPANSION OF AN EXISTING MASSAGE ESTABLISHMENT WITH A WAIVER OF THE MINIMUM 1000 FOOT SEPARATION REQUIREMENT FROM THREE EXISTING MASSAGE ESTABLISHMENTS AND A WAIVER TO ALLOW THE BUSINESS TO BE OPEN 24 HOURS A DAY at 2212 and 2214 Paradise Road (APN 162-03-411-010 and 011), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on April 6, 2006. This approval is subject to:

Planning and Development

1. This Special Use Permit shall be subject to a one year review.

2. Conformance to all Minimum Requirements under Title 19.04.050 for a Massage Establishment use.

3. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0060-01) and Variance (V-0147-90).

4. A Waiver from the distance separation requirement that requires the use to be located greater than 1,000 feet from similar establishments is hereby granted.

5. A Waiver from the hours of operation is hereby granted to allow the business to be open for 24 hours.

6. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

7. All City Code requirements and design standards of all City departments must be satisfied.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

RQR-40547

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Douglas R. Wingo
Princess Massage
7514 Longhorn Lodge Avenue
Las Vegas, Nevada 89113

Ms. Jan Brichacek
Kolesar & Leatham, Chtd
3320 West Sahara Avenue, Suite #380
Las Vegas, Nevada 89102

RQR-40547

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CITY CLERK

2011 JAN 24 A 11:26

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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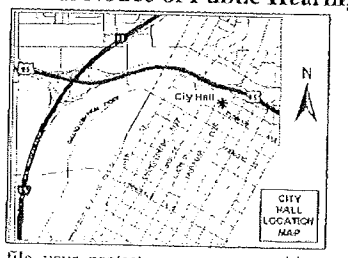
UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 20 2011
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-40547

City Council Meeting of **02/02/2011**

I see no justification or support for this request. There already enough massage parlors in this immediate area. The zoning rules were made for a reason!

Case: RQR-40547

16210114550
R C R J HOLDINGS L L C
2777 PARADISE RD #3502
LAS VEGAS NV 89109-0403

23 KRDFM11 89109

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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MAILED FROM ZIPCODE 89101

2011 JAN 24 A 6:48

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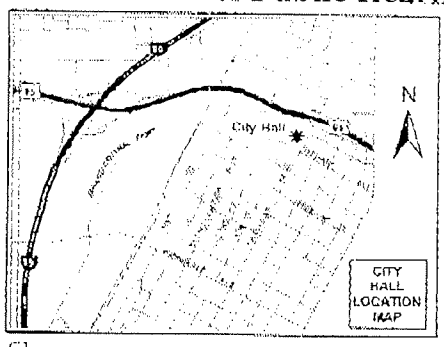
CITY CLERK

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-40547

City Council Meeting of **02/02/2011**

Case: RQR-40547

16210114200
LEE SURVIVOR'S TRUST C ETAL
29129 WARNICK RD
RANCHO PALOS VERDES CA 90275-4612

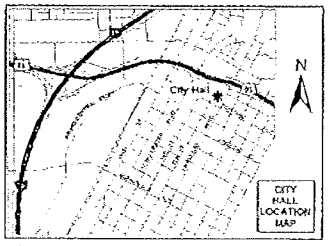
LIB KRDFNLL 90275

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 20 2011
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-40547

City Council Meeting of **02/02/2011**

2011 JAN 24 A 6:

RECEIVED
CITY CLERK

Case: RQR-40547

16204815260
SUN CITY L L C
8367 W FLAMINGO #200
LAS VEGAS NV 89147-4150

35 KRDFN11 89147

TOTAL P.001

01/22/2011 SAT 09 12 [TX/RX NO 8895] 001

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: FEBRUARY 2, 2011

SUBJECT:
COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION