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.

March 16, 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 – CHAPLAIN STEVE SANSON, VETERANS IN POLITICS INTERNATIONAL
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE EMPLOYEE OF THE MONTH
6. RECOGNITION OF MUNICIPAL COURT JUDGE BERT BROWN FOR BEING NAMED JUDGE OF THE YEAR
7. RECOGNITION OF COLORECTAL CANCER AWARENESS MONTH
8. RECOGNITION OF THE INTERNATIONAL CODE COUNCIL'S TODDLER SWIM LESSON GRANT PROGRAM
9. RECOGNITION OF THE HOME DEPOT VOLUNTEERS
10. RECOGNITION OF DISC JOCKEY D.C. RIDER

BUSINESS ITEMS - MORNING

11. 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

12. Approval of the Final Minutes by reference of the Special City Council meeting of February 16, 2011 and the regular City Council meeting of February 16, 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.

ECONOMIC AND URBAN DEVELOPMENT - CONSENT

13. Approval to allocate $5,646,075 of Affordable Housing Special Revenue Fund (Redevelopment 18% Affordable Housing Set-Aside), Home Investment Partnership Program Funds (HOME) and Low Income Housing Trust Funds (LIHTF) to Habitat for Humanity - Las Vegas, Silver Sage Manor, Inc., NCWB Housing, Inc., Nevada H.A.N.D., Inc., Cedar Village LP, and Silver State Housing for affordable housing projects for low-income families - All Wards

FINANCE - CONSENT

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

FINANCE - PURCHASING & CONTRACTS CONSENT

15. Approval of award of Bid No. 11.1730.02-TF (REVISED), Flood Control Facilities Repair/Reconstruction/Maintenance - Department of Public Works - Award recommended to: RP WEDDELL & SONS CO. (not-to-exceed $1,043,800 - Road and Flood Capital Projects Fund) - All Wards

16. Approval of award of Contract No. 10.15341.14-DC, Design-Build of the Solar Covered Parking, Phase II - Bid Lot F located at the Fire Equipment Service Center, 3140 East Bonanza Road, Fire Station #44, 7701 West Washington Avenue, Fire Station #48, 9133 Elkhorn Road, Field Operations Center, 2875 Ronemus Drive and West Yard Fleet Transportation Center, 2950 Ronemus Drive and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: CORE CONSTRUCTION SERVICES OF NEVADA, INC. ($2,042,429 - General Capital Projects Fund) - Wards 1, 3, 4 and 6 (Tarkanian, Reese, Anthony and Ross)

17. Approval of award of Contract No. 10.15341.13-DC, Design-Build of Solar Covered Parking, Phase II - Bid Lot E located at Fire Station #45, 3821 North Fort Apache, Fire Station # 7, 10101 Banburry Cross Drive, Fire Station #41, 6989 North Buffalo Drive, Fire Station #43, 6420 Smoke Ranch Road and Fire Station #8, 633 North Mojave Road and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: CORE CONSTRUCTION SERVICES OF NEVADA, INC. ($1,901,069 - General Capital Projects Fund) - Wards 2, 3, 4, 5 and 6 (Wolfson, Reese, Anthony, Barlow and Ross)

OPERATIONS AND MAINTENANCE - CONSENT

18. Approval of a Ground Lease Agreement between the City of Las Vegas and the Girl Scouts of Southern Nevada for property located in the vicinity of Mojave Road and Harris Avenue, APN 139-25-303-014 - Ward 3 (Reese)

19. Approval of Southern Nevada Water Authority Smart Landscapes Program Application and Agreement and authorize the Mayor to execute a Restrictive Covenant and Grant of Conservation Easement upon completion of lawn conversion to drought tolerant landscaping at Rotary Park, 901 Hinson Street, APN 139-31-801-015 - Ward 1 (Tarkanian)

20. Approval of a sewer easement from D.R. Horton Inc. to the City of Las Vegas for a portion of Lots 1 through 5 of Lone Mountain Estates (Book 129, Page 100) lying within the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 31, Township 19 South, Range 60 East, Mount Diablo Meridian, Clark County, APNs 125-31-810-001, 125-31-810-002, 125-31-810-003, 125-31-810-004 and 125-31-810-005 - Clark County (near Ward 4 - Anthony)

PLANNING - BUSINESS SERVICES CONSENT

21. Approval of a Special Event Alcoholic Beverage License for Nevada Licensing Services, Location: 817 South Main Street, Suite 100, Date: March 24, 2011, Type: Special Event General, Event: Appreciation Mixer, Responsible Person in Charge: Fernando Robles - Ward 3 (Reese)

22. Approval of an extension of a Temporary Package License for KSH Enterprises, Inc., dba Allstar Minimart, 2339 North Jones Boulevard, George Shoshani, Pres, Secy, Treas, Dir, 100% - Ward 5 (Barlow)

23. Approval of an extension of a Temporary Beer/Wine/Cooler On-sale License for a Change of Ownership, From: Ordilia Arce, To: Maria Saucedo, dba Los Molcajetes, 1553 North Eastern Avenue, Maria Saucedo, Owner, 100% - Ward 3 (Reese)

24. Approval of an extension of a Temporary Beer/Wine/Cooler Off-sale License, Rebel Oil Company, Incorporated, dba Rebel 34, 3505 East Washington Avenue, Jack Cason, Pres; Dana Teepe, Secy, Treas; Pat Cason, Exec VP, CEO; and Carl Bailey, Shareholder - Ward 3 (Reese)

25. Approval of an extension of a Temporary Brew Pub/Tavern License for a Change of Ownership, Change of Business Name, and Change of Location, From: In God We Trust Corp, dba Art Bar (Non-operational), To: Starr & Son, LLC, dba The Martini, 1205 South Fort Apache Road, Sandra Starr, Mgr, 100% - Ward 2 (Wolfson)

26. Approval of an extension of a Temporary Beer/Wine/Cooler On-Sale License, LZI Enterprises, dba The Office Billiard Club, 3050 East Bonanza Road, Suite 190, Luis Castillo, Pres, Secy, Treas, Dir, 100% - Ward 3 (Reese)

27. Approval of an extension of a Temporary Beer/Wine/Cooler On-sale License, Prachatouch, LLC, dba Weera Thai Restaurant, 3839 West Sahara Avenue, Suite 9, Prachatouch Thonguthaisiri, Mgr, 100% - Ward 1 (Tarkanian)

28. Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Nevada Restaurant Services, Inc., dba Dotty's 70, 2089 North Jones Boulevard, Richard Estey, Owner, 100% - Ward 5 (Barlow)

29. Approval of a Restricted Gaming License subject to the provisions of the planning and fire codes and confirmation of approval by the Nevada Gaming Commission, Granite Gaming Group II, LLC, db at Girls of Glitter Gulch, 22 Fremont Street, Granite Gaming Group, LLC, Mgr; Granite Gaming Holdings, LLC, Mgr; and Steven Burnstine, Mgr - Ward 5 (Barlow)

30. Approval of a Restricted Gaming License, Adroushan Armenian, dba Wash N Fun Laundromat, 4425 Stewart Avenue, Suite 101-103, Adroushan Armenian, 100% - Ward 3 (Reese)

31. Approval of a Change of Location for a Burglar Alarm Service License, Ultimate Alarms, dba Ultimate Alarms, From: 6532 Alta Drive, To: 3416 Bonn Court, Angel Yumart, Ptnr, 25% and Idalberto Yumart, Ptnr, 75% - Ward 6 (Ross)

32. Approval of a Change of Location for a Psychic Arts and Science License, Mystic Ventures, Inc., dba Mystic Mona, From: 800 North Rainbow Boulevard, Suite 208, To: 9410 West Sahara Avenue, Suite 140, Mona Joseph, Dir, Pres, Secy, 55% and Charles Joseph, Dir, Treas, 45% - Ward 2 (Wolfson)

PUBLIC WORKS - CONSENT

33. Approval of First Supplemental Interlocal Contract LLD99A09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to decrease construction funding in the amount of $389,302.82 for the construction for the Gilmore Avenue – Decatur Boulevard to Thom Boulevard Storm Drain – Ward 6 (Ross)

34. Approval of Amendment No. 5 to the Grant and Cooperative Agreement L05AC14882 between the City of Las Vegas and the Bureau of Land Management to extend the performance date for the Boulder Plaza Park project on Boulder Avenue east of Main Street, which is funded under the Southern Nevada Public Lands Management Act (SNPLMA) – Ward 3 (Reese)

35. Approval of Amendment No. 2 to the Grant and Cooperative Agreement L08AC14126 between the City of Las Vegas and the Bureau of Land Management to extend the performance date for the Vias Verde Pre-Proposal Study funded under the Southern Nevada Public Lands Management Act (SNPLMA) – Ward 4 (Anthony)

36. Approval for a Grant of Easement and Rights-of-Way from City of Las Vegas to Las Vegas Valley Water District for a portion of Parcel 2 of that Parcel Map on file in the Office of the County Recorder, Clark County Nevada in File 117 of Parcel Maps at page 36, lying within the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, Township 20 South, Range 60 East, Mount Diablo Meridian also known as Fire Station 107 located on the Northeast corner of Del Webb Boulevard and Sundial Drive - APN 138-18-713-001 - Ward 4 (Anthony)

37. Approval of Interlocal Contract LAS19D11 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide construction funding for the Vegas Drive Storm Drain – Rancho Drive to Shadow Mountain Place ($12,888,000 – CCRFCD) – Ward 5 (Barlow)

38. Approval of Interlocal Agreement No. 114029 between the City of Las Vegas and the Las Vegas Valley Water District for water service at Fire Station 107 located on the Northeast Corner of Del Webb Boulevard and Sundial Drive ($28,813 - Fire Services Capital Project Fund [Fire CPF]) - Ward 4 (Anthony)

DISCUSSION/ACTION ITEMS

RESOLUTIONS - DISCUSSION

39. R-12-2011 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Fremont Place, LLC, located at 228 North Las Vegas Boulevard (APN 139-34-501-016) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 5 (Barlow) [NOTE: This item is related to RDA Item 4 (RA-3-2011)]

BOARDS & COMMISSIONS - DISCUSSION

40. ABEYANCE ITEM - LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Kelly Benavidez, Term Expiration 3-6-2011

41. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Dr. Aldo Aguirre, Term Expiration 4-3-2011

42. AUDIT OVERSIGHT COMMITTEE – Councilman Steve Wolfson, Term Expiration 3-21-2011

43. ANIMAL ADVISORY COMMITTEE – Susan Butche, Term Expiration 4-5-2011

44. Discussion and possible action on the appointment and reappointment of members to the Neighborhood Partners Fund Board for Fiscal Year 2012

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

45. ABEYANCE ITEM - 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

46. Bill No. 2011-8 – Amends the zoning provisions governing the computation of time to treat days that the City's offices are officially closed to the public the same as Saturdays, Sundays and holidays. (TXT-40266) Proposed by: Flinn Fagg, Acting Director of Planning and Development

47. Bill No. 2011-9 – Adds a number of specific licensing categories to the City's business licensing regulations. 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.

48. Bill No. 2011-10 – Adopts the 2009 Edition of the International Building Code, together with amendments thereto. Sponsored by: Councilman Steven D. Ross

49. Bill No. 2011-11 – Updates the City's Administrative Code, relating to the administration of the various building and technical codes. Sponsored by: Councilman Steven D. Ross

50. Bill No. 2011-12 – Adopts the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code. Sponsored by: Councilman Steven D. Ross

51. Bill No. 2011-13 – Adopts the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code. Sponsored by: Councilman Steven D. Ross

52. Bill No. 2011-14 – Adopts the 2008 Edition of the National Electrical Code, together with local amendments thereto. Sponsored by: Councilman Steven D. Ross

53. Bill No. 2011-15 – Adopts an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code. Sponsored by: Councilman Steven D. Ross

54. Bill No. 2011-16 – Adopts the 2009 Edition of the Southern Nevada Pool Code. Sponsored by: Councilman Steven D. Ross

55. Bill No. 2011-17 – Adopts the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code. Sponsored by: Councilman Steven D. Ross

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.

56. Bill No. 2011-18 – Makes minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments. Proposed by: Candace Falder, Director of Finance, and Flinn Fagg, Acting Director of Planning

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

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 - 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.

59. ZON-40469 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: T-C (TOWN CENTER) [SX-TC (Suburban Mixed-Use - Town Center) Special Land Use Designation] on 0.54 acres at the northeast corner of Durango Drive and Juliano Road (APNs 125-29-502-020 and 025), Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

60. ZON-40478 - REZONING - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: USA - Request for a Rezoning FROM: C-2 (GENERAL COMMERCIAL) TO: C-V (CIVIC) on 5.96 acres at 333 South Las Vegas Boulevard (APN 139-34-701-001), Ward 3 (Reese). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

61. ZON-40496 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-V (CIVIC) on 1.59 acres at 900 South Durango Drive (APN 138-32-802-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

62. VAC-40649 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Petition to Vacate public right-of-way between Stewart Avenue and Mesquite Avenue to include 7th Street and an unnamed alley west of 7th Street, Ward 5 (Barlow). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PLANNING - DISCUSSION

63. GPA-39489 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a General Plan Amendment FROM: SC (SERVICE COMMERCIAL) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

64. ZON-39490 - ABEYANCE ITEM - REZONING RELATED TO GPA-39489 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-M (COMMERCIAL/INDUSTRIAL) on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

65. VAR-39492 - ABEYANCE ITEM - VARIANCE RELATED TO GPA-39489 AND ZON-39490 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Variance TO ALLOW A ZERO-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED AND A ZERO-FOOT SIDE YARD SETBACK WHERE TEN FEET IS REQUIRED on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

66. SDR-39491 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-39489, ZON-39490 AND VAR-39492 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Site Development Plan Review FOR THE ADDITION OF A PROPOSED 9,000 SQUARE-FOOT HEAVY MACHINERY AND EQUIPMENT (RENTAL, SALES AND SERVICE) BUILDING TO A SITE THAT CONTAINS AN EXISTING 4,011 SQUARE-FOOT OFFICE, WITH A WAIVER OF PERIMETER LANDSCAPE STANDARDS TO ALLOW A SEVEN-FOOT BUFFER ALONG A PORTION OF THE SOUTH PROPERTY LINE WHERE EIGHT FEET IS REQUIRED on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

67. 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.

68. 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.

69. GPA-40401 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to adopt an updated Land Use Element. The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

70. VAR-40107 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT - Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 14-FOOT HIGH, 1,750 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II THAT IS NOT AESTHETICALLY COMPATIBLE (PLYWOOD) WITH THE MAIN DWELLING (STUCCO), WHERE A 12-FOOT HIGH, 830 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II IS ALLOWED on 0.46 acres at 5400 Bat Masterson Circle (APN 138-01-310-038), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

71. VAR-40375 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Variance TO ALLOW EIGHT PARKING SPACES WHERE 48 ARE REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

72. VAR-40543 - VARIANCE RELATED TO VAR-40375 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Variance TO ALLOW A ZERO-FOOT FRONT AND SIDE YARD SETBACK WHERE TEN FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

73. SDR-40374 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-40375 AND VAR-40543 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Site Development Plan Review TO CONVERT AN EXISTING WAREHOUSE INTO A 45,398 SQUARE-FOOT WHOLESALE SHOWROOM FACILITY WITH A WAIVER TO ALLOW NO PERIMETER LANDSCAPE BUFFER WHERE EIGHT FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

74. VAR-40579 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - Request for a Variance TO ALLOW TWO PROPOSED ACCESSORY STRUCTURES (CLASS I AND CLASS II) WITH A COMBINED FLOOR AREA OF 3,467 SQUARE FEET WHERE 809 SQUARE FEET IS THE MAXIMUM ALLOWED, TO ALLOW AN ACCESSORY STRUCTURE (CLASS II) TO NOT BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPAL DWELLING UNIT (STUCCO), AND TO ALLOW BOTH ACCESSORY STRUCTURES TO BE 13 FEET SIX INCHES WHERE 13 FEET IS THE MAXIMUM ALLOWED on 0.45 acres at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

75. SUP-40577 - SPECIAL USE PERMIT RELATED TO VAR-40579 - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - Request for a Special Use Permit FOR A PROPOSED 1,067 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) WITH KITCHEN at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estate) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

76. SUP-39963 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FOSTER DAY, INC. - Request for a Special Use Permit TO RE-ESTABLISH AN ABANDONED CAR WASH, SELF-SERVICE USE WITH WAIVERS TO ALLOW THE OPENING OF THE WASH BAYS TO FACE PUBLIC RIGHTS-OF-WAY, TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL PROPERTY WHERE A MINIMUM OF 200 FEET IS REQUIRED, AND TO ALLOW THE USE TO NOT BE OPERATED IN CONJUNCTION WITH ANOTHER MOTOR VEHICLE RELATED USE at 7501 Alta Drive (APN 138-34-301-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

77. SUP-40520 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FREMONT PLACE, LLC - Request for a Special Use Permit FOR A 100 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR, OFF-SALE ESTABLISHMENT IN CONJUNCTION WITH AN EXISTING 3,553 SQUARE-FOOT CONVENIENCE STORE at 228 North Las Vegas Boulevard (APN 139-34-501-016), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

78. SUP-40552 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC. - Request for a Special Use Permit FOR A PROPOSED HELIPAD at 3100 North Tenaya Way (APN 138-15-510-005), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

79. SDR-40551 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-40552 - PUBLIC HEARING - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC. - Request for a Site Development Plan Review FOR A PROPOSED 33,717 SQUARE-FOOT, 12-BED EXPANSION AND HELIPAD IN CONJUNCTION WITH AN EXISTING HOSPITAL on 28.10 acres at 3100 North Tenaya Way (APN 138-15-510-005), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

80. SUP-40575 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC - Request for a Special Use Permit FOR A PROPOSED 15,669 SQUARE-FOOT SOCIAL SERVICE PROVIDER at 3000, 3010-3020 Rigel Avenue (APN 162-08-702-001), M (Industrial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

SET DATE

81. 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

82. 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

83. 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: MARCH 16, 2011

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

SUBJECT:
INVOCATION – CHAPLAIN STEVE SANSON, VETERANS IN POLITICS INTERNATIONAL

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

SUBJECT:
PLEDGE OF ALLEGIANCE

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE EMPLOYEE OF THE MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF MUNICIPAL COURT JUDGE BERT BROWN FOR BEING NAMED JUDGE OF THE YEAR

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF COLORECTAL CANCER AWARENESS MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

RECOGNITION OF THE INTERNATIONAL CODE COUNCIL'S TODDLER SWIM LESSON GRANT PROGRAM

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE HOME DEPOT VOLUNTEERS

City of Las Vegas Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF DISC JOCKEY D.C. RIDER

City of Las Vegas

Agenda Item No.: **11.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 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.: **12.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BUSINESS ITEMS:

Approval of the Final Minutes by reference of the Special City Council meeting of February 16, 2011 and the regular City Council meeting of February 16, 2011

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: ECONOMIC AND URBAN DEVELOPMENT
DIRECTOR: WILLIAM ARENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to allocate $5,646,075 of Affordable Housing Special Revenue Fund (Redevelopment 18% Affordable Housing Set-Aside), Home Investment Partnership Program Funds (HOME) and Low Income Housing Trust Funds (LIHTF) to Habitat for Humanity - Las Vegas, Silver Sage Manor, Inc., NCWB Housing, Inc., Nevada H.A.N.D., Inc., Cedar Village LP, and Silver State Housing for affordable housing projects for low-income families - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $5,646,075
Funding Source: HUD-HOME funds and NV State LIHTF and Redevelopment 18% Affordable Housing Set-Aside funds (RDA)
Dept./Division: Economic and Urban Development/Neighborhood Dev.

PURPOSE/BACKGROUND:
In response to a Request for HOME/LIHTF/RDA grant funded Applications, the City of Las Vegas received seven (7) applications for affordable housing projects. The Affordable Housing Development Application Review Committee, consisting of staff from various departments, reviewed the applications and made funding recommendations. Staff will complete all HUD-required Environmental Reviews (ER). No project may commit and/or expend any funds prior to compliance with 24 CFR Part 58 and final notification by staff.

RECOMMENDATION:
Staff recommends approval of the HOME/LIHTF/RDA grant funding allocations and authorization of the Mayor to execute any and all related agreements and documents required for the projects following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
Agenda Memo

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 16, 2011
DEPARTMENT: ECONOMIC AND URBAN DEVELOPMENT
ITEM DESCRIPTION: Approval to allocate $5,646,075 of Affordable Housing Special Revenue Fund (Redevelopment 18% Affordable Housing Set-Aside), Home Investment Partnership Program Funds (HOME) and Low Income Housing Trust Funds (LIHTF) to Habitat for Humanity - Las Vegas, Silver Sage Manor, Inc., NCWB Housing, Inc., Nevada H.A.N.D., Inc., Cedar Village LP, and Silver State Housing for affordable housing projects for low-income families - All Wards

In response to an affordable housing grant funds Request for Applications, the city of Las Vegas received applications for HOME, LIHTF, and Redevelopment 18% Affordable Housing Set-Aside funding to assist with the development, rehabilitation or preservation of affordable housing projects for low-income families.

The following projects have been recommended for funding.

SUMMARY OF TOTAL RECOMMENDED ALLOCATIONS

Cedar Village LP., Cedar Village Sustainability Project – 2850 E. Cedar	$290,896
Habitat for Humanity, LV - Vegas Heights Redevelopment 2 – 1317 and 1321 Miller	$54,000
NCWB Housing, Inc., Stella Fleming Towers – 400 Brush	$333,840
Nevada H.A.N.D., Inc. – Decatur Pines 2 Senior Apts. – 6741 N. Decatur	$1,500,000
Silver Sage, Inc. Lone Mountain Senior Apts. – SE corner Lone Mountain/Rainbow	$1,250,000
Silver State Housing, McKnight Senior Village Apts. – 651 McKnight	$1,194,572
Silver State Housing, Sunrise Senior Village Apts. – 571 North 30th Street	$1,022,767
Total HOME/LIHTF/RDA Funds Recommended	**$5,646,075**

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **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: $82,530,447.28
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 02/16/11 to 02/28/11

City of Las Vegas

Summary of Cash Expenditures

For period of 02/01/11 to 02/15/11

Total Services & Materials Checks :	**$11,830,790.58**
Total Services & Materials EFT Payments :	**$12,982,925.77**
Total Wire Transfers:	**$25,573,685.87**
Total Payroll Checks:	**$6,117,094.21**
Grand Total:	**$56,504,496.43**

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.

Candace Falder
Director of Finance

Beverly K. Bridges, MMC
City Clerk

On March 2, 2011 the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Bid No. 11.1730.02-TF (REVISED), Flood Control Facilities Repair/Reconstruction/Maintenance - Department of Public Works - Award recommended to: RP WEDDELL & SONS CO. (not-to-exceed $1,043,800 - Road and Flood Capital Projects Fund) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,043,800
Funding Source: Road and Flood CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This contract provides for the repair, reconstruction and maintenance of flood control facilities located within the City of Las Vegas limits. Specific location and extent of work at each facility shall be determined by the City and shall include but will not be limited to debris removal and reshaping of unlined channels, repair of damaged channels and repair of damaged channels and repair of damaged concrete and fences.

PCC: T. Fernandez
POC: Daniel Weddell - (702) 248-4829

RECOMMENDATION:
That City Council approve award of Bid No. 11.1730.02-TF (REVISED), Flood Control Facilities Repair/Reconstruction/Maintenance to RP Weddell & Sons Co. in the annual not-to-exceed amount of $1,043,800 for the period from the date of award through June 30, 2011 with four one-year options to renew. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Bid Abstract

BID ABSTRACT

11.1730.02-TF (REVISED)
Flood Control Facilities
Repair/Reconstruction/Maintenance

				R. P. Weddell & Sons Co.		Western States Contracting, Inc		Camino Constructors LLC	
ITEM NO.	DESCRIPTION	U O M	QTY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
201.01	CLEAN AND RESHAPE CHANNEL	AC	200	$100.00	$20,000.00	$1,450.00	$290,000.00	$702.00	$140,400.00
201.02	CLEAN DETENTION BASIN	CY	10,000	$25.00	$250,000.00	$15.85	$158,500.00	$49.75	$497,500.00
201.03	VEGETATION CONTROL - MECHANICAL	AC	50	$2,000.00	$100,000.00	$1,030.00	$51,500.00	$855.00	$42,750.00
201.04	CLEAN AND INSPECT INLET/OUTLET STRUCTURE	EA	30	$100.00	$3,000.00	$1,360.00	$40,800.00	$225.00	$6,750.00
201.05	CLEAN STORM SEWER LINES (MULTIPLE LOCATIONS)	LF	1,500	$6.00	$9,000.00	$17.50	$26,250.00	$7.25	$10,875.00
603.01	STORM SEWER REPAIR (18-INCH TO 30-INCH RCP)	LF	400	$80.00	$32,000.00	$103.00	$41,200.00	$132.00	$52,800.00
603.02	STORM SEWER REPAIR (36-INCH TO 48-INCH RCP)	LF	400	$80.00	$32,000.00	$150.00	$60,000.00	$231.00	$92,400.00
610.01	REPAIR LINED CHANNEL - RIPRAP (D50≤18 INCHES)	CY	1,000	$40.00	$40,000.00	$50.00	$50,000.00	$38.00	$38,000.00
610.02	EROSION CONTROL AND REPAIR - RIPRAP (D50≤18 INCHES)	CY	1,000	$40.00	$40,000.00	$50.00	$50,000.00	$48.00	$48,000.00
611.01	REPAIR LINED CHANNEL - 6-INCH TO 9-INCH CONCRETE	SY	2,500	$60.00	$150,000.00	$68.00	$170,000.00	$79.40	$198,500.00
611.02	EROSION CONTROL AND REPAIR - CONCRETE	CY	100	$300.00	$30,000.00	$435.00	$43,500.00	$355.00	$35,500.00
616.01	FENCE REPAIR - CHAINLINK	SF	1,500	$4.00	$6,000.00	$5.00	$7,500.00	$4.85	$7,275.00
616.02	FENCE REPAIR - WROUGHT IRON	SF	750	$16.00	$12,000.00	$12.00	$9,000.00	$12.00	$9,000.00
616.03	GATE REPAIR - CHAINLINK	EA	10	$1,500.00	$15,000.00	$1,200.00	$12,000.00	$1,400.00	$14,000.00
616.04	GATE REPAIR - WROUGHT IRON	EA	5	$4,000.00	$20,000.00	$2,800.00	$14,000.00	$2,200.00	$11,000.00
622.01	CONSTRUCTION SURVEYING - 2 MAN CREW	HR	120	$100.00	$12,000.00	$125.00	$15,000.00	$210.00	$25,200.00
622.02	CONSTRUCTION SURVEYING - 3 MAN CREW	HR	80	$150.00	$12,000.00	$185.00	$14,800.00	$270.00	$21,600.00
109.01	FOREMAN	HR	320	$125.00	$40,000.00	$86.00	$27,520.00	$89.20	$28,544.00
109.02	OPERATOR	HR	640	120	$76,800.00	$86.00	$55,040.00	87.4	$55,936.00
109.03	TRUCK DRIVER	HR	640	$115.00	$73,600.00	$69.00	$44,160.00	$71.10	$45,504.00
109.04	LABORER	HR	640	$110.00	$70,400.00	$64.00	$40,960.00	$70.90	$45,376.00
	Total Base Bid Amount				**$1,043,800.00**		**$1,221,730.00**		**$1,426,910.00**
	Engineer's Estimate	**$2,050,000**							
	Responsive Bidder								
	Responsible Bidder								

TO: Dept. Mngr. or Delsgnee Please review and approve recommended award to

RP Weddell & Sons in the amount of $ 1,043,800

Purchasing & Contracts Representative — Date: 2-9-11

Using Department Authorized Rep Signature — Date: 2-14-11

BID ABSTRACT

11.1730.02-TF (REVISED)
Flood Control Facilities
Repair/Reconstruction/Maintenance

				Preferred Contracting Inc.		JNJ Enginnering Construction Inc		JBM Construction, Inc	
ITEM NO.	DESCRIPTION	U O M	QTY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
201.01	CLEAN AND RESHAPE CHANNEL	AC	200	$1,545.00	$309,000.00	$1,800.00	$360,000.00	$4,850.00	$970,000.00
201.02	CLEAN DETENTION BASIN	CY	10,000	$9.00	$90,000.00	$14.00	$140,000.00	$24.00	$240,000.00
201.03	VEGETATION CONTROL - MECHANICAL	AC	50	$6,178.00	$308,900.00	$4,500.00	$225,000.00	$1,300.00	$65,000.00
201.04	CLEAN AND INSPECT INLET/OUTLET STRUCTURE	EA	30	$1,053.00	$31,590.00	$2,000.00	$60,000.00	$600.00	$18,000.00
201.05	CLEAN STORM SEWER LINES (MULTIPLE LOCATIONS)	LF	1,500	$24.00	$36,000.00	$35.00	$52,500.00	$11.75	$17,625.00
603.01	STORM SEWER REPAIR (18-INCH TO 30-INCH RCP)	LF	400	$88.00	$35,200.00	$440.00	$176,000.00	$95.00	$38,000.00
603.02	STORM SEWER REPAIR (36-INCH TO 48-INCH RCP)	LF	400	$147.00	$58,800.00	$680.00	$272,000.00	$178.00	$71,200.00
610.01	REPAIR LINED CHANNEL - RIPRAP (D50≤18 INCHES)	CY	1,000	$68.00	$68,000.00	$66.00	$66,000.00	$30.00	$30,000.00
610.02	EROSION CONTROL AND REPAIR - RIPRAP (D50≤18 INCHES)	CY	1,000	$59.00	$59,000.00	$76.00	$76,000.00	$235.00	$235,000.00
611.01	REPAIR LINED CHANNEL - 6-INCH TO 9-INCH CONCRETE	SY	2,500	$127.00	$317,500.00	$108.00	$270,000.00	$82.00	$205,000.00
611.02	EROSION CONTROL AND REPAIR - CONCRETE	CY	100	$369.00	$36,900.00	$400.00	$40,000.00	$222.00	$22,200.00
616.01	FENCE REPAIR - CHAINLINK	SF	1,500	$3.00	$4,500.00	$4.00	$6,000.00	$5.65	$8,475.00
616.02	FENCE REPAIR - WROUGHT IRON	SF	750	$9.00	$6,750.00	$8.00	$6,000.00	$5.65	$4,237.50
616.03	GATE REPAIR - CHAINLINK	EA	10	$527.00	$5,270.00	$400.00	$4,000.00	$1,375.00	$13,750.00
616.04	GATE REPAIR - WROUGHT IRON	EA	5	$995.00	$4,975.00	$600.00	$3,000.00	$2,150.00	$10,750.00
622.01	CONSTRUCTION SURVEYING - 2 MAN CREW	HR	120	$117.00	$14,040.00	$125.00	$15,000.00	$200.00	$24,000.00
622.02	CONSTRUCTION SURVEYING - 3 MAN CREW	HR	80	$176.00	$14,080.00	$190.00	$15,200.00	$282.00	$22,560.00
109.01	FOREMAN	HR	320	$59.00	$18,880.00	$84.00	$26,880.00	$106.00	$33,920.00
109.02	OPERATOR	HR	640	69	$44,160.00	84	$53,760.00	106	$67,840.00
109.03	TRUCK DRIVER	HR	640	$56.00	$35,840.00	65	$41,600.00	93	$59,520.00
109.04	LABORER	HR	640	$53.00	$33,920.00	63	$40,320.00	82	$52,480.00
	Total Base Bid Amount				**$1,533,305.00**		**$1,949,260.00**		**$2,209,557.50**
	Engineer's Estimate	**$2,050,000**							
	Responsive Bidder								
	Responsible Bidder								

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of award of Contract No. 10.15341.14-DC, Design-Build of the Solar Covered Parking, Phase II - Bid Lot F located at the Fire Equipment Service Center, 3140 East Bonanza Road, Fire Station #44, 7701 West Washington Avenue, Fire Station #48, 9133 Elkhorn Road, Field Operations Center, 2875 Ronemus Drive and West Yard Fleet Transportation Center, 2950 Ronemus Drive and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: CORE CONSTRUCTION SERVICES OF NEVADA, INC. ($2,042,429 - General Capital Projects Fund) - Wards 1, 3, 4 and 6 (Tarkanian, Reese, Anthony and Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**

Amount: $2,042,429
Funding Source: General CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:

This project consists of constructing crystalline type photovoltaic panels at various locations. Funding for this project is provided by the NV Energy Rebate Program.

PCC: D. Collins
POC: Gary Siroky - (702) 794-0550

RECOMMENDATION:

That City Council approve award of Contract No. 10.15341.14-DC, Design-Build of the Solar Covered Parking, Phase II - Bid Lot F to CORE Construction Services of Nevada, Inc. in the amount of $2,042,429 and approve the construction conflicts and contingency reserve of $204,243. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Certificate - Disclosure of Ownership/Principals
3. Contract No. 10.15341.14-DC

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: **March 16, 2011**
DEPARTMENT: **FINANCE**
ITEM DESCRIPTION: **CONTRACT NO. 10.15341.14-DC, Design-Build of the Solar Covered Parking, Phase II – Bid Lot F**

This project includes the design and construction of at least 262 kW of net AC power for an estimated 135 equivalent parking stalls. Project shall include: crystalline type photovoltaic panels over one (1) existing city facility roof located at the Fire Equipment Service Center, 3140 East Bonanza Road, and crystalline type photovoltaic panels over Contractor provided prefab steel carport frames at Fire Station #44 located at 7701 West Washington Avenue, Fire Station #48, 9133 Elkhorn Road parking lots and thin film photovoltaic panels over standing seam Contractor provided prefab steel carport frames at Field Operations Center, 2875 Ronemus Drive and West Yard Fleet Transportation Center, 2950 Ronemus Drive parking lots which will provide approximately 262 kW of renewable energy. This project is anticipated to replace on average 55% of energy consumption from the grid and will help reduce the City's greenhouse gas emissions to achieve the City's targets established by the Sustainable Energy Strategy. The Project will be a complete photovoltaic installation to include, conduit, wiring, inverters, meters, disconnect switches, panels, data web interface logging and under canopy LED lighting.

CORE Construction Services of Nevada, Inc. was selected through a competitive Request for Proposal process.

ATTACHMENT 4
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	CORE Construction Services of Nevada, Inc.
Address	7150 Cascade Valley Court, Las Vegas, NV 89128
Telephone	702-794-0550
EIN or DUNS	140392056

Block 2 Description

Solar Covered Parking, Phase II, Bid Lot F

Lead Design/Build Team Representative
(General Building Contractor)

RFP# 10.15341.14-DC

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.	Kenny Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
2.	Robert Baum	10828 N. Cave Creek Road, Phoenix, AZ 85020	(602) 943-6106
3.	Wayne Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
4.	Stephen Roeschley	866 N. Main Street, Morton, IL 61550	(309) 266-9768
5.	Glen Sullivan	866 N. Main Street, Morton, IL 61550	(309) 266-9768
6.	Kurt Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
7.	Craig Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
8.	Howard Maurer	3036 E. Greenway Road, Phoenix, AZ 85032	(602) 494-0800
9.	James Jacobs	3036 E. Greenway Road, Phoenix, AZ 85032	(602) 494-0800
10.	Gary Siroky	7150 Cascade Valley Court, Las Vegas, NV 89128	(702) 794-0550

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.

JENNIFER MORONES
Notary Public State of Nevada
No. 96-5217-1
My appt. exp. May 27, 2012

Name

February 17, 2011

Date

Subscribed and sworn to before me this 17th day of

February 20 11

Notary Public

EXHIBIT A
DESIGN-BUILD CONTRACT

THIS DESIGN-BUILD CONTRACT (the "Contract") is made and entered into this _____ day of _____, 20 , by and between the City of Las Vegas, a municipal corporation in the State of Nevada (the "Owner") and Core Construction Services of Nevada, Inc. (a corporation organized and existing under the laws of the State of Nevada), (the "Design-Build Team".)

WITNESSETH:

WHEREAS, the Design-Build Team, having submitted a Design-Build Proposal to the Owner for the design and construction of the project commonly known and referred to as "Solar Covered Parking, Phase II – Bid Lot F Project", RFP No. (10.15341.14-DC)"; and PWP #CL-2011-82; and

WHEREAS, the City Council, after due consideration of the submitted proposals, awarded a contract to the Design-Build Team for both the design and construction of the Project in the maximum amount set forth below.

NOW, THEREFORE, in consideration of the above, the parties hereto agree to the following:

1. **PROJECT DESCRIPTION.** The Project consists of the design and construction of Project #10.15341.14-DC, Solar Covered Parking, Phase II - Bid Lot F, which is fully set forth and described in the Bridge Documents (defined in the General Conditions attached hereto).

2. **DESIGN AND CONSTRUCTION COVENANT.**

a) In General. The Design-Build Team hereby covenants and agrees to furnish the design of the Project in accordance with all professional architectural and engineering principles generally accepted as standards of the profession in the State and shall construct the Project as designed, free from defects and deficiencies, all in compliance with the requirements of the Contract. The Design-Build Team shall be responsible for performing and completing, and for causing all of its Subconsultants and Subcontractors to perform and complete the requirements set forth in the Contract and all applicable laws. The Design-Build Team covenants and warrants that the design and construction of the Project, and the materials incorporated therein, shall meet the performance requirements of the Owner as described in the Contract. The Design-Build Team shall assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

b) Project Design. The Design-Build Team shall use the key personnel of the design firm or firms identified in the Proposal to provide the professional design services (architectural and engineering services) necessary for the preparation of the Construction Documents for the Project. The Design-Build Team shall be responsible for all errors, omissions, inconsistencies or other deficiencies in the design of the Project and in the Construction Documents. The Construction Documents shall be prepared by qualified architects, engineers and other professionals, selected and paid for by the Design-Build Team and duly licensed in the state of Nevada.

c) Project Construction. The Design-Build Team shall furnish all labor, materials, equipment, transportation and other services necessary for construction of the Project (including, without limitation, the site work, structures, utilities and landscaping) in accordance with the Construction Documents approved by the Owner and other applicable requirements of the Contract. The Design-Build Team hereby covenants and agrees to undertake and complete the Work (defined in the General Conditions attached hereto) in a good, substantial and workmanlike manner in compliance with the Contract.

3. **CONTRACT AMOUNT.** For performance of the Work, the Owner agrees to pay the Design-Build Team the following maximum amount for the Work required by this Contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract: $2,042,429.00 (the "Contract Amount"). The maximum amount to be paid for the performance of the professional design services required by the Contract is $103,880.00 (which is included in the Contract Amount).

4. DOCUMENT INCORPORATION. The Contract consists of this three (3) page document and the following documents incorporated herein by this reference as a part hereof:

a) Design-Build Contract, Exhibit "A" attached hereto
   i. Design-Build Proposal
   ii. Resumes for Key Personnel
   iii. Subconsultant and Subcontractor List
   iv. Certificate – Disclosure of Ownership
b) General Conditions, Exhibit "B" attached hereto
c) Bridging Specifications, dated January 18, 2011, Exhibit "C" (Provided electronically)
d) Plans, Exhibit "D" (Provided electronically)
e) Addenda No.1, dated November 24, 2010
   Addenda No.2, dated February 2, 2011
   Addenda No.3, dated February 7, 2011
   Addenda No.4, dated February 8, 2011
f) Prevailing Wage Rates, Exhibit "E" attached hereto
g) Federal Wage Rates, Exhibit "F" attached hereto
h) Special Requirements, Exhibit "G" attached hereto

5. COMMENCEMENT AND COMPLETION DEADLINE. Time is of the essence in the performance and completion of this Contract. The Design-Build Team shall commence the Work on the date set by the Owner in the Design Notice to Proceed, and shall complete all work required by the Contract on **December 1, 2011.**

6. LIQUIDATED DAMAGES. Liquidated Damages are provided for in Section 6 of the General Conditions in the amount of **$1,500.00 per day** for each calendar day the completion of the Work is delayed beyond the completion deadline, or Owner approved extensions thereof.

7. CONSEQUENTIAL DAMAGES. This contract includes multiple locations with site-specific mandatory completion dates and associated Consequential Damages as detailed in General Conditions, Section 6.02, Owner's Recovery of Consequential Damages. Consequential Damages are independent of liquidated damages. The location-specific completion dates and associated Consequential Damages are as follows:

Location	Mandatory Interim Substantial Completion Date*	Consequential Damages
Fire Equipment Service Center	September 1, 2011	$228,000.00
Fire Station #44	December 1, 2011	$150,000.00
Fire Station #48	December 1, 2011	$150,000.00
Field Operations Center	September 1, 2011	$396,295.00
West Yard Fleet Transportation Center	September 1, 2011	$383,000.00

* **NOTE:** For locations that have two Mandatory Interim Substantial Completion dates, two independent Consequential Damages may be assessed. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the first Mandatory Interim Substantial Completion Date, the initial Consequential Damage will be applicable. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Interim Substantial Completion Date, the Second Consequential Damage will also apply.

8. NOTICES. Any notice required to be given under the Contract shall be deemed to have been given when the notice is (i) delivered personally, or (ii) sent by facsimile machine and delivered by regular mail or certified mail, addressed as follows:

To the Owner:	City of Las Vegas Manager, Purchasing & Contracts Division City Hall, First Floor 400 Stewart Avenue Las Vegas, NV 89101-2986
To the Design-Build Team:	Core Construction Services of Nevada, Inc. Gary Siroky, President 7150 Cascade Valley Court Las Vegas, NV 89128 Fax: (702) 794-0953

Any change in the addresses stated above shall be made in writing and delivered in the manner provided herein. In the event of suspension or termination of the Contract, notice may also be given upon personal delivery to any person whose action or knowledge of such suspension or termination would be sufficient notice to the Design-Build Team.

IN WITNESS WHEREOF, the Owner and the Design-Build Team have made and executed this Agreement on the day and year first above written.

OWNER

By: _____
KATHLEEN C. RAINEY, Manager
Purchasing and Contracts Division
Department of Finance and Business Services

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

John S. Ridilla 3/3/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney

DESIGN-BUILD TEAM:

By: _____
Gary Siroky, President
Core Construction Services of Nevada, Inc.

ATTACHMENT 4
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	CORE Construction Services of Nevada, Inc.
Address	7150 Cascade Valley Court, Las Vegas, NV 89128
Telephone	702-794-0550
EIN or DUNS	140392056

Block 2 Description
Solar Covered Parking, Phase II, Bid Lot F
Lead Design/Build Team Representative (General Building Contractor)
RFP# 10.15341.14-DC

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.

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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.

JENNIFER MORONES
Notary Public State of Nevada
No. 96-5217-1
My appt. exp. May 27, 2012

Name

February 17, 2011

Date

Subscribed and sworn to before me this 17th day of

February 2011

Notary Public

EXHIBIT B
GENERAL CONDITIONS

SECTION 1. DEFINITIONS

SECTION 2. DESIGN-BUILD TEAM'S RIGHTS AND RESPONSIBILITIES

2.01 Designated Representative
2.02 Responsibility for Site Conditions and Geotechnical Information
2.03 Responsibility for the Security of the Work and Project Site
2.04 Responsibility for Protecting Adjacent Areas
2.05 Responsibility for Construction Safety
2.06 Responsibility for Clean-Up of the Work Site
2.07 Responsibility for Construction Procedures
2.08 Responsibility for Substitution of Team Members, Key Personnel, Subconsultants, and Subcontractors
2.09 Responsibility for Employment of Competent Superintendent
2.10 Responsibility for Uncovering and Correcting the Work
2.11 Responsibility for Permits and Fees
2.12 Responsibility for Record Documents
2.13 Responsibility for Substitutions of Materials, Products or Services
2.14 Responsibility for the Delivery and Storage of Materials and Equipment
2.15 Responsibility for Emergencies
2.16 Responsibility for Payment of Subcontractor and Other Parties
2.17 Responsibility for Schedule of Values

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3.01 Designated Representative
3.02 Right to Perform or Award Separate Contracts for Portions of the Work
3.03 Right to Perform Additional Work Within or Near the Project Site
3.04 Progress Meetings
3.05 Right of Suspension
3.06 Right of Termination for Convenience
3.07 Owner's Right to Replace Subcontractor or Subconsultant

SECTION 4. CONTRACT COMMENCEMENT, PROGRESS AND COMPLETION

4.01 Notice to Proceed
4.02 Guaranteed Project Schedule
4.03 Progress of the Work
4.04 Contract Time
4.05 Progress Payments and Retainage

SECTION 5. COMPLETION OF THE PROJECT

5.01 Substantial Completion
5.02 Punch List
5.03 Final Inspection and Final Acceptance of the Work
5.04 Final Payment
5.05 Non-Conforming Work Not Accepted

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6.02 Owner's Recovery of Consequential Damages
6.03 Delay Damages

SECTION 7. BONDING REQUIREMENTS

7.01 Required Bonds
7.02 Acceptable Surety
7.03 Failure to Maintain Bonds

SECTION 8. INSURANCE REQUIREMENTS

8.01 In General
8.02 Acceptable Insurance Company
8.03 Premiums, Deductibles and Self-Insured Retentions
8.04 Certificate of Insurance
8.05 Renewal Policies
8.06 Cancellation and Modification of Insurance Coverage
8.07 No Recourse
8.08 Endorsements and Waivers
8.09 Failure to Provide or Maintain Insurance Coverage

SECTION 9. INDEMNITY

9.01 General Indemnity
9.02 Patent Indemnity

SECTION 10. BREACH OF CONTRACT AND REMEDIES

10.01 Definition of Breach
10.02 Event of Default
10.03 Damages
10.04 Termination for Cause
10.05 Owner's Right to Perform the Work
10.06 Deduction From Progress Payments
10.07 Rights and Remedies are Cumulative

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11.01 General Representations and Warranties
11.02 Warranty of Merchantability and Fitness for Particular Purpose
11.03 Warranty Work Conforms with Requirements of the Contract
11.04 Warranty Exclusions Prohibited

SECTION 12. DISPUTES BETWEEN THE PARTIES

12.01 Preliminary Resolution
12.02 Arbitration

SECTION 13. COMPLIANCE WITH THE LAWS

13.01 General
13.02 Compliance with Labor Laws
13.03 Compliance with Americans with Disabilities Act
13.04 Compliance with Immigration Reform Control Act of 1986
13.05 Air Pollution Control
13.06 Fire Prevention
13.07 Provisions Required by Law
13.08 Stormwater Pollution Control
13.09 Disposal of All Wastes (Hazardous, Toxic, and Non-Hazardous
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SECTION 14. CONTRACT INTERPRETATION

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14.02 Intent and Correlation
14.03 Governing Order of Contract Documents
14.04 Conflicting Conditions
14.05 Graphic Enhancement

SECTION 15. MISCELLANEOUS PROVISIONS

15.01 Regulatory Authorities
15.02 Subcontracts
15.03 Right to Review and Audit
15.04 Independent Design-Build Team
15.05 Severability
15.06 Assignment of Contractual Rights
15.07 Ownership and Use of Documents
15.08 Prohibited Interest
15.09 Waiver
15.10 No Personal Liability
15.11 Contract Modification

SECTION 1. DEFINITIONS

The following definitions shall apply to the Contract:

"Addendum" means any written or graphic instrument issued by the Owner via the City of Las Vegas Purchasing and Contracts Office prior to the submission of Proposals which modifies or interprets the RFP Documents by means of an addition, deletion, clarification, correction or other type of modification.

"Adverse Weather" means the climatic conditions that affect the critical path of the Work and prohibit it from being safely or effectively performed as scheduled using normal and customary protective measures.

"Bridge Documents" means the initial documents provided by the Owner to the Design-Build Team which describe the aesthetic and functional requirements of the Project and includes without limitation, the following schematic documents: site plans, demolition plans, grading plans, utility plans, floor plans, elevations, sections, details, window/door schedules, ceiling/lighting plans, roofing plans, interiors, planting plans, electrical/plumbing/mechanical information, geotechnical evaluations, asbestos survey and abatement specifications, fire line analysis, irrigation line analysis, technical drainage studies, and related specifications. The Bridge Documents will be used by the Design-Build Team to prepare the final stamped plans, specifications and related contract documents for the Project.

"Change Directive" means any written order from the Owner directing immediate changes in the Work for which a modification to the Contract Amount, Contract Time or other provision of the Contract may be appropriate but may not have been negotiated at the time of issuance. The Design-Build Team is to proceed immediately with the implementation of the Change Directive.

"Change Order" means any written order to the Design-Build Team signed by the Owner and Design-Build Team issued after execution of the Contract that authorizes a change in the Work, Contract Amount or Contract Time. Except as allowed by the Contract Documents, the Contract Amount or Contract Time may be changed only by the issuance of a Change Order. The execution of the Change Order indicates the Design-Build Team's agreement to the terms set forth therein including the adjustment, if any, in the Contract Amount or Contract Time.

"Consultant" means the consulting firm contracted by the Owner to assume some or all of the responsibilities of the Owner for administration of the Contract.

"Contract" means the entire agreement between the parties as set forth in the Contract Documents which does not come into legal existence until execution of the Design-Build Contract by the Owner.

"Contract Amount" means the compensation to be paid the Design-Build Team to perform the Work and is included in the "Contract Amount" section of the Design-Build Contract.

"Contract Documents" means the Design-Build Contract, including all incorporated documents.

"Contract Time" means the number of days set forth in Section 6 of the Design-Build Contract (Contract Time) for achieving Substantial Completion of the Work, including the authorized extensions thereto, which commences to start with the date set forth in the Notice to Proceed.

"Critical Path" means the path through the project schedule indicating the minimum time in which it is possible to complete the Work, and the tasks that, if delayed, will delay Substantial Completion of the Work."

"Critical Path Method" means the method of developing a network analysis system as outlined in "CPM in Construction Management" by James J. O'Brien and Freddie L. Plotnick (McGraw-Hill, Inc., 5th Edition).

"Date of Substantial Completion" means the date established and certified by the Owner when construction is sufficiently complete, in accordance with the Contract Documents, so the Owner can occupy or utilize the Work, or designated portion thereof, for the purpose for which it is intended.

"Day" means a calendar day unless otherwise specifically designated.

"Design-Build Team" ("Team")means an entity that consists of at least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and at least one person who

holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS. Design-Build Team shall have the same meaning as defined in Nevada Revised Statute 338.

"Designated Representative" means the person authorized pursuant to Section 3.01 (Designated Representative) of the General Conditions to act or make decisions on behalf of the Owner.

"Drawings" mean the diagrammatic representations of the requirements for construction of the Work prepared by the Design-Build Team and approved by the Owner subsequent to the execution of the Contract.

"Final Completion" means the satisfactory completion of all of the Work under the Contract. Final Completion occurs only after the Design-Build Team complies with the requirements of Section 5.03 (Final Inspection and Final Completion of the Work) of the General Conditions and the Owner approves final payment to the Design-Build Team.

"Modification" means (i) any Addendum pertaining to the Contract, (ii) a Change Order, (iii) a written interpretation, (iv) a written order issued by the Owner for a minor change in the Work, or (v) a written amendment to the Contract signed by both parties.

"Notice of Award" means the letter issued by the Owner notifying the Design-Build Team of the award of the Project by the City Council, authorizing the Design-Build Team to proceed with the procurement of the bonds and insurance, and including the Design-Build Contract for execution and return to the Owner.

"Notice to Proceed" means the document issued by the Owner that (i) establishes the date the Design-Build Team is authorized to commence activity, and (ii) commences the running of the Contract Time.

"Owner" means the City of Las Vegas and is referred throughout the Contract as if singular in number and neuter in gender. The term includes the Owner's Designated Representative identified in Section 3.01 (Designated Representative) of the Contract.

"Product Data" means the illustrations, standard schedules, performance charts, instructions brochures, diagrams and any other information furnished by the Design-Build Team to illustrate a material, product or system for some portion of the Work.

"Project" means the total design and construction of which the Work performed under the Contract may be the whole or a part thereof and which may include construction by the Owner or by others hired by the Owner.

"Promptly" means without delay and on time.

"Proposal" means the written document submitted by the Design-Build Team in response to the Owner's Request for Final Proposals.

"Reasonable Time" means ten (10) business days, except where otherwise specified, or unless City Council action is required.

"RFP Documents" means the documents comprising the Request for Final Proposals for the Design-Build of the Solar Covered Parking, Phase II – Bid Lot F Project (RFP No. 10.15341.14-DC) and includes the following documents: Request For Final Proposal, Instructions (together with Proposal forms) and the Design/Build Contract and documents incorporated therein.

"Samples" mean the physical examples that illustrate the materials, equipment or workmanship, to be used by the Design-Build Team and that establish standards for the judgment of the Work.

"Shop Drawings" mean the drawings, diagrams, schedules and other data specially prepared for the Work by the Design-Build Team or any Subcontractor, manufacturer, supplier or distributor to illustrate some portion of the Work.

"Subcontractor" means any individual or entity who is sublet any part of the Work by the Design-Build Team. There is no contractual relationship between the Owner and the Subcontractor who performs work or services for the Design-Build Team.

"Submittal" means the item required by the Contract to be provided to the Owner for information, review, or approval as indicated. Unless otherwise specifically indicated, Submittals are not a part of the construction and do not become part of the Contract Documents. Schedules, Shop Drawings, Product Data, and Samples are typical examples of a Submittal.

"Substantial Completion" means the point in time when, in the opinion of the Owner, construction is sufficiently complete, in accordance with the Contract, that the Owner can occupy or utilize the Work, or designated portion thereof, for the intended use of the Project. This is not necessarily final acceptance of the Project or any portion thereof. A Certificate of Substantial Completion shall be issued by the Owner establishing the Date of Substantial Completion and noting any incomplete or unacceptable portions of the Work that must be completed or corrected prior to final acceptance of the Work. The date of such Certificate shall commence the running of the warranty periods required by the Contract Documents for the completed portions of the Work, except as otherwise provided in the Contract Documents or Certificate of Substantial Completion.

"Technical Specifications" means the written descriptions of the requirements for the Work prepared by the Design-Build Team and approved by the Owner subsequent to the execution of the Contract.

"Work" means the construction and services required by the Contract, whether completed or partially completed, and includes the labor, materials, equipment and services provided or to be provided by the Design-Build Team to fulfill his obligations under the Contract. The Work may constitute the whole or a part of the Project.

SECTION 2. DESIGN-BUILD TEAM'S RIGHTS AND RESPONSIBILITIES

Section 2.01 Designated Representative

The Design-Build Team's Designated Representative with respect to the Contract is . The Designated Representative shall have complete authority to transmit instructions, receive information, interpret and define the policies of the Design-Build Team and to make other decisions on the part of the Design-Build Team. Following the issuance of the Notice to Proceed, the Designated Representative may perform any review, communications, notices or other act required on the part of the Design-Build Team.

Section 2.02 Responsibility for Site Conditions and Geotechnical Information

The Design-Build Team awarded this Contract, shall be responsible for investigating the surface and subsurface conditions of the Work site, and for rendering the same suitable for the completion of the Project. The Design-Build Team agrees to retain the services of a geotechnical consultant who shall conduct an investigation of the Work site including, but not limited to, test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, ground corrosion and resistively tests and necessary operations for anticipating subsoil conditions. The services of geotechnical engineer(s) or other consultants shall include preparation and submission of all appropriate reports and professional recommendations to Design-Build Team. Such reports and recommendations shall promptly be made available to the Owner. The Design-Build Team retains responsibility for the engineering design and construction associated with the preparation and excavation of the Work site and the construction of foundations necessary to complete the Project according to the Contract.

Section 2.03 Responsibility for the Security of the Work and Project Site

The Design-Build Team is responsible at all times for the Work and for the Project site regardless of whether or not the Owner has required any insurance coverages (such as Builder Risk Insurance) which would have protected the interest of the Design-Build Team and the Owner. The Design-Build Team shall conduct its operations under the Contract in a manner so as to avoid the risk of damage, injury, loss or theft by any means (including acts of God, vandalism or sabotage) to the Work or to the property of the Design-Build Team, Owner or any other person. The Design-Build Team shall promptly take such reasonable precautions, which are necessary and adequate against any and all conditions involving such risk of damage, injury, loss or theft. The Design-Build Team shall continuously inspect the Work (including the materials and equipment used in connection therewith) to discover and determine if any such conditions exists and shall be solely responsible for correcting such conditions.

The Design-Build Team shall cooperate with the Owner on all security matters and shall promptly comply with any security requirements established by the Owner. Such compliance with these security requirements shall not relieve the Design-Build Team of its responsibility for maintaining proper security for the above-noted items, nor shall it be construed as limiting in any manner the Design-Build Team's obligation to undertake such reasonable action as may be required to

establish and maintain secure conditions at the Work site. The Design-Build Team shall prepare and maintain accurate reports of incidents of loss, theft or vandalism and shall furnish these reports to the Owner in a timely manner.

Section 2.04 Responsibility for Protecting Adjacent Areas

Unless otherwise specifically provided in the Contract, the Design-Build Team shall not perform the Work in a manner that would disrupt or otherwise interfere with the operation of any pipeline, telephone line, electric transmission line, ditch or other structure which may be on or adjacent to the Work site, or enter upon lands in their natural state until approved by the Owner. Thereafter, and before it begins the Work, the Design-Build Team shall give due notice to the Owner of its intention to start the Work. The Design-Build Team shall not be entitled to an increase in the Contract Time, or extra compensation on account of any postponement, interference or delay of the Work caused by such line, ditch or structure.

The Design-Build Team shall preserve and protect cultivated areas and planted vegetation (such as trees, plants, shrubs and grass) on or adjacent to the Work site that the Owner has determined does not unreasonably interfere with the performance of the Work (including the operation of equipment or stockpiling of materials) and shall repair or restore any damage thereto.

Section 2.05 Responsibility for Construction Safety

The Design-Build Team shall be solely and completely responsible for providing safe conditions at the Project Site to assure the protection of employees and other persons present thereon, and any property affected by the performance of the Work. Prior to the Notice to Proceed, the Design-Build Team shall submit its Safety Management Program setting forth the safety precautions and procedures to be in effect at the Project Site. The Design-Build Team shall comply with all of the requirements set forth in the Safety Management Program, which is incorporated herein by this reference. Each Subcontractor shall agree in writing to comply with the requirements of the Safety Management Program prior to performing any portion of the Work.

An employee of the Design-Build Team shall be designated the person who shall be responsible for the safety conditions at the Project Site. Such designated person shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work.

The Design-Build Team shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss. Any Hazardous Substance encountered at the Project Site shall be handled in accordance with applicable laws, ordinances, rules and regulations governing such substance.

Section 2.06 Responsibility for Clean-Up of the Work Site

The Design-Build Team shall, at all times, keep the work area in a neat, clean and safe condition. Upon completion of any portion of the Work, the Design-Build Team shall promptly remove all of its equipment, temporary structures and surplus materials not to be used at or near the same location during later stages of work. Upon completion of the Work and before final payment is made, the Design-Build Team shall, at its expense, dispose of all unnecessary vegetation, structures, rubbish, unused materials, and other equipment and materials belonging to it or used in the performance of the Work to the satisfaction of the Owner in accordance with all applicable federal, state, and local laws, ordinances and codes. The Design-Build Team shall leave the premises and Work site in a neat, clean, and safe condition. In the event of the failure to comply with the aforegoing, the Owner may satisfy the requirements of this Section at the Design-Build Team's expense.

Section 2.07 Responsibility for Construction Procedures

The Design-Build Team shall supervise and direct the Work using its best skill and attention. The Design-Build Team shall be solely responsible for the design, construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under the Contract.

The Design-Build Team shall not be relieved from its obligations to perform the Work in accordance with the Contract either by the activities or duties of the Owner in the administration of the Contract, or by inspections, tests or approvals required or performed by persons other than the Design-Build Team.

Section 2.08 Responsibility for Substitution of Team Members, Key Personnel, Subconsultants, and Subcontractors

The Design-Build Team shall have no substitutions in their Team Members, Key Personnel, and Named Subconsultants or Subcontractors without the Owner's prior written consent.

Section 2.09 Responsibility for Employment of Competent Superintendent

The Design-Build Team shall employ a competent Superintendent dedicated full time to supervise and direct the Work. The Superintendent shall be present at the progress meetings and during the entire progress of the Work. The Superintendent shall effectively communicate with the Owner and shall have a thorough understanding of the Work and the Contract. The Design-Build Team shall designate a Superintendent who is acceptable to the Owner. Any substitution of the Superintendent is strongly discouraged and will be permitted only after a written request for such substitution has been made and approved by the Owner. The Owner shall submit any requests for substitution of the Superintendent, in writing, stating the reason for such request. Approval of a substitution request by either party shall not be unreasonably denied.

Section 2.10 Responsibility for Uncovering and Correcting the Work

If any portion of the Work has been covered contrary to the request of the Owner or contrary to the requirements stated in the Contract, the Design-Build Team shall, if requested by the Owner, uncover for observation and, if unacceptable, shall be replaced and recovered at the Design-Build Team's expense without any adjustment to the Contract Time.

If any portion of the Work has been covered which the Owner has not specifically requested to observe prior to being covered, the Design-Build Team shall, if requested by the Owner, uncover for observation and, if unacceptable, shall be replaced and recovered at the Design-Build Team's expense without any adjustment to the Contract Time. If the uncovered Work is in compliance with the requirements of the Contract, the cost to recover shall be paid by the Owner.

Section 2.11 Responsibility for Permits and Fees

Unless otherwise provided in the Contract Documents to be the responsibility of the Owner, the Design-Build Team shall secure all the necessary permits and pay the required license and inspection fees associated therewith, which are necessary for the proper execution and completion of the Work.

Section 2.12 Responsibility for Record Documents

The Design-Build Team shall keep a marked-up, up-to-date set of the Progress Record Documents subject to the provisions of Section 01700 of the Bridging Documents. The Progress Record Documents shall depict the as-built conditions of the Work as they occur during the course of construction as an accurate record of the deviations between the Work as designed and the Work as installed.

Section 2.13 Responsibility for Substitutions of Materials, Products or Services

a. Criteria. The Design-Build Team may propose the substitution of any material, product or service in lieu of that required or specified by brand name or trade name under the Contract subject to the requirements set forth herein. Any material, product or service manufactured by a company other than the one specified, or is brand name, model number or generic species other than what is specified, will be considered a substitution.

Prior to proposing the substitution, the Design-Build Team shall determine whether or not (i) the proposed material, product or service is, in fact, equal to that specified after considering the ease of operation, maintenance, repairs, appearance, longevity and any other pertinent factors and (ii) the substitution will result in a cost savings, reduced construction time or similar demonstrable benefit to the Owner. A substitution will not be permitted where the material or product is intended to match others in use, accommodate artistic design, specific function or economy of maintenance.

b. Procedure. The Design-Build Team shall, within 10 days after award of the Contract submit to the Owner a written request for the substitution accompanied by drawings, samples, test data, certificates and any other pertinent documentation which will permit the Owner to make a fair and equitable decision concerning the proposed substitution. If the Design-Build Team fails to submit the written request within the specified time, the substitution will not be allowed. If the substitution is acceptable to the Owner, a written authorization will be provided to the Design-Build Team. No substitution will be allowed which will result in an increase in the Contract Amount.

c. Burden of Proof. The burden of proof in establishing the equality of the proposed substitution shall be upon the Design-Build Team. Approval of a substitution shall not relieve the Design-Build Team from responsibility for compliance with the other requirements of the Contract. The Design-Build Team shall bear the expense for any changes in other parts of the Work caused by the substitution. The submission of a substitution incurs no obligation on the part of the Owner to accept or construe the proposed substitution to be an equal to that specified under the Contract. The Owner will be the sole judge of whether or not the substitution is equal in quality, utility and economy to that specified under the Contract. The Owner will have a reasonable amount of time to review each request for substitution.

d. Required Certificates. The substituted material, product or service shall be supported, by proper certification from the governmental agencies having jurisdiction over its use in the Work.

Section 2.14 Responsibility for the Delivery and Storage of Materials and Equipment

The Design-Build Team shall receive, unload, store in a secure place, and deliver from storage to the Work site all materials and equipment required for the performance of the Contract. The storage facilities and methods of storing shall meet with the Owner's approval. Any materials and equipment subject to degradation by exposure shall be stored in a suitable enclosure provided by the Design-Build Team.

Section 2.15 Responsibility for Emergencies

When emergencies affecting or threatening the safety of any person or property occur, the Design-Build Team shall immediately act with diligence to prevent injury to such person, or damage or loss to such property. If the Design-Build Team should fail to act, the Owner may, but is not obligated to, act immediately to prevent injury to such person, or damage or loss to property, whichever may be endangered by the emergency by whatever means or method the Owner deems appropriate, including, but not limited to, the use of other Design-Build Teams, the Owner's own forces, and the Design-Build Team's on-site equipment and materials, in which case, the Design-Build Team shall pay the Owner for any such expenses incurred as provided in Section 10.05 (Owner's Right to Perform the Work).

Section 2.16 Responsibility for Payment of Subcontractor and Other Parties

The Design-Build Team is responsible for paying each Subcontractor and Subconsultant performing any portion of the Work, and other parties providing labor, material or supplies in connection with the Work in a timely manner.

Section 2.17 Responsibility for Schedule of Values

The Design-Build Team, if so requested by the Owner, shall provide the Owner with a Schedule of Values allocated to various portions of the Work. The Schedule of Values shall be formed and supported by such data and information, acceptable to the Owner.

Each line item of the Schedule of Values shall contain no more than reasonable and attributable costs applicable to the line item. The Design-Build Team shall warrant the Schedule of Values to be reliable and accurate, and documents used in the preparation thereof shall be available for review by the Owner.

SECTION 3. OWNER'S RIGHTS AND RESPONSIBILITIES

Section 3.01 Designated Representative

The Owner's Designated Representative with respect to the Contract shall have complete authority to transmit instructions, receive information, interpret and define the policies of the Owner and to make other decisions on the part of the Owner. Following the issuance of the Notice to Proceed, the Designated Representative may perform any review, communications, notices or other act required on the part of the Owner.

The Designated Representative shall not have any authority to change or interpret the Contract or Contract Documents, whether orally or in writing. Any ambiguity between the parties that require interpretation of the Contract or Contract Documents shall be resolved by written submission of a Request for Information by the Design-Build Team. Any request for a change to the Contract or Contract Documents shall be resolved by written submission of a Change Order request by the Design-Build Team. The Contact or Contact Documents shall not be changed without written confirmation from the Owner.

Communications from the Owner's Representative may be verbal or written. Any verbal instruction or directive by the Owner's Representative to the Design-Build Team that changes either the Contract Amount or Contract Time or that changes either the Contract or the Contract Documents shall not be valid unless confirmed in writing and acknowledged and accepted by the Owner 1) within five working days or 2) when the work that is subject to the verbal directive commences, whichever is earlier. Absent written confirmation of the Owner's Representative's verbal instruction to the Design-Build Team, the parties agree that there is a strong presumption that no such verbal directive was ever given.

Section 3.02 Right to Perform or Award Separate Contracts for Portions of the Work

a. Coordination. The Owner reserves the right to perform portions of the Work related to the Project with its own forces or to award a separate contract or contracts for portions of the Work under the same or similar conditions of the Contract. The Owner will provide for the coordination of the activities by its own forces and that of each separate Design-Build Team with the Work of the Design-Build Team. The Design-Build Team shall participate with the Owner and the other separate Design-Build Teams in reviewing their construction schedules when so directed by the Owner.

b. Revisions to the Guaranteed Project Schedule. The Design-Build Team shall make the revisions to the Guaranteed Project Schedule deemed necessary after a joint review and mutual agreement. The Guaranteed Project Schedule as revised shall then constitute the schedule to be used by the Design-Build Team. If the activities by the Owner or the other Design-Build Teams are completed within the time reflected in the Guaranteed Project Schedule as revised or an extension is granted in the Contract Time, the Design-Build Team shall be precluded from asserting any claim for delay or additional expenses resulting from the Owner exercising its rights granted herein.

c. Storage of Equipment and Materials. The Design-Build Team shall afford the Owner and any separate Contractor reasonable opportunity for introduction and storage of their materials and equipment and performance of their activities, and shall connect and coordinate the Design-Build Team's construction and operations with theirs as required by the Contract.

d. Reporting of Separate Contractor Deficiencies. If part of the Work depends on the proper execution of construction or operations by the Owner or a separate Contractor, the Design-Build Team shall, prior to proceeding with the Work and each portion thereof, promptly report to the Owner any apparent discrepancies or defects in such other construction or operations that would render the Work unsuitable for proper execution by the Design-Build Team. The Design-Build Team's failure to report such discrepancy or defect shall constitute an acknowledgment that the Owner's or separate Contractor's completed or partially completed construction or operations is fit and proper for the Design-Build Team to proceed with the Work, except as to defects not then reasonably discoverable.

e. Delays and Damages to Separate Contractors. The Design-Build Team shall defend, indemnify and hold the Owner harmless pursuant to the provisions of Section 9.01 (General Indemnity) of the General Conditions for each claim asserted by a separate Contractor for delay, improperly timed activity, defective construction or damage to the work of the separate Contractor which is caused by the Design-Build Team. The Design-Build Team agrees to make no claim of cost or damages against the Owner for any delay, improperly timed activity, defective construction or damage to the Work of the Design-Build Team which is caused (i) by the Design-Build Team, or (ii) by a separate Contractor unless such Contractor is under contract to the Owner, or to a general Contractor of the Owner.

f. The Owner shall pay each claim of cost incurred by the Design-Build Team arising from the delay, improperly timed activity, defective construction or damage to the Work caused by a separate Contractor acting under the direction or control of the Owner, or under the direction and control of a general Contractor of the Owner, provided such claim meet the requirements contained in Section 01200 (Price and Payment Procedures) of the Bridging Documents.

The failure of either party to pay the costs as required herein shall entitle the other party to file a claim pursuant to Section 12 (Disputes between the Parties) of the Contract.

g. Repair of Damages. The Design-Build Team shall promptly repair any damage caused by the Design-Build Team to the work of a separate Contractor or to any property of the Owner or other property owner if so requested and permitted by the injured party. Such repair shall be in lieu of the payment of monetary damages to the injured party.

Section 3.03 Right to Perform Additional Work Within or Near the Project Site

The Owner reserves the right at any time to contract with another Contractor whose work may occur within or near the site of the Project. In such event, the Design-Build Team agrees not to interfere with or hinder the progress of work by the other Contractor, and the Owner agrees to require such Contractor to coordinate its work with that of the Design-Build Team. The Design-Build Team agrees to cooperate and coordinate with such Contractor as directed by the Owner.

The Design-Build Team shall arrange the Work and shall place and dispose of the materials being used so as not to interfere with the operations of other Contractors within the limits of the same Project. The Design-Build Team shall join the Work with that of the other Contractor in an acceptable manner and shall perform it in proper sequence to that of the other Contractor.

Section 3.04 Progress Meetings

The Owner shall chair the progress meetings between the parties to the Contract that shall include a representative from each major subcontractor if so requested by the Owner. The Owner shall take notes of the progress meeting and shall distribute copies to each party within five (5) days after completion of the meeting. The conference notes shall summarize decisions made at the meeting and reflect the weekly job progress in comparison to the Guaranteed Project Schedule. The attendees are responsible for remembering their own required action and the conference notes shall serve only as a reminder and record of the required action.

Section 3.05 Right of Suspension

The Owner may, without cause, order the Design-Build Team in writing to suspend, delay or interrupt the Work, in whole or in part, for such period of time as determined by the Owner. An adjustment shall be made for the increase in the cost of performing the Contract (excluding therefrom any profit to the Design-Build Team), on the increased cost of performance caused by the suspension, delay, or interruption.
No adjustment shall be made to the extent that:

i. The performance is, was or would have been so suspended, delayed or interrupted by another cause for which the Design-Build Team is responsible; or
ii. An equitable adjustment is made or denied under another provision of the Contract Documents, or
iii. The Design-Build Team could have mitigated the increase in cost to perform the Contract.

Section 3.06 Right of Termination for Convenience

Prior to, or during the performance of the Work, the Owner reserves the right to terminate the Contract in whole or in part, for any reason whatsoever (including, but not necessarily limited to, funding limitations). Upon such an occurrence the Owner will immediately notify the design professional and the Design-Build Team in writing specifying the effective termination date of the Contract.

After receipt of the Notice of Termination, the Design-Build Team shall immediately proceed with the following obligations, regardless of any delay in determining or adjusting any amounts due at the point in the Contract:

i. Stop all construction;
ii. Place no further orders for materials or services;
iii. Terminate all subcontracts;
iv. Cancel all material and equipment orders as applicable; and
v. Take whatever action is necessary to protect and preserve all property related to this Contract, which is in the possession of the Design-Build Team.

Within 180 days of the date of the Notice of Termination, the Design-Build Team shall submit a final termination settlement proposal to the Owner based upon costs up to the date of termination, including reasonable profit as allowed by the Contract Documents on completed Work, and reasonable demobilization costs as allowed by the Contract Documents. If the Design-Build Team fails to submit the proposal within the time allowed, the Owner may determine the amount due to the Design-Build Team because of the termination and shall pay the determined amount to the Design-Build Team.

Section 3.07 Owner's Right to Replace Subcontractor or Subconsultant

The Owner shall have the right to require that the Design-Build Team replace any Subcontractor or Subconsultant at any time and for any reason by requesting such change in writing in accordance with the provisions of NRS 338.141.

SECTION 4. CONTRACT COMMENCEMENT, PROGRESS AND COMPLETION

Section 4.01 Notice to Proceed

After receipt of all required post-Proposal submittals, the Owner will issue the Notice to Proceed. The Design-Build Team shall not commence activities on the Project prior to the date specified in the Notice to Proceed.

Section 4.02 Guaranteed Project Schedule

Within the time provided in Section 01330 of the Bridging Documents, the Design-Build Team shall submit the Guaranteed Project Schedule for the Work, which shall contain the appropriate milestones by which the Owner can judge and determine the progress thereof.

Section 4.03 Progress of the Work

The Design-Build Team shall provide sufficient labor, materials, facilities, and equipment and shall work such hours, including night shifts, overtime operations, Saturdays, Sundays and holidays, as may be necessary to insure the prosecution and completion of the Work or separable portions thereof, in accordance with the Guaranteed Project Schedule.

If the progress of the Work falls behind or fails to proceed in accordance with the Guaranteed Project Schedule, or it becomes apparent to the Owner from the current schedule that the Work will not be substantially complete within the Contract Time (as adjusted by Owner approved Change Orders), in addition to the other requirements of the Contract and remedies available to the Owner, the Design-Build Team agrees to take the following actions at no additional cost to the Owner to correct such tardiness:

i. Increase manpower in such quantities and crafts as will substantially eliminate, in the judgment of the Owner, the backlog of Work;
ii. Increase the number of working hours per shift, shifts per working day, working days per week, the amount of equipment, or any combination of the foregoing, sufficient to substantially eliminate, in the judgment of the Owner, the backlog of Work; and,
iii. Reschedule activities to achieve maximum practical concurrence of accomplishment of activities.

The failure of the Design-Build Team to comply with the requirements of this Section or to remedy the tardiness shall be grounds for a determination by the Owner that the Design-Build Team is failing to diligently prosecute the Work, in which case the Owner may, after the notice of the breach has been provided to the Design-Build Team pursuant to Section 10.01 (Definition of Breach) of the Contract, without prejudice to other remedies the Owner may have and regardless of whether the Design-Build Team has taken or is taking corrective action, immediately correct the Design-Build Team's failure at the Design-Build Team's expense by exercising the right to perform and carry out the work as provided in Section 10.05 (Owner's Right to Perform the Work) including the use of the Owner's work forces, to award separate contracts, to supplement the Design-Build Team's work forces, to prepare or have prepared schedules which shall be used to determine the provisions of the Contract to withhold actual and anticipated liquidated damages and consequential damages, and any other means the Owner deems appropriate.

Section 4.04 Contract Time

Time is of the essence in the performance and completion of this Contract. The Design-Build Team shall commence the Work on the date set by the Owner in the Notice to Proceed, and shall achieve Substantial Completion of the Work within the Contract Time.

Section 4.05 Progress Payments and Retainage

a. Progress Bills and Payments. The Design-Build Team may submit a monthly progress bill requesting payment for the Work performed to-date after measuring the Work and estimating its value based upon the unit prices contained in the Contract or the approved Schedule of Values. The progress bill must be submitted by the deadline

established by the Owner and must be accompanied by photographs of the Work completed to date and other supporting documentation (such as material receipts and storage verifications). The quantities and value estimates must have the concurrence of the Owner. As permitted pursuant to Section 10.06 (Deduction from Progress Payments) of the Contract and NRS Chapter 338, the Owner may withhold from the progress payment an amount that is sufficient to protect the Owner for the Design-Build Team's failure to comply with the requirements of the Contract or applicable building codes, laws or regulations.

The Design-Build Team must submit certified payroll records each month as required by NRS Chapter 338. If the certified payroll records for the previous month have not been received, the Owner may withhold funds from the progress payment in accordance with NRS Chapter 338.

b. Retainage. From the progress payment to be made to the Design-Build Team, the Owner shall deduct and retain an amount equal to ten percent (10%) of the amount approved for payment.

c. Payment for Stored Material. The Owner may at its discretion pay the Design-Build Team for the cost of the material to be used in the performance of the Work, provided the material complies with the requirements of the Contract and the following conditions are satisfied:

i. The Design-Build Team stores the material in a manner acceptable to the Owner at the Work site or other site that is acceptable to the Owner.
ii. The Design-Build Team furnishes evidence of the quantity and quality of the stored material that is acceptable to the Owner.
iii. The Design-Build Team furnishes legal title (free of liens or encumbrances of any kind) for the stored material that is acceptable to the Owner.
iv. The Design-Build Team furnishes evidence the stored material is insured against loss, damage or disappearance thereof prior to use in the Work that is acceptable to the Owner.

The transfer of title to, or the payment for, the stored material by the Owner shall in no way relieve the Design-Build Team of responsibility for placing the material in accordance with the requirements of the Contract.

If payment is being sought for material not specifically purchased for the Work, but taken from the Design-Build Team's stock, then in lieu of an invoice, the Design-Build Team shall submit to the Owner a statement and accompanying affidavit certifying that the material was taken from the Design-Build Team's stock and that the claimed material and transportation costs represent the actual costs to the Design-Build Team.

The progress bill requesting payment for the stored material shall not exceed the Contract price for such material or the price for the Contract item comprising the material used by the Design-Build Team.

SECTION 5. COMPLETION OF PROJECT

Section 5.01 Substantial Completion

When the Design-Build Team considers the Work or portion thereof has reached Substantial Completion, the Design-Build Team shall so inform the Owner. The Owner shall schedule a walk-through to establish a punch list of items to be completed or corrected by the Design-Build Team.

If the Work or any designated portion thereof has reached Substantial Completion, and all applicable governmental authorities have granted final approval of the Work, the Owner will issue a Certificate of Substantial Completion establishing the date of Substantial Completion identifying responsibilities of the Owner and Design-Build Team for security, maintenance, utilities, damage to the work and insurance, and fixing the time for the Design-Build Team to finish the items on the punch list accompanying the Certificate. The Certificate of Substantial Completion shall be submitted to the Owner and Design-Build Team for their written acceptance of responsibilities assigned to them in such Certificate.

In the event the Design-Build Team is unwilling to provide written acceptance of the Certificate of Substantial Completion, the Owner shall issue the Certificate without the Design-Build Team's signature, and (i) the Design-Build Team shall immediately comply with the provisions of the Certificate, and any dispute involving the Design-Build Team's unwillingness to provide written acceptance shall be resolved in accordance with Section 12 (Disputes Between the Parties). In such event, the Owner may withhold Liquidated Damages based on the completion date shown on the issued Certificate of Substantial Completion until such time as the dispute is resolved between the parties.

Section 5.02 Punch List

The Design-Build Team shall complete or correct the Work identified on the punch list within the time specified on the Certificate of Substantial Completion or as otherwise directed. If the Design-Build Team fails to satisfactorily complete or correct the punch list items, such failure shall constitute a breach of this Agreement and the Owner shall have the option to invoke any of the remedies provided for under Section 10.

The time stated for completion of punch list items shall include final clean up of the Work site.

Section 5.03 Final Inspection and Final Acceptance of the Work

When the Design-Build Team considers the Work is complete, the Design-Build Team shall so notify the Owner in writing. If, after inspection and testing, the Owner determines that the Work has been completed as required by the Contract and the Contract otherwise fully performed, the Owner shall inform the Design-Build Team that application for final payment may be made. The Contract shall not be considered to be fully performed until the Design-Build Team provides the Owner with the certificates, guaranties, releases, certified payroll records, affidavits, record documents and other documents required under the Contract. Final acceptance of the Work shall be confirmed by the making of final payment unless otherwise stipulated at the time such payment is made.

Section 5.04 Final Payment

Provided the Contract has been fully performed pursuant to Section 5.03 (Final Inspection and Final Acceptance of the Work) of the Contract, the Design-Build Team shall prepare and submit a final payment application for all Work performed under the Contract. The acceptance of final payment shall operate as a release to the Owner by the Design-Build Team of all claims and liabilities for all things done or furnished in connection with the Work and for every act or omission, negligent or otherwise, of the Owner and others relating to or arising out of the Work.

No payment, final or otherwise, shall operate to release the Design-Build Team from any obligations under the Contract or the Sureties from any obligations under the Performance Bond, Labor and Material Payment Bond or the Guaranty Bond.

Section 5.05 Non-Conforming Work Not Accepted

Neither final acceptance, the making of final payment, nor the entire or partial occupancy of the completed Work by the Owner shall constitute an acceptance of the Work, or any portion thereof, not completed in accordance with the requirements of the Contract.

SECTION 6. LIQUIDATED, CONSEQUENTIAL AND DELAY DAMAGES

Section 6.01 Owner's Recovery of Liquidated Damages

The Design-Build Team acknowledges that time is an essential element of this Contract and for that reason the Work needs to proceed and be prosecuted vigorously to completion. In the event that the Work is not completed within the Contract Time set forth in Section 5 (Contract Time) of the Design-Build Contract, the Design-Build Team further acknowledges that the Owner will suffer damages which are difficult to ascertain, such as, but not necessarily limited to, the loss of the use of the Work by the Owner and the public, the inconvenience suffered by the public, and the cost associated with additional architectural, engineering, inspection, supervision and contract administration.

Because it is difficult and impractical to fix the amount of actual damages which would be suffered by the Owner if the Design-Build Team fails to meet the completion deadline, the parties have agreed that the amount of liquidated damages set forth in Section 6 of the Design-Build Contract is a reasonable estimate of the damages to be suffered by the Owner.

The Design-Build Team agrees to pay the Owner Liquidated Damages for each day that the Work exceeds the completion deadline until the Design-Build Team reaches Substantial Completion of the Work. The Liquidated Damages provided for therein pertain only to the failure to complete the Work by the completion deadline, and does not preclude recovering any increased costs incurred by the Owner in completing the Work. Liquidated Damages shall be in addition to any other remedies that may be available to the Owner. By executing the Design-Build Contract, the Design-Build Team agrees that the amount of liquidated damages set forth therein is fair and reasonable.

If the Owner permits the Design-Build Team to complete the Work, or any part thereof, after the completion deadline or any extensions thereto, such permission shall not be construed as a waiver on the part of the Owner of any of its rights or remedies under the Contract.

The Owner's right to withhold Liquidated Damages pursuant to the provisions of this Section, or any other section of the Contract, is self-executing, and is not subject to the notice of claim and arbitration procedures set forth in Section 12.02 (Arbitration) of the Contract. If the Design-Build Team disagrees with the assessment or withholding of any Liquidated Damages, such disagreement shall be treated as a dispute between parties subject to the notice of claim and arbitration procedures set forth in that Section.

Section 6.02 Owner's Recovery of Consequential Damages

The Design-Build Team acknowledges that time is an essential element of this Contract and for that reason the Work needs to proceed and be prosecuted vigorously to completion. In the event that the Work is not completed within the Contract Time set forth in Section 5 (Contract Time) of the Design-Build Contract, the Design-Build Team further acknowledges that the Owner will suffer consequential damages.

The Owner has applied for and received incentives from Nevada Energy for participation in the Solar Program, pursuant to NRS 701B.160. Due to funding limitations, the Owner would have not undertaken this Project if all of the Nevada Energy Solar Program incentives listed in this Section were not available to the Owner. NRS 701B.255(6) mandates that the Incentive granted to the Owner expires and the Owner loses the incentive in its entirety if the Owner does not complete the installation of the solar energy system within 12 months after the date on which the Owner was selected for participation in the Solar Program. The following table summarizes the Locations and the Incentive Expiration Dates:

Location	Incentive Expiration Date(s)*
Fire Equipment Service Center	September 9, 2011
Fire Station #44	December 9, 2011
Fire Station #48	December 9, 2011
Field Operations Center	September 9, 2011
West Yard Fleet Transportation Center	September 8, 2011

* **NOTE:** Each Incentive Expiration Date shall be considered as a separate date for assessment of Consequential Damages under this Section.

In order for the Owner to receive the Incentive, the Design-Build Team must meet the Mandatory Interim Substantial Completion Date (defined as achieving Substantial Completion and submitting all necessary paper work detailed in the Bridging Documents) for each Location as follows:

Location	Mandatory Interim Substantial Completion Date(s)**
Fire Equipment Service Center	September 1, 2011
Fire Station #44	December 1, 2011
Fire Station #48	December 1, 2011
Field Operations Center	September 1, 2011
West Yard Fleet Transportation Center	September 1, 2011

****NOTE:** For Locations that have two Mandatory Interim Substantial Completion dates, two independent consequential damages may be assessed. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the first Mandatory Interim Substantial Completion Date the initial Consequential Damage will be applicable. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Interim Substantial Completion Date, the Second Consequential Damage will also apply.

In order for the Owner to receive the Incentive, the Design-Build Team must achieve Mandatory Interim Substantial Completion and submit all necessary completed paperwork detailed in the Bridging Documents by the date listed in the table above for each Location. The Mandatory Interim Substantial Completion dates are approximately seven (7) calendar

days prior to the expiration of the Incentive Expiration Date in order to permit the Owner to coordinate the processing of the Incentive paperwork and other necessary documentation with Nevada Energy.

If the Design-Build Team fails to achieve the Mandatory Interim Substantial Completion Date for a Location and/or fails to submit all necessary paper work detailed in the Bridging Documents by the date listed in the table above for a Location, the Owner's Incentive for that particular location shall expire, and the Owner will incur consequential damages detailed herein. For Locations that have a two Incentives, if the Design-Build Team fails to achieve Mandatory Substantial Interim Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Substantial Interim Completion Date for a Location, the Owner's second incentive for that particular Location shall expire, and the Owner will incur additional Consequential Damages detailed herein.

Location	Incentive Amount and Corresponding Incentive Expiration Date
Fire Equipment Service Center	$228,000.00 (September 9, 2011)
Fire Station #44	$150,000.00 (December 9, 2011)
Fire Station #48	$150,000.00 (December 9, 2011)
Field Operations Center	$396,295.00 (September 9, 2011)
West Yard Fleet Transportation Center	$383,000.00 (September 8, 2011)

The Design Build Team agrees and acknowledges that such Consequential Damages shall be levied against the Design-Build Team if the Owner loses an incentive for a particular Location, and such amount shall be assessed by the Owner against the amount of monies withheld by the Owner for anticipatory Consequential Damages.

The Owner shall attempt to mitigate such Consequential Damages by submitting an application to Nevada Energy for a new incentive on the date the Design-Build Team achieves Substantial Completion and submits all necessary completed paper work detailed in the Bridging Documents. Any new incentive is dependent upon availability of Solar Program funds and approval by Nevada Energy during the following program year. Any New Incentive granted to the Owner shall offset the Consequential Damages sustained by the Owner and any amount received from Nevada Energy during the next program year shall be paid by the Owner to the Design-Build Team within 30 days of receipt of the new incentive from Nevada Energy.

The Owner's right to withhold Consequential Damages pursuant to the provisions of this Section, or any other section of the Contract, is self-executing, and is not subject to the notice of claim and arbitration procedures set forth in Section 12.02 (Arbitration) of the Contract. If the Design-Build Team's Project Schedule indicates late completion for any Location, or if in the reasonable determination by the Owner that the Design-Build Team will breach the Contract by not completing any Location by the Incentive Expiration Date(s), the Owner shall deduct an amount equal to the lost Incentive(s) by withholding payment to the Design-Build Team as set forth in Section 10.06 (Deduction From Progress Payments).

Section 6.03 Delay Damages

The Design-Build Team shall not make any claim against the Owner for an increase in the Contract Amount, or for any damages, losses or additional expenses which the Design-Build Team may suffer as a result of any delay in the completion of the Work (regardless of the circumstances giving rise to the delay), with the exception of the following:

i. Delays caused by the Owner's malicious or grossly negligent conduct, or the Owner's willful and knowing delay to the Substantial Completion of the Work,
ii. Delays whose assumption of the risk by the Design-Build Team was not within the contemplation of the parties at the time the parties entered into the Contract, or
iii. Delays of such unreasonable duration that they constitute an intentional abandonment of the Contract by the Owner.

If any of the exceptions set forth in (i) through (iii) above are determined by the Owner to be applicable, the Owner may grant a time extension commensurate with the delay, increase the Contract Amount and/or consider for payment a claim for damages, losses or additional expenses resulting from any delay in the completion of the Work provided such claim

meets the requirements set forth in Section 01200 (Claims and Disputes) of the Bridging Documents. The Owner shall determine the validity of the claim and the amount to be paid, and such consideration or payment shall not invalidate, limit or otherwise waive the prohibition provisions of this Section with respect to any future delay claims of the Design-Build Team.

Without limiting the following possible circumstances as being within the contemplation of the parties at the time that the parties entered into the Contract, if any of the following circumstances shall occur:

i. Unknown or uncertain conditions including, but not necessarily limited to, the discovery of caliche, ground water and all other subsurface conditions,
ii. Weather conditions (including, but not limited to, precipitation, flood, mud slides, sink holes, ice and snow resulting from precipitation, wind, temperature or humidity) and the resultant effects thereof regardless of the nature, duration, severity or abnormality of such weather condition,
iii. Unmarked utilities or utility interferences,
iv. Events of war, labor disputes, transportation delays, freight embargos, earthquakes, floods, epidemics, terrorist threats or acts, workplace violence, theft, vandalism damage to the Work (including fire and explosion), acts of God and all other events, acts or omissions resulting in the unavailability of labor, materials, equipment or utilities,
v. Acts or omissions of the Owner and other governmental authorities acting in their role as code and regulation enforcement regulators,
vi. Acts or omissions of Design-Build Teams, subcontractor, suppliers and material manufacturers involved in the Work,
vii. Acts, omissions and coordination of other Design-Build Teams regardless of the event location or contractual relationship between the parties, unless such Design-Build Teams are under the direction or control of the Owner, or under the direction or control of a general Design-Build Team of the Owner, or
viii. Discovery of hazardous substances or substances suspected of being hazardous,

then the Design-Build Team may be entitled to an increase in the Contract Amount and/or a time extension for completion of the Work provided the delay to the Work meets the requirements of Section 01200 (Claims and Disputes) of the Bridging Documents of the Contract.

This Section shall apply to any claim described as a "disruption," "acceleration," "suspension," "schedule change," "impact to the progress of the Work" or some other term avoiding use of the term "delay."

SECTION 7. BONDING REQUIREMENTS

Section 7.01 Required Bonds

The Design-Build Team shall purchase and maintain throughout the term of this Agreement, the following bonds:

i. Performance Bond insuring performance of all of the obligations of the Contractor as required by the Contract in the amount of 100% of the Contract Amount.
ii. Labor and Material Payment Bond insuring the payment of all of the Subcontractor and material suppliers of the Design-Build Team in the amount of 100% of the Contract Amount.
iii. Guaranty Bond insuring against defects or deficiencies in the workmanship of, and materials used in, the Work in the amount of 100% of the Contract Amount. The Guaranty Bond shall take effect upon Substantial Completion of the Work and shall remain in effect for a period of one year thereafter or for longer period if so provided in the Specifications.

Section 7.02 Acceptable Surety

The bonds must be issued by a surety who is listed in Circular 570 (current edition) issued by the Department of Treasury, Fiscal Services as company holding a certificate of authority as an acceptable surety or reinsuring company of federal projects.

The Surety must be licensed to do business in the State of Nevada. Bonds issued by individuals as surety are not acceptable to the Owner. The Design-Build Team shall require the agent who executes the bond on behalf of the Surety to attach to the bond a correct copy of the power of attorney authorizing the agent to execute the bond.

Section 7.03 Failure to Maintain Bonds

If, for any reason, the bonds are not maintained in effect as required herein, the surety files for protection under the federal bankruptcy laws or similar state laws or the surety rating decreases from that required under Section 7.02 (Acceptable Surety) of the Contract, the Owner may require the Design-Build Team to procure bonds from another surety to be substituted in lieu of the bonds originally provided to the Owner, and the failure to procure the substitute bonds shall constitute a breach of the Contract entitling the Owner to any of the remedies set forth in Section 10 (Breach of Contract and Remedies) of the Contract.

SECTION 8. INSURANCE REQUIREMENTS

Section 8.01 Section and Paragraph Headings
The section and paragraph headings appearing in this Request for Preliminary Proposals are inserted for the purpose of convenience and ready reference. They do not purport to define, limit, or extend the scope or intent of the language of the sections and paragraphs to which they pertain.

Section 8.02 Owner Provided Builder's Risk Insurance.
The Owner shall provide Builder's Risk Insurance insuring against all risks of loss (including fire, testing, vandalism, malicious mischief, collapse and water damage) for 100% of the replacement value of the completed portion of the Work including delay damages or damage to materials stored on or outside the Project, or in transit thereto.

Scope of Coverage:	Project Specific
Type of Coverage:	Occurrence Basis
Amount of Deductible	$10,000
Amount of Coverage:	Contract Amount
Policy Period:	Effective until final completion of the Project
Named Insured:	City of Las Vegas

Section 8.03 Design-Build Team provided Insurance – General
The Design-Build Team awarded the Contract shall purchase and continuously maintain in full force and effect for the policy periods specified below the insurance policies specified in this Section. The insurance required hereunder shall not be interpreted to relieve the Design-Build Team of any obligations under the Contract. The Design-Build Team shall remain fully liable for all deductibles, including Builder's Risk Insurance provided by the Owner and amounts in excess of the coverage actually realized, except Builder's Risk.

a. Commercial General Liability Insurance. The Design-Build Team shall provide and maintain Commercial General Liability Insurance (broad form coverage) insuring against claims for bodily injury, property damage, personal injury and advertising injury that shall be no less comprehensive and no more restrictive than the coverage provided by Insurance Services Office (ISO) form for Commercial General (CG 00-01-10-01). By its terms or appropriate endorsements such insurance shall include the following coverage, to wit: Bodily Injury, Property Damage, Fire Legal Liability (not less than the replacement value of the portion of the premises occupied), Personal Injury, Blanket Contractual, Independent Contractors, Premises Operations, Products and Completed Operations (for a minimum of two (2) years following Final Completion of the Project). The policy cannot be endorsed to exclude the perils of explosion (x), collapse (c) and underground (u) exposures without the approval of the Owner.

If Commercial General Liability Insurance or other form with a general aggregate limit and products and completed operations aggregate limit is used, then the aggregate limits shall apply separately to the Project, or the Design-Build Team may obtain separate insurance to provide the required limit which shall not be subject to depletion because of claims arising out of any other project or activity of the Design-Build Team. Any such excess insurance shall be at least as broad as the Design-Build Team's primary insurance.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence
	$2,000,000 aggregate
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

b. Automobile Liability Insurance. The Design-Build Team shall provide Comprehensive Automobile Liability Insurance insuring against claims for bodily injury and property damage and covering the ownership, maintenance or use of all owned/leased, non-owned and hired vehicles used in the performance of the Work, both on and off the Project Site, including loading and unloading. The coverage shall be primary and non-contributory and shall be provided by Insurance Services Office form for Commercial Auto Coverage (CA-00-01-10-01) or equivalent.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence
	$2,000,000 aggregate
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

c. Workers' Compensation. The Design-Build Team shall provide Worker's Compensation Insurance sufficient to meet its statutory obligation under NRS Chapter 616 to provide benefits for employees with claims of bodily injury or occupational disease (including resulting death). The policy required herein shall be primary and non-contributory in its coverage.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	Statutory
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

d. Employer's Liability Insurance. The Design-Build Team shall provide Employer Liability Insurance covering its legal obligation to pay damages because of bodily injury or occupational disease (including resulting death) sustained by an employee. The policy required herein shall be primary and non-contributory in its coverage.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 bodily injury by accident
	$1,000,000 bodily injury by disease
	$1,000,000 policy limited
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

e. Errors and Omissions Insurance. The Design Professional shall procure and maintain Errors and Omissions Insurance insuring against.

Scope of Coverage:	Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence $2,000,000 aggregate
Policy Period:	Effective until final completion of the Project
Named Insured:	Design-Build Team
Additional Insured Parties	City of Las Vegas (its officers, employees and agents

Section 8.04 Acceptable Insurance Company

The insurance company providing any of the insurance coverage required herein shall have a Best's Key rating of A VII or higher, (i.e., A VII, A VIII, A IX, A X, etc.) and shall be subject to approval by the Owner. Each insurance company's rating

as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance.

Section 8.05 Premiums, Deductibles and Self-Insured Retentions

The Design-Build Team shall be responsible for payment of premiums for all of the insurance coverages required under this Exhibit. The Design-Build Team further agrees that for each claim, suit or action made against insurance provided hereunder, with respect to all matters for which the Design-Build Team is responsible hereunder, the Design-Build Team shall be solely responsible for all deductibles and self-insured retentions. Any deductibles or self-insured retentions over $50,000 in the Design-Build Team insurance must be declared and approved by Owner.

Section 8.06 Certificates of Insurance

The Design-Build Team will deliver to Insurance Tracking Services, Inc. (ITS), the Owner's representative, a certificate of insurance with respect to each required policy to be provided by the Design-Build Team under this Exhibit. 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 Owner upon request.

Section 8.07 Renewal Policies

The Design-Build Team 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.

Section 8.08 Cancellation and Modification of Insurance Coverage

Each insurance policy supplied by the Design-Build Team must be endorsed to provide that the coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except after ten (10) days written notice in the case of non-payment of premiums, or thirty (30) days written notice in all other cases, has been given to the Owner and such notice is by certified mail, return receipt requested. This notice requirement does not waive the insurance requirements contained herein.

Section 8.09 No Recourse

There shall be no recourse against Owner for the payment of premiums or other amounts with respect to the insurance required from the Design-Build Team under this Exhibit.

Section 8.10 Endorsements and Waivers

All insurance policies required hereunder shall contain or be endorsed to contain the following provisions:

i. For claims covered by the insurance specified herein, said insurance coverage shall be primary insurance with respect to the insured, additional insured parties, and their respective members, directors, officers, employees and agents and shall specify that coverage continues notwithstanding the fact that the Design-Build Team has left the Project site. Any insurance or self-insurance beyond that specified in this Contract that is maintained by an insured, additional insured, or their members, directors, officers, employees and agents shall be in excess of such insurance and shall not contribute with it.

ii. Any failure on the part of a named insured to comply with reporting provisions or other conditions of the policies, any breach of warranty, any action or inaction of a named insured or others, any foreclosure relating to the Project or any change in ownership of all or any portion of the Project shall not affect coverage provided

to the other insured or additional insured parties or their respective members, directors, officers, employees and agents.

i. The insurance shall apply separately to each insured and additional insured party against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Section 8.11 Failure to Provide or Maintain Insurance Coverage (Revised)
The awarded Design-Build Team's failure to provide or maintain any of the insurance coverage required herein would constitute a breach of the Contract.

SECTION 9. INDEMNITY

Section 9.01 General Indemnity

The Design-Build Team shall protect, indemnify and hold the Owner, its officers, employees, agents and consultants (collectively the "Indemnitees") harmless from any and all claims, liabilities, damages, losses, suits, actions, decrees, and judgments (including attorney fees, court costs) or other expenses of any and every kind or character (collectively the "Claims"), which may be recovered from or sought against the Indemnitees as a result of, by reason of, or as a consequence of, the negligence, errors, omissions, recklessness or intentional misconduct on the part of the Design-Build Team, its officers, employees, agents, subcontractor or suppliers (i) in the manufacturing or supplying (including transportation) of any materials, supplies or other products used in the Work, or (ii) in the performance of the terms, conditions and covenants of the Contract. The Owner may retain for its protection any money due and owing the Design-Build Team under this Contract. In the event no money is due and owing, the surety, if required, of the Design-Build Team, may be held until all of the Claims have been settled and suitable evidence to that effect furnished to the Owner.

The Design-Build Team shall defend the Indemnitiees against the Claims and in the event that the Design-Build Team fails to do so, the Owner shall have the right, but not the obligation, to defend the same and to charge all direct and incidental costs, including attorney's fees and court costs to the Design-Build Team.

Section 9.02 Patent Indemnity

The Design-Build Team shall protect, defend and hold the Owner, its officers, employees, agents and consultants (collectively the "Indemnitees") harmless from and against all claims, losses, costs, damages, and expenses, including attorney fees, court costs or other expenses (collectively the "Claims"), incurred by the Indemnitees, or any of them, respectively, as a result of or in connection with any claims or actions based upon infringement or alleged infringement of any patent and arising out of the use of the equipment or materials furnished under the Contract by the Design-Build Team, or out of the processes or actions employed by, or on behalf of, the Design-Build Team in connection with the performance of this Contract. The Design-Build Team shall, at its sole expense, promptly defend against any such claim or action unless directed otherwise by the Indemnitees; provided that the Indemnitees shall have notified the Design-Build Team upon becoming aware of such claims or actions, and provided further that the Design-Build Team's aforementioned obligations shall not apply to equipment, materials or processes furnished or specified by the Indemnitees.

In order to avoid such claims or actions, the Design-Build Team shall have the right, at its expense, to substitute non-infringing equipment, materials or processes, or to modify such infringing equipment, materials and processes so they become non-infringing, or to obtain the necessary licenses authorizing the use of the infringing equipment, material or processes, provided that such substituted and modified equipment, materials and processes shall meet the requirements of this Contract.

SECTION 10. BREACH OF CONTRACT AND REMEDIES

Section 10.01 Definition of Breach

If, during the existence of the Contract, the Design-Build Team:

i. Fails to properly pay any Subcontractor or other parties for labor, materials or supplies as required by Section 2.16 (Responsibility for Payment of Subcontractor and Other Parties) of the Contract;
ii. Fails to begin the Work within the time specified in the Notice to Proceed as required by Section 4.01 (Notice to Proceed) of the Contract;

iii. Fails to diligently prosecute the Work as required by Section 4.02 (Guaranteed Project Schedule) or Section 4.03 (Progress of the Work) of the Contract;

iv. Fails to provide sufficient workmen, materials or equipment to assure the prompt completion of the Work as required by Section 4.03 (Progress of the Work) of the Contract;

v. Fails to complete the Work within the Contract Time as required by Section 4.04 (Contract Time) of the Contract;

vi. Fails to complete the punch list within the time specified in the Certificate of Substantial Completion as required by Section 5.02 (Punch List) of the Contract;

vii. Fails to maintain the bonds, industrial insurance coverage for his employees, general liability insurance or any of the other policies of insurance as required by Sections 7.01 (Required Bonds) and 8.01 (Required Insurance) of the Contract;

viii. Fails to pay third party claims as required by Section 9.01 (General Indemnity) of the Contract;

ix. Fails to maintain licensure by the Nevada State Design-Build Team's Board as required by Section 11.01 (General Warranty) of the Contract;

x. Fails to promptly remedy the Work not in conformance with the Contract as required by Section 11.03 (Warranty Work Conforms with Requirements of the Contract);

xi. Fails to observe laws, ordinances, rules or regulations pertaining to the Project as required by Section 13.01 (General) of the Contract;

xii. Fails to investigate, or cooperate in the investigation of, complaints concerning the payment of prevailing wage rates requested by the Owner or the State Labor Commissioner's Office as required by Section 13.02 (Compliance with Labor Laws) of the Contract;

xiii. Fails to maintain solvency, allows a judgment to stand against the Design-Build Team for a period of five (5) days, files a petition with the United States Bankruptcy Court, is adjudged insolvent or bankrupt, makes a general assignment for the benefit of creditors, or commits an act of bankruptcy or insolvency; or

xiv. Fails to remedy any other material breach of the provisions of the Contract;

then the occurrence of any of the above shall constitute a breach of the contract which if unremedied may constitute an Event of Default as described in Section 10.02 (Event of Default).

Section 10.02 Event of Default

The Design-Build Team and the Surety under the Performance Bond shall be entitled to seven (7) days notice of each breach described in Section 10.01 (Definition of Breach) of the Contract and given the opportunity within such time to cure the breach, provided, however, such breach is capable of a cure. If such breach is capable of a cure but by its nature cannot be cured within the seven day period, the Design-Build Team or Surety may be allowed such additional time as may be reasonably necessary to cure the breach provided the cure is commenced within the seven day period and is diligently pursued to completion.

If any breach is not subject to cure, or is not cured as provided herein, the Owner may declare that an "Event of Default" has occurred and the Owner may, in addition to any other remedies available in law or equity, invoke any of the remedies provided for under this Section 10 (Breach of Contract and Remedies) of the Contract.

Section 10.03 Damages

Except for those breaches which are subject to Liquidated Damages set forth in Section 6.01 (Owner's Recovery of Liquidated Damages), if the Design-Build Team fails to cure any Event of Default under this Agreement within the time provided in Section 10.02 (Event of Default), the Owner shall be entitled to damages resulting therefrom.

Section 10.04 Termination for Cause

Upon the occurrence of an Event of Default, the Owner may terminate the Contract which shall take effect immediately upon service of the notice on the Design-Build Team and the Surety under the Performance Bond unless a different effective date is specified therein. In the event of such termination, the Surety shall have the right to take over and perform the Contract.

If the Surety does not commence performance of the Contract within 10 days of receipt of the notice, the Owner may do any and all of the following:

i. Take possession of the Project Site and the materials, equipment, tools, and construction equipment and machinery thereon owned by the Design-Build Team;

ii. Accept the assignment of the Design-Build Team's subcontracts pursuant to this Contract (Contingent assignment of subcontracts to Owner if Contract is terminated); and

iii. Finish the Work by whatever method deemed expedient by the Owner.

The Design-Build Team shall not be entitled to any further payment under the Contract until the Work is completed and accepted by the Owner. If the unpaid balance of the Contract Amount exceeds the cost of completing the Work, including compensation for any damages or expenses incurred by the Owner through the default of the Design-Build Team, the excess shall be paid to the Design-Build Team. If, however, the damages and expenses exceed the unpaid balance of the Contract Amount, the Design-Build Team and the Surety under the Performance Bond shall pay the difference to the Owner.

Section 10.05 Owner's Right to Perform the Work

If the Design-Build Team fails to perform or proceed with the Work, or any part thereof, as required by the Contract, and fails within the seven day notice required pursuant to Section 10.02 (Event of Default) of the Contract to remedy the breach, or to commence and continue correction of such breach with promptness and due diligence toward completion, the Owner may, without prejudice to any other right or remedy available to the Owner, and without terminating the Contract and relieving the Design-Build Team from its obligations under the Contract, proceed to correct the breach, or applicable portion thereof, by any means or methods deemed appropriate (including use of the Owner's personnel).

If the Owner discovers during the course of the corrective action that the breach is greater or otherwise different from, but nevertheless related to, the breach described in the seven-day notice, then the greater or different breach shall be deemed to have been included in the original seven-day notice and the Owner may proceed with the corrective action without having to provide any additional notice to the Design-Build Team.

If, after expiration of the seven-day notice period required pursuant to Section 10.02 (Event of Default) of the Contract, the Design-Build Team proceeds to correct the breach and the Owner has already incurred certain expenses (such as, but not necessarily limited to, preparation of cost estimates or remedial plans and drawings, placement of material orders, demolition costs, rental costs, storage costs, trash removal expenses, utility expenses, scheduled commitments from Design-Build Teams which cannot be canceled without the Owner incurring costs to the Design-Build Team, transportation costs of personnel or materials, and incurred cost of hiring technical personnel whether licensed or not) as part of an effort to remedy the breach, then the Design-Build Team shall pay the Owner for such incurred expenses as provided herein.

If, after issuance of the seven day notice of the breach required pursuant to Section 10.02 (Event of Default) of the Contract, the Owner decides not to take any action to correct the breach or fails in the effort to correct the breach, the Design-Build Team remains responsible for the breach and any expenses incurred in any failed effort to correct the breach.

In the event of a correction and expense as provided herein, the Contract Amount shall be reduced by the amount of the incurred expenses which amount the Owner shall be entitled to deduct from any payments then or thereafter due the Design-Build Team (including the direct and indirect costs of using the Owner's personnel). If payments then or thereafter due the Design-Build Team are not sufficient to cover the incurred expenses, the Design-Build Team shall pay the difference to the Owner.

Section 10.06 Deduction From Progress Payments

For each and every breach set forth in Section 10.01 (Definition of Breach) of the Contract, the Owner may decline to certify, in whole or in part, any pending application for payment which, in the opinion of the Owner, may be necessary to protect the Owner from the damages and expenses which are expected to be incurred, or which have been incurred, as a result of the breach. Based upon the opinion of the Owner, the Owner may withhold from any requested progress payment such sum as may be necessary to protect the Owner from such damages and expenses including, but not necessarily limited to, the Liquidated Damages permitted pursuant to Section 6.01 (Owner's Recovery of Liquidated Damages) and Consequential Damages pursuant to Section 6.02 (Owner's Recover of Consequential Damages) of the Contract which the Owner anticipates will occur as a result in the delay in the Completion of the Project.

If an agreement can be reached between the Owner and the Design-Build Team concerning the request for payment, the Design-Build Team may submit a revised application for certification. The Owner shall have the right to deny in whole or in part, or to require an adjustment to, any pending application if, as a result of new evidence or observations subsequent to the issuance of a previous certification, the Owner has determined that the amount paid exceeds the percentage of completion of the Work, the Work cannot be completed for the unpaid balance of the Contract or any other such certification was improperly issued.

If the Design-Build Team remedies the failure for which payment has been withheld, and the Owner verifies such correction, then the withheld money shall be included with the payment of the next application.

Section 10.07 Rights and Remedies are Cumulative

Except as otherwise expressly stated in the Contract, the rights and remedies of the parties are cumulative, and the exercise by any party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

SECTION 11. REPRESENTATIONS AND WARRANTIES

Section 11.01 General Representations and Warranties

The Design-Build Team hereby represents and warrants that it (i) is familiar with requirements of the Contract; (ii) has investigated the site and is knowledgeable concerning the local conditions that may affect the performance of the Work; (iii) is satisfied that the Work can be performed and completed as required in the Contract; (iv) accepts all of the risks directly or indirectly connected with the performance of the Contract; (v) has not been influenced by any statement or promise other than those contained in the Contract Documents; (vi) is experienced and competent to perform the Contract; (vii) is familiar with all general and special laws, ordinances and regulations that may affect the Work, its performance, or those persons employed therein; (viii) is familiar with tax and labor regulations and with rates of pay that will affect the Work, and (ix) is properly licensed and will remain properly licensed by the Design-Build Teams Board of the State of Nevada in order to perform the Contract.

Section 11.02 Warranty of Merchantability and Fitness for Particular Purpose

The Design-Build Team warrants that the equipment and materials used or provided as part of the Contract are of merchantable quality and fit for their particular purpose.

Section 11.03 Warranty Work Conforms with Requirements of the Contract

In addition to other warranties and longer time periods which may be provided in the Contract, and as a minimum, the Design-Build Team warrants the Work performed under the Contract is in conformance with the requirements of the Contract, and that the Work is free of defects and deficiencies in design, materials and workmanship (unless furnished by the Owner) for a period of 12 months from the date of the Certificate of Substantial Completion (or 12 months from the completion date of any portions of the Work first performed after Substantial Completion), regardless of whether the same were furnished or performed by the Design-Build Team or by any of its Subcontractor of any tier. Upon receipt of written notice from the Owner of any non-conformance to the Contract during the applicable warranty period, the Design-Build Team shall promptly correct the affected non-conformance at a time acceptable to the Owner.

The Design-Build Team shall perform such tests as the Owner may require verifying that the Work is in compliance with the Contract. If such Work is not in accordance with the Contract, the costs of the correcting and testing, including the cost of removal necessary to gain access thereto and other related incidental costs, shall be borne by the Design-Build Team. If such Work is found to be in accordance with the Contract, the costs of uncovering, replacement, and testing shall be charged to the Owner. The Design-Build Team warrants any corrected Work to be in conformance with the Contract for a period of 12 months from the date of acceptance thereof. If the Design-Build Team fails to promptly make the necessary corrections and tests, the Owner may perform or cause to be performed the same at the Design-Build Team's expense. The Design-Build Team and its Surety shall be liable for the satisfaction and full performance of the warranties set forth in this Section.

Unless otherwise provided elsewhere in the Contract, the materials and equipment incorporated into the Work shall be new and of the most suitable grade of their respective kinds for their intended use, and all workmanship shall be in accordance with construction practices acceptable to the Owner.

Nothing contained in this Section shall be construed to establish a period of limitation with respect to the Design-Build Team's obligations under the Contract other than specifically to correct the Work then known by the Owner to be in non-conformance with the Contract, including, but not limited to, defects and deficiencies in design, materials and workmanship (unless furnished by the Owner).

Section 11.04 Warranty Exclusions Prohibited

The Owner will not accept any warranty clause from the Design-Build Team, Subcontractor or manufacturer that states:

i. That the implied warranties of Merchantability or Fitness for a Particular Purpose are excluded from the Contract;
ii. That the warranty clause is in lieu of all other warranties that are either expressed or implied.

In addition to the above restrictions, the warranty requirements of the Contract shall exist in a direct extension from the manufacturer to the Owner as well as from the Design-Build Team to the Owner if the manufactured product is sold directly to the Design-Build Team.

SECTION 12. DISPUTES BETWEEN THE PARTIES

Section 12.01 In General
Any claim, dispute or other controversy that may arise between the Owner and Contractor concerning any provision of this Contract shall be resolved through the good faith efforts of both parties. In accordance with NRS 338.150, if the claim, dispute or controversy cannot otherwise be settled, the parties shall use an alternate dispute resolution method before initiation of any judicial action. For purposes of this Contract, alternate dispute resolution shall mean non-binding mediation before an independent private mediator agreed to by the parties. If the parties cannot agree upon an independent private mediator within 45 days after notice of the claim is provided pursuant to Section 12.04 below, the party may proceed to file a judicial action with the Eighth Judicial District Court, Clark County, Nevada. The alternate dispute resolution proceedings shall take place in Clark County, Nevada, unless otherwise agreed to by the parties.

Section 12.02 Work to Proceed
While the alternate dispute resolution or judicial action is pending, the Contractor shall proceed with the Work and maintain progress in accordance with the requirements of the Contract, unless otherwise mutually agreed upon in writing.

Section 12.03 Alternate Dispute Resolution Costs and Fees
The fees and expenses of the alternate dispute resolution proceedings shall be equally shared by both parties. Each party is responsible for their own costs, expenses, consultant fees and attorney fees incurred in the presentation or defense of any claim, dispute or controversy that may arise between the parties.

Section 12.04 Notice of Dispute
In the event that a claim, dispute, or controversy arises between the parties which are related to the progress or construction of the Project, the party asserting the claim, dispute or controversy must provide written notice thereof to the other party within thirty (30) days after its occurrence. The written notice shall set forth with specificity the nature of the claim, dispute or controversy, the relief sought, and other matters properly relating thereto. The notification is important to the recipient of the notice so that proper measures can be taken to properly observe and record the progress of the Work, to properly document the impact that the claim, dispute or controversy may have thereon, and to enable that party to properly verify any costs incurred by the party asserting the claim, dispute or controversy in connection therewith. The failure of the party to provide proper notice to the other party as required herein shall forever bar that party from any remedy thereon, including seeking any alternate dispute resolution and/or judicial action. The notice and time requirements set forth herein shall not apply to warranty claims or other construction defect claims that the Owner may have against the Contractor relating to the construction of the Work.

Section 12.05 Right of Judicial Action
Any claim, dispute, or other matter in question between the parties concerning any provisions of this Contract that cannot otherwise be resolved between the parties through the use of the alternate dispute resolution required herein and, in the case of the Contractor, which has not been waived by the acceptance of final payment, may be submitted for judicial action. Prior to the exercise of this right, the party seeking judicial relief shall have provided the other party 30 days prior written notice before filing such judicial action.

SECTION 13. COMPLIANCE WITH THE LAWS

Section 13.01 General

The Design-Build Team shall comply with all federal, state and local laws and regulations applicable to construction of the Work including, but not necessarily limited to, licensing requirements, labor and health laws, and requirements for the payment of sales and use taxes on equipment, materials and supplies provided in connection with the Contract.

Section 13.02 Compliance with Labor Laws

a. Prevailing Wage Rate Law. The Design-Build Team and each Subcontractor shall comply with all federal, state and local labor laws with regard to minimum wages, overtime work, hiring and discrimination including, without limitation, NRS Chapter 338.

1. Prevailing Wage Rates. For public work projects whose cost is $100,000 or more, the Design-Build Team hereby acknowledges that pursuant to the provisions of NRS 338.040 and 338.050, any person who is employed by the Design-Build Team or Subcontractor at the Work Site, or who performs work on a public work project (regardless of any contractual relationship alleged to exist between the workman and his other employer), is subject to the prevailing wage rate provisions of NRS 338.010 to 338.090, inclusive. The Design-Build Team is responsible for ensuring that the aforementioned persons are paid in accordance with the current prevailing wage rates approved by the State Labor Commissioner. Any Change Order causing a contract to equal or exceed $100,000 will subject the Contract to the provisions of Prevailing Wage Rate Law and to audit by the State Labor Commissioner. Any work performed after regular working hours, or on Sunday or a legal holiday, shall be performed without additional expense to the Owner.

In accordance with NRS Chapter 338, the Design-Build Team shall post the current prevailing wage rates and applicable addenda in a place generally visible to the workmen. The prevailing wage rates and applicable addenda are available from the office of the State Labor Commissioner (www.laborcommissioner.com). The Design-Build Team agrees to investigate, or to assist in the investigation of, each claimed violation of the prevailing wage law as may be requested by the Owner or the State Labor Commissioner.

2. Certified Payroll Reports. Pursuant to NRS Chapter 338, for any public work contract awarded for $100,000 or more, the Design-Build Team and each Subcontractor are required to keep an accurate record showing the name, occupation and the actual per diem wages and benefits paid to each workman employed by them in connection with the Work. These records are referred to as the "certified payroll reports."

The Design-Build Team, and each Subcontractor through the Design-Build Team, is required to submit a copy of the certified payroll reports for each calendar month to the Owner no later than fifteen (15) calendar days after the end of the month. The Design-Build Team shall be responsible for coordinating the submittal of all the certified payroll reports for the Project, including the reports of each Subcontractor who is performing Work on the Project.

The Design-Build Team agrees to contact the Nevada State Labor Commissioner with any question concerning the payment of prevailing wage rates.

3. Penalties. In accordance with NRS 338.060, the Design-Build Team shall forfeit the penalty provided herein to the Owner for each calendar day or portion thereof that each workman employed on the Project (i) is paid by the Design-Build Team or Subcontractor less than the designated wage rate for the work on the Project, (ii) the Design-Build Team or Subcontractor willfully included inaccurate or incomplete information in the monthly certified payroll report submitted to the Owner, (iii) the Design-Build Team or Subcontractor did not report to the Owner as required pursuant to NRS 338.070, and/or (iv) if a violation of more than one provision of subsection (i) through (iii) herein involves the same workman, the Design-Build Team shall forfeit the penalty set forth in each violated subsection.

The Design-Build Team hereby stipulates that the Owner may withhold not less than $20.00, nor more than $50.00 for each and every violation of subparagraphs (i) through (iii) herein, the actual amount of which is according to a sliding scale based on the size of the Design-Build Team's business which is adopted by the State Labor Commissioner, except that for violation of subparagraph (iii) the maximum penalty is limited to $1,000 for the first violation and $5,000 for each subsequent violation occurring during the term of the Contract.

In addition to any penalty imposed by the Labor Commissioner, if the Design-Build Team or Subcontractor is determined by the Owner to have violated the provisions of this Section, the Owner may deduct from any payments due the Design-Build Team, the costs of the proceedings associated with the investigation of each wage complaint including, but not limited to, employee salaries, investigator fees and attorney fees.

In addition to any monetary penalty imposed by the statute, the Design-Build Team, or its Subcontractor, agent or representative, performing Work on the Project who neglects to comply with the prevailing wage rate requirements of NRS Chapter 338 is guilty of a misdemeanor.

b. Copeland Anti-Kickback Law. The Design-Build Team shall comply with the Copeland Anti-Kick Back Act (19 U.S.C. 874) as supplemented in the Department of Labor Regulations (29 CFR Part 3). This Act provides that the Design-Build Team or Subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which that person is otherwise entitled.

c. Fair Employment Law. The Design-Build Team shall comply with the fair employment provisions of NRS 338.125. The Design-Build Team agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation or age. Such agreement shall include, but is not necessarily limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Design-Build Team further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. Any violation of this provision by the Design-Build Team shall constitute a material breach of the Contract.

If the Design-Build Team or any of its Subcontractors refuses to hire or do business with an individual or company in violation of this provision, the Owner may declare the Design-Build Team in breach of the Contract, and the Owner may terminate the Contract and designate the Design-Build Team as not responsible for purposes of bidding future public work projects.

d. Preferential Employment. (This Section ☐ IS ☒ IS NOT Applicable to this Contract) The Design-Build Team shall comply with the preferential employment provisions of NRS Chapter 338.130. This law requires, in all cases where persons are employed in the construction of public works, preference must be given, when the qualifications of applicants are equal: First, to persons who have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard, and are citizens of the State of Nevada; Second, to other citizens of the State of Nevada. If these provisions of NRS 338 are not complied with by the Design-Build Team engaged on the public work, the contract shall be void, and any failure or refusal to comply with any of these provisions of this section renders any such contract void.

e. Federal Wage Rates. (This Section ☒ IS ☐ IS NOT Applicable to this Contract). The Design-Build Team shall comply that the Federal Wage Rates attached (Exhibit F *to the Request For Final Proposal*) and incorporated herein as a part hereof which are applicable to the Contract. The wages paid under the Contract shall conform to the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor Regulations (29-CFR, Part 5). If the State Wage Rates and Federal Wage Rates are not equal, the Contractor shall pay the higher prevailing rate.

f. Special Requirements. (This Section ☒ IS ☐ IS NOT Applicable to this Contract). The Design-Build Team shall comply with the requirements of Design-Build Team (Exhibit G *to the Request For Final Proposal*) incorporated herein as a part hereof which are applicable to the Contract.

Section 13.03 Compliance with Americans with Disabilities Act

The Work shall comply with the Americans with Disabilities Act (ADA) as amended to date. The Design-Build Team shall construct the Work in compliance with the ADA and the rules and regulations promulgated thereunder and shall immediately notify the Owner of any conflicts between the Contract Documents and the Act or the rules and regulations promulgated thereunder.

Section 13.04 Compliance with Immigration Reform Control Act of 1986

In accordance with the Immigration Reform and Control Act of 1986, the Design-Build Team shall not employ unauthorized aliens in the performance of the Contract.

Section 13.05 Air Pollution Control

Prior to commencing the Work, the Design-Build Team shall obtain a permit from the Clark County Department of Air Quality and Environmental Management.

The Design-Build Team shall perform the Work in a manner that does not discharge smoke, dust or other air contaminants into the atmosphere from any source whatsoever, in violation of the laws, rules and regulations of federal, state and local government pertaining to air pollution including, but not necessarily limited to, the following:

i. Nevada Revised Statute 445: Air Quality Regulations
ii. Title 40 Code of Federal Regulations (CFR) Part 82 Protection of Stratospheric Ozone – Refrigerant Regulations
iii. Adhering to all Clark County Department of Air Quality and Environmental Management regulations.

The Design-Build Team shall not be granted any time extensions for delays due to compliance with or violations of the aforementioned laws, rules or regulations, and shall pay all compliance costs and violation fines and penalties. Such imposed fines and penalties shall not result in an increase in the Contract Amount, and are not subject to reimbursement by the Owner.

Section 13.06 Fire Prevention

The Design-Build Team shall conform to all federal, state, and local laws and regulations pertaining to burning, fire prevention, and control within or adjacent to the Work Site. Necessary precautions to avoid and eliminate fire hazards shall be the responsibility of the Design-Build Team.

All tarpaulins used for any purpose during construction of the Work shall be made of material resistant to fire, water, and weather and shall bear UL labels. Lighting of any fires on the Project Site is strictly forbidden.

The Design-Build Team shall provide portable fire extinguishers compatible with the hazard of each work area and shall instruct its personnel in their location and use. Wherever welding or burning is conducted, inflammable materials shall be protected and a fire watch shall be provided by the Design-Build Team to be present during the burning and welding operation to ensure that protective measures are taken and no fires result from such operation. The fire watch shall have fire extinguisher equipment readily available and know-how for proper use.

Section 13.07 Provisions Required by Law

Each and every provision of Nevada Revised Statutes Chapter 338 and 624 and any other laws required to be inserted in this Contract shall be deemed to be inserted herein and the Contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or inserted incorrectly, then upon the application of either party, the Contract shall be amended to make such insertion or correction.

Section 13.08 Stormwater Pollution Control

Prior to commencing the Work, the Contractor shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from Nevada Division of Environmental Protection (NDEP) for construction activities.

The Contractor shall perform the Work so as to not discharge stormwater runoff containing pollutants or sediment into the waters of the United States (including municipal separate storm sewer systems [MS4s]) in violation of federal and state laws, rules, and regulations and the Owner's water pollution requirements.

The Contractor shall:

i. Comply with the provisions of Nevada Revised Statutes, Chapter 445A: Water Pollution Control and City of Las Vegas Municipal Code 14.18; and
ii. Adhere to all Federal regulations under 40 CFR 122.26(b)(14).
iii. Provide to the Owner, prior to commencing construction operations, copies of all associated permits or waivers.

All information and forms pertaining to Nevada's Stormwater NPDES Permitting Program can be found on the following website: http://ndep.nv.gov/bwpc/storm01.htm.

The City, state, and federal regulations identified above are hereby incorporated by reference as preconditions of this Contract. The Contractor shall familiarize itself with these regulations and practices, and is advised that prior to engaging in any construction activities, the Contractor shall submit a Notice Of Intent (NOI) to the Nevada Division of Environmental Protection. A Storm Water Pollution Prevention Plan (SWPPP) must be completed prior to submission of the NOI and must remain on the project site and be updated as necessary for the duration of the project. As applicant, the Contractor is responsible for insuring that all persons on the project site, including contractor and subcontractor personnel, abide by the conditions of the permit. As the applicant, the Contractor is responsible for supplying complete copies of the NOI and SWPPP to all project subcontractors.

Upon completion of the project, the Contractor must (at no additional cost to the owner) permanently stabilize the construction area and file a Notice of Termination (NOT) with NDEP to terminate the permit.

The Contractor shall not be granted any time extensions for delays due to compliance with or violations of the aforementioned laws, rules, regulations, and requirements and shall pay all compliance costs and violation fines and penalties. Such imposed fines and penalties shall not result in an increase in the Contract Amount, and are not subject to reimbursement by the Owner.

Section 13.09 Disposal of All Wastes (Hazardous, Toxic, and Non-Hazardous

Contractor shall be responsible for disposal of all waste materials including non-hazardous, hazardous, or toxic materials. Contractor shall make its own arrangements for disposal or recycle of all waste materials and shall pay all costs associated with the proper disposal of the all waste.

Contractor shall obtain written verification in term of the landfill weight ticket, recycling certificate from the disposal site owner or operator with a written release from the disposal site owner or operator absolving the Owner of any and all responsibility in connection with the disposal of waste material on said property.

Unless otherwise provided, full compensation for all costs involved in disposing of materials as specified in this section, including all costs of hauling, shall be considered as included in the price paid for the Contract items of work involving such material and no additional compensation will be allowed therefore.

No waste material that is to be disposed shall be stockpiled on the Owner's property or the project site longer than seven (7) days, unless otherwise approved by the Owner. Prior to initiating construction, the Contractor shall provide to the Owner a proposed temporary stockpile location. Construction debris and materials shall not be stockpiled in unapproved locations.

For hazardous or toxic materials waste, Contractor shall comply with all local, State, and federal regulations including but not limited to Resources Conservation and Recovery Act (RCRA), Toxic Substance Control Act (TSCA). Contractor must fill out the Waste Manifest and provide a copy of the Manifest to the Owner. Contractor (or its subcontractor) shall provide all necessary licenses or permits documentation for handling, transportation and disposal of hazardous or toxic materials as submittal information to the Owner. Contractor is responsible for identify/classify the hazardous waste, getting an EPA hazardous waste site number by filing the paperwork with NDEP as the hazardous waste generator, retaining certified RCRA hazardous waste transporter subcontractor, properly dispose the RCRA hazardous waste in certified hazardous waste treatment or landfill sites, deactivated the EPA hazardous waste site number when the job is done, and provide safe handling training to contractor employees.

Section 13.10 Compliance with National Environmental Policy Act (NEPA)
If this contract is sponsored in whole or part through Federal funding, Contractor is required to comply with NEPA requirements including but not limited to, compliance with Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Migratory Bird Treaty Act, Resource Conservations and Recovery Act (RCRA), Toxic Substance Control Act (TSCA).

SECTION 14. CONTRACT INTERPRETATION

Section 14.01 General

The Contract shall be construed and enforced in accordance with the laws of the State of Nevada. Any action for the enforcement of any provision of this Contract shall be instituted in the County of Clark, State of Nevada.

Section 14.02 Intent and Correlation

The Contract is intended to include all items necessary for the proper execution and completion of the Work. The Contract Documents are complementary, and what is required by one portion or section of the Contract shall be as binding as if required by all. Any work not covered in the Contract will not be required unless it is consistent with the Contract Documents, and it is reasonably inferable or necessary to produce the intended results or provide a complete work. Words and abbreviations, which have well known technical or trade meanings, are used in the Contract Documents in accordance with such recognized meanings.

Section 14.03 Governing Order of Contract Documents

The Contract Documents include various divisions, sections, and conditions, which are essential parts for the work to be provided by the Design-Build Team. In case of discrepancy, the lower number document will govern over the higher numbered document according to the following order of precedence, unless to do so would contravene the intent of the Contract Documents as determined by the Owner:

1. Change Orders
2. Addenda, with those of later date having precedence over those of an earlier date
3. Design-Build Contract
4. General Conditions
5. Bridging Documents, Drawings and Referenced Standards (these documents are to be construed together in determining the intent of the Owner)

Section 14.04 Conflicting Conditions

In the event of inconsistencies within or between parts of the Contract Documents, or between the Contract Documents and applicable standards, codes and ordinances, the Design-Build Team shall (i) provide the better quality or greater quantity of Work or (ii) comply with the more stringent requirement; either or both in accordance with the Owner's interpretation.

Section 14.05 Graphic Enhancement

Graphic enhancement of any text of the Contract such as bolding, underlining, italics, etc. is added for ease of reference and shall not be interpreted as placing additional importance on the enhanced text or lessening the importance of text without such enhancement.

SECTION 15. MISCELLANEOUS PROVISIONS

Section 15.01 Regulatory Authorities

The Design-Build Team does hereby acknowledge and agrees that the Department of Public Works, by or through its Architectural Services Division, acting as the Owner's Designated Representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of regulatory authorities which are separate from the Owner, or which are departments of the Owner including, but not limited to, the Building Department, Fire Department, Planning Department or other divisions within the Department of Public Works acting in a regulatory manner. The Design-Build Team is responsible for complying with the requirements imposed by the regulatory authorities (including the departments of the Owner acting in a regulatory manner) and any delays resulting to the Design-Build Team in the performance of the Contract from having to comply with such requirements are solely the responsibility of the Design-Build Team, and not attributable in any manner to the Owner.

The Owner's Designated Representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the Owner receives a quality product, delivered on schedule, for a fair price. Furthermore, the Owner's Designated Representative does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the Owner's Designated Representative. The Design-Build Team agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the Owner's Designated Representative, and that the Design-Build Team's interaction with each regulatory authority is to be conducted without assistance from the Owner's Designated Representative.

Section 15.02 Subcontracts

Any subcontract entered into by the Design-Build Team and its Subcontractor or material supplier shall not create any contractual relationship between the Owner and the Subcontractor or material supplier.

The Design-Build Team agrees to provide a copy of each subcontract (including contracts for the purchase of supplies) entered into by the Design-Build Team in connection with the Project if so requested by the Owner for any of the reasons set forth in NRS 338.140 (1)(d).

The Design-Build Team shall not substitute a subcontractor for any portion of the Work which was previously indicated would be performed by the Design-Build Team unless such substitution meets the requirements of NRS Chapter 338.

Section 15.03 Right to Review and Audit

The Design-Build Team agrees to maintain financial records pertaining to all matters relative to the Contract in accordance with standard accounting principles and procedures and to retain all records and supporting documentation applicable to the Design-Build Team for a period of three (3) years after completion of the Contract and any subsequent extensions thereof. All records subject to audit findings shall be retained for three (3) years after such findings have been resolved. In the event the Design-Build Team goes out of existence, the Design-Build Team shall turn over to the Owner all of its records relating to the Contract to be retained by the Owner for the required period of time.

The Design-Build Team agrees to permit the Owner or its authorized representative to inspect and audit its records and books relative to the Contract at any time during normal business hours and under reasonable circumstances and to copy and/or transcribe any information that the Owner desires concerning Design-Build Team's operation hereunder. The Design-Build Team further understands and agrees that the inspection and audit would be exercised upon written notice. If the Design-Build Team or its records and books are not located within Clark County, Nevada, the Design-Build Team agrees to deliver the records and books or have the records and books delivered to the Owner or its authorized representative at an address within the City of Las Vegas as designated by the Owner.

If the Owner or its authorized representative find that the records and books delivered by the Design-Build Team are incomplete, the Design-Build Team agrees to pay the Owner the costs to travel (including travel, lodging, meals, and other related expenses) to the Design-Build Team's offices to inspect, audit, retrieve, copy and/or transcribe the complete records and books. The Design-Build Team further agrees to permit the Owner or its authorized representative to inspect and audit, as deemed necessary, the financial and performance records of the Project that may be required by relevant directives from the funding sources of the Owner.

If, at any time during the term of the Contract, or at any time after the expiration or termination of the Contract, the Owner or its authorized representative finds the Owner's dollar liability to the Design-Build Team is less than the payments made by the Owner to the Design-Build Team, the Design-Build Team agrees to repay the difference immediately to the Owner or, at the Owner's option, credit the difference against future payments due the Design-Build Team.

Section 15.04 Independent Design-Build Team

The Design-Build Team represents that it is fully experienced and properly qualified to perform the class of Work provided for herein, and that it is properly licensed, equipped, organized and financed to perform such Work. The Design-Build Team shall act as an independent Design-Build Team and not as an agent of the Owner in performing the Contract. The Design-Build Team shall maintain complete control over its employees and all of its subcontractor. Nothing contained in the Contract or any subcontract awarded by the Design-Build Team shall create any contractual relationship between any such subcontractor and the Owner. The Design-Build Team shall perform the Work in accordance with its own methods subject to compliance with the Contract.

Section 15.05 Severability

The invalidity, illegality, or unenforceability of any provision of the Contract or the occurrence of any event rendering any portion or provision of the Contract void shall in no way affect the validity or enforceability of any other portion or provision of the Contract. Any void provision shall be deemed severed from the Contract, and the balance of the Contract shall be construed and enforced as if the Contract did not contain the particular portion of provision held to be void. The parties further agree to amend the Contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this clause shall not prevent the entire Contract from being void should a provision which is of the essence of the Contract to be determined void.

Section 15.06 Assignment of Contractual Rights

The Design-Build Team shall not assign, transfer, convey or otherwise dispose of the Contract or its right, title or interest in or to the same, or any part thereto.

Section 15.07 Ownership and Use of Documents

The Design-Build Team will be furnished, one electronic set of drawings and Contract Documents. If additional sets are needed, the Owner will provide them at actual duplication cost. The Drawings, Bridging Documents, and any copies furnished by the Owner are and shall remain the Owner's property unless a consultant is used in the preparation of the Contact Documents in which case ownership shall be according to the agreement between the Owner and the consultant. They are to be used only with respect to the Project and are not to be used on any other project. Submission or distribution to meet official regulatory requirements for other purposes in connection with the Project is not to be construed as infringement of the copyright of the Owner's or Consultant's common law or other reserved rights.

Section 15.08 Prohibited Interests

No official of the Owner, who is authorized in such capacity and on behalf of the Owner to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving any architectural, engineering, inspection, construction or material supply contract or any subcontract in connection with the construction of the Project, shall become directly or indirectly interested personally in the Contract or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for the Owner, who is authorized in such capacity and on behalf of the Owner to exercise any legislative, executive, supervisory or other similar functions in connection with the construction of the Project, shall become directly or indirectly interested personally in the Contract or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to the Project.

Section 15.09 Waiver

No waiver of any breach or failure to enforce any of the terms, conditions or covenants of the Contract shall be construed to be a waiver of any succeeding breach of the same or similar provision of the Contract.

Section 15.10 No Personal Liability

No official, officer, employee or agent of the Owner shall in any way be personally liable or responsible for any covenant or agreement herein contained, whether expressed or implied, or for any statement, representation or warranty made in connection with the Contract.

Section 15.11 Contract Modification

The Contract represents the entire and integrated agreement between the Owner and the Design-Build Team and supersedes prior negotiations, representations or agreements, either written or oral, made by either party. The Contract may only be amended by a Modification.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of award of Contract No. 10.15341.13-DC, Design-Build of Solar Covered Parking, Phase II - Bid Lot E located at Fire Station #45, 3821 North Fort Apache, Fire Station # 7, 10101 Banburry Cross Drive, Fire Station #41, 6989 North Buffalo Drive, Fire Station #43, 6420 Smoke Ranch Road and Fire Station #8, 633 North Mojave Road and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: CORE CONSTRUCTION SERVICES OF NEVADA, INC. ($1,901,069 - General Capital Projects Fund) - Wards 2, 3, 4, 5 and 6 (Wolfson, Reese, Anthony, Barlow and Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,901,069
Funding Source: General CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:

These projects shall include crystalline type photovoltaic panels over Design-Build Team provided prefab steel carport frames at various locations. Funding for this project is provided by the NV Energy Rebate Program.

PCC: D. Collins
POC: Gary Siroky - (702) 794-0550

RECOMMENDATION:

That City Council approve award of Contract No. 10.15341.13-DC, Design-Build of Solar Covered Parking, Phase II - Bid Lot E to CORE Construction Services of Nevada, Inc. in the amount of $1,901,069 and approve the construction conflicts and contingency reserve of $190,107. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Certificate - Disclosure of Ownership/Principals
3. Contract No. 10.15341.13-DC

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: **March 16, 2011**
DEPARTMENT: **FINANCE**
ITEM DESCRIPTION: **CONTRACT NO. 10.15341.13-DC, Design-Build of the Solar Covered Parking, Phase II – Bid Lot E**

This project consists of the design and construction the design and construction of at least 190 kW of net AC power for an estimated 119 equivalent parking stalls. The Project shall include: crystalline type photovoltaic panels over Design-Build Team provided prefab steel carport frames at Fire Station #45 located at 3821 North Fort Apache, Fire Station #7 located at 10101 Banburry Cross Drive, Fire Station #41 located at 6989 North Buffalo Drive, Fire Station #43 located at 6420 Smoke Ranch Road and Fire Station #8 located at 633 North Mojave Road parking lots. The Project shall also include a battery power backup system and under canopy LED lighting and inverters which will provide approximately 190 kW of renewable energy. This project is anticipated to replace on average 44% of energy consumption from the grid and will help reduce the City's greenhouse gas emissions to achieve the City's targets established by the Sustainable Energy Strategy. The Project will be a complete photovoltaic installation to include, conduit, wiring, inverters, meters, disconnect switches, panels, data web interface logging and under canopy LED lighting.

CORE Construction Services of Nevada, Inc. was selected through a competitive Request for Proposal process.

ATTACHMENT 4
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	CORE Construction Services of Nevada, Inc.
Address	7150 Cascade Valley Court, Las Vegas, NV 89128
Telephone	702-794-0550
EIN or DUNS	140392056

Block 2 Description

Solar Covered Parking, Phase II, Bid Lot E

Lead Design/Build Team Representative
(General Building Contractor)

RFP# 10.15341.13DC

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.	Kenny Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
2.	Robert Baum	10828 N. Cave Creek Road, Phoenix, AZ 85020	(602) 943-6106
3.	Wayne Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
4.	Stephen Roeschley	866 N. Main Street, Morton, IL 61550	(309) 266-9768
5.	Glen Sullivan	866 N. Main Street, Morton, IL 61550	(309) 266-9768
6.	Kurt Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
7.	Craig Baum	866 N. Main Street, Morton, IL 61550	(309) 266-9768
8.	Howard Maurer	3036 E. Greenway Road, Phoenix, AZ 85032	(602) 494-0800
9.	James Jacobs	3036 E. Greenway Road, Phoenix, AZ 85032	(602) 494-0800
10.	Gary Siroky	7150 Cascade Valley Court, Las Vegas, NV 89128	(702) 794-0550

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

Gary Siroky
Name

February 17, 2011
Date

JENNIFER MORONES
Notary Public State of Nevada
No. 96-5217-1
My appt. exp. May 27, 2012

Subscribed and sworn to before me this 17th day of February, 2011

Jennifer Morones
Notary Public

EXHIBIT A
DESIGN-BUILD CONTRACT

THIS DESIGN-BUILD CONTRACT (the "Contract") is made and entered into this _____ day of _____, 20 , by and between the City of Las Vegas, a municipal corporation in the State of Nevada (the "Owner") and Core Construction Services of Nevada, Inc. (a corporation organized and existing under the laws of the State of Nevada), (the "Design-Build Team".)

WITNESSETH:

WHEREAS, the Design-Build Team, having submitted a Design-Build Proposal to the Owner for the design and construction of the project commonly known and referred to as "Solar Covered Parking, Phase II – Bid Lot E Project", RFP No. (10.15341.13DC)"; and PWP #CL-2011-81; and

WHEREAS, the City Council, after due consideration of the submitted proposals, awarded a contract to the Design-Build Team for both the design and construction of the Project in the maximum amount set forth below.

NOW, THEREFORE, in consideration of the above, the parties hereto agree to the following:

1. PROJECT DESCRIPTION. The Project consists of the design and construction of Project #10.15341.13-DC, Solar Covered Parking, Phase II - Bid Lot E, which is fully set forth and described in the Bridge Documents (defined in the General Conditions attached hereto).

2. DESIGN AND CONSTRUCTION COVENANT.

a) In General. The Design-Build Team hereby covenants and agrees to furnish the design of the Project in accordance with all professional architectural and engineering principles generally accepted as standards of the profession in the State and shall construct the Project as designed, free from defects and deficiencies, all in compliance with the requirements of the Contract. The Design-Build Team shall be responsible for performing and completing, and for causing all of its Subconsultants and Subcontractors to perform and complete the requirements set forth in the Contract and all applicable laws. The Design-Build Team covenants and warrants that the design and construction of the Project, and the materials incorporated therein, shall meet the performance requirements of the Owner as described in the Contract. The Design-Build Team shall assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

b) Project Design. The Design-Build Team shall use the key personnel of the design firm or firms identified in the Proposal to provide the professional design services (architectural and engineering services) necessary for the preparation of the Construction Documents for the Project. The Design-Build Team shall be responsible for all errors, omissions, inconsistencies or other deficiencies in the design of the Project and in the Construction Documents. The Construction Documents shall be prepared by qualified architects, engineers and other professionals, selected and paid for by the Design-Build Team and duly licensed in the state of Nevada.

c) Project Construction. The Design-Build Team shall furnish all labor, materials, equipment, transportation and other services necessary for construction of the Project (including, without limitation, the site work, structures, utilities and landscaping) in accordance with the Construction Documents approved by the Owner and other applicable requirements of the Contract. The Design-Build Team hereby covenants and agrees to undertake and complete the Work (defined in the General Conditions attached hereto) in a good, substantial and workmanlike manner in compliance with the Contract.

3. CONTRACT AMOUNT. For performance of the Work, the Owner agrees to pay the Design-Build Team the following maximum amount for the Work required by this Contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract: $1,901,069.00 (the "Contract Amount"). The maximum amount to be paid for the performance of the professional design services required by the Contract is $ 104,343.00 (which is included in the Contract Amount).

4. DOCUMENT INCORPORATION. The Contract consists of this three (3) page document and the following documents incorporated herein by this reference as a part hereof:

a) Design-Build Contract, Exhibit "A" attached hereto
   i. Design-Build Proposal
   ii. Resumes for Key Personnel
   iii. Subconsultant and Subcontractor List
   iv. Certificate – Disclosure of Ownership
b) General Conditions, Exhibit "B" attached hereto
c) Bridging Specifications, dated January 11, 2011, Exhibit "C" (Provided electronically)
d) Plans, Exhibit "D" (Provided electronically)
e) Addenda No.1, dated November 24, 2010
   Addenda No.2, dated February 2, 2011
   Addenda No.3, dated February 7, 2011
   Addenda No.4, dated February 8, 2011
f) Prevailing Wage Rates, Exhibit "E" attached hereto
g) Federal Wage Rates, Exhibit "F" attached hereto
h) Special Requirements, Exhibit "G" attached hereto

5. COMMENCEMENT AND COMPLETION DEADLINE. Time is of the essence in the performance and completion of this Contract. The Design-Build Team shall commence the Work on the date set by the Owner in the Design Notice to Proceed, and shall complete all work required by the Contract on **December 1, 2011.**

6. LIQUIDATED DAMAGES. Liquidated Damages are provided for in Section 6 of the General Conditions in the amount of **$1,500.00 per day** for each calendar day the completion of the Work is delayed beyond the completion deadline, or Owner approved extensions thereof.

7. CONSEQUENTIAL DAMAGES. This contract includes multiple locations with site-specific mandatory completion dates and associated Consequential Damages as detailed in General Conditions, Section 6.02, the . Consequential Damages are independent of liquidated damages. The location-specific completion dates and associated Consequential Damages are as follows:

Location	Mandatory Interim Substantial Completion Date*	Consequential Damages
Fire Station #45	August 31, 2011	$205,205.00
Fire Station #7	September 1, 2011	$123,140.00
Fire Station #41	September 1, 2011	$180,600.00
Fire Station #43	December 1, 2011	$158,045.00
Fire Station #8	September 1, 2011	$263,865.00

* **NOTE:** For locations that have two Mandatory Interim Substantial Completion dates, two independent Consequential Damages may be assessed. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the first Mandatory Interim Substantial Completion Date, the initial Consequential Damage will be applicable. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Interim Substantial Completion Date, the Second Consequential Damage will also apply.

8. NOTICES. Any notice required to be given under the Contract shall be deemed to have been given when the notice is (i) delivered personally, or (ii) sent by facsimile machine and delivered by regular mail or certified mail, addressed as follows:

To the Owner:	City of Las Vegas Manager, Purchasing & Contracts Division City Hall, First Floor 400 Stewart Avenue Las Vegas, NV 89101-2986
To the Design-Build Team:	Core Construction Services of Nevada, Inc. Gary Siroky, President 7150 Cascade Valley Court Las Vegas, NV 89128 Fax: (702) 794-0953

Any change in the addresses stated above shall be made in writing and delivered in the manner provided herein. In the event of suspension or termination of the Contract, notice may also be given upon personal delivery to any person whose action or knowledge of such suspension or termination would be sufficient notice to the Design-Build Team.

IN WITNESS WHEREOF, the Owner and the Design-Build Team have made and executed this Agreement on the day and year first above written.

OWNER

By: _____
KATHLEEN C. RAINEY, Manager
Purchasing and Contracts Division
Department of Finance and Business Services

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

John S. Ridilla 3/3/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney

DESIGN-BUILD TEAM:

By: _____
Gary Siroky, President
Core Construction Services of Nevada, Inc.

ATTACHMENT 4
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 CORE Construction Services of Nevada, Inc.
Address 7150 Cascade Valley Court, Las Vegas, NV 89128
Telephone 702-794-0550
EIN or DUNS 140392056

Block 2 **Description**
Solar Covered Parking, Phase II, Bid Lot E Lead Design/Build Team Representative (General Building Contractor) **RFP#** 10.15341.13DC

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
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Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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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

Gary Siroky
Name

February 17, 2011
Date

JENNIFER MORONES
Notary Public State of Nevada
No. 96-5217-1
My appt. exp. May 27, 2012

Subscribed and sworn to before me this 17th day of February, 2011

Jennifer Morones
Notary Public

EXHIBIT B
GENERAL CONDITIONS

SECTION 1. DEFINITIONS

SECTION 2. DESIGN-BUILD TEAM'S RIGHTS AND RESPONSIBILITIES

2.01 Designated Representative
2.02 Responsibility for Site Conditions and Geotechnical Information
2.03 Responsibility for the Security of the Work and Project Site
2.04 Responsibility for Protecting Adjacent Areas
2.05 Responsibility for Construction Safety
2.06 Responsibility for Clean-Up of the Work Site
2.07 Responsibility for Construction Procedures
2.08 Responsibility for Substitution of Team Members, Key Personnel, Subconsultants, and Subcontractors
2.09 Responsibility for Employment of Competent Superintendent
2.10 Responsibility for Uncovering and Correcting the Work
2.11 Responsibility for Permits and Fees
2.12 Responsibility for Record Documents
2.13 Responsibility for Substitutions of Materials, Products or Services
2.14 Responsibility for the Delivery and Storage of Materials and Equipment
2.15 Responsibility for Emergencies
2.16 Responsibility for Payment of Subcontractor and Other Parties
2.17 Responsibility for Schedule of Values

SECTION 3. OWNER'S RIGHTS AND RESPONSIBILITIES

3.01 Designated Representative
3.02 Right to Perform or Award Separate Contracts for Portions of the Work
3.03 Right to Perform Additional Work Within or Near the Project Site
3.04 Progress Meetings
3.05 Right of Suspension
3.06 Right of Termination for Convenience
3.07 Owner's Right to Replace Subcontractor or Subconsultant

SECTION 4. CONTRACT COMMENCEMENT, PROGRESS AND COMPLETION

4.01 Notice to Proceed
4.02 Guaranteed Project Schedule
4.03 Progress of the Work
4.04 Contract Time
4.05 Progress Payments and Retainage

SECTION 5. COMPLETION OF THE PROJECT

5.01 Substantial Completion
5.02 Punch List
5.03 Final Inspection and Final Acceptance of the Work
5.04 Final Payment
5.05 Non-Conforming Work Not Accepted

SECTION 6. LIQUIDATED, CONSEQUENTIAL AND DELAY DAMAGES

6.01 Owner's Recovery of Liquidated Damages
6.02 Owner's Recovery of Consequential Damages
6.03 Delay Damages

SECTION 7. BONDING REQUIREMENTS

7.01 Required Bonds
7.02 Acceptable Surety
7.03 Failure to Maintain Bonds

SECTION 8. INSURANCE REQUIREMENTS

8.01 In General
8.02 Acceptable Insurance Company
8.03 Premiums, Deductibles and Self-Insured Retentions
8.04 Certificate of Insurance
8.05 Renewal Policies
8.06 Cancellation and Modification of Insurance Coverage
8.07 No Recourse
8.08 Endorsements and Waivers
8.09 Failure to Provide or Maintain Insurance Coverage

SECTION 9. INDEMNITY

9.01 General Indemnity
9.02 Patent Indemnity

SECTION 10. BREACH OF CONTRACT AND REMEDIES

10.01 Definition of Breach
10.02 Event of Default
10.03 Damages
10.04 Termination for Cause
10.05 Owner's Right to Perform the Work
10.06 Deduction From Progress Payments
10.07 Rights and Remedies are Cumulative

SECTION 11. REPRESENTATIONS AND WARRANTIES

11.01 General Representations and Warranties
11.02 Warranty of Merchantability and Fitness for Particular Purpose
11.03 Warranty Work Conforms with Requirements of the Contract
11.04 Warranty Exclusions Prohibited

SECTION 12. DISPUTES BETWEEN THE PARTIES

12.01 Preliminary Resolution
12.02 Arbitration

SECTION 13. COMPLIANCE WITH THE LAWS

13.01 General
13.02 Compliance with Labor Laws
13.03 Compliance with Americans with Disabilities Act
13.04 Compliance with Immigration Reform Control Act of 1986
13.05 Air Pollution Control
13.06 Fire Prevention
13.07 Provisions Required by Law
13.08 Stormwater Pollution Control
13.09 Disposal of All Wastes (Hazardous, Toxic, and Non-Hazardous
13.10 Compliance with National Environmental Policy Act (NEPA)

SECTION 14. CONTRACT INTERPRETATION

14.01 General
14.02 Intent and Correlation
14.03 Governing Order of Contract Documents
14.04 Conflicting Conditions
14.05 Graphic Enhancement

SECTION 15. MISCELLANEOUS PROVISIONS

15.01 Regulatory Authorities
15.02 Subcontracts
15.03 Right to Review and Audit
15.04 Independent Design-Build Team
15.05 Severability
15.06 Assignment of Contractual Rights
15.07 Ownership and Use of Documents
15.08 Prohibited Interest
15.09 Waiver
15.10 No Personal Liability
15.11 Contract Modification

SECTION 1. DEFINITIONS

The following definitions shall apply to the Contract:

"Addendum" means any written or graphic instrument issued by the Owner via the City of Las Vegas Purchasing and Contracts Office prior to the submission of Proposals which modifies or interprets the RFP Documents by means of an addition, deletion, clarification, correction or other type of modification.

"Adverse Weather" means the climatic conditions that affect the critical path of the Work and prohibit it from being safely or effectively performed as scheduled using normal and customary protective measures.

"Bridge Documents" means the initial documents provided by the Owner to the Design-Build Team which describe the aesthetic and functional requirements of the Project and includes without limitation, the following schematic documents: site plans, demolition plans, grading plans, utility plans, floor plans, elevations, sections, details, window/door schedules, ceiling/lighting plans, roofing plans, interiors, planting plans, electrical/plumbing/mechanical information, geotechnical evaluations, asbestos survey and abatement specifications, fire line analysis, irrigation line analysis, technical drainage studies, and related specifications. The Bridge Documents will be used by the Design-Build Team to prepare the final stamped plans, specifications and related contract documents for the Project.

"Change Directive" means any written order from the Owner directing immediate changes in the Work for which a modification to the Contract Amount, Contract Time or other provision of the Contract may be appropriate but may not have been negotiated at the time of issuance. The Design-Build Team is to proceed immediately with the implementation of the Change Directive.

"Change Order" means any written order to the Design-Build Team signed by the Owner and Design-Build Team issued after execution of the Contract that authorizes a change in the Work, Contract Amount or Contract Time. Except as allowed by the Contract Documents, the Contract Amount or Contract Time may be changed only by the issuance of a Change Order. The execution of the Change Order indicates the Design-Build Team's agreement to the terms set forth therein including the adjustment, if any, in the Contract Amount or Contract Time.

"Consultant" means the consulting firm contracted by the Owner to assume some or all of the responsibilities of the Owner for administration of the Contract.

"Contract" means the entire agreement between the parties as set forth in the Contract Documents which does not come into legal existence until execution of the Design-Build Contract by the Owner.

"Contract Amount" means the compensation to be paid the Design-Build Team to perform the Work and is included in the "Contract Amount" section of the Design-Build Contract.

"Contract Documents" means the Design-Build Contract, including all incorporated documents.

"Contract Time" means the number of days set forth in Section 6 of the Design-Build Contract (Contract Time) for achieving Substantial Completion of the Work, including the authorized extensions thereto, which commences to start with the date set forth in the Notice to Proceed.

"Critical Path" means the path through the project schedule indicating the minimum time in which it is possible to complete the Work, and the tasks that, if delayed, will delay Substantial Completion of the Work."

"Critical Path Method" means the method of developing a network analysis system as outlined in "CPM in Construction Management" by James J. O'Brien and Freddie L. Plotnick (McGraw-Hill, Inc., 5th Edition).

"Date of Substantial Completion" means the date established and certified by the Owner when construction is sufficiently complete, in accordance with the Contract Documents, so the Owner can occupy or utilize the Work, or designated portion thereof, for the purpose for which it is intended.

"Day" means a calendar day unless otherwise specifically designated.

"Design-Build Team" ("Team")means an entity that consists of at least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and at least one person who

holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS. Design-Build Team shall have the same meaning as defined in Nevada Revised Statute 338.

"Designated Representative" means the person authorized pursuant to Section 3.01 (Designated Representative) of the General Conditions to act or make decisions on behalf of the Owner.

"Drawings" mean the diagrammatic representations of the requirements for construction of the Work prepared by the Design-Build Team and approved by the Owner subsequent to the execution of the Contract.

"Final Completion" means the satisfactory completion of all of the Work under the Contract. Final Completion occurs only after the Design-Build Team complies with the requirements of Section 5.03 (Final Inspection and Final Completion of the Work) of the General Conditions and the Owner approves final payment to the Design-Build Team.

"Modification" means (i) any Addendum pertaining to the Contract, (ii) a Change Order, (iii) a written interpretation, (iv) a written order issued by the Owner for a minor change in the Work, or (v) a written amendment to the Contract signed by both parties.

"Notice of Award" means the letter issued by the Owner notifying the Design-Build Team of the award of the Project by the City Council, authorizing the Design-Build Team to proceed with the procurement of the bonds and insurance, and including the Design-Build Contract for execution and return to the Owner.

"Notice to Proceed" means the document issued by the Owner that (i) establishes the date the Design-Build Team is authorized to commence activity, and (ii) commences the running of the Contract Time.

"Owner" means the City of Las Vegas and is referred throughout the Contract as if singular in number and neuter in gender. The term includes the Owner's Designated Representative identified in Section 3.01 (Designated Representative) of the Contract.

"Product Data" means the illustrations, standard schedules, performance charts, instructions brochures, diagrams and any other information furnished by the Design-Build Team to illustrate a material, product or system for some portion of the Work.

"Project" means the total design and construction of which the Work performed under the Contract may be the whole or a part thereof and which may include construction by the Owner or by others hired by the Owner.

"Promptly" means without delay and on time.

"Proposal" means the written document submitted by the Design-Build Team in response to the Owner's Request for Final Proposals.

"Reasonable Time" means ten (10) business days, except where otherwise specified, or unless City Council action is required.

"RFP Documents" means the documents comprising the Request for Final Proposals for the Design-Build of the Solar Covered Parking, Phase II – Bid Lot E Project (RFP No. 10.15341.13-DC) and includes the following documents: Request For Final Proposal, Instructions (together with Proposal forms) and the Design/Build Contract and documents incorporated therein.

"Samples" mean the physical examples that illustrate the materials, equipment or workmanship, to be used by the Design-Build Team and that establish standards for the judgment of the Work.

"Shop Drawings" mean the drawings, diagrams, schedules and other data specially prepared for the Work by the Design-Build Team or any Subcontractor, manufacturer, supplier or distributor to illustrate some portion of the Work.

"Subcontractor" means any individual or entity who is sublet any part of the Work by the Design-Build Team. There is no contractual relationship between the Owner and the Subcontractor who performs work or services for the Design-Build Team.

"Submittal" means the item required by the Contract to be provided to the Owner for information, review, or approval as indicated. Unless otherwise specifically indicated, Submittals are not a part of the construction and do not become part of the Contract Documents. Schedules, Shop Drawings, Product Data, and Samples are typical examples of a Submittal.

"Substantial Completion" means the point in time when, in the opinion of the Owner, construction is sufficiently complete, in accordance with the Contract, that the Owner can occupy or utilize the Work, or designated portion thereof, for the intended use of the Project. This is not necessarily final acceptance of the Project or any portion thereof. A Certificate of Substantial Completion shall be issued by the Owner establishing the Date of Substantial Completion and noting any incomplete or unacceptable portions of the Work that must be completed or corrected prior to final acceptance of the Work. The date of such Certificate shall commence the running of the warranty periods required by the Contract Documents for the completed portions of the Work, except as otherwise provided in the Contract Documents or Certificate of Substantial Completion.

"Technical Specifications" means the written descriptions of the requirements for the Work prepared by the Design-Build Team and approved by the Owner subsequent to the execution of the Contract.

"Work" means the construction and services required by the Contract, whether completed or partially completed, and includes the labor, materials, equipment and services provided or to be provided by the Design-Build Team to fulfill his obligations under the Contract. The Work may constitute the whole or a part of the Project.

SECTION 2. DESIGN-BUILD TEAM'S RIGHTS AND RESPONSIBILITIES

Section 2.01 Designated Representative

The Design-Build Team's Designated Representative with respect to the Contract is . The Designated Representative shall have complete authority to transmit instructions, receive information, interpret and define the policies of the Design-Build Team and to make other decisions on the part of the Design-Build Team. Following the issuance of the Notice to Proceed, the Designated Representative may perform any review, communications, notices or other act required on the part of the Design-Build Team.

Section 2.02 Responsibility for Site Conditions and Geotechnical Information

The Design-Build Team awarded this Contract, shall be responsible for investigating the surface and subsurface conditions of the Work site, and for rendering the same suitable for the completion of the Project. The Design-Build Team agrees to retain the services of a geotechnical consultant who shall conduct an investigation of the Work site including, but not limited to, test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, ground corrosion and resistively tests and necessary operations for anticipating subsoil conditions. The services of geotechnical engineer(s) or other consultants shall include preparation and submission of all appropriate reports and professional recommendations to Design-Build Team. Such reports and recommendations shall promptly be made available to the Owner. The Design-Build Team retains responsibility for the engineering design and construction associated with the preparation and excavation of the Work site and the construction of foundations necessary to complete the Project according to the Contract.

Section 2.03 Responsibility for the Security of the Work and Project Site

The Design-Build Team is responsible at all times for the Work and for the Project site regardless of whether or not the Owner has required any insurance coverages (such as Builder Risk Insurance) which would have protected the interest of the Design-Build Team and the Owner. The Design-Build Team shall conduct its operations under the Contract in a manner so as to avoid the risk of damage, injury, loss or theft by any means (including acts of God, vandalism or sabotage) to the Work or to the property of the Design-Build Team, Owner or any other person. The Design-Build Team shall promptly take such reasonable precautions, which are necessary and adequate against any and all conditions involving such risk of damage, injury, loss or theft. The Design-Build Team shall continuously inspect the Work (including the materials and equipment used in connection therewith) to discover and determine if any such conditions exists and shall be solely responsible for correcting such conditions.

The Design-Build Team shall cooperate with the Owner on all security matters and shall promptly comply with any security requirements established by the Owner. Such compliance with these security requirements shall not relieve the Design-Build Team of its responsibility for maintaining proper security for the above-noted items, nor shall it be construed as limiting in any manner the Design-Build Team's obligation to undertake such reasonable action as may be required to

establish and maintain secure conditions at the Work site. The Design-Build Team shall prepare and maintain accurate reports of incidents of loss, theft or vandalism and shall furnish these reports to the Owner in a timely manner.

Section 2.04 Responsibility for Protecting Adjacent Areas

Unless otherwise specifically provided in the Contract, the Design-Build Team shall not perform the Work in a manner that would disrupt or otherwise interfere with the operation of any pipeline, telephone line, electric transmission line, ditch or other structure which may be on or adjacent to the Work site, or enter upon lands in their natural state until approved by the Owner. Thereafter, and before it begins the Work, the Design-Build Team shall give due notice to the Owner of its intention to start the Work. The Design-Build Team shall not be entitled to an increase in the Contract Time, or extra compensation on account of any postponement, interference or delay of the Work caused by such line, ditch or structure.

The Design-Build Team shall preserve and protect cultivated areas and planted vegetation (such as trees, plants, shrubs and grass) on or adjacent to the Work site that the Owner has determined does not unreasonably interfere with the performance of the Work (including the operation of equipment or stockpiling of materials) and shall repair or restore any damage thereto.

Section 2.05 Responsibility for Construction Safety

The Design-Build Team shall be solely and completely responsible for providing safe conditions at the Project Site to assure the protection of employees and other persons present thereon, and any property affected by the performance of the Work. Prior to the Notice to Proceed, the Design-Build Team shall submit its Safety Management Program setting forth the safety precautions and procedures to be in effect at the Project Site. The Design-Build Team shall comply with all of the requirements set forth in the Safety Management Program, which is incorporated herein by this reference. Each Subcontractor shall agree in writing to comply with the requirements of the Safety Management Program prior to performing any portion of the Work.

An employee of the Design-Build Team shall be designated the person who shall be responsible for the safety conditions at the Project Site. Such designated person shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work.

The Design-Build Team shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss. Any Hazardous Substance encountered at the Project Site shall be handled in accordance with applicable laws, ordinances, rules and regulations governing such substance.

Section 2.06 Responsibility for Clean-Up of the Work Site

The Design-Build Team shall, at all times, keep the work area in a neat, clean and safe condition. Upon completion of any portion of the Work, the Design-Build Team shall promptly remove all of its equipment, temporary structures and surplus materials not to be used at or near the same location during later stages of work. Upon completion of the Work and before final payment is made, the Design-Build Team shall, at its expense, dispose of all unnecessary vegetation, structures, rubbish, unused materials, and other equipment and materials belonging to it or used in the performance of the Work to the satisfaction of the Owner in accordance with all applicable federal, state, and local laws, ordinances and codes. The Design-Build Team shall leave the premises and Work site in a neat, clean, and safe condition. In the event of the failure to comply with the aforegoing, the Owner may satisfy the requirements of this Section at the Design-Build Team's expense.

Section 2.07 Responsibility for Construction Procedures

The Design-Build Team shall supervise and direct the Work using its best skill and attention. The Design-Build Team shall be solely responsible for the design, construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under the Contract.

The Design-Build Team shall not be relieved from its obligations to perform the Work in accordance with the Contract either by the activities or duties of the Owner in the administration of the Contract, or by inspections, tests or approvals required or performed by persons other than the Design-Build Team.

Section 2.08 Responsibility for Substitution of Team Members, Key Personnel, Subconsultants, and Subcontractors

The Design-Build Team shall have no substitutions in their Team Members, Key Personnel, and Named Subconsultants or Subcontractors without the Owner's prior written consent.

Section 2.09 Responsibility for Employment of Competent Superintendent

The Design-Build Team shall employ a competent Superintendent dedicated full time to supervise and direct the Work. The Superintendent shall be present at the progress meetings and during the entire progress of the Work. The Superintendent shall effectively communicate with the Owner and shall have a thorough understanding of the Work and the Contract. The Design-Build Team shall designate a Superintendent who is acceptable to the Owner. Any substitution of the Superintendent is strongly discouraged and will be permitted only after a written request for such substitution has been made and approved by the Owner. The Owner shall submit any requests for substitution of the Superintendent, in writing, stating the reason for such request. Approval of a substitution request by either party shall not be unreasonably denied.

Section 2.10 Responsibility for Uncovering and Correcting the Work

If any portion of the Work has been covered contrary to the request of the Owner or contrary to the requirements stated in the Contract, the Design-Build Team shall, if requested by the Owner, uncover for observation and, if unacceptable, shall be replaced and recovered at the Design-Build Team's expense without any adjustment to the Contract Time.

If any portion of the Work has been covered which the Owner has not specifically requested to observe prior to being covered, the Design-Build Team shall, if requested by the Owner, uncover for observation and, if unacceptable, shall be replaced and recovered at the Design-Build Team's expense without any adjustment to the Contract Time. If the uncovered Work is in compliance with the requirements of the Contract, the cost to recover shall be paid by the Owner.

Section 2.11 Responsibility for Permits and Fees

Unless otherwise provided in the Contract Documents to be the responsibility of the Owner, the Design-Build Team shall secure all the necessary permits and pay the required license and inspection fees associated therewith, which are necessary for the proper execution and completion of the Work.

Section 2.12 Responsibility for Record Documents

The Design-Build Team shall keep a marked-up, up-to-date set of the Progress Record Documents subject to the provisions of Section 01700 of the Bridging Documents. The Progress Record Documents shall depict the as-built conditions of the Work as they occur during the course of construction as an accurate record of the deviations between the Work as designed and the Work as installed.

Section 2.13 Responsibility for Substitutions of Materials, Products or Services

a. Criteria. The Design-Build Team may propose the substitution of any material, product or service in lieu of that required or specified by brand name or trade name under the Contract subject to the requirements set forth herein. Any material, product or service manufactured by a company other than the one specified, or is brand name, model number or generic species other than what is specified, will be considered a substitution.

Prior to proposing the substitution, the Design-Build Team shall determine whether or not (i) the proposed material, product or service is, in fact, equal to that specified after considering the ease of operation, maintenance, repairs, appearance, longevity and any other pertinent factors and (ii) the substitution will result in a cost savings, reduced construction time or similar demonstrable benefit to the Owner. A substitution will not be permitted where the material or product is intended to match others in use, accommodate artistic design, specific function or economy of maintenance.

b. Procedure. The Design-Build Team shall, within 10 days after award of the Contract submit to the Owner a written request for the substitution accompanied by drawings, samples, test data, certificates and any other pertinent documentation which will permit the Owner to make a fair and equitable decision concerning the proposed substitution. If the Design-Build Team fails to submit the written request within the specified time, the substitution will not be allowed. If

the substitution is acceptable to the Owner, a written authorization will be provided to the Design-Build Team. No substitution will be allowed which will result in an increase in the Contract Amount.

c. Burden of Proof. The burden of proof in establishing the equality of the proposed substitution shall be upon the Design-Build Team. Approval of a substitution shall not relieve the Design-Build Team from responsibility for compliance with the other requirements of the Contract. The Design-Build Team shall bear the expense for any changes in other parts of the Work caused by the substitution. The submission of a substitution incurs no obligation on the part of the Owner to accept or construe the proposed substitution to be an equal to that specified under the Contract. The Owner will be the sole judge of whether or not the substitution is equal in quality, utility and economy to that specified under the Contract. The Owner will have a reasonable amount of time to review each request for substitution.

d. Required Certificates. The substituted material, product or service shall be supported, by proper certification from the governmental agencies having jurisdiction over its use in the Work.

Section 2.14 Responsibility for the Delivery and Storage of Materials and Equipment

The Design-Build Team shall receive, unload, store in a secure place, and deliver from storage to the Work site all materials and equipment required for the performance of the Contract. The storage facilities and methods of storing shall meet with the Owner's approval. Any materials and equipment subject to degradation by exposure shall be stored in a suitable enclosure provided by the Design-Build Team.

Section 2.15 Responsibility for Emergencies

When emergencies affecting or threatening the safety of any person or property occur, the Design-Build Team shall immediately act with diligence to prevent injury to such person, or damage or loss to such property. If the Design-Build Team should fail to act, the Owner may, but is not obligated to, act immediately to prevent injury to such person, or damage or loss to property, whichever may be endangered by the emergency by whatever means or method the Owner deems appropriate, including, but not limited to, the use of other Design-Build Teams, the Owner's own forces, and the Design-Build Team's on-site equipment and materials, in which case, the Design-Build Team shall pay the Owner for any such expenses incurred as provided in Section 10.05 (Owner's Right to Perform the Work).

Section 2.16 Responsibility for Payment of Subcontractor and Other Parties

The Design-Build Team is responsible for paying each Subcontractor and Subconsultant performing any portion of the Work, and other parties providing labor, material or supplies in connection with the Work in a timely manner.

Section 2.17 Responsibility for Schedule of Values

The Design-Build Team, if so requested by the Owner, shall provide the Owner with a Schedule of Values allocated to various portions of the Work. The Schedule of Values shall be formed and supported by such data and information, acceptable to the Owner.

Each line item of the Schedule of Values shall contain no more than reasonable and attributable costs applicable to the line item. The Design-Build Team shall warrant the Schedule of Values to be reliable and accurate, and documents used in the preparation thereof shall be available for review by the Owner.

SECTION 3. OWNER'S RIGHTS AND RESPONSIBILITIES

Section 3.01 Designated Representative

The Owner's Designated Representative with respect to the Contract shall have complete authority to transmit instructions, receive information, interpret and define the policies of the Owner and to make other decisions on the part of the Owner. Following the issuance of the Notice to Proceed, the Designated Representative may perform any review, communications, notices or other act required on the part of the Owner.

The Designated Representative shall not have any authority to change or interpret the Contract or Contract Documents, whether orally or in writing. Any ambiguity between the parties that require interpretation of the Contract or Contract Documents shall be resolved by written submission of a Request for Information by the Design-Build Team. Any request for a change to the Contract or Contract Documents shall be resolved by written submission of a Change Order request

by the Design-Build Team. The Contact or Contact Documents shall not be changed without written confirmation from the Owner.

Communications from the Owner's Representative may be verbal or written. Any verbal instruction or directive by the Owner's Representative to the Design-Build Team that changes either the Contract Amount or Contract Time or that changes either the Contract or the Contract Documents shall not be valid unless confirmed in writing and acknowledged and accepted by the Owner 1) within five working days or 2) when the work that is subject to the verbal directive commences, whichever is earlier. Absent written confirmation of the Owner's Representative's verbal instruction to the Design-Build Team, the parties agree that there is a strong presumption that no such verbal directive was ever given.

Section 3.02 Right to Perform or Award Separate Contracts for Portions of the Work

a. Coordination. The Owner reserves the right to perform portions of the Work related to the Project with its own forces or to award a separate contract or contracts for portions of the Work under the same or similar conditions of the Contract. The Owner will provide for the coordination of the activities by its own forces and that of each separate Design-Build Team with the Work of the Design-Build Team. The Design-Build Team shall participate with the Owner and the other separate Design-Build Teams in reviewing their construction schedules when so directed by the Owner.

b. Revisions to the Guaranteed Project Schedule. The Design-Build Team shall make the revisions to the Guaranteed Project Schedule deemed necessary after a joint review and mutual agreement. The Guaranteed Project Schedule as revised shall then constitute the schedule to be used by the Design-Build Team. If the activities by the Owner or the other Design-Build Teams are completed within the time reflected in the Guaranteed Project Schedule as revised or an extension is granted in the Contract Time, the Design-Build Team shall be precluded from asserting any claim for delay or additional expenses resulting from the Owner exercising its rights granted herein.

c. Storage of Equipment and Materials. The Design-Build Team shall afford the Owner and any separate Contractor reasonable opportunity for introduction and storage of their materials and equipment and performance of their activities, and shall connect and coordinate the Design-Build Team's construction and operations with theirs as required by the Contract.

d. Reporting of Separate Contractor Deficiencies. If part of the Work depends on the proper execution of construction or operations by the Owner or a separate Contractor, the Design-Build Team shall, prior to proceeding with the Work and each portion thereof, promptly report to the Owner any apparent discrepancies or defects in such other construction or operations that would render the Work unsuitable for proper execution by the Design-Build Team. The Design-Build Team's failure to report such discrepancy or defect shall constitute an acknowledgment that the Owner's or separate Contractor's completed or partially completed construction or operations is fit and proper for the Design-Build Team to proceed with the Work, except as to defects not then reasonably discoverable.

e. Delays and Damages to Separate Contractors. The Design-Build Team shall defend, indemnify and hold the Owner harmless pursuant to the provisions of Section 9.01 (General Indemnity) of the General Conditions for each claim asserted by a separate Contractor for delay, improperly timed activity, defective construction or damage to the work of the separate Contractor which is caused by the Design-Build Team. The Design-Build Team agrees to make no claim of cost or damages against the Owner for any delay, improperly timed activity, defective construction or damage to the Work of the Design-Build Team which is caused (i) by the Design-Build Team, or (ii) by a separate Contractor unless such Contractor is under contract to the Owner, or to a general Contractor of the Owner.

f. The Owner shall pay each claim of cost incurred by the Design-Build Team arising from the delay, improperly timed activity, defective construction or damage to the Work caused by a separate Contractor acting under the direction or control of the Owner, or under the direction and control of a general Contractor of the Owner, provided such claim meet the requirements contained in Section 01200 (Price and Payment Procedures) of the Bridging Documents.

The failure of either party to pay the costs as required herein shall entitle the other party to file a claim pursuant to Section 12 (Disputes between the Parties) of the Contract.

g. Repair of Damages. The Design-Build Team shall promptly repair any damage caused by the Design-Build Team to the work of a separate Contractor or to any property of the Owner or other property owner if so requested and permitted by the injured party. Such repair shall be in lieu of the payment of monetary damages to the injured party.

Section 3.03 Right to Perform Additional Work Within or Near the Project Site

The Owner reserves the right at any time to contract with another Contractor whose work may occur within or near the site of the Project. In such event, the Design-Build Team agrees not to interfere with or hinder the progress of work by the other Contractor, and the Owner agrees to require such Contractor to coordinate its work with that of the Design-Build Team. The Design-Build Team agrees to cooperate and coordinate with such Contractor as directed by the Owner.

The Design-Build Team shall arrange the Work and shall place and dispose of the materials being used so as not to interfere with the operations of other Contractors within the limits of the same Project. The Design-Build Team shall join the Work with that of the other Contractor in an acceptable manner and shall perform it in proper sequence to that of the other Contractor.

Section 3.04 Progress Meetings

The Owner shall chair the progress meetings between the parties to the Contract that shall include a representative from each major subcontractor if so requested by the Owner. The Owner shall take notes of the progress meeting and shall distribute copies to each party within five (5) days after completion of the meeting. The conference notes shall summarize decisions made at the meeting and reflect the weekly job progress in comparison to the Guaranteed Project Schedule. The attendees are responsible for remembering their own required action and the conference notes shall serve only as a reminder and record of the required action.

Section 3.05 Right of Suspension

The Owner may, without cause, order the Design-Build Team in writing to suspend, delay or interrupt the Work, in whole or in part, for such period of time as determined by the Owner. An adjustment shall be made for the increase in the cost of performing the Contract (excluding therefrom any profit to the Design-Build Team), on the increased cost of performance caused by the suspension, delay, or interruption.
No adjustment shall be made to the extent that:

i. The performance is, was or would have been so suspended, delayed or interrupted by another cause for which the Design-Build Team is responsible; or
ii. An equitable adjustment is made or denied under another provision of the Contract Documents, or
iii. The Design-Build Team could have mitigated the increase in cost to perform the Contract.

Section 3.06 Right of Termination for Convenience

Prior to, or during the performance of the Work, the Owner reserves the right to terminate the Contract in whole or in part, for any reason whatsoever (including, but not necessarily limited to, funding limitations). Upon such an occurrence the Owner will immediately notify the design professional and the Design-Build Team in writing specifying the effective termination date of the Contract.

After receipt of the Notice of Termination, the Design-Build Team shall immediately proceed with the following obligations, regardless of any delay in determining or adjusting any amounts due at the point in the Contract:

i. Stop all construction;
ii. Place no further orders for materials or services;
iii. Terminate all subcontracts;
iv. Cancel all material and equipment orders as applicable; and
v. Take whatever action is necessary to protect and preserve all property related to this Contract, which is in the possession of the Design-Build Team.

Within 180 days of the date of the Notice of Termination, the Design-Build Team shall submit a final termination settlement proposal to the Owner based upon costs up to the date of termination, including reasonable profit as allowed by the Contract Documents on completed Work, and reasonable demobilization costs as allowed by the Contract Documents. If the Design-Build Team fails to submit the proposal within the time allowed, the Owner may determine the amount due to the Design-Build Team because of the termination and shall pay the determined amount to the Design-Build Team.

Section 3.07 Owner's Right to Replace Subcontractor or Subconsultant

The Owner shall have the right to require that the Design-Build Team replace any Subcontractor or Subconsultant at any time and for any reason by requesting such change in writing in accordance with the provisions of NRS 338.141.

SECTION 4. CONTRACT COMMENCEMENT, PROGRESS AND COMPLETION

Section 4.01 Notice to Proceed

After receipt of all required post-Proposal submittals, the Owner will issue the Notice to Proceed. The Design-Build Team shall not commence activities on the Project prior to the date specified in the Notice to Proceed.

Section 4.02 Guaranteed Project Schedule

Within the time provided in Section 01330 of the Bridging Documents, the Design-Build Team shall submit the Guaranteed Project Schedule for the Work, which shall contain the appropriate milestones by which the Owner can judge and determine the progress thereof.

Section 4.03 Progress of the Work

The Design-Build Team shall provide sufficient labor, materials, facilities, and equipment and shall work such hours, including night shifts, overtime operations, Saturdays, Sundays and holidays, as may be necessary to insure the prosecution and completion of the Work or separable portions thereof, in accordance with the Guaranteed Project Schedule.

If the progress of the Work falls behind or fails to proceed in accordance with the Guaranteed Project Schedule, or it becomes apparent to the Owner from the current schedule that the Work will not be substantially complete within the Contract Time (as adjusted by Owner approved Change Orders), in addition to the other requirements of the Contract and remedies available to the Owner, the Design-Build Team agrees to take the following actions at no additional cost to the Owner to correct such tardiness:

i. Increase manpower in such quantities and crafts as will substantially eliminate, in the judgment of the Owner, the backlog of Work;
ii. Increase the number of working hours per shift, shifts per working day, working days per week, the amount of equipment, or any combination of the foregoing, sufficient to substantially eliminate, in the judgment of the Owner, the backlog of Work; and,
iii. Reschedule activities to achieve maximum practical concurrence of accomplishment of activities.

The failure of the Design-Build Team to comply with the requirements of this Section or to remedy the tardiness shall be grounds for a determination by the Owner that the Design-Build Team is failing to diligently prosecute the Work, in which case the Owner may, after the notice of the breach has been provided to the Design-Build Team pursuant to Section 10.01 (Definition of Breach) of the Contract, without prejudice to other remedies the Owner may have and regardless of whether the Design-Build Team has taken or is taking corrective action, immediately correct the Design-Build Team's failure at the Design-Build Team's expense by exercising the right to perform and carry out the work as provided in Section 10.05 (Owner's Right to Perform the Work) including the use of the Owner's work forces, to award separate contracts, to supplement the Design-Build Team's work forces, to prepare or have prepared schedules which shall be used to determine the provisions of the Contract to withhold actual and anticipated liquidated damages and consequential damages, and any other means the Owner deems appropriate.

Section 4.04 Contract Time

Time is of the essence in the performance and completion of this Contract. The Design-Build Team shall commence the Work on the date set by the Owner in the Notice to Proceed, and shall achieve Substantial Completion of the Work within the Contract Time.

Section 4.05 Progress Payments and Retainage

a. **Progress Bills and Payments**. The Design-Build Team may submit a monthly progress bill requesting payment for the Work performed to-date after measuring the Work and estimating its value based upon the unit prices contained in the Contract or the approved Schedule of Values. The progress bill must be submitted by the deadline

established by the Owner and must be accompanied by photographs of the Work completed to date and other supporting documentation (such as material receipts and storage verifications). The quantities and value estimates must have the concurrence of the Owner. As permitted pursuant to Section 10.06 (Deduction from Progress Payments) of the Contract and NRS Chapter 338, the Owner may withhold from the progress payment an amount that is sufficient to protect the Owner for the Design-Build Team's failure to comply with the requirements of the Contract or applicable building codes, laws or regulations.

The Design-Build Team must submit certified payroll records each month as required by NRS Chapter 338. If the certified payroll records for the previous month have not been received, the Owner may withhold funds from the progress payment in accordance with NRS Chapter 338.

b. Retainage. From the progress payment to be made to the Design-Build Team, the Owner shall deduct and retain an amount equal to ten percent (10%) of the amount approved for payment.

c. Payment for Stored Material. The Owner may at its discretion pay the Design-Build Team for the cost of the material to be used in the performance of the Work, provided the material complies with the requirements of the Contract and the following conditions are satisfied:

i. The Design-Build Team stores the material in a manner acceptable to the Owner at the Work site or other site that is acceptable to the Owner.
ii. The Design-Build Team furnishes evidence of the quantity and quality of the stored material that is acceptable to the Owner.
iii. The Design-Build Team furnishes legal title (free of liens or encumbrances of any kind) for the stored material that is acceptable to the Owner.
iv. The Design-Build Team furnishes evidence the stored material is insured against loss, damage or disappearance thereof prior to use in the Work that is acceptable to the Owner.

The transfer of title to, or the payment for, the stored material by the Owner shall in no way relieve the Design-Build Team of responsibility for placing the material in accordance with the requirements of the Contract.

If payment is being sought for material not specifically purchased for the Work, but taken from the Design-Build Team's stock, then in lieu of an invoice, the Design-Build Team shall submit to the Owner a statement and accompanying affidavit certifying that the material was taken from the Design-Build Team's stock and that the claimed material and transportation costs represent the actual costs to the Design-Build Team.

The progress bill requesting payment for the stored material shall not exceed the Contract price for such material or the price for the Contract item comprising the material used by the Design-Build Team.

SECTION 5. COMPLETION OF PROJECT

Section 5.01 Substantial Completion

When the Design-Build Team considers the Work or portion thereof has reached Substantial Completion, the Design-Build Team shall so inform the Owner. The Owner shall schedule a walk-through to establish a punch list of items to be completed or corrected by the Design-Build Team.

If the Work or any designated portion thereof has reached Substantial Completion, and all applicable governmental authorities have granted final approval of the Work, the Owner will issue a Certificate of Substantial Completion establishing the date of Substantial Completion identifying responsibilities of the Owner and Design-Build Team for security, maintenance, utilities, damage to the work and insurance, and fixing the time for the Design-Build Team to finish the items on the punch list accompanying the Certificate. The Certificate of Substantial Completion shall be submitted to the Owner and Design-Build Team for their written acceptance of responsibilities assigned to them in such Certificate.

In the event the Design-Build Team is unwilling to provide written acceptance of the Certificate of Substantial Completion, the Owner shall issue the Certificate without the Design-Build Team's signature, and (i) the Design-Build Team shall immediately comply with the provisions of the Certificate, and any dispute involving the Design-Build Team's unwillingness to provide written acceptance shall be resolved in accordance with Section 12 (Disputes Between the Parties). In such event, the Owner may withhold Liquidated Damages based on the completion date shown on the issued Certificate of Substantial Completion until such time as the dispute is resolved between the parties.

Section 5.02 Punch List

The Design-Build Team shall complete or correct the Work identified on the punch list within the time specified on the Certificate of Substantial Completion or as otherwise directed. If the Design-Build Team fails to satisfactorily complete or correct the punch list items, such failure shall constitute a breach of this Agreement and the Owner shall have the option to invoke any of the remedies provided for under Section 10.

The time stated for completion of punch list items shall include final clean up of the Work site.

Section 5.03 Final Inspection and Final Acceptance of the Work

When the Design-Build Team considers the Work is complete, the Design-Build Team shall so notify the Owner in writing. If, after inspection and testing, the Owner determines that the Work has been completed as required by the Contract and the Contract otherwise fully performed, the Owner shall inform the Design-Build Team that application for final payment may be made. The Contract shall not be considered to be fully performed until the Design-Build Team provides the Owner with the certificates, guaranties, releases, certified payroll records, affidavits, record documents and other documents required under the Contract. Final acceptance of the Work shall be confirmed by the making of final payment unless otherwise stipulated at the time such payment is made.

Section 5.04 Final Payment

Provided the Contract has been fully performed pursuant to Section 5.03 (Final Inspection and Final Acceptance of the Work) of the Contract, the Design-Build Team shall prepare and submit a final payment application for all Work performed under the Contract. The acceptance of final payment shall operate as a release to the Owner by the Design-Build Team of all claims and liabilities for all things done or furnished in connection with the Work and for every act or omission, negligent or otherwise, of the Owner and others relating to or arising out of the Work.

No payment, final or otherwise, shall operate to release the Design-Build Team from any obligations under the Contract or the Sureties from any obligations under the Performance Bond, Labor and Material Payment Bond or the Guaranty Bond.

Section 5.05 Non-Conforming Work Not Accepted

Neither final acceptance, the making of final payment, nor the entire or partial occupancy of the completed Work by the Owner shall constitute an acceptance of the Work, or any portion thereof, not completed in accordance with the requirements of the Contract.

SECTION 6. LIQUIDATED, CONSEQUENTIAL AND DELAY DAMAGES

Section 6.01 Owner's Recovery of Liquidated Damages

The Design-Build Team acknowledges that time is an essential element of this Contract and for that reason the Work needs to proceed and be prosecuted vigorously to completion. In the event that the Work is not completed within the Contract Time set forth in Section 5 (Contract Time) of the Design-Build Contract, the Design-Build Team further acknowledges that the Owner will suffer damages which are difficult to ascertain, such as, but not necessarily limited to, the loss of the use of the Work by the Owner and the public, the inconvenience suffered by the public, and the cost associated with additional architectural, engineering, inspection, supervision and contract administration.

Because it is difficult and impractical to fix the amount of actual damages which would be suffered by the Owner if the Design-Build Team fails to meet the completion deadline, the parties have agreed that the amount of liquidated damages set forth in Section 6 of the Design-Build Contract is a reasonable estimate of the damages to be suffered by the Owner.

The Design-Build Team agrees to pay the Owner Liquidated Damages for each day that the Work exceeds the completion deadline until the Design-Build Team reaches Substantial Completion of the Work. The Liquidated Damages provided for therein pertain only to the failure to complete the Work by the completion deadline, and does not preclude recovering any increased costs incurred by the Owner in completing the Work. Liquidated Damages shall be in addition to any other remedies that may be available to the Owner. By executing the Design-Build Contract, the Design-Build Team agrees that the amount of liquidated damages set forth therein is fair and reasonable.

If the Owner permits the Design-Build Team to complete the Work, or any part thereof, after the completion deadline or any extensions thereto, such permission shall not be construed as a waiver on the part of the Owner of any of its rights or remedies under the Contract.

The Owner's right to withhold Liquidated Damages pursuant to the provisions of this Section, or any other section of the Contract, is self-executing, and is not subject to the notice of claim and arbitration procedures set forth in Section 12.02 (Arbitration) of the Contract. If the Design-Build Team disagrees with the assessment or withholding of any Liquidated Damages, such disagreement shall be treated as a dispute between parties subject to the notice of claim and arbitration procedures set forth in that Section.

Section 6.02 Owner's Recovery of Consequential Damages

The Design-Build Team acknowledges that time is an essential element of this Contract and for that reason the Work needs to proceed and be prosecuted vigorously to completion. In the event that the Work is not completed within the Contract Time set forth in Section 5 (Contract Time) of the Design-Build Contract, the Design-Build Team further acknowledges that the Owner will suffer consequential damages.

The Owner has applied for and received incentives from Nevada Energy for participation in the Solar Program, pursuant to NRS 701B.160. Due to funding limitations, the Owner would have not undertaken this Project if all of the Nevada Energy Solar Program incentives listed in this Section were not available to the Owner. NRS 701B.255(6) mandates that the Incentive granted to the Owner expires and the Owner loses the incentive in its entirety if the Owner does not complete the installation of the solar energy system within 12 months after the date on which the Owner was selected for participation in the Solar Program. The following table summarizes the Locations and the Incentive Expiration Dates:

Location	Incentive Expiration Date(s)*
Fire Station #45	September 7, 2011
Fire Station #7	September 9, 2011
Fire Station #41	September 8, 2011
Fire Station #43	December 9, 2011
Fire Station #8	September 9, 2011

* **NOTE:** Each Incentive Expiration Date shall be considered as a separate date for assessment of Consequential Damages under this Section.

In order for the Owner to receive the Incentive, the Design-Build Team must meet the Mandatory Interim Substantial Completion Date (defined as achieving Substantial Completion and submitting all necessary paper work detailed in the Bridging Documents) for each Location as follows:

Location	Mandatory Interim Substantial Completion Date(s)**
Fire Station #45	August 31, 2011
Fire Station #7	September 1, 2011
Fire Station #41	September 1, 2011
Fire Station #43	December 1, 2011
Fire Station #8	September 1, 2011

****NOTE:** For Locations that have two Mandatory Interim Substantial Completion dates, two independent consequential damages may be assessed. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the first Mandatory Interim Substantial Completion Date the initial Consequential Damage will be applicable. If the Design-Build Team fails to achieve Mandatory Interim Substantial Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Interim Substantial Completion Date, the Second Consequential Damage will also apply.

In order for the Owner to receive the Incentive, the Design-Build Team must achieve Mandatory Interim Substantial Completion and submit all necessary completed paperwork detailed in the Bridging Documents by the date listed in the table above for each Location. The Mandatory Interim Substantial Completion dates are approximately seven (7) calendar

days prior to the expiration of the Incentive Expiration Date in order to permit the Owner to coordinate the processing of the Incentive paperwork and other necessary documentation with Nevada Energy.

If the Design-Build Team fails to achieve the Mandatory Interim Substantial Completion Date for a Location and/or fails to submit all necessary paper work detailed in the Bridging Documents by the date listed in the table above for a Location, the Owner's Incentive for that particular location shall expire, and the Owner will incur consequential damages detailed herein. For Locations that have a two Incentives, if the Design-Build Team fails to achieve Mandatory Substantial Interim Completion and/or fails to submit all necessary paper work detailed in the Bridging Documents by the second Mandatory Substantial Interim Completion Date for a Location, the Owner's second incentive for that particular Location shall expire, and the Owner will incur additional Consequential Damages detailed herein.

Location	Incentive Amount and Corresponding Incentive Expiration Date
Fire Station #45	$205,205.00 (September 7, 2011)
Fire Station #7	$123,140.00 (September 9, 2011)
Fire Station #41	$180,600.00 (September 8, 2011)
Fire Station #43	$158,045.00 (December 9, 2011)
Fire Station #8	$263,865.00 (September 9, 2011)

The Design Build Team agrees and acknowledges that such Consequential Damages shall be levied against the Design-Build Team if the Owner loses an incentive for a particular Location, and such amount shall be assessed by the Owner against the amount of monies withheld by the Owner for anticipatory Consequential Damages.

The Owner shall attempt to mitigate such Consequential Damages by submitting an application to Nevada Energy for a new incentive on the date the Design-Build Team achieves Substantial Completion and submits all necessary completed paper work detailed in the Bridging Documents. Any new incentive is dependent upon availability of Solar Program funds and approval by Nevada Energy during the following program year. Any New Incentive granted to the Owner shall offset the Consequential Damages sustained by the Owner and any amount received from Nevada Energy during the next program year shall be paid by the Owner to the Design-Build Team within 30 days of receipt of the new incentive from Nevada Energy.

The Owner's right to withhold Consequential Damages pursuant to the provisions of this Section, or any other section of the Contract, is self-executing, and is not subject to the notice of claim and arbitration procedures set forth in Section 12.02 (Arbitration) of the Contract. If the Design-Build Team's Project Schedule indicates late completion for any Location, or if in the reasonable determination by the Owner that the Design-Build Team will breach the Contract by not completing any Location by the Incentive Expiration Date(s), the Owner shall deduct an amount equal to the lost Incentive(s) by withholding payment to the Design-Build Team as set forth in Section 10.06 (Deduction From Progress Payments).

Section 6.03 Delay Damages

The Design-Build Team shall not make any claim against the Owner for an increase in the Contract Amount, or for any damages, losses or additional expenses which the Design-Build Team may suffer as a result of any delay in the completion of the Work (regardless of the circumstances giving rise to the delay), with the exception of the following:

i. Delays caused by the Owner's malicious or grossly negligent conduct, or the Owner's willful and knowing delay to the Substantial Completion of the Work,
ii. Delays whose assumption of the risk by the Design-Build Team was not within the contemplation of the parties at the time the parties entered into the Contract, or
iii. Delays of such unreasonable duration that they constitute an intentional abandonment of the Contract by the Owner.

If any of the exceptions set forth in (i) through (iii) above are determined by the Owner to be applicable, the Owner may grant a time extension commensurate with the delay, increase the Contract Amount and/or consider for payment a claim for damages, losses or additional expenses resulting from any delay in the completion of the Work provided such claim

meets the requirements set forth in Section 01200 (Claims and Disputes) of the Bridging Documents. The Owner shall determine the validity of the claim and the amount to be paid, and such consideration or payment shall not invalidate, limit or otherwise waive the prohibition provisions of this Section with respect to any future delay claims of the Design-Build Team.

Without limiting the following possible circumstances as being within the contemplation of the parties at the time that the parties entered into the Contract, if any of the following circumstances shall occur:

i. Unknown or uncertain conditions including, but not necessarily limited to, the discovery of caliche, ground water and all other subsurface conditions,
ii. Weather conditions (including, but not limited to, precipitation, flood, mud slides, sink holes, ice and snow resulting from precipitation, wind, temperature or humidity) and the resultant effects thereof regardless of the nature, duration, severity or abnormality of such weather condition,
iii. Unmarked utilities or utility interferences,
iv. Events of war, labor disputes, transportation delays, freight embargos, earthquakes, floods, epidemics, terrorist threats or acts, workplace violence, theft, vandalism damage to the Work (including fire and explosion), acts of God and all other events, acts or omissions resulting in the unavailability of labor, materials, equipment or utilities,
v. Acts or omissions of the Owner and other governmental authorities acting in their role as code and regulation enforcement regulators,
vi. Acts or omissions of Design-Build Teams, subcontractor, suppliers and material manufacturers involved in the Work,
vii. Acts, omissions and coordination of other Design-Build Teams regardless of the event location or contractual relationship between the parties, unless such Design-Build Teams are under the direction or control of the Owner, or under the direction or control of a general Design-Build Team of the Owner, or
viii. Discovery of hazardous substances or substances suspected of being hazardous,

then the Design-Build Team may be entitled to an increase in the Contract Amount and/or a time extension for completion of the Work provided the delay to the Work meets the requirements of Section 01200 (Claims and Disputes) of the Bridging Documents of the Contract.

This Section shall apply to any claim described as a "disruption," "acceleration," "suspension," "schedule change," "impact to the progress of the Work" or some other term avoiding use of the term "delay."

SECTION 7. BONDING REQUIREMENTS

Section 7.01 Required Bonds

The Design-Build Team shall purchase and maintain throughout the term of this Agreement, the following bonds:

i. Performance Bond insuring performance of all of the obligations of the Contractor as required by the Contract in the amount of 100% of the Contract Amount.
ii. Labor and Material Payment Bond insuring the payment of all of the Subcontractor and material suppliers of the Design-Build Team in the amount of 100% of the Contract Amount.
iii. Guaranty Bond insuring against defects or deficiencies in the workmanship of, and materials used in, the Work in the amount of 100% of the Contract Amount. The Guaranty Bond shall take effect upon Substantial Completion of the Work and shall remain in effect for a period of one year thereafter or for longer period if so provided in the Specifications.

Section 7.02 Acceptable Surety

The bonds must be issued by a surety who is listed in Circular 570 (current edition) issued by the Department of Treasury, Fiscal Services as company holding a certificate of authority as an acceptable surety or reinsuring company of federal projects.

The Surety must be licensed to do business in the State of Nevada. Bonds issued by individuals as surety are not acceptable to the Owner. The Design-Build Team shall require the agent who executes the bond on behalf of the Surety to attach to the bond a correct copy of the power of attorney authorizing the agent to execute the bond.

Section 7.03 Failure to Maintain Bonds

If, for any reason, the bonds are not maintained in effect as required herein, the surety files for protection under the federal bankruptcy laws or similar state laws or the surety rating decreases from that required under Section 7.02 (Acceptable Surety) of the Contract, the Owner may require the Design-Build Team to procure bonds from another surety to be substituted in lieu of the bonds originally provided to the Owner, and the failure to procure the substitute bonds shall constitute a breach of the Contract entitling the Owner to any of the remedies set forth in Section 10 (Breach of Contract and Remedies) of the Contract.

SECTION 8. INSURANCE REQUIREMENTS

Section 8.01 Section and Paragraph Headings
The section and paragraph headings appearing in this Request for Preliminary Proposals are inserted for the purpose of convenience and ready reference. They do not purport to define, limit, or extend the scope or intent of the language of the sections and paragraphs to which they pertain.

Section 8.02 Owner Provided Builder's Risk Insurance.
The Owner shall provide Builder's Risk Insurance insuring against all risks of loss (including fire, testing, vandalism, malicious mischief, collapse and water damage) for 100% of the replacement value of the completed portion of the Work including delay damages or damage to materials stored on or outside the Project, or in transit thereto.

Scope of Coverage:	Project Specific
Type of Coverage:	Occurrence Basis
Amount of Deductible	$10,000
Amount of Coverage:	Contract Amount
Policy Period:	Effective until final completion of the Project
Named Insured:	City of Las Vegas

Section 8.03 Design-Build Team provided Insurance – General
The Design-Build Team awarded the Contract shall purchase and continuously maintain in full force and effect for the policy periods specified below the insurance policies specified in this Section. The insurance required hereunder shall not be interpreted to relieve the Design-Build Team of any obligations under the Contract. The Design-Build Team shall remain fully liable for all deductibles, including Builder's Risk Insurance provided by the Owner and amounts in excess of the coverage actually realized, except Builder's Risk.

a. Commercial General Liability Insurance. The Design-Build Team shall provide and maintain Commercial General Liability Insurance (broad form coverage) insuring against claims for bodily injury, property damage, personal injury and advertising injury that shall be no less comprehensive and no more restrictive than the coverage provided by Insurance Services Office (ISO) form for Commercial General (CG 00-01-10-01). By its terms or appropriate endorsements such insurance shall include the following coverage, to wit: Bodily Injury, Property Damage, Fire Legal Liability (not less than the replacement value of the portion of the premises occupied), Personal Injury, Blanket Contractual, Independent Contractors, Premises Operations, Products and Completed Operations (for a minimum of two (2) years following Final Completion of the Project). The policy cannot be endorsed to exclude the perils of explosion (x), collapse (c) and underground (u) exposures without the approval of the Owner.

If Commercial General Liability Insurance or other form with a general aggregate limit and products and completed operations aggregate limit is used, then the aggregate limits shall apply separately to the Project, or the Design-Build Team may obtain separate insurance to provide the required limit which shall not be subject to depletion because of claims arising out of any other project or activity of the Design-Build Team. Any such excess insurance shall be at least as broad as the Design-Build Team's primary insurance.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence
	$2,000,000 aggregate
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

b. Automobile Liability Insurance. The Design-Build Team shall provide Comprehensive Automobile Liability Insurance insuring against claims for bodily injury and property damage and covering the ownership, maintenance or use of all owned/leased, non-owned and hired vehicles used in the performance of the Work, both on and off the Project Site, including loading and unloading. The coverage shall be primary and non-contributory and shall be provided by Insurance Services Office form for Commercial Auto Coverage (CA-00-01-10-01) or equivalent.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence
	$2,000,000 aggregate
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

c. Workers' Compensation. The Design-Build Team shall provide Worker's Compensation Insurance sufficient to meet its statutory obligation under NRS Chapter 616 to provide benefits for employees with claims of bodily injury or occupational disease (including resulting death). The policy required herein shall be primary and non-contributory in its coverage.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	Statutory
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

d. Employer's Liability Insurance. The Design-Build Team shall provide Employer Liability Insurance covering its legal obligation to pay damages because of bodily injury or occupational disease (including resulting death) sustained by an employee. The policy required herein shall be primary and non-contributory in its coverage.

Scope of Coverage:	Non-Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 bodily injury by accident
	$1,000,000 bodily injury by disease
	$1,000,000 policy limited
Policy Period:	Annual Policy. Effective for the duration of this Agreement
Name Insured:	Design-Build Team
Additional Insured Parties:	City of Las Vegas (its officers, employees and agents)

e. Errors and Omissions Insurance. The Design Professional shall procure and maintain Errors and Omissions Insurance insuring against.

Scope of Coverage:	Project Specific
Type of Coverage:	Occurrence Basis
Amount of Coverage:	$1,000,000 per occurrence $2,000,000 aggregate
Policy Period:	Effective until final completion of the Project
Named Insured:	Design-Build Team
Additional Insured Parties	City of Las Vegas (its officers, employees and agents

Section 8.04 Acceptable Insurance Company

The insurance company providing any of the insurance coverage required herein shall have a Best's Key rating of A VII or higher, (i.e., A VII, A VIII, A IX, A X, etc.) and shall be subject to approval by the Owner. Each insurance company's rating

as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance.

Section 8.05 Premiums, Deductibles and Self-Insured Retentions
The Design-Build Team shall be responsible for payment of premiums for all of the insurance coverages required under this Exhibit. The Design-Build Team further agrees that for each claim, suit or action made against insurance provided hereunder, with respect to all matters for which the Design-Build Team is responsible hereunder, the Design-Build Team shall be solely responsible for all deductibles and self-insured retentions. Any deductibles or self-insured retentions over $50,000 in the Design-Build Team insurance must be declared and approved by Owner.

Section 8.06 Certificates of Insurance
The Design-Build Team will deliver to Insurance Tracking Services, Inc. (ITS), the Owner's representative, a certificate of insurance with respect to each required policy to be provided by the Design-Build Team under this Exhibit. 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 Owner upon request.

Section 8.07 Renewal Policies
The Design-Build Team 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.

Section 8.08 Cancellation and Modification of Insurance Coverage
Each insurance policy supplied by the Design-Build Team must be endorsed to provide that the coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except after ten (10) days written notice in the case of non-payment of premiums, or thirty (30) days written notice in all other cases, has been given to the Owner and such notice is by certified mail, return receipt requested. This notice requirement does not waive the insurance requirements contained herein.

Section 8.09 No Recourse
There shall be no recourse against Owner for the payment of premiums or other amounts with respect to the insurance required from the Design-Build Team under this Exhibit.

Section 8.10 Endorsements and Waivers
All insurance policies required hereunder shall contain or be endorsed to contain the following provisions:

i. For claims covered by the insurance specified herein, said insurance coverage shall be primary insurance with respect to the insured, additional insured parties, and their respective members, directors, officers, employees and agents and shall specify that coverage continues notwithstanding the fact that the Design-Build Team has left the Project site. Any insurance or self-insurance beyond that specified in this Contract that is maintained by an insured, additional insured, or their members, directors, officers, employees and agents shall be in excess of such insurance and shall not contribute with it.
ii. Any failure on the part of a named insured to comply with reporting provisions or other conditions of the policies, any breach of warranty, any action or inaction of a named insured or others, any foreclosure relating to the Project or any change in ownership of all or any portion of the Project shall not affect coverage provided

to the other insured or additional insured parties or their respective members, directors, officers, employees and agents.

i. The insurance shall apply separately to each insured and additional insured party against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Section 8.11 Failure to Provide or Maintain Insurance Coverage (Revised)
The awarded Design-Build Team's failure to provide or maintain any of the insurance coverage required herein would constitute a breach of the Contract.

SECTION 9. INDEMNITY

Section 9.01 General Indemnity

The Design-Build Team shall protect, indemnify and hold the Owner, its officers, employees, agents and consultants (collectively the "Indemnitees") harmless from any and all claims, liabilities, damages, losses, suits, actions, decrees, and judgments (including attorney fees, court costs) or other expenses of any and every kind or character (collectively the "Claims"), which may be recovered from or sought against the Indemnitees as a result of, by reason of, or as a consequence of, the negligence, errors, omissions, recklessness or intentional misconduct on the part of the Design-Build Team, its officers, employees, agents, subcontractor or suppliers (i) in the manufacturing or supplying (including transportation) of any materials, supplies or other products used in the Work, or (ii) in the performance of the terms, conditions and covenants of the Contract. The Owner may retain for its protection any money due and owing the Design-Build Team under this Contract. In the event no money is due and owing, the surety, if required, of the Design-Build Team, may be held until all of the Claims have been settled and suitable evidence to that effect furnished to the Owner.

The Design-Build Team shall defend the Indemnitiees against the Claims and in the event that the Design-Build Team fails to do so, the Owner shall have the right, but not the obligation, to defend the same and to charge all direct and incidental costs, including attorney's fees and court costs to the Design-Build Team.

Section 9.02 Patent Indemnity

The Design-Build Team shall protect, defend and hold the Owner, its officers, employees, agents and consultants (collectively the "Indemnitees") harmless from and against all claims, losses, costs, damages, and expenses, including attorney fees, court costs or other expenses (collectively the "Claims"), incurred by the Indemnitees, or any of them, respectively, as a result of or in connection with any claims or actions based upon infringement or alleged infringement of any patent and arising out of the use of the equipment or materials furnished under the Contract by the Design-Build Team, or out of the processes or actions employed by, or on behalf of, the Design-Build Team in connection with the performance of this Contract. The Design-Build Team shall, at its sole expense, promptly defend against any such claim or action unless directed otherwise by the Indemnitees; provided that the Indemnitees shall have notified the Design-Build Team upon becoming aware of such claims or actions, and provided further that the Design-Build Team's aforementioned obligations shall not apply to equipment, materials or processes furnished or specified by the Indemnitees.

In order to avoid such claims or actions, the Design-Build Team shall have the right, at its expense, to substitute non-infringing equipment, materials or processes, or to modify such infringing equipment, materials and processes so they become non-infringing, or to obtain the necessary licenses authorizing the use of the infringing equipment, material or processes, provided that such substituted and modified equipment, materials and processes shall meet the requirements of this Contract.

SECTION 10. BREACH OF CONTRACT AND REMEDIES

Section 10.01 Definition of Breach

If, during the existence of the Contract, the Design-Build Team:

i. Fails to properly pay any Subcontractor or other parties for labor, materials or supplies as required by Section 2.16 (Responsibility for Payment of Subcontractor and Other Parties) of the Contract;

ii. Fails to begin the Work within the time specified in the Notice to Proceed as required by Section 4.01 (Notice to Proceed) of the Contract;

iii. Fails to diligently prosecute the Work as required by Section 4.02 (Guaranteed Project Schedule) or Section 4.03 (Progress of the Work) of the Contract;

iv. Fails to provide sufficient workmen, materials or equipment to assure the prompt completion of the Work as required by Section 4.03 (Progress of the Work) of the Contract;

v. Fails to complete the Work within the Contract Time as required by Section 4.04 (Contract Time) of the Contract;

vi. Fails to complete the punch list within the time specified in the Certificate of Substantial Completion as required by Section 5.02 (Punch List) of the Contract;

vii. Fails to maintain the bonds, industrial insurance coverage for his employees, general liability insurance or any of the other policies of insurance as required by Sections 7.01 (Required Bonds) and 8.01 (Required Insurance) of the Contract;

viii. Fails to pay third party claims as required by Section 9.01 (General Indemnity) of the Contract;

ix. Fails to maintain licensure by the Nevada State Design-Build Team's Board as required by Section 11.01 (General Warranty) of the Contract;

x. Fails to promptly remedy the Work not in conformance with the Contract as required by Section 11.03 (Warranty Work Conforms with Requirements of the Contract);

xi. Fails to observe laws, ordinances, rules or regulations pertaining to the Project as required by Section 13.01 (General) of the Contract;

xii. Fails to investigate, or cooperate in the investigation of, complaints concerning the payment of prevailing wage rates requested by the Owner or the State Labor Commissioner's Office as required by Section 13.02 (Compliance with Labor Laws) of the Contract;

xiii. Fails to maintain solvency, allows a judgment to stand against the Design-Build Team for a period of five (5) days, files a petition with the United States Bankruptcy Court, is adjudged insolvent or bankrupt, makes a general assignment for the benefit of creditors, or commits an act of bankruptcy or insolvency; or

xiv. Fails to remedy any other material breach of the provisions of the Contract;

then the occurrence of any of the above shall constitute a breach of the contract which if unremedied may constitute an Event of Default as described in Section 10.02 (Event of Default).

Section 10.02 Event of Default

The Design-Build Team and the Surety under the Performance Bond shall be entitled to seven (7) days notice of each breach described in Section 10.01 (Definition of Breach) of the Contract and given the opportunity within such time to cure the breach, provided, however, such breach is capable of a cure. If such breach is capable of a cure but by its nature cannot be cured within the seven day period, the Design-Build Team or Surety may be allowed such additional time as may be reasonably necessary to cure the breach provided the cure is commenced within the seven day period and is diligently pursued to completion.

If any breach is not subject to cure, or is not cured as provided herein, the Owner may declare that an "Event of Default" has occurred and the Owner may, in addition to any other remedies available in law or equity, invoke any of the remedies provided for under this Section 10 (Breach of Contract and Remedies) of the Contract.

Section 10.03 Damages

Except for those breaches which are subject to Liquidated Damages set forth in Section 6.01 (Owner's Recovery of Liquidated Damages), if the Design-Build Team fails to cure any Event of Default under this Agreement within the time provided in Section 10.02 (Event of Default), the Owner shall be entitled to damages resulting therefrom.

Section 10.04 Termination for Cause

Upon the occurrence of an Event of Default, the Owner may terminate the Contract which shall take effect immediately upon service of the notice on the Design-Build Team and the Surety under the Performance Bond unless a different effective date is specified therein. In the event of such termination, the Surety shall have the right to take over and perform the Contract.

If the Surety does not commence performance of the Contract within 10 days of receipt of the notice, the Owner may do any and all of the following:

i. Take possession of the Project Site and the materials, equipment, tools, and construction equipment and machinery thereon owned by the Design-Build Team;
ii. Accept the assignment of the Design-Build Team's subcontracts pursuant to this Contract (Contingent assignment of subcontracts to Owner if Contract is terminated); and
iii. Finish the Work by whatever method deemed expedient by the Owner.

The Design-Build Team shall not be entitled to any further payment under the Contract until the Work is completed and accepted by the Owner. If the unpaid balance of the Contract Amount exceeds the cost of completing the Work, including compensation for any damages or expenses incurred by the Owner through the default of the Design-Build Team, the excess shall be paid to the Design-Build Team. If, however, the damages and expenses exceed the unpaid balance of the Contract Amount, the Design-Build Team and the Surety under the Performance Bond shall pay the difference to the Owner.

Section 10.05 Owner's Right to Perform the Work

If the Design-Build Team fails to perform or proceed with the Work, or any part thereof, as required by the Contract, and fails within the seven day notice required pursuant to Section 10.02 (Event of Default) of the Contract to remedy the breach, or to commence and continue correction of such breach with promptness and due diligence toward completion, the Owner may, without prejudice to any other right or remedy available to the Owner, and without terminating the Contract and relieving the Design-Build Team from its obligations under the Contract, proceed to correct the breach, or applicable portion thereof, by any means or methods deemed appropriate (including use of the Owner's personnel).

If the Owner discovers during the course of the corrective action that the breach is greater or otherwise different from, but nevertheless related to, the breach described in the seven-day notice, then the greater or different breach shall be deemed to have been included in the original seven-day notice and the Owner may proceed with the corrective action without having to provide any additional notice to the Design-Build Team.

If, after expiration of the seven-day notice period required pursuant to Section 10.02 (Event of Default) of the Contract, the Design-Build Team proceeds to correct the breach and the Owner has already incurred certain expenses (such as, but not necessarily limited to, preparation of cost estimates or remedial plans and drawings, placement of material orders, demolition costs, rental costs, storage costs, trash removal expenses, utility expenses, scheduled commitments from Design-Build Teams which cannot be canceled without the Owner incurring costs to the Design-Build Team, transportation costs of personnel or materials, and incurred cost of hiring technical personnel whether licensed or not) as part of an effort to remedy the breach, then the Design-Build Team shall pay the Owner for such incurred expenses as provided herein.

If, after issuance of the seven day notice of the breach required pursuant to Section 10.02 (Event of Default) of the Contract, the Owner decides not to take any action to correct the breach or fails in the effort to correct the breach, the Design-Build Team remains responsible for the breach and any expenses incurred in any failed effort to correct the breach.

In the event of a correction and expense as provided herein, the Contract Amount shall be reduced by the amount of the incurred expenses which amount the Owner shall be entitled to deduct from any payments then or thereafter due the Design-Build Team (including the direct and indirect costs of using the Owner's personnel). If payments then or thereafter due the Design-Build Team are not sufficient to cover the incurred expenses, the Design-Build Team shall pay the difference to the Owner.

Section 10.06 Deduction From Progress Payments

For each and every breach set forth in Section 10.01 (Definition of Breach) of the Contract, the Owner may decline to certify, in whole or in part, any pending application for payment which, in the opinion of the Owner, may be necessary to protect the Owner from the damages and expenses which are expected to be incurred, or which have been incurred, as a result of the breach. Based upon the opinion of the Owner, the Owner may withhold from any requested progress payment such sum as may be necessary to protect the Owner from such damages and expenses including, but not necessarily limited to, the Liquidated Damages permitted pursuant to Section 6.01 (Owner's Recovery of Liquidated Damages) and Consequential Damages pursuant to Section 6.02 (Owner's Recover of Consequential Damages) of the Contract which the Owner anticipates will occur as a result in the delay in the Completion of the Project.

If an agreement can be reached between the Owner and the Design-Build Team concerning the request for payment, the Design-Build Team may submit a revised application for certification. The Owner shall have the right to deny in whole or in part, or to require an adjustment to, any pending application if, as a result of new evidence or observations subsequent to the issuance of a previous certification, the Owner has determined that the amount paid exceeds the percentage of completion of the Work, the Work cannot be completed for the unpaid balance of the Contract or any other such certification was improperly issued.

If the Design-Build Team remedies the failure for which payment has been withheld, and the Owner verifies such correction, then the withheld money shall be included with the payment of the next application.

Section 10.07 Rights and Remedies are Cumulative

Except as otherwise expressly stated in the Contract, the rights and remedies of the parties are cumulative, and the exercise by any party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

SECTION 11. REPRESENTATIONS AND WARRANTIES

Section 11.01 General Representations and Warranties

The Design-Build Team hereby represents and warrants that it (i) is familiar with requirements of the Contract; (ii) has investigated the site and is knowledgeable concerning the local conditions that may affect the performance of the Work; (iii) is satisfied that the Work can be performed and completed as required in the Contract; (iv) accepts all of the risks directly or indirectly connected with the performance of the Contract; (v) has not been influenced by any statement or promise other than those contained in the Contract Documents; (vi) is experienced and competent to perform the Contract; (vii) is familiar with all general and special laws, ordinances and regulations that may affect the Work, its performance, or those persons employed therein; (viii) is familiar with tax and labor regulations and with rates of pay that will affect the Work, and (ix) is properly licensed and will remain properly licensed by the Design-Build Teams Board of the State of Nevada in order to perform the Contract.

Section 11.02 Warranty of Merchantability and Fitness for Particular Purpose

The Design-Build Team warrants that the equipment and materials used or provided as part of the Contract are of merchantable quality and fit for their particular purpose.

Section 11.03 Warranty Work Conforms with Requirements of the Contract

In addition to other warranties and longer time periods which may be provided in the Contract, and as a minimum, the Design-Build Team warrants the Work performed under the Contract is in conformance with the requirements of the Contract, and that the Work is free of defects and deficiencies in design, materials and workmanship (unless furnished by the Owner) for a period of 12 months from the date of the Certificate of Substantial Completion (or 12 months from the completion date of any portions of the Work first performed after Substantial Completion), regardless of whether the same were furnished or performed by the Design-Build Team or by any of its Subcontractor of any tier. Upon receipt of written notice from the Owner of any non-conformance to the Contract during the applicable warranty period, the Design-Build Team shall promptly correct the affected non-conformance at a time acceptable to the Owner.

The Design-Build Team shall perform such tests as the Owner may require verifying that the Work is in compliance with the Contract. If such Work is not in accordance with the Contract, the costs of the correcting and testing, including the cost of removal necessary to gain access thereto and other related incidental costs, shall be borne by the Design-Build Team. If such Work is found to be in accordance with the Contract, the costs of uncovering, replacement, and testing shall be charged to the Owner. The Design-Build Team warrants any corrected Work to be in conformance with the Contract for a period of 12 months from the date of acceptance thereof. If the Design-Build Team fails to promptly make the necessary corrections and tests, the Owner may perform or cause to be performed the same at the Design-Build Team's expense. The Design-Build Team and its Surety shall be liable for the satisfaction and full performance of the warranties set forth in this Section.

Unless otherwise provided elsewhere in the Contract, the materials and equipment incorporated into the Work shall be new and of the most suitable grade of their respective kinds for their intended use, and all workmanship shall be in accordance with construction practices acceptable to the Owner.

Nothing contained in this Section shall be construed to establish a period of limitation with respect to the Design-Build Team's obligations under the Contract other than specifically to correct the Work then known by the Owner to be in non-conformance with the Contract, including, but not limited to, defects and deficiencies in design, materials and workmanship (unless furnished by the Owner).

Section 11.04 Warranty Exclusions Prohibited

The Owner will not accept any warranty clause from the Design-Build Team, Subcontractor or manufacturer that states:

i. That the implied warranties of Merchantability or Fitness for a Particular Purpose are excluded from the Contract;
ii. That the warranty clause is in lieu of all other warranties that are either expressed or implied.

In addition to the above restrictions, the warranty requirements of the Contract shall exist in a direct extension from the manufacturer to the Owner as well as from the Design-Build Team to the Owner if the manufactured product is sold directly to the Design-Build Team.

SECTION 12. DISPUTES BETWEEN THE PARTIES

Section 12.01 In General
Any claim, dispute or other controversy that may arise between the Owner and Contractor concerning any provision of this Contract shall be resolved through the good faith efforts of both parties. In accordance with NRS 338.150, if the claim, dispute or controversy cannot otherwise be settled, the parties shall use an alternate dispute resolution method before initiation of any judicial action. For purposes of this Contract, alternate dispute resolution shall mean non-binding mediation before an independent private mediator agreed to by the parties. If the parties cannot agree upon an independent private mediator within 45 days after notice of the claim is provided pursuant to Section 12.04 below, the party may proceed to file a judicial action with the Eighth Judicial District Court, Clark County, Nevada. The alternate dispute resolution proceedings shall take place in Clark County, Nevada, unless otherwise agreed to by the parties.

Section 12.02 Work to Proceed
While the alternate dispute resolution or judicial action is pending, the Contractor shall proceed with the Work and maintain progress in accordance with the requirements of the Contract, unless otherwise mutually agreed upon in writing.

Section 12.03 Alternate Dispute Resolution Costs and Fees
The fees and expenses of the alternate dispute resolution proceedings shall be equally shared by both parties. Each party is responsible for their own costs, expenses, consultant fees and attorney fees incurred in the presentation or defense of any claim, dispute or controversy that may arise between the parties.

Section 12.04 Notice of Dispute
In the event that a claim, dispute, or controversy arises between the parties which are related to the progress or construction of the Project, the party asserting the claim, dispute or controversy must provide written notice thereof to the other party within thirty (30) days after its occurrence. The written notice shall set forth with specificity the nature of the claim, dispute or controversy, the relief sought, and other matters properly relating thereto. The notification is important to the recipient of the notice so that proper measures can be taken to properly observe and record the progress of the Work, to properly document the impact that the claim, dispute or controversy may have thereon, and to enable that party to properly verify any costs incurred by the party asserting the claim, dispute or controversy in connection therewith. The failure of the party to provide proper notice to the other party as required herein shall forever bar that party from any remedy thereon, including seeking any alternate dispute resolution and/or judicial action. The notice and time requirements set forth herein shall not apply to warranty claims or other construction defect claims that the Owner may have against the Contractor relating to the construction of the Work.

Section 12.05 Right of Judicial Action
Any claim, dispute, or other matter in question between the parties concerning any provisions of this Contract that cannot otherwise be resolved between the parties through the use of the alternate dispute resolution required herein and, in the case of the Contractor, which has not been waived by the acceptance of final payment, may be submitted for judicial action. Prior to the exercise of this right, the party seeking judicial relief shall have provided the other party 30 days prior written notice before filing such judicial action.

SECTION 13. COMPLIANCE WITH THE LAWS

Section 13.01 General

The Design-Build Team shall comply with all federal, state and local laws and regulations applicable to construction of the Work including, but not necessarily limited to, licensing requirements, labor and health laws, and requirements for the payment of sales and use taxes on equipment, materials and supplies provided in connection with the Contract.

Section 13.02 Compliance with Labor Laws

a. Prevailing Wage Rate Law. The Design-Build Team and each Subcontractor shall comply with all federal, state and local labor laws with regard to minimum wages, overtime work, hiring and discrimination including, without limitation, NRS Chapter 338.

1. Prevailing Wage Rates. For public work projects whose cost is $100,000 or more, the Design-Build Team hereby acknowledges that pursuant to the provisions of NRS 338.040 and 338.050, any person who is employed by the Design-Build Team or Subcontractor at the Work Site, or who performs work on a public work project (regardless of any contractual relationship alleged to exist between the workman and his other employer), is subject to the prevailing wage rate provisions of NRS 338.010 to 338.090, inclusive. The Design-Build Team is responsible for ensuring that the aforementioned persons are paid in accordance with the current prevailing wage rates approved by the State Labor Commissioner. Any Change Order causing a contract to equal or exceed $100,000 will subject the Contract to the provisions of Prevailing Wage Rate Law and to audit by the State Labor Commissioner. Any work performed after regular working hours, or on Sunday or a legal holiday, shall be performed without additional expense to the Owner.

In accordance with NRS Chapter 338, the Design-Build Team shall post the current prevailing wage rates and applicable addenda in a place generally visible to the workmen. The prevailing wage rates and applicable addenda are available from the office of the State Labor Commissioner (www.laborcommissioner.com). The Design-Build Team agrees to investigate, or to assist in the investigation of, each claimed violation of the prevailing wage law as may be requested by the Owner or the State Labor Commissioner.

2. Certified Payroll Reports. Pursuant to NRS Chapter 338, for any public work contract awarded for $100,000 or more, the Design-Build Team and each Subcontractor are required to keep an accurate record showing the name, occupation and the actual per diem wages and benefits paid to each workman employed by them in connection with the Work. These records are referred to as the "certified payroll reports."

The Design-Build Team, and each Subcontractor through the Design-Build Team, is required to submit a copy of the certified payroll reports for each calendar month to the Owner no later than fifteen (15) calendar days after the end of the month. The Design-Build Team shall be responsible for coordinating the submittal of all the certified payroll reports for the Project, including the reports of each Subcontractor who is performing Work on the Project.

The Design-Build Team agrees to contact the Nevada State Labor Commissioner with any question concerning the payment of prevailing wage rates.

3. Penalties. In accordance with NRS 338.060, the Design-Build Team shall forfeit the penalty provided herein to the Owner for each calendar day or portion thereof that each workman employed on the Project (i) is paid by the Design-Build Team or Subcontractor less than the designated wage rate for the work on the Project, (ii) the Design-Build Team or Subcontractor willfully included inaccurate or incomplete information in the monthly certified payroll report submitted to the Owner, (iii) the Design-Build Team or Subcontractor did not report to the Owner as required pursuant to NRS 338.070, and/or (iv) if a violation of more than one provision of subsection (i) through (iii) herein involves the same workman, the Design-Build Team shall forfeit the penalty set forth in each violated subsection.

The Design-Build Team hereby stipulates that the Owner may withhold not less than $20.00, nor more than $50.00 for each and every violation of subparagraphs (i) through (iii) herein, the actual amount of which is according to a sliding scale based on the size of the Design-Build Team's business which is adopted by the State Labor Commissioner, except that for violation of subparagraph (iii) the maximum penalty is limited to $1,000 for the first violation and $5,000 for each subsequent violation occurring during the term of the Contract.

In addition to any penalty imposed by the Labor Commissioner, if the Design-Build Team or Subcontractor is determined by the Owner to have violated the provisions of this Section, the Owner may deduct from any payments due the Design-Build Team, the costs of the proceedings associated with the investigation of each wage complaint including, but not limited to, employee salaries, investigator fees and attorney fees.

In addition to any monetary penalty imposed by the statute, the Design-Build Team, or its Subcontractor, agent or representative, performing Work on the Project who neglects to comply with the prevailing wage rate requirements of NRS Chapter 338 is guilty of a misdemeanor.

b. **Copeland Anti-Kickback Law.** The Design-Build Team shall comply with the Copeland Anti-Kick Back Act (19 U.S.C. 874) as supplemented in the Department of Labor Regulations (29 CFR Part 3). This Act provides that the Design-Build Team or Subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which that person is otherwise entitled.

c. **Fair Employment Law.** The Design-Build Team shall comply with the fair employment provisions of NRS 338.125. The Design-Build Team agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation or age. Such agreement shall include, but is not necessarily limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Design-Build Team further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. Any violation of this provision by the Design-Build Team shall constitute a material breach of the Contract.

If the Design-Build Team or any of its Subcontractors refuses to hire or do business with an individual or company in violation of this provision, the Owner may declare the Design-Build Team in breach of the Contract, and the Owner may terminate the Contract and designate the Design-Build Team as not responsible for purposes of bidding future public work projects.

d. **Preferential Employment. (This Section ☐ IS ☒ IS NOT Applicable to this Contract)** The Design-Build Team shall comply with the preferential employment provisions of NRS Chapter 338.130. This law requires, in all cases where persons are employed in the construction of public works, preference must be given, when the qualifications of applicants are equal: First, to persons who have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard, and are citizens of the State of Nevada; Second, to other citizens of the State of Nevada. If these provisions of NRS 338 are not complied with by the Design-Build Team engaged on the public work, the contract shall be void, and any failure or refusal to comply with any of these provisions of this section renders any such contract void.

e. Federal Wage Rates. (This Section ☒ IS ☐ IS NOT Applicable to this Contract). The Design-Build Team shall comply that the Federal Wage Rates attached (Exhibit F *to the Request For Final Proposal*) and incorporated herein as a part hereof which are applicable to the Contract. The wages paid under the Contract shall conform to the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor Regulations (29-CFR, Part 5). If the State Wage Rates and Federal Wage Rates are not equal, the Contractor shall pay the higher prevailing rate.

f. Special Requirements. (This Section ☒ IS ☐ IS NOT Applicable to this Contract). The Design-Build Team shall comply with the requirements of Design-Build Team (Exhibit G *to the Request For Final Proposal*) incorporated herein as a part hereof which are applicable to the Contract.

Section 13.03 Compliance with Americans with Disabilities Act

The Work shall comply with the Americans with Disabilities Act (ADA) as amended to date. The Design-Build Team shall construct the Work in compliance with the ADA and the rules and regulations promulgated thereunder and shall immediately notify the Owner of any conflicts between the Contract Documents and the Act or the rules and regulations promulgated thereunder.

Section 13.04 Compliance with Immigration Reform Control Act of 1986

In accordance with the Immigration Reform and Control Act of 1986, the Design-Build Team shall not employ unauthorized aliens in the performance of the Contract.

Section 13.05 Air Pollution Control

Prior to commencing the Work, the Design-Build Team shall obtain a permit from the Clark County Department of Air Quality and Environmental Management.

The Design-Build Team shall perform the Work in a manner that does not discharge smoke, dust or other air contaminants into the atmosphere from any source whatsoever, in violation of the laws, rules and regulations of federal, state and local government pertaining to air pollution including, but not necessarily limited to, the following:

i. Nevada Revised Statute 445: Air Quality Regulations
ii. Title 40 Code of Federal Regulations (CFR) Part 82 Protection of Stratospheric Ozone – Refrigerant Regulations
iii. Adhering to all Clark County Department of Air Quality and Environmental Management regulations.

The Design-Build Team shall not be granted any time extensions for delays due to compliance with or violations of the aforementioned laws, rules or regulations, and shall pay all compliance costs and violation fines and penalties. Such imposed fines and penalties shall not result in an increase in the Contract Amount, and are not subject to reimbursement by the Owner.

Section 13.06 Fire Prevention

The Design-Build Team shall conform to all federal, state, and local laws and regulations pertaining to burning, fire prevention, and control within or adjacent to the Work Site. Necessary precautions to avoid and eliminate fire hazards shall be the responsibility of the Design-Build Team.

All tarpaulins used for any purpose during construction of the Work shall be made of material resistant to fire, water, and weather and shall bear UL labels. Lighting of any fires on the Project Site is strictly forbidden.

The Design-Build Team shall provide portable fire extinguishers compatible with the hazard of each work area and shall instruct its personnel in their location and use. Wherever welding or burning is conducted, inflammable materials shall be protected and a fire watch shall be provided by the Design-Build Team to be present during the burning and welding operation to ensure that protective measures are taken and no fires result from such operation. The fire watch shall have fire extinguisher equipment readily available and know-how for proper use.

Section 13.07 Provisions Required by Law

Each and every provision of Nevada Revised Statutes Chapter 338 and 624 and any other laws required to be inserted in this Contract shall be deemed to be inserted herein and the Contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or inserted incorrectly, then upon the application of either party, the Contract shall be amended to make such insertion or correction.

Section 13.08 Stormwater Pollution Control

Prior to commencing the Work, the Contractor shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from Nevada Division of Environmental Protection (NDEP) for construction activities.

The Contractor shall perform the Work so as to not discharge stormwater runoff containing pollutants or sediment into the waters of the United States (including municipal separate storm sewer systems [MS4s]) in violation of federal and state laws, rules, and regulations and the Owner's water pollution requirements.

The Contractor shall:

i. Comply with the provisions of Nevada Revised Statutes, Chapter 445A: Water Pollution Control and City of Las Vegas Municipal Code 14.18; and
ii. Adhere to all Federal regulations under 40 CFR 122.26(b)(14).
iii. Provide to the Owner, prior to commencing construction operations, copies of all associated permits or waivers.

All information and forms pertaining to Nevada's Stormwater NPDES Permitting Program can be found on the following website: http://ndep.nv.gov/bwpc/storm01.htm.

The City, state, and federal regulations identified above are hereby incorporated by reference as preconditions of this Contract. The Contractor shall familiarize itself with these regulations and practices, and is advised that prior to engaging in any construction activities, the Contractor shall submit a Notice Of Intent (NOI) to the Nevada Division of Environmental Protection. A Storm Water Pollution Prevention Plan (SWPPP) must be completed prior to submission of the NOI and must remain on the project site and be updated as necessary for the duration of the project. As applicant, the Contractor is responsible for insuring that all persons on the project site, including contractor and subcontractor personnel, abide by the conditions of the permit. As the applicant, the Contractor is responsible for supplying complete copies of the NOI and SWPPP to all project subcontractors.

Upon completion of the project, the Contractor must (at no additional cost to the owner) permanently stabilize the construction area and file a Notice of Termination (NOT) with NDEP to terminate the permit.

The Contractor shall not be granted any time extensions for delays due to compliance with or violations of the aforementioned laws, rules, regulations, and requirements and shall pay all compliance costs and violation fines and penalties. Such imposed fines and penalties shall not result in an increase in the Contract Amount, and are not subject to reimbursement by the Owner.

Section 13.09 Disposal of All Wastes (Hazardous, Toxic, and Non-Hazardous

Contractor shall be responsible for disposal of all waste materials including non-hazardous, hazardous, or toxic materials. Contractor shall make its own arrangements for disposal or recycle of all waste materials and shall pay all costs associated with the proper disposal of the all waste.

Contractor shall obtain written verification in term of the landfill weight ticket, recycling certificate from the disposal site owner or operator with a written release from the disposal site owner or operator absolving the Owner of any and all responsibility in connection with the disposal of waste material on said property.

Unless otherwise provided, full compensation for all costs involved in disposing of materials as specified in this section, including all costs of hauling, shall be considered as included in the price paid for the Contract items of work involving such material and no additional compensation will be allowed therefore.

No waste material that is to be disposed shall be stockpiled on the Owner's property or the project site longer than seven (7) days, unless otherwise approved by the Owner. Prior to initiating construction, the Contractor shall provide to the Owner a proposed temporary stockpile location. Construction debris and materials shall not be stockpiled in unapproved locations.

For hazardous or toxic materials waste, Contractor shall comply with all local, State, and federal regulations including but not limited to Resources Conservation and Recovery Act (RCRA), Toxic Substance Control Act (TSCA). Contractor must fill out the Waste Manifest and provide a copy of the Manifest to the Owner. Contractor (or its subcontractor) shall provide all necessary licenses or permits documentation for handling, transportation and disposal of hazardous or toxic materials as submittal information to the Owner. Contractor is responsible for identify/classify the hazardous waste, getting an EPA hazardous waste site number by filing the paperwork with NDEP as the hazardous waste generator, retaining certified RCRA hazardous waste transporter subcontractor, properly dispose the RCRA hazardous waste in certified hazardous waste treatment or landfill sites, deactivated the EPA hazardous waste site number when the job is done, and provide safe handling training to contractor employees.

Section 13.10 Compliance with National Environmental Policy Act (NEPA)
If this contract is sponsored in whole or part through Federal funding, Contractor is required to comply with NEPA requirements including but not limited to, compliance with Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Migratory Bird Treaty Act, Resource Conservations and Recovery Act (RCRA), Toxic Substance Control Act (TSCA).

SECTION 14. CONTRACT INTERPRETATION

Section 14.01 General

The Contract shall be construed and enforced in accordance with the laws of the State of Nevada. Any action for the enforcement of any provision of this Contract shall be instituted in the County of Clark, State of Nevada.

Section 14.02 Intent and Correlation

The Contract is intended to include all items necessary for the proper execution and completion of the Work. The Contract Documents are complementary, and what is required by one portion or section of the Contract shall be as binding as if required by all. Any work not covered in the Contract will not be required unless it is consistent with the Contract Documents, and it is reasonably inferable or necessary to produce the intended results or provide a complete work. Words and abbreviations, which have well known technical or trade meanings, are used in the Contract Documents in accordance with such recognized meanings.

Section 14.03 Governing Order of Contract Documents

The Contract Documents include various divisions, sections, and conditions, which are essential parts for the work to be provided by the Design-Build Team. In case of discrepancy, the lower number document will govern over the higher numbered document according to the following order of precedence, unless to do so would contravene the intent of the Contract Documents as determined by the Owner:

1. Change Orders
2. Addenda, with those of later date having precedence over those of an earlier date
3. Design-Build Contract
4. General Conditions
5. Bridging Documents, Drawings and Referenced Standards (these documents are to be construed together in determining the intent of the Owner)

Section 14.04 Conflicting Conditions

In the event of inconsistencies within or between parts of the Contract Documents, or between the Contract Documents and applicable standards, codes and ordinances, the Design-Build Team shall (i) provide the better quality or greater quantity of Work or (ii) comply with the more stringent requirement; either or both in accordance with the Owner's interpretation.

Section 14.05 Graphic Enhancement

Graphic enhancement of any text of the Contract such as bolding, underlining, italics, etc. is added for ease of reference and shall not be interpreted as placing additional importance on the enhanced text or lessening the importance of text without such enhancement.

SECTION 15. MISCELLANEOUS PROVISIONS

Section 15.01 Regulatory Authorities

The Design-Build Team does hereby acknowledge and agrees that the Department of Public Works, by or through its Architectural Services Division, acting as the Owner's Designated Representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of regulatory authorities which are separate from the Owner, or which are departments of the Owner including, but not limited to, the Building Department, Fire Department, Planning Department or other divisions within the Department of Public Works acting in a regulatory manner. The Design-Build Team is responsible for complying with the requirements imposed by the regulatory authorities (including the departments of the Owner acting in a regulatory manner) and any delays resulting to the Design-Build Team in the performance of the Contract from having to comply with such requirements are solely the responsibility of the Design-Build Team, and not attributable in any manner to the Owner.

The Owner's Designated Representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the Owner receives a quality product, delivered on schedule, for a fair price. Furthermore, the Owner's Designated Representative does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the Owner's Designated Representative. The Design-Build Team agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the Owner's Designated Representative, and that the Design-Build Team's interaction with each regulatory authority is to be conducted without assistance from the Owner's Designated Representative.

Section 15.02 Subcontracts

Any subcontract entered into by the Design-Build Team and its Subcontractor or material supplier shall not create any contractual relationship between the Owner and the Subcontractor or material supplier.

The Design-Build Team agrees to provide a copy of each subcontract (including contracts for the purchase of supplies) entered into by the Design-Build Team in connection with the Project if so requested by the Owner for any of the reasons set forth in NRS 338.140 (1)(d).

The Design-Build Team shall not substitute a subcontractor for any portion of the Work which was previously indicated would be performed by the Design-Build Team unless such substitution meets the requirements of NRS Chapter 338.

Section 15.03 Right to Review and Audit

The Design-Build Team agrees to maintain financial records pertaining to all matters relative to the Contract in accordance with standard accounting principles and procedures and to retain all records and supporting documentation applicable to the Design-Build Team for a period of three (3) years after completion of the Contract and any subsequent extensions thereof. All records subject to audit findings shall be retained for three (3) years after such findings have been resolved. In the event the Design-Build Team goes out of existence, the Design-Build Team shall turn over to the Owner all of its records relating to the Contract to be retained by the Owner for the required period of time.

The Design-Build Team agrees to permit the Owner or its authorized representative to inspect and audit its records and books relative to the Contract at any time during normal business hours and under reasonable circumstances and to copy and/or transcribe any information that the Owner desires concerning Design-Build Team's operation hereunder. The Design-Build Team further understands and agrees that the inspection and audit would be exercised upon written notice. If the Design-Build Team or its records and books are not located within Clark County, Nevada, the Design-Build Team agrees to deliver the records and books or have the records and books delivered to the Owner or its authorized representative at an address within the City of Las Vegas as designated by the Owner.

If the Owner or its authorized representative find that the records and books delivered by the Design-Build Team are incomplete, the Design-Build Team agrees to pay the Owner the costs to travel (including travel, lodging, meals, and other related expenses) to the Design-Build Team's offices to inspect, audit, retrieve, copy and/or transcribe the complete records and books. The Design-Build Team further agrees to permit the Owner or its authorized representative to inspect and audit, as deemed necessary, the financial and performance records of the Project that may be required by relevant directives from the funding sources of the Owner.

If, at any time during the term of the Contract, or at any time after the expiration or termination of the Contract, the Owner or its authorized representative finds the Owner's dollar liability to the Design-Build Team is less than the payments made by the Owner to the Design-Build Team, the Design-Build Team agrees to repay the difference immediately to the Owner or, at the Owner's option, credit the difference against future payments due the Design-Build Team.

Section 15.04 Independent Design-Build Team

The Design-Build Team represents that it is fully experienced and properly qualified to perform the class of Work provided for herein, and that it is properly licensed, equipped, organized and financed to perform such Work. The Design-Build Team shall act as an independent Design-Build Team and not as an agent of the Owner in performing the Contract. The Design-Build Team shall maintain complete control over its employees and all of its subcontractor. Nothing contained in the Contract or any subcontract awarded by the Design-Build Team shall create any contractual relationship between any such subcontractor and the Owner. The Design-Build Team shall perform the Work in accordance with its own methods subject to compliance with the Contract.

Section 15.05 Severability

The invalidity, illegality, or unenforceability of any provision of the Contract or the occurrence of any event rendering any portion or provision of the Contract void shall in no way affect the validity or enforceability of any other portion or provision of the Contract. Any void provision shall be deemed severed from the Contract, and the balance of the Contract shall be construed and enforced as if the Contract did not contain the particular portion of provision held to be void. The parties further agree to amend the Contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this clause shall not prevent the entire Contract from being void should a provision which is of the essence of the Contract to be determined void.

Section 15.06 Assignment of Contractual Rights

The Design-Build Team shall not assign, transfer, convey or otherwise dispose of the Contract or its right, title or interest in or to the same, or any part thereto.

Section 15.07 Ownership and Use of Documents

The Design-Build Team will be furnished, one electronic set of drawings and Contract Documents. If additional sets are needed, the Owner will provide them at actual duplication cost. The Drawings, Bridging Documents, and any copies furnished by the Owner are and shall remain the Owner's property unless a consultant is used in the preparation of the Contact Documents in which case ownership shall be according to the agreement between the Owner and the consultant. They are to be used only with respect to the Project and are not to be used on any other project. Submission or distribution to meet official regulatory requirements for other purposes in connection with the Project is not to be construed as infringement of the copyright of the Owner's or Consultant's common law or other reserved rights.

Section 15.08 Prohibited Interests

No official of the Owner, who is authorized in such capacity and on behalf of the Owner to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving any architectural, engineering, inspection, construction or material supply contract or any subcontract in connection with the construction of the Project, shall become directly or indirectly interested personally in the Contract or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for the Owner, who is authorized in such capacity and on behalf of the Owner to exercise any legislative, executive, supervisory or other similar functions in connection with the construction of the Project, shall become directly or indirectly interested personally in the Contract or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to the Project.

Section 15.09 Waiver

No waiver of any breach or failure to enforce any of the terms, conditions or covenants of the Contract shall be construed to be a waiver of any succeeding breach of the same or similar provision of the Contract.

Section 15.10 No Personal Liability

No official, officer, employee or agent of the Owner shall in any way be personally liable or responsible for any covenant or agreement herein contained, whether expressed or implied, or for any statement, representation or warranty made in connection with the Contract.

Section 15.11 Contract Modification

The Contract represents the entire and integrated agreement between the Owner and the Design-Build Team and supersedes prior negotiations, representations or agreements, either written or oral, made by either party. The Contract may only be amended by a Modification.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OPERATIONS AND MAINTENANCE
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Ground Lease Agreement between the City of Las Vegas and the Girl Scouts of Southern Nevada for property located in the vicinity of Mojave Road and Harris Avenue, APN 139-25-303-014 - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Girl Scouts of Southern Nevada desires to lease property from the City to construct a single story multi-purpose building and related infrastructure pursuant to the terms of this agreement to accommodate events, storage space, and the parking of vehicles in order to provide services to the residents of Las Vegas.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Ground Lease Agreement

GROUND LEASE AGREEMENT

THIS GROUND LEASE AGREEMENT ("Lease") is made and entered into effective as of the ___ day of _____, 2011, by and between the City of Las Vegas, a municipal corporation of the State of Nevada ("Landlord"), and the Girl Scouts of Southern Nevada, a Nevada non-profit corporation ("Tenant").

RECITALS

WHEREAS, Tenant desires to lease a portion of certain partially improved real property owned by Landlord located in the City of Las Vegas, Clark County, Nevada consisting of approximately 6,608 square feet and known as a portion of Assessor's Parcel Number 139-25-303-014, and depicted on Exhibit A ("Property") and further legally described on Exhibit B; and

WHEREAS, Tenant desires to lease the Property to construct a single story multi-purpose building and related infrastructure ("Building Improvements") pursuant to the terms herein to accommodate events, storage space, and the parking of vehicles in order to provide services to the residents of the City; and

WHEREAS, pursuant to NRS 268.053, the Las Vegas City Council may lease the property of the City to a tenant if the property is not needed for the public purposes of the City and the property is actually used for non-profit purposes on such terms and conditions as seem proper to the City Council, with the provision that if a tenant cease to use the property for non-profit purposes, the lease is void as a matter of law; and

WHEREAS, Landlord desires to lease the Property to Tenant for the common benefit and in accordance with Nevada law;

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants hereinafter set forth, the parties agree as follows:

ARTICLE 1
DEMISE OF LEASED PROPERTY

1.1. PROPERTY. Landlord hereby leases to Tenant, and Tenant hereby hires from Landlord the Property, subject to the terms, conditions, benefits and rights hereinafter set forth including, without limitation, the obligation to construct the Building Improvements within the time frame detailed in this Lease.

ARTICLE 2
TERM, DELIVERY/ACCEPTANCE AND SURRENDER, TERMINATION

2.1. TERM. Unless earlier terminated in accordance with the terms in this Lease, the Lease Term shall be for a term of thirty (30) years, commencing on the date first written above ("Commencement Date") of this Lease and terminating on the thirtieth (30th) anniversary of the Commencement Date ("Expiration Date"). If Tenant is not then in default of this Lease, Tenant may request to extend this Lease for three (3)

additional terms of ten (10) years each by giving a written request to extend the Lease Term addressed to the City's City Manager at least ninety (90) days prior to the expiration of the Lease term and upon receiving such request, the City must provide written notification of approval or denial of the extension of the Lease Term within sixty (60) days of receipt of the request. The City approval of an extension of this Lease shall not be unreasonably withheld, conditioned or delayed.

2.2. DELIVERY/ACCEPTANCE OF THE PROPERTY. Upon the Commencement Date, Landlord shall deliver to Tenant, and Tenant shall accept from Landlord, possession of the Property and all rights and appurtenances relating thereto. Tenant acknowledges and agrees that it is leasing the Property based solely upon Tenant's inspection and investigation of the Property and all documents related thereto, or its opportunity to do so, and except for Landlord's covenants, representations and warranties otherwise expressly set forth in this Lease, Tenant is leasing the Property in an "AS IS, WHERE IS" condition, without relying upon any representations or warranties, express, implied or statutory, of any kind. Without limiting the above, Tenant acknowledges that, except as otherwise expressly set forth in this Lease, neither Landlord, nor any other party has made any representations or warranties, express or implied, on which Tenant is relying as to any matters, directly or indirectly, concerning the Property including, but not limited to, the land improvements and infrastructure, if any, development rights, expenses associated with the Property, taxes, assessments, bonds, utilities, soil, subsoil, drainage, environmental or building laws, rules or regulations, or Hazardous Materials (as defined below) or any other matters affecting or relating to the Property.

"Hazardous Materials" means any chemical, substance, material, controlled substance, object, condition, waste, living organism or combination thereof which is or may be hazardous to human health or safety or to the environment due to its radioactivity, ignitability, corrosivity, reactivity, explosivity, toxicity, carcinogenicity, mutagenicity, phytotoxicity, infectiousness or other harmful or potentially harmful properties or effects, including, without limitation, petroleum and petroleum products, asbestos, radon, polychlorinated biphenyls (PCBs), refrigerants (including those substances defined in the Environmental Protection Agency's "Refrigerant Recycling Rule," as amended from time to time), and all of those chemicals, substances, materials, controlled substances, objects, conditions, wastes, living organisms or combinations thereof which are now or become in the future listed, defined or regulated in any manner by any Environmental Law based upon, directly or indirectly, such properties or effects. As used in the Lease, "Environmental Laws" means any and all federal, state or local environmental, health and/or safety-related laws, regulations, standards, decisions of courts, ordinances, rules, codes, orders, decrees, directives, guidelines, permits or permit conditions, currently existing.

2.3. TERMINATION. In addition to other termination provisions contained in this Lease, prior to commencement of construction of the Building Improvements, this Lease may be terminated by either party for any or no reason by providing one hundred twenty (120) days written notice to the other party.

After commencement of construction of the Building Improvements, this Lease may not be unilaterally terminated by either party, except pursuant to other termination provisions contained in this Lease.

2.4. SURRENDER OF PROPERTY. At the expiration of the Lease Term or the earlier termination of this Lease, Tenant will surrender possession of the Property and all Building Improvements and New Improvements constructed subsequent to the Building Improvements (collectively the Building Improvements and New Improvements are referred to herein as "Improvements") located thereon and deliver the same to Landlord in good order, condition and repair, ordinary wear and tear, casualty, condemnation and acts of God excepted, in each case shall automatically vest in, revert to (as applicable)

and become the property of Landlord, in each case free and clear of all liens or encumbrances, but without any other representation or warranty by Tenant and without any compensation to, or requirement of consent or other act of Tenant and without the necessity of executing a deed, bill of sale, conveyance, or other act or agreement of Tenant. Upon the expiration or earlier termination of this Lease, Tenant shall have no right to remove any Improvements from the Property without the express written consent of Landlord, and Tenant shall have no obligation to remove any (a) Building Improvements or (b) any New Improvements permitted to be constructed or installed on the Property by Tenant under this Lease. Notwithstanding the foregoing, at the option of Landlord, Tenant shall raze all or any portion of any New Improvements not permitted to be constructed or installed on the Property by Tenant under this Lease and that are designated by Landlord in writing to Tenant to be razed at least six (6) months prior to the expiration of the Lease Term or within thirty (30) days after any early termination of this Lease, and in such event, Tenant shall surrender the Property free and clear of any such New Improvements so designated. In the event Tenant does not surrender possession of the Property to Landlord as provided above, Landlord shall use any and all means to evict Tenant from the Property.

Any of Tenant's trade fixtures, furniture, furnishings or other property which is permanently affixed to the Property or Improvements shall not be removed by Tenant upon the termination of this Lease.

All of Tenant's trade fixtures, furniture, furnishings and other personal property not permanently affixed to the Property or Improvements (collectively referred to as "Tenant's Personal Property") shall be and remain the property of Tenant during the Lease Term. During the Lease Term, Tenant shall have the right to remove or dispose of any or all of Tenant's Personal Property, though Tenant shall repair any damage caused to the Property or Improvements resulting from such removal; provided, however, that at all times Tenant shall provide and maintain during the entire Lease Term such Tenant's Personal Property as necessary in order to operate the Property in accordance with the terms of this Lease.

ARTICLE 3
RENT, TAXES

3.1. RENT. Tenant agrees to pay to Landlord, at such place as Landlord may designate in writing, without prior demand and without any deduction or set-off whatsoever, except as provided in this Lease, Annual Rent of One Dollar and No Cents ($1.00) per year, due and payable no later than January 15th of each calendar year of this Lease Term.

3.2. LATE CHARGE. The late payment of any installment of Annual Rental will cause Landlord to incur additional costs, including administration and collection costs and processing and accounting expenses. Tenant shall receive, during the term hereof, a grace period (each, a "Grace Period"), not to exceed five (5) days after the due date for any installment of Annual Rental. No Late Charge as defined herein shall be due as long as the applicable installment of Annual Rental is paid on or before the expiration of the applicable Grace Period. As to any installment of Annual Rent which Landlord has not received prior to the expiration of such Grace Period, Tenant shall pay a late charge equal to One-Hundred Dollars and No Cents ($100.00) ("Late Charge") which is agreed to represent a reasonable estimate of the delinquency costs incurred by Landlord. Landlord and Tenant recognize that the damage which Landlord shall suffer as a result of Tenant's failure to pay such amounts is difficult to ascertain and said Late Charge is the best estimate of the damage which Landlord shall suffer in the event of late payment.

3.3. TAXES. Commencing on the Commencement Date, and continuing for the balance of the Lease Term, Tenant agrees to pay, or cause to be paid, without setoff or deduction, as Additional Annual Rent, the amount of all Taxes assessed for any reason and levied on the Property and all improvements thereon. Such Taxes shall be paid directly to the tax assessor by Tenant. Tenant shall provide to Landlord proof of payment of all Taxes assessed on the Property within ten (10) days after payment of such Taxes. The term "Taxes" levied on the Property or the improvements thereon shall mean any form of tax, special tax, assessment, lien, bond obligation, license fee, license tax, tax or excise on rent, possessory interest tax or any other levy, charge or expense, together with any statutory interest thereon, imposed or required at any time by any federal, state, county, city or quasi-governmental authority having jurisdiction, or any political subdivision thereof, or any improvement or special assessment district thereof (hereinafter individually and collectively referred to as "Governmental Agencies"), on any interest of Landlord or Tenant or both in the Property or the improvements thereon, including without limitation: (a) any impositions by Governmental Agencies (whether or not such impositions constitute tax receipts) or any other payments to Governmental Agencies (whether involuntarily imposed by any such Governmental Agencies or voluntarily agreed to by Landlord) in substitution, partially or totally, of any impositions now or previously included within the definition of real property taxes; (b) any impositions upon this Lease or any document to which Tenant is a party, otherwise payable under any special improvement district, special service district or any other special taxing district or authority, annual or periodic license or use fees, excises, transit and traffic charges, housing fund assessments, open space charges, childcare fees, school, sewer and parking fees or any other assessments, levies, fees, or charges, general and special, ordinary and extraordinary, unforeseen as well as foreseen (including fees "in-lieu" of any such tax or assessment). In addition, in no event shall Tenant be responsible for paying any increases in Taxes that are directly attributable to Landlord's sale or transfer of fee title to the Property that constitutes a "change in ownership" for purposes of real property taxes and assessments against the Property, other than a sale or transfer by Landlord to Tenant. Any Taxes relating to a fiscal period of the taxing authority, only a part of which period is included within the Lease Term, shall be prorated as between Landlord and Tenant so that Tenant shall pay the portion attributable to any period during the Lease Term. Tenant's obligation to pay Taxes that accrued during the Lease Term shall survive the expiration or earlier termination of this Lease. Tenant shall have the right to contest any Taxes or the increase in any Taxes which Tenant is obligated to pay under this Lease; provided, however, Tenant shall (i) give Landlord written notice of any such intention to contest at least thirty (30) days before any delinquency could occur, (ii) indemnify and hold Landlord harmless from all liability on account of said contest, (iii) take such action as is necessary to remove the effect of any lien which attaches to the Parcel or the improvements thereon due to such contest, and (iv) in the event of a final determination adverse to Tenant, prior to enforcement, foreclosure or sale, pay the amount involved together with all penalties, fines, interest, costs and expenses which may have accrued.

3.4. PERSONAL PROPERTY TAXES. Prior to delinquency, Tenant shall pay all taxes and assessments levied upon trade fixtures, alterations, additions, inventories and other personal property (including all of Tenant's Personal Property) located and/or installed on the Property by or on behalf of Tenant, and shall provide proof of payment thereof to Landlord within thirty (30) days after such taxes and assessments are paid.

ARTICLE 4
USE OF PROPERTY

4.1 GIRL SCOUTS COVENANT TO CONSTRUCT BUILDING IMPROVEMENTS. The conveyance of the Property to Tenant is predicated upon the promise by Tenant to commence

construction of the Building Improvements to accommodate events, storage space and parking on the Property within thirty-six (36) months of the Commencement Date. If Tenant fails to commence construction of the Building Improvements within the thirty-six (36) months, Tenant shall be declared in non-compliance with the terms of this Lease, this Lease shall be deemed null and void without the necessity of further action by Landlord. For purposes of this Lease, "commence construction of the Building Improvements" is defined as construction on the Property of the Girl Scouts' building and infrastructure pursuant to an approved Building Permit issued by the City of Las Vegas Building Department.

Any construction on the Property shall be at the sole cost and expense of Girl Scouts, and shall be constructed in a good and workmanlike manner and in compliance with all security and insurance requirements and all applicable permits, authorizations, building regulations, zoning laws, environmental regulations, laws regarding the physically disabled under the Americans with Disability Act and all other governmental rules, regulations, ordinances, statutes and laws, now or hereafter in effect pertaining to the Property or Tenant use thereof.

The parties acknowledge and agree that during the Lease Term, Tenant shall be the owner of any Improvements that Tenant may hereafter make to the Property, and all the Tenant's Personal Property. Tenant shall retain all rights to depreciation deductions and other credits arising from its ownership of such Improvements and Tenant's Personal Property during the Lease Term.

4.2. PROHIBITION ON LIENS. Tenant agrees that it will pay, or cause to be paid, all costs of labor, services and/or materials supplied in the prosecution of any work, done, or caused to be done, on the Property, including without limitation, the Improvements, and Tenant will keep the Property free and clear of all mechanics' liens and other liens on account of work done for Tenant or persons claiming under Tenant.

4.2.1. Contest of Lien. If Tenant desires to contest any mechanics' lien claim it shall either (i) post a mechanics' lien release bond issued by a responsible corporate surety in an amount and in a manner sufficient to satisfy statutory requirements for the release of such mechanics' lien in the State of Nevada or (ii) furnish Landlord with adequate security reasonably acceptable to Landlord for the amount of the claim plus estimated costs and interest and promptly pay or cause to be paid all sums awarded to the claimant on its suit.

4.2.2. Notice of Lien. Tenant shall forthwith notify Landlord in writing of any claim or lien filed against the Property or the commencement of any action affecting the title thereto.

4.2.3. Notice of Non-Responsibility. Landlord or its representatives shall have the right to go upon and inspect the Property at all reasonable times and shall have the right to post and keep posted thereon notices of non-responsibility or such other notices which Landlord may deem to be proper for the protection of Landlord's interest in the Property. Before the commencement of any work which might result in any such lien, Tenant shall give to Landlord written notice of its intention to do so in sufficient time to enable Landlord to post such notices.

4.3. USE RESTRICTED. Tenant shall use the Property solely as a non-profit entity providing services to the citizens of the City of Las Vegas. Tenant shall not construct or permit any permanent use of the Property for any commercial purpose(s), however, Tenant may permit temporary and short-term commercial special events provided that Tenant obtain the necessary approval(s) and permit(s) from the

appropriate governmental authority. If Tenant's use the Property for anything other than operations as a non-profit, the Girls Scouts shall have thirty (30) days to remove such use from the Property upon notice from Landlord. If the use is not removed with thirty (30) days after notice from Landlord, this Lease shall terminate and Tenant will surrender the Property and the Improvements to Landlord pursuant to the terms of this Lease.

4.4. MAINTENANCE OF THE PROPERTY. Tenant shall maintain the Property, Improvements, and Tenant's Personal Property and every part thereof in a clean, neat, and orderly condition, free of objectionable noise, odors, or nuisances and will in all respects and at all times fully comply with health, safety, and police regulations, including all laws, regulations, statutes, or codes concerning the use, storage, or maintenance of Hazardous Materials on the Property. Tenant shall further not suffer or permit any person to commit any waste on the Property. Tenant shall be responsible for the cost of providing any and all maintenance and security for the Property and all activities conducted thereon and Landlord shall have no responsibility of any kind for payment of any costs or expenses.

4.5. UTILITIES. Tenant shall be responsible for the payment of the utility service charges attributed to occupancy of the Property and the Tenant's operations.

4.6. COMPLIANCE WITH THE LAW. During the Lease Term, Landlord and Tenant shall not use or knowingly permit any person to use all or any portion of the Property, including any Improvement in or on the Property, in any manner which violates any laws, ordinances, or regulations of the United States; the State of Nevada; Clark County, Nevada; or City of Las Vegas, Nevada; or any other government authority having jurisdiction over the Property.

ARTICLE 5
ASSIGNMENT

5.1. ASSIGNMENT PROHIBITED. Tenant shall not transfer or assign this Lease, in whole or in part, or permit the use of the Property by any person or persons other than Tenant, or sublet the Property, or any part thereof, without the prior written consent of Landlord in each instance. Such prohibition against assigning or subletting shall include any assignment or subletting by operation of law. Any transfer of this Lease from Tenant by merger, consolidation, transfer of assets, or liquidation shall constitute an assignment for purposes of this Lease.

5.2. CONSENT REQUIRED. Any assignment or subletting without Landlord's consent shall be void, and shall constitute a default hereunder which, at the option of Landlord, shall result in the termination of this Lease or exercise of Landlord's other remedies hereunder. Consent to any assignment or subletting shall not operate as a waiver of the necessity for consent to any subsequent assignment or subletting, and the terms of such consent shall be binding upon any person holding by, under or through Tenant.

5.3. LANDLORD'S RIGHT IN EVENT OF ASSIGNMENT. In the event that Landlord consents to a sublease or assignment hereunder, Tenant shall pay to Landlord reasonable fees, not to exceed Five Hundred Dollars and No Cents ($500.00), incurred in connection with processing documents necessary to the giving of such consent.

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ARTICLE 6
LEASEHOLD FINANCING

6.1. NON-SUBORDINATION. The fee estate in the Property and Landlord's interest under this Lease shall not be subordinate to, and Landlord shall not be required to subject its fee estate and interest in the Property or this Lease, to the lien of any financing or mortgage sought or obtained by Tenant, including, without limitation, any leasehold mortgage.

6.2. NO RIGHT TO ENCUMBER. Tenant has no right to hypothecate, pledge, encumber or mortgage its interest in this Lease, the leasehold estate in the Property created hereby, or any part or parts thereof or interest therein.

ARTICLE 7
INDEMNIFICATION

7.1. TENANT'S COVENANT TO INDEMNIFY. Tenant shall indemnify, protect, defend and hold harmless Landlord and Landlord's council members, managers, directors, officers, employees, and agents (individually and collectively, "Indemnitees") from and against any and all suits, actions, damages, claims, liability and expense in connection with loss of life, bodily or personal injury, or property damage arising from or out of any occurrence in, upon, at or from the Property, or the occupancy or use by Tenant of the Property or any part thereof, or occasioned wholly or in part by any act or omission of Tenant, its agents, contractors, employees, servants, invitees, licensees, concessionaires, or volunteers.

Landlord shall not be responsible or liable at any time for any loss or damage to Tenant equipment, fixtures, or other personal property, including any loss or damage to either the person or property of Tenant that may be occasioned by or through the acts or omissions of any third party.

Tenant shall give prompt notice to Landlord in case of fire, accidents, or other incident on the Property that may result in legal proceedings against either Landlord or Tenant.

Tenant's obligations pursuant to the foregoing indemnity shall survive the expiration or earlier termination of this Lease.

ARTICLE 8
INSURANCE

8.1. INSURANCE GENERALLY. Tenant will provide Landlord with copies of all policies and renewals of policies. All policies will also contain endorsements providing that they will not be cancelled, reduced in amount or coverage or otherwise modified by the insurance carrier without at least thirty (30) days' prior written notice to Landlord. Landlord will be entitled to participate in the settlement or adjustment of any losses covered by the policies of insurance.

8.2. TENANT'S LIABILITY INSURANCE. Prior to its use of the Property, Tenant shall, at its sole cost and expense, obtain and thereafter, at all times during which this Lease is in force and effect, maintain bodily liability insurance covering the Property and any and all improvements thereon in the amount of One Million Dollars and No Cents ($1,000,000.00) for the injury to or the death of any one person, and Two Million Dollars and No Cents ($2,000,000.00) for injuries to or the death of any number of persons in one occurrence, and property damage liability insurance in the amount of One Million

Dollars and No Cents ($1,000,000.00). Tenant shall submit to Landlord a certificate of insurance which evidences the above required coverages and names Landlord as an additional insured party with an additional insured endorsement to be attached to the certificate of insurance.

8.3. TENANT'S PROPERTY INSURANCE. Tenant will keep all Improvements continuously insured against loss or damage by fire and other hazards for the full replacement value of the Improvements. The property insurance policies will name both Tenant and Landlord as"named insureds" so as to create the same liability on the part of insurer as though separate policies had been written for Tenant and Landlord.

ARTICLE 9
DAMAGE OR DESTRUCTION

9.1. OBLIGATIONS OF TENANT. Except as hereinafter otherwise provided, in case of damage to or destruction of the Improvements located on the Property or any part thereof by fire or other cause, Tenant, at Tenant's sole cost and expense, may elect to restore, repair, replace, rebuild or alter the same as nearly as possible to their value, condition and character immediately prior to such damage or destruction or with such changes or alterations as may be approved by the Landlord. If Tenant elects to make any such repairs, such restoration, repairs, replacements, rebuilding or alterations shall be commenced within ninety (90) days following Tenant's receipt of Building Permits for such work and prosecuted to completion with due diligence and in good faith. If Tenant does not desire to make the repairs (regardless of whether insurance proceeds are available), Tenant shall notify Landlord in writing. Thereafter, Landlord and Tenant shall meet and confer in good faith to determine whether Landlord will approve Tenant's election not to rebuild, repair or restore (which approval Landlord shall not unreasonably withhold or condition). The obligation of Tenant to pay Annual Rental shall remain in full force and effect regardless of whether Tenant is able to operate and nothing contained in this Section shall be deemed or construed to relieve Tenant of its obligations to comply with the other covenants and obligations of Tenant under this Lease. Tenant shall not be entitled to any compensation or damages from Landlord for loss of use of the whole or any part of the Property, Improvements, or Tenant's Personal Property located on the Property or for any inconvenience or annoyance occasioned by such damage.

9.2. DISBURSEMENT OF INSURANCE PROCEEDS. All property insurance proceeds recovered on account of damage or destruction to the Improvements ("Proceeds") shall be applied to the payment of the cost of repairing and replacing the Improvements so damaged regardless of whether such proceeds first become available after the expiration of the Lease Term. If the Lease Term expires or will expire prior to the completion of reconstruction and/or the proceeds will not be utilized for the restoration contemplated on the Property, insurance proceeds shall be delivered to Landlord if the proceeds are applicable to any damage to Landlord's adjacent property and the Landlord improvements and shall be retained by Tenant if applicable to the Improvements.

9.3. DESTRUCTION NOT A RELEASE. Except as expressly provided for in this Lease, no destruction of or damage to the Improvements located on the Property or any part thereof by fire or any other cause shall permit Tenant to terminate this Lease or shall relieve Tenant from its obligation to pay the Annual Rent under this Lease or from any of its other obligations under this Lease, and except as otherwise expressly set forth herein, Tenant waives any rights now or hereafter conferred upon it by statute or otherwise to quit or surrender this Lease or the Property or any suspension, diminution, abatement or reduction of Annual Rent on account of any such destruction or damage.

ARTICLE 10
EMINENT DOMAIN

10.1. TOTAL TAKING. If, during the Lease Term, the entire Property shall be taken as a result of the exercise of the right of eminent domain, or if less than the entire Property shall be taken but it shall be determined by the Tenant in his or her reasonable judgment that the Improvements cannot at a reasonable expense be repaired, restored, or replaced to a condition suitable for Tenant's intended use, this Lease may, at the option of Tenant, be terminated by Tenant as of the date of such taking, and the rights of Landlord and Tenant in and to the award upon any such taking shall be determined in accordance with this Section 10.

10.2. PARTIAL TAKING. If, during the Lease Term, if less than the entire Property shall be taken but it shall be determined by the Tenant in his or her reasonable judgment that the Improvements can be repaired, restored, or replaced to a condition suitable for Tenant's intended use, this Lease shall not terminate but shall continue in full force and effect for the remainder of the Lease Term. The rights of Landlord and Tenant in and to the award upon any such taking shall be determined in accordance with this Section 10. Tenant shall, with due diligence, restore, repair, and replace that portion of the Improvements not so taken to a condition suitable Tenant's intended use, having due regard for the design, construction, and character of the Improvements existing before such taking.

10.3. TEMPORARY TAKING. If all or any portion of the Property or the Improvements on the Property shall be taken by the exercise of the right of eminent domain for governmental occupancy for a limited period of time, this Lease shall not terminate and the Tenant shall continue to perform and observe all of his obligations as though such taking had not occurred except to the extent that the Tenant may be prevented from so doing by reason of such taking. The Tenant shall in no event be excused from the payment of Annual Rent and all other sums and charges required to be paid under this Lease.

10.4. ALLOCATION OF TAKING AWARD. If all or a portion of the Property shall be taken by exercise of the right of eminent domain, the total award in any such proceeding or for any such injury or reduction in value shall be determined as follows:

10.4.1 In the event of any taking that results in the termination of this Lease in accordance with the provisions of this Section 10, then Landlord and Tenant shall be entitled to prosecute claims in such condemnation proceedings for the value of their respective interests in the Property and Improvements.

10.4.2. In the event of any taking of a portion of the Property or of the Improvements that does not result in the termination of this Lease in accordance with the provisions of this Section 10, then the Landlord and Tenant shall be entitled to prosecute claims in such condemnation proceedings for the value of their respective interests affected by such taking.

10.4.3. As used in this Section 10, the phrase "taken as a result of the exercise of the right of eminent domain" shall mean a taking or damaging by eminent domain, or by inverse condemnation, or by deed or transfer in lieu thereof, for any public or quasipublic use under any statute or law. The taking shall, at the election of Tenant, be considered to take place as of the earlier of (i) the date actual physical possession is taken by the condemnor; or (ii) the date on which the right to compensation and damages accrues under the applicable law; or (iii) the date on which title vests in the condemnor.

10.5. SETTLEMENT. Landlord shall not make any settlement with the condemning authority or convey any portion of the Property to such authority in lieu of condemnation or consent to any taking without the consent of Tenant, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE 11
DEFAULTS BY TENANT; REMEDIES

11.1. EVENTS OF DEFAULT. The occurrence of any of the following shall constitute an "Event of Default" by Tenant:

11.1.1. Any failure by Tenant to pay any installment of Annual Rent or Additional Annual Rent when due, including Late Charges, where such failure continues for thirty (30) business days after written notice thereof by Landlord to Tenant;

11.1.2. Failure by Tenant to observe and perform any provision of this Lease to be observed or performed by Tenant; where such failure continues for thirty (30) days after written notice thereof by Landlord to Tenant; provided, however, that if the nature of such default is such that the same cannot reasonably be cured within such thirty (30) day period, Tenant shall not be deemed to be in default if Tenant shall within such period commence such cure and thereafter diligently prosecute the same to completion; or

11.1.3. Tenant (1) admits in writing its inability to pay its debts generally as they become due, (2) files a petition in bankruptcy or a petition to take advantage of any insolvency act, (3) makes an assignment for the benefit of its creditors, (4) consents to the appointment of a receiver of itself or of the whole or any substantial part of its property, or (5) files a petition or answer seeking reorganization or arrangement under the Federal bankruptcy laws or any other applicable law or statute of the United States of America or any state thereof;

11.1.4. Tenant is adjudicated as bankrupt or a court of competent jurisdiction enters an order or decree appointing, without the consent of Tenant, a receiver of Tenant, or of the whole or substantially all of its property, or approving a petition filed against it seeking reorganization or arrangement of Tenant under the Federal bankruptcy laws or any other applicable law or statute of the United States of America or any state thereof, and such judgment, order or decree shall not be vacated or set aside or stayed within sixty (60) days from the date of the entry thereof;

11.1.4. Tenant is liquidated or dissolved, or shall begin proceedings toward such liquidation or dissolution, or shall, in any manner, permit the sale or divestiture of substantially all its assets;

11.1.5. The estate or interest of Tenant in the Property or any part(s) thereof shall be levied upon or attached in any proceeding and the same shall not be vacated or discharged within ninety (90) days after commencement thereof;

11.1.6. An Assignment of Tenant's interest under this Lease occurs without Landlord's consent in violation of the provisions of this Lease;

Notwithstanding anything to the contrary contained in this Lease regarding notice and cure periods, any notice and cure periods provided for herein shall be in lieu of, and not in addition to, any applicable time periods prescribed by any applicable laws as a condition precedent to the commencement of legal action against Tenant for possession of the Property.

11.2. LANDLORD'S RIGHT TO CURE TENANT'S DEFAULT. Without in any way limiting Landlord's other rights and remedies hereunder or at law and/or in equity, upon the occurrence of an Event of Default by Tenant, or before the expiration of any notice or cure period hereunder in the event of emergency, Landlord, at its option (but without any obligation), may elect to cure any Tenant default under this Lease, and any amount so paid and the reasonable cost of any such cure, plus interest on such sums at the one percent (1%) per month, shall be deemed to be added to the Annual Rent, immediately payable by Tenant to Landlord upon demand. No such payment or performance by Landlord shall constitute a waiver of any default by Tenant or of any remedy for such default or render Landlord liable for any loss or damage resulting from any such payment or performance. Landlord, or Landlord's authorized representative, may enter the Property for such purpose and take all such action as may be necessary therefor and such entry shall not constitute or be deemed to be an eviction of Tenant.

11.3. RECEIVER. Upon the occurrence of an Event of Default, and upon commencement of proceedings to enforce the rights of Landlord hereunder or at law and/or in equity, Landlord shall be entitled, as a matter of right, to the appointment of a receiver or receivers acceptable to Landlord of the Property, pending the outcome of such proceedings, with such powers as the court making such appointment shall confer.

11.4. WAIVER. If Landlord initiates judicial proceedings or if this Lease is terminated by Landlord pursuant to this Article 11, Tenant waives, to the extent permitted by applicable law, (i) any right of redemption, re-entry or repossession; and (ii) the benefit of any applicable law now or hereafter in force exempting Property from liability for rent.

11.5. RIGHTS OF LANDLORD. Following an Event of Default by Tenant, then in addition to any other remedies available to Landlord at law or in equity, Landlord shall have the immediate option to terminate this Lease and all rights of Tenant hereunder by giving written notice to Tenant of such intention to terminate. In the event that Landlord shall elect to so terminate this Lease, then Landlord may recover from Tenant: (a) the worth at the time of award of any unpaid Annual Rent which had been earned at the time of such termination; plus (b) the worth at the time of award of the amount by which the unpaid Annual Rent which would have been earned after termination until the time of award exceeds the amount of such Annual Rent loss Tenant proves could have been reasonably avoided; plus (c) the worth at the time of award of the amount by which the unpaid Annual Rent for the balance of the Lease Term after the time of award exceeds the amount of such Annual Rent loss that Tenant proves could be reasonably avoided; plus (d) Any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under this Lease or which in the ordinary course of events would be likely to result therefrom, including, without limitation, all costs and expenses incurred by Landlord in (i) retaking possession of the Property, including reasonable attorney's fees, (ii) maintaining or preserving the Property, (iii) preparing the Property for a new tenant, including repairs or alterations to the Property, and (iv) leasing commissions; plus (e) such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time by applicable laws.

As used in subsections (a) and (b) above, the "worth at the time of award" is computed by allowing interest at an interest rate of one percent (1%) per month. As used in subsection (c) above, the "worth at the time of award" is computed by discounting such amount at the discount rate of the Federal Reserve Bank Federal Discount Rate at the time of award plus one percent (1%).

11.6. LANDLORD'S RIGHT OF RE-ENTRY. Following an Event of Default by Tenant, Landlord shall also have the right, with or without terminating this Lease, to re-enter the Property pursuant to legal proceedings and eject all parties in possession there following issuance of an order of a court of competent jurisdiction allowing such entry and ejection. Without terminating this Lease and with or without re-entering the Property, Landlord may, at any time and from time to time following an Event of Default, either recover all Annual Rent and Additional Annual Rent provided for hereunder as it becomes due or re-let the Property, or any part or parts thereof, for the account of Tenant, or otherwise, receive and collect the rents therefor, applying the same first to the payment of such expenses as Landlord may have paid, assumed or incurred in recovering possession of the Property, including reasonable costs, expenses and attorneys' fees, and for placing the same in good order and condition, or preparing or altering the same for re-letting, and all other expenses, commissions and charges paid, assumed or incurred by Landlord in or in connection with re-letting the Property, and then to the fulfillment of the covenants of Tenant to be performed under this Lease. In addition to the foregoing, Landlord shall have the remedies provided under Nevada law, as the same may be modified or replaced hereafter.

11.7. NO AUTOMATIC TERMINATION. No reentry or taking possession of the Property by Landlord pursuant to Section 11.6 shall be construed as an election to terminate this Lease or Tenant's liability for the payment of Annual Rent or other charges due or accruing hereunder, or as an acceptance of Tenant's surrender of the Property, unless a written notice of such intention is given to Tenant or unless the termination thereof is decreed by a court of competent jurisdiction. Notwithstanding any reletting without termination by Landlord because of any default by Tenant, Landlord may at any time after such reletting elect to terminate this Lease for any such default.

11.8. TENANT'S PERSONAL PROPERTY. Upon the occurrence of an Event of Default, all of Tenant's Personal Property shall remain on the Property and continuing during the length of said Event of Default. Landlord shall have the right to take exclusive possession of same and to use the same free of rent or charge until all defaults have been cured or, at its option, to require Tenant to remove the same forthwith.

11.9. NO WAIVER. The waiver by Landlord of any breach of any term, covenant or condition contained in this Lease shall not be deemed a waiver of such term, covenant or condition of any subsequent breach thereof, or of any other term, covenant or condition contained in this Lease. Landlord's subsequent acceptance of partial Rental or performance by Tenant shall not be deemed to be an accord and satisfaction or a waiver of any preceding breach by Tenant of any term, covenant or condition of this Lease or of any right of Landlord to a forfeiture of this Lease by reason of such breach, regardless of Landlord's knowledge of such preceding breach at the time of Landlord's acceptance. No term, covenant or condition of this Lease shall be deemed to have been waived by Landlord unless such waiver is in writing and signed by Landlord.

11.10. NON-RECOURSE GROUND LEASE. Notwithstanding anything to the contrary contained in this Lease, including without limiting the remedies of Landlord contained in this Article 11, except as otherwise provided in Section 11.11 below, if at any time, Tenant shall fail to perform or pay any covenant or obligation on its part to be performed or paid hereunder, and as a consequence thereof, Landlord or its successors and assigns shall obtain a money judgment against Tenant, Landlord agrees to look solely to the interest of Tenant in the Property, Improvements and/or the Tenant's Personal Property for the satisfaction of such judgment, and if such interest is insufficient to satisfy the judgment amount, Landlord shall have no right of action nor shall Tenant be liable for any such insufficiency.

11.11 NO RELEASE. Notwithstanding the foregoing provisions of Section 11.10, Tenant shall be fully liable to Landlord for damages suffered by Landlord, to the extent provided by law for the following: (i) for proceeds paid under any insurance policies by reason of damage, loss or destruction to all or any portion of the Property or Property, to the full extent of such proceeds are not applied in accordance with the terms and provisions of the Lease, (ii) for proceeds or awards resulting from the condemnation or other taking in lieu of condemnation of all or any portion of the Property, to the full extent that such proceeds or awards are not applied in accordance with the terms and provisions of the Lease, (iii) for waste committed on the Property, damage to the Property as a result of the intentional misconduct or gross negligence of Tenant or any of its principals, officers, general partners or members, or any agent, employee or volunteer of any such person, or any removal of all or any portion of the Property in violation of the terms of the Lease, to the full extent of the losses or damages incurred by Landlord on account of such occurrence, (iv) for failure to pay or remove any mechanic's liens, materialmen's liens or other liens created by or through Tenant, to the full extent of the amount claimed by any such lien claimant or (v) for intentional fraud, intentional misrepresentation or intentional failure to disclose a material fact in the written materials and/or information provided to the Landlord by or on behalf of Tenant or any of its affiliates, principals, officers, members, agent, employee, or other person authorized or apparently authorized to make statements, representations or disclosures on behalf of Tenant or its affiliates, principals, officers, members, agent, employee, or other person authorized or apparently authorized in connection with this Lease and the transactions contemplated hereby.

11.12. TENANT'S WAIVER OF DEFENSES. Tenant hereby waives any and all right, as against Landlord, to assert any claim against Landlord or counter-claim or defense in any action brought by Landlord, whether at law or in equity, on the basis of any asserted invalidity of the Landlord as a governmental authority, the invalidity or illegality of the possession of the Property by the Landlord, or the invalidity or illegality of this Lease; provided, however, that Tenant reserves all of its rights and remedies at law or in equity in the event this Lease is found to be invalid, illegal or unenforceable against Landlord through no action or claim made by Tenant.

ARTICLE 12
DEFAULTS BY LANDLORD; REMEDIES

12.1. DEFAULTS. If Landlord shall neglect or fail to perform or observe any of the terms, covenants or conditions contained in this Lease on its part to be performed or observed, within thirty (30) days after written notice of default or, when more than thirty (30) days shall be required because of the nature of the default, if Landlord shall fail to proceed diligently to cure such default after written notice thereof, then Landlord shall be liable to Tenant for any and all damages sustained by Tenant as a result of Landlord's breach, and Tenant shall have the right to pursue any other remedies available at law and in equity.

12.2. NON-RECOURSE GROUND LEASE. Notwithstanding anything to the contrary contained in this Lease, including without limitation the remedies of Tenant contained in this Article 12, if Landlord fails to perform or pay any covenant or obligation on its part to be performed or paid hereunder, and as a consequence thereof, Tenant or its successors and assigns shall obtain a money judgment against Landlord, Tenant agrees to look solely to the interest of Landlord in the Property, the Improvements or the Tenant's Personal Property for the satisfaction of such judgment, and if such interest is insufficient to satisfy the judgment amount, Tenant shall have no right of action nor shall Landlord be liable for any such insufficiency.

ARTICLE 13
MISCELLANEOUS

13.1. RELATIONSHIP OF THE PARTIES. Nothing contained in this Lease shall be deemed or construed as creating a partnership, joint venture, principal-agent, or employer-employee relationship between Landlord and any other person or entity (including, without limitation, Tenant) or as causing Landlord to be responsible in any way for the debts or obligations of such other person or entity.

13.2. SUCCESSORS AND ASSIGNS. The parties hereto agree that all the provisions of this Lease are to be construed as covenants and agreements and, except as otherwise specified, that said provisions shall bind and inure to the benefit of the parties hereto and their respective heirs, legal representatives, and permitted successors and assigns.

13.3. FORCE MAJEURE. The occurrence of any of the following events shall excuse such obligations of Landlord or Tenant as are thereby rendered impossible or reasonably impracticable for so long as such event continues: strikes; lockouts; labor disputes; acts of God; inability to obtain labor, materials or reasonable substitutes therefor; governmental restrictions, regulations or controls; judicial orders; enemy or hostile governmental action; civil commotion; fire or other casualty; and other causes beyond the reasonable control of the party obligated to perform (excluding financial inability or hardship). Notwithstanding the foregoing, the occurrence of such events shall not excuse Tenant obligations to pay Monthly Rent or excuse such obligations as this Lease may otherwise impose on the party to obey, remedy or avoid such event.

13.4. NO WAIVER. A waiver of any given breach or default shall not be a waiver of any other breach or default. The City's consent to or approval of any act by the Girl Scout's requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent to or approval of any subsequent similar act by Tenant.

13.5. NOTICES. Any notice, demand request, or other instrument which may be or is required to be given under this Lease shall be delivered in person or sent by United States certified or registered mail, postage prepaid, at the following addresses:

To Landlord:
City of Las Vegas
Department of Operations and Maintenance
Attn: Real Estate Administrator
333 North Rancho Drive, 8th Floor
Las Vegas, Nevada 89106
(702) 229-1021

To Tenant:
Girl Scouts of Southern Nevada
Attn: Patricia Miller, Chief Executive Officer
2941 Harris Avenue
Las Vegas, NV 89101
(702) 385-3677

Either party hereto may change its address by giving ten (10) days advance notice to the other party as provided herein.

13.6. RECORDING. Tenant shall not record this Lease or a memorandum thereof without the written consent of Landlord. The City, at its option and at any time, may file this Lease for record with the Recorder of the County in which the Property is located.

13.7. SEVERABILITY. It is agreed that, if any provision of this Lease shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision of this Lease and all such other provisions shall remain in full force and effect. It is the intention of the parties hereto that, if any provision of this Lease is capable of two (2) constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

13.8. CHOICE OF LAW / VENUE / ATTORNEY FEES. Any litigation related to this Lease shall be brought and prosecuted exclusively in the Eighth Judicial District Court of Clark County, Nevada. The governing law shall be the laws of the State of Nevada. In the event that at any time during the Lease Term either party institutes any action or proceeding against the other relating to the provisions of this Lease or any default hereunder, then the unsuccessful party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful party, fees not to exceed Ten Thousand Dollars and No Cents ($10,000.00).

13.9. ENTIRE AGREEMENT. It is understood that there are no oral or written agreements or representations between the parties hereto affecting this Lease, and that this Lease supersedes and cancels any and all previous negotiations, arrangements, representations, brochures, displays, projections, estimates, agreements and understandings, if any, made by or between Landlord and Tenant with respect to the subject matter thereof, and none shall be used to interpret, construe, supplement or contradict this Lease. This Lease, and all amendments and exhibits thereto, is and shall be considered to be the only agreement between the parties hereto and their representatives and agents. All negotiations and oral agreements acceptable to both parties have been merged into and are included in this Lease. There are no other representations, covenants or warranties between the parties and all reliance with respect to representations is solely upon the express representations, covenants and warranties contained in this Lease. The parties agree that any deletion of language from this Lease prior to its mutual execution by Landlord and Tenant shall not be construed to have any particular meaning or to raise any presumption, canon of construction or implication, including, without limitation, any implication that the parties intended thereby to state the converse, obverse or opposite of the deleted language.

13.10. CAPTIONS. The captions and section numbers appearing herein are for convenience only, are not operative parts of this Lease and do not in any way limit or amplify the terms and provisions of this Lease.

13.11. AMENDMENTS. To be effective and binding on Landlord and Tenant, any amendment, modification, addition or deletion to the provisions of this Lease must be made in writing and executed by both parties in the same manner as this Lease.

13.12. CONSENT OF THE PARTIES. Wherever in this Lease consent or approval is required, such consent or approval shall be given in writing and shall not be unreasonably withheld, conditioned or delayed, unless otherwise expressly provided; provided, however, that Tenant acknowledge that, for so long as Landlord is a governmental agency, any consent or approval required of Landlord under this Lease, may require Landlord to first follow normal governmental processes, including, to the extent applicable, public notice and a public hearing.

13.13. TIME IS OF THE ESSENCE Time is of the essence in the performance of all covenants and conditions in this Lease for which time is a factor.

13.14. DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-105-99 adopted by the Las Vegas City Council effective October 1, 1999, Tenant warrants that it has disclosed on the form attached as Exhibit C, all officers and board members of Girl Scouts of Southern Nevada. Throughout the term hereof, Tenant shall notify Landlord in writing of any material change in the above disclosure within fifteen (15) days of any such change.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the date set forth above.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor

ATTEST:

By: _____
Beverly K. Bridges, MMC, City Clerk Date

APPROVED AS TO FORM:

By: John S. Ridilla 1/31/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney

GIRL SCOUTS OF SOUTHERN NEVADA

By: Patricia J Miller

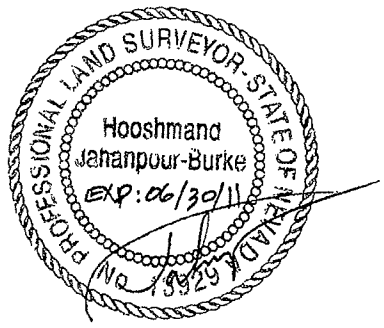
Name: Patricia Miller

Title: Chief Executive Officer

EXHIBIT "A"


Girl Scouts
Existing Bldg.
Proposed Site
MOJAVE
Fire Station 8
HARRIS
SITE MAP
CITY OF LAS VEGAS
FIELD OPERATIONS
N
Prepared by the City of Las Vegas
Real Estate & Utilities Section
12/2/10

EXHIBIT "B"



12/03/2010

DECEMBER 3, 2010
BY: HJB
P.R. BY ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED WEST OF MOJAVE ROAD AND NORTH OF HARRIS AVENUE FOR LEASE PURPOSES.

LAND DESCRIPTION

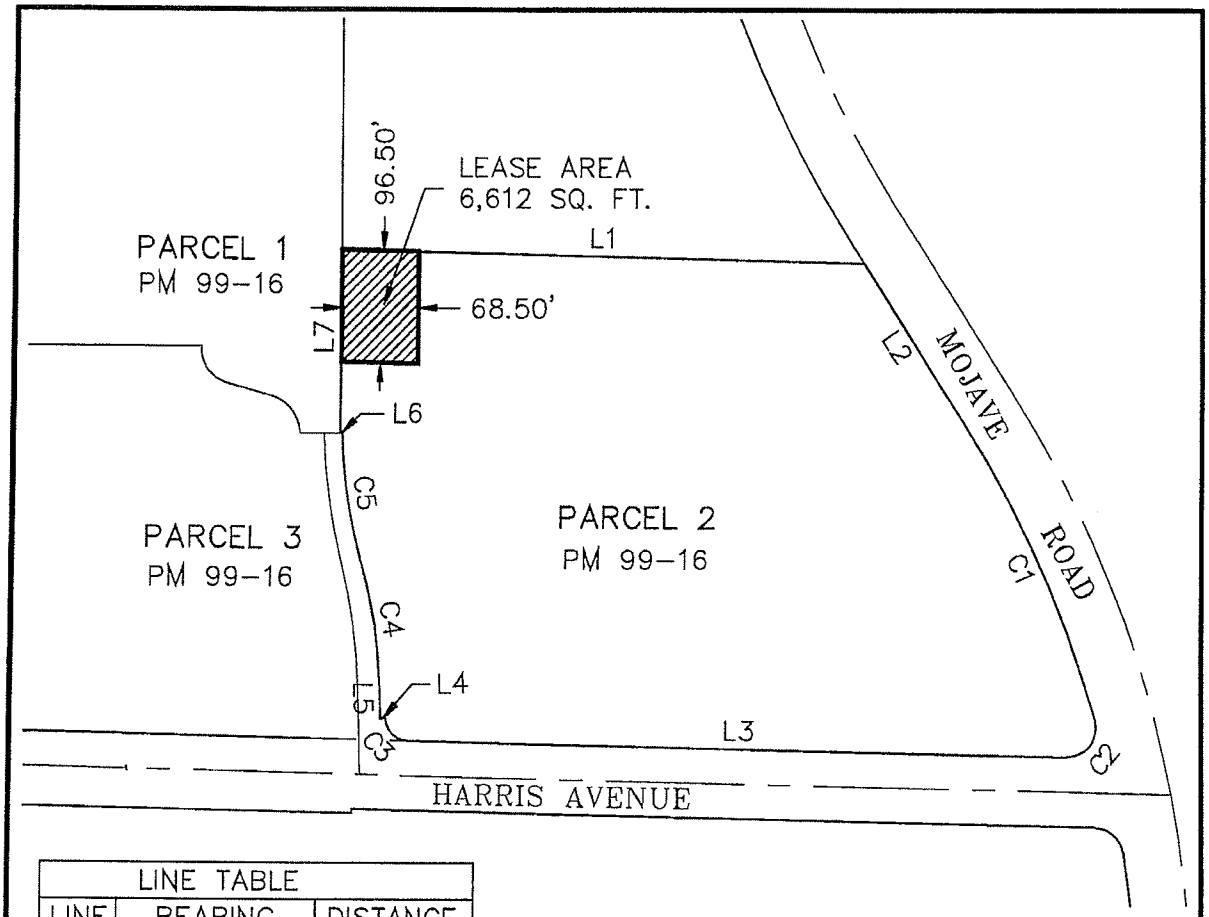
BEING A PORTION OF PARCEL 2 OF THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN FILE 99 OF PARCEL MAPS, AT PAGE 16, LYING WITHIN THE NORTH (N 1/2) OF THE SOUTH HALF (S 1/2) OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE WEST 68.50 FEET OF THE NORTH 96.50 FEET AS DETERMINED BY A LINE PARALLEL WITH THE MOST NORTHERLY LINE AND A LINE PARALLEL WITH THE MOST WESTERLY LINE OF SAID PARCEL 2, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION" ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 6,612 SQUARE FEET, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

NOTE: THIS LEGAL DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSE OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

END OF DESCRIPTION.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°38'57"E	459.01'
L2	N32°43'50"W	163.62'
L3	N88°41'44"W	575.70'
L4	S88°09'41"W	5.00'
L5	N01°50'19"W	25.39'
L6	N89°53'50"E	1.89'
L7	N00°06'10"W	158.60'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGHT
C1	17°03'39"	950.00'	282.88'
C2	106°58'27"	25.00'	46.68'
C3	86°51'25"	20.00'	30.32'
C4	14°39'15"	431.45'	110.35'
C5	15°08'50"	431.45'	114.06'

SCALE: 1"=160'
SHEET 1 OF 1

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
A PORTION OF N 1/2, S 1/2 OF S 25 T20S, R61E. M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

CITY OF LAS VEGAS – SURVEY
3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217

DRAWING:	EXHIBIT.DWG
DRAWN BY:	HJB
CHECKED BY:	ARR
DATE:	12/01/2010

EXHIBIT "C"
DISCLOSURE OF PRINCIPALS

The Board of Directors of the Girl Scouts of Southern Nevada and all persons and entities holding more than 1% interest in Girl Scouts of Southern Nevada are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. See attached for Board Members		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I hereby certify under penalty of perjury, that the foregoing list is full and complete.

Girl Scouts of Southern Nevada
By: Patricia A Mills
Its: Chief Executive Office

Subscribed and sworn to before me this
14 day of February, 2011.

Cindy L. Fields
Notary Public

Notary Public - State of Nevada
County of Clark
CINDY L. FIELDS
My Appointment Expires
January 3, 2013
No: 97-0769-1

Board

Wednesday, February 16, 2011

Name	Address	H Phone	W Phone	Cell	e-mail	Fax
President						
2009-11						
Carolyn Wassell *	7624 Genzer Drive, Las Vegas, NV, 89145		876-7970	287-0754	cwassell@aol.com	876-7972
Executive Vice President						
2009-11						
Michele Shafe *	10595 Chillingham Dr, Las Vegas, NV, 89183	614-0514	455-2466	326-9616	mshafe@cox.net mls@co.clark.nv.us	380-9512
VP Volunteer Relations						
2009-11						
Robyn Ratcliffe Manzini	9 Ridge Blossom Road, Las Vegas, NV, 89135	360-9135		324-0244	rrmanzini@ratcliffe.com	360-9134
VP Community Relations						
2009-11						
Marilyn Kirkpatrick *	4747 Showdown Drive, No. Las Vegas, NV, 89031	655-0332		767-1315	nativelasvegans2@cox.net mkirkpatrick@asm.state.nv.us	
Treasurer						
2010-12						
Bryce Clutts *	6181 Racel, Las Vegas, NV, 89131	257-9135	434-9991	604-1226	brycec@danoskiclutts.com	243-5556
Secretary						
2010-12						
Vacant Vacant	, , ,					
Member at Large						
2010-12						
Nancy Becker	6443 Grey Dove Circle, Las Vegas, NV, 89117	221-9858	671-2743	493-1064	n.becker@cox.net	
Roger Buehrer	3075 S Pioneer Way, Las Vegas, NV, 89117-3244	873-7683	258-7183	249-6958	rbuehrer@mindspring.com roger.buehrer@lvvwd.com	258-7146
Morgan Lea Dabney	2249 Early Frost Avenue, Henderson, NV, 89052	531-8551		810-0608	pdabney@intermind.net	
Debi Gallo	6513 Sierra Diablo Ave, Las Vegas, NV, 89130	839-9831	876-7163	523-4816	debra.gallo@swgas.com	
LuAnn Kutch *	5185 Villa Vasari Ave, Las Vegas, NV, 89141	229-6809		526-8173	lakutch@cox.net	873-5853
John Lescenski	3026 Archdale St, Las Vegas, NV, 89135-2229	648-3193	402-2304	275-3428	jlescenski@nvenergy.com	
Debbie Levy	7800 Silver Plateau, Las Vegas, NV, 89128	870-9065	586-1341	461-0765	dlevy1107@mac.com artstartshere.com	586-1392
Sharry Quillin	704 Pinnacle Heights, Las Vegas, NV, 89144	228-7005	256-5511	807-4356	squillin@qapr.com	838-9899

Name	Address	H Phone	W Phone	Cell	e-mail	Fax
Member at Large						
2009-11						
Debbie Conway	7621 Sea Wind Dr, Las Vegas, NV, 89128	254-8988	455-5332	236-9239	conway4recorder@hotmail.com	382-0157
Nora Luna	548 Clement Ct, Las Vegas, NV, 89123		940-5420		lunan@unce.unr.edu noraluna5@hotmail.com	222-3100
Christine Smith *	8338 San Ramon Dr, Las Vegas, NV, 89147	364-9121	895-1872	290-6544	christine.smith@unlv.edu	895-1095
Debbi Svab *	2938 Brockington Dr, Las Vegas, NV, 89120	456-4784	653-2383	349-1795	lvkeebie@aol.com debra.svab.ctr@nellis.af.mil	456-3544
Carolyn Weaver	10029 Skipper Ct, Las Vegas, NV, 89117		702-813-7372	702-219-3447	c2weaver2@cox.net	
Member at Large Senior Girl Scout						
2010-11						
Emily Ahlin	10747 Khalua Ave, Las Vegas, NV, 89166-7005	453-1316			emmi765@embarqmail.com	
Cara Fava	122 Magnesium St, Henderson, NV, 89015	565-8441			cara.fava@hotmail.com cpalsgr@cox.net	
Member at Large/Board Development Committee						
2009-11						
Soozi Jones Walker	7260 Darby Avenue, Las Vegas, NV, 89117	253-6972	316-4500	528-7987	soozi@cevegas.com soozi@cevegas.com	315-4154
Member at Large/Board Development Committee						
2010-12						
Susan Pucciarelli	2026 Bobtail Dr, Henderson, NV, 89012	361-2221	952-4406	497-0022	susan.pucciarelli@cnb.com spbelle@aol.com	952-4437
Chief Executive Officer						
Patricia Miller	2941 Harris Avenue, Las Vegas, NV, 89101		385-3677		pmiller@frontiercouncil.org	385-9278

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OPERATIONS AND MAINTENANCE
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Southern Nevada Water Authority Smart Landscapes Program Application and Agreement and authorize the Mayor to execute a Restrictive Covenant and Grant of Conservation Easement upon completion of lawn conversion to drought tolerant landscaping at Rotary Park, 901 Hinson Street, APN 139-31-801-015 - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City desires to convert lawn to drought tolerant landscaping at Rotary Park, which meets requirements of the SNWA's Water Smart Landscape Program. The city proposes to convert approximately 32,345 square feet of lawn to desert landscaping. Upon completion of conversion the city is required to execute a Restrictive Covenant and Grant of Conservation Easement to prevent a water intensive use on the conversion area in perpetuity. Upon submittal of the executed Easement to the SNWA after the conversion, the SNWA processes payment for the conversion to the city.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Water Authority Smart Landscapes Program Application and Agreement

Southern Nevada Water Authority

Water Smart Landscapes Program

Application and Agreement

WATER SMART 258-SAVE • snwa.com

It's time to get smart about water

Owner or Business Name:	City of Las Vegas
Conversion Address:	901 Hinson
City, Zip Code:	Las Vegas, NV 89107
Contact Person (if not owner)	Pat Batte
Telephone Number(s):	702-229-1046
E-mail address	pbatte@lasvegasnevada.gov.
Mailing address (if different from conversion address)	333 N. Rancho Dr. Las Vegas, NV 89106

Project Type:
- ☐ Single Family Home: Front yard ○ Backyard ○ (mark one or both)
- ☐ Apartments, HOA common area, Mobile Home Park
- ☑ Business or Institutional property

Approved as to form
John S. Ridilla 2/17/11
John S. Ridilla Date
Deputy City Attorney

Water Source:
- ☑ A City or Water Agency
- ☐ Private Groundwater Well (see limitations in condition III B)

Instructions

1. Submit white and yellow copies of your completed, signed application. Keep pink copy.
2. SNWA will call you within 10 days of receipt of your application to schedule a mandatory pre-conversion site visit.
3. When the conversion is complete, homeowners call 862-3760 for final inspection. Other properties may contact their coordinator directly.

Important! You must participate in a pre-conversion site visit *before* removing your lawn. Starting without SNWA approval will make your conversion ineligible.

The undersigned person executing this application and agreement represents and warrants that they are the owner of the property, or they have the express written permission of the owner as evidenced by a duly executed and recorded power of attorney or other document indicating authorization to act on behalf of the owner, and represents and certifies that such person or entity is duly authorized and has been empowered to execute and deliver this application and agreement. As such, I understand and agree to the program conditions on the back of this form and have reviewed the terms of the restrictive covenant required.

Applicant's signature _____ Date _____

Applicant's printed name (include professional title if you are the owner's designee) _____

SNWA USE ONLY - SNWA has approved this agreement and authorized the applicant to proceed with the project.

SNWA representative's signature _____ Date _____ Completion period expires _____

Keep the pink copy. Mail the white and yellow copies to:

SNWA Conservation – P.O. Box 99956 – Las Vegas, NV 89193-9956

CORPORATE ACKNOWLEDGMENT

State of Nevada)
§
County of _____)

Approved as to form
John S. Ridilla 2/17/11
John S. Ridilla Date
Deputy City Attorney

On this _____, day of _____, 20____, personally appeared before me

_____, whose identity is personally known to me
(name of document signer)

(or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did

say that he/she is the _____ of _____
(Title or Office) (Name of Corporation)

and that said document was signed by him/her in behalf of said Corporation by

Authority of its Bylaws, or (Resolution of its Board of Directors), and said

_____ acknowledged to me that said Corporation executed the
(Name of document signer)

same.

_____
Signature

_____
Notary Public

Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity.

The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: OPERATIONS AND MAINTENANCE
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of a sewer easement from D.R. Horton Inc. to the City of Las Vegas for a portion of Lots 1 through 5 of Lone Mountain Estates (Book 129, Page 100) lying within the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 31, Township 19 South, Range 60 East, Mount Diablo Meridian, Clark County, APNs 125-31-810-001, 125-31-810-002, 125-31-810-003, 125-31-810-004 and 125-31-810-005 - Clark County (near Ward 4 - Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: Operations and Maintenance/Right-of-Way

PURPOSE/BACKGROUND:

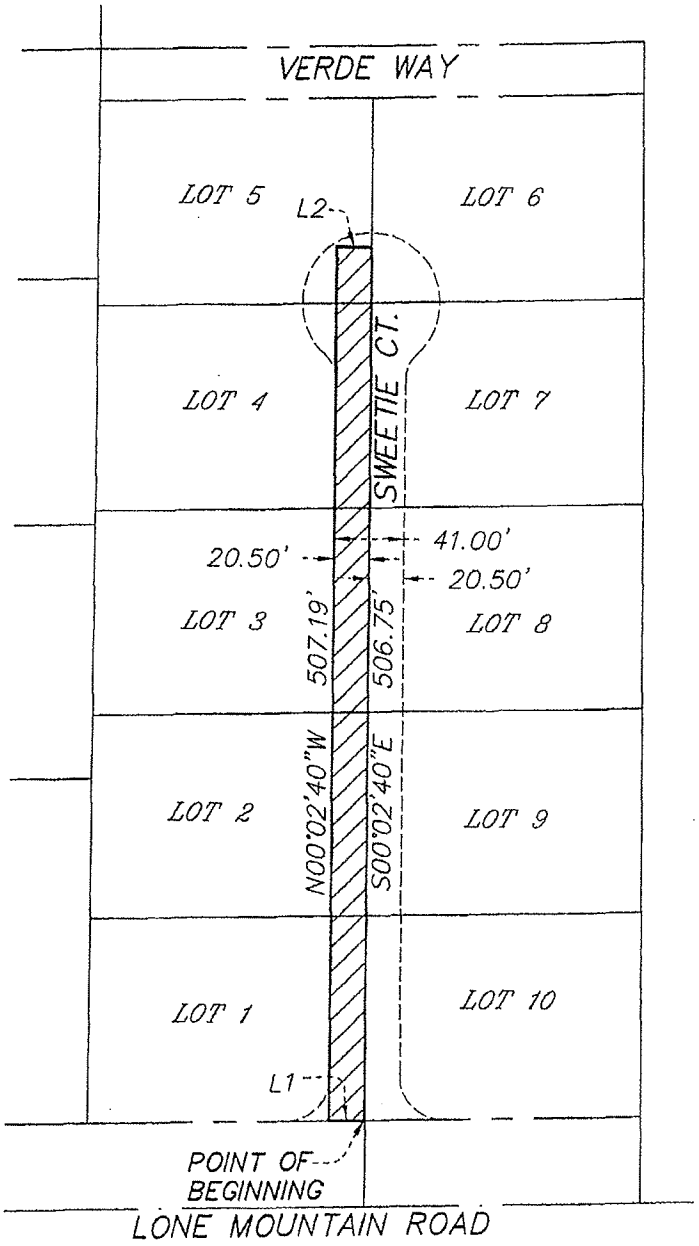
The City of Las Vegas and Clark County have entered into an Interlocal Agreement allowing the City to provide sewer services to specific County-approved areas. The proposed sewer easement is located along Sweetie Court in Clark County.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Exhibit Map



LINE	BEARING	DISTANCE
L1	S88°43'45"W	20.50'
L2	N89°57'20"E	20.50'

1" = 100'

EXHIBIT "B"
CLV-SSWR
PAGE 2 OF 2

WALLACE-MORRIS
SURVEYING, INC.
LAND SURVEY CONSULTING
5740 S. ARVILLE ST. #206
LAS VEGAS, NEVADA 89118

S:\SHG-10046\dwg\EXHIBITS\SHG-10046-SSWR-01-rev.dwg

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for Nevada Licensing Services, Location: 817 South Main Street, Suite 100, Date: March 24, 2011, Type: Special Event General, Event: Appreciation Mixer, Responsible Person in Charge: Fernando Robles - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 4:00 p.m. - 6:30 p.m. Estimated attendance is 30.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Package License for KSH Enterprises, Inc., dba Allstar Minimart, 2339 North Jones Boulevard, George Shoshani, Pres, Secy, Treas, Dir, 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Package License for KSH Enterprises.

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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Beer/Wine/Cooler On-sale License for a Change of Ownership, From: Ordilia Arce, To: Maria Saucedo, dba Los Molcajetes, 1553 North Eastern Avenue, Maria Saucedo, 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 On-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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Beer/Wine/Cooler Off-sale License, Rebel Oil Company, Incorporated, dba Rebel 34, 3505 East Washington Avenue, Jack Cason, Pres; Dana Teepe, Secy, Treas; Pat Cason, Exec VP, CEO; and Carl Bailey, Shareholder - 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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Brew Pub/Tavern License for a Change of Ownership, Change of Business Name, and Change of Location, From: In God We Trust Corp, dba Art Bar (Non-operational), To: Starr & Son, LLC, dba The Martini, 1205 South Fort Apache Road, Sandra Starr, Mgr, 100% - Ward 2 (Wolfson)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Brew Pub/Tavern License. Owner will only be operating business as a Tavern.

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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Beer/Wine/Cooler On-Sale License, LZI Enterprises, dba The Office Billiard Club, 3050 East Bonanza Road, Suite 190, Luis Castillo, 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 Beer/Wine/Cooler On-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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an extension of a Temporary Beer/Wine/Cooler On-sale License, Prachatouch, LLC, dba Weera Thai Restaurant, 3839 West Sahara Avenue, Suite 9, Prachatouch Thonguthaisiri, Mgr, 100% - Ward 1 (Tarkanian)

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 On-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 report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Nevada Restaurant Services, Inc., dba Dotty's 70, 2089 North Jones Boulevard, Richard Estey, Owner, 100% - Ward 5 (Barlow)

Fiscal Impact

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

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

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Restricted Gaming License subject to the provisions of the planning and fire codes and confirmation of approval by the Nevada Gaming Commission, Granite Gaming Group II, LLC, db at Girls of Glitter Gulch, 22 Fremont Street, Granite Gaming Group, LLC, Mgr; Granite Gaming Holdings, LLC, Mgr; and Steven Burnstine, Mgr - Ward 5 (Barlow)

Fiscal Impact

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

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

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes and confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Restricted Gaming License, Adroushan Armenian, dba Wash N Fun Laundromat, 4425 Stewart Avenue, Suite 101-103, Adroushan Armenian, 100% - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Restricted Gaming License for 4 slots.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for a Burglar Alarm Service License, Ultimate Alarms, dba Ultimate Alarms, From: 6532 Alta Drive, To: 3416 Bonn Court, Angel Yumart, Ptnr, 25% and Idalberto Yumart, Ptnr, 75% - 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 Burglar Alarm Service License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for a Psychic Arts and Science License, Mystic Ventures, Inc., dba Mystic Mona, From: 800 North Rainbow Boulevard, Suite 208, To: 9410 West Sahara Avenue, Suite 140, Mona Joseph, Dir, Pres, Secy, 55% and Charles Joseph, Dir, Treas, 45% - Ward 2 (Wolfson)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Location for a 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.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of First Supplemental Interlocal Contract LLD99A09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to decrease construction funding in the amount of $389,302.82 for the construction for the Gilmore Avenue – Decatur Boulevard to Thom Boulevard Storm Drain – Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
On July 9, 2009 the District approved an Interlocal Contract for construction associated with the local drainage improvements Gilmore Avenue – Decatur Boulevard to Thom Boulevard project. This First Supplemental Interlocal Contract will decrease the construction funding due to favorable bids. The total cost of the contract shall not exceed $450,597.18. The Clark County Regional Flood Control District approved this contract at its February 10, 2011 Board Meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
First Supplemental Interlocal Contract LLD99A09

FIRST SUPPLEMENTAL INTERLOCAL CONTRACT

FOR LOCAL DRAINAGE IMPROVEMENTS GILMORE AVENUE – DECATUR BOULEVARD TO THOM BOULEVARD STORM DRAIN

THIS FIRST SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 10th day of January, 2011 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

WITNESSETH

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements, and;

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the City wishes to decrease construction funding.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION II - PROJECT COSTS shall be revised to read as follows:

The DISTRICT agrees to fund PROJECT costs within the limits specified below:

1. Construction costs shall not exceed $450,597.18 or 100 percent of construction of the first quarter mile and 50 percent for the remainder of the project, whichever is less.
2. The total cost of this CONTRACT shall not exceed $450,597.18 which includes all items described in paragraph one above and funds will be made available after July 9, 2009.

The remainder of the Interlocal Contract dated July 9, 2009 shall remain unchanged.

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///

IN WITNESS WHEREOF, the Parties have caused this First Supplemental Interlocal Contract to be executed by their duly authorized representatives the day and year first above written.

Date of Council Action

_____

City of Las Vegas

By: _____
Oscar B. Goodman, Mayor

Attest

By: _____
Beverly K. Bridges, CMC
City Clerk

Approved as to form

By: John S. Ridilla 2/28/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney

Date of District Action

February 10, 2011

Regional Flood Control District

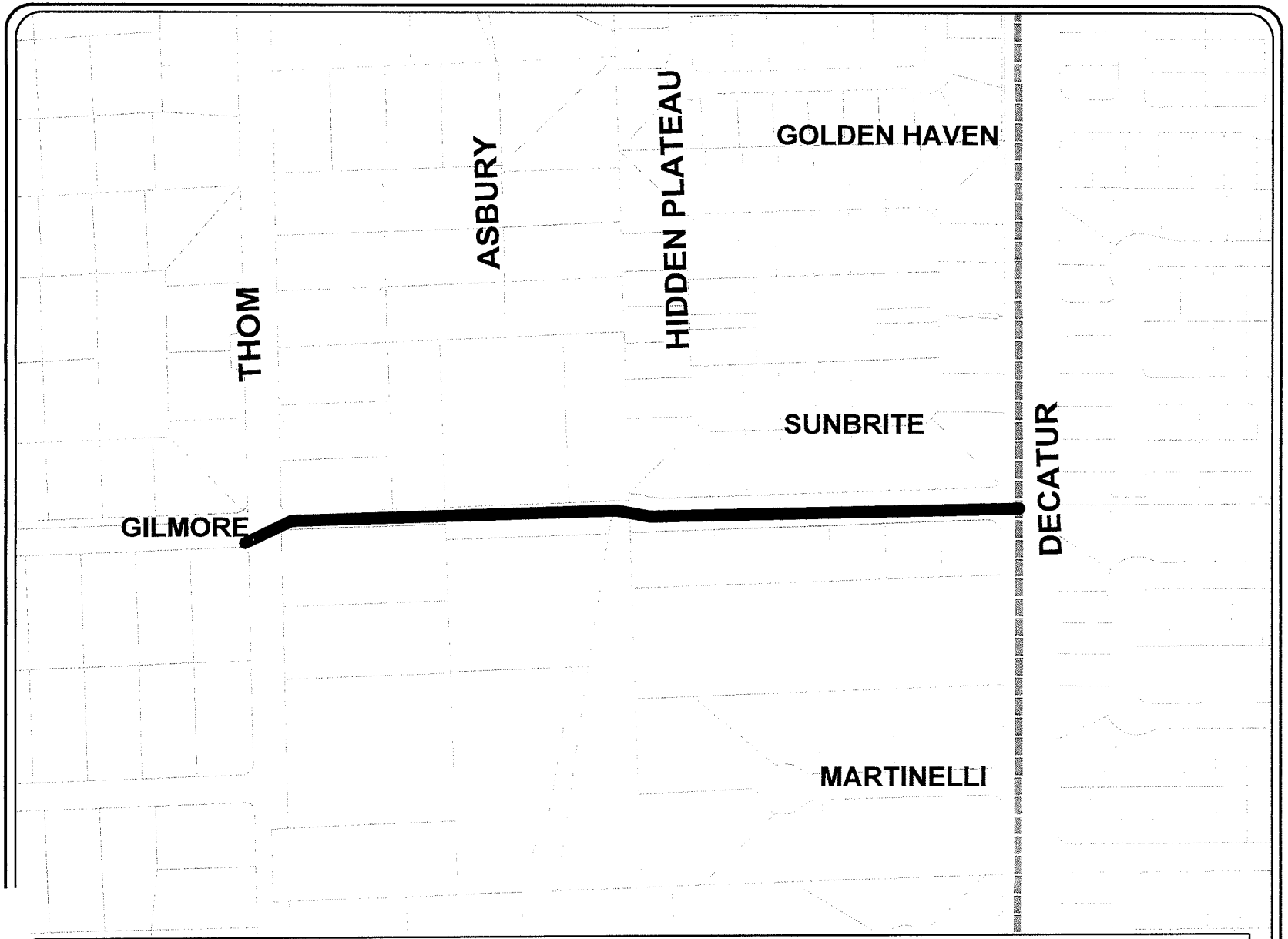
By: Lawrence L Brown III
LAWRENCE L. BROWN, III,
Chairman

Attest

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

Approved as to Form

By: Christopher Figgins Feb 10, 2011
Christopher Figgins Date
Chief Deputy District Attorney



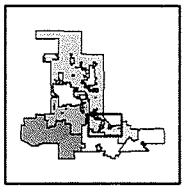
Flood Control Planning

N

LEGEND

EXISTING STORM DRAIN

PROPOSED STORM DRAIN



LLD99A09

EXHIBIT A
GILMORE - THOM TO DECATUR - STORM DRAIN IMPROVEMENTS **(LLD99A09)**

F:\MDepot\Engineering_Planning\Flood\ARCVIEW\Exhibit A - GILMORE-THOM TO DECATUR-STORM DRAIN IMPROVEMENTS.mxd

Due to continuous development activity this map is for reference only.

0 150 300
Feet

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Amendment No. 5 to the Grant and Cooperative Agreement L05AC14882 between the City of Las Vegas and the Bureau of Land Management to extend the performance date for the Boulder Plaza Park project on Boulder Avenue east of Main Street, which is funded under the Southern Nevada Public Lands Management Act (SNPLMA) – Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas entered into a Cooperative Agreement with the Bureau of Land Management on August 30, 2005 for the Boulder Plaza Park project. This Amendment to the Grant and Cooperative Agreement will extend the performance date to December 31, 2011 to allow for project close-out and reimbursements. This Agreement has been reviewed by the City Attorney's office and stamp verified accordingly.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Grant and Cooperative Agreement L05AC14882

Grant and Cooperative Agreement

CHOOSE ONE:
- [X] COOPERATIVE AGREEMENT
- [ ] GRANT

CHOOSE ONE: [ ] EDUCATION [ ] FACILITIES [ ] RESEARCH [ ] SDCR [ ] TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE	4. COMPLETION DATE
L05AC14882	0005	02/01/2011	

5. ISSUED TO
NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
LAS VEGAS, CITY OF
Attn: UNKNOWN
400 STEWART AVENUE
LAS VEGAS

6. ISSUED BY BLM NV-STATE OFC BGT&FIN SVC(NV955)
Mailing Address: 1340 FINANCIAL BLVD.
RENO NV 89520

7. TAXPAYER IDENTIFICATION NO. (TIN)

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (*Name & Phone*)
Connie Diso, City of Las Vegas
702-229-2142

10. RESEARCH, PROJECT OR PROGRAM TITLE
Boulder Plaza Park, SNPLMA, Priority 5/27, Project LV17

11. PURPOSE
See Schedule

12. PERIOD OF PERFORMANCE (*Approximately*)
08/30/2005 through 12/31/2011

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	$1,540,942.47	PREVIOUS	$1,540,942.47
THIS ACTION	$0.00	THIS ACTION	$0.00
CASH SHARE	$0.00	**TOTAL**	$1,540,942.47
NON-CASH SHARE	$0.00		
RECIPIENT SHARE	$0.00		
TOTAL	$1,540,942.47		

14. ACCOUNTING AND APPROPRIATION DATA

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER				
NEGOTIATOR				
ADMINISTRATOR				
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF :
Southern Nevada Public Land Management Act of 1998 P.L. 105- 263, as amended

Approved as to form
John S. Ridilla 2/3/11
John S. Ridilla Date
Deputy City Attorney

17. APPLICABLE STATEMENT(S), IF CHECKED:
- [ ] NO CHANGE IS MADE TO EXISTING PROVISIONS
- [ ] FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT

18. APPLICABLE ENCLOSURE(S), IF CHECKED:
- [ ] PROVISIONS [ ] SPECIAL CONDITIONS
- [ ] REQUIRED PUBLICATIONS AND REPORTS

UNITED STATES OF AMERICA		COOPERATIVE AGREEMENT RECIPIENT	
CONTRACTING/GRANT OFFICER Susan Kaller	DATE	AUTHORIZED REPRESENTATIVE	DATE

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	CFDA Number: 15.235 DUNS Number: 030381610+0000 L05AC14882 11. PURPOSE: The purpose of this amendment is to extend the period of performance; provide guidance for any future extension; notify of change in form used for financial reporting and incorporate required language in the terms and conditions, and reflect the actual CFDA as 15.235, Southern Nevada Public Land Management Act. A. Provides for a no-cost performance period extension from 12/31/10 to 12/31/11. This is for the activities in the agreement to be brought compliance with allowed expenditures, policies, procedures, and business rules outlined in the SNPLMA Implementation Agreement, requirements in the Secretary's Decision Documents, and federal regulations governing Financial Assistance and expenditures. This extension was approved by the SNPLMA Executive Committee on 09/03/10. B. This no-cost extension clarifies the following: Regarding future time extensions, as indicated by the SNPLMA Division, some recipient agencies may need additional time beyond 12/31/11. As required by the SNPLMA Division, and restated here for clarification, for any project that cannot be completed before 12/31/11, the affected entity must submit a request for an additional time extension no later than 6/30/11, including an updated work plan. The award amounts in Box 13A reflect only the remaining balance at the time of the BLM's conversion to a new financial system in FY2009. The actual total award is as follows: Previous obligation = $1,626,240.00, this action = $00.00, Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	total obligation = $1,626,240.00. C. OMB has issued a new Federal Financial Report (form SF-425) which replaces the Financial Status Report (form SF-269a). This Amendment revises Section VIII. B. Quarterly Status Report 2.d., from: SF-269a Financial Status Report to SF-425 Federal Financial Report, and 2.e., delete reference to SF-272. Submit this report to the BLM Program Officer (PO), with a copy to the Grants Management Officer (GMO). D. Incorporate into the Terms and Conditions section of each agreement the following: Effective January 21, 2011 the following revisions to this term will apply to this agreement: 43 CFR 43 Government-Wide Requirements for a Drug-Free Workplace. You, as the recipient, must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of part 1401, which adopts the government-wide implementation of 2 CFR part 182; sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D; 41U.S.C. 701-707. E. The CFDA # is 15.235 Southern Nevada Public Land Management Act. F. All other terms and conditions remain unchanged. Legacy Doc #: NAF05LV17 Period of Performance: 08/30/2005 to 12/31/2011 BLM Point of Contact (POC) is Gretchen Eykelbosh, Grants and Agreements Specialist, 775-861-6740. Jeff Wilbanks is the BLM Program Officer, SNDO Phone 702-515-5070				

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Amendment No. 2 to the Grant and Cooperative Agreement L08AC14126 between the City of Las Vegas and the Bureau of Land Management to extend the performance date for the Vias Verde Pre-Proposal Study funded under the Southern Nevada Public Lands Management Act (SNPLMA) – Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas entered into a Cooperative Agreement with the Bureau of Land Management on March 19, 2008 for the Vias Verde Pre-Proposal Study. This Amendment to the Grant and Cooperative Agreement will extend the performance date to December 31, 2011 to allow for project close-out and reimbursements. This Agreement has been reviewed by the City Attorney's office and stamp verified accordingly.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Grant and Cooperative Agreement L08AC14126

Grant and Cooperative Agreement

CHOOSE ONE:
- [X] COOPERATIVE AGREEMENT
- [ ] GRANT

CHOOSE ONE: [ ] EDUCATION [ ] FACILITIES [ ] RESEARCH [ ] SDCR [ ] TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE	4. COMPLETION DATE
L08AC14126	0002	02/03/2011	

5. ISSUED TO
NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
LAS VEGAS, CITY OF
Attn: UNKNOWN
400 STEWART AVENUE
LAS VEGAS

6. ISSUED BY BLM NV-STATE OFC BGT&FIN SVC(NV955)
Mailing Address: 1340 FINANCIAL BLVD.
RENO NV 89520

7. TAXPAYER IDENTIFICATION NO. (TIN)

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (*Name & Phone*)
David Bower
702-229-6272

10. RESEARCH, PROJECT OR PROGRAM TITLE
City of Las Vegas Vias Verde Project

11. PURPOSE
See Schedule

12. PERIOD OF PERFORMANCE (*Approximately*)
03/19/2008 through 12/31/2011

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	$295,000.00	PREVIOUS	$295,000.00
THIS ACTION	$0.00	THIS ACTION	$0.00
CASH SHARE	$0.00	**TOTAL**	$295,000.00
NON-CASH SHARE	$0.00		
RECIPIENT SHARE	$0.00		
TOTAL	$295,000.00		

14. ACCOUNTING AND APPROPRIATION DATA

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER				
NEGOTIATOR				
ADMINISTRATOR	Eddie W. Bell		775-861-6435	eddie_bell@blm.gov
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF :
Southern Nevada Public Land Management Act of 1998 P.L. 105- 263, as amended

Approved as to form
John S. Ridilla 2/3/11
John S. Ridilla Date
Deputy City Attorney

17. APPLICABLE STATEMENT(S), IF CHECKED:
- [ ] NO CHANGE IS MADE TO EXISTING PROVISIONS
- [ ] FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT

18. APPLICABLE ENCLOSURE(S), IF CHECKED:
- [ ] PROVISIONS
- [ ] SPECIAL CONDITIONS
- [ ] REQUIRED PUBLICATIONS AND REPORTS

UNITED STATES OF AMERICA		COOPERATIVE AGREEMENT RECIPIENT	
CONTRACTING/GRANT OFFICER Susan Kaller	DATE	AUTHORIZED REPRESENTATIVE	DATE

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	CFDA Number: 15.235 DUNS Number: 030381610+0000 L08AC14126 11. PURPOSE: The purpose of this amendment is to extend the period of performance; provide guidance for any future extension; notify of change in form used for financial reporting and incorporate required language in the terms and conditions, and reflect the actual CFDA as 15.235, Southern Nevada Public Land Management Act. A. Provides for a no-cost performance period extension from 03/19/2010 to 12/31/11. This is for the activities in the agreement to be brought compliance with allowed expenditures, policies, procedures, and business rules outlined in the SNPLMA Implementation Agreement, requirements in the Secretary's Decision Documents, and federal regulations governing Financial Assistance and expenditures. This extension was approved by the SNPLMA Executive Committee on 09/03/10. B. This no-cost extension clarifies the following: Regarding future time extensions, as indicated by the SNPLMA Division, some recipient agencies may need additional time beyond 12/31/11. As required by the SNPLMA Division, and restated here for clarification, for any project that cannot be completed before 12/31/11, the affected entity must submit a request for an additional time extension no later than 6/30/11, including an updated work plan. C. OMB has issued a new Federal Financial Report (form SF-425) which replaces the Cash Transactions Report (form SF-272). This Amendment revises Section VIII. B. Quarterly Status Report 2.d. from: SF-272 Cash Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	Transactions Report to SF-425 Federal Financial Report. Submit this report to the BLM Program Officer (PO), with a copy to the Grants Management Officer (GMO). D. Incorporate into the Terms and Conditions section of each agreement the following: Effective January 21, 2011 the following revisions to this term will apply to this agreement: 43 CFR 43 Government-Wide Requirements for a Drug-Free Workplace Drug-free workplace. You, as the recipient, must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of part 1401, which adopts the government-wide implementation of 2 CFR part 182; sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D; 41U.S.C. 701-707. E. The CFDA # is 15.235 Southern Nevada Public Land Management Act. F. All other terms and conditions remain unchanged. Legacy Doc #: FAA080020 Period of Performance: 03/19/2008 to 12/31/2011 BLM Point of Contact (POC) is Eddie W Bell Jr, Grants and Agreements Specialist, 775-861-6435. Jeff Wilbanks is the BLM Program Officer, SNDO Phone 702-515-5070				

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval for a Grant of Easement and Rights-of-Way from City of Las Vegas to Las Vegas Valley Water District for a portion of Parcel 2 of that Parcel Map on file in the Office of the County Recorder, Clark County Nevada in File 117 of Parcel Maps at page 36, lying within the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, Township 20 South, Range 60 East, Mount Diablo Meridian also known as Fire Station 107 located on the Northeast corner of Del Webb Boulevard and Sundial Drive - APN 138-18-713-001 - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This easement and rights of way will allow water service for Fire Station 107 at Del Webb Boulevard and Sundial Drive Project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Easement and Rights-of-Way Agreement

APN: 138-18-713-001

Recorded For:
Las Vegas Valley Water District
Land Acquisition and Management (M/S 95)
P. O. Box 99956
Las Vegas, Nevada 89193-9956

LAS VEGAS VALLEY WATER DISTRICT
EASEMENT AND RIGHTS-OF-WAY

THIS INDENTURE OF EASEMENT AND RIGHTS-OF-WAY, made and entered into by and between CITY OF LAS VEGAS

Party of the First Part, hereinafter known as the "GRANTOR(s)", and the **LAS VEGAS VALLEY WATER DISTRICT**, a political subdivision of the State of Nevada, Party of the Second Part, hereinafter known as the "GRANTEE".

WITNESSETH

That the GRANTOR(s), for and in consideration of the sum of One Dollar ($1.00) lawful money of the United States to it in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents GRANT and CONVEY to the GRANTEE, its successors and assigns, an Easement and Rights-of-Way for the construction, operation, maintenance, repair, renewal, reconstruction, and removal of water pipelines and appurtenances with the rights of ingress and egress, over, above, across, and under that certain parcel of land described as follows:

See Exhibit A, attached hereto and made a part hereof.

The GRANTOR(s), its successors and assigns agree that:

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes, and for other utilities, insofar as such use does not interfere with its use by the GRANTEE for the purposes for which it is granted.

2. The GRANTEE shall not be liable for any damage to any of the GRANTOR's improvements placed upon said parcel due to the GRANTEE's necessary operations using reasonable care.

APN: 138-18-713-001

GRANTOR: CITY OF LAS VEGAS

1. Should any of the GRANTEE's facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the GRANTOR(s), or its successors and assigns shall bear the full cost of such relocation or repair, unless changes are done with the written consent of the GRANTEE.

Signator for GRANTOR(s) warrant that they have the legal authority to bind the parties hereto and GRANTOR(s) warrants that it may legally grant the rights described herein.

IN WITNESS WHEREOF, the GRANTOR(s) has hereunto set his/her/their hand/hands this _____ day of _____, 20____.

_____ _____

_____ _____

Approved as to form

John S. Ridilla 3/4/11

John S. Ridilla Date

Deputy City Attorney

State of Nevada)
) ss
County of Clark)

On _____, before me, the undersigned, a NOTARY PUBLIC, in and for said County and State, personally appeared _____ known to me to be the person described in and who executed the foregoing instrument, and who acknowledges to me that _he_ executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____ _____

Notary Public Notary Seal/Stamp

APN: **138-18-713-001**
GRANTOR: **CITY OF LAS VEGAS**

FEBRUARY 24, 2011
BY: ARR
PR BY: HJB



EXHIBIT "A"

EXPLANATION

THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF DEL WEB BOULEVARD AND SUNDIAL DRIVE FOR LAS VEGAS VALLEY WATER DISTRICT EASEMENT PURPOSES.

LAND DESCRIPTION

LVVWD EASEMENT

BEING A PORTION OF PARCEL 2 OF THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY NEVADA IN FILE 117 OF PARCEL MAPS AT PAGE 36, LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, CITY OF LAS VEGAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 2, BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF DEL WEB BOULEVARD, THENCE SOUTH 07°00'00" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 9.17 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 83°00'00" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 07°00'00" WEST, 18.00 FEET; THENCE NORTH 83°00'00" WEST, 12.00 FEET RETURNING TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 07°00'00" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 18.00 FEET TO THE **POINT OF BEGINNING**, AS SHOWN ON THE "EXHIBIT

TO ACCOMPANY LEGAL DESCRIPTION" ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 216 SQUARE FEET, MORE OR LESS.

NOTE: THIS LEGAL DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSE OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

BASIS OF BEARINGS:

NORTH 07°00'00" EAST, BEING THE BEARING OF THE WEST LINE OF PARCEL 2 OF THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN FILE 117 OF PARCEL MAPS, AT PAGE 36.

END OF DESCRIPTION.

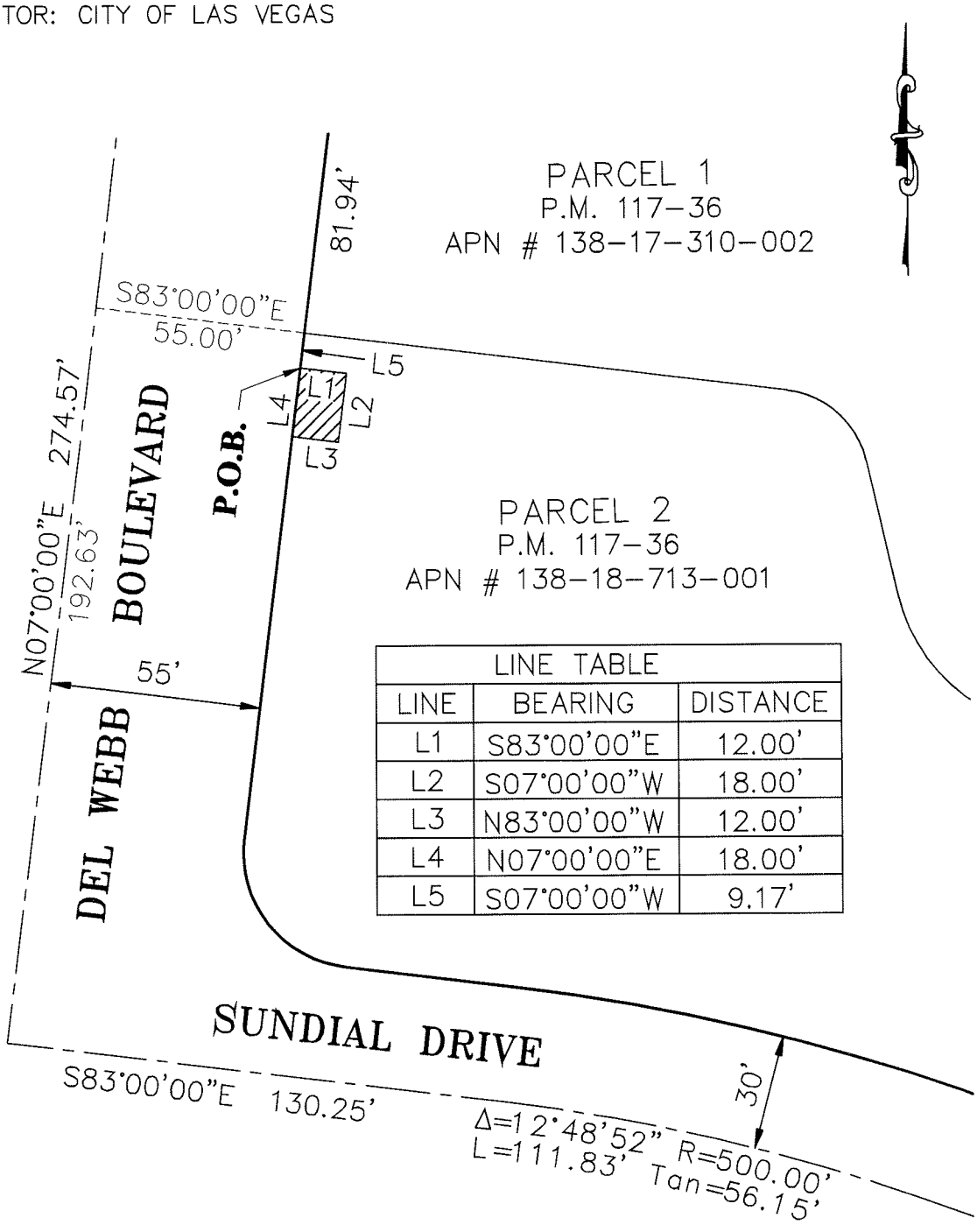
PREPARED BY:

ALAN R. RIEKKI, PLS
333 N. RANCHO DRIVE
LAS VEGAS, NV 89106

APN # 138-18-713-001

GRANTOR: CITY OF LAS VEGAS

NOT TO SCALE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S83°00'00"E	12.00'
L2	S07°00'00"W	18.00'
L3	N83°00'00"W	12.00'
L4	N07°00'00"E	18.00'
L5	S07°00'00"W	9.17'

SHEET 1 OF 1

CITY OF LAS VEGAS NEVADA	EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION LVVWD EASEMENT	DRAWING: FIRE STATION 107, EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS - SURVEY 333 N. RANCHO DRIVE, LAS VEGAS, NEVADA 89106 (702) 229-6217	DATE: 02-24-2011

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Contract LAS19D11 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide construction funding for the Vegas Drive Storm Drain – Rancho Drive to Shadow Mountain Place ($12,888,000 – CCRFCD) – Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $12,888,000
Funding Source: CCRFCD
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The Vegas Drive Storm Drain - Rancho to Shadow Mountain is described in the 2008 Master Plan Update as Facility Numbers LVOW 0241 and LVOW 0351. The proposed improvements include construction of storm drain facilities in varying sizes ranging from 7'x5' RCB's to 72" RCP with associated collection facilities along Vegas Drive between Michael Way and Rancho Drive. This system will provide protection to the older neighborhoods along Vegas Drive, which have been impacted by previous storm events. The total cost of the contract shall not exceed $12,888,000. The Clark County Regional Flood Control District approved this contract at its February 10, 2011 Board Meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Interlocal Contract LAS19D11

INTERLOCAL CONTRACT
VEGAS DRIVE STORM DRAIN – RANCHO TO SHADOW MOUNTAIN

THIS INTERLOCAL CONTRACT made and entered into as of the 10th day of February, 2011 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are the same as those generally identified in the 2008 Master Plan Update, as facilities LVOW 0241 and LVOW 0351 hereinafter referred to as "PROJECT"; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION I - SCOPE OF THE PROJECT

THIS INTERLOCAL CONTRACT applies to the construction and construction management associated with the Vegas Drive Storm Drain – Rancho to Shadow Mountain project. The basic improvements shall consist of drainage facilities including reinforced concrete boxes, pipes, channels, channel access, collection facilities and other appurtenances as may be necessary to control floodwaters. The improvements shall be funded through DISTRICT funds as herein described. This project is further identified and shown on the attached Exhibit "A".

SECTION II - PROJECT COSTS

The DISTRICT agrees to fund project costs within the limits specified below:

1. Construction Management at a cost not to exceed $800,000.

2. Construction at a cost not to exceed $12,088,000.

3. The total cost of the contract shall not exceed $12,888,000 which includes all of the items described in the paragraphs above.

4. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the project. No other approval by the Lead Entity is required.

5. A written request must be made to the DISTRICT and a Supplemental Interlocal Contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

SECTION III - GENERAL

1. The Clark County Regional Flood Control District shall be shown on the title sheet of both the plans and specifications as the funding agency.

2. The CITY will use its best efforts to award the bid for this project by January 20, 2011. Prior to submission of the first payment request, the Entity will submit to the DISTRICT a construction schedule and cash flow projection. The CITY will take all reasonable steps possible to avoid delays in the construction of DISTRICT funded projects. Project delays more than four months, as measured from the award date, may be subject to a formal review by both the Technical Advisory Committee and the District Board of Directors. At the review, the CITY will have an opportunity to present information relative to the delays, measures taken to avoid the delays and the likelihood of those delays continuing. The Board will make a determination, in view of the delays and limited available funding, whether project funding should continue. In the case that the Board chooses to discontinue funding, the Board may cancel any Interlocal Contract(s) associated with the project and discontinue funding for the remainder of the project. Funding already spent or appropriated by the CITY will not be required to be refunded to the DISTRICT. Project funding can be reconsidered at any time when the CITY can demonstrate that the project can proceed on an acceptable schedule.

3. The CITY will comply with the Local Purchasing Act, Chapter 332 and Public Works Projects, Chapter 338, of the Nevada Revised Statutes.

4. The CITY, its employees and representatives shall at all times comply with all applicable laws, ordinances, statutes, rules and regulations in effect at the time work is performed on the PROJECT.

5. The CITY will require appropriate financial security for the construction of the PROJECT.

6. The CITY shall provide all impacted entities and the DISTRICT with the opportunity to provide the CITY with input relative to the following processes: scope of services development; consultant selection; design, construction and maintenance review; and monitoring of the effectiveness and impacts of facilities on flood flows.

7. Applicable portions of the current editions of the Policies and Procedures, the Hydrologic Criteria and Drainage Design Manual and the Uniform Regulations for the Control of Drainage adopted by the DISTRICT will apply in developing this PROJECT unless specifically superseded by this CONTRACT.

8. Purchases of right-of-way in excess of that actually needed for construction will not be allowed unless a comparison between the cost of excess acquisition and needed acquisition, including damages, indicates that benefits from such a transaction would result. Title to residual property will be vested in the name of the CITY. Revenues derived from the sale of these properties, less the cost of the sale of these properties, will be forwarded to the DISTRICT.

9. Administrative settlements and acceptance of counter offers involving right-of-way may only be made following a review and approval by the DISTRICT.

10. The DISTRICT will pay the CITY, or make payment directly to its contractor or its consultant, each month for project costs as outlined in SECTION II – PROJECT COSTS. Invoices must identify and allocate all costs to the categories noted below:

    a. Right-of-Way acquisition including appraisals, title and escrow, negotiations, legal fees, recording fees, etc.
    b. Pre-design Engineering (all work prior to design, excluding right-of-way)
    c. Design Engineering
    d. Construction Engineering
    e. Construction (all work after award of construction contract)
    f. Environmental: Costs incurred by the Lead Entity for the preparation of environmental documentation applicable to the PROJECT and costs incurred for the implementation of mitigation measures provided in an environmental document (e.g., EIS or EA)
    g. Other including landscaping, flood insurance rate map amendments or revisions, etc.

11. Accurate documentation of all work performed and payments made will be maintained by the CITY for a period of three (3) years in hard copy form after

final PROJECT approval and payment. Following the three-year period, the CITY shall keep records for permanent storage in original form, in microfilm/fiche media or an electronic format.

12. The DISTRICT reserves the right to review and/or audit all records pertaining to all projects both during and after PROJECT completion.

13. Up to the limits set forth in NRS Chapter 41, the CITY will indemnify and defend the DISTRICT against and from any and all claims and demands of whatsoever nature which arises out of allegations of negligence or misconduct of CITY officers, employees or agents, related to or under this Contract which results from injury to or death of any persons whomsoever, or against and from damage to or loss or destruction of property.

14. Any costs found to be improperly allocated to this PROJECT will be refunded by the CITY to the DISTRICT.

15. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to June 30, 2014 The DISTRICT may, at any time thereafter, grant extensions or terminate this Contract after thirty (30) days notice.

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IN WITNESS WHEREOF, the Parties have caused this Interlocal Contract to be executed by their duly authorized representatives the day and year first above written.

Date of Council Action

_____

City of Las Vegas

By: _____
Oscar B. Goodman, Mayor

Attest

By: _____
Beverly K. Bridges, MMC
City Clerk

Approved as to form

By: John S. Ridilla 2/23/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney

Date of District Action

February 10, 2011

Regional Flood Control District

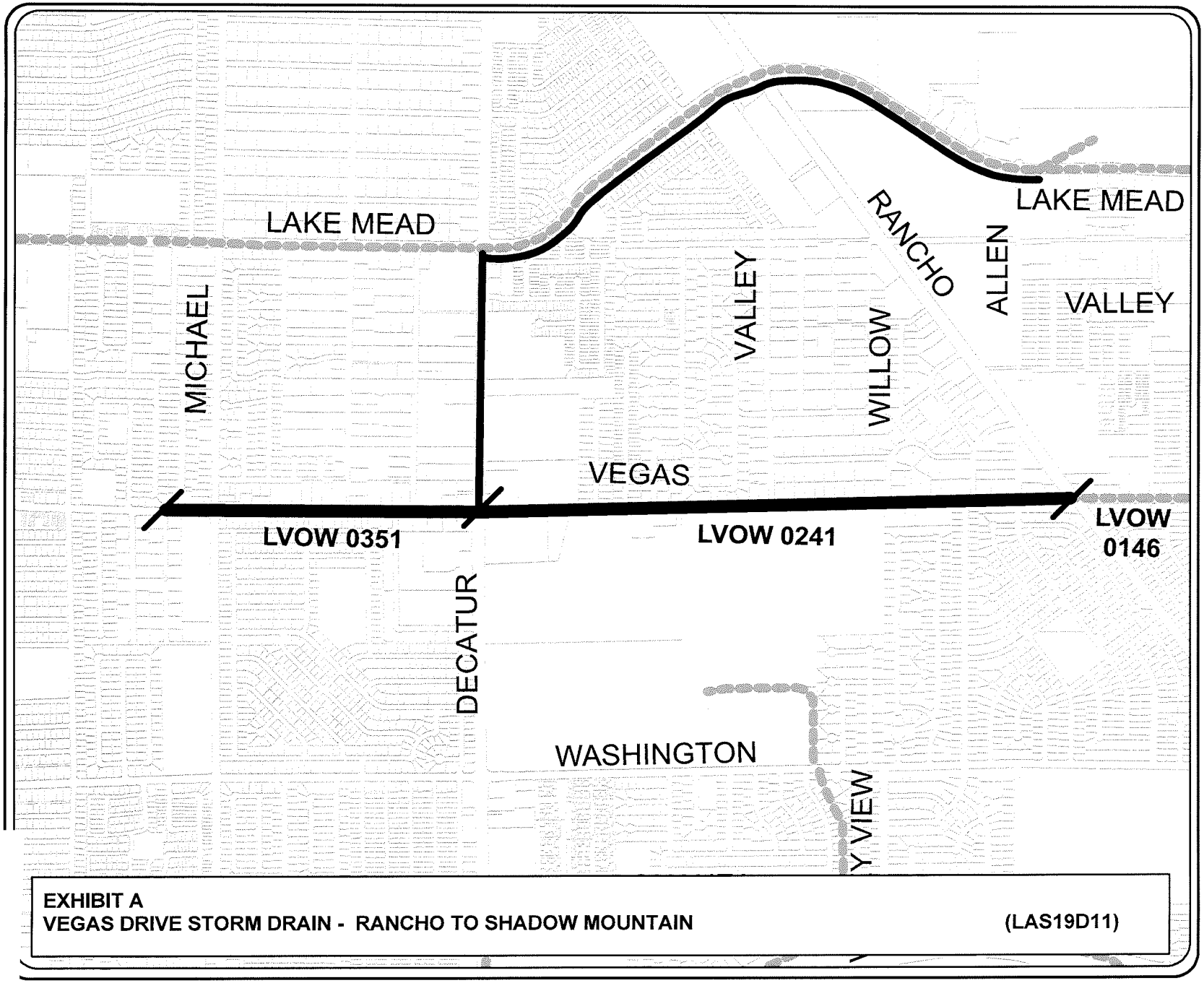
By: Lawrence L Brown III
LAWRENCE L. BROWN, III,
Chairman

Attest

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

Approved as to Form

By: Christopher Figgins Feb 10 2011
Christopher Figgins Date
Chief Deputy District Attorney



Public Works
Flood Control Planning

N

LEGEND

EXISTING STORM DRAIN

PROPOSED STORM DRAIN

EXHIBIT A
VEGAS DRIVE STORM DRAIN - RANCHO TO SHADOW MOUNTAIN **(LAS19D11)**

LAS19D11

F:\IDepot\Engineering_Planning\Flood\ARCVIEW\Exhibit A - VEGAS DRIVE STORM DRAIN - Rancho to Shadow Mountain 07162010.mxd

Due to continuous development activity this map is for reference only.

0 775 1,550
Feet

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Agreement No. 114029 between the City of Las Vegas and the Las Vegas Valley Water District for water service at Fire Station 107 located on the Northeast Corner of Del Webb Boulevard and Sundial Drive ($28,813 - Fire Services Capital Project Fund [Fire CPF]) - Ward 4 (Anthony)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**

Amount: $28,813
Funding Source: Fire CPF
Dept./Division: Public Works/City Engineer

PURPOSE/BACKGROUND:
This Interlocal Agreement with the Las Vegas Valley Water District must be executed to provide water services for the project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Interlocal Agreement No.114029

INTERLOCAL AGREEMENT FOR CITY OF LAS VEGAS FIRE STATION NO. 107

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 the development of real property generally located on the northeast corner of Del Webb Boulevard and Sundial Drive, and further referenced as Clark County Assessor's Parcel Number 138-18-713-001, 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 development of the real property as a fire station 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 a fire station, located on the northeast corner of Del Webb Boulevard and Sundial Drive. 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:

FIRE STATION NO. 107
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.

D. Upon receipt of Frontage Connection Charges from others, to refund to the Developer all Frontage Connection Charges received in accordance with the District's Service Rules for direct connections to the water main(s) installed under this Agreement up to a maximum amount of Six Thousand Nine Hundred Two and No/100**********dollars ($6,902.00) or for a period of ten (10) years from the effective date of this Agreement, whichever occurs first. This right to a refund is not to be construed as a guarantee or a promise by the District that the District will receive or elect to receive frontage connection charges that are refundable to the Developer.

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: _____
STEVE SISOLAK, 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. 114029 SERVICE POINT # _____
BY: Linda P. 2/23/2011
CHECKED BY: _____
JOB ORDER # _____ F/A# _____ DATE _____

Project Name: CLV FIRE STATION NO. 107

Service Location(s): Dell Webb Boulevard - 2600 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. ( ) 229-2091

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	1½	*@ $	250.	/ ea.	$ 250.
			*@ $		/ ea.	$
			*@ $		/ ea.	$

AUTOMATED METER READING DEVICE (AMR) (27301 R-7723)
2 @ $ 104. / ea. $ 208.

SERVICES > 2" INSTALLED BY PRIVATE CONTRACTOR

1	3	* TYPE: DCDA	$	- 0 -
		* TYPE:	$	- 0 -

BACKFLOW PREVENTION (27301) (BY PRIVATE CONTRACTOR)

1	1 1/2	* TYPE: RPPA	$	-0-
		* TYPE:	$	

INSTALLATIONS/REMOVALS ON ACTUAL COST BASIS - DEPOSIT (25703)
SIZE: _____ * TYPE: _____ $ _____

FACILITIES CONNECTION CHARGE (27312)

1	STD	1½	*@ $	7,200.	/ ea.	$ 7,200.
			*@ $		/ ea.	$
			*@ $		/ ea.	$

FRONTAGE CONNECTION CHARGE*

	LF @ $	/ ea.	$
	LF @ $	/ ea.	$
	LF @ $	/ ea.	$

OVERSIZING CHARGE (27313)

1	STD	1½	*@ $	1,250.	/ ea.	$ 1,250.
			*@ $		/ ea.	$
			*@ $		/ ea.	$

APPLICATION FEE (41300)

	*@ $	/ ea.	$
	*@ $	/ ea.	$
	*@ $	/ ea.	$

INSPECTION FEE (41301)

1	STD	1½	*@ $	185.	/ ea.	$ 185.
1	DCDA		*@ $	550.	/ ea.	$ 550.
			*@ $		/ ea.	$

OTHER CHARGES / CREDITS:
_____ $ _____

SUBTOTAL: $ 9,643.

REGIONAL CONNECTION CHARGE (30601) **ADD ONE:**
BY 03/05/2012 $ 19,170.
BY _____ $ _____
BY _____ $ _____

TOTAL: $ 28,813.00

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:138-18-713-001

OFFICE USE

Fees Paid By: _____
Customer Will Stake By: _____ M/R # _____
Cross Street: N/O Sundial Drive
Cross Street: _____
Side of Street: East P.Z.: 2745
Q.S.: 138-18-SE Land Use: 14-720-460
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	$ _____	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.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: ECONOMIC AND URBAN DEVELOPMENT
DIRECTOR: WILLIAM ARENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-12-2011 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Fremont Place, LLC, located at 228 North Las Vegas Boulevard (APN 139-34-501-016) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 5 (Barlow) [NOTE: This item is related to RDA Item 4 (RA-3-2011)]

Fiscal Impact

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

PURPOSE/BACKGROUND:
This is a related item to discussion and possible action regarding assisting Fremont Place, LLC with the cost of exterior renovations to an existing building located at 228 North Las Vegas Boulevard (formerly known as 222 N. Las Vegas Boulevard). Approval will adopt findings that the CVIP Agreement is in compliance with and in furtherance of the goals and objectives of the RDA and the Redevelopment Plan.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-12-2011
2. Before Photos and After Renderings
3. Site Map

RESOLUTION NO. R-12-2011

RESOLUTION CONSENTING TO CERTAIN UNDERTAKINGS OF THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY IN CONNECTION WITH THE COMMERCIAL VIP AGREEMENT ("CVIP") BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY ("AGENCY") AND FREMONT PLACE, LLC ("PARTICIPANT") FOR THE PROJECT CONCERNING THE DEVELOPMENT OF IMPROVEMENTS TO REAL PROPERTY DESCRIBED AS APN 139-34-501-016

WHEREAS, the City of Las Vegas Redevelopment Agency (the "Agency") adopted on March 5, 1986, that plan of redevelopment entitled, to-wit: the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area pursuant to Ordinance 3218, which Redevelopment Plan has been subsequently amended on February 3, 1988, by Ordinance 3339; April 11, 1992, by Ordinance 3637, on November 4, 1996, by Ordinance 4036, on December 17, 2003, by Ordinance 5652 and on May 17, 2006, by Ordinance 5830 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan identifies and designates an area within the corporate boundaries of the City of Las Vegas (the "Redevelopment Area") as in need of redevelopment in order to eliminate the environmental deficiencies and blight existing therein; and

WHEREAS, the Agency approved on October 20, 2004 the form for the Commercial VIP Agreement, the Commercial VIP Affidavit, and the Commercial VIP Program Manual, in order to provide funding to owners of commercial properties located within the Redevelopment Area for the purpose of making improvements to the exterior of such commercial properties and/or for the development of a vacant parcel with a new commercial building; and;

WHEREAS, FREMONT PLACE, LLC (the "PARTICIPANT") is the owner of real property and improvements located at 228 NORTH LAS VEGAS BLVD., and which parcel is commonly known as APN 139-34-501-016 (the "Site"); and

WHEREAS, FREMONT PLACE, LLC (the "PARTICIPANT") is the owner of the real property located at 228 NORTH LAS VEGAS BLVD. and is undertaking certain exterior improvements to the property or the redevelopment of an underdeveloped property in accordance with the Commercial VIP Program;

WHEREAS, the City Council of the City of Las Vegas has considered the findings that the development of improvements to a building, facilities, structures or other improvements to be located at the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

WHEREAS, the City Council of the City of Las Vegas has considered the findings that no other reasonable means of financing the building, facilities or structures or other improvements on the Site are available; and

WHEREAS, the City Council of the City of Las Vegas has considered the undertakings of the Agency in connection with the Commercial VIP Agreement (the "Agreement" and attached hereto as Exhibit A), which provides for the contribution of funds to FREMONT PLACE, LLC for making physical, visual improvements to the building or property located on the Site, all as more fully set forth in the Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Las Vegas hereby finds and determines that the development of building, facilities, structures or other improvements on the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby finds and determines there are no reasonable means of financing those building, facilities, structural or other improvements on the Site; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby consents to the undertakings of the Agency in connection with the Agreement with the "Participant" for the Project concerning the development on the Site.

THE FOREGOING RESOLUTION was 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:

_____ 2-28-4
Date

Exhibit A

CITY OF LAS VEGAS REDEVELOPMENT AGENCY
COMMERCIAL VISUAL IMPROVEMENT AGREEMENT
AND GRANT OF FACADE EASEMENT

THIS COMMERCIAL VISUAL IMPROVEMENT AGREEMENT AND GRANT OF FAÇADE EASEMENT (the "Agreement") is entered into this _____ day of _____, 2011, by and between the CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body in the State of Nevada (hereinafter referred to as the "Agency") and FREMONT PLACE, LLC ("Owner")

Recitals

WHEREAS, the City of Las Vegas Redevelopment Agency ("Agency") administers and funds and is funded by the Agency for the purposes of improving the physical appearance of, and encouraging reinvestment in existing commercial structures; and

WHEREAS, in furtherance of the Redevelopment Plan (the "Redevelopment Plan") for the City of Las Vegas Redevelopment Area (the "Redevelopment Area"), the Agency approved a Commercial Visual Improvement Program (the "Commercial VIP") for the purpose of assisting property owners and their tenants in the rehabilitation of their buildings in order to revitalize and promote the economic stability of the Redevelopment Area; and

WHEREAS, pursuant to the implementation of the Commercial VIP, the Agency wishes to acquire an easement in gross on and upon the exterior walls of buildings (the "Facade Easement"), and a maintenance agreement for the Façade Easement Area (the "Building Façade Maintenance Agreement") located on that certain property, as more particularly described in the "Legal Description of the Site", attached hereto as Attachment " 1 " and incorporated herein, subject to the Owner's agreement to rehabilitate and improve the exterior walls and faces of the buildings on the Property, as described hereafter, in accordance with this Agreement and the Commercial VIP Guidelines (the "CVIP Guidelines"), incorporated herein by reference. The Property is located within or is contiguous to the boundaries of the redevelopment area; and

WHEREAS, in consideration for the acquisition of the Façade Easement, the Agency shall reimburse the Owner for any Pre-approved Qualified Exterior Improvements to a maximum of $18,000 and the Owner has provided a 100% matching cash contribution to the Agency's participation to ensure that a Owner has a vested interest in the completion of its site improvements and to ensure a high leveraging of public resources and such improvements are significant in character, as determined by the Agency; and

WHEREAS, the Owner desires to participate in the Commercial VIP pursuant to the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreement contained herein, the AGENCY and OWNER do hereby agree as follows:

SECTION 1: SCOPE OF AGREEMENT. The purpose of this agreement is to effectuate the Redevelopment Plan by contributing funds to that certain property, as more particularly described in the "Legal Description of the Site," attached hereto as Attachment " 1 " and incorporated herein by reference (the "Property" or "Site"). Implementation of this Agreement will further the goals and objectives of the Redevelopment Plan. This Agreement is subject to the provisions of the Redevelopment Plan which the City Council of the City of Las Vegas adopted on March 5, 1986, by Ordinance No. 3218, as amended.

Said Redevelopment Plan, as it now exists and as it may be subsequently amended, is incorporated herein by reference and made a part hereof as though fully set forth herein.

SECTION 2: PARTIES TO THE AGREEMENT. The Agency is a public body, corporate and politic, exercising governmental functions and powers, and organized and existing under the Community Redevelopment Law of the State of Nevada (NRS 279.382, et seq.). The principal office of the Agency is located at 400 Stewart Avenue, Las Vegas, Nevada, 89101. "Agency", as used in this Agreement, includes the City of Las Vegas Redevelopment Agency and any assignee of or successor to its rights, powers and responsibilities. The Owner warrants it has a valid and binding fee simple interest in (as defined hereinafter), the Site. Such ownership is demonstrated by Attachment " 2 ", "Proof of Ownership or Leasehold Interest", which is attached hereto and is incorporated herein by reference. "Owner", as used in this Agreement, includes not only the Owner as identified in the opening paragraph of this Agreement, but also any assignee of, or successor to, its rights, powers and responsibilities. The Agency and the Owner individually may be referred to as "party" or collectively as "parties" hereinafter.

SECTION 3: GRANT OF FAÇADE EASEMENT AND MAINTENANCE AGREEMENT. The Owner agrees to grant and convey and the Agency agrees to acquire and accept conveyance of a nonexclusive easement in gross (the "Facade Easement") on and upon that certain area described in Exhibit A of Attachment " 2 ", attached hereto and incorporated herein (the "Facade Easement Area"), subject to the following conditions:

a. The purchase price for the Facade Easement shall be an amount up to one hundred percent (100%) of the façade improvements, with a not to exceed maximum of EIGHTTEEN THOUSAND (**$18,000.00**) for "Pre-approved Qualified Exterior Improvements". Pre-approved Qualified Exterior Improvements which shall be considered for reimbursement includes the following: painting, cleaning, tuck pointing, façade repair/replacement, window repair/replacement, doorways, lighting, new or substantially rehabilitated signage, window tinting, new or replacement awnings, permanent landscaping, parking lots, and rear access renovations. All Pre-approved Qualified Exterior Improvements must be seen from the public right-of-way. The final purchase price will be determined when the project improvements are completed and Owner has submitted paid invoices from contractor(s) to the Agency.

b. Owner shall have provided Agency with all the documents required for participation in the CVIP, as set forth in the CVIP Guidelines in a form acceptable to and approved by the Agency, including without limitation an executed Facade Easement Deed, in substantially the form attached hereto as Attachment " 3 " and a Building Façade Maintenance Agreement, in substantially the form attached hereto as Attachment " 4 ".

c. Agency shall pay Owner the Purchase Price within forty-five (45) days after submission of paid invoices by Owner for the Project improvements, as defined in Section 5, and inspection and approval of such Improvements, in accordance with the CVIP Guidelines.

d. The Agency shall cause the Facade Easement Deed and the Building Façade Maintenance Agreement to be recorded against the Property promptly after completion of the Project improvements and upon payment of the Purchase Price by the Agency to the Owner. The Facade Easement and the Building Façade Maintenance Agreement shall commence upon such recordation and shall terminate on the date five (5) years thereafter.

e. Owner hereby agrees to maintain the Property, including without limitation the Facade Easement Area and the Project improvements to be constructed thereon, in accordance with the maintenance provisions set forth in the Building Façade Maintenance Agreement,

Attachment " 4 " attached hereto. Owner agrees that all material future changes to the exterior surfacing of the building(s) on the Property, including the Facade Easement Area, shall be subject to the approval of the Agency, which approval shall not be unreasonably withheld. No painting or exterior surfacing which, in the opinion and judgment of Agency, are inharmonious with the general surroundings shall be used on the exterior of any buildings now or to be located on the Property. This covenant shall run with the land for a period of five (5) years from the date the Facade Easement Deed is recorded against the Property. Owner shall be in default of this Agreement if Owner breaches any of the obligations under this Section 3 or Attachment " 4 ".

f. The Agency shall not use or exercise any right granted by the Facade Easement or do anything in a manner that will damage or impair the Facade Easement Area or the structural integrity of the building.

SECTION 4: OWNER'S REPURCHASE OPTION. The Agency hereby grants the option to repurchase the Facade Easement (the "Option") from the Agency pursuant to the following terms and conditions:

a. Option Term. The term of the Option (the "Option Term" or "Option") shall commence upon recordation of the Facade Easement Deed and shall continue until the termination date of the Facade Easement. In order to exercise the Option, the Owner and/or Tenant must give sixty (60) days written notice to the Agency that it wishes to exercise the Option.

b. Repurchase Price. If the Owner exercises the Option, the Agency agrees to sell and the Owner agrees to repurchase the Facade Easement in an amount equal to the unamortized portion of the Purchase Price amortized on a straight-line basis over five (5) years. The Amortization Schedule is set out in Exhibit C of Attachment " 3 ", attached hereto and incorporated herein (the "Amortization Schedule").

c. Title, Escrow and Closing Costs. The Owner shall each all title, escrow and closing costs and fees associated with the repurchase of the Facade Easement. The Owner and/or Tenant shall execute such documents and take such actions as may be necessary to effectuate such repurchase.

d. The Owner's right to this Option and the terms and conditions of this Option shall be contained in the Facade Easement Deed to be recorded on the Property.

SECTION 5: IMPROVEMENTS TO THE SITE AND PROJECT BUDGET. The Owner shall make improvements to the Site, or to the buildings, fixtures or appurtenances thereon, according to the Scope of Work and Tentative Schedule of Improvements, which is attached hereto as Attachment " 5 " and by this reference is made a part hereof. The Scope of Work and Tentative Schedule of Improvements shall provide a line item budget, acceptable to the Agency, for all work to be performed. Within 30 days of execution of this Agreement by the Agency, Owner agrees to commence, or cause the commencement of, rehabilitation and improvement of the Site, including the Façade Easement Area, pursuant to the plans and other documents submitted by Owner and approved by Agency in accordance with the CVIP Guidelines. Owner shall complete the improvements within 120 days of commencement of work. Additional time may be given upon approval of the Agency, which approval shall not be unreasonably withheld. The improvements to the Site also shall be referred to as the "Project" or "Improvements" hereinafter. The Agency shall maintain a right of access to the Site, provided that the Agency gives the Owner a minimum of twenty-four (24) hours written, advance notice prior to entering the Site.

SECTION 6: CONTRACTOR SELECTION REQUIREMENTS. If the Project exceeds $10,000, then the Owner in compliance with NRS 279.478 must obtain three (3) or more competitive bids from properly licensed contractors. If the Owner is unable to obtain (3) or more competitive bids, the Owner shall provide the Agency, upon request, with documentation detailing when and which licensed contractor(s) were contacted.

SECTION 7: DESIGN REVIEW COMMITTEE. For reviewing the architectural and engineering design of the Project, the Agency has appointed a Design Review Committee comprised of one or more staff members from the following City of Las Vegas municipal departments: Office of Business Development; Planning and Development Department; Land Development, Public Works; Development Coordination, Public Works; and City of Las Vegas Department of Building & Safety. At its discretion, the Agency may solicit input from additional City staff depending on the individual needs of the Project. The Design Review Committee shall meet on an ad hoc basis. The Design Review Committee shall recommend approval or disapproval of the Project Scope of Work. If the Project is disapproved, the Agency shall retain the right to ask the Owner to make changes to the proposed Scope of Work.

SECTION 8: COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS. The Owner must comply with all development standards applicable to the Scope of Work, including but not limited to, the Zoning Code of the City of Las Vegas, the Building Code of the City of Las Vegas, and the Fire Code of the City of Las Vegas. Additional development standards may apply depending on the specific location of the Site.

SECTION 9: FAILURE TO COMPLETE WORK. If the contractor selected by the Owner fails to complete all of the work specified in the Scope of Work, then the Agency may pursue any and all legal and equitable remedies available under this Agreement, as more specifically described in Section 13 hereinafter.

SECTION 10: UNRELATED IMPROVEMENTS. Nothing herein is intended to limit, restrict or prohibit the Owner from undertaking any other work in or about the subject premises which is unrelated to Commercial VIP provided for in this Agreement.

SECTION 11: COMPLIANCE WITH THE REDEVELOPMENT PLAN AND EMPLOYMENT PLAN. The Agency finds that the Project as contemplated by this Agreement complies with the Commercial VIP Guidelines and therefore would be deemed a substantial benefit to the Redevelopment Area. The Agency finds that the Project, upon completion, would achieve one or more of the following:

1. Encourage new commercial development;
2. Create or retain jobs for nearby residents;
3. Increase local revenues from private revenue sources;
4. Increase levels of human activity in the Redevelopment Area;
5. Possess attributes that are unique, either as to type of use or level of quality and design;
6. Require for their construction, installation or operation the use of qualified and trained labor; or
7. Demonstrate greater social or financial benefits to the community that would a similar set of buildings, facilities, structures or other improvements not paid for by the Agency.

The Agency has also considered the opinions of persons who reside in the Redevelopment Area or the immediate vicinity of the Redevelopment Area. In addition, the Agency has compared the level of spending proposed by the Agency and the projections of future revenue made on the buildings, facilities, structures or other improvements.

The Owner has declared that no other reasonable means of financing are available to undertake the improvements to the Property because the return on investment is not reasonable and the improvements

are being financed through cash on hand and/or debt financing through a private lender. Furthermore, the Owner would not undertake the full set of improvements contemplated in the Agreement through resources reasonably available to the Owner pursuant to the Participant Affidavit and Employment Plan, attached hereto as Attachment " 7 " and by this reference made a part hereof.

The Owner has also declared and provided the Agency with an Employment Plan, which is attached hereto as Attachment " 7 " and by this reference is made a part hereof. The Owner, for itself and its successors and assigns, represents that in the construction of improvements on the Site provided for in this Agreement, the Owner shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, marital status, ancestry or national origin.

SECTION 12: CONFLICTS OF INTEREST AND DISCLOSURE REQUIREMENTS. No member, official or employee of the Agency shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested. The Owner warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement. No member, official or employee of the Agency shall be personally liable to the Owner in the event of any default or breach by the Agency or for any amount which may become due to the Owner or on any obligations under the terms of this Agreement. Pursuant to Resolution RA-4-99 adopted by the governing board of the Agency effective October 1, 1999, Owner warrants that it has disclosed, on the Disclosure of Principals form attached hereto as Attachment "6" and incorporated herein by reference, all persons and entities holding more than 1% (one percent) interest in Owner or any principal member of Owner. Throughout the term hereof, Owner shall notify City in writing of any material change in the above disclosure within 15 (fifteen) days of any such change.

SECTION 13: DEFAULTS AND REMEDIES. Failure or delay by either party to perform any term or provision of this Agreement constitutes a default under this Agreement. The nondefaulting party shall notify the defaulting party that a default exists and that the defaulting party must cure same within thirty (30) days of receipt of the notice of default. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay, and shall complete such cure, correction or remedy with reasonable diligence and during any period of curing shall not be in default. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the District Court, County of Clark State of Nevada, in any other appropriate court in that county, or in the Federal District Court in the appropriate district of Nevada. The nondefaulting party may also, at its option, cure the breach and sue in any court of proper jurisdiction to collect the reasonable costs incurred by virtue of curing or correcting the defaulting party's breach. Further, the nondefaulting party may file legal action to require the defaulting party to specifically perform the terms and conditions of this Agreement. Upon occurrence of an Event of Default by either the Owner or the Agency during the existence of this Agreement, the non-defaulting party, at its option, may institute an action for specific performance of the terms and obligations (including the payment of any monetary obligation) of this Agreement. During the existence of this Agreement and upon the occurrence of a Owner Event of Default, the Agency shall have the right to terminate, and this Agreement shall so terminate, the date that the written notice of termination is received by the Owner or such other date as may be specified in the written notice. In the event of termination of this Agreement by the Agency, the Owner agrees to return any and all Agency Funds heretofore paid to the Owner pursuant to the provisions of this Agreement within ten (10) calendar days after the termination date. Failure to return any and all Agency Funds paid to the Owner shall entitle the Agency to sue the Owner for specific performance as provided in this Section and to pursue the Agency's remedies, legal and equitable, for such damages as permitted by law.

SECTION 14: SUBSEQUENT AGENCY APPROVALS. Any approvals of the Agency required and permitted by the terms of this Agreement may be given by the Executive Director of the Agency or such other person that the Agency designates in writing.

SECTION 15: TERM. The term of this Agreement shall end upon the completion of all duties and obligations to be performed by each of the parties hereto.

SECTION 16: 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.

SECTION 17: GOVERNING LAW. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

SECTION 18: NOTICES. Notices shall be in writing and shall be given by personal delivery, by deposit in the United States mail, certified mail, return receipt requested, postage prepaid, or by express delivery service, freight prepaid, in each case by delivery to the Owner and the Agency at the addresses set forth in this Agreement or at such other address as a party may designate in writing. The date notice given shall be the date on which the notice is delivered, if notice is given by personal deliver, or five (5) calendar days after the date of deposit in the mail or with an express delivery service, if the notice is sent through the United States mail.

SECTION 19: 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.

SECTION 20: ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS. This Agreement is executed in three duplicate originals, each of which is deemed to be an original. This includes Attachment " 1 " through Attachment " 7 " inclusive, attached hereto and incorporated herein by reference, all of which constitute the entire understanding and agreement of 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 waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of Agency and the Owner 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. All amendments hereto must be in writing and signed by the appropriate authorities of Agency and the Owner.

SECTION 21: TIME FOR AGENCY TO ACCEPT AGREEMENT. This Agreement has been approved on _____, 2011 by the City of Las Vegas Redevelopment Agency. The effective date of this Agreement shall be the date when this Agreement has been signed by the Agency ("Effective Date").

Date of Agency Approval:

_____, 2011

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

By: _____
OSCAR B. GOODMAN, CHAIRMAN
"Agency"

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
Secretary

APPROVED AS TO FORM:

_____
Counsel to the Agency Date

_____
Print Name

FREMONT PLACE, LLC

By: _____
NEISSAN KOROGHLI
Its: Managing Member

LIST OF ATTACHMENTS

ATTACHMENT " 1 "	LEGAL DESCRIPTION OF THE PROPERTY
ATTACHMENT " 2 "	PROOF OF OWNERSHIP OR LEASEHOLD INTEREST
ATTACHMENT " 3 "	FORM OF FAÇADE EASEMENT DEED
ATTACHMENT " 4 "	FORM OF BUILDING FAÇADE MAINTENANCE AGREEMENT
ATTACHMENT " 5 "	SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS
ATTACHMENT " 6 "	DISCLOSURE OF PRINCIPALS
ATTACHMENT " 7 "	PARTICIPANT AFFIDAVIT & EMPLOYMENT PLAN

ATTACHMENT 1

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

LOTS ONE (1) AND TWO (2) IN BLOCK ONE (1) OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED TO CITY OF LAS VEGAS BY DEED RECORDED JUNE 20, 1991 IN BOOK 910620 OF OFFICIAL RECORDS AS DOCUMENT NO. 00848.

PARCEL II:

LOTS THREE (3) THROUGH SEVEN (7) INCLUSIVE IN BLOCK ONE (1) OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

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ATTACHMENT 2

PROOF OF OWNERSHIP OR LEASEHOLD INTEREST

200202 19
.00912

139-34-511-001 139-34-511-002
139-34-511-003
Affix R.P.T.T. $3,375.00
Escrow No. 00228312K6J
WHEN RECORDED MAIL DEED AND TAX STATEMENTS TO:
[redacted]
PREMONT PLACE LLC
3655 VIA SARAFINA DRIVE
HENDERSON, NEVADA 89052

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That: Daniel Ruiz Ayala and Donna J. Ayala, husband and wife as joint tenants in consideration of $10.00 the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to [redacted] all that real property situate in the County of CLARK State of Nevada, bounded and described as follows:

AS PREMONT PLACE LLC, A LIMITED LIABILITY COMPANY
See Exhibit A attached hereto and made a part hereof.

ASSESSOR'S COPY

SUBJECT TO:
1. Taxes for the current fiscal year, and any and all taxes (including supplemental taxes) and assessments levied or assessed after the recording date of this document.
2. Rights of way, reservations, restrictions, easements and conditions of record.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

Witness my/our hand(s) this 12TH day of DECEMBER 2001.

Daniel Ruiz Ayala

Donna J. Ayala

STATE OF NEVADA
COUNTY OF CLARK

On, December 12, 2001 personally appeared before me, a Notary Public, Daniel Ruiz Ayala, Donna J. Ayala personally known (or proven) to me to be the person(s) whose name(s) is/are subscribed to the within instrument who acknowledged that he executed the instrument.

Notary Public in and for said County and State.

NOTARY PUBLIC
County of Clark-State of Nevada
KENNETH E. JOHNSON
No. 96-3648-1
My Appointment Expires April 12, 2003

DOT rev. 12-99

200202.19
.00012

12State of Nevada
Declaration of Value

1. Assessor's Parcel Number(s)
   a)139-34-511-001
   b)139-34-511-002
   c)139-34-511-003
   d)

FOR RECORDER'S OPTIONAL USE ONLY

Document/Instrument #: _____
Book: _____ Page: _____
Date of Recording: _____
Notes: _____

2. Type of Property:
   a)☐ Vacant Land b)☐ Single Fam. Res.
   c)☐ Condo/Twnhse d)☐ 2-4 Plex
   e)☐ Apt. Bldg. f)☒ Comm'l/Ind'l
   g)☐ Agricultural h)☐ Mobile Home
   i)☐ Other _____

3. Total Value/Sales Price of Property $ 1,350,000.00
   Deed in Lieu of Foreclosure Only (value of property) $ _____
   Transfer Tax Value: $ 1,350,000.00
   Real Property Transfer Tax Due: $ 3,375.00

4. **If exemption Claimed:**
   a. Transfer Tax Exemption, per NRS 375.090, Section _____
   b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: Dan R. Ayala Capacity: _____
Signature: Ray Koroghli Capacity: _____

SELLER (GRANTOR) INFORMATION (Required)		BUYER (GRANTEE) INFORMATION (Required)	
Print Name:	Dan Ayala	Print Name:	Ray Koroghli
Address:	145 E. Rono Ave. E-6	Address:	3055 Via Sarafina Dr.
City:	Las Vegas,	City:	Henderson
State:	NV Zip: 89119	State:	NV Zip: 89052

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Land Title of Nevada, Inc. Escrow #: 00228312-K61
Address: 720 S. Seventh Street
City: Las Vegas State: Nevada Zip: 89101

(AS A PUBLIC RECORD, THIS FORM MAY BE RECORDED/MICROFILMED)

12

ASSESSOR'S COPY

20020219
00012

Exhibit A

PARCEL I:

LOTS ONE (1) AND TWO (2) IN BLOCK ONE (1), OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED TO CITY OF LAS VEGAS BY DEED RECORDED JUNE 20, 1991 IN BOOK 910620 OF OFFICIAL RECORDS AS DOCUMENT NO. 00848.

PARCEL II:

LOTS THREE (3) THROUGH SEVEN (7) INCLUSIVE IN BLOCK ONE (1), OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED TO CITY OF LAS VEGAS BY DEED RECORDED JUNE 20, 1991 IN BOOK 910620 OF OFFICIAL RECORDS AS DOCUMENT NO. 00848.

ASSESSOR'S COPY

CLARK COUNTY, NEVADA
JUDITH A. VANDEVER, RECORDER
RECORDED AT REQUEST OF:
LAND TITLE OF NEVADA
02-19-2002 08:03 KGP 2
OFFICIAL RECORDS
BOOK: 20020219 INST: 00012
FEE: 15.00 RPTT: 3,375.00

EXHIBIT A
of Attachment 2

DESCRIPTION OF THE FAÇADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face adjoining the North Las Vegas Boulevard and Stewart Avenue right-of-way and the southerly and easterly boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas; including all exterior wall planes, window, doors, fascias, awnings, and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

ATTACHMENT 3

FORM OF FACADE EASEMENT DEED

RECORDING REQUESTED BY

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

AND WHEN RECORDED RETURN TO:

City of Las Vegas Redevelopment Agency
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
ATTN: Operations Officer

APN: 139-34-501-016

FACADE EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, FREMONT PLACE, LLC ("Grantor"), does hereby grant to the CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic ("Grantee"), a nonexclusive facade easement (the "Facade Easement") in gross on and upon a portion of the real property described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"). The precise description of the area of the facade easement is described in Exhibit B attached hereto and incorporated hereby by reference (the "Facade Easement Area").

1. Grantee is responsible for carrying out the Redevelopment Plan for the City of Las Vegas Redevelopment Area (the "Redevelopment Area"). In furtherance of the Redevelopment Plan, Grantor and Grantee entered into a Commercial Visual Improvement Agreement and Grant of Facade Easement dated _____ (the "CVIP Agreement") which required the Grantor to improve the facades(s) of the building(s) on the Property in accordance with the CVIP Agreement and Grantee's Commercial Visual Improvement Guidelines.

2. Grantor shall maintain the Property and the Facade Easement Area in accordance with the Facade Easement Agreement, including without limitation, the provisions set forth in the Building Façade Maintenance Agreement, recorded against the Property by separate instrument. Grantor agrees that all material future changes to the exterior surface of the facades of the building that has been improved on the Property shall be subject to the approval of the Grantee, which approval shall not be unreasonably withheld. This covenant shall run with the land until five (5) years from the date this Facade Easement Deed is recorded against the Property.

3. Grantee may use the Facade Easement for the purpose of ensuring the repair and maintenance of the Facade Easement Area, including the Facade Improvements to be constructed thereon, in accordance with the Facade Easement Agreement.

4. The Facade Easement shall include ancillary rights of ingress and egress over any portion of the Property that is necessary in order to repair and maintain the Facade Improvements located on and within the Facade Easement Area.

5. Grantor covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, ancestry, age, sexual preference, physical handicap or medical condition in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall Grantor or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.

6. The Grantee shall not use or exercise any right granted by the Facade Easement or do anything in a manner that will damage or impair the Facade Easement Area or the structural integrity of the building.

7. In the event of a violation of this Agreement by Grantor, the Grantee may, following reasonable notice to Grantor and after allowing thirty (30) days to correct said violation, institute a suit to enjoin such violation and to require the restoration of the Facade Improvements to their prior condition. In the alternative, the Grantee may enter upon the Property, correct any such violation and hold the Grantor and, his or her heirs, successors and assigns, responsible for the costs thereof in accordance with the Facade Easement Agreement and Building Facade Maintenance Agreement.

8. The Facade Easement granted herein shall terminate on the date which is five (5) years from the date of recordation of this Facade Easement Deed.

9. Grantor shall have the option to repurchase the Facade Easement granted herein (the "Option") from the Grantee pursuant to the terms and conditions set forth hereunder.

a. Option Term. The term of the Option (the "Option Term") shall commence thirty (30) days after recordation of the Facade Easement Deed and shall continue until five (5) years from the date of the recordation of this Façade Easement Deed. In order to exercise the Option, the Grantor must give sixty (60) days written notice to the Grantee that it wishes to exercise the Option.

b. Repurchase Price. If the Grantor exercises the Option, the Grantee agrees to sell and the Grantor agrees to repurchase the Facade Easement in an amount equal to the unamortized portion of the Purchase Price amortized on a straight-line basis

over five (5) years. The Amortization Schedule is set out in Exhibit C, attached hereto and incorporated herein (the "Amortization Schedule").

c. Title, Escrow and Closing Costs. The Owner shall pay for all title, escrow and closing costs and fees associated with the repurchase of the Facade Easement. The Owner and Agency shall cooperate in good faith and execute such documents and take such actions as may be necessary to effectuate such repurchase.

10. The obligations and benefits imposed and granted in this Facade Easement Deed shall be binding on Grantor and all successor owners of the Property and inure to the benefit of the Grantee, its successors and assigns and are intended to run with the land.

11. The provisions of this Facade Easement Deed may be amended or terminated in full only by a written agreement between the Grantor and Grantee.

12. Nothing contained in this Facade Easement Deed shall be deemed to be a gift or dedication of any portion of Property to the general public or for the general public for any public purpose whatsoever, it being the intention of the parties to this Facade Easement Deed that the Facade Easement shall be strictly limited to and for the purposes expressed in this Facade Easement Deed.

13. This declaration shall be governed by and construed in accordance with the laws of the State of Nevada.

14. The Facade Easement granted herein shall be binding on and inure to the benefit of the successors and assigns of the parties and are intended to bind and burden the Property described in Exhibit A.

...

...

...

IN WITNESS WHEREOF, Grantor has executed this Facade Easement Deed as of this ____ day of _____, _____.

FREMONT PLACE, LLC

By:_____
NEISSAN KOROGHLI

Its: MANAGING MEMBER
"GRANTOR"

ACCEPTED AND AGREED TO:

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

By:_____
OSCAR B. GOODMAN

Its: CHAIRMAN
"GRANTEE"

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
Secretary

APPROVED AS TO FORM

_____
Counsel to the Agency Date

_____
Print Name

ACKNOWLEDGMENTS

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2011 by NEISSAN KOROGHLI as MANAGING MEMBER.

_____
Notary Public in and for said County and State

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2011 by Oscar B. Goodman as Chairman of the City of Las Vegas Redevelopment Agency.

_____
Notary Public in and for said County and State

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

LOTS ONE (1) AND TWO (2) IN BLOCK ONE (1) OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

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EXHIBIT B

DESCRIPTION OF THE FACADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face adjoining the North Las Vegas Boulevard and Stewart Avenue right-of-way and the southerly and easterly boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

EXHIBIT C

FORM OF FAÇADE EASEMENT REPURCHASE PRICE AMORTIZATION SCHEDULE

1. Amount of Purchase Price: $18,000 (Maximum)

2. Repurchase Price based on unamortized portion of Purchase Price amortized on straight-line basis over five (5) years as follows:

Anytime during first year:	$18,000.00
Anytime during second year:	$14,400.00
Anytime during third year:	$10,800.00
Anytime during fourth year:	$7,200.00
Anytime during fifth year:	$3,600.00
After five full years from recordation of the Façade Easement Deed:	$0.00

ATTACHMENT 4

FORM OF BUILDING FAÇADE MAINTENANCE AGREEMENT

RECORDING REQUESTED BY

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

AND WHEN RECORDED RETURN TO:

City of Las Vegas Redevelopment Agency
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
ATTN: Operations Officer

APN – 139-34-501-016

BUILDING FACADE MAINTENANCE AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 20___, between FREMONT PLACE, LLC. hereinafter referred to as "Owner" and the CITY of LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic, hereinafter referred to as "Agency" with reference to the following facts:

WHEREAS, Owner is the owner of that real property ("the Property") in the City of Las Vegas, County of Clark, State of Nevada, legally described in Exhibit " A " attached hereto by this reference, commonly known as 222 NORTH LAS VEGAS BLVD., Las Vegas, Nevada and currently designated as Assessor's Parcel Nos.139-34-501-016; and

WHEREAS, the Property is located within the City of Las Vegas Redevelopment Area (the "Redevelopment Area"), and in furtherance of the Redevelopment Plan for the Redevelopment Area, the Agency approved a Commercial Visual Improvement Program (the "Commercial VIP") for the purpose of revitalization and elimination of blighting influences in the Redevelopment Area; and

WHEREAS, Owner has rehabilitated the facades of the Property facing the Facade Easement Area: The area consisting of the building face adjoining the North Las Vegas Boulevard and Stewart Avenue right-of-way and the southerly and easterly boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, and other architectural projections.

Agency purchased a Facade Easement for the Property (hereinafter "the Facade Easement") which ensures that the building facades on the Property will be preserved in a manner consistent with the Commercial Visual Improvement Agreement and Grant of Facade Easement dated _____ _____ (the "CVIP Agreement"); and

WHEREAS, by the terms of said Façade Easement, Owner is required to enter into an agreement for a period of five (5) years giving the Agency authority to lien the Property to ensure that the façade(s) covered by the Façade Easement, legally described in Exhibit " B " attached hereto (the "Façade Easement Area"), will be diligently maintained and that violations will be corrected promptly; and

WHEREAS, this agreement is entered into to ensure that the Property is maintained because both parties recognize that diligent maintenance is an integral part of preservation of the Property and one of the considerations for Agency's purchase of the Façade Easement;

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Purpose. The purpose of this agreement is to ensure diligent maintenance of the building facades on the Property facing public streets and/or alleys, the Façade Easement Area, in accordance with the plans approved by the City of Las Vegas Office of Redevelopment Agency and any other City of Las Vegas department that may have issued approvals and/or permits as of the date of this agreement, or as may be otherwise approved by City during the term of this agreement. Copies of the plans for the Façade Easement Area required to be maintained under this agreement and which are incorporated herein by this reference, are on file with the City of Redevelopment Agency, c/o Office of Business Development, 400 Stewart Avenue, Las Vegas, NV 89101.

2. Duty to Maintain Property. Owner covenants and agrees, for itself, its lessees, successors and assigns during the term of this agreement to diligently maintain and care for the Façade Easement Area in accordance with the plans approved by Agency. "Diligent maintenance" is persistent upkeep which employs the standard of care necessary to meet all requirements of applicable local ordinances and regulations and standards of workmanship in accordance with the generally accepted standards for maintenance observed by comparable uses located within the City of Las Vegas. In particular, Owner covenants that:

    a) All exterior building facades shall be maintained, repaired, or used in accordance with the City of Las Vegas Building Code and the plans approved by, any and all, appropriate City of Las Vegas department(s) as of the date of this agreement, or as may be otherwise approved by Agency during the term of this agreement.

    b) The exterior of the buildings and structures shall have effective weatherproofing and waterproofing, including non-deteriorated paint, uncracked or unbroken plaster, sound siding, sealing of doors and windows and adequate and approved roof covering.

    c) All exterior doors, door hardware, handles, locksets and latchsets shall be in safe and operable condition, free of cracks, splits, holes, inadequate fastening and warpage.

    d) All windows shall be secure, well sealed, unbroken, and with undamaged frames. No window bars, grills or grates of any kind shall be installed without the express approval of the City of Las Vegas Department of Building and Safety.

e) All exterior lighting, including but not limited to security, carport, stairway or balcony, and building lighting, must be operable at all times as required by the City of Las Vegas Building Code.

3. Agency's Right to Cure Owner's Default. Owner shall be in default of this agreement if Owner breaches any of the Owner's obligations under Paragraph 2 above, and the breach is not cured within thirty (30) days (or such longer period as may be specified in the Notice of Breach) after the Agency gives notice ("Notice of Breach") to the Owner of the failure to perform, which Notice of Breach shall specify in reasonable detail the conditions constituting the breach. The Agency's Executive Director ("Director") (or, if that position no longer exists, an Agency official with comparable duties) or the Director's designee may impose conditions on any extension of time to cure the breach, which conditions may include but are not limited to (i) requiring Owner to post a cash deposit or surety bond in the amount of the estimated cost of curing the breach or default, and (ii) requiring that Owner commence curing the breach or default by a specified date and thereafter diligently and in good faith continue to cure the breach until completion of the cure.

In the event of default, in addition to any other remedies available to Agency at law or in equity, Agency in its sole and absolute discretion may enter the Property and cure the default at Owner's cost at any time after giving not less than thirty (30) days' notice ("Notice of Default") to Owner, which Notice of Default shall state the Agency's intent to enter the Property and shall specify in reasonable detail the work or correction the Agency intends to perform.

4. Hold Harmless. Owner shall waive any and all claims for damage or loss as a result of Agency's entry onto the Property. Owner shall defend, indemnify and hold harmless Agency, its employees, officers, agents and contractors from and against any and all liability, loss, expense, including reasonable attorney's fees or claims for injury or damage caused by or as a result of the Agency, its employees, officers, agents or contractors entry onto the Property. Notwithstanding the foregoing, the above waiver and indemnity shall not apply with respect to any negligent acts or omissions or willful misconduct by the Agency, it's employees, officers, agents and/or contractors.

5. Agency's Cost of Cure. If Agency, acting through its own employees or through its contractors, enters the Property and cures the breach or default, Agency shall perform the work in a reasonably efficient, cost effective and competitively priced manner. The cost of curing the default shall be due and payable within ten (10) days after delivery of an invoice to Owner, and if paid at a later date shall bear interest at the rate of 10% per annum from the date of the invoice until Agency is reimbursed by Owner. Any warranties provided by Agency's contractors shall be assigned to Owner upon Owner's payment in full of the amounts due hereunder.

6. Additional Remedies. The Agency, in addition to the collection procedure set forth above in paragraph 4, may make the cost incurred in maintaining the Property a lien upon the Property by recording a notice with the Clark County Recorder. The lien may also include any and all costs incurred in recording the lien. The notice shall state that the Agency has incurred maintenance costs under the terms of this agreement and shall state the amount, together with a statement that it is unpaid. Such lien shall be immediately released upon Owner's payment of said costs.

7. Notices. Notices required or permitted to be given under the terms of this agreement shall be served personally, or by certified mail, return receipt requested, or by overnight courier, addressed as follows:

AGENCY: CITY OF LAS VEGAS REDEVELOPMENT AGENCY
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
Attn: Operations Officer

OWNER: FREMONT PLACE, LLC
3055 VIA SARAFINA DRIVE
HENDERSON, NV 89052
Attn: NEISSAN KOROGHLI

and, in the event that Owner hereafter conveys Property, to each successive Owner as shown on the tax rolls for Clark County.

8. Property Owner. If Owner conveys, grants or transfers the Property or a portion thereof to another, such grantee or transferee shall be responsible for complying with the terms and conditions of this agreement as to the Property or as to that portion thereof so conveyed and Owner shall have no further obligation hereunder as to said Property or that portion thereof. If Owner leases the Property or any portion thereof to another, the lease shall provide for Owner's right of entry to perform Owner's obligations under this agreement. The lease also shall provide for Agency's right of entry to inspect the Property for compliance with this agreement and in the event of breach to perform required maintenance in accordance with the procedure set forth in Paragraph 3. Owner shall advise the Executive Director of the Agency in writing of any changes in address of Owner and of the names and addresses of any subsequent owners of the property or any portion thereof.

9. Miscellaneous Terms and Provisions.

a) If any provision of this agreement is adjudged invalid, the remaining provisions of it are not affected.

b) Notice to Agency or Owner shall be considered to have been given when sent in the manner and to the addresses stated in Paragraph 6 above.

c) This writing contains a full, final and exclusive statement of the agreement of the parties.

d) By executing this agreement Owner, on its behalf and on behalf of any successor in interest, authorizes and grants to Agency or to Agency's agent, permission with 48 hours advance notice to enter upon the Property subject to this agreement to perform inspections of the façade improvements or to perform any work authorized by this agreement in the event of breach by Owner of any covenant set forth in Paragraphs 2 above. However, the Agency shall coordinate the time of such inspections with the

Owner in order to minimize the disruption of business or inconvenience to the Owner's customers.

10. Recordation: Covenant Running With the Land for Five Years. Upon recordation of the Façade Easement Deed and execution of this agreement by both parties, the Agency shall record this agreement with the Clark County Recorder's Office. Agency shall provide Owner a copy of the agreement showing the Recorder's stamp.

    This agreement pertains to that area of the Property covered by the Façade Easement, and shall run with the land for a period of five (5) years from the date of recordation, including a period of time after the expiration of the Façade Easement. This agreement binds the successors in interest of each of the parties to it.

11. Priority of Mortgage Lien. No breach of the covenants, conditions or restrictions of this agreement shall defeat or render invalid the lien or charge or any first mortgage or deed of trust made in good faith and for value encumbering the Property, but all of said covenants, conditions and restrictions shall be binding upon and effective against any successor to the Owner whose title is derived through foreclosure or trustee's sale, or otherwise, with respect to the Property.

12. Attorneys' Fees. If any party to this agreement resorts to a legal action to enforce any provision of this agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to any other relief to which it may be entitled. This provision applies to the entire agreement.

13. Estoppel Certificate. Upon written request by Owner or a subsequent owner, Agency shall promptly execute and deliver an estoppel certificate, in a form reasonably approved by the Agency, addressed as indicated in the request, stating that the property is in compliance with this agreement, or not, and stating the amount of any outstanding fees or charges.

. . .
. . .
. . .

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year set forth above.

FREMONT PLACE, LLC

By: _____ Date: _____
Name: NEISSAN KOROGHLI
Title: MANAGING MEMBER

CITY OF LAS VEGAS REDEVELOPMENT AGENCY,
a public body, corporate and politic

By: _____ Date: _____
OSCAR B. GOODMAN
CHAIRMAN

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
Secretary

APPROVED AS TO FORM:

_____
Counsel to the Agency Date

_____
Print Name

ACKNOWLEDGMENTS

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2011 by NEISSAN KOROGHLI as MANAGING MEMBER.

_____
Notary Public in and for said County and State

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2011 by Oscar B. Goodman as Chairman of the City of Las Vegas Redevelopment Agency.

_____
Notary Public in and for said County and State

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

LOTS ONE (1) AND TWO (2) IN BLOCK ONE (1) OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED TO CITY OF LAS VEGAS BY DEED RECORDED JUNE 20, 1991 IN BOOK 910620 OF OFFICIAL RECORDS AS DOCUMENT NO. 00848.

PARCEL II:

LOTS THREE (3) THROUGH SEVEN (7) INCLUSIVE IN BLOCK ONE (1) OF HAWKINS ADDITION TO THE CITY OF LAS VEGAS AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1 OF PLATS, PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED TO CITY OF LAS VEGAS BY DEED RECORDED JUNE 20, 1991 IN BOOK 910620 OF OFFICIAL RECORDS AS DOCUMENT NO. 00848.

EXHIBIT B

DESCRIPTION OF THE FACADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face adjoining the North Las Vegas Boulevard and Stewart Avenue right-of-way and the southerly and easterly boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

ATTACHMENT 5

SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS

1. Re-spray stucco and exterior painting	**$12,950.00**
2. Install new neon signage	**$21,120.00**
3. Landscape and seal & stripe parking lot	**$15,600.00**
TOTAL ESTIMATED PROJECT COSTS	**$49,670.00**
Estimated CVIP Grant	$18,000.00

*Note – Items in bold are "Pre-approved Qualified Exterior Improvements".

Schedule of Improvements

Work should be complete within 120 days, depending on contractor's work schedule/work load.

Attachment 6

VIP Disclosure of Ownership/Principals

Please Print Legibly

Real Property - Page 1 of 2

VIP Contracting Entity Information

Name Fremont Place, LLC

Mailing Address 3055 Via Serafina Dr., Henderson, NV 89052

Business Phone 702-290-6479

Tax ID or Social Security Number 88-0515219

Ownership Interest

Estate in Severalty X Tenancy in Common _____ Joint Tenancy _____

Disclosure of Ownership/Principals

In the space below, the Contracting Entity must disclose all persons or entities holding more than one percent ownership interest in the real property.

Full Name & Title	Business Address	Business Phone
Nasser Koroghli	~~222~~ 228 N. Las Vegas Blvd.	702-290-6479
Ray Koroghli	11	702-290-6479

Additional Ownership/Principals

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*:_____

VIP Disclosure of Ownership/Principals

Please Print Legibly

Alternative Disclosure of Ownership/Principal

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 on the previous page. A description of such disclosure documents must be included below.

Name of Attached Document _____

Date of Attached Document _____

Number of Pages _____

Certification of Disclosure of Ownership/Principal - Real Property

I certify, under penalty of perjury, that all the information provided in this certificate is current, complete and accurate.

X Signature _____

Date 2/24/11

State of Nevada
County of Clark

This instrument was acknowledged before me on

February 24, 2011 (date) by

Neisson Jamshid Koroghli (name of person)

_____
Notary Public

JOANN CROLLI
Notary Public-State of Nevada
APPT. NO. 02-79131-1
My App. Expires September 18, 2014

Attachment 7

VIP Participant Affidavit and Employment Plan

Please Print Legibly

STATE OF NEVADA }
} ss:
COUNTY OF CLARK }

I, Meissen Koroghli, being first duly sworn, depose and state under penalty of perjury as follows:

1. I am a corporate officer, managing member, or sole proprietor of the Fremont Place, LLC, a company duly organized in the State of Nevada as a LLC, (Corporation/LLC/Sole Proprietorship). The Participant is seeking the assistance of the city of Las Vegas Redevelopment Agency ("Agency") for making improvements to the property at 222 N. Las Vegas Blvd ("Site"), as more particularly described by the VIP agreement ("Agreement") being contemplated by the city of Las Vegas Redevelopment Agency at its public hearing to be held on 3/16/11.

2. I hereby warrant that I either own the site, or have a leasehold interest in the site for a minimum of five years subsequent to the effective date of this agreement.

   Assistance from the Agency will allow me to make improvements to the site which I could not otherwise do. This will result in substantial benefit to the Redevelopment Plan Area and the neighborhood adjacent to the Site because of one or more of the following reasons (check one or more):

   a. Encourage the creation of new business or other appropriate development; ☒
   b. Create jobs or other business opportunities for nearby residents; ☒
   c. Increase local revenues from desirable sources; ☒
   d. Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located; ☒
   e. Possess attributes that are unique, either as to type of use or level of quality and design; ☐
   f. Require for their construction, installation or operation the use of qualified and trained labor; ☐ and
   g. Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency. ☐

3. No other reasonable means of financing those buildings, facilities, structures or other improvements are available, because of one or more of the following reason(s) as checked by the Participant:

   a. An inducement for new businesses to locate or existing businesses to remain within the redevelopment area in which the business would ordinarily choose to locate outside the redevelopment area if the grant were not provided. Evidenced by a "but for" letter or statement from the business owner.; ☐ or
   b. There is a public objective and/or requirement that is more stringent and/or costly to undertake than a business would ordinarily embark upon. Evidenced by state or city ordinance. ☒ or
   c. There has been a lack of rehabilitation in the area and it is deemed unreasonable for the business to invest in improving the area unless the grant is provided. Evidenced by photographs of the immediate surrounding area displaying the slum and blight. ☒ or
   d. The exterior improvements to the property or business do not have a direct affect on revenues therefore making such an investment is not deemed acceptable by a customary financial institution. Evidenced by a denial letter from a financial institution. ☐ or

e. The visual improvement of the property or addition of the business to the area is so dramatic that it is a catalyst for economic development in the area. Evidenced by a positive economic impact analysis. ☐

Participant agrees to submit to the Agency its documentation which evidences that no reasonable means of financing are available to the Participant.

4. Participant hereby warrants the following:

a. The property on which the project is situated is free of all Mechanic's Liens at the time of application. (N) (initial)

b. The applicant has no current bankruptcy proceedings, or past bankruptcy proceedings, whether corporate or personal, within the past five years. _____(initial)

c. The applicant has no past-due federal, state, county or city of Las Vegas tax bills at the time of application. _____(initial)

d. The applicant has no past-due bills or debts payable to the city of Las Vegas or the Redevelopment Agency. _____(initial)

5. Participant hereby acknowledges that existing opportunities for employment within the surrounding neighborhood of the redevelopment project are limited for neighborhood residents. Most residents must travel outside the neighborhood to find employment opportunities outside the redevelopment area, via public transportation or personal vehicles. Of the existing businesses within the neighborhood, many are family owned and have been in business for a long time. These existing businesses are not in an expansion mode and are not likely to employee neighborhood residents.

Furthermore, the project will help facilitate the continued expansion of employment opportunities by setting an example to other property/business owners to renovate their property/business and help create more employment opportunities through an expansion of business and renovation of vacant storefronts. The Project will allow neighborhood residents to apply for those positions (when available) for which they are qualified for as an employment opportunity. Appropriate measures will be taken to ensure that the neighborhood is aware of any job opportunities available from the business.

DATED this 24th day of FEB, 2011.

Authorized Signature: [signature]

SIGNED AND SWORN TO before

me this 24 day of February, 2011, by Neissan Jamshid Koroghli

[signature] JoAnn Crolli

NOTARY PUBLIC

My Commission Expires: September 18, 2014

JOANN CROLLI
Notary Public-State of Nevada
APPT. NO. 02-79131-1
My App. Expires September 18, 2014

Before Photos – 7 Eleven
(228 N. Las Vegas Blvd.)



Before Photos – 7 Eleven
(228 N. Las Vegas Blvd.)





Before Photos – 7 Eleven
(228 N. Las Vegas Blvd.)



Before Photos – 7 Eleven
(228 N. Las Vegas Blvd.)



After Rendering – 7 Eleven
(228 N. Las Vegas Blvd.)



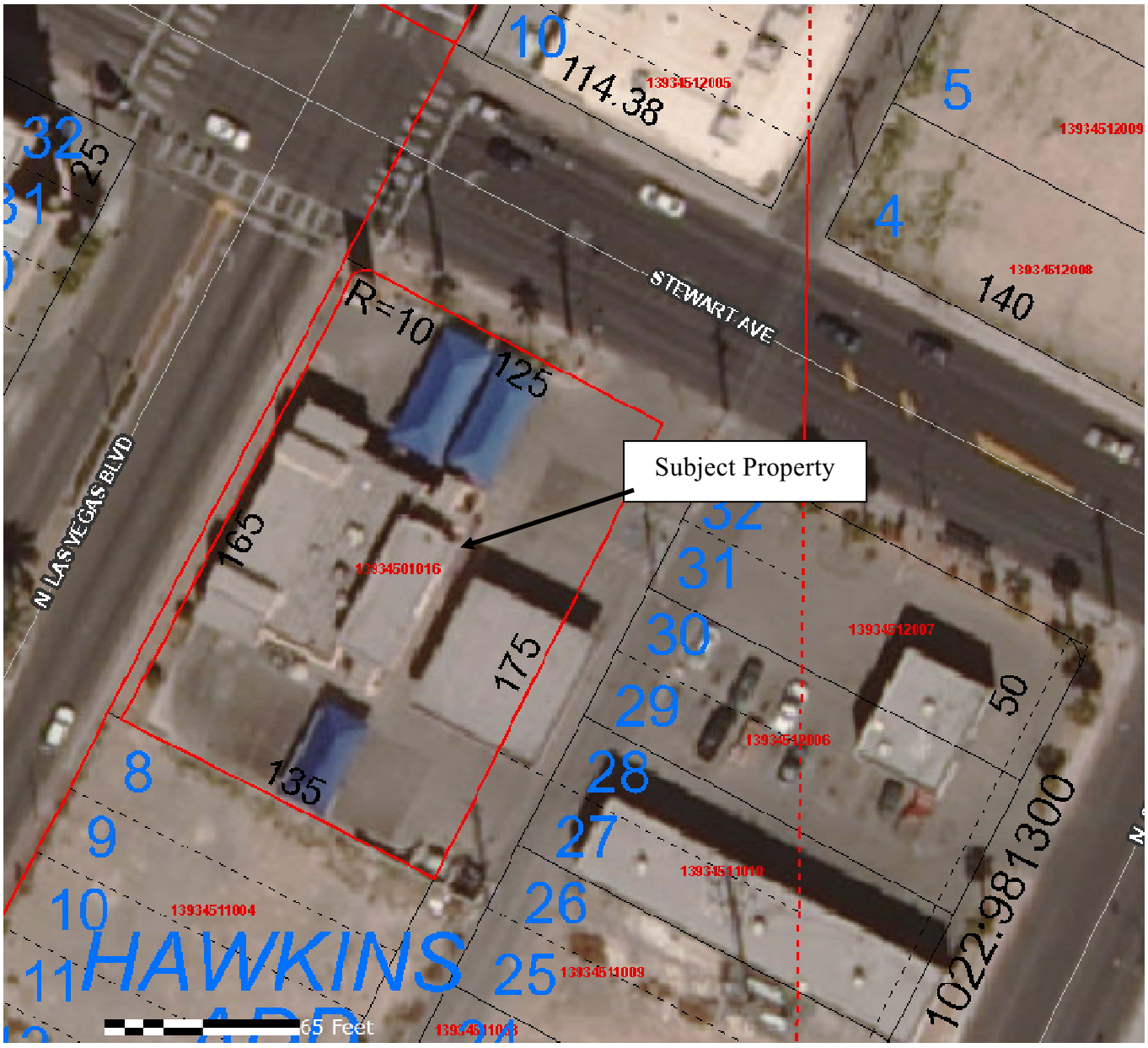
After Rendering – 7 Eleven
(228 N. Las Vegas Blvd.)







SITE MAP
(7-Eleven – 228 North Las Vegas Blvd.)



City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BOARDS & COMMISSIONS:

ABEYANCE ITEM - LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Kelly Benavidez, Term Expiration 3-6-2011

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board is comprised of five members appointed by the City Council and five members appointed by Clark County. Terms of office are for four years, and members are limited to two terms. The Consolidated Library District Attorney has opined that a member of this Library District may serve two four-year terms plus any portion of an unexpired term to which they have been appointed, provided the total number of years does not exceed 12 years. Membership on this Board requires City residency, and attendance is compensatory. Ms. Benavidez was appointed on June 2, 2004 to fill an unexpired term and reappointed to her first full term February 2, 2007. She is eligible and wishes to be reappointed. This item was held in Abeyance from the March 2, 2011 City Council meeting.

RECOMMENDATION:
Procedure for this Board requires recommendation by any member of the City Council with Council ratification. Options are:
Reappoint Ms. Benavidez or appoint a new member to fill this seat

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Board Interest Form for Shannon Bilbray-Axelrod and Ydoleena Yturralde

Las Vegas-Clark County Library District Board of Trustees

	Name	Appointment Date	Expiration Date	Recommended By:
1	**Kelly Benavidez** Ward 2 Resident	6 /2 /2004 **Reapp: 2/7/2007**	3/6/2011	Barlow
2	**Dr. Aldo Aguirre** Ward 2 Resident Effective 4/3/2003	3 /5 /2003 **Reapp: 3/7/2007**	4/3/2011	Wolfson
3	**Ron Kirsh** Ward 4 Resident	5 /21/2008 **Reapp: 4/1/2009**	4/7/2013	Mayor
4	**M. Frances Barron** Ward 1 Resident Formerly Frances Sponer	4 /3 /2002 **Reapp: 3/16/2005** **4/15/2009**	4/18/2013	Reese
5	**Carol A. Reese** Ward 3 Resident	4 /15/2009 **Reapp: N/A**	4/18/2013	Mayor

AUTHORITY: Consolidated Library District created by the 1985 Legislature, S. B. 158, 2-18-85, NRS 379.0222 Amended per Bill 2001-70, Ordinance 5346, adopted 8-1-2001 regarding Financial Disclosure requirement .

Per L.V.M.C. 2.49.010, a person is not eligible to serve on this board unless he or she is a resident of the City of Las Vegas.

TERM: 4 years (limited to 2 terms)
(Must fill unexpired portion of terms, if appropriate)

*In March of 2009, the Consolidated Library District Attorney reversed the opinion made in 2003 that members may serve two four-year terms plus any unexpired portion of a term to which they have been appointed, provided the total number of years does not exceed 10 years. The new opinion removes the 10 year cap while maintaining the limit to two full terms in addition to any portion of an unexpired term to which the member has been appointed.

MEMBERS: 5 members appointed by the City Council
(County also appoints 5 members)

NOTES: **MUST BE CITY OF LAS VEGAS RESIDENT**

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.

Members receive $40 per meeting, but not more than $80 per month.

CONTACT: Ms. Jeanne Goodrich, Executive Director, 833 Las Vegas Boulevard North, Las Vegas, Nevada, 89101 - 507-3611

RECEIVED
CITY CLERK

2011 FEB 24 P 12:09

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Shannon Bilbray-Axelrod

Home Street Address: 8444 Sheltered Valley DR.

City: Las Vegas **ZIP Code:** 89128

Work Street Address: N/A (Formerly Rep Dina Titus)

City: _____ **ZIP Code:** _____

Employer: _____ **Occupation:** _____

Home Phone Number: 702-251-8956 **Work Phone Number:** _____

Other Phone Number: Cell (Best) 702-280-2060 **Email Address:** SBILBRAY@GMAIL.COM

Please list the boards, commissions, or committees that you are interested in serving on:

Clark County LIBRARY District

For office use only

CLV Y ✓ N ___

Ward 4

Date 2/24/2011

02/24/2011 THU 11:24 [TX/RX NO 8991] 001

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

JDRF (Juvenile Diabetes Research Foundation) - Nominating Chair
Las Vegas Prom Closet - Co Chair, Family to Family Connection, Ues
Encanto HOA - President Vice President

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

While working for Rep. Dina Titus I worked specifically with federal Grants & Education in this capacity I assisted in facilitating letters & support as well as federal funding research. In a few instance, I worked directly with the CCSD in its sucessful bid for a grant

Please list any of your relatives or friends that work for the entity in which you would be serving:

none

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

02/24/2011 THU 11:24 [TX/RX NO 8991] 002

8444 Sheltered Valley Drive • Las vegas, Nevada 89128
Phone (702) 280-2060 • fax (702) 251-8956 • E-mail : sbilbray@gmail.com

SHANNON BILBRAY-AXELROD

EDUCATION

1992 - 1996	University of San Diego	San Diego, CA
Bachelor of Arts, Political Science		
1994 – 1995	University of Limerick	Limerick, Ireland
Study of Irish Politics		

WORK EXPERIENCE

February 2009-present — Representative Dina Titus — Las Vegas, NV
District Representative

- Liaison between constituents and Congresswoman Titus regarding a variety of issues including Veterans Affairs, active military, education, grants, non-profits, service academy nominations and special projects.

December 2008-January 2009 — Character Learning Systems — Las Vegas, NV
Community Affairs Director

- Liaison between community business partners and local elementary schools

2005-2006 — MacDonald Highlands — Henderson, NV
Sales Representative

2003-2004 — Dayside Homes — Las Vegas, NV
Sales Representative

1998 – July 2001 — The Edison Group — Encino, CA
Senior Associate; Nationwide Public Affairs Firm

- Manage specific projects and/or client services including correspondence.
- Recruits grassroots advocates & government relations.
- Produce written materials such as talking points, sample letters, reports, and press releases.
- Moderate meetings with members of Congress, local legislators, business leaders, chambers of commerce & community advocates.

May 1996 – 1997 — United States Senator Richard J. Durbin — Chicago, IL
Fundraiser & Student Coordinator

- Key organizer & fundraiser for numerous events throughout the 1996 US Senate campaign.
- Coordinated student rallies & voter registration drives throughout the state.

INTERNSHIPS/ORGANIZATIONS/BOARDS

Family to Family, board member	2007-Present	Las Vegas, NV
Juvenile Diabetes Research Foundation	2009-Present	Las Vegas, NV
Emerge NV, graduate	2008	Reno, NV
Las Vegas Convention & Visitors Authority	Spring 1997	Las Vegas, NV
US Senator Harry Reid	Summer 1995	Washington, DC
The White House (Legislative Affairs)	Summer 1994	Washington, DC
US Representative Lehman (Mining Subcommittee)	Summer 1993	Washington, DC
US Senate Judiciary Committee (Sen. Biden, Chair)	Summer 1992	Washington, DC
US House of Representatives (Page)	Summer 1991	Washington, DC

Proficient on both MAC and PC (word, excel, outlook, power point) Internet & e-mail.

02/24/2011 THU 11:24 [TX/RX NO 8991] 003

City of Las Vegas
Board, Commission, or Committee Interest Form

2011 FEB 28 P 5:00

CITY CLERK

Name: Idoleena Yturralde

Home Street Address: 3659 N. Valadez St

City: Las Vegas **ZIP Code:** 89129

Work Street Address: 400 Stewart Ave.

City: Las Vegas **ZIP Code:** 89101

Employer: City of Las Vegas **Occupation:** Council Liaison

Home Phone Number: 1056 9443 **Work Phone Number:** 229-1771

Other Phone Number: 423-1078 **Email Address:** yyturralde@lasvegasnevada.gov

Please list the boards, commissions, or committees that you are interested in serving on:

Las Vegas - Clark County Library Board of Trustees

For office use only

CLV Y ✓ N ___

Ward 4

Date 2/28/2011

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

YNAPP & NPF

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

As a city council liaison I am exposed to many publically held events and believe that my experience will help shape the collaboration of education, leisure activities, and our precious youth.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BOARDS & COMMISSIONS:

LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Dr. Aldo Aguirre, Term Expiration 4-3-2011

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board is comprised of five members appointed by the City Council and five members appointed by Clark County. Terms of office are for four years, and members are limited to two terms. The Consolidated Library District Attorney has opined that a member of this Library District may serve two four-year terms plus any portion of an unexpired term to which they have been appointed, provided the total number of years does not exceed 12 years. Membership on this Board requires City residency, and attendance is compensatory. Dr. Aguirre's appointment was effective on April 3, 2003 and reappointed February 7, 2007. He has completed two full terms and is not eligible to be reappointed.

RECOMMENDATION:
Procedure for this Board requires recommendation by any member of the City Council with Council ratification. Options are:
Appoint a new member to fill this seat

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Board Interest Form for Shannon Bilbray-Axelrod and Ydoleena Yturralde

7-15-2009 **Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.**

LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES

	MEMBERS	ADDRESS	ZIP CODE	ORIG. APPT.	TERM EXPIRES
1.	BENAVIDEZ, KELLY **Weekly recom.**	8800 River Pines Court #101 **Ward 2 Resident**	89117	6/2/2004 **(Reapp. 2/7/2007)**	3/6/2011
2.	AGUIRRE, ALDO, DR. **Wolfson recom.**	10701 Moon Flower Arbor Pl. **Ward 2 Resident**	89144	3/5/2003 **(Effect. 4/3/2003)** **(Reapp. 3-7-2007)**	4/3/2011
3.	KIRSH, RON **Goodman recom**	703 South 8th Street **Ward 4 Resident**	89101	5/21/2008 **(Reapp. 4/1/2009)**	4/7/2013
4.	REESE, CAROL A. **Goodman's recom.**	1008 Macfarlane Street **Ward 3 Resident**	89101	4/18/09	4/18/2013
5.	BARRON, M. FRANCES (Formerly Sponer) **Reese's recom.**	2025 Eagle Trace Way **Ward 1 Resident**	89117	4/3/02 **(Reapp. 3/16/2005)** **(Reapp. 4/15/2009)**	4/18/2013

AUTHORITY: Consolidated Library District created by the 1985 Legislature
S. B. 158, 2-18-85
NRS 379.0222
Amended per Bill 2001-70, Ordinance 5346, adopted 8-1-2001 regarding Financial Disclosure requirement
Per L.V.M.C. 2.49.010, a person is not eligible to serve on this board unless he or she is a resident of the City of Las Vegas.

TERM: 4 years (limited to 2 terms*)
(Must fill unexpired portion of terms, if appropriate)
*In March of 2009, the Consolidated Library District Attorney reversed the opinion made in 2003 that members may serve two four-year terms plus any unexpired portion of a term to which they have been appointed, provided the total number of years does not exceed 10 years. The new opinion removes the 10 year cap while maintaining the limit to two full terms in addition to any portion of an unexpired term to which the member has been appointed.

MEMBERS: 5 members appointed by the City Council
(County also appoints 5 members)

NOTES: **MUST BE CITY OF LAS VEGAS RESIDENT**

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.

Members receive $40 per meeting, but not more than $80 per month.

Ms. Jeanne Goodrich, Executive Director
833 Las Vegas Boulevard North
Las Vegas, NV 89101
507-3611

RECEIVED
CITY CLERK

2011 FEB 24 P 12:09

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Shannon Bilbray-Axelrod

Home Street Address: 8444 Sheltered Valley DR.

City: Las Vegas **ZIP Code:** 89128

Work Street Address: N/A (Formerly Rep Dina Titus)

City: _____ **ZIP Code:** _____

Employer: _____ **Occupation:** _____

Home Phone Number: 702-251-8956 **Work Phone Number:** _____

Other Phone Number: Cell (Best) 702-280-2060 **Email Address:** SBILBRAY@GMAIL.COM

Please list the boards, commissions, or committees that you are interested in serving on:

Clark County LIBRARY District

For office use only

CLV Y ✓ N ___

Ward 4

Date 2/24/2011

02/24/2011 THU 11:24 [TX/RX NO 8991] 001

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

JDRF (Juvenile Diabetes Research Foundation) - Nominating Chair
Las Vegas Prom Closet - Co Chair, Family to Family Connection, Ues
Encanto HOA - President Vice President

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

While working for Rep. Dina Titus I worked specifically with federal Grants & Education in this capacity I assisted in facilitating letters & support as well as federal funding research. In a few instance, I worked directly with the CCSD in its sucessful bid for a grant

Please list any of your relatives or friends that work for the entity in which you would be serving:

none

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

02/24/2011 THU 11:24 [TX/RX NO 8991] 002

8444 Sheltered Valley Drive • Las vegas, Nevada 89128
Phone (702) 280-2060 • fax (702) 251-8956 • E-mail : sbilbray@gmail.com

SHANNON BILBRAY-AXELROD

EDUCATION

1992 - 1996	University of San Diego	San Diego, CA
Bachelor of Arts, Political Science		
1994 – 1995	University of Limerick	Limerick, Ireland
Study of Irish Politics		

WORK EXPERIENCE

February 2009-present — Representative Dina Titus — Las Vegas, NV
District Representative

- Liaison between constituents and Congresswoman Titus regarding a variety of issues including Veterans Affairs, active military, education, grants, non-profits, service academy nominations and special projects.

December 2008-January 2009 — Character Learning Systems — Las Vegas, NV
Community Affairs Director

- Liaison between community business partners and local elementary schools

2005-2006 — MacDonald Highlands — Henderson, NV
Sales Representative

2003-2004 — Dayside Homes — Las Vegas, NV
Sales Representative

1998 – July 2001 — The Edison Group — Encino, CA
Senior Associate; Nationwide Public Affairs Firm

- Manage specific projects and/or client services including correspondence.
- Recruits grassroots advocates & government relations.
- Produce written materials such as talking points, sample letters, reports, and press releases.
- Moderate meetings with members of Congress, local legislators, business leaders, chambers of commerce & community advocates.

May 1996 – 1997 — United States Senator Richard J. Durbin — Chicago, IL
Fundraiser & Student Coordinator

- Key organizer & fundraiser for numerous events throughout the 1996 US Senate campaign.
- Coordinated student rallies & voter registration drives throughout the state.

INTERNSHIPS/ORGANIZATIONS/BOARDS

Family to Family, board member	2007-Present	Las Vegas, NV
Juvenile Diabetes Research Foundation	2009-Present	Las Vegas, NV
Emerge NV, graduate	2008	Reno, NV
Las Vegas Convention & Visitors Authority	Spring 1997	Las Vegas, NV
US Senator Harry Reid	Summer 1995	Washington, DC
The White House (Legislative Affairs)	Summer 1994	Washington, DC
US Representative Lehman (Mining Subcommittee)	Summer 1993	Washington, DC
US Senate Judiciary Committee (Sen. Biden, Chair)	Summer 1992	Washington, DC
US House of Representatives (Page)	Summer 1991	Washington, DC

Proficient on both MAC and PC (word, excel, outlook, power point) Internet & e-mail.

02/24/2011 THU 11:24 [TX/RX NO 8991] 003

City of Las Vegas
Board, Commission, or Committee Interest Form

2011 FEB 28 P 5:00

CITY CLERK

Name: Idoleena Yturralde

Home Street Address: 3659 N. Valadez St

City: Las Vegas **ZIP Code:** 89129

Work Street Address: 400 Stewart Ave.

City: Las Vegas **ZIP Code:** 89101

Employer: City of Las Vegas **Occupation:** Council Liaison

Home Phone Number: 1056 9443 **Work Phone Number:** 229-1771

Other Phone Number: 423-1078 **Email Address:** yyturralde@lasvegasnevada.gov

Please list the boards, commissions, or committees that you are interested in serving on:

Las Vegas - Clark County Library Board of Trustees

For office use only

CLV Y ✓ N ___

Ward 4

Date 2/28/2011

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

YNAPP & NPF

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

As a city council liaison I am exposed to many publically held events and believe that my experience will help shape the collaboration of education, leisure activities, and our precious youth.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BOARDS & COMMISSIONS:

AUDIT OVERSIGHT COMMITTEE – Councilman Steve Wolfson, Term Expiration 3-21-2011

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas Audit Oversight Committee was created by City Council Resolutions R-49-98 and R-117-98 for the purpose of overseeing various aspects of the City's internal audit function. Two members must be specifically identified members of the City Council and three members must be from the community-at-large. Terms are for two years, with no limit to the number of terms that may be served. Councilman Wolfson's second term expires March 21, 2011. Procedure for this Committee requires appointment by the Mayor, subject to ratification by the City Council.

RECOMMENDATION:
Mayor Goodman to reappoint Councilman Wolfson for an additional 2 year term OR appoint another member of the City Council to serve on the committee

BACKUP DOCUMENTATION:
Current Listing and Authority

City of Las Vegas Audit Oversight Committee

Name					Appointment Date		Expiration Date
1 **Michael W. Kern**					8 /16/2000		8/18/2012
	Reapp:	**8/7/2002**	**8/18/2004**	**8/2/2006**			**7/16/2008**
2 **William Allen Kaercher**					8 /4 /2010		8/18/2012
	Reapp:	**N/A**					
3 **Paul Workman**					9 /4 /2002		8/18/2012
	Reapp:	**8/18/2004**	**8/2/2006**	**7/16/2008**			**8/4/2010**
4 **Councilwoman Lois Tarkanian**					1 /21/2009		1/21/2013
	Reapp:	**1/19/2011**					
5 **Councilman Steve Wolfson**					3 /21/2007		3/21/2011
	Reapp:	**3/18/2009**					

AUTHORITY: Created by Resolution R-49-98, 5-26-98 (Member Amendment - Resolution R-117-98, 12-7-98).
(By Laws Amended 8/17/2004 by Audit Oversight Committee; removed term limits.)

MEMBERS: 5 MEMBERS appointed by the Mayor subject to ratification by the City Council
(Two specifically identified members of the City Council and three members of the community-at-large)
Appointment of members of City Council may not fall during the Election cycle appointment process.

TERM: Members shall each serve a term of two years, or until a successor is appointed. No limit to number of terms. Members may be removed and replaced by the Mayor, subject to Council ratification

NOTES: NO CITY RESIDENCY REQUIREMENT
NO FINANCIAL DISCLOSURE REQUIRED

PURPOSE: The Committee shall have responsibility and authority to perform the following:

- Review and evaluate public reports generated by the internal audit function;
- Evaluate the general effectiveness of the audit program no less often than annually;
- Discuss potential audit assignments and give direction to the City Manager and City Auditor concerning current assignments and anticipated assignments for the upcoming twelve months;
- As individual Committee members and as deemed appropriate, interview applicants for the position of City Auditor and, as a Committee, provide recommendations with regard to the appointment;
- Provide recommendations concerning potential changes to the City Charter concerning the audit function;
- Oversee and reinforce compliance to the City's Internal Audit Policy; and
- Provide such other guidance as necessary in promoting the effectiveness of the audit function.

MEETINGS: The Committee shall meet with the City Auditor and City Manager not less than once per quarter; meetings are subject to the provisions of the Open Meeting Law.

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BOARDS & COMMISSIONS:

ANIMAL ADVISORY COMMITTEE – Susan Butche, Term Expiration 4-5-2011

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board is comprised of 5 members who serve two-year terms with no limit to the number of terms that may be served. There is no City residency requirement. Ms. Butche was originally appointed in 1995 and has served eight consecutive terms. She is eligible and wishes to be reappointed.

RECOMMENDATION:
Procedure for this Board requires appointment by the City Council. Options are: Reappoint Ms. Butche OR appoint a new member to fill this seat.

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Recommendation Memo from Detention & Enforcement Supervisor Richard J. Molinari
3. Board Interest Form from Kenneth Foose

Animal Advisory Committee

	Name	Appointment Date	Expiration Date	Recommended By:
1	**Mark A. Dolginoff, DVM**	3 /20/1996	3/20/2012	Reese
		Reapp: 3/9/1998 3/1/2000 2/20/2002 3/3/2004		
		3/1/2006 2/20/2008 3/3/2010		
2	**Charles Fitzgerald**	12/3 /2003	12/3/2011	Reese
		Reapp: 12/7/2005 11/7/2007 12/2/2009		
3	**Kurt Mychajlonka**	11/5 /2008	11/15/2012	Ross
		Reapp: 10/20/2010		
4	**Susan Butche**	4 /5 /1995	4/5/2011	Reese
		Reapp: 3/10/1997 3/8/1999 3/7/2001 3/19/2003		
		3/16/2005 3/7/2007 4/1/2009		
5	**Kimberly Reid**	1 /9 /2008	2/7/2012	Tarkanian
		Reapp: 1/20/2010		

Authority: Ord. #3618, Bill 91-75 adopted 12-4-91 (repealed #1777), LVMC 7.16.050
Ord. #5220, Bill 2000-30, adopted 5-17-2000, updates City's animal control regulations.

Members: 5 members (do not have to represent any specific areas or categories)

Appointed: Appointed by the City Council.

Term: 2 yr. terms (no limit to number of terms)
Do not have to fill unexpired portion of term.

Notes: No City residency requirement.
No financial disclosure requirement.

Prior Code: Ord. #1777, adopted 7-2-75

Purpose: The Committee is convened by Municipal Court. After a criminal complaint has been filed, Municipal Court may refer the question of whether an animal is vicious, dangerous, or ferocious to the Animal Advisory Committee.

Memorandum

City of Las Vegas
Detention and Enforcement

To: Beverly Bridges

From: Supervisor Richard J. Molinari

CC: Vicky Skilbred

Date: February 24, 2011

Re: Reappointment, Susan Butche, Animal Advisory Committee

I have received notification that Susan Butche would like to be reappointed to the City of Las Vegas Animal Control Animal Advisory Committee.

Susan has had excellent attendance over the years and exhibits the utmost professionalism when dealing with cases. I recommend her reappointment.

If you have any questions please feel free to contact me at 229-2078.

Supervisor
Richard J. Molinari
City of Las Vegas Animal Control

RECEIVED
CITY CLERK

2009 FEB 18 A 10:54

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Kenneth Foose

Home Street Address: 4460 Denia Circle

City: Las Vegas **ZIP Code:** 89108

Work Street Address: 2410 N. Decatur Blvd #160

City: Las Vegas **ZIP Code:** 89108

Employer: Exotic Pets LLC **Occupation:** owner

Home Phone Number: 203-0983 **Work Phone Number:** 631-7387

Other Phone Number: _____ **Email Address:** Exoticpetslv@aol.com

Please list the boards, commissions, or committees that you are interested in serving on:

Animal Advisory Committee

For office use only

CLV Y ✓ N ___

Ward 5

Date 2/20/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

None

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Master Degree in Zoology, Vice President International Herpetological Symposium, Asst. Curator of Reptiles and Curator of Reptiles of various Zoos, have dealt with animals in private and professional ~~[illegible]~~ life, 30 years experience, deal well in groups and government

Please list any of your relatives or friends that work for the entity in which you would be serving: 0

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

Qualifications for serving on the Animal Advisory Board

I am the current owner of Exotic Pets in Las Vegas, and have been so for over 18 years. I have a masters degree in Zoology from Kansas University. Before moving to Las Vegas I owned and operated Reptiles of the West zoo in Virginia City Nevada. I have been involved with working on new regulations with the Nevada Division of Wildlife for over 25 years.

Past jobs and skills
Owner Exotic Pets (present)
Owner Reptiles of the West Virginia City
Asst. Curator of Reptiles Woodland Park Zoo Seattle
Curator of Reptiles Walk in the Wild Zoo Spokane
Animal Keeper (various zoos)
Vice President International Herpetological Symposium (current)
Masters Degree Zoology Kansas U.
Founder of the Southern Nevada Herpetological Society
Founder of the Northern Nevada Herpetological Society
Founder Inland Empire Herpetological Society (Spokane)
Provide reptiles and mammals for TV commercials and movies
Provide Animals to the Southern Nevada Museum of Natural History

I have worked with local Animal Control, the Nevada Wildlife Commission, the Nevada Division of Wildlife, state legislators and goobers. I think I could be an asset to the Animal Advisory Committee

Thanks, Ken
Exotic Pets LLC
2410 N. Decatur #160
Las Vegas NV 89108
(702) 631-7387
fx (702) 631-7367
www.Exoticpetslv.com

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

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

SUBJECT:
BOARDS & COMMISSIONS:

Discussion and possible action on the appointment and reappointment of members to the Neighborhood Partners Fund Board for Fiscal Year 2012

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Neighborhood Partners Fund Board was established through Council action in June 1998 to review Neighborhood Partners Fund applications and recommend awards to the City Council. It is designed to assist citizens in improving the quality of life for City of Las Vegas neighborhoods. The bylaws were amended in February 2000 to increase the number of members from 9 to 13 and again in March 2009 to adjust the one-year term to commence April 1. In 2010 the bylaws were amended as a housekeeping measure to clarify that members need not be a City resident. Procedure for this Board is appointment by Mayor and City Council.

RECOMMENDATION:
Procedure for this Board is for appointments to be made by the Mayor and City Council:
Appointments: Mayor's designee – Greg Toussaint
Ward 1 Staff Designee – Kimberly Reid; Neighborhood Rep. - Renée Rampton
Ward 2 Staff Designee - Krystell Klinger; Ward 2 Neighborhood Rep. - Charles Desiderio
Ward 3 Staff Designee - Susie Martinez; Ward 3 Neighborhood Rep. - Mike Brown-Cestero
Ward 4 Staff Designee – Anthony Ruggiero; Ward 4 Neighborhood Rep. – Tony Guerrero
Ward 5 Staff Designee – Ydoleena Yturralde; Ward 5 Neighborhood Rep. - AJ Powell
Ward 6 Staff Designee - Michelle Thackston; Ward 6 Neighborhood Rep. - Gerry Green

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Current Listing and Authority

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: CITY CLERK
ITEM DESCRIPTION: Discussion and possible action on the appointment of members of the Neighborhood Partners Fund Board

	FY 2011-2012 Neighborhood Partners Fund Board
Representative	**Board Member**
Mayor or his designee	Greg Toussaint 9030 W. Sahara #465, LV NV 89117
Ward 1 Staff Designee	Kimberly Reid, City Hall
Ward 1 Neighborhood Representative	Renée Rampton 229 S. Mallard Street LV NV 89107
Ward 2 Staff Designee	Krystell Klingler, City Hall
Ward 2 Neighborhood Representative	Charles Desiderio 1312 Bainberry Ridge Ln Las Vegas NV 89107
Ward 3 Staff Designee	Susie Martinez, City Hall
Ward 3 Neighborhood Representative	Mike Brown-Cestero 1411 South 9th Street, 89104
Ward 4 Staff Designee	Anthony Ruggiero, City Hall
Ward 4 Neighborhood Representative	Tony Guerrero 4405 Prospect Hill Court Las Vegas, Nevada 89129
Ward 5 Staff Designee	Ydo Yturralde, City Hall
Ward 5 Neighborhood Representative	**(**Mrs.) AJ Powell 1236 Hart Ave Las Vegas, NV 89106
Ward 6 Staff Designee	Michelle Thackston, City Hall
Ward 6 Neighborhood Representative	Gerry Green 8321 Gorsky Las Vegas, NV 89131

Neighborhood Partners Fund Board

	Name		Appointment Date	Expiration Date	Representing
1	**Cheryl Russo** Mayor's Staff Designee	**Reapp:**	3 /18/2009	3/30/2011	
2	**Vacant** Staff Designee	**Reapp:**			
3	**Renee Rampton** Neighborhood Rep	**Reapp:**	5 /18/2007	3/30/2011	**Ward 1**
4	**Krystell Klingler** Staff Designee	**Reapp:**	4 /2 /2008	3/30/2011	**Ward 2**
5	**Charles Desiderio** Neighborhood Rep	**Reapp:**	4 /16/2003	3/30/2011	**Ward 2**
6	**Susie Martinez** Staff Designee	**Reapp:**	10/1 /2008	3/30/2011	**Ward 3**
7	**Mike Brown-Cestero** Neighborhood Rep	**Reapp:**	4 /2 /2008	3/30/2011	**Ward 3**
8	**Anthony Ruggiero** Staff Designee Ward 4	**Reapp:**	5 /19/2010	3/30/2011	**Ward 4**
9	**Tony Guerrero** Neighborhood Representative	**Reapp:**	5 /19/2010	3/30/2011	**Ward 4**

	Name		Appointment Date	Expiration Date	Representing
10	**Ydoleena Yturralde** Staff Designee	**Reapp:**	5 /19/2010	3/30/2011	**Ward 5**
11	**Michelle Thackston** Staff Designee	**Reapp:**	4 /2 /2008	3/30/2011	**Ward 6**
12	**Gerry Green** Neighborhood Rep	**Reapp:**	4 /5 /2006	3/30/2011	**Ward 6**

AUTHORITY: Created by Council Action on 3-9-98 with bylaws approved on 6-22-98. By-Laws were amended on 2-16-2000 to increase the membership to 13 members. By-laws approved 3-18-2009 adjusted term to run from April 1 though March 30 of appointed year. By-laws approved 5/19/2010 clarified members need not be City residents.

MEMBERS: 13 MEMBERS appointed by the Mayor and City Council comprised as follows:

- Mayor or her/his designee
- Council Liaison or Staff Designee of the Councilmember for each of the six Council Wards
- One Neighborhood Representative for each of the six Council Wards

TERM: Members shall each serve a term of one year. Expiration dates were set on 5/18/2000 so all members terms expired at the same time.
Members may be reappointed to consecutive one-year terms as necessary
(Must fill un-expired term. Membership is not assignable or transferable.)

NOTES: Members Need Not Be City Residents
No Financial Disclosure Required

PURPOSE: Review Neighborhood Partners Fund applications and recommend awards to the City of Las Vegas City Council

MEETINGS: Department of Neighborhood Services - Call of the Chair and the Board may establish regular meetings by resolution. Meetings are subject to the provisions of the Open Meeting

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

ABEYANCE ITEM - 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. This item was held in Abeyance from the March 2, 2011 City Council meeting.

RECOMMENDATION:
ADOPTION as a First Amendment at 3/2/2011 City Council Meeting pursuant to the 2/15/2011 Recommending Committee Meeting.

First Reading – 2/2/2011; First Publication – 2/17/2011

BACKUP DOCUMENTATION:
1. Bill No. 2011-7
2. Title 19 Unified Development Code - Draft
3. Bill No. 2011-7 First Amendment
4. Title 19 Unified Development Code - Draft - First Amendment
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

Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to this item can be viewed by referring to the February 2, 2011 City Council meeting, Item 56.

FIRST AMENDMENT

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 2-15-11
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

Unified Development Code



The City of Las Vegas

DRAFT

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CLV
WEB
E-MAIL

19.00

General Provisions


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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

Unified Development Code
Title 19


CLV
WEB
?
E-MAIL

19.02
Subdivision Design 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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19.04

Complete Streets Standards


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19.04
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)

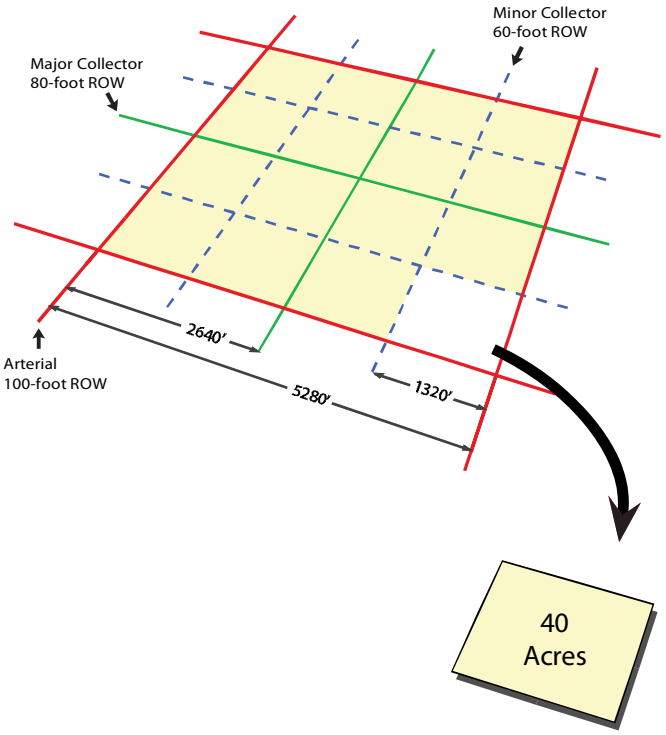
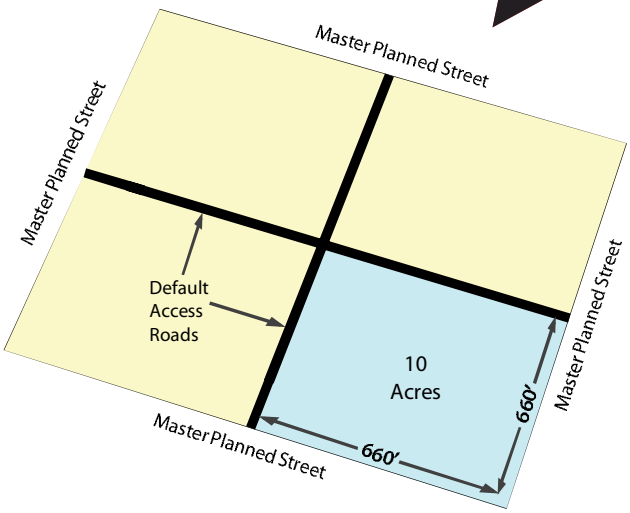


FIGURE 2 - DEFAULT BASE - TTP (40-ACRE GRID SECTION)



# 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.

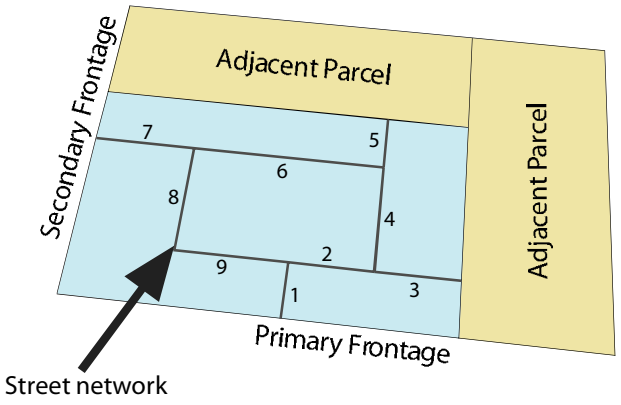
a. As set forth in Table 1 of this Section, elements of a development's transportation network shall have the assigned value for use in calculating a development's Connectivity Ratio.

Table 1

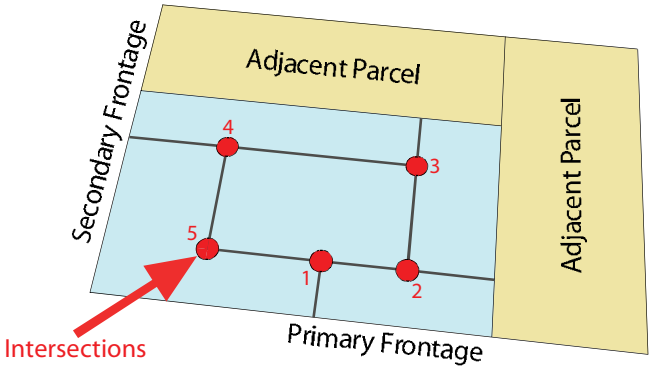
Transportation Network Element	Connectivity Value (Link or Node)
Internal Street	1.0 Link
Intersection – Internal	1.0 Node
Cul-de-sac Terminus	1.0 Node

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;

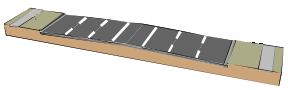
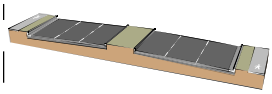
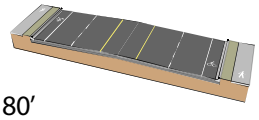
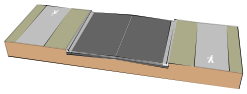
B. Yellow identifies compatible street - land use combinations where mitigation may be requested; and

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.

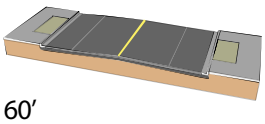
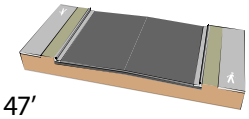
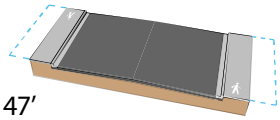
19.04.170

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	

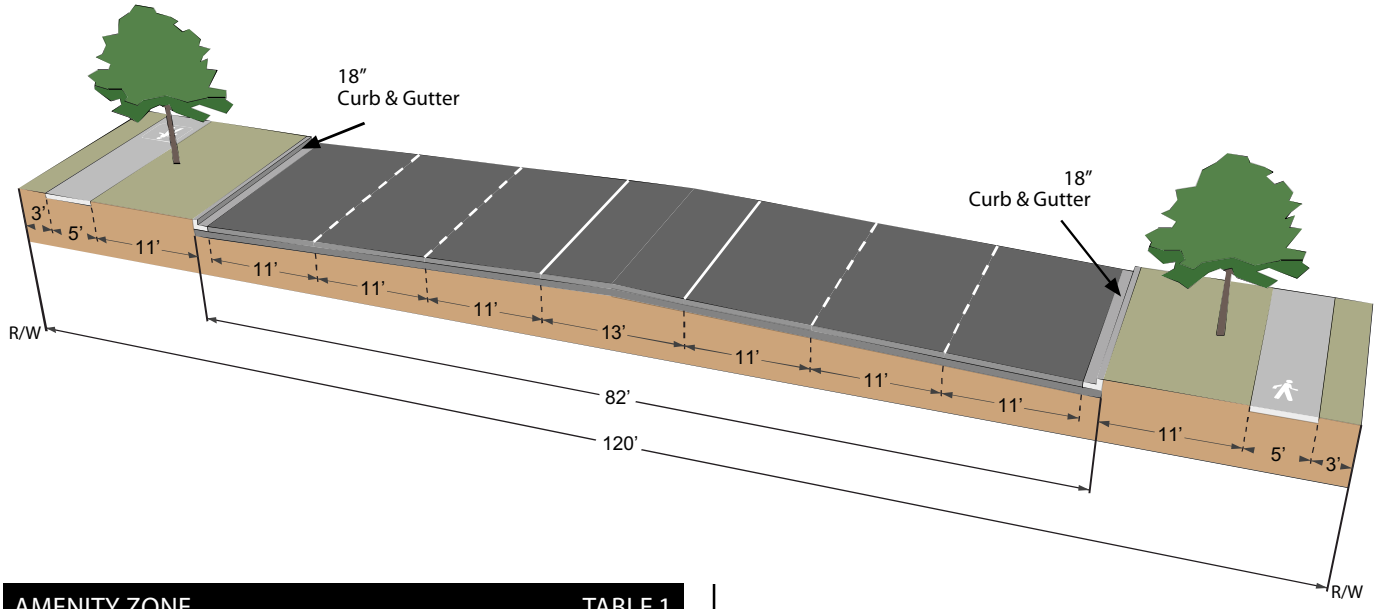
19.04.180

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

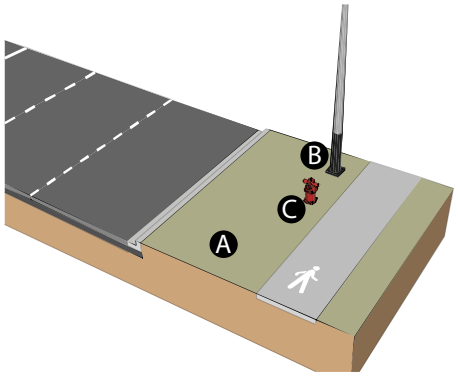
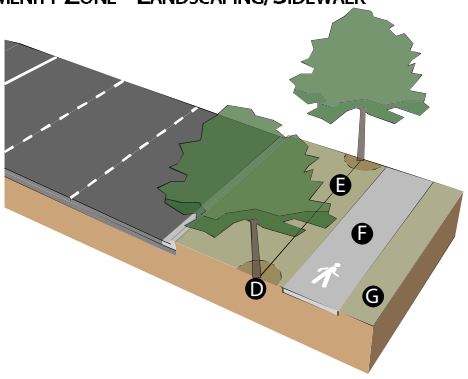


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



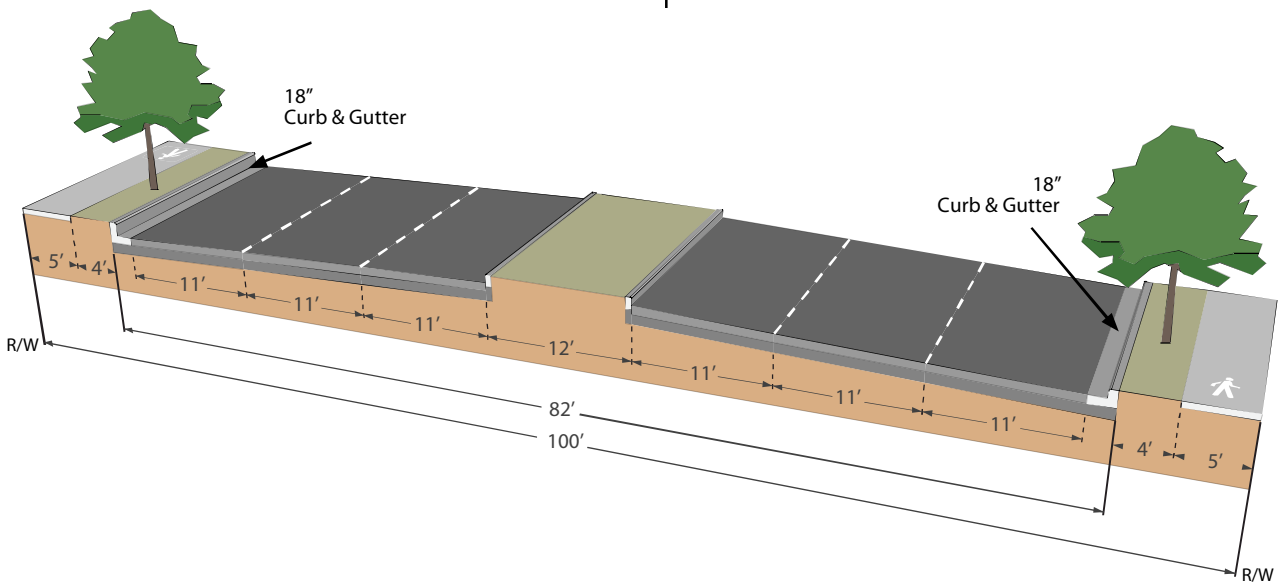
19.04.190

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

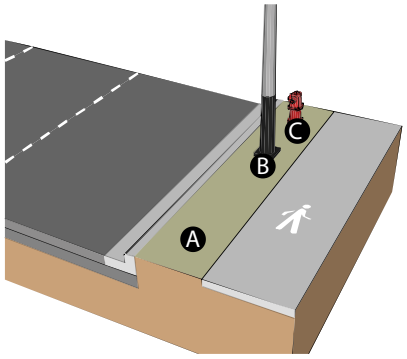
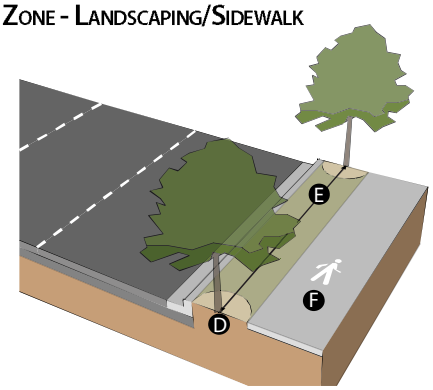


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK

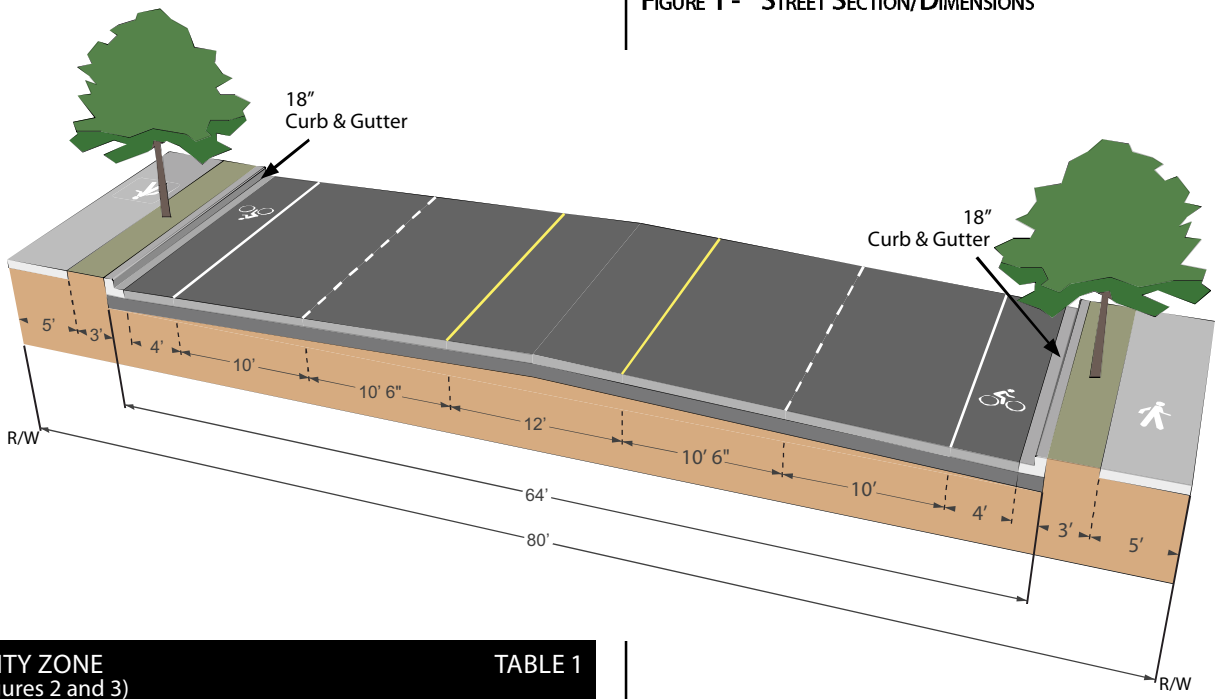


19.04.200

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.

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

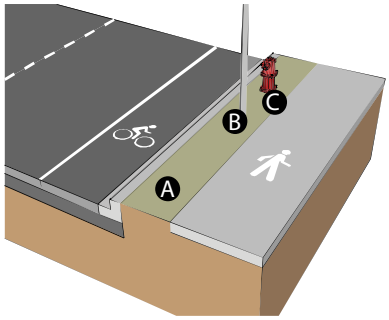
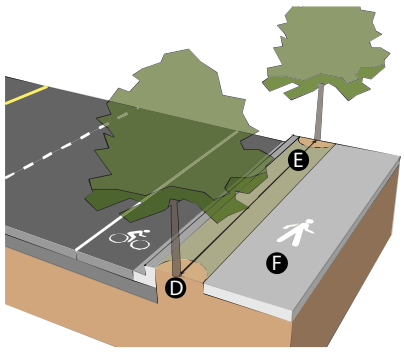


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK

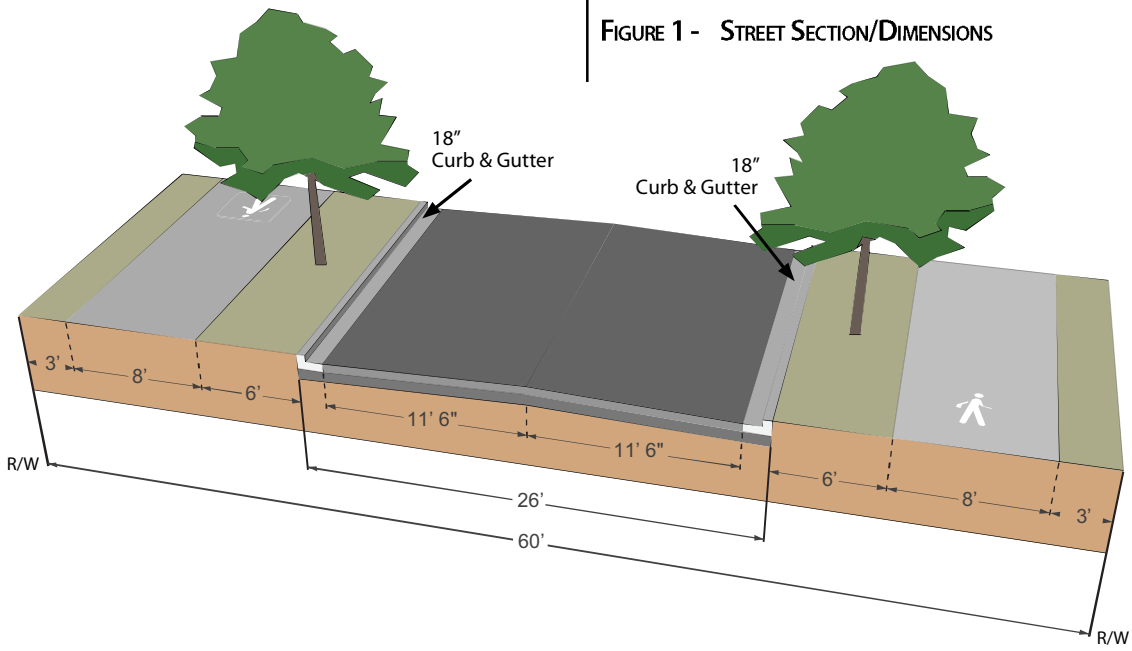


19.04.210

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.

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

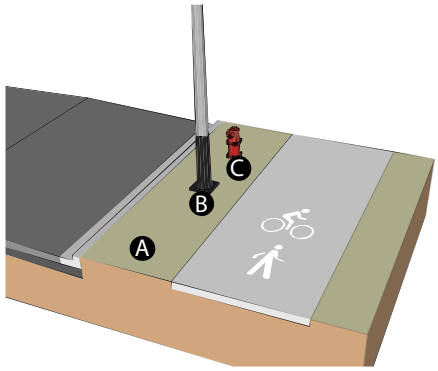
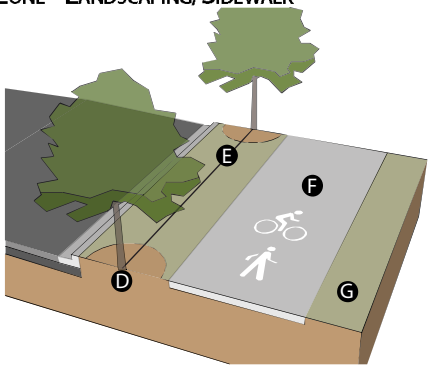


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK

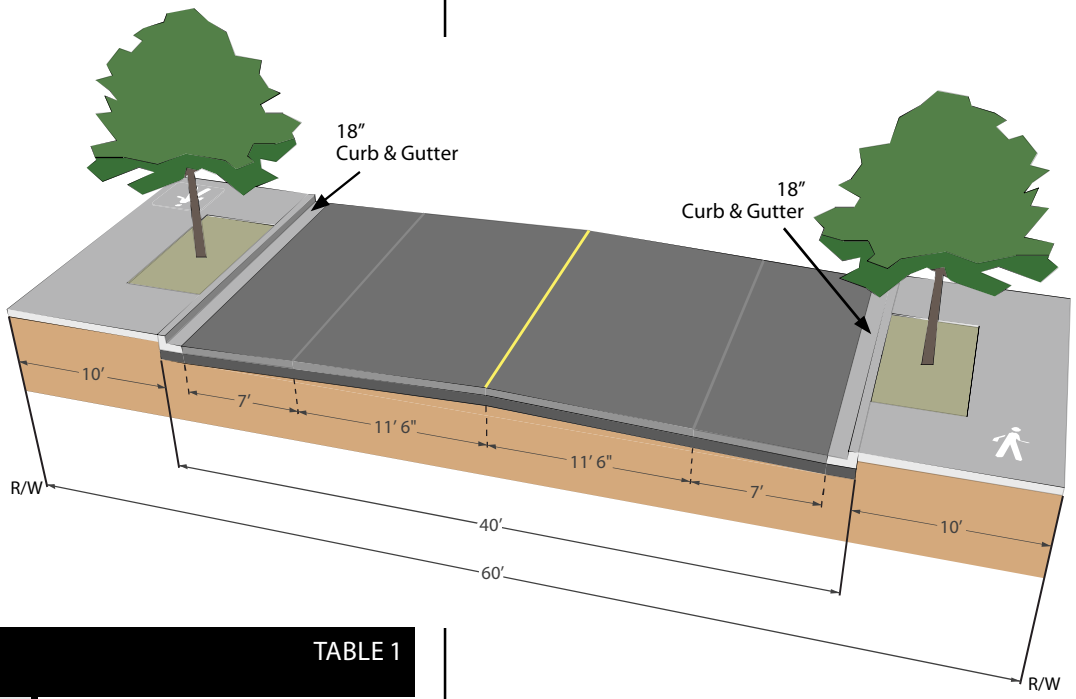


19.04.220

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.

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

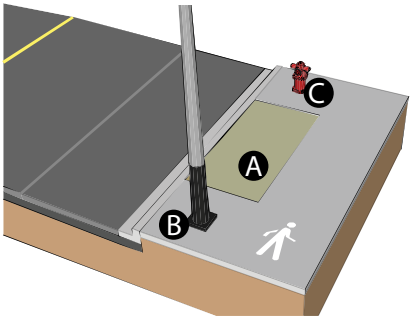
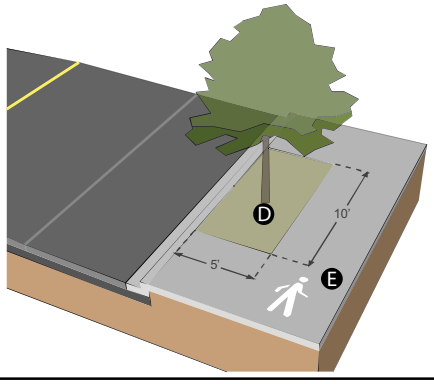


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



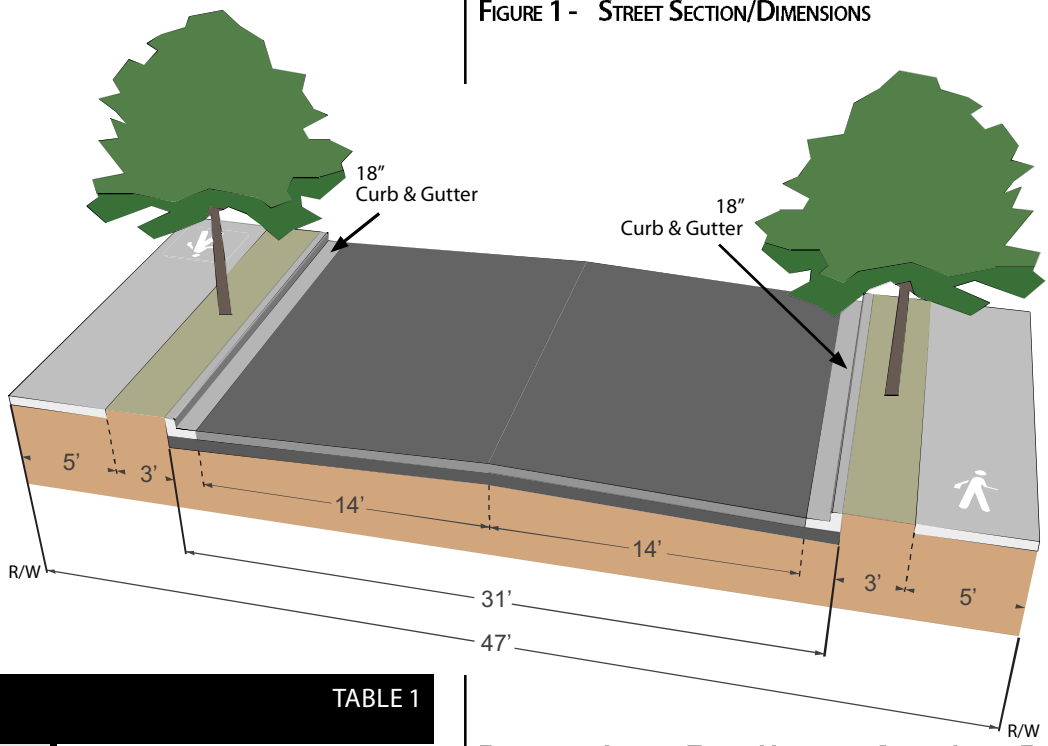
19.04.230

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.

Illustrations & Graphics **19.04.230**

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

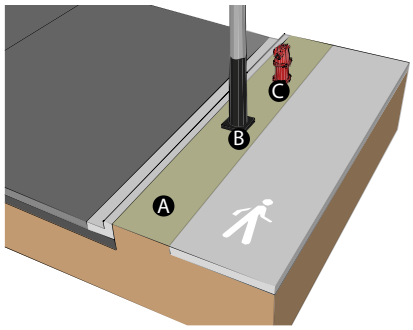
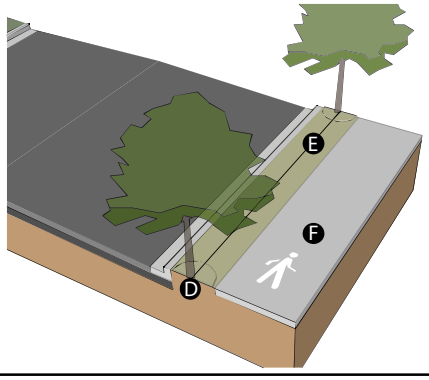


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK

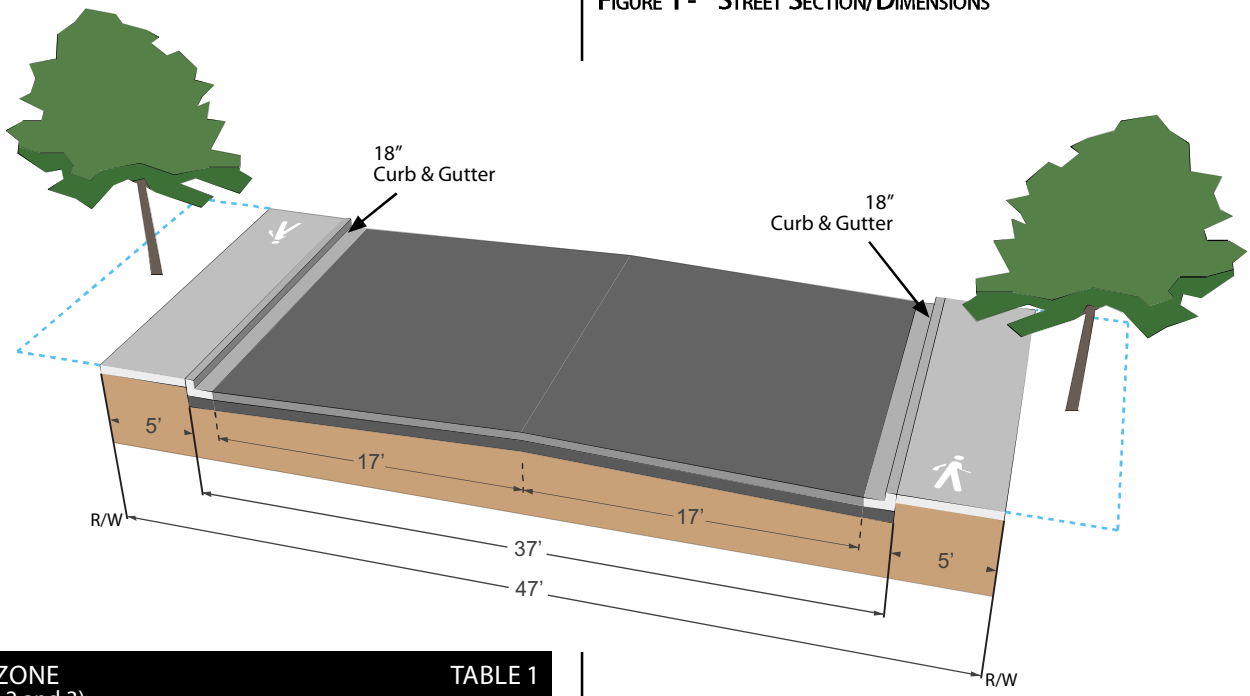


19.04.240

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.

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

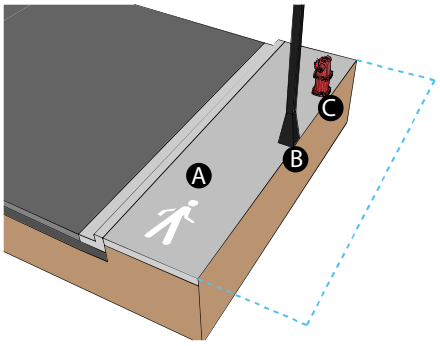
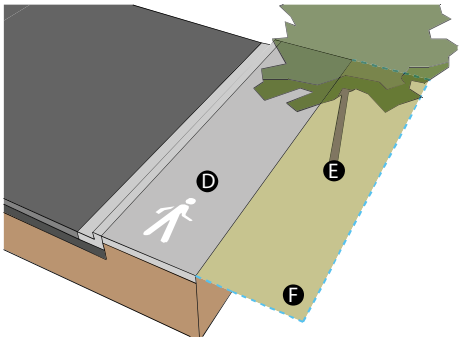


FIGURE 3 - AMENITY ZONE - LANDSCAPING/SIDEWALK



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

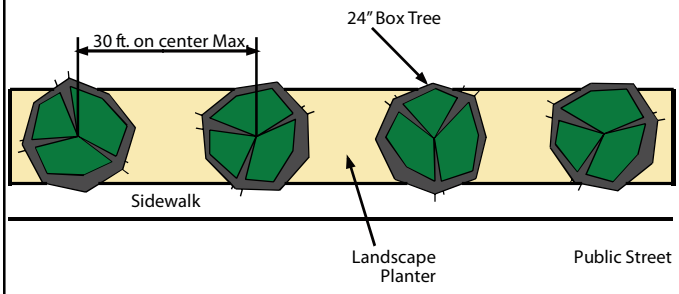
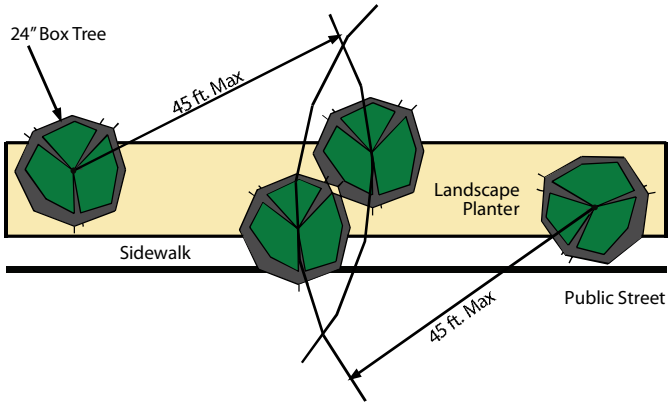
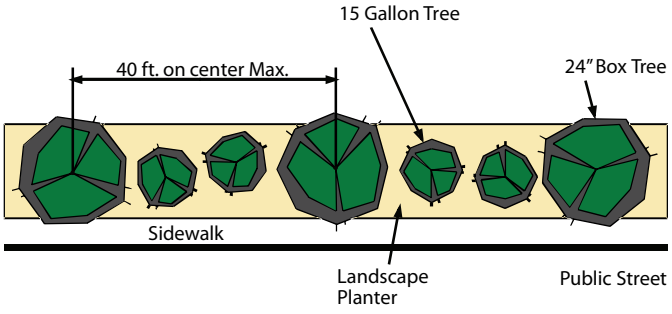


FIGURE 2 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 1



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

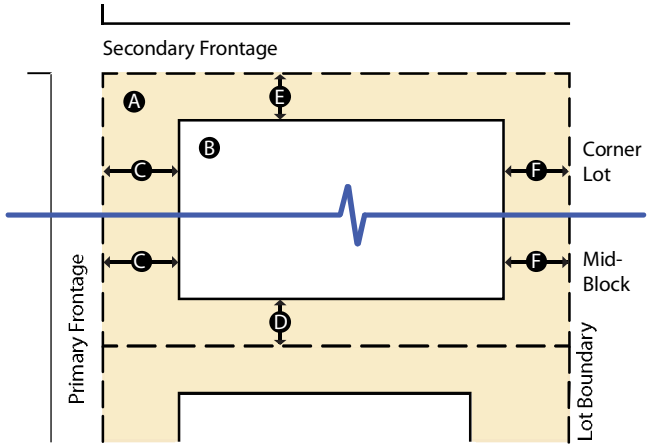

FIGURE 2 - ACCESSORY STRUCTURES

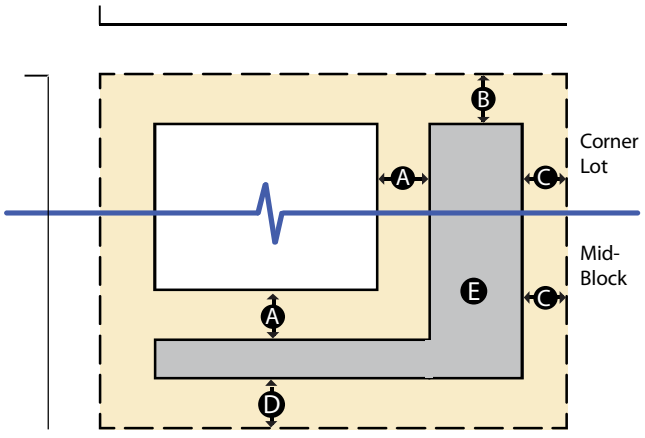

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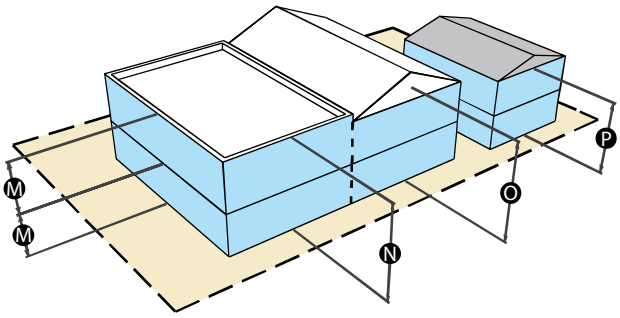
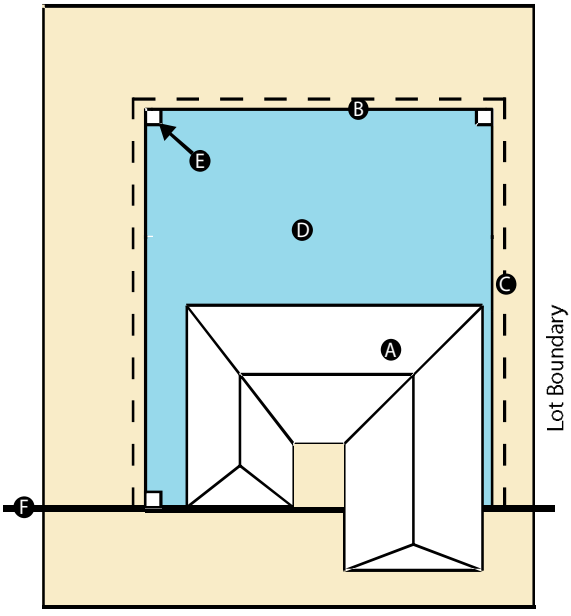
FIGURE 3 - BUILDING HEIGHT



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

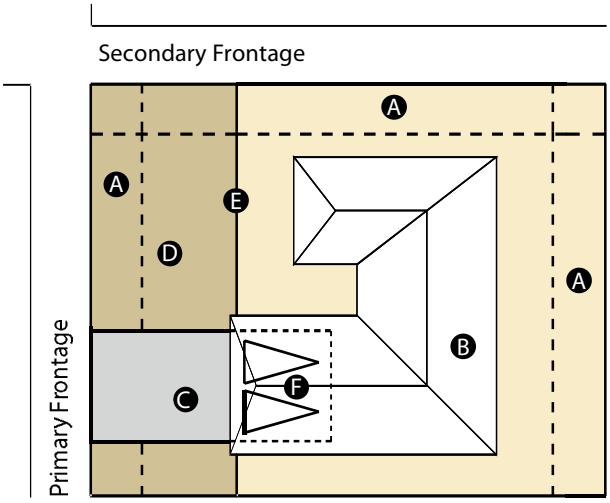


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

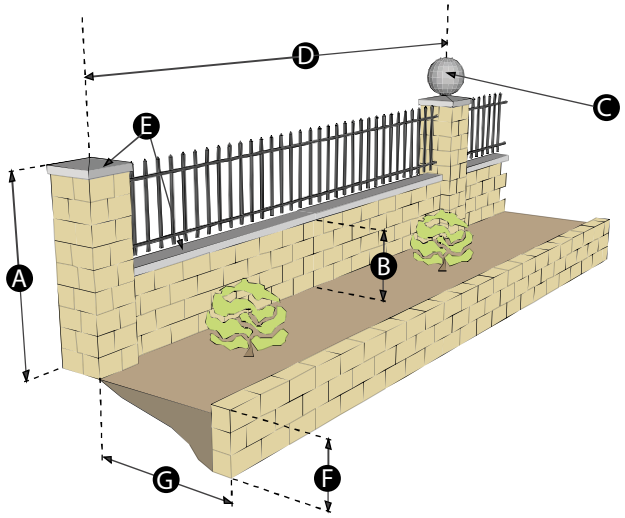


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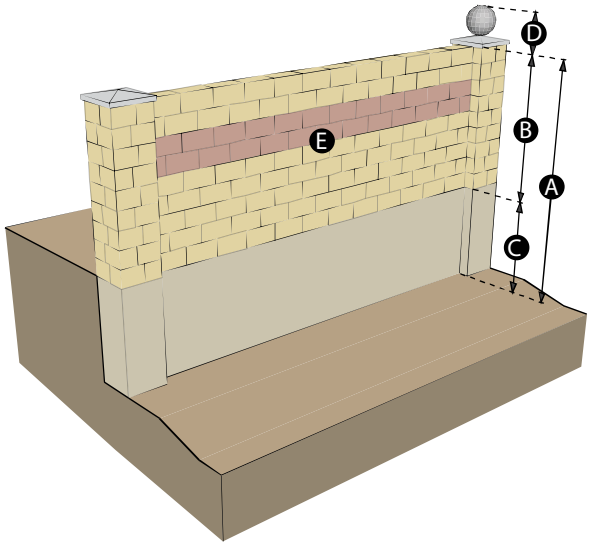
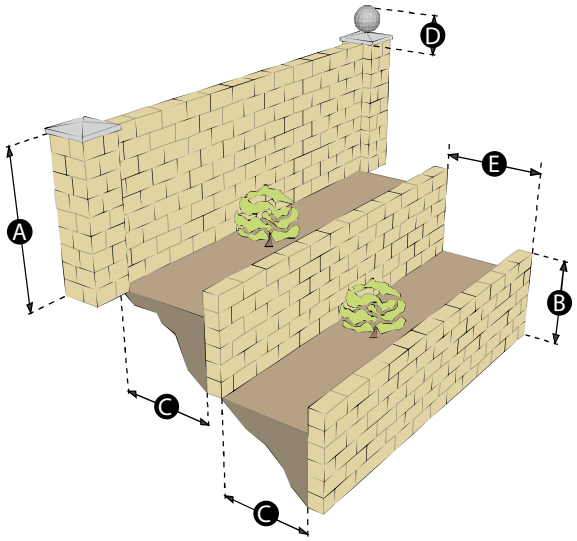
FIGURE 7 - RETAINING AND PERIMETER WALL



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

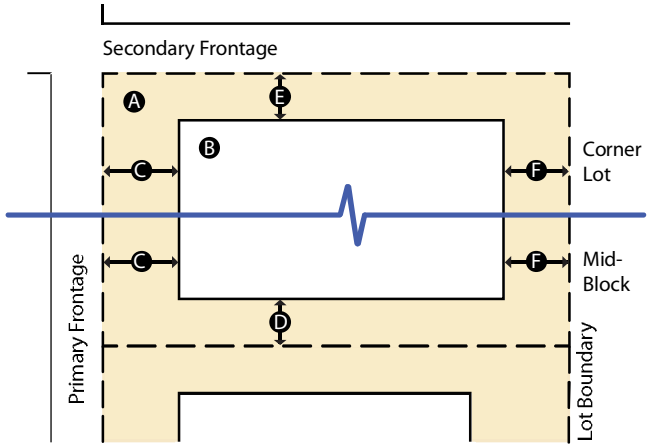

FIGURE 2 - ACCESSORY STRUCTURES

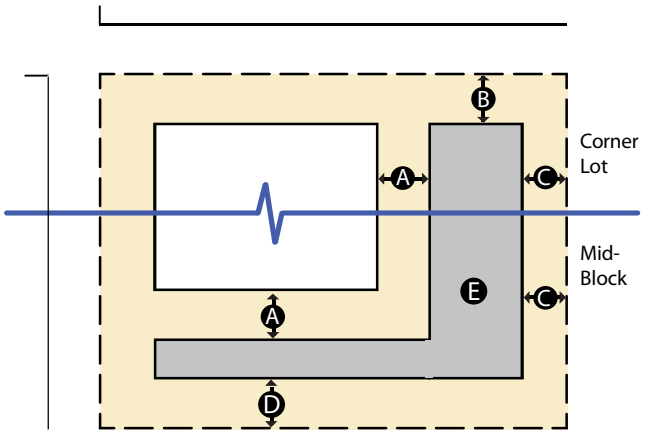

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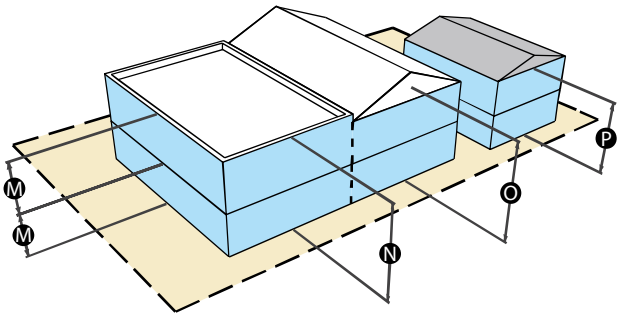
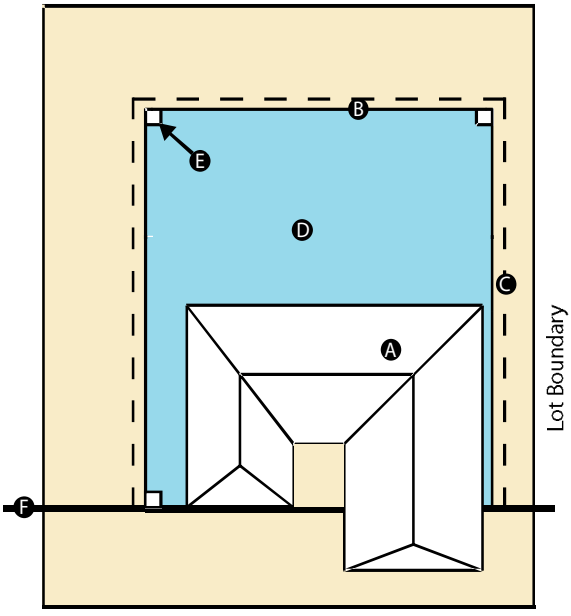
FIGURE 3 - BUILDING HEIGHT



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

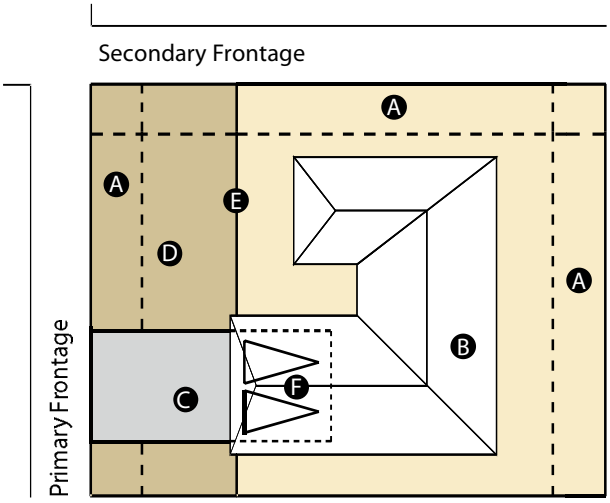


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

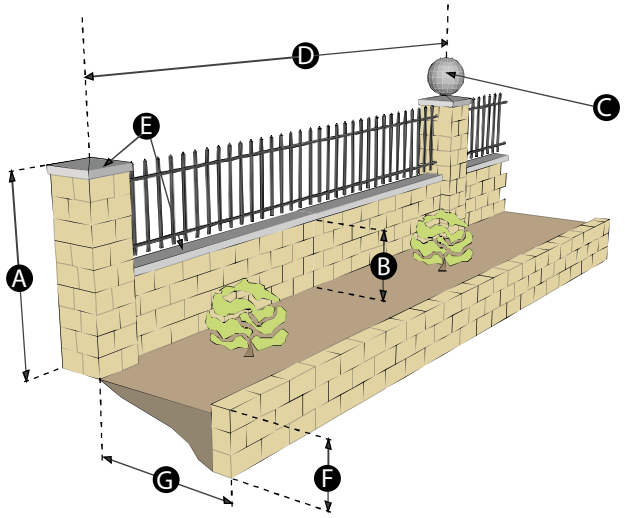


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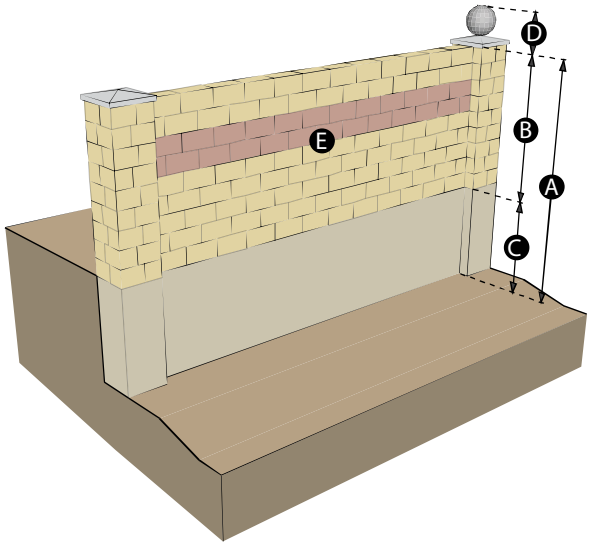
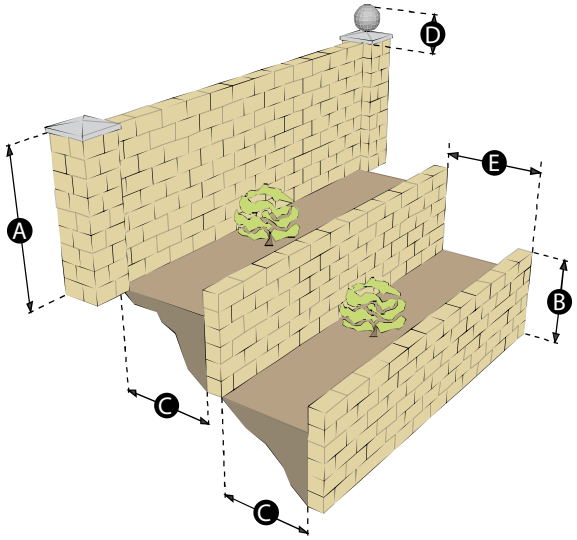
FIGURE 7 - RETAINING AND PERIMETER WALL



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.*

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FIGURE 1 - BUILDING PLACEMENT

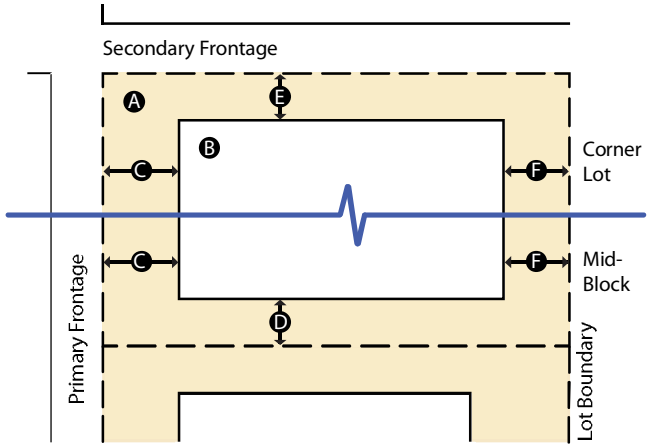

FIGURE 2 - ACCESSORY STRUCTURES

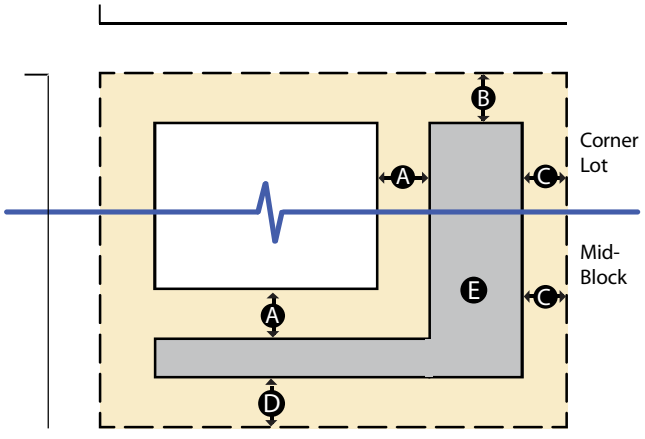

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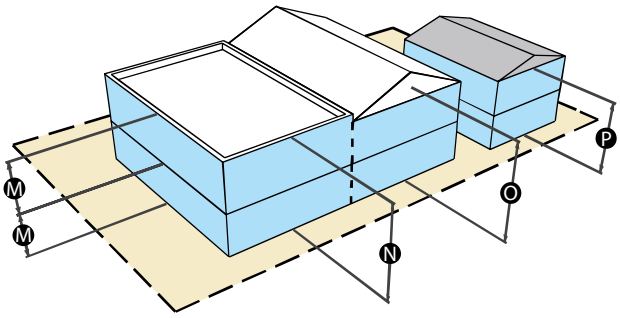
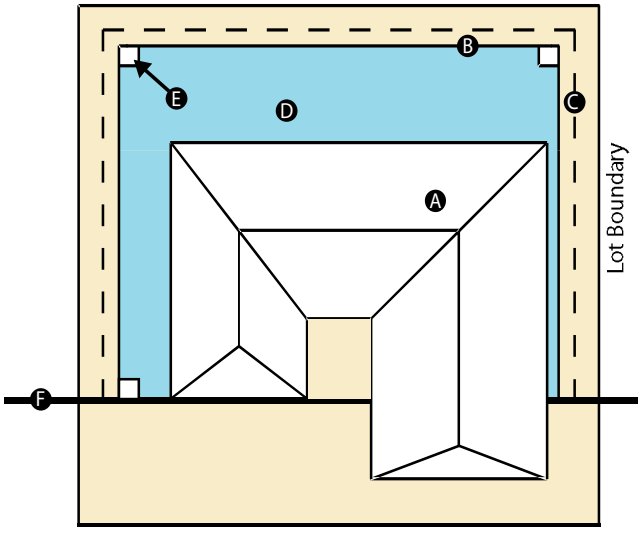
FIGURE 3 - BUILDING HEIGHT



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

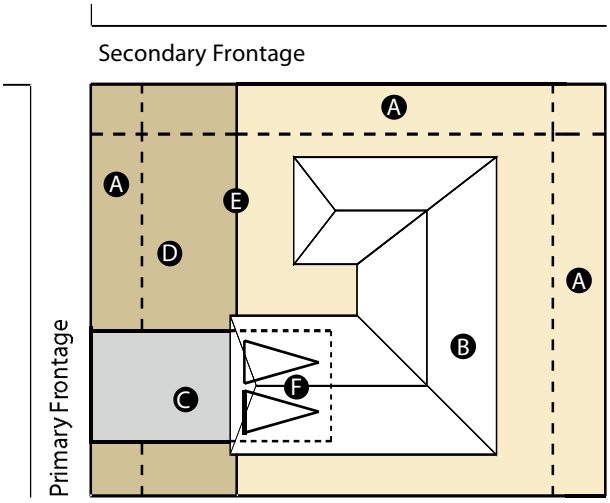


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

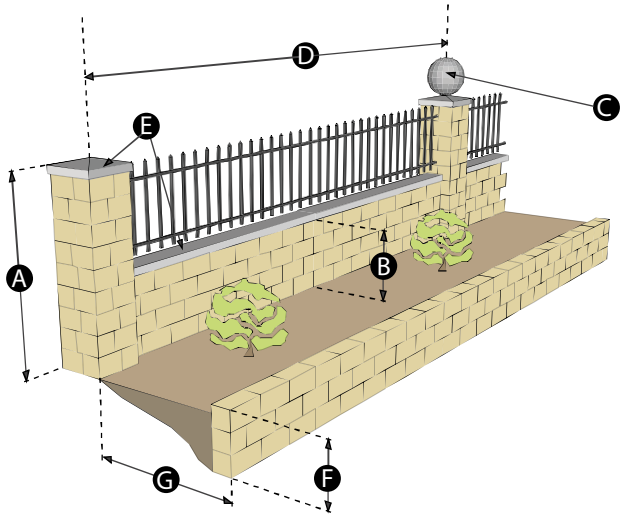


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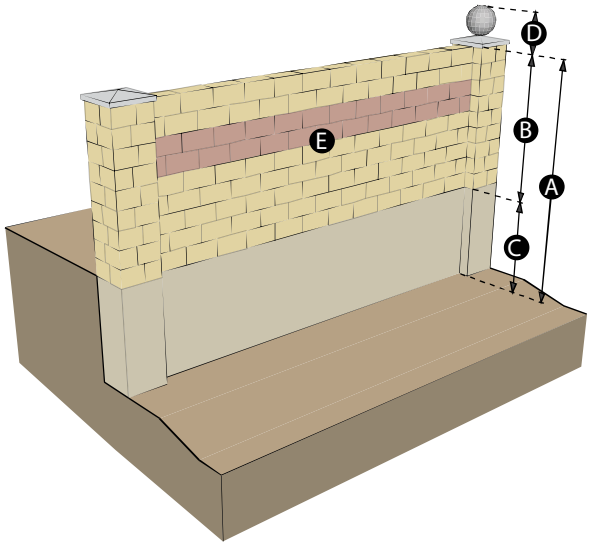
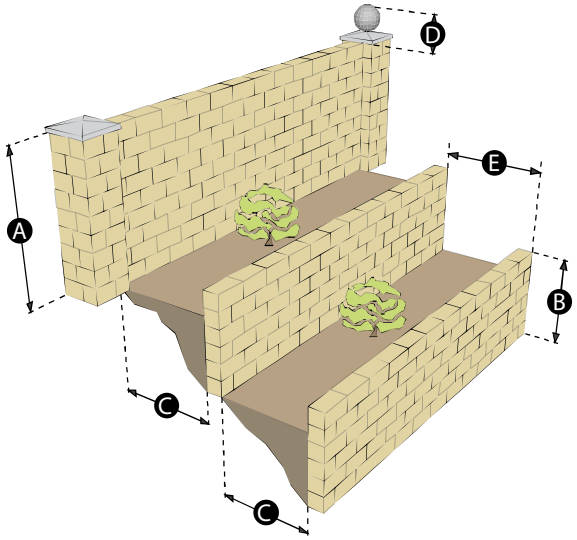
FIGURE 7 - RETAINING AND PERIMETER WALL



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

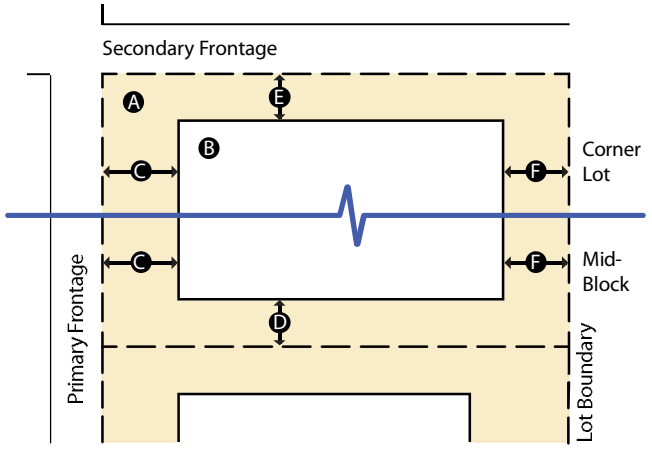


FIGURE 2 - ZERO-LOT LINE DEVELOPMENT

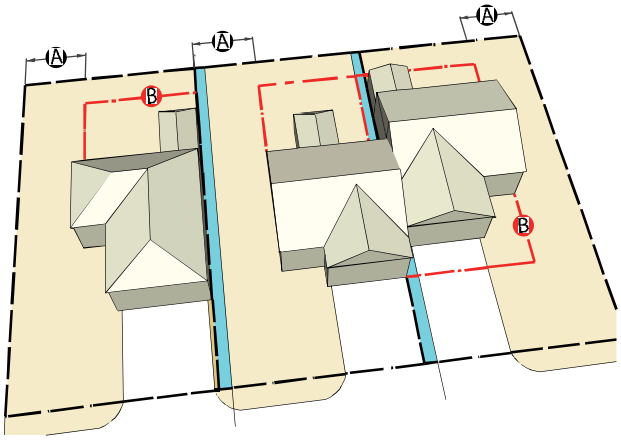


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FIGURE 3 - ACCESSORY STRUCTURES

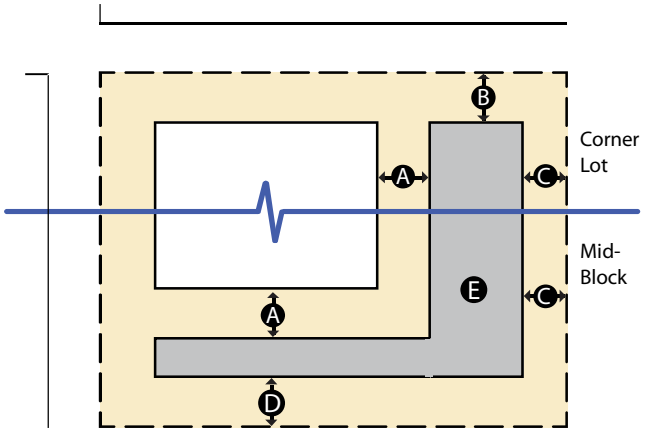
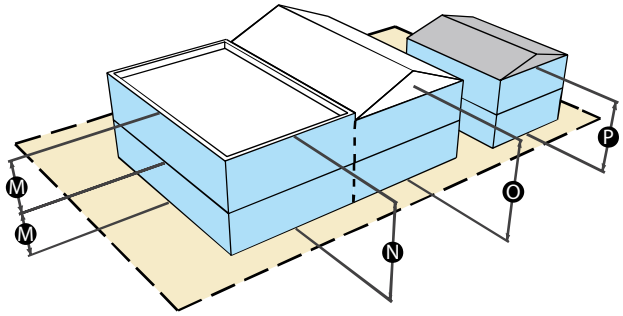


FIGURE 4 - BUILDING HEIGHT



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.*

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FIGURE 5 - PATIO COVER

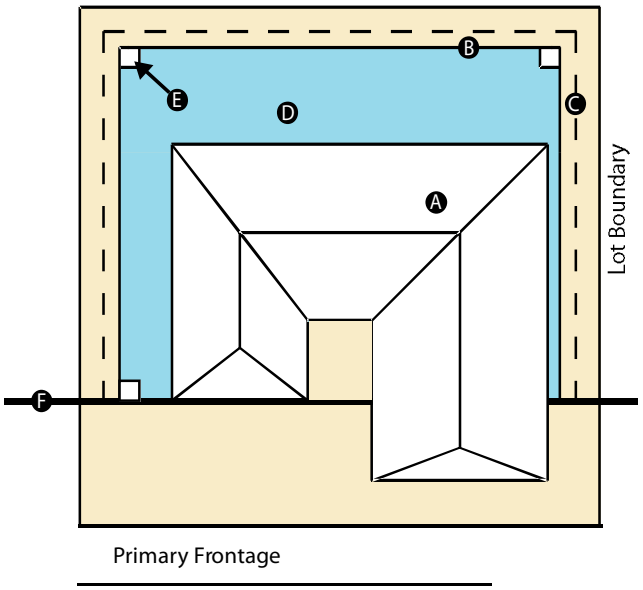

FIGURE 6 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

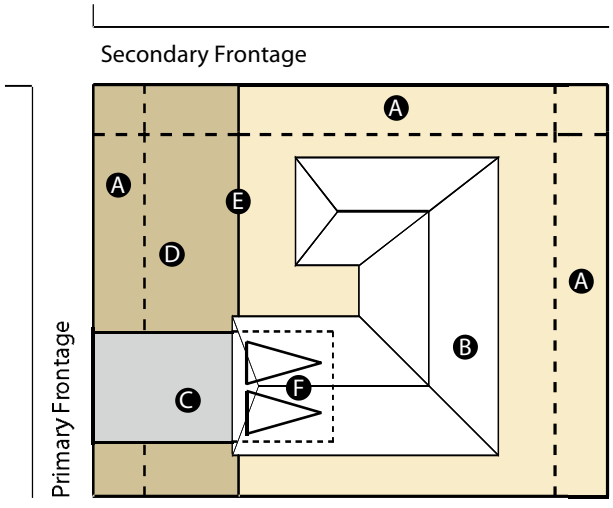

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FIGURE 7 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

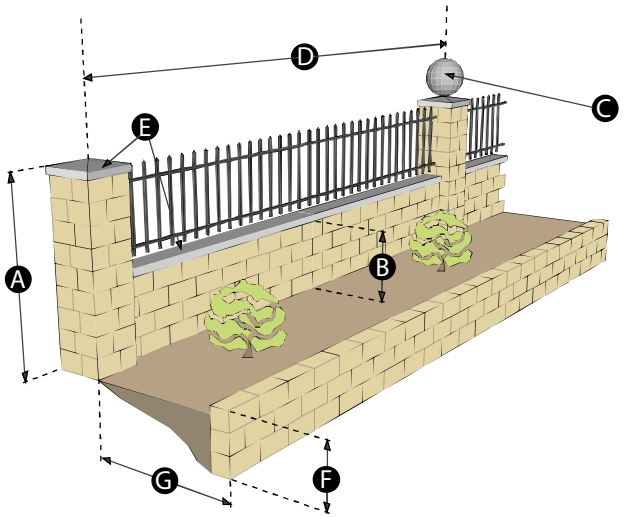
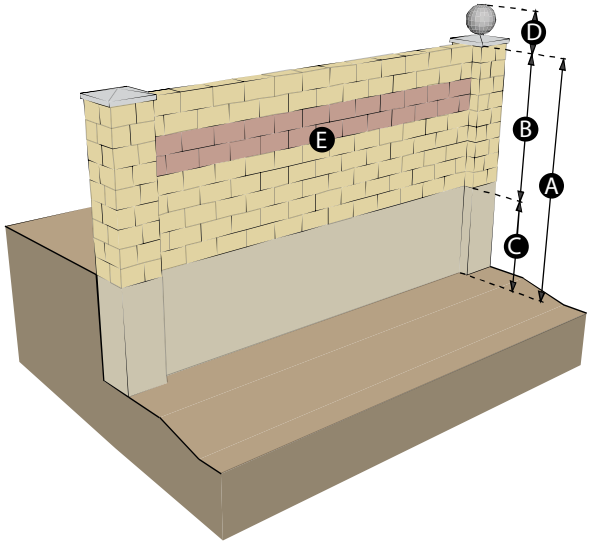


FIGURE 8 - RETAINING AND PERIMETER WALL



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:

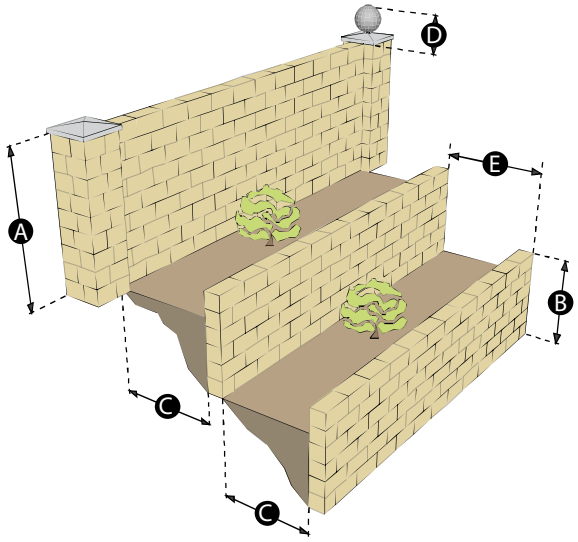
1. *Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 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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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

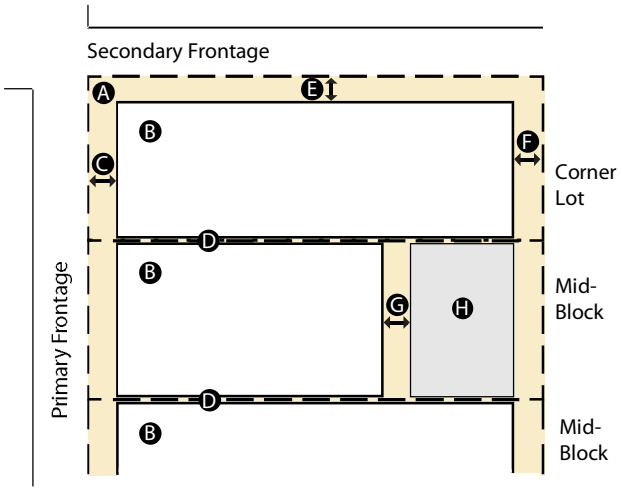

FIGURE 2 - BUILDING HEIGHT

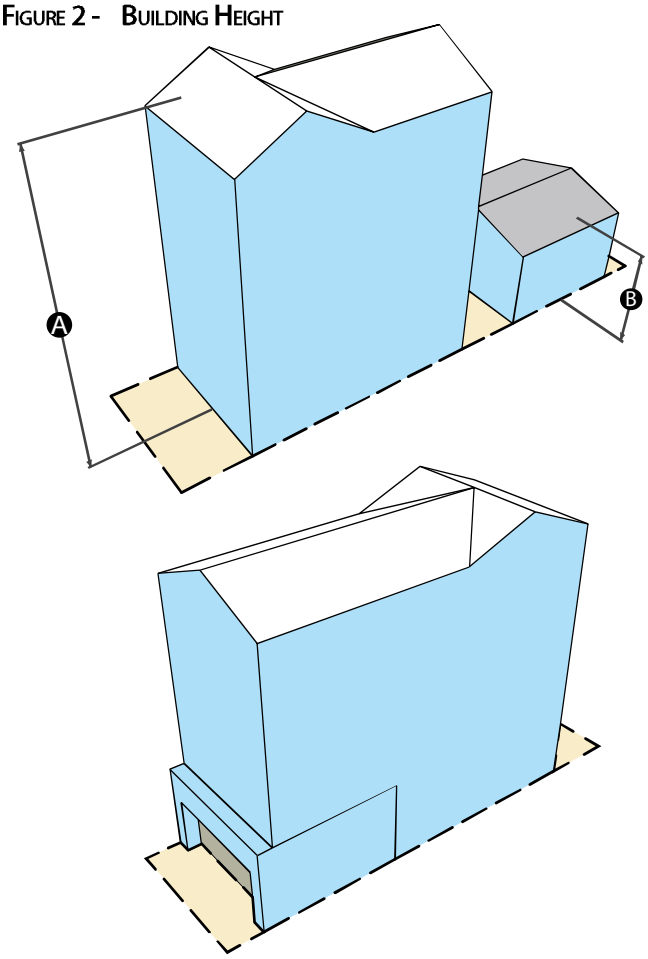

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FIGURE 3 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED) PARKING

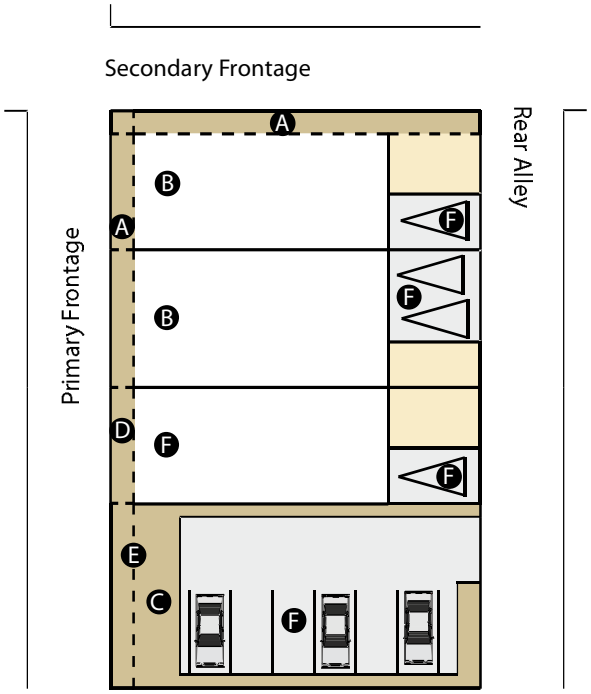
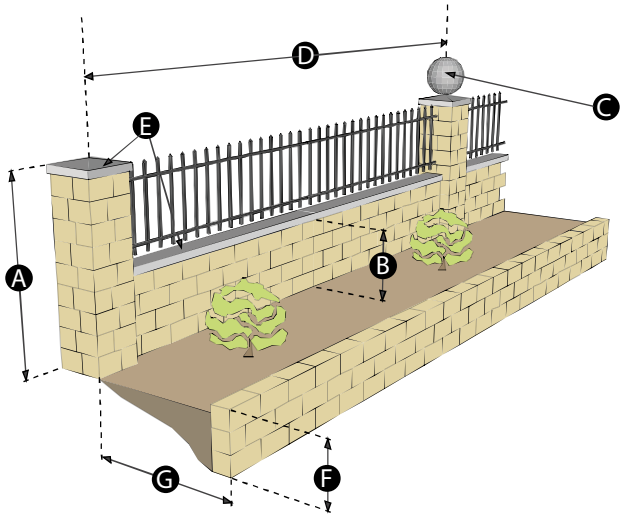


FIGURE 4 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



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

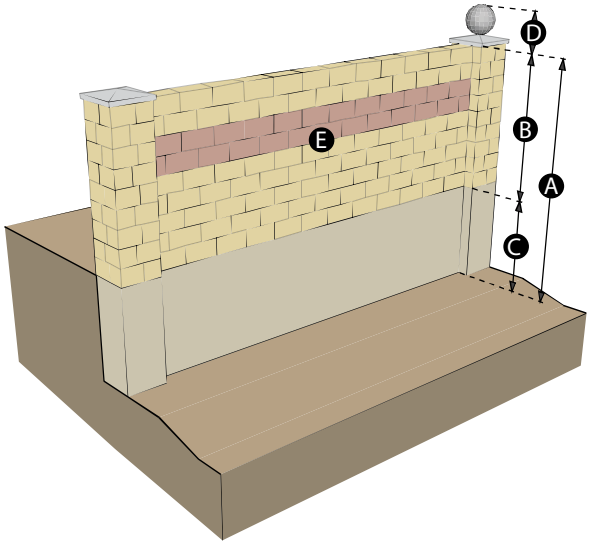


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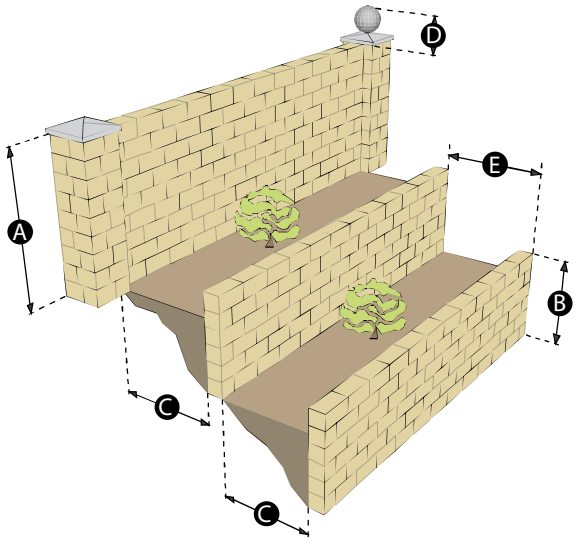
FIGURE 6 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



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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R-2
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FIGURE 1 - BUILDING PLACEMENT

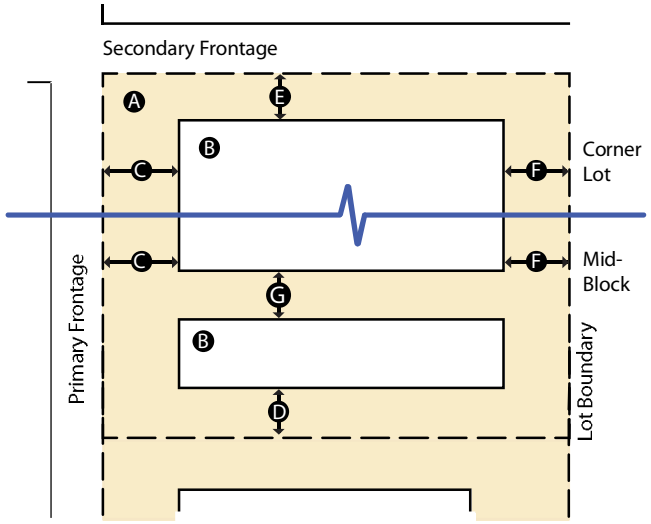

FIGURE 2 - ACCESSORY STRUCTURES

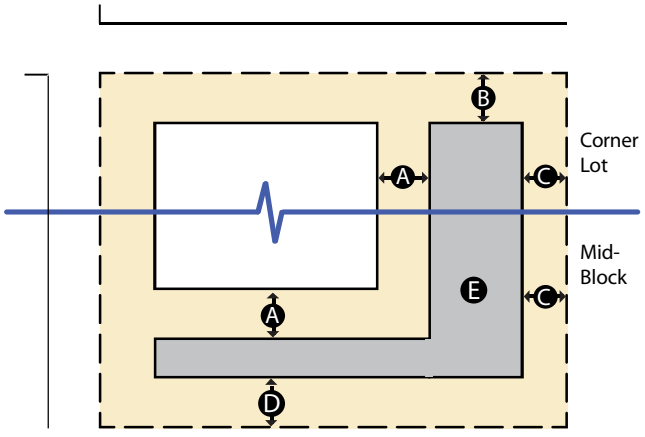

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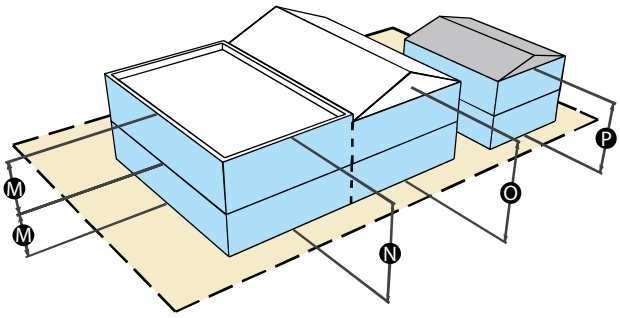
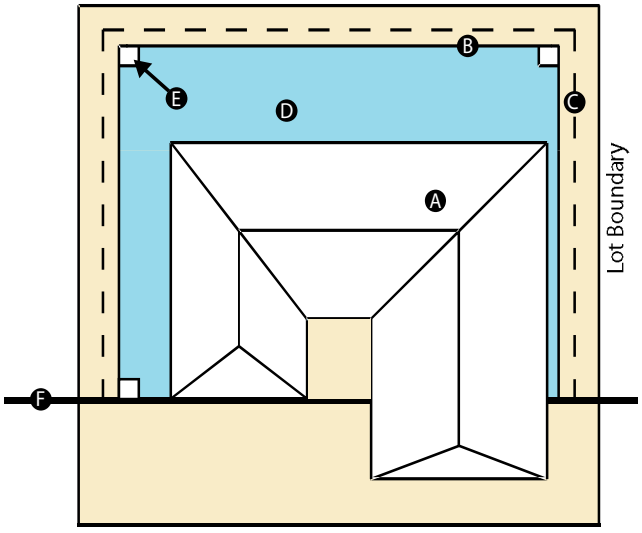
FIGURE 3 - BUILDING HEIGHT



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).*

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE-FAMILY (ATTACHED OR DETACHED) PARKING

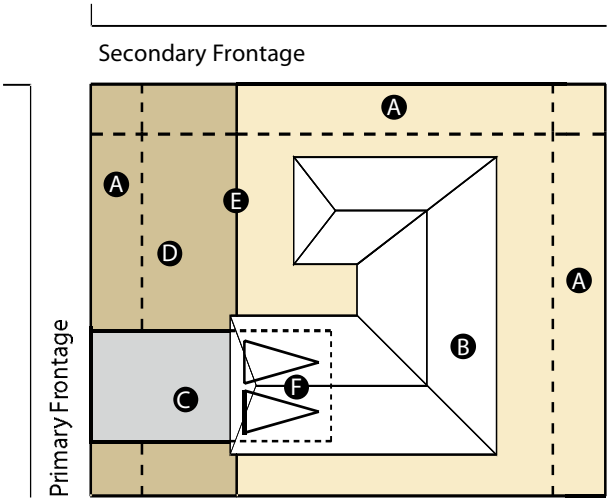


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

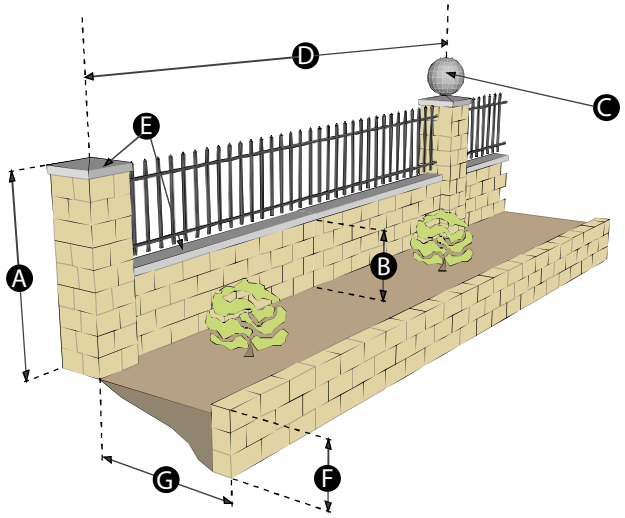


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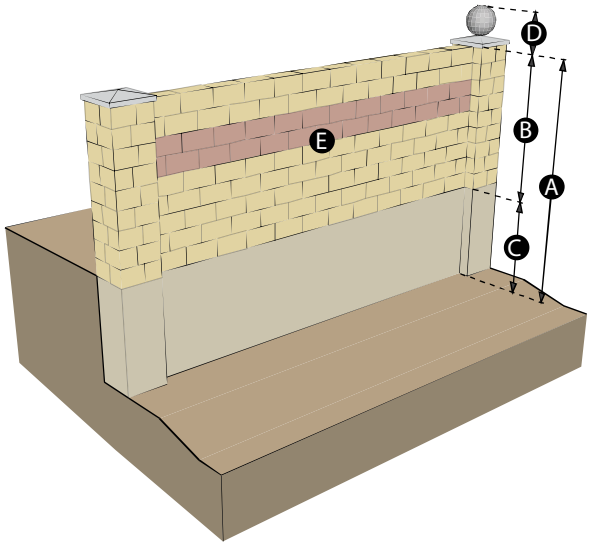
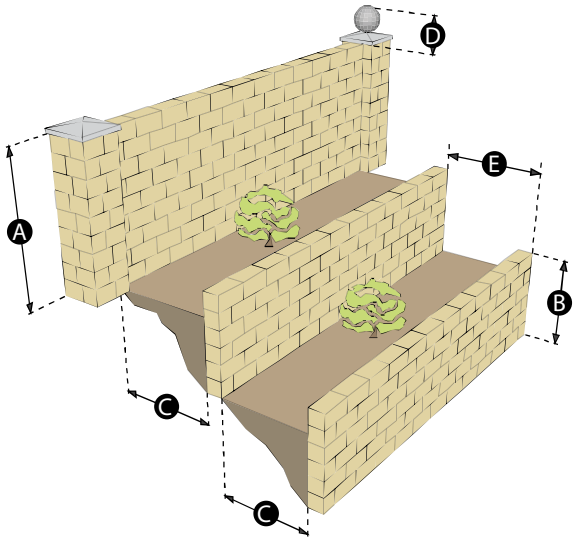
FIGURE 7 - RETAINING AND PERIMETER WALL



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

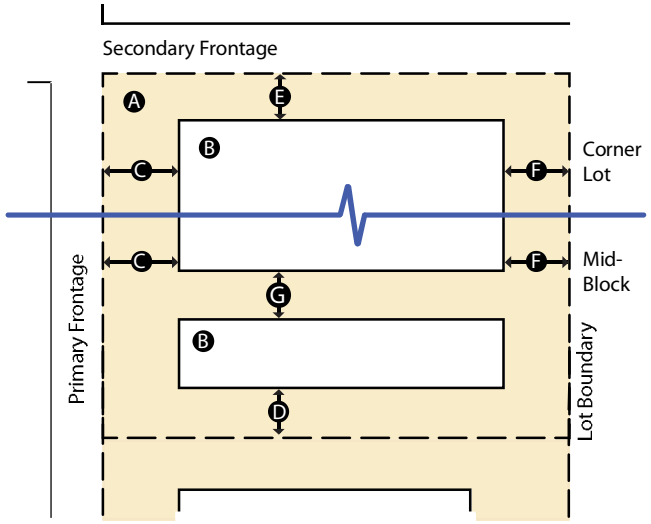
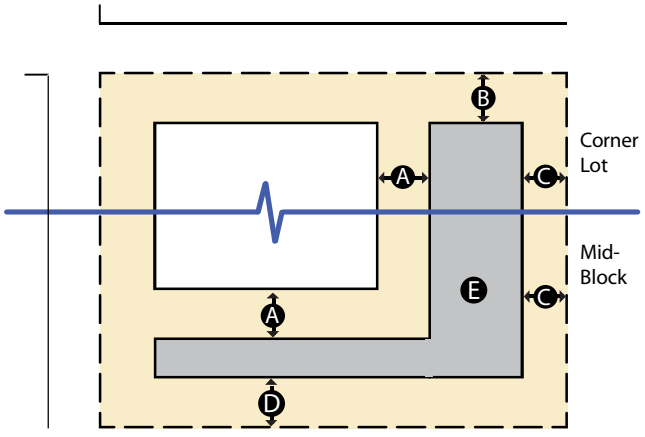


FIGURE 2 - ACCESSORY STRUCTURES



Illustrations & Graphics

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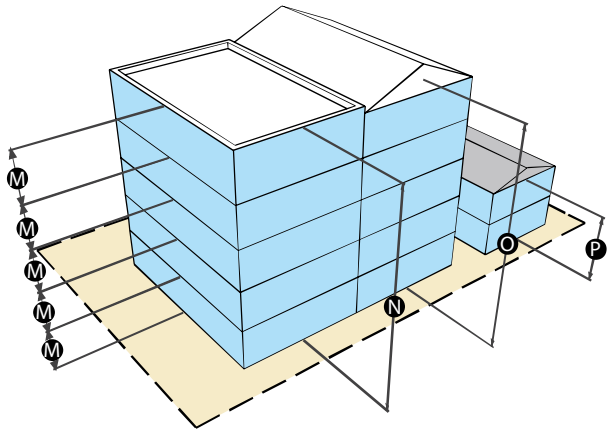
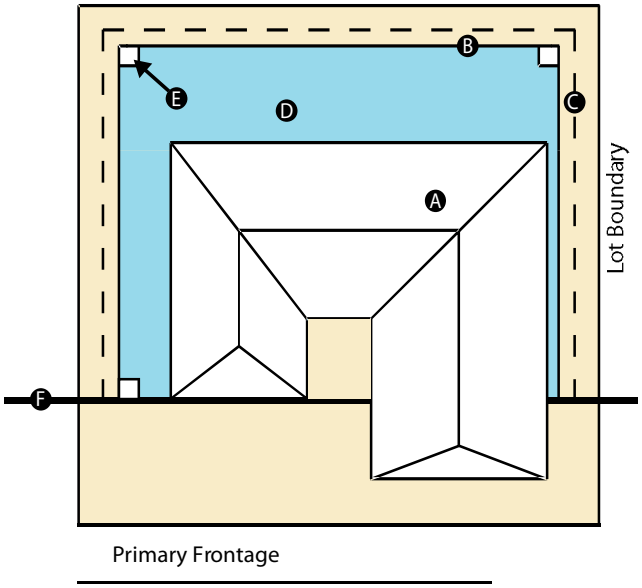
FIGURE 3 - BUILDING HEIGHT



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

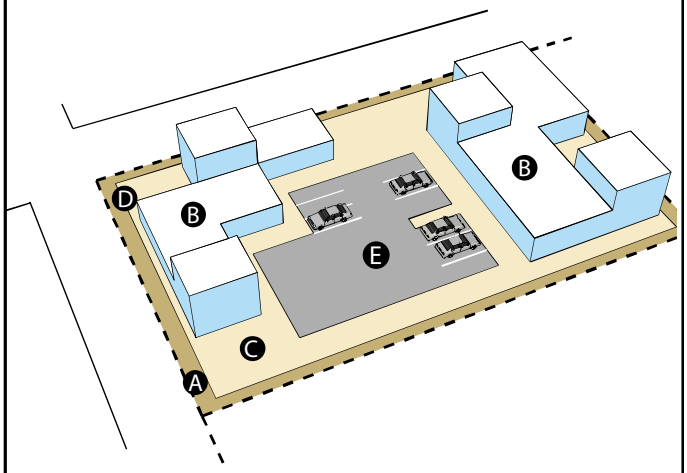

FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

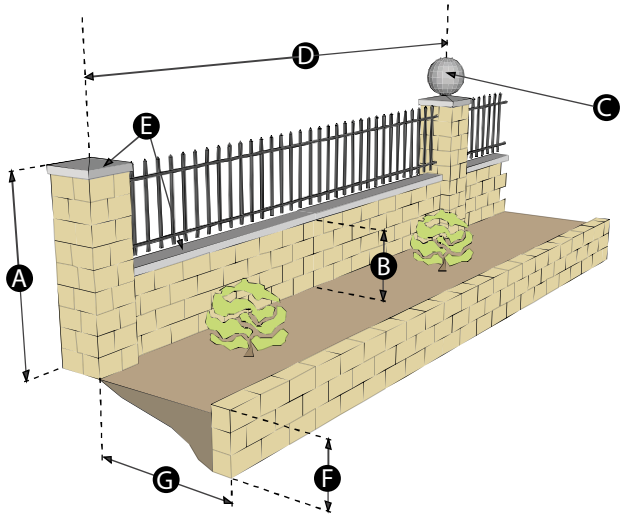

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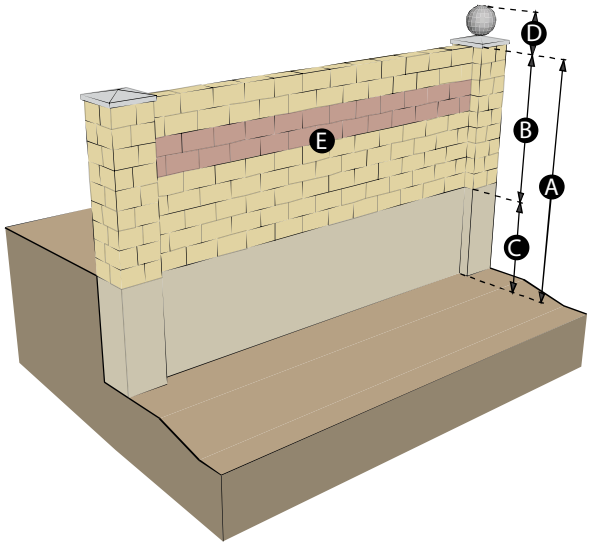
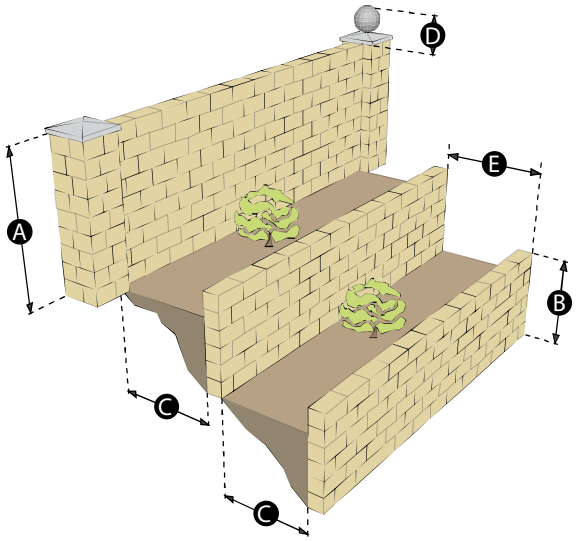
FIGURE 7 - RETAINING AND PERIMETER WALL



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

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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.*

Illustrations & Graphics

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FIGURE 1 - BUILDING PLACEMENT

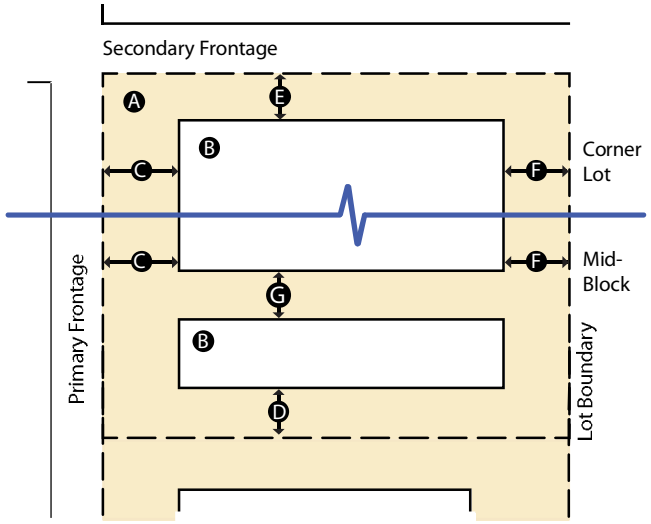

FIGURE 2 - ACCESSORY STRUCTURES

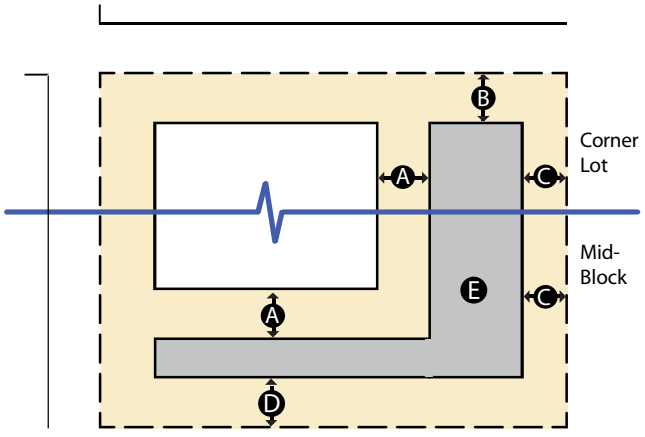

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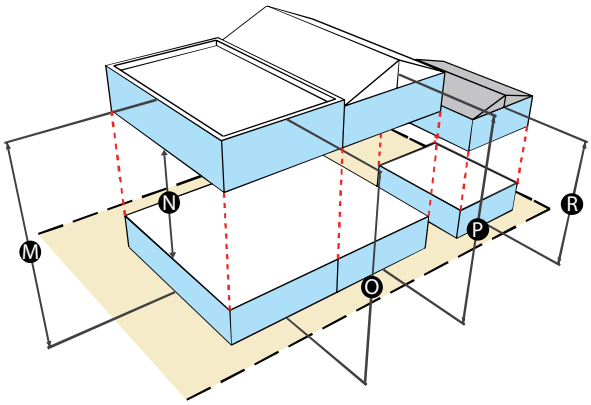
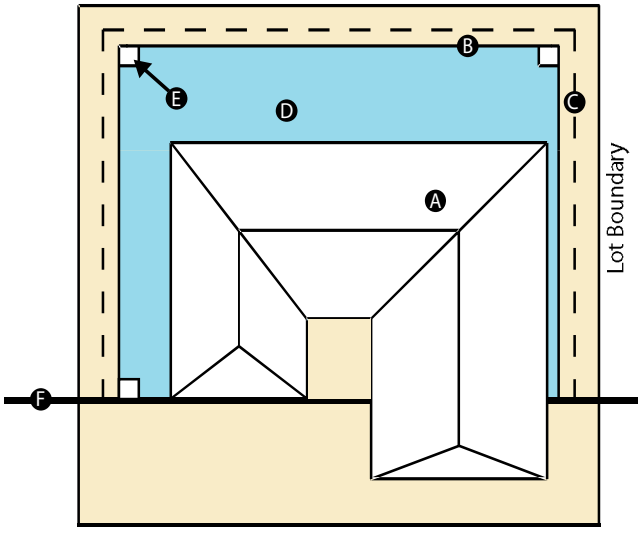
FIGURE 3 - BUILDING HEIGHT



BUILDING HEIGHT (see Figure 3)		TABLE 3
M.	Stories	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

Illustrations & Graphics

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FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / MULTI-FAMILY PARKING

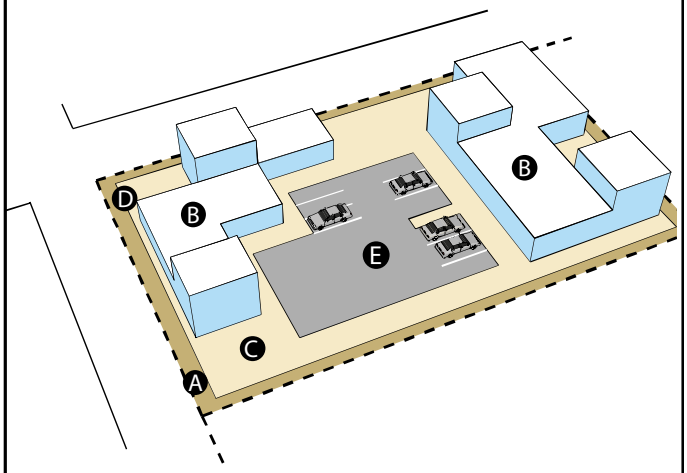
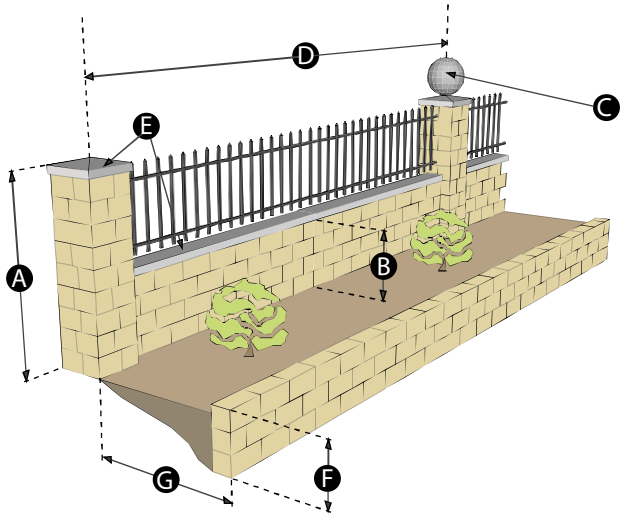


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



Illustrations & Graphics

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FIGURE 7 - RETAINING AND PERIMETER WALL

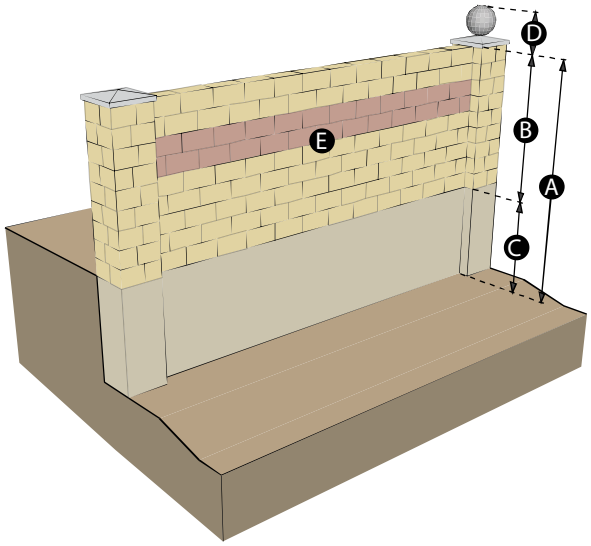
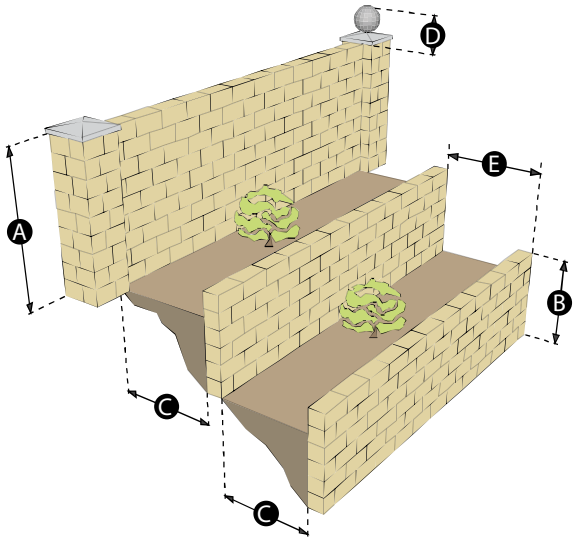


FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



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]

Illustrations & Graphics

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FIGURE 1 - BUILDING PLACEMENT

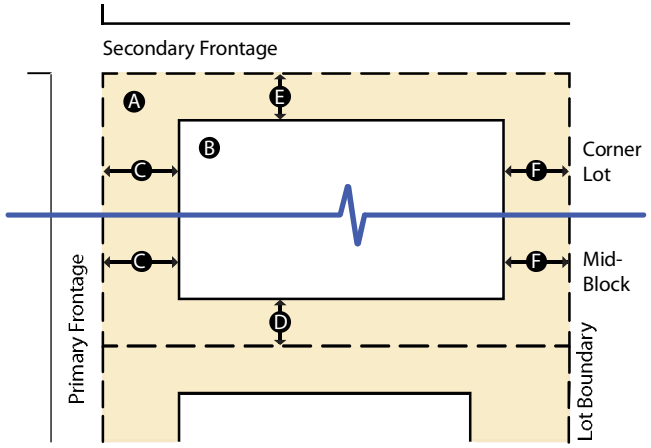

FIGURE 2 - ACCESSORY STRUCTURES

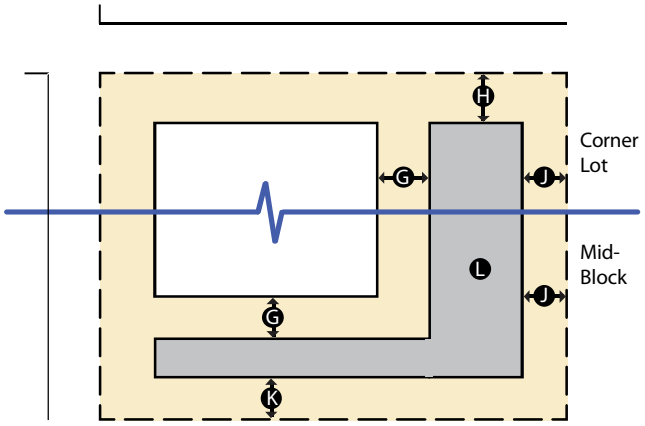

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FIGURE 3 - BUILDING HEIGHT

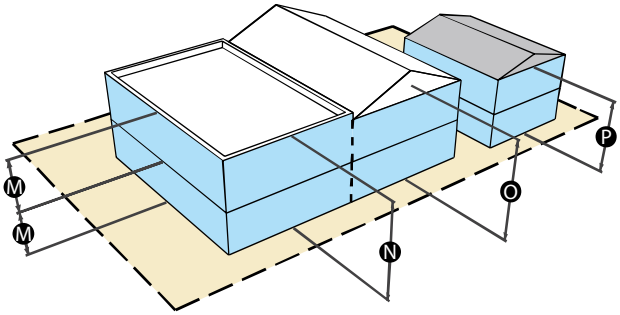
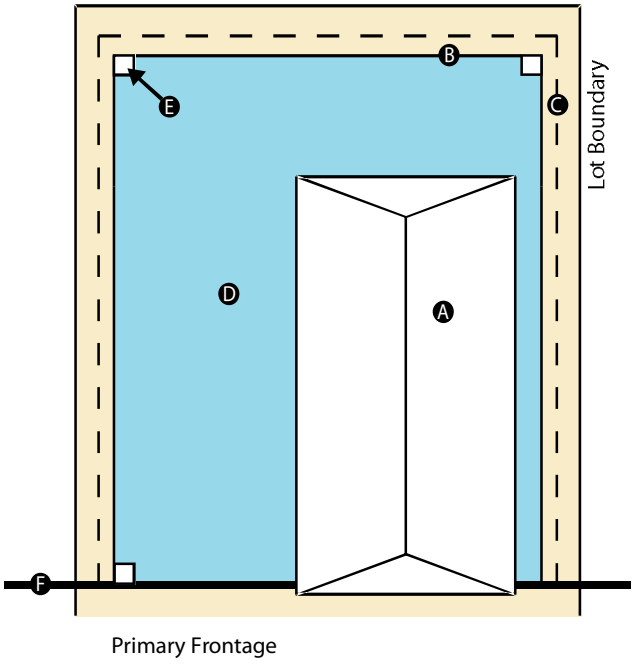


FIGURE 4 - PATIO COVER



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

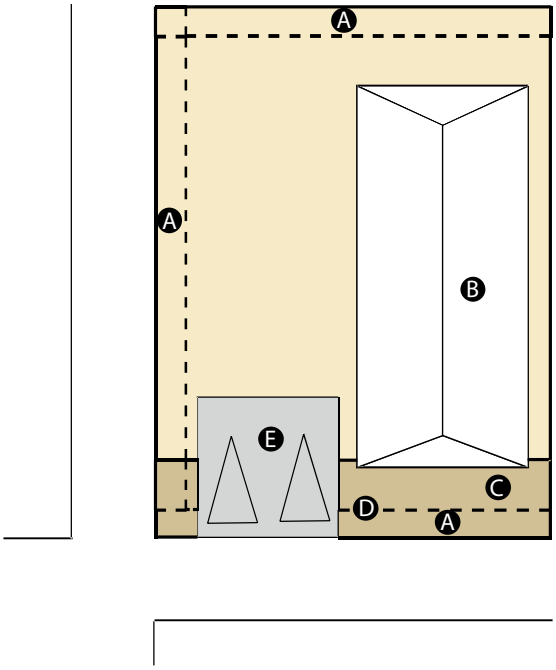
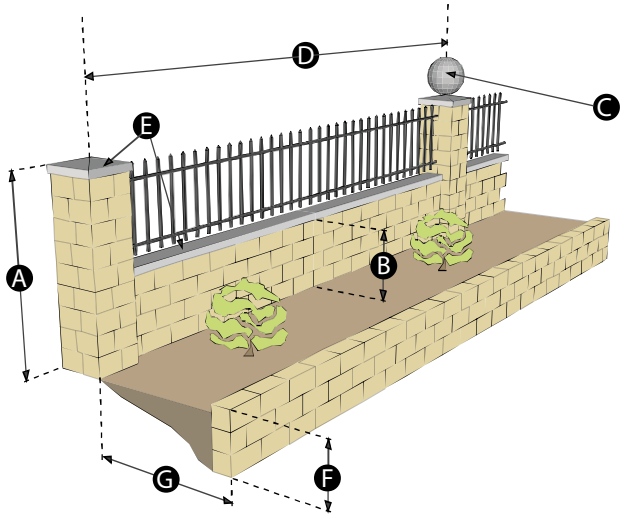


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



Illustrations & Graphics

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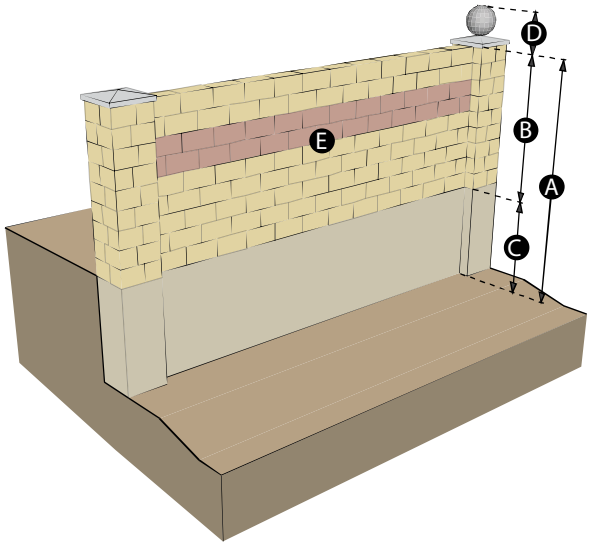
FIGURE 7 - RETAINING AND PERIMETER WALL

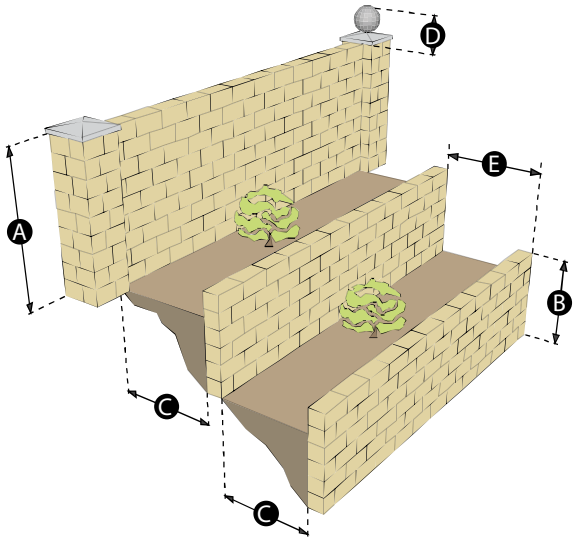


Perimeter and Retaining Walls [1] (see Figure 7)	Table 8
Perimeter and Retaining Walls with Slope ≤ 2%	
A. Maximum Overall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Pilaster Height	18 inches
E. Contrasting Material	20%
Perimeter and 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

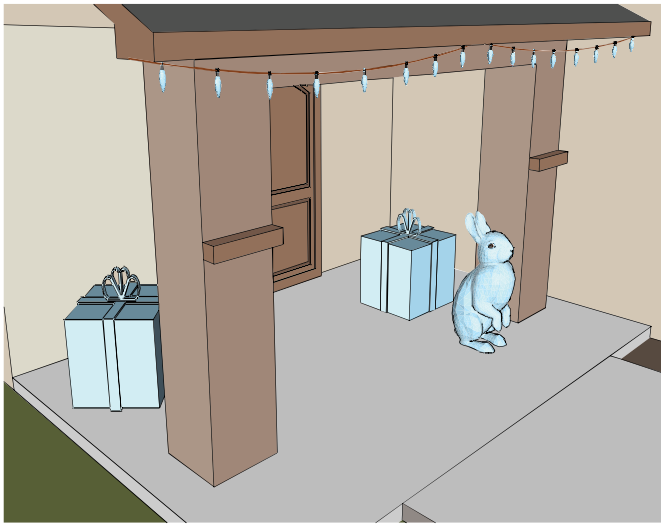
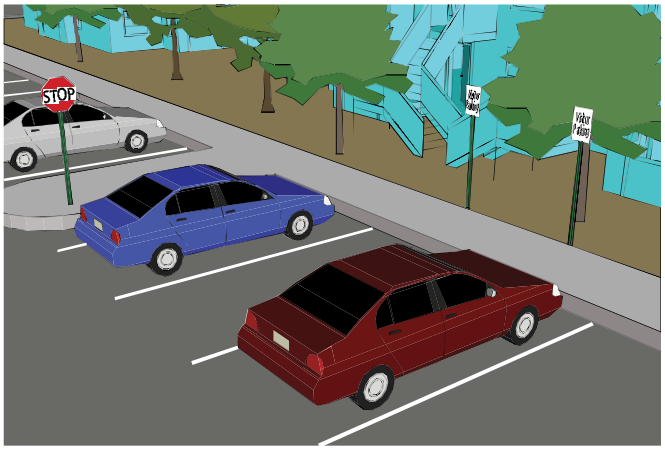


FIGURE 2 - TRAFFIC CONTROL SIGNS ON PRIVATE PROPERTY



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:

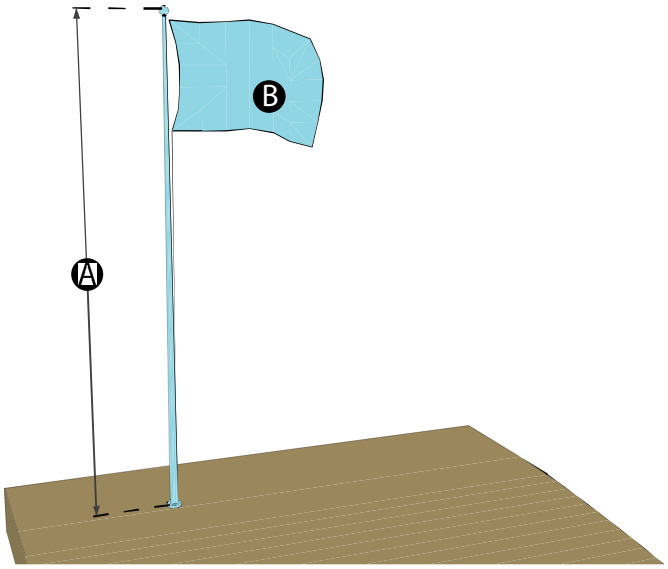
a. The flags do not exceed 60 square feet in area (see "B" in Figure 3);

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.

Illustrations & Graphics 19.06.140(F)

FIGURE 3 - OFFICIAL FLAGS



Illustrations & Graphics

Garage or Yard Sale Signs
19.06.140(F)(5)

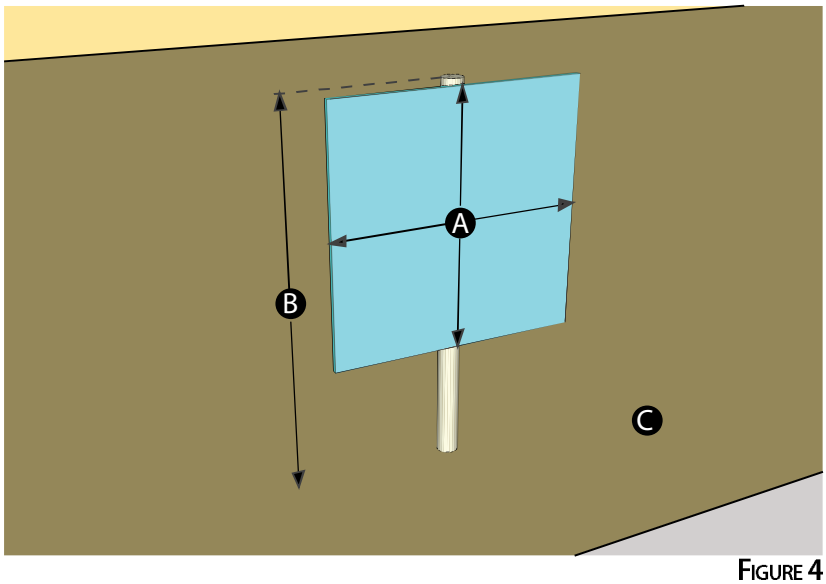


FIGURE 4

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)

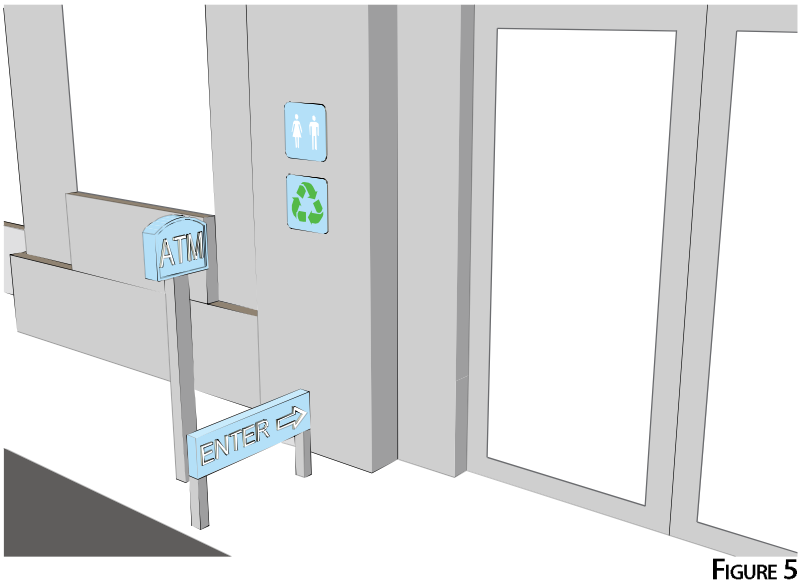


FIGURE 5

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)

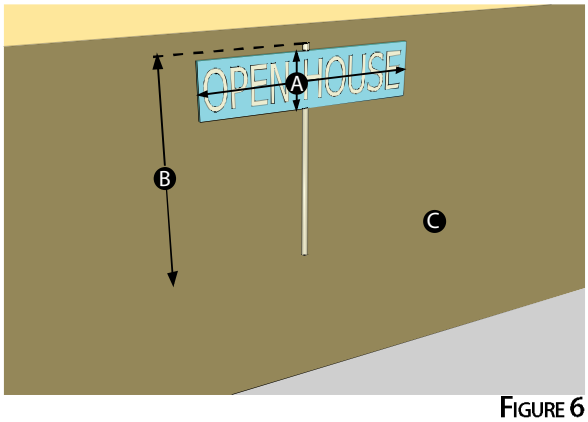


FIGURE 6

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)

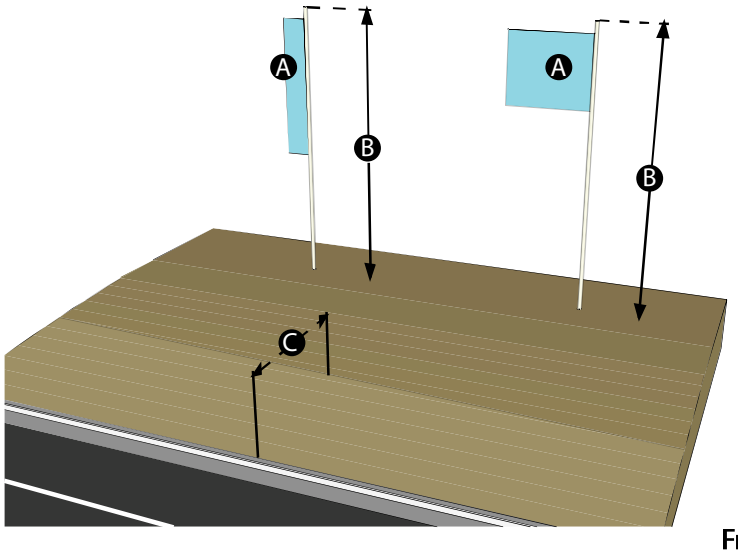


FIGURE 7

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)

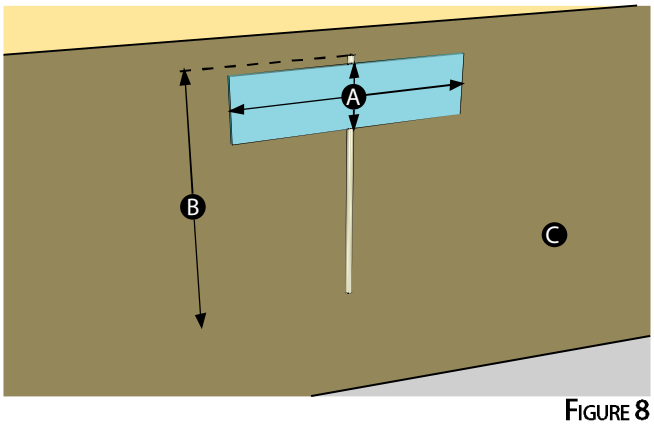


FIGURE 8

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)

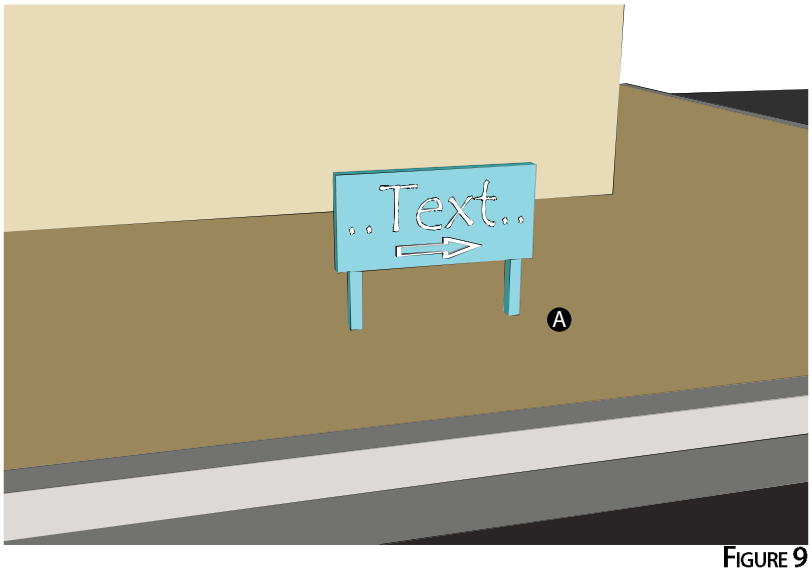


FIGURE 9

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)

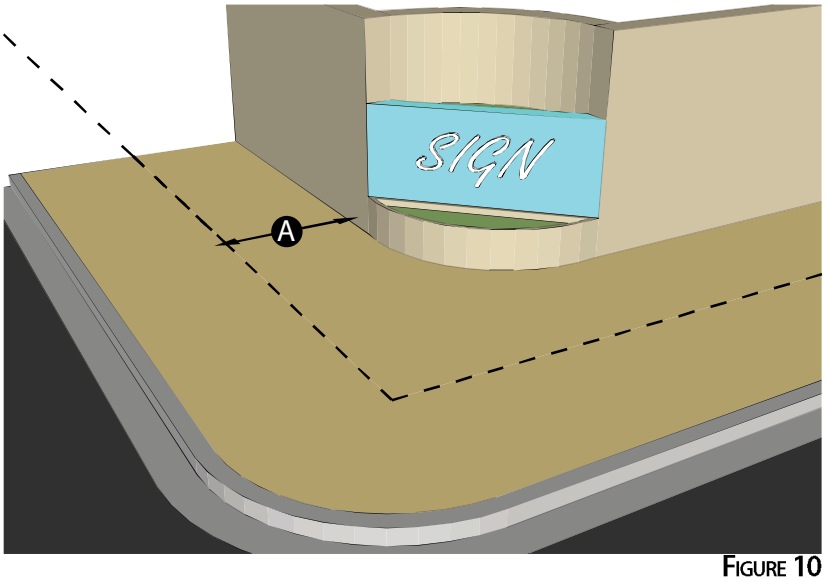


FIGURE 10

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)

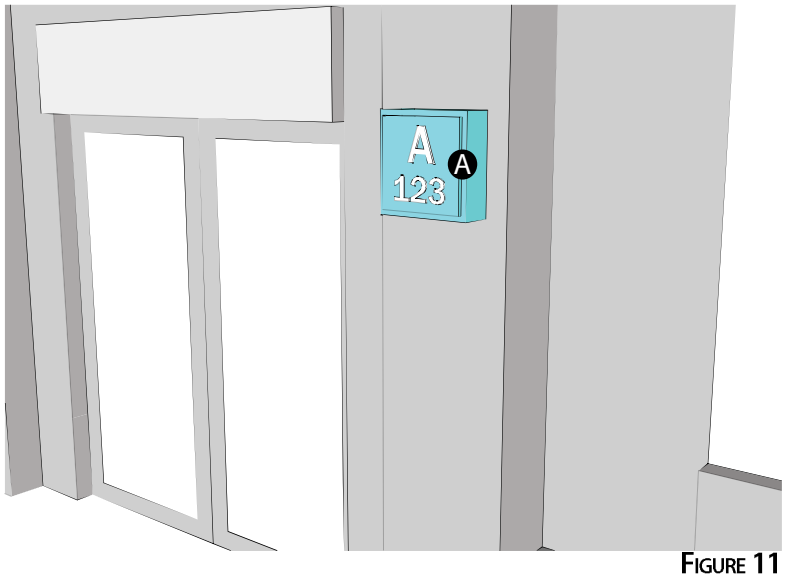


FIGURE 11

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)

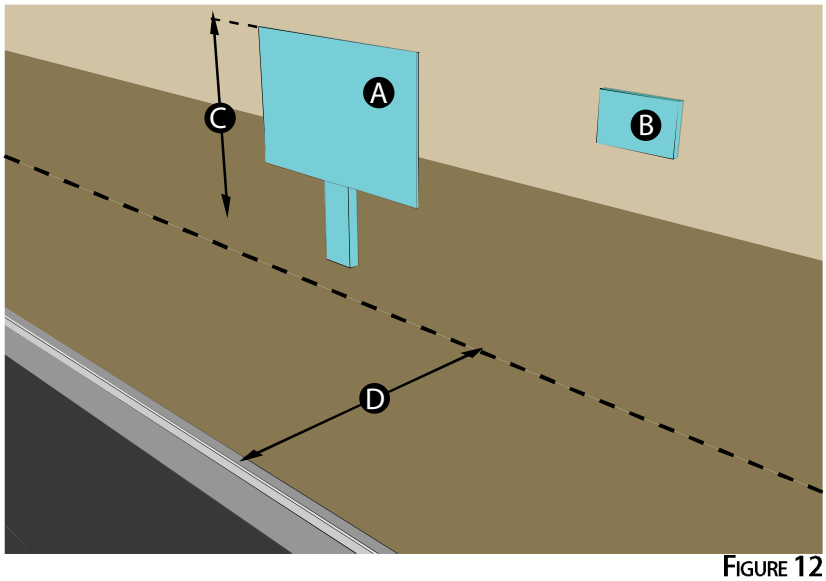


FIGURE 12

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)

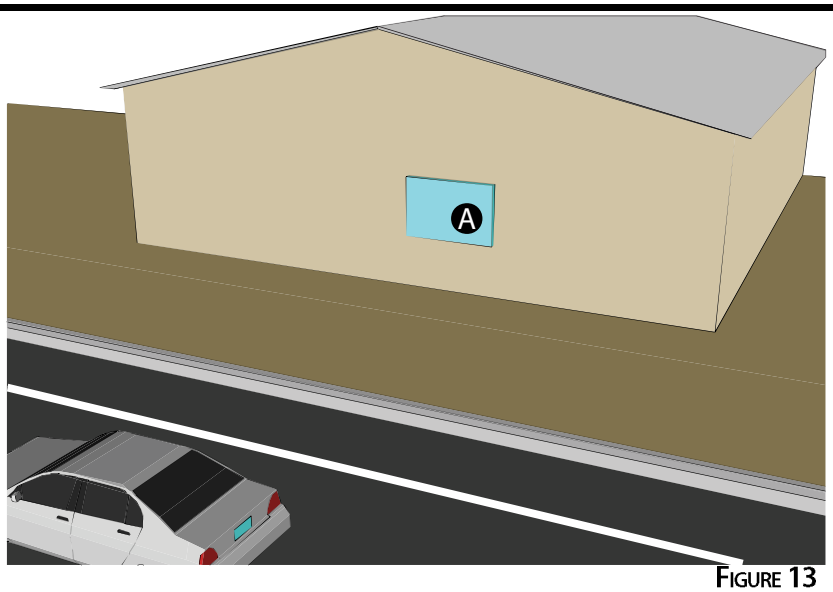


FIGURE 13

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)

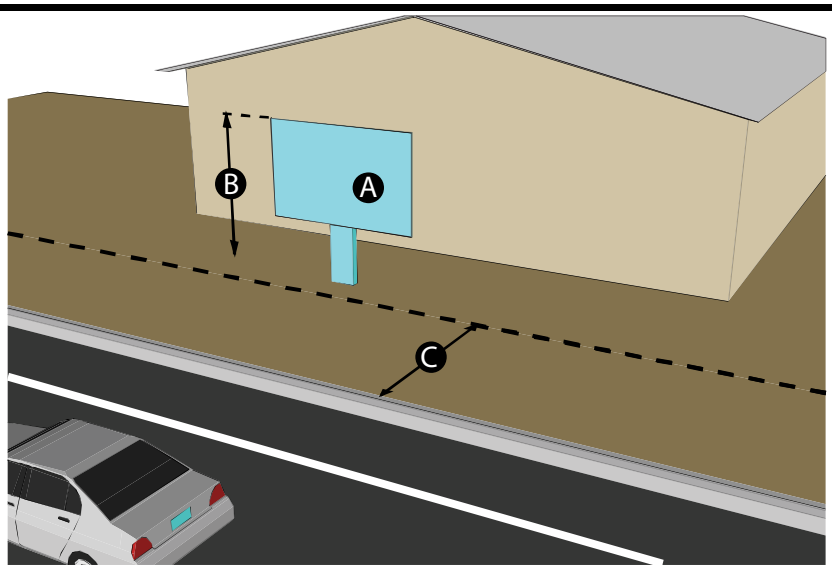


FIGURE 14

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)

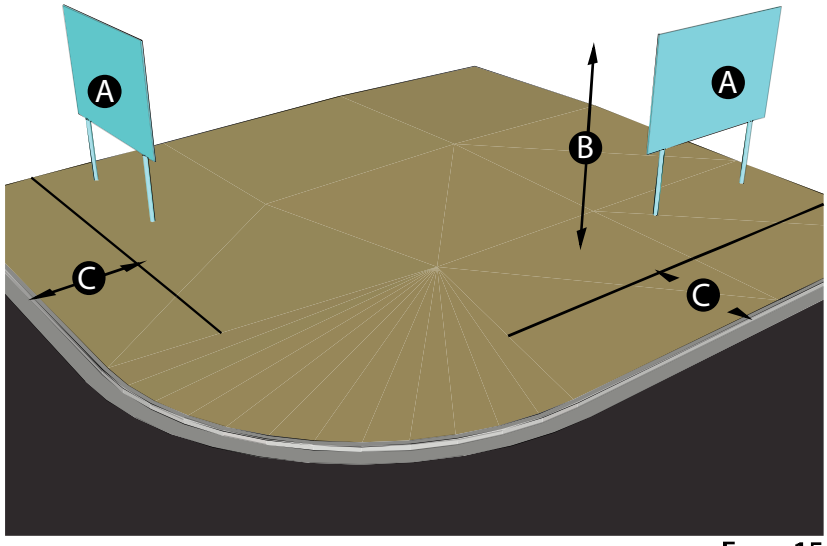


FIGURE 15

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)

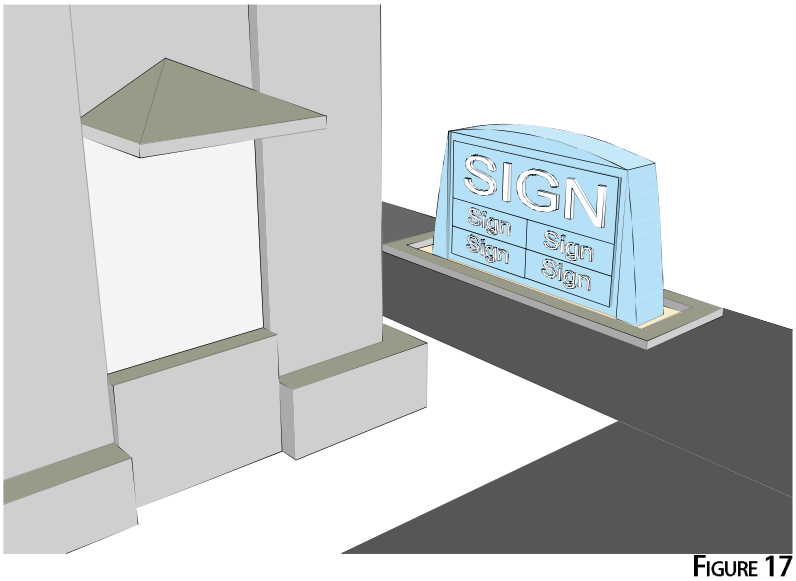


FIGURE 17

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

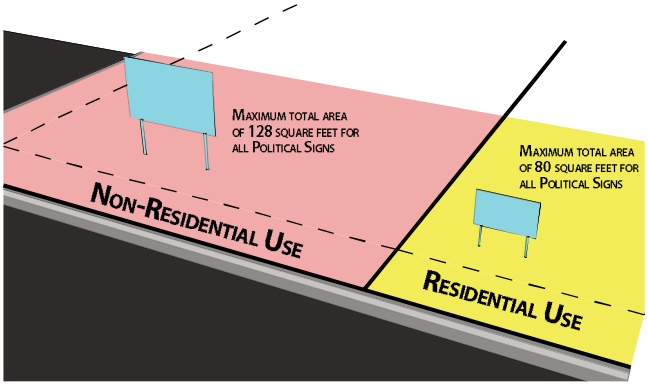


FIGURE 19 - SUBDIVISION DEVELOPMENT SALE SIGNS

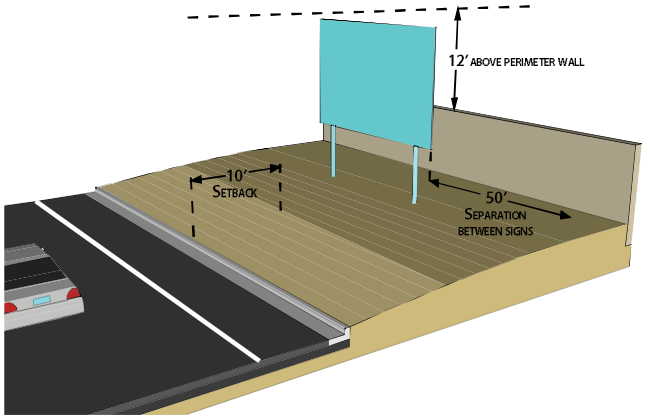
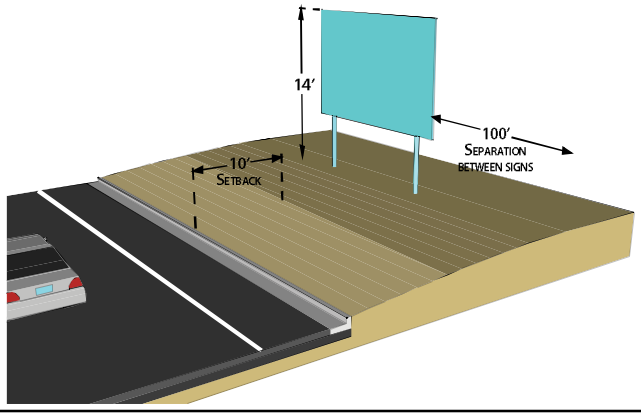


FIGURE 20 - SUBDIVISION DEVELOPMENT CONTINUOUS DIRECTIONAL SIGNS



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.

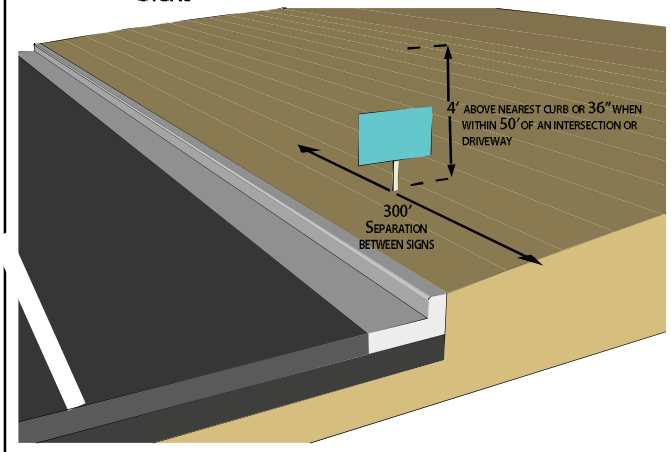
h. Insurance required. Applicants for weekend directional sign certificates shall provide proof of and maintain comprehensive liability insurance in the minimum amount of $4,000,000 per occurrence in a form acceptable to the Director. If any sign is placed in any unimproved public right-of-way, the certificate 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

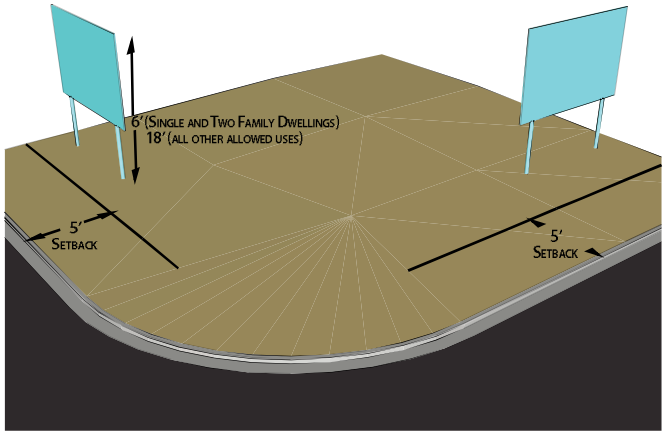


Table 15 – Penalties

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.


CLV
WEB
E-MAIL

19.08

Commercial and Industrial Districts – Purpose and Development and Design Standards

Unified Development Code
Title 19


CLV
WEB
E-MAIL

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

Illustrations & Graphics 19.08.040(F)

FIGURE 1 - STANDARD PLANTING REQUIREMENT

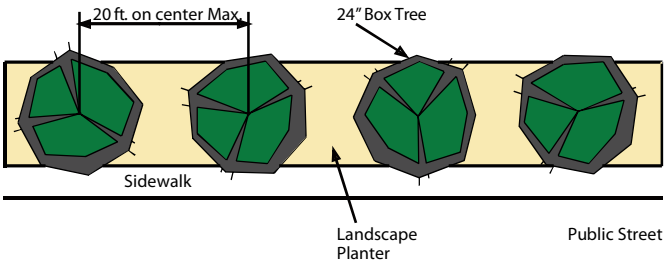
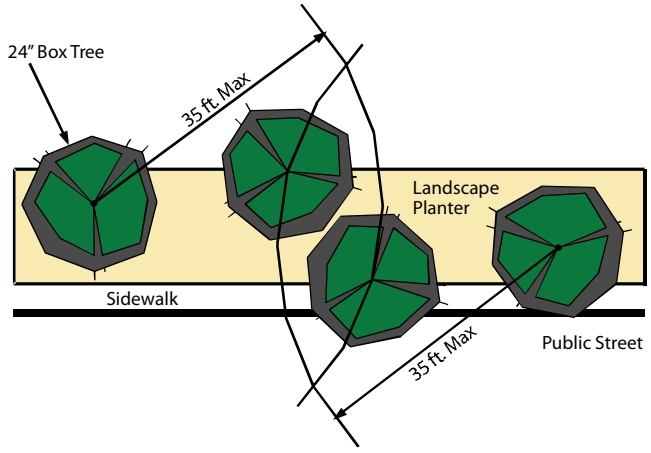
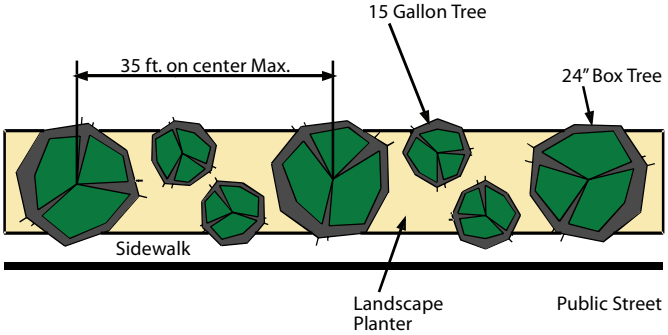


FIGURE 2 - STANDARD PLANTING REQUIREMENT ALTERNATIVE 1



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 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.

19.08.050

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

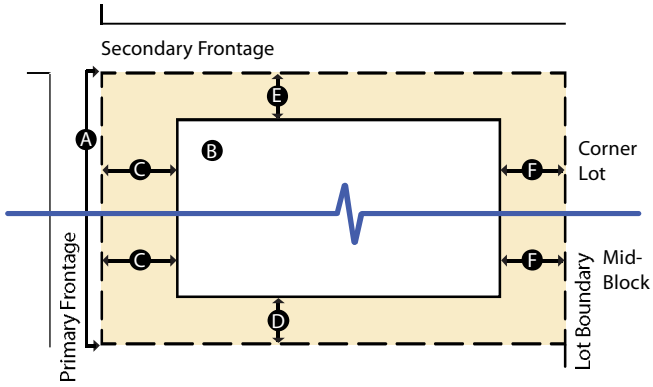


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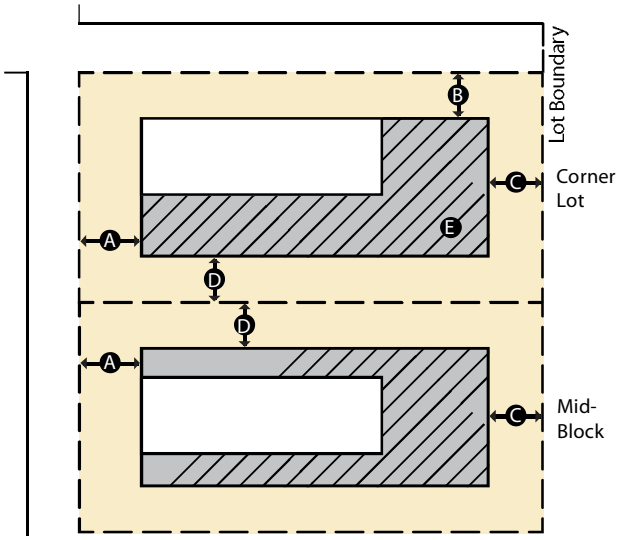
FIGURE 2 - ACCESSORY STRUCTURES

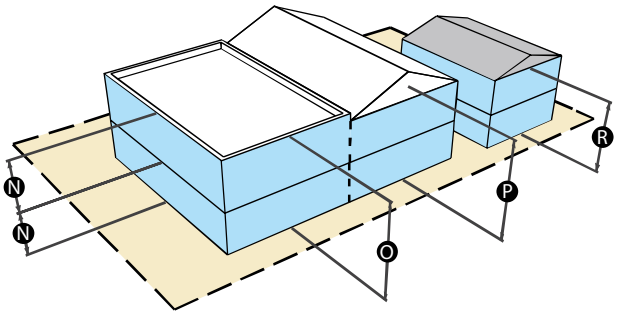


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

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

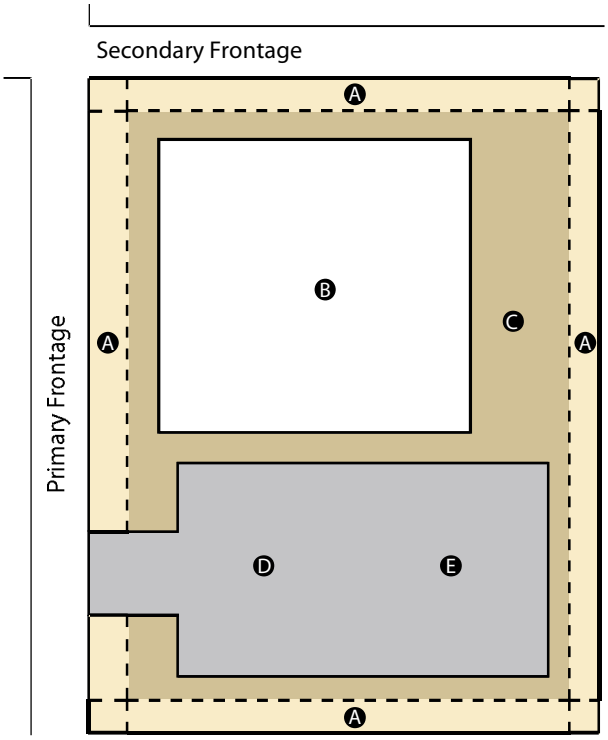


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

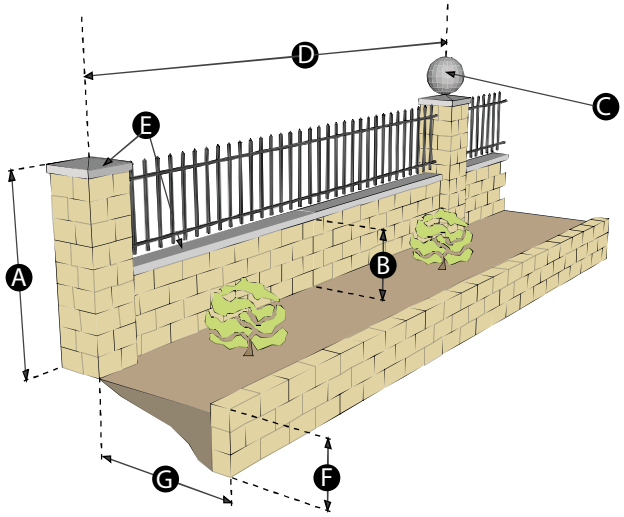


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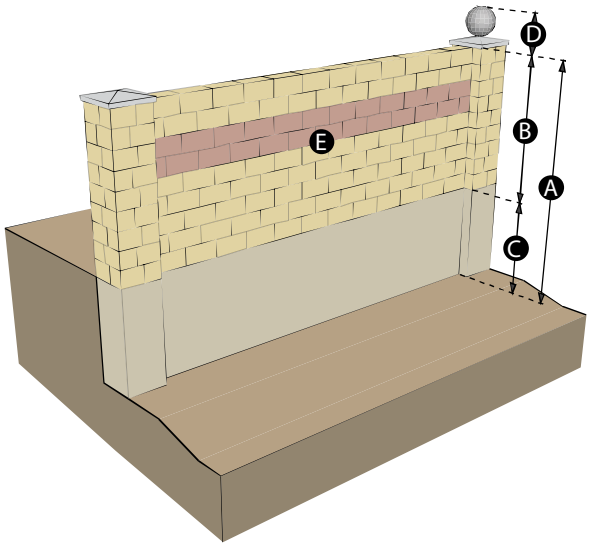
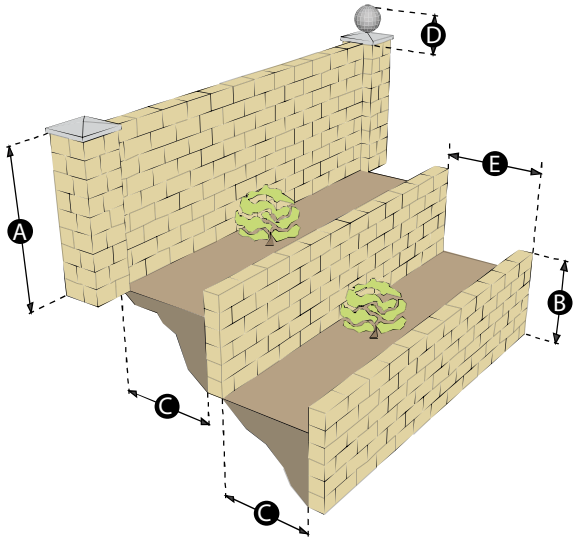
FIGURE 6 - RETAINING AND PERIMETER WALL



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

19.08.060

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

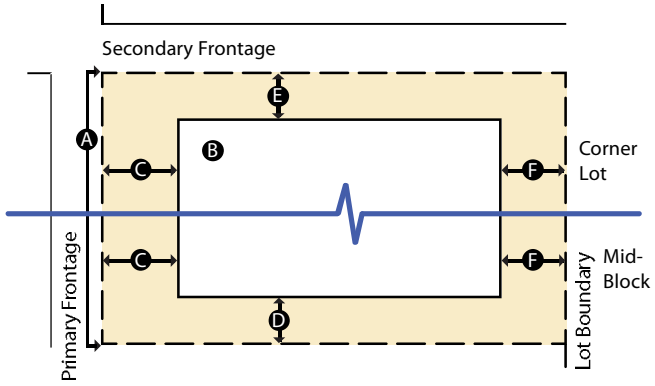


FIGURE 2 - ACCESSORY STRUCTURES

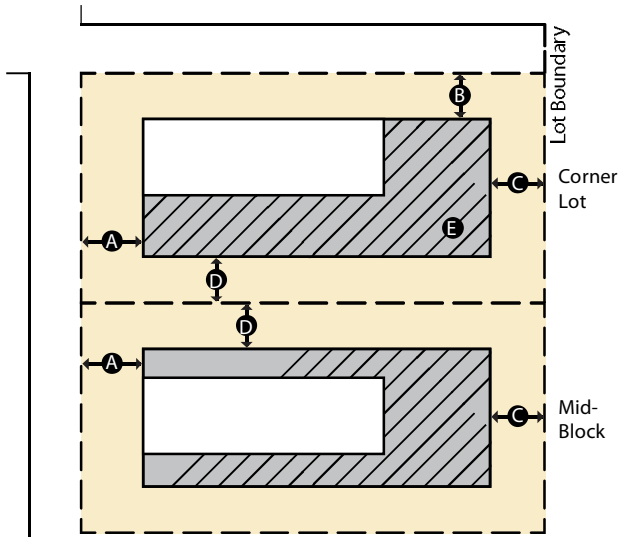


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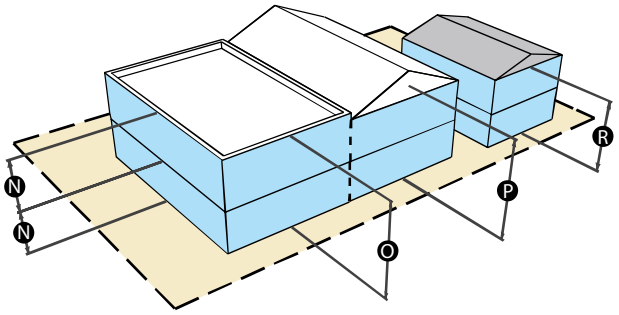
FIGURE 3 - BUILDING HEIGHT

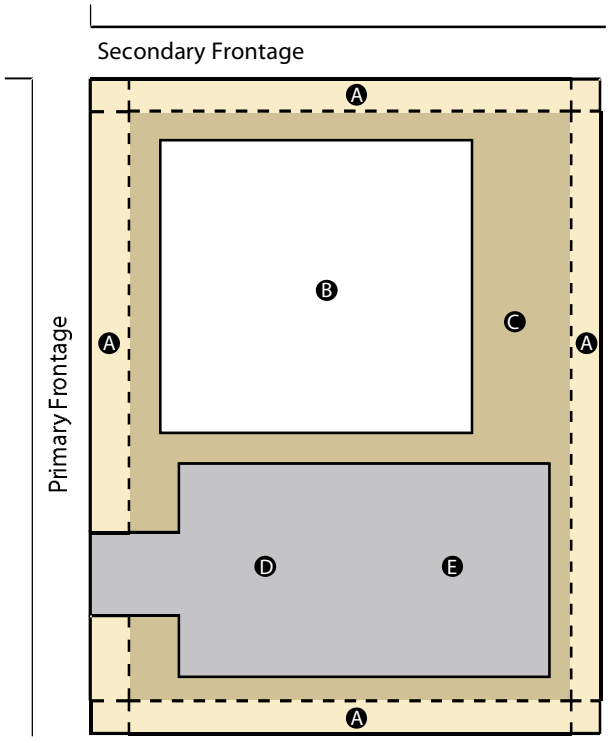


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
N. Stories	2 max
O. Flat Roof - Max. Height	35 feet measured to the top of the roof coping
P. Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof
R. Accessory Bldg. - Stories	Not to exceed 2 stories, 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

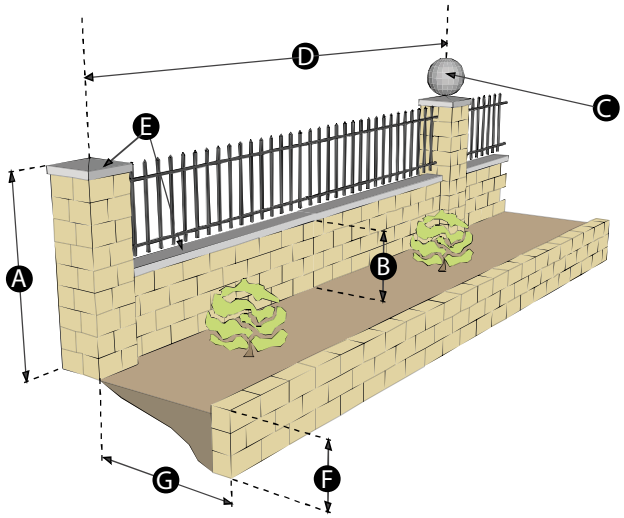
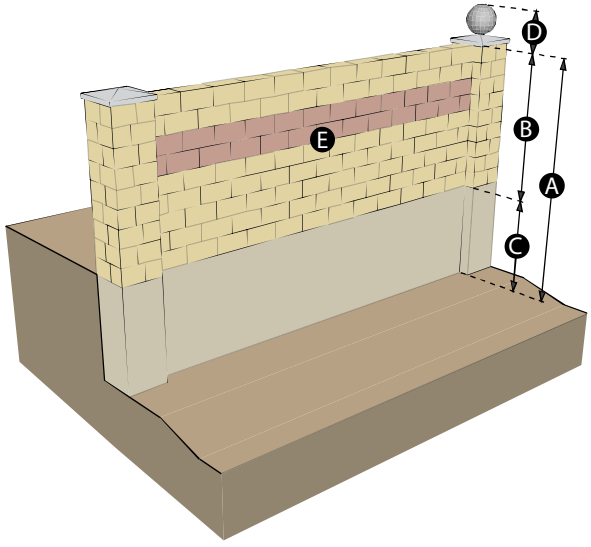


FIGURE 6 - RETAINING AND PERIMETER WALL



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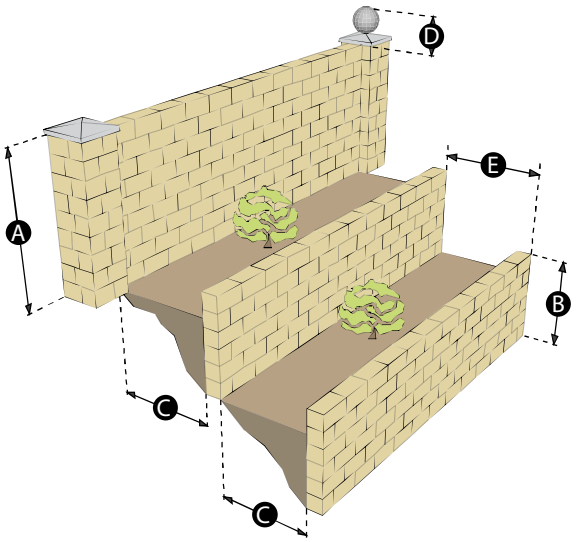
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

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.

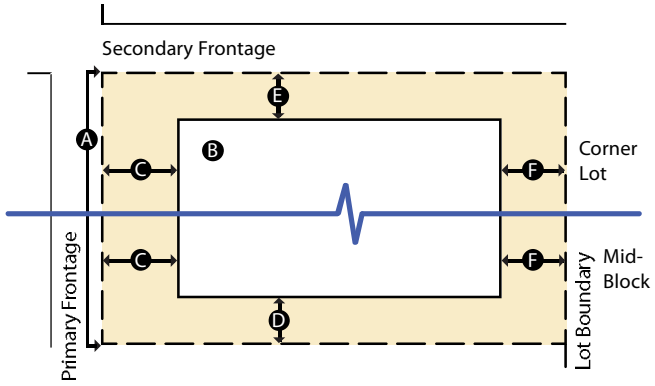
BUILDING PLACEMENT (see Figure 1)		TABLE 1
A.	Minimum Lot Width	100 feet
B.	Max. Lot Coverage	50% [1, 2]
C.	Minimum Front Yard Setback	10 feet
D.	Minimum Side Yard Setback	10 feet
E.	Minimum Corner Side Yard Setback	10 feet
F.	Minimum Rear Yard Setback	20 feet [3]

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).*

Illustrations & Graphics **C-1 19.08.070**

FIGURE 1 - BUILDING PLACEMENT



Illustrations & Graphics

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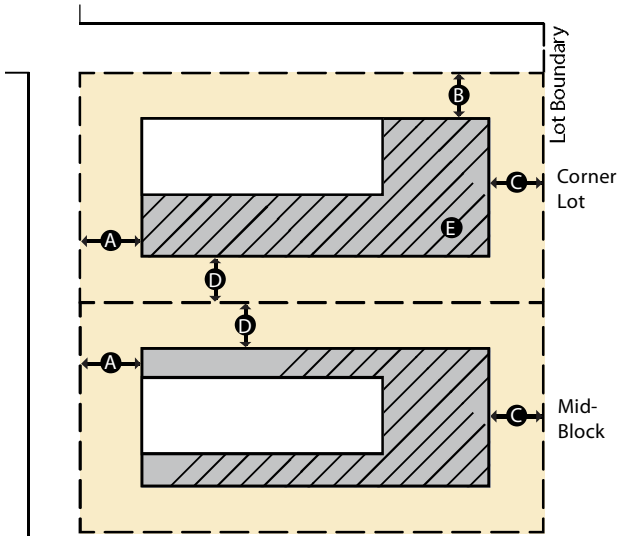
19.08.070

FIGURE 2 - ACCESSORY STRUCTURES

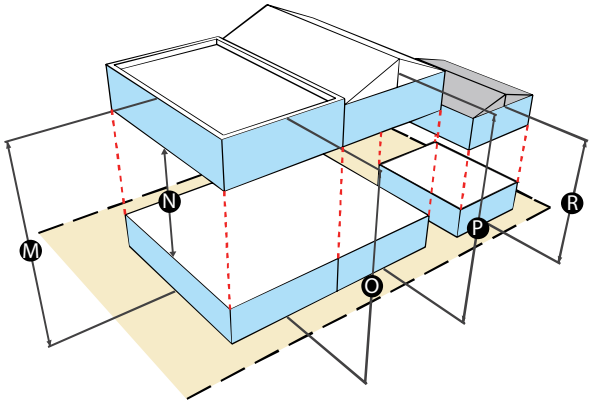


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

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

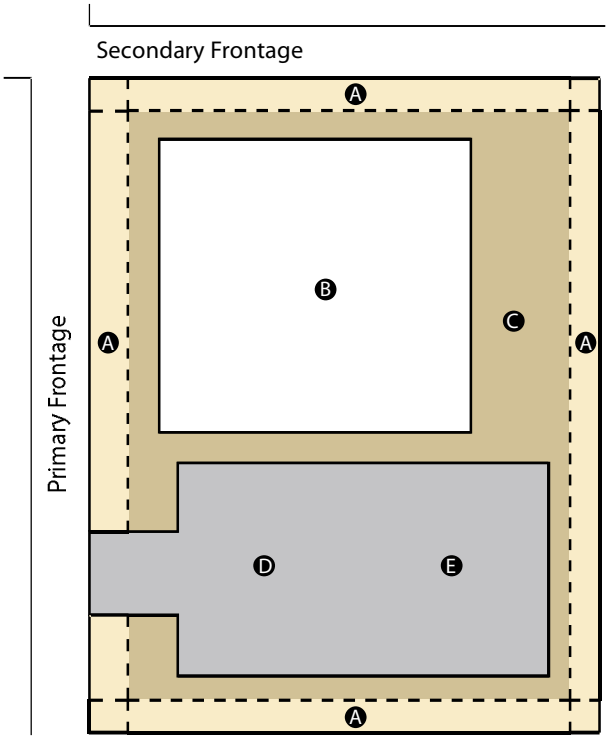
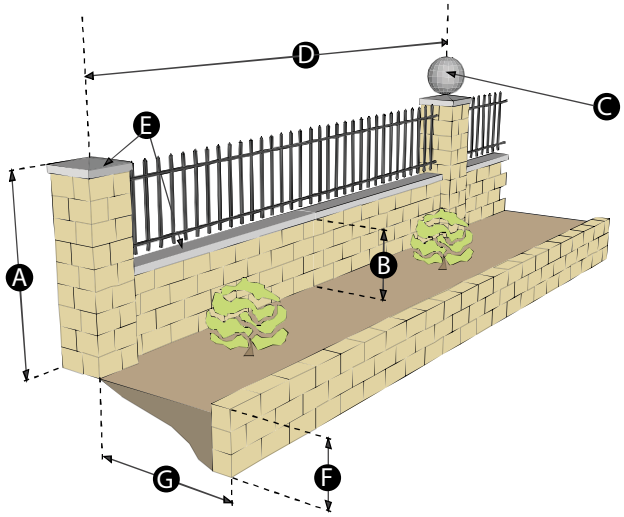


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



Illustrations & Graphics

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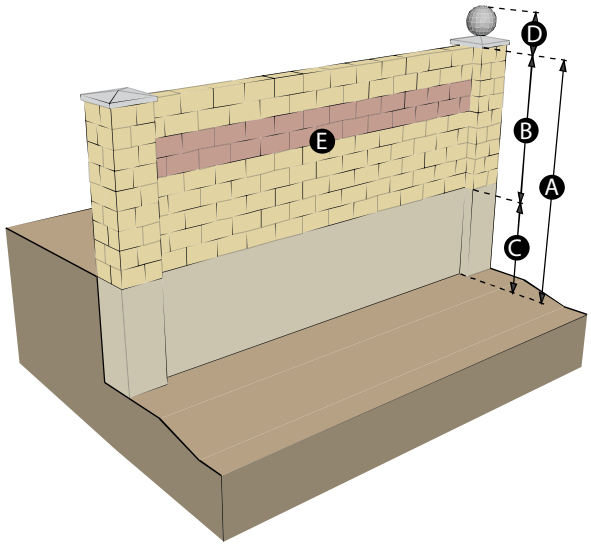
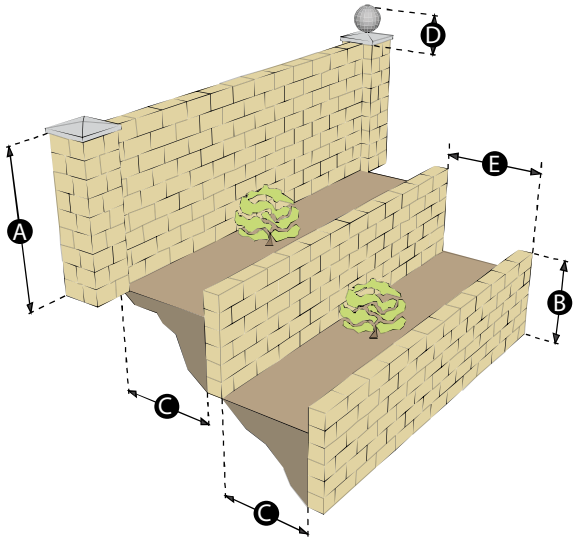
19.08.070

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]

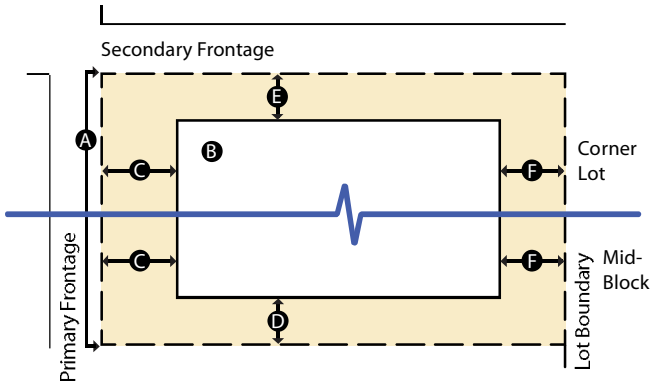
Footnotes:

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).*

Illustrations & Graphics **C-2** **19.08.080**

FIGURE 1 - BUILDING PLACEMENT



Illustrations & Graphics

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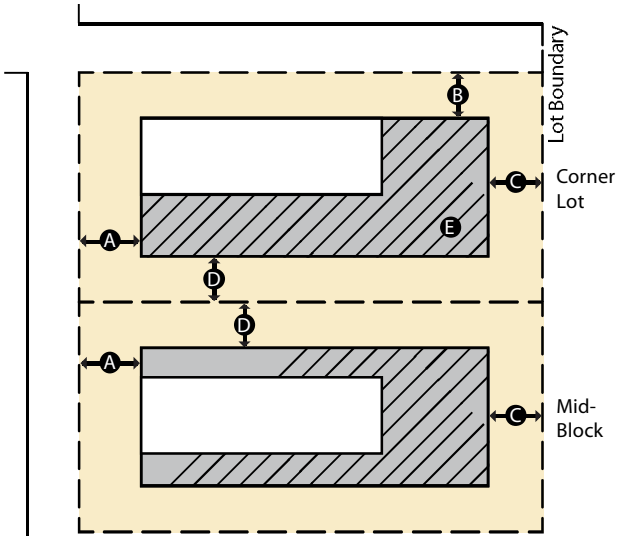
19.08.080

FIGURE 2 - ACCESSORY STRUCTURES

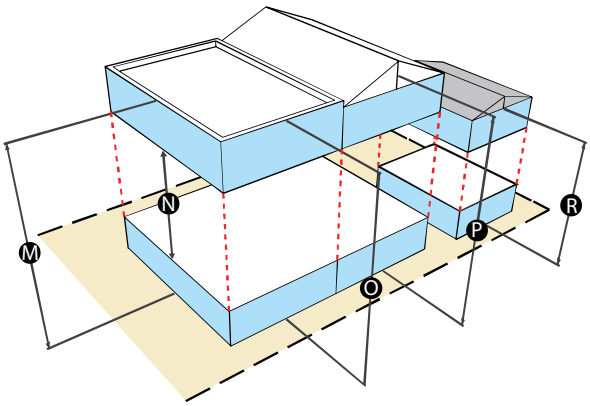


ACCESSORY STRUCTURES (see Figure 2)		TABLE 2
A.	Minimum Front Yard Setback	20 feet
B.	Minimum Corner Side Yard Setback	15 feet
C.	Minimum Rear Yard Setback	8 feet
D.	Minimum Side Yard Setback	5 feet
E.	Size and Coverage	Not to exceed the aggregate floor area of the principal structure [1]

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

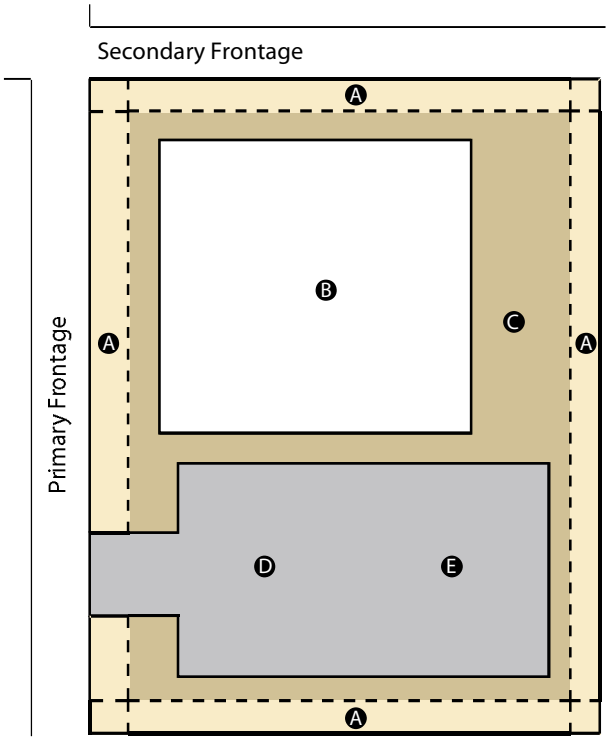
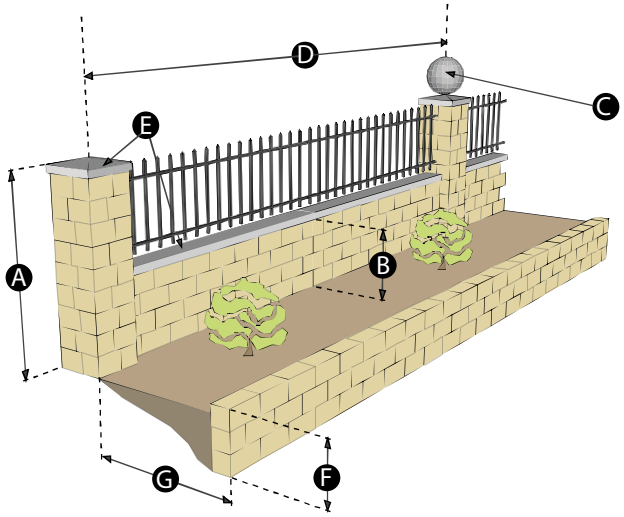


FIGURE 5 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK



Illustrations & Graphics

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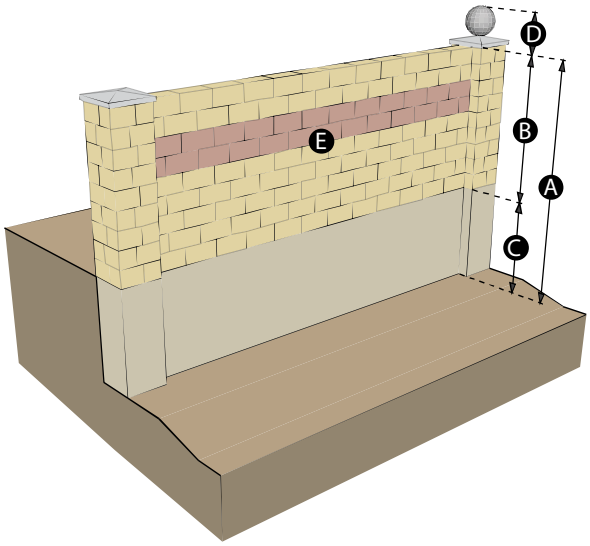
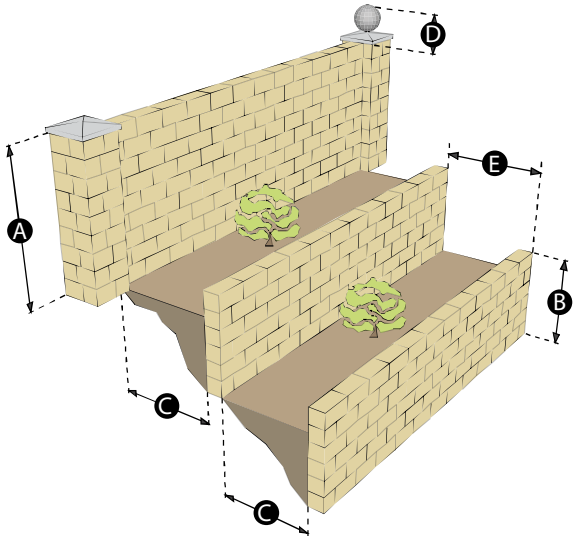
19.08.080

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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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

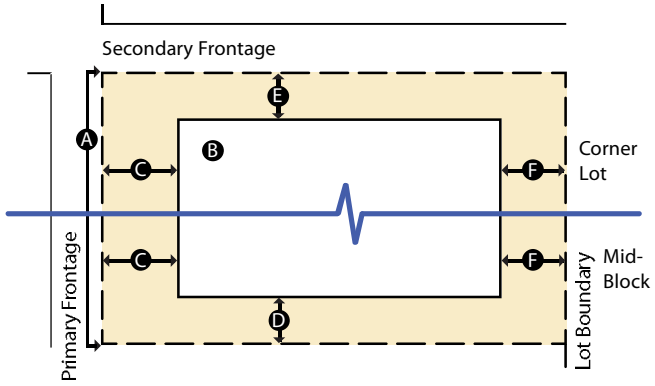
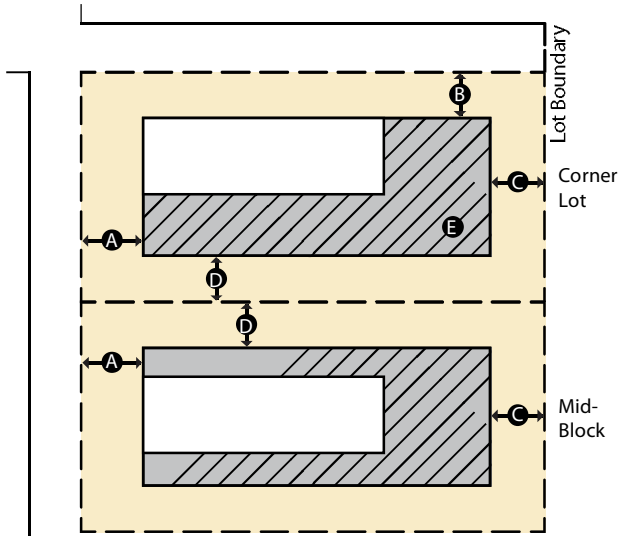


FIGURE 2 - ACCESSORY STRUCTURES



Illustrations & Graphics

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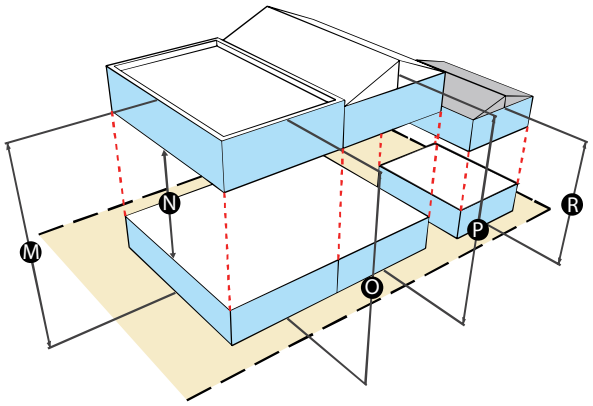
FIGURE 3 - BUILDING HEIGHT

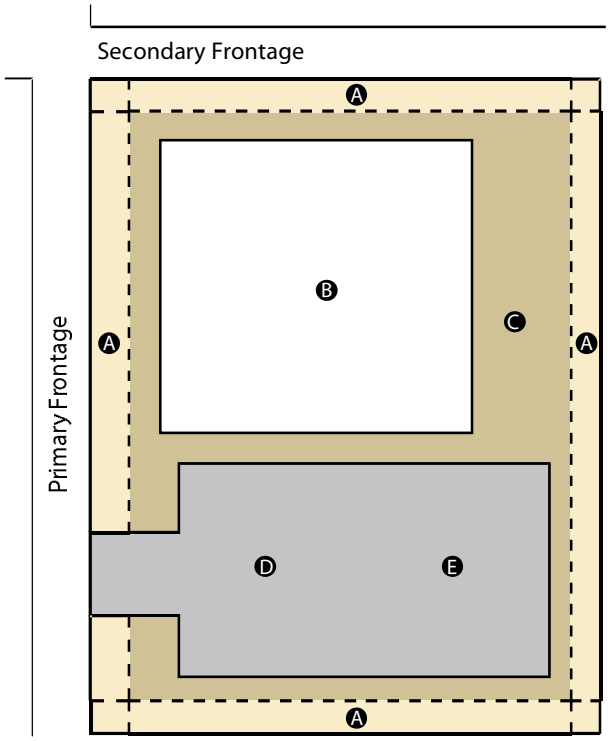


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
M. Stories	NA
N. Floors	NA
O. Flat Roof - Max. Height	NA
P. Pitched Roof - Max. Height	NA
R. Accessory Bldg. - Stories	Not to exceed the height of the principal structure

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

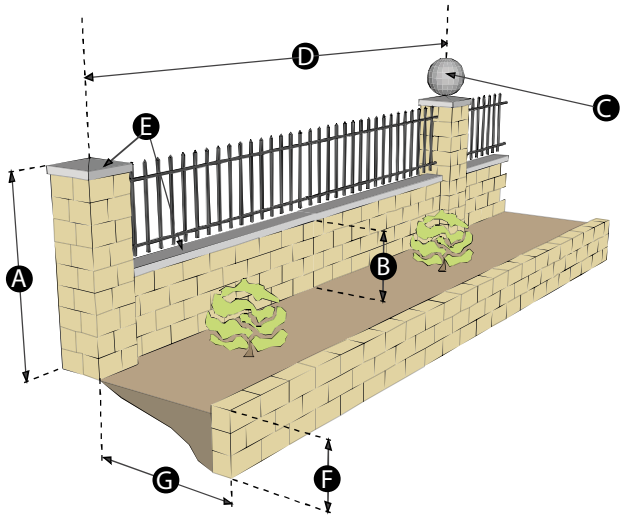
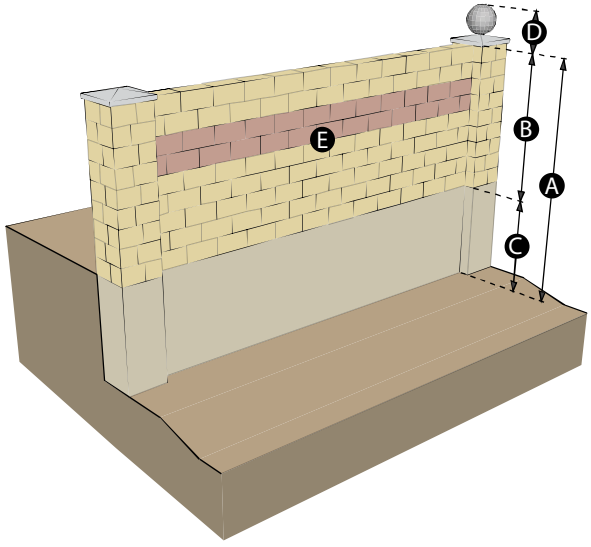


FIGURE 6 - RETAINING AND PERIMETER WALL



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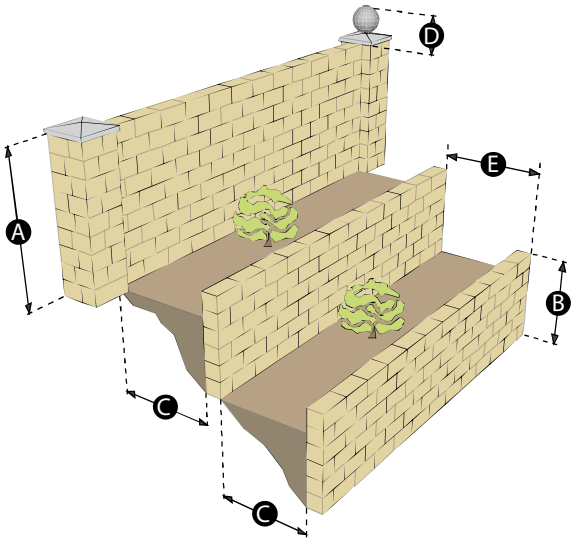
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

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

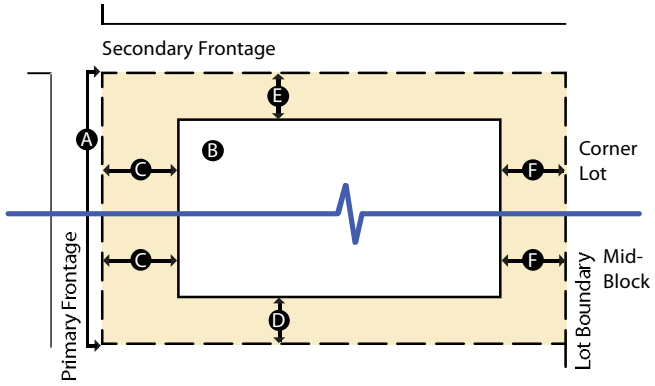

FIGURE 2 - ACCESSORY STRUCTURES

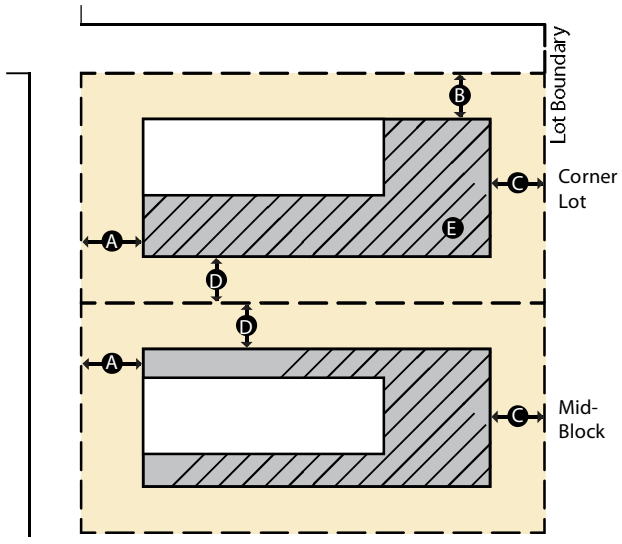

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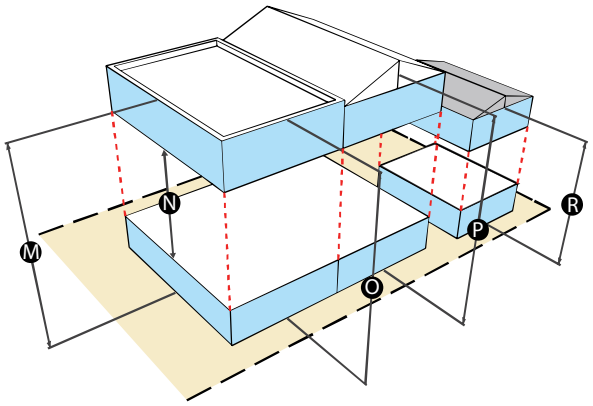
FIGURE 3 - BUILDING HEIGHT

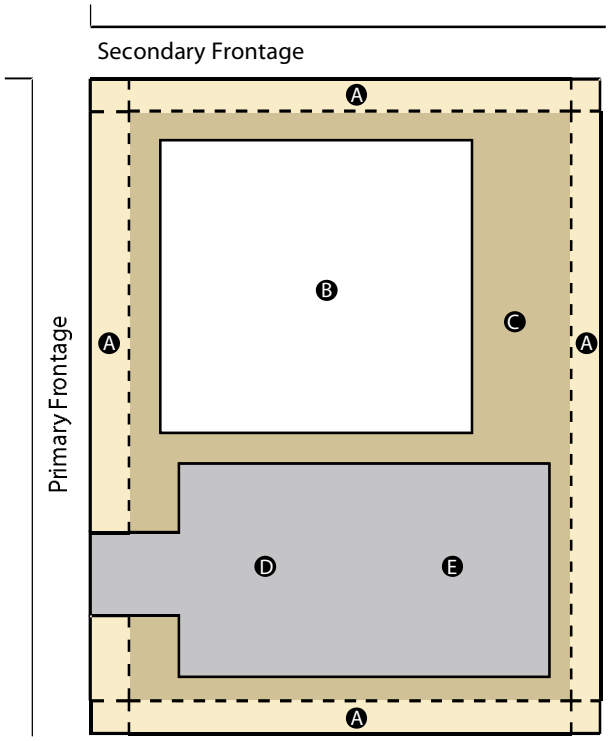


BUILDING HEIGHT [1] (see Figure 3)	TABLE 3
M. Stories	NA
N. Floors	NA
O. Flat Roof - Max. Height	NA
P. Pitched Roof - Max. Height	NA
R. Accessory Bldg. - Stories	Not to exceed the height of the principal structure

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

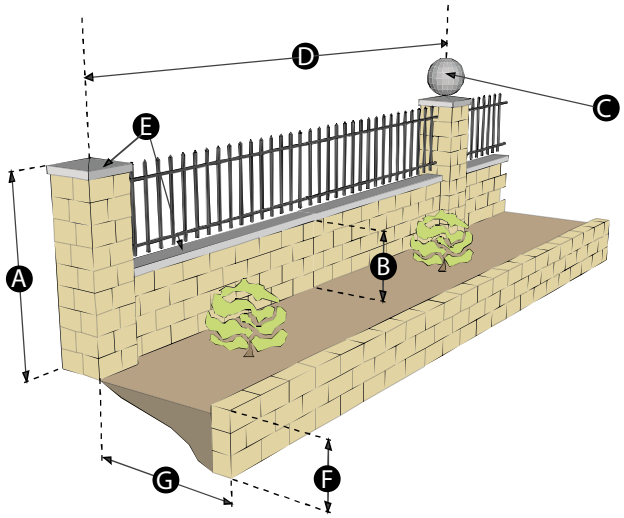
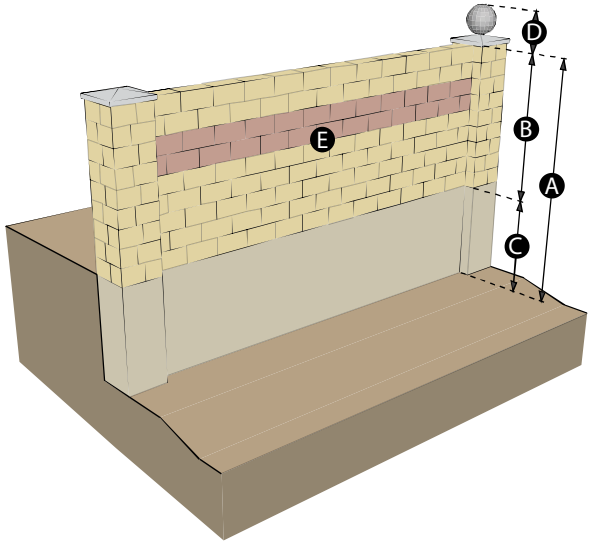


FIGURE 6 - RETAINING AND PERIMETER WALL



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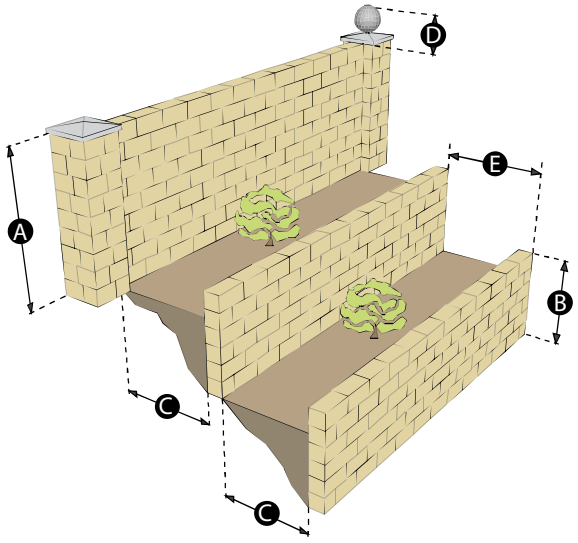
C.	Maximum Retaining Wall Height	6 feet
D.	Maximum Pilaster Height	18 inches
E.	Contrasting Material	20%

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

19.08.110

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.

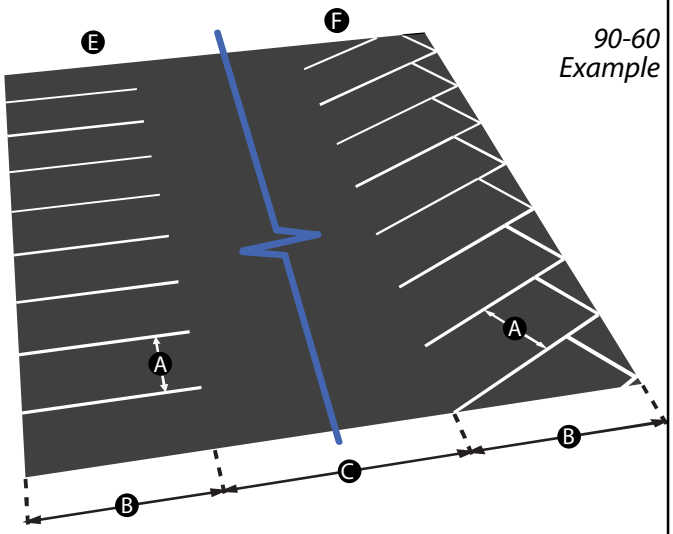
   b. Parking spaces for any use shall be placed in a location to facilitate use of the parking facility.

Illustrations & Graphics

Parking 19.08.110

FIGURE 1 - ANGLE PARKING DIMENSIONS

90-60 Example



0/Parallel Example

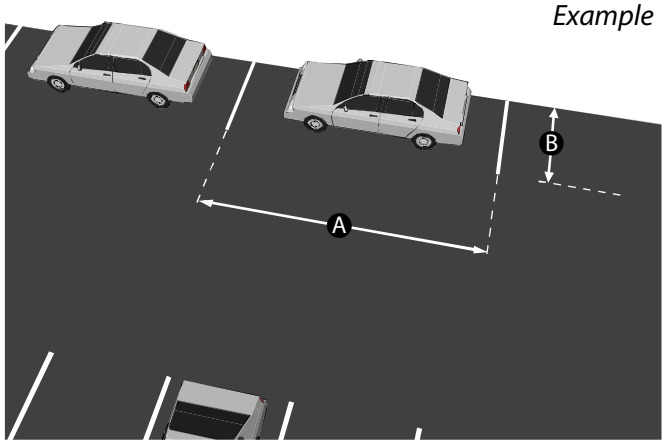
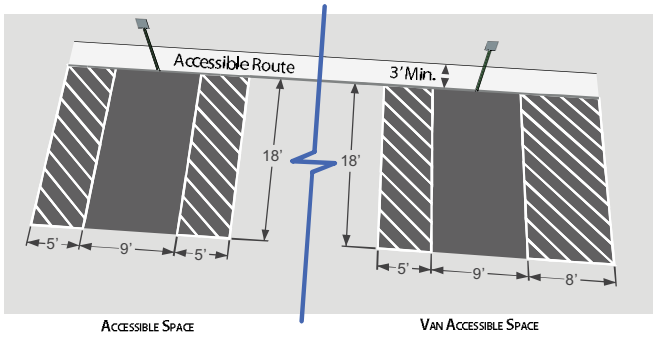


FIGURE 2 - HANDICAPPED PARKING DIMENSIONS



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



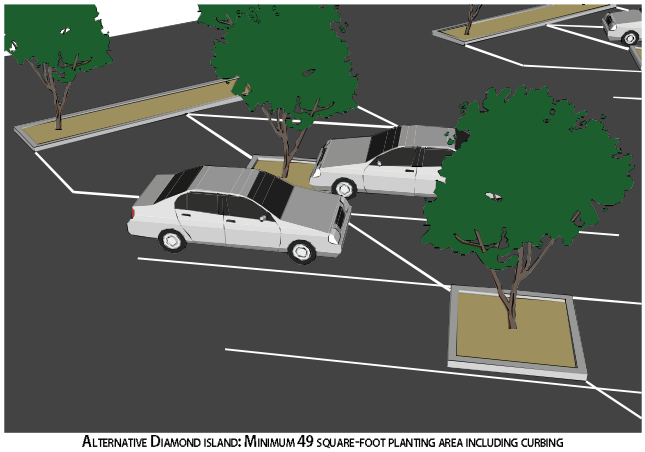
STANDARD PARALLEL ISLAND: MINIMUM 5-FOOT PLANTING WIDTH INSIDE OF CURBING AND RUNS THE LENGTH OF THE ADJACENT PARKING SPACES

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

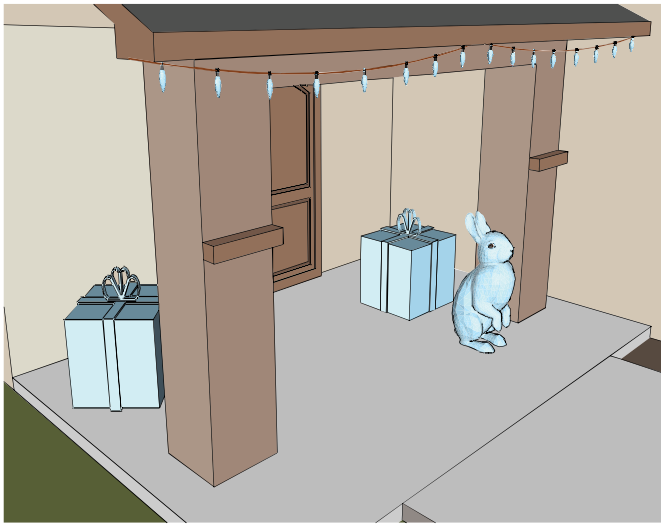
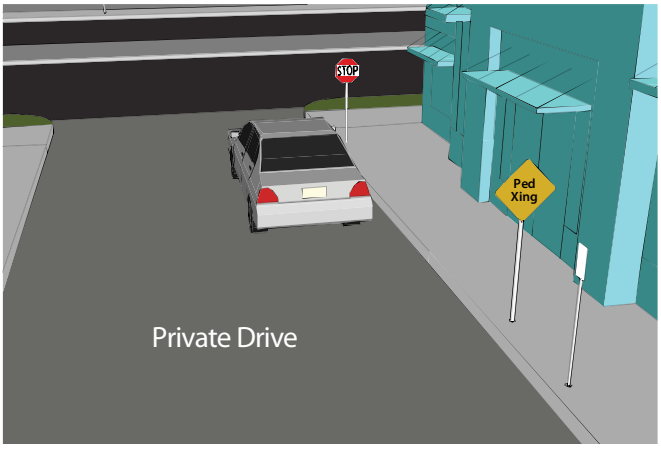


FIGURE 2 - TRAFFIC CONTROL SIGNS ON PRIVATE PROPERTY



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)

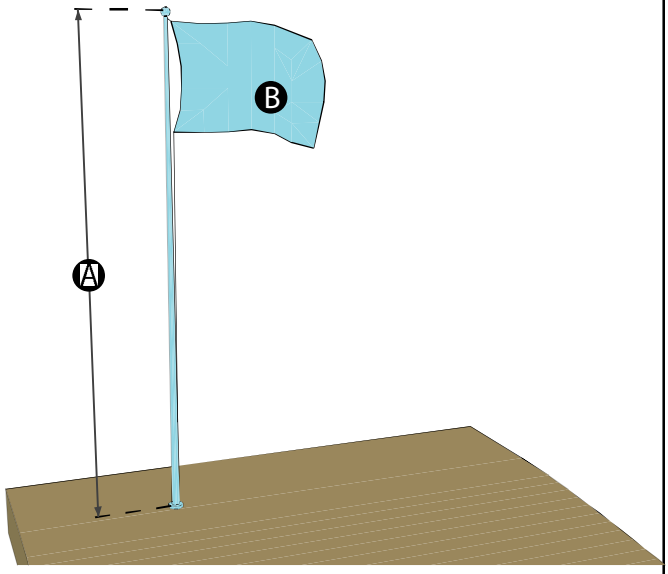
Official flags of private corporations or other private entities are permitted at the location of the main headquarters, corporate offices or branch office of the subject entity provided that:

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.

FIGURE 3 - OFFICIAL FLAGS



Illustrations & Graphics

Garage or Yard Sale Signs
19.08.120(F)(5)

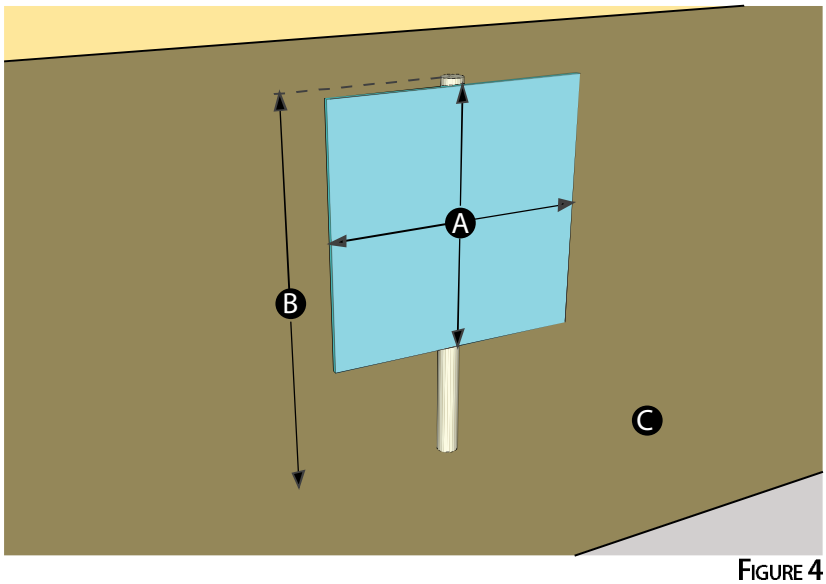


FIGURE 4

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)

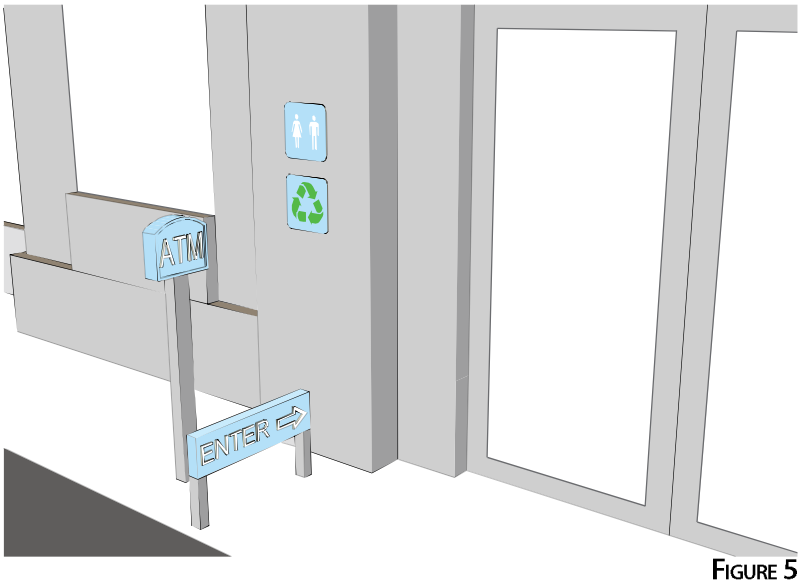


FIGURE 5

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)

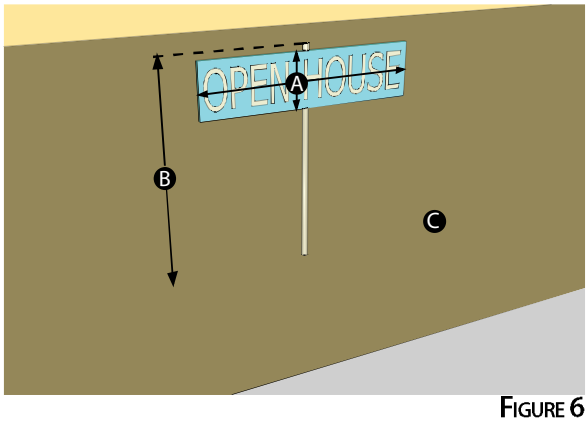


FIGURE 6

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)

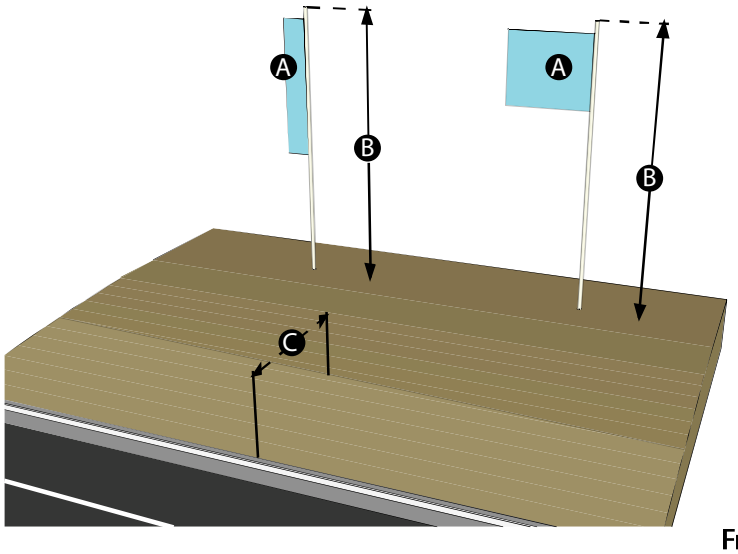


FIGURE 7

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)

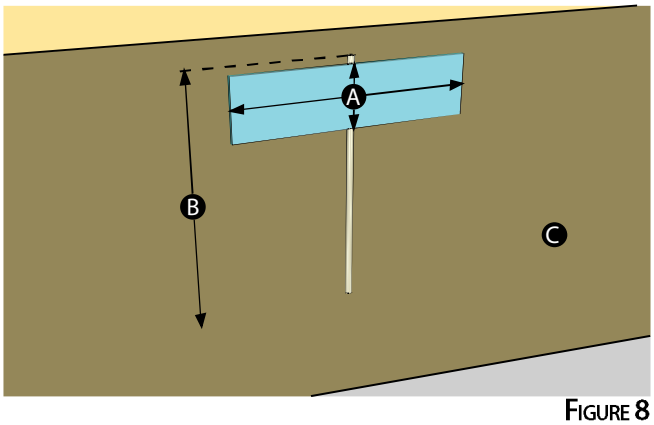


FIGURE 8

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)

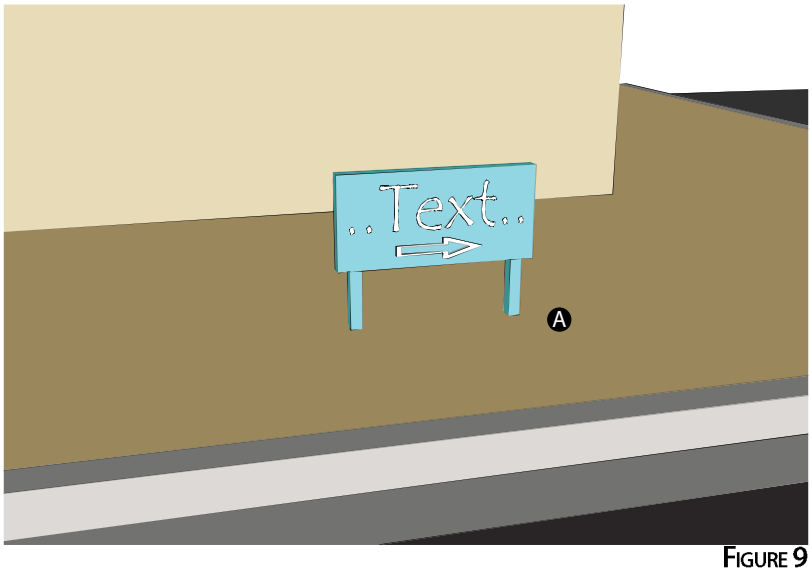


FIGURE 9

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)

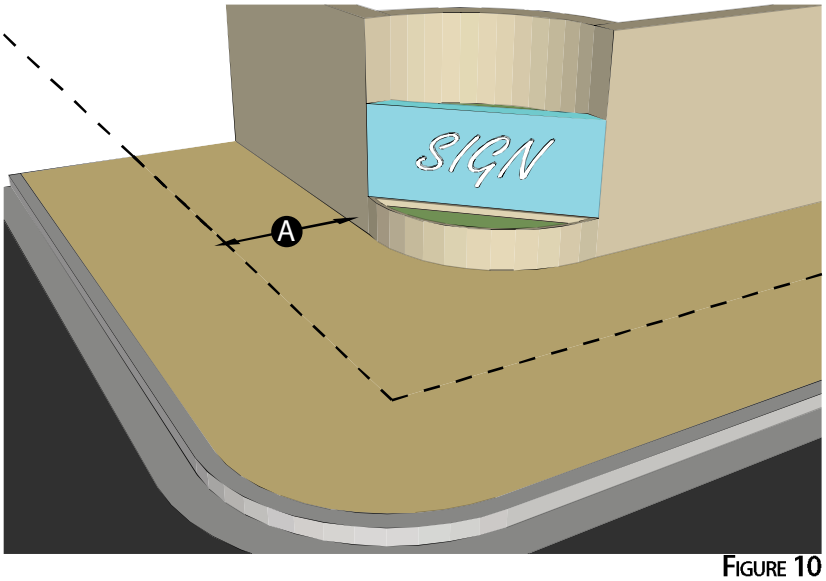


FIGURE 10

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)

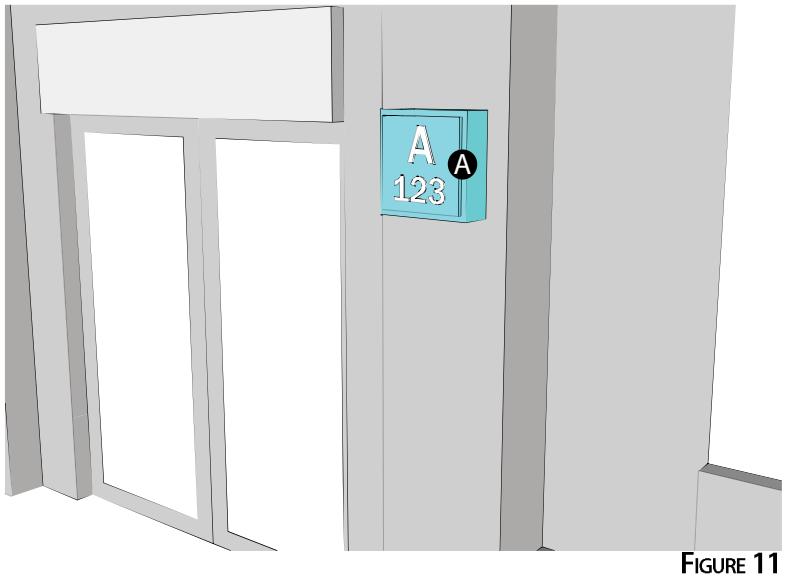


FIGURE 11

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)

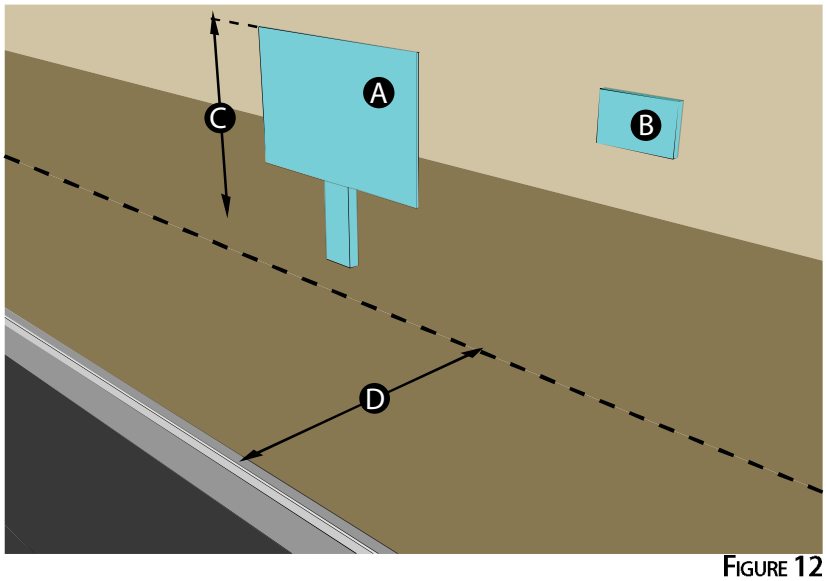


FIGURE 12

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)

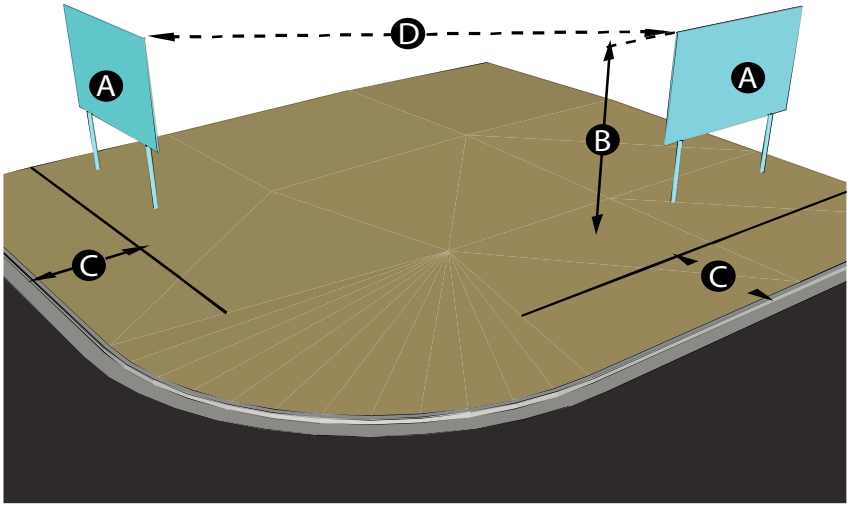


FIGURE 15

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)

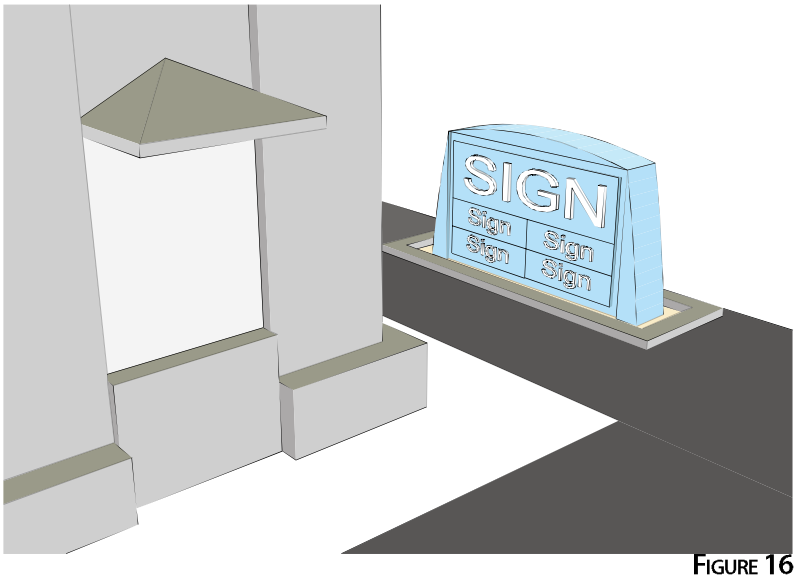


FIGURE 16

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)

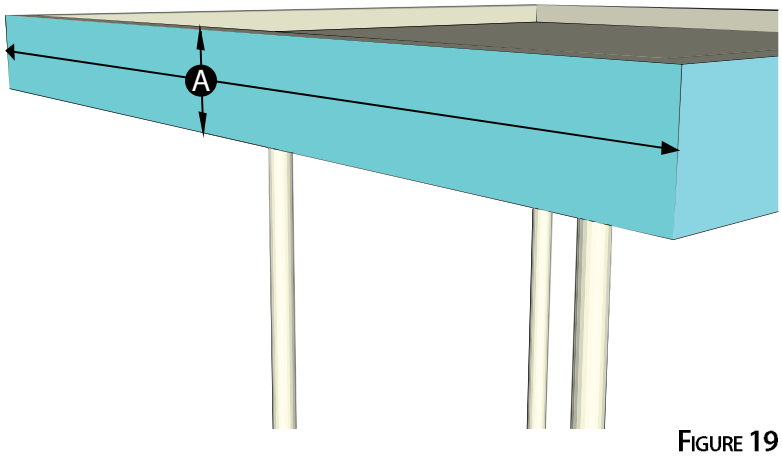


FIGURE 19

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)

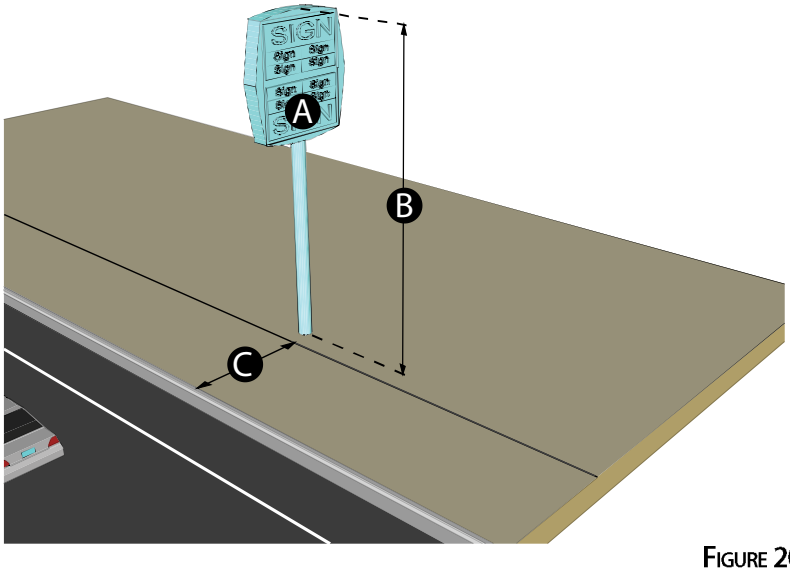


FIGURE 20

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)

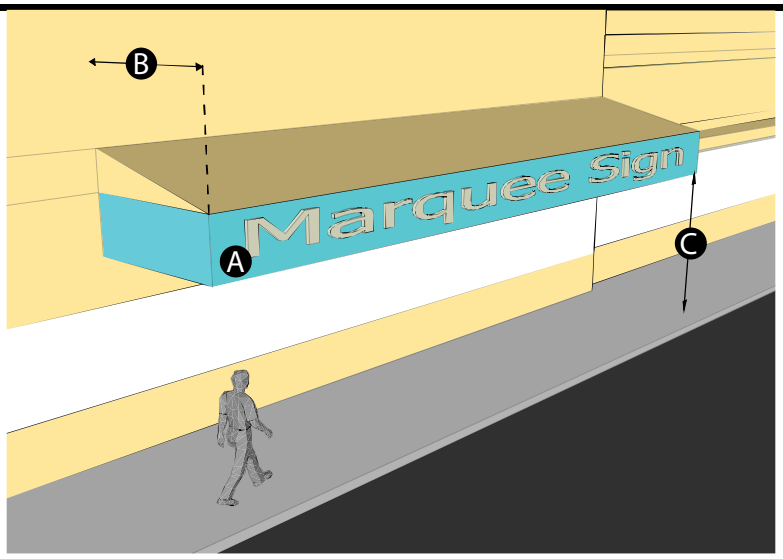


FIGURE 21

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)

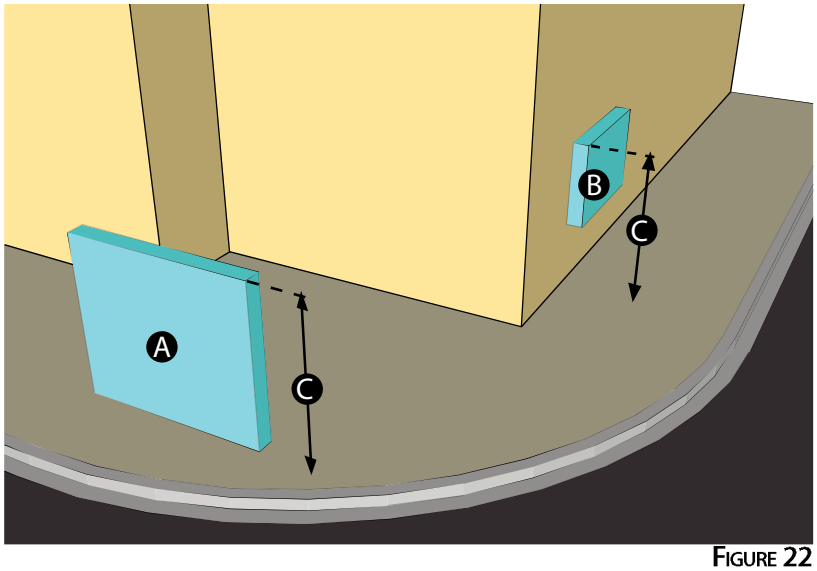


FIGURE 22

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)

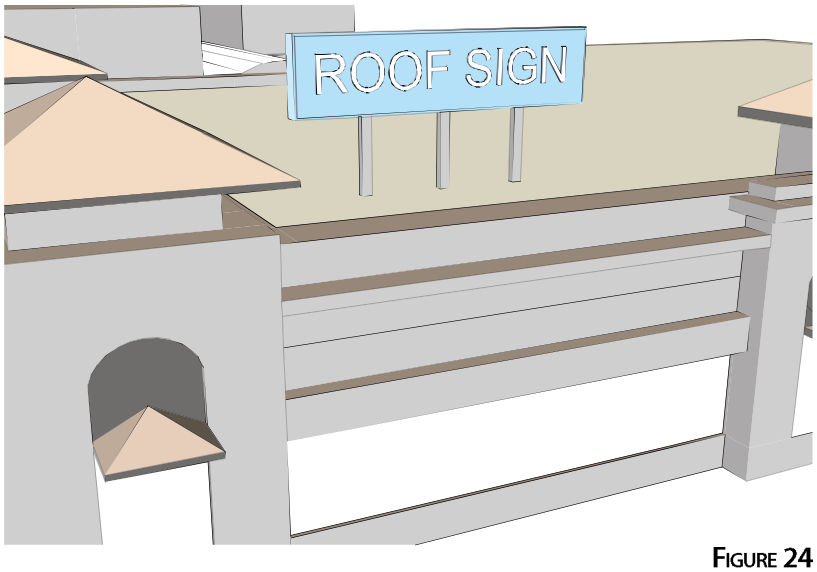


FIGURE 24

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

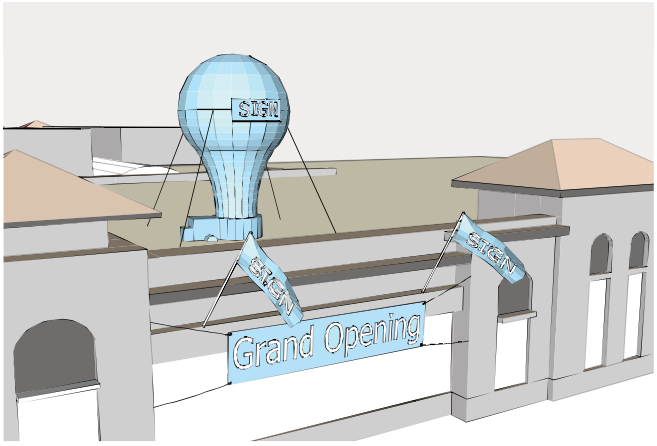
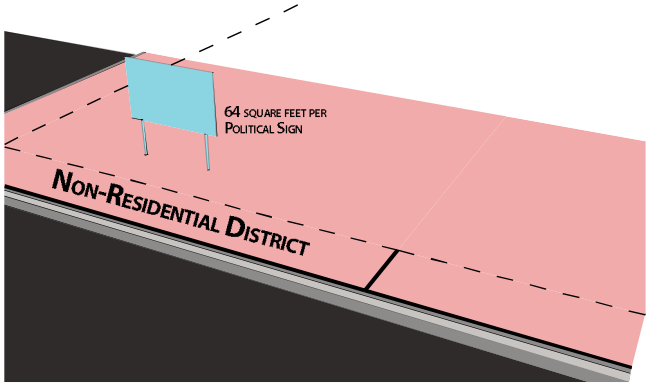


FIGURE 27 - POLITICAL SIGNS



Illustrations & Graphics 19.08.120(G)

FIGURE 27 - CONSTRUCTION SIGNS

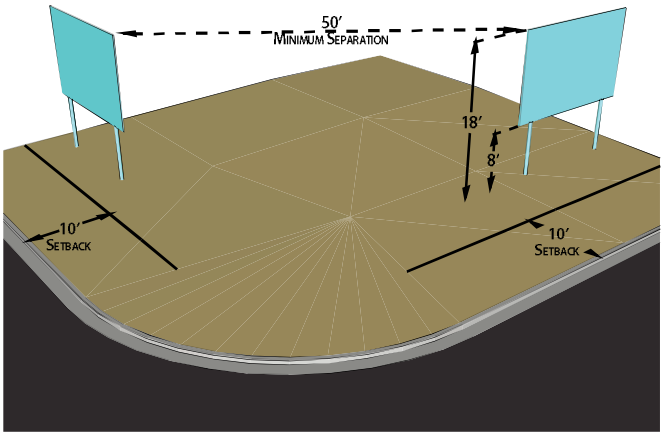
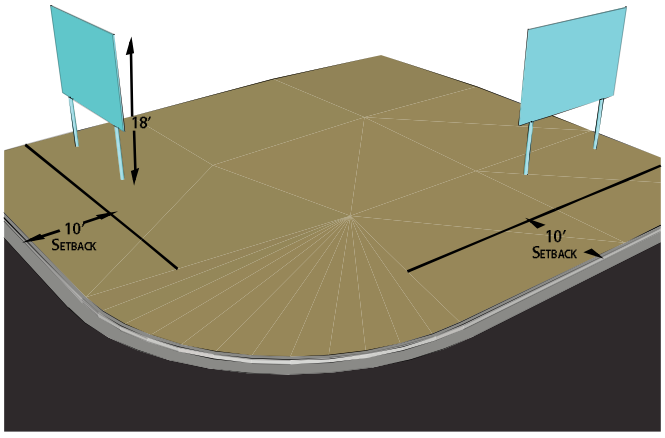


FIGURE 28 - REAL ESTATE SIGNS ADVERTISING COMMERCIAL PROPERTY



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

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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.

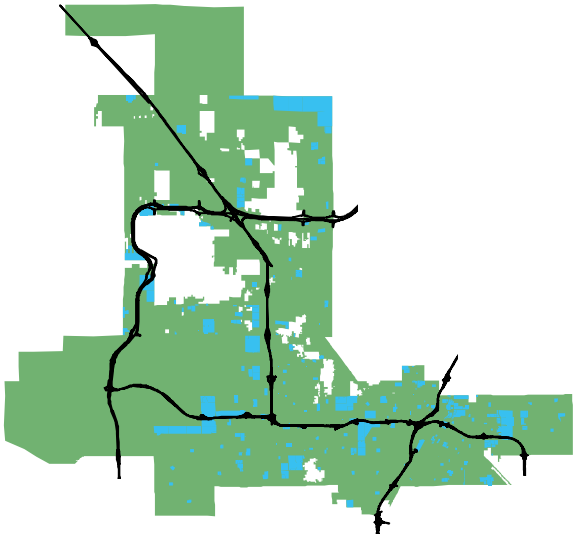
D. Buildings and Plazas

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

Illustrations & Graphics

C-V 19.10.020

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

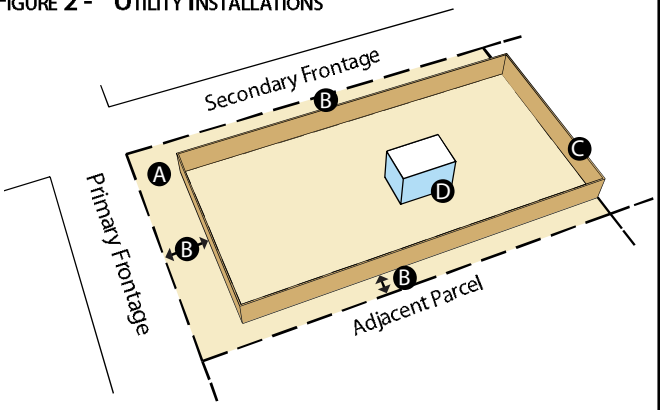
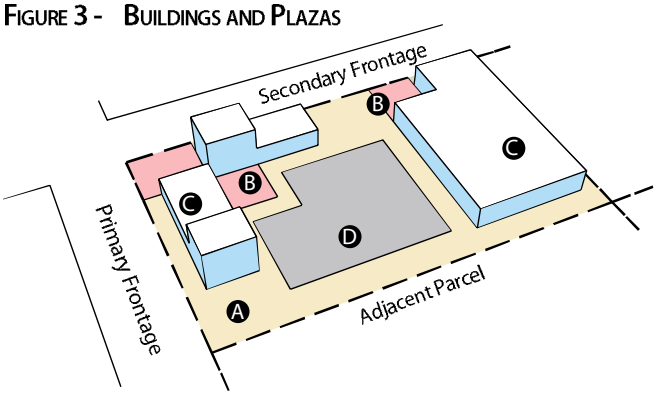


FIGURE 3 - BUILDINGS AND PLAZAS



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;

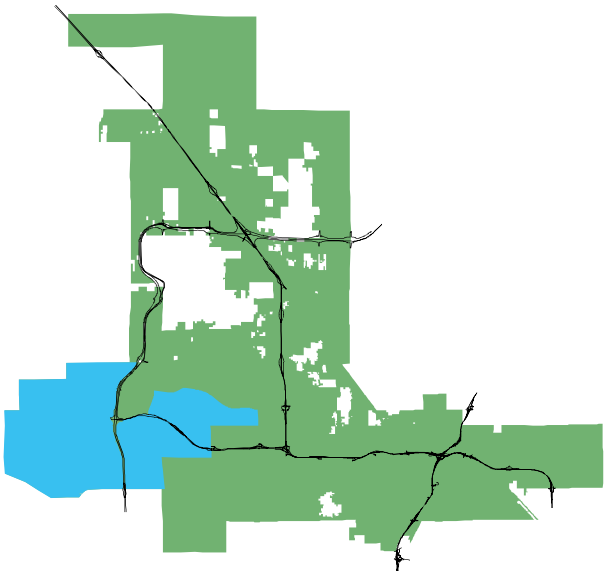
d. Providing for cultural, educational, medical, religious and recreational facilities;

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.

Illustrations & Graphics **P-C 19.10.030**

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.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19.10.040

PD PLANNED DEVELOPMENT DISTRICT

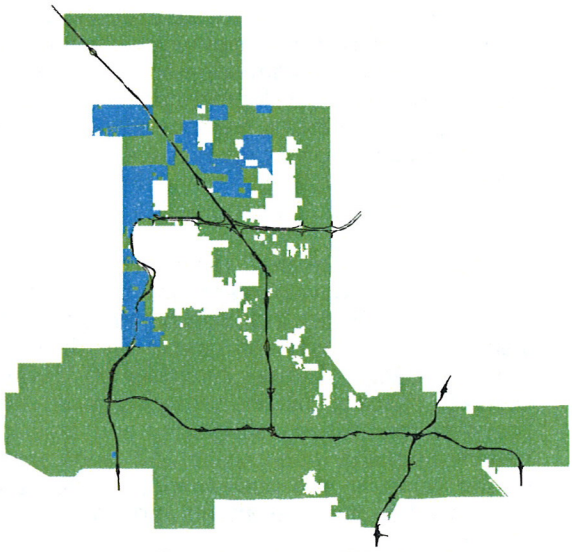
A. Intent of District

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 forty acres.

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.

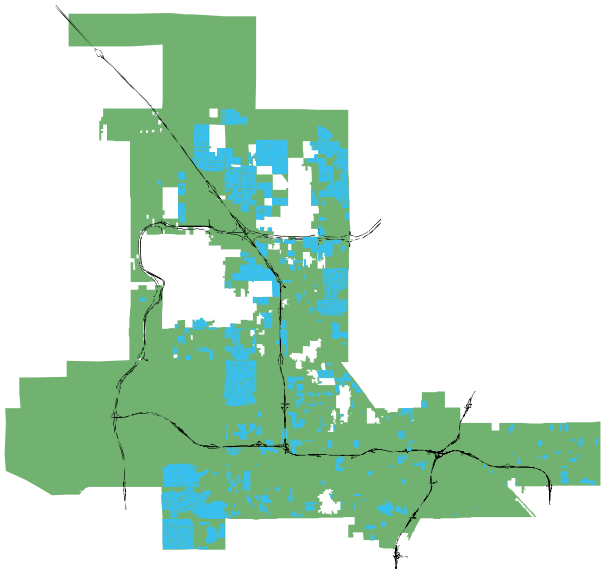
2. With regard to any issue of development standards that may arise in connection with a Residential Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Site Development Plan Review for that District, the Director may apply by analogy 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

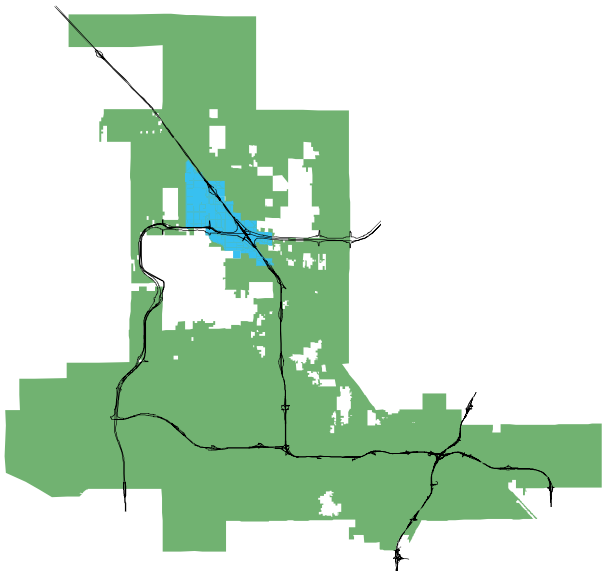
   f. Providing for adequate, well-located and well-designed open space and community facilities.

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**

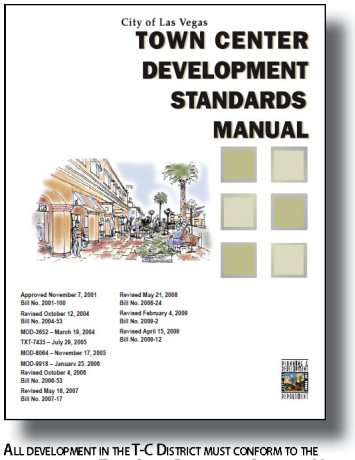
FIGURE 1 - TOWN CENTER DISTRICT MAP



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.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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;

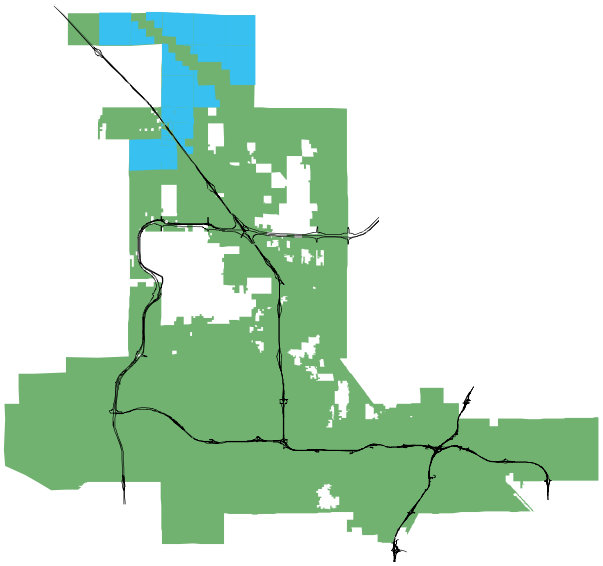
   e. Providing a strong relationship between buildings and street type, with emphasis on the pedestrian nature of the community, and de-emphasizing gated private streets and cul-de-sacs;

   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

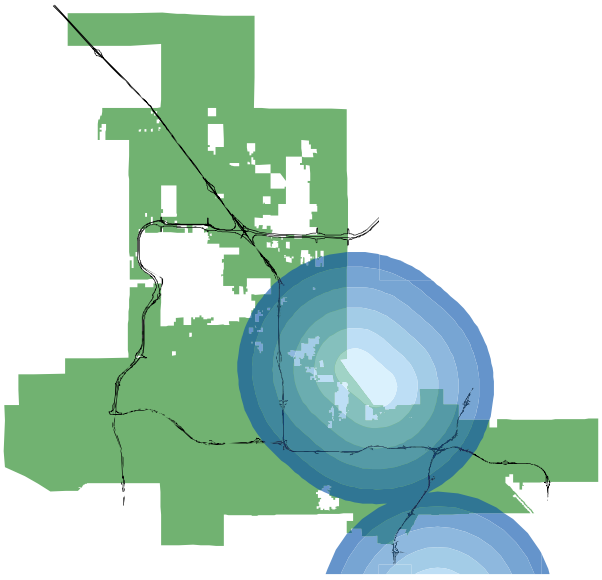
Except as otherwise provided in this Section, no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted herewith. All development within the airspace above the height 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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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;

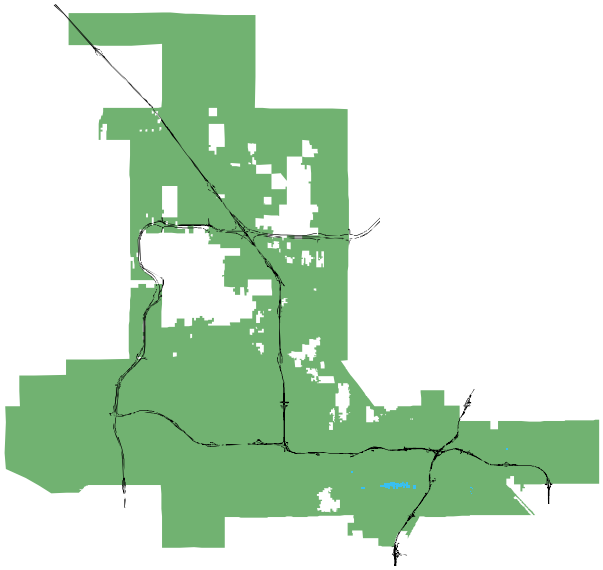
2. Two stories or thirty-five feet, whichever is less, for all other parcels.

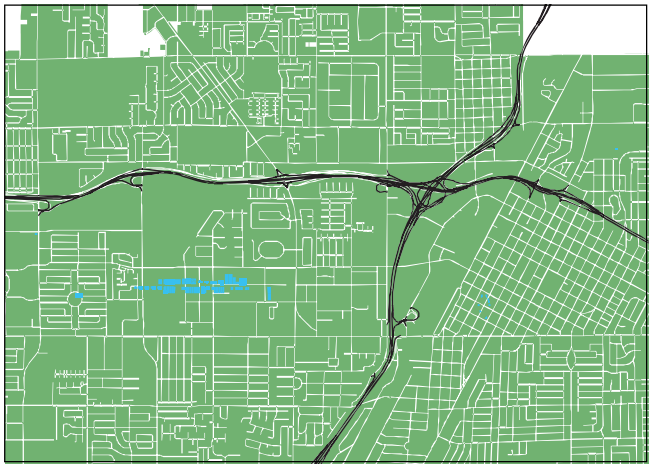
In addition to the standards listed above, lot coverage shall not exceed more than 30% and rear setbacks shall not be less than 25 feet.

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.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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:

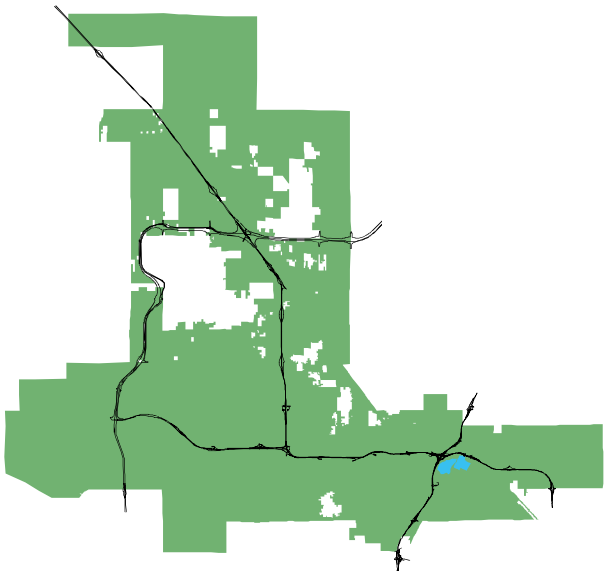
1. **Encourage displays of signage to enhance the District as a nationally recognized place** - Although Las Vegas is nationally and internationally renowned for its role as the world's gaming capital, possibly the most visible symbol of this role is the exuberant and abundant signage of its casinos and related businesses. The continued development of more and better signage will continue to enhance this role.

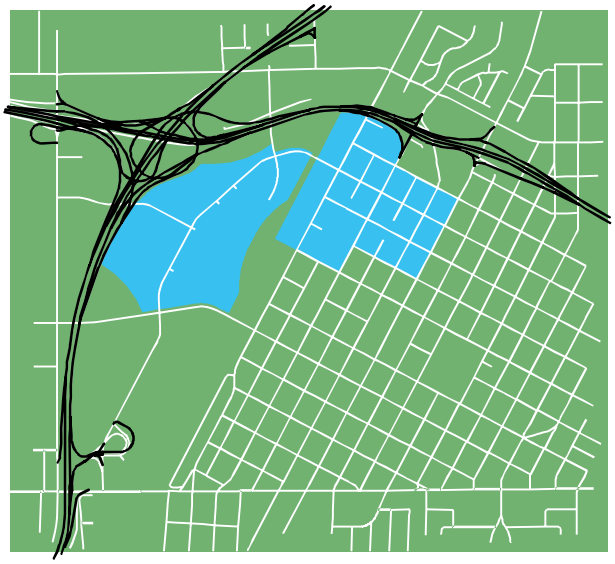
2. **Preserve the tradition of neon art made famous by the casinos of Fremont Street** - Of all the types of signage in Las Vegas, neon signage fixtures most prominently in the history of the City and generates the greatest affection of both visitors and local residents. It is important that not only 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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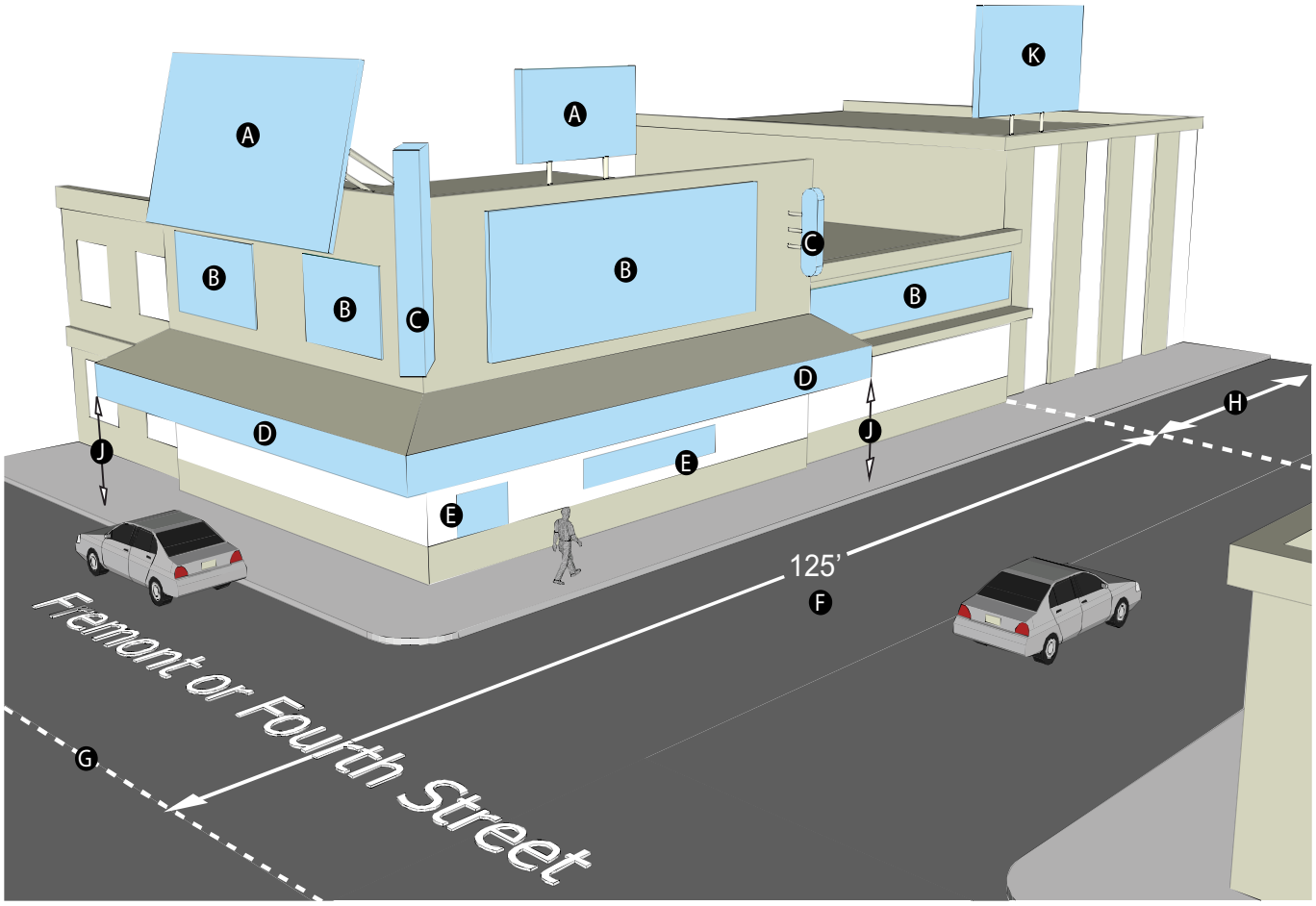

FIGURE 2

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.

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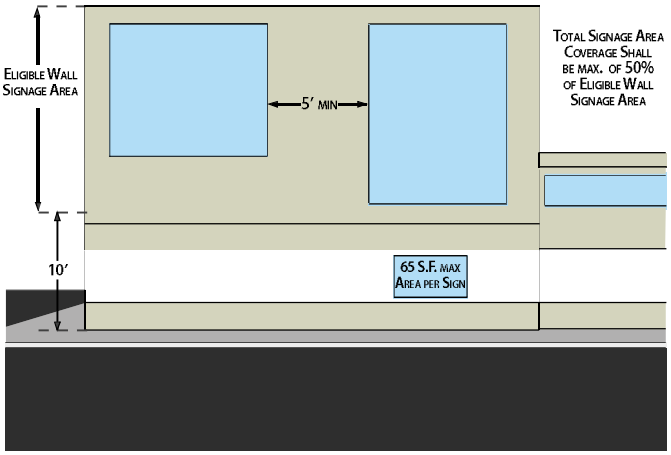
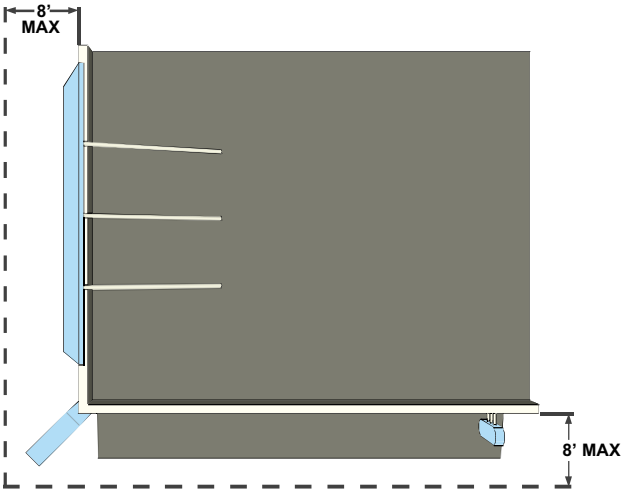
FIGURE 3 - MAXIMUM ELIGIBLE WALL COVERAGE



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-

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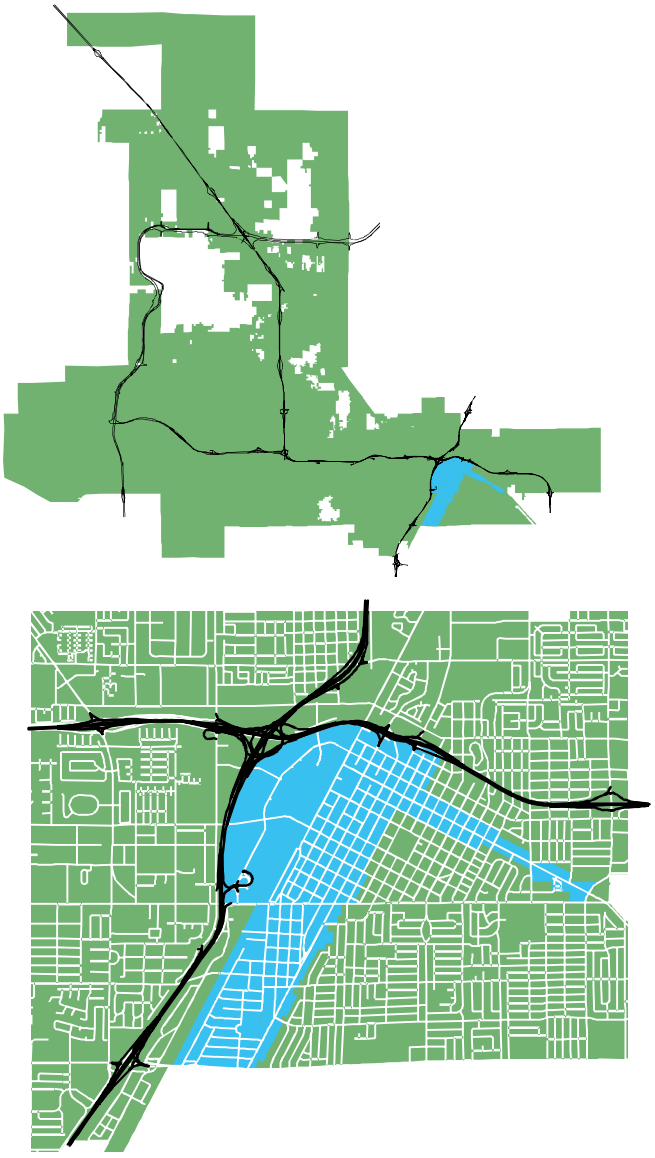
19.10.110

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.

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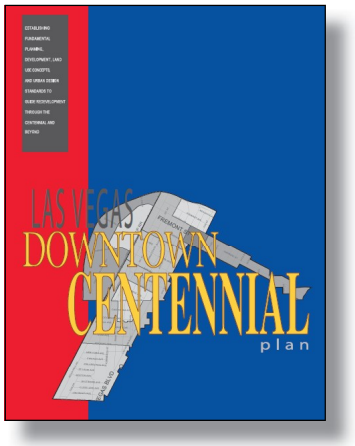
DCP-O
19.10.110

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.

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.

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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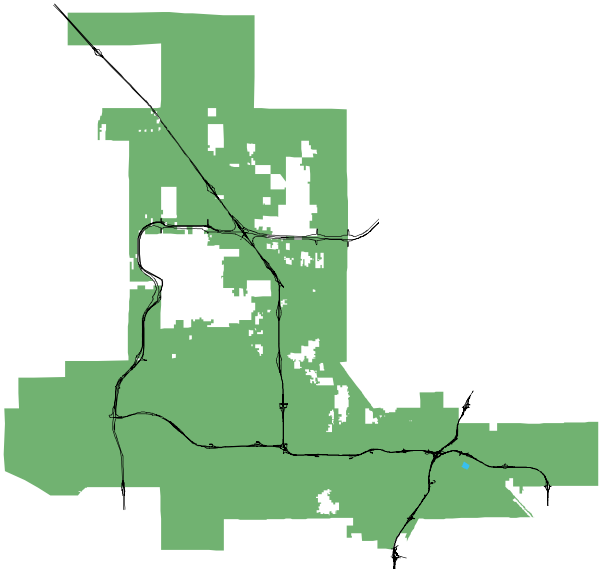
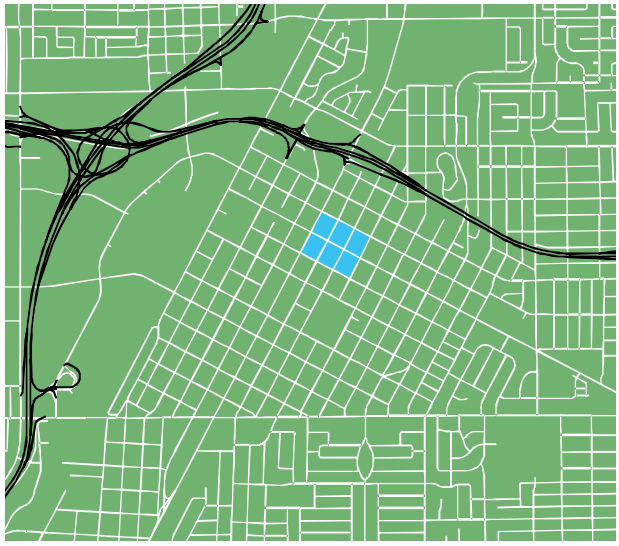
FIGURE 1 - DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT MAPS





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.

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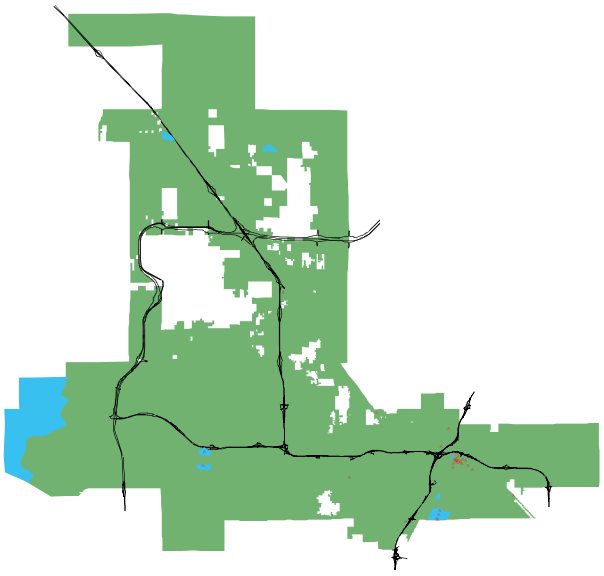
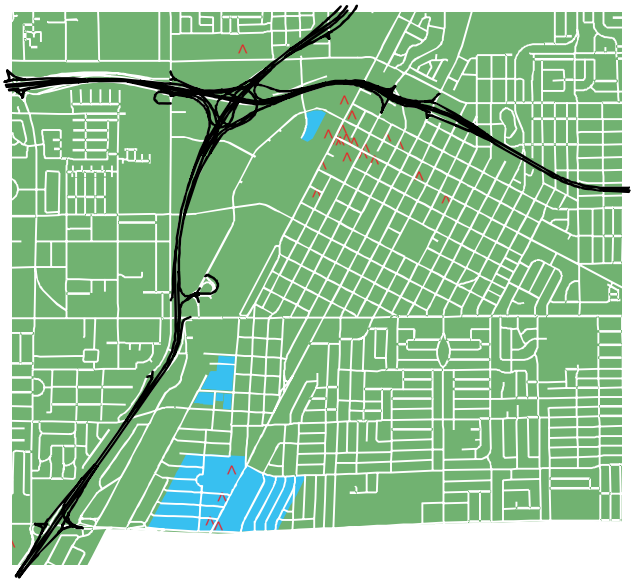
FIGURE 1 - GAMING ENTERPRISE OVERLAY DISTRICT MAPS





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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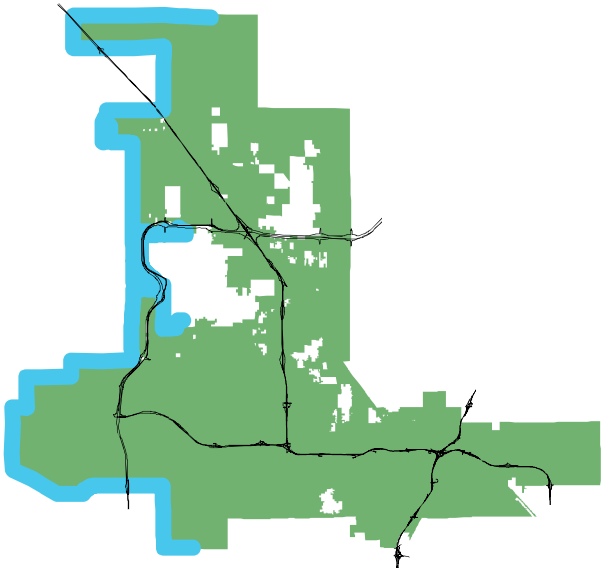
FIGURE 1 - HILLSIDE DEVELOPMENT DISTRICT MAP



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

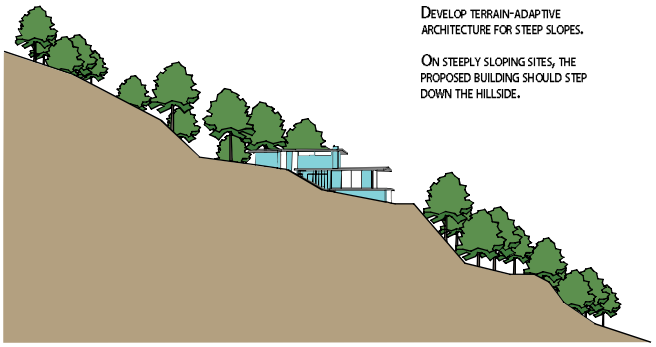
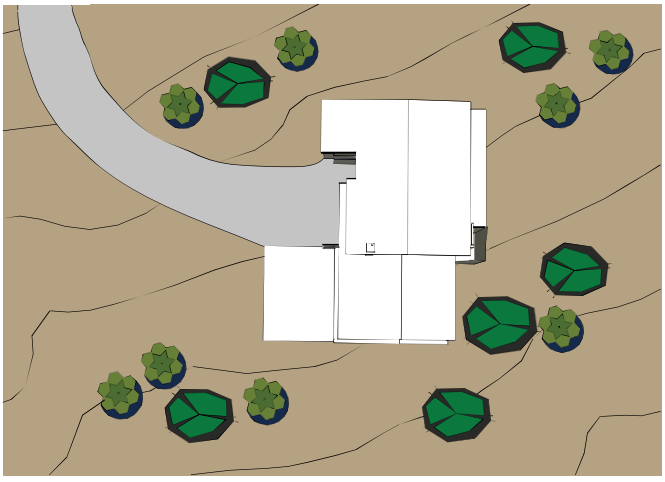


FIGURE 3 - SITE DESIGN - VEHICULAR ACCESS



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

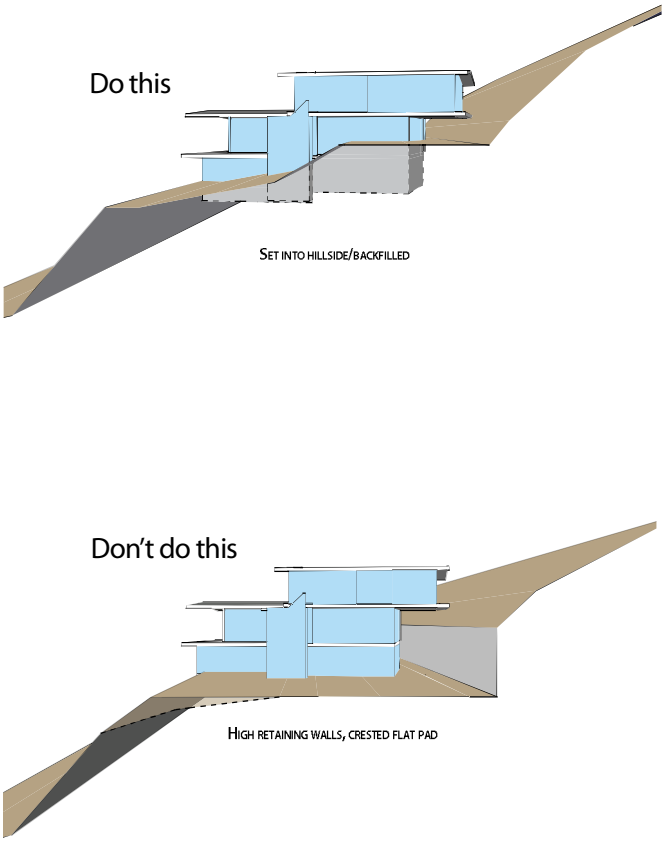


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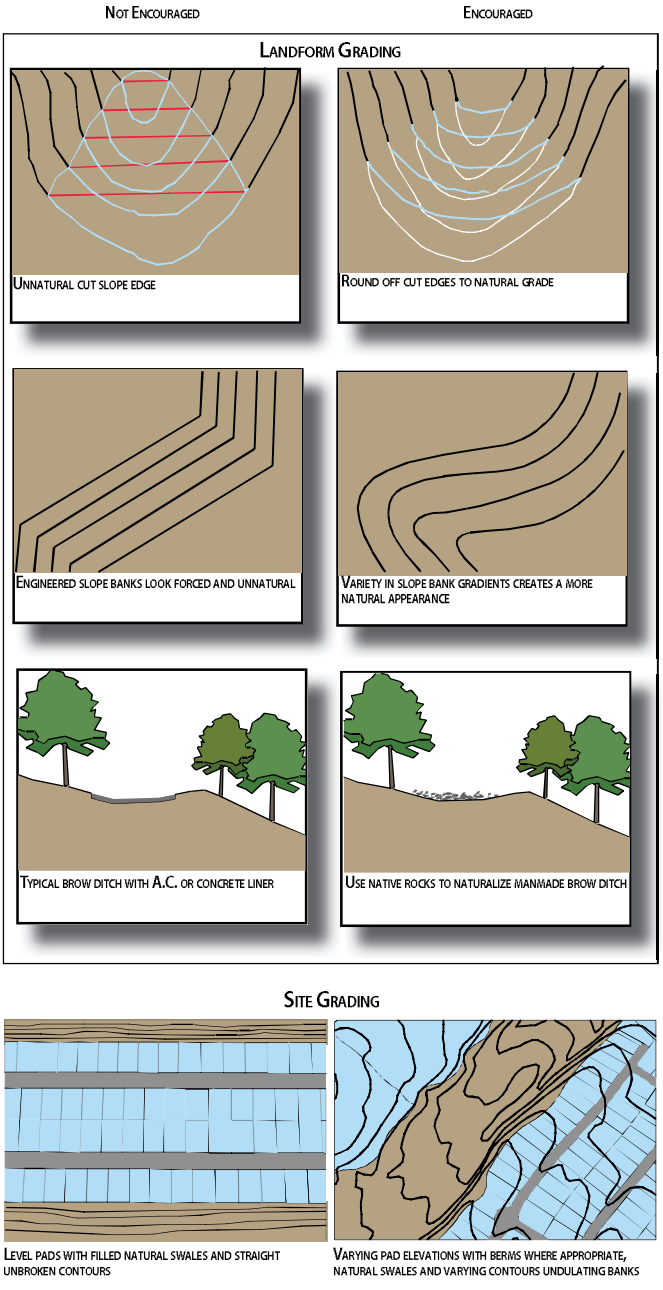
FIGURE 5 - GRADING



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

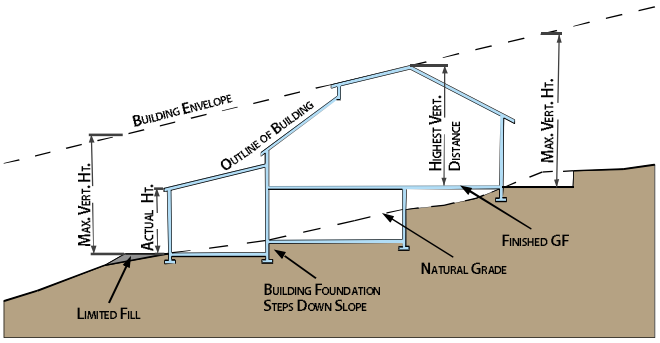
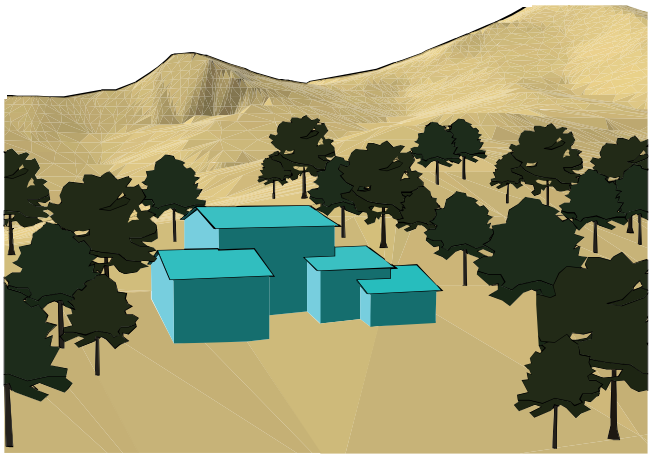


FIGURE 7 - ROOFLINES AND ELEMENTS REFLECT RIDGELINE SILHOUETTES



ROOF FORMS ARE KEPT SMALL AND REFLECT THE SURROUNDING TOPOGRAPHY

FIGURE 8- CLUSTERED DEVELOPMENT

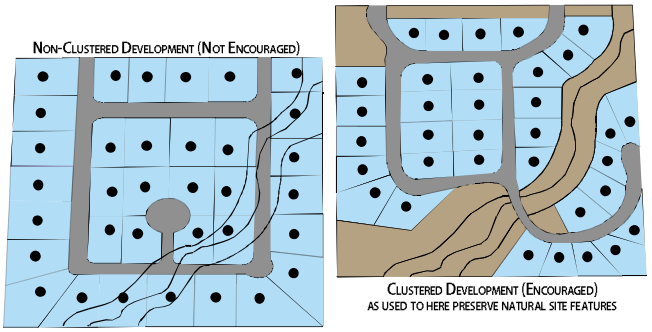
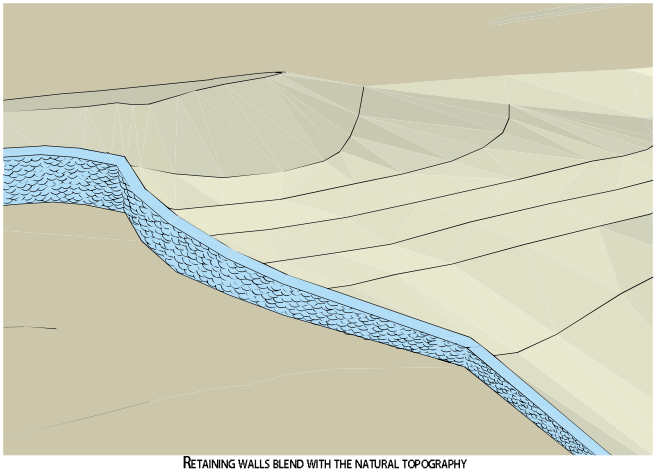


FIGURE 9 - WALLS AND FENCES - BLENDING WITH TOPOGRAPHY



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.

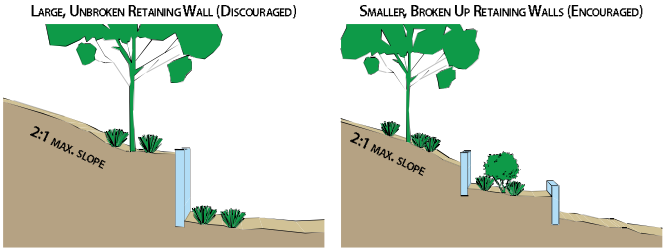
6. Walls and Fences

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)

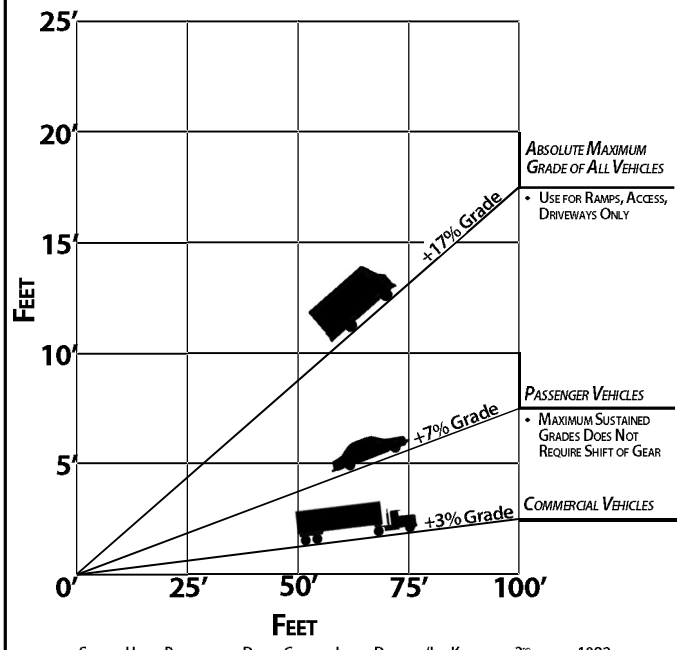
c. Walls shall either incorporate the use of native materials or be earthtone colors to match the native soils and rocks. Walls and fences (other than retaining walls) should be made of natural materials (e.g., stone, wood, split rail) whenever possible and, at a minimum, shall be a color that blends 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

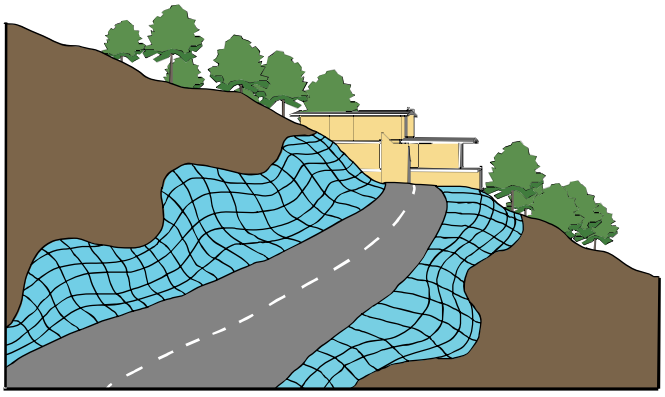
ii. Shall be mapped as a common lot in order to help protect natural areas.

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

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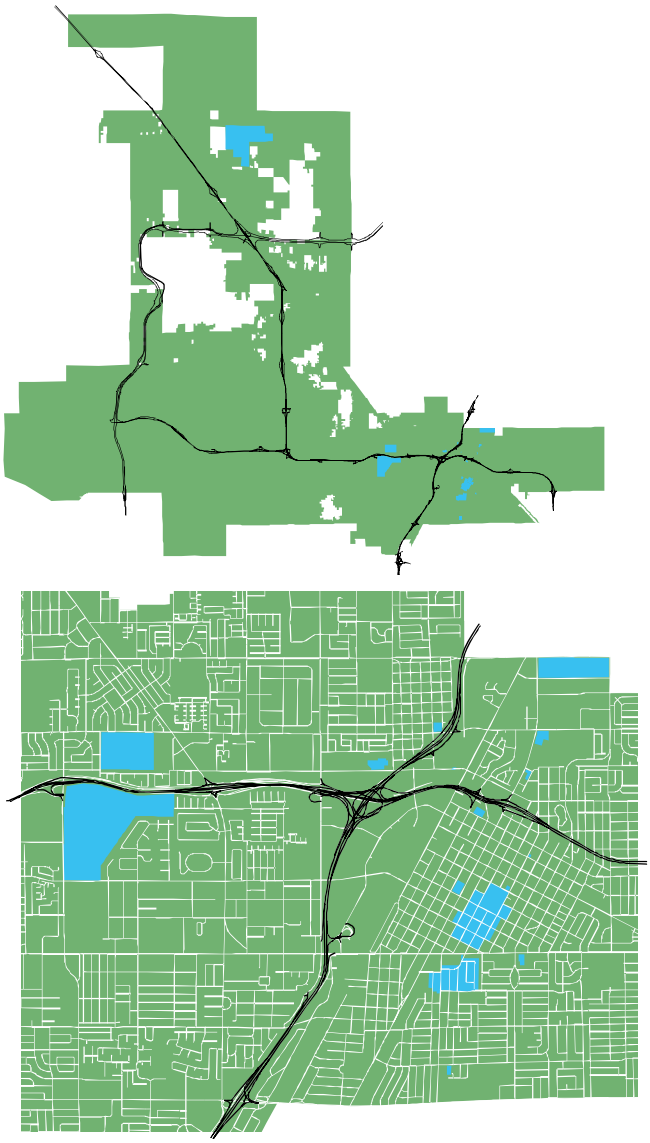
19.10.150

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;

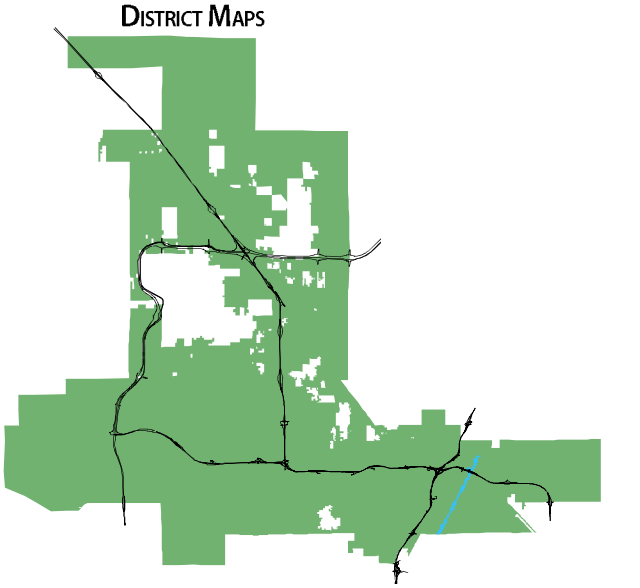
   b. All applicable standards and procedures in LVMC Chapter 19.10 and that govern the Downtown Centennial Plan Overlay District, for properties that are located within the district;

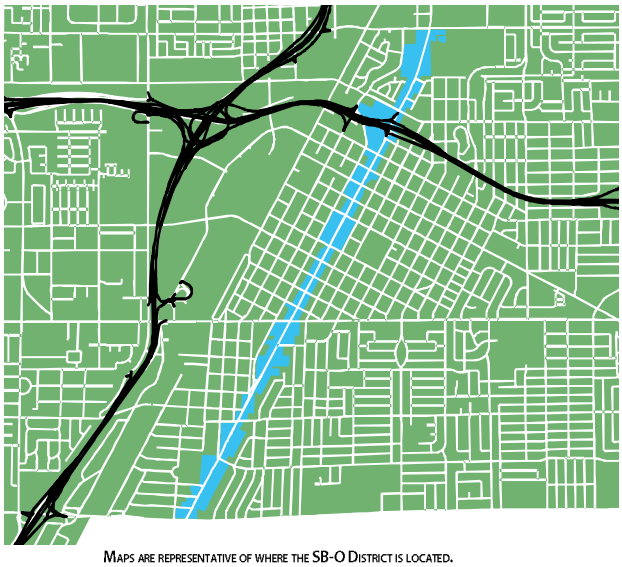
   c. All applicable standards and procedures in LVMC Chapter 19.10 that govern the Downtown Entertainment Overlay District, for properties that are located within that district; and

   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.

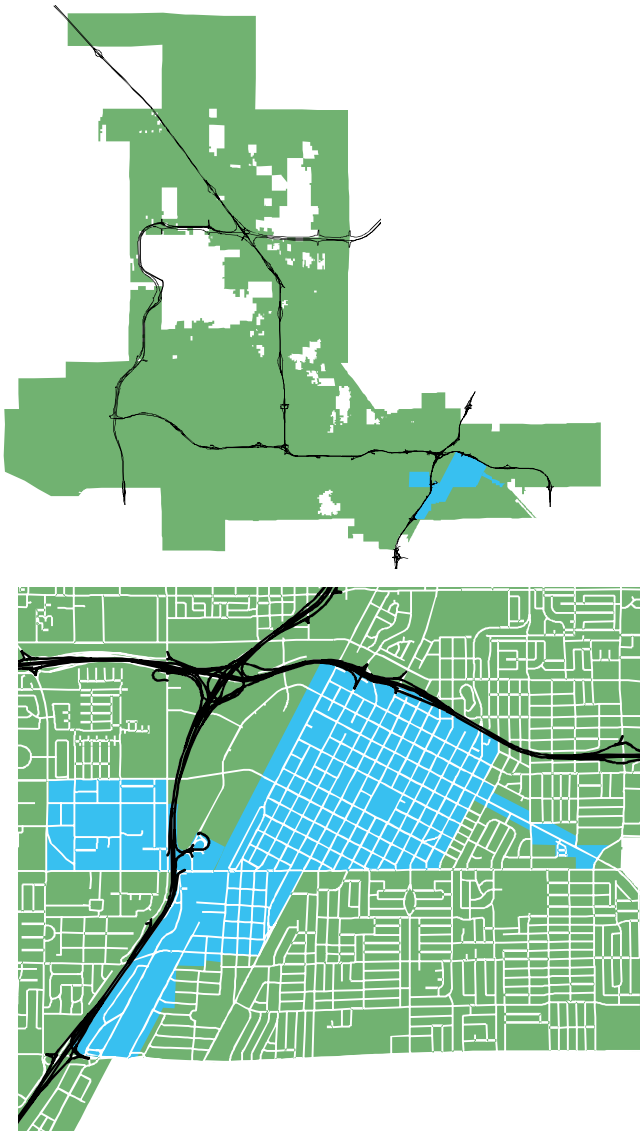
D. Approval Criteria.

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.

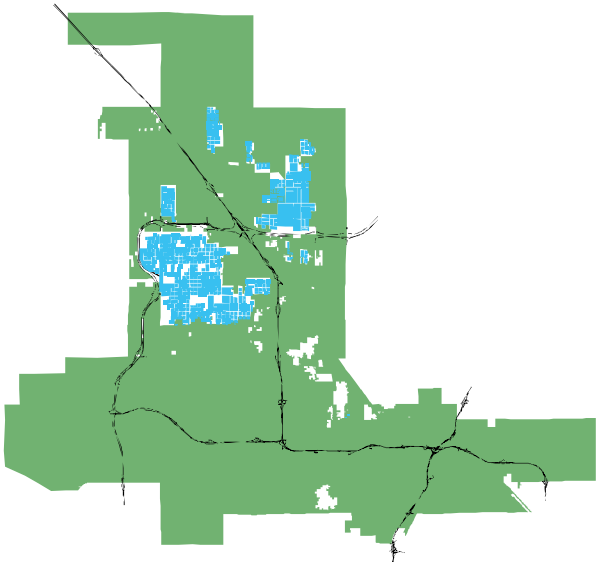
3. Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or noncommercially.

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

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

19.12.010
Permitted Use - Table 2

	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

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
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

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

19.12.010
Permitted Use - Table 2

	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

19.12.010
Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
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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

P - Permitted	A - Accessory	C - Conditional
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19.12.010
Permitted Use - Table 2

	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

19.12.010
Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
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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

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

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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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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
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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CLV
WEB
?
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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.


CLV
WEB
E-MAIL

19.16

Applications & Procedures


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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:

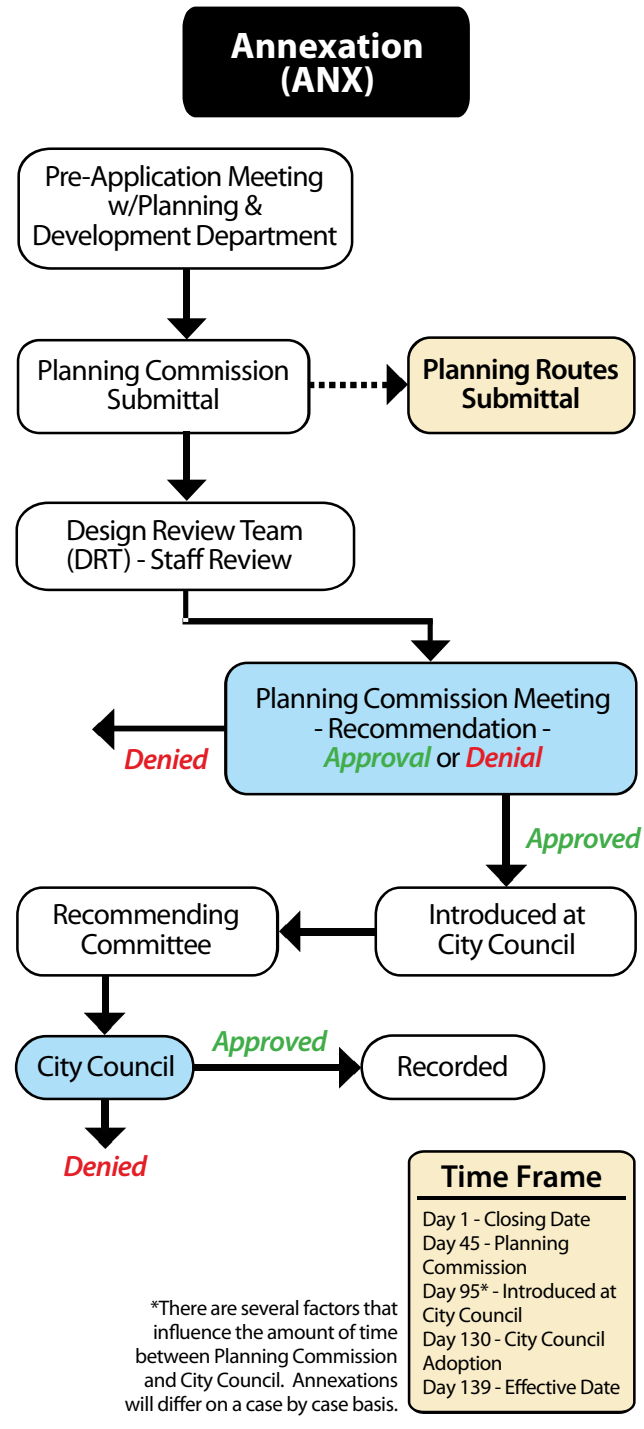
i. Developed. The annexed territory, if developed, shall be classified with the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification.

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.

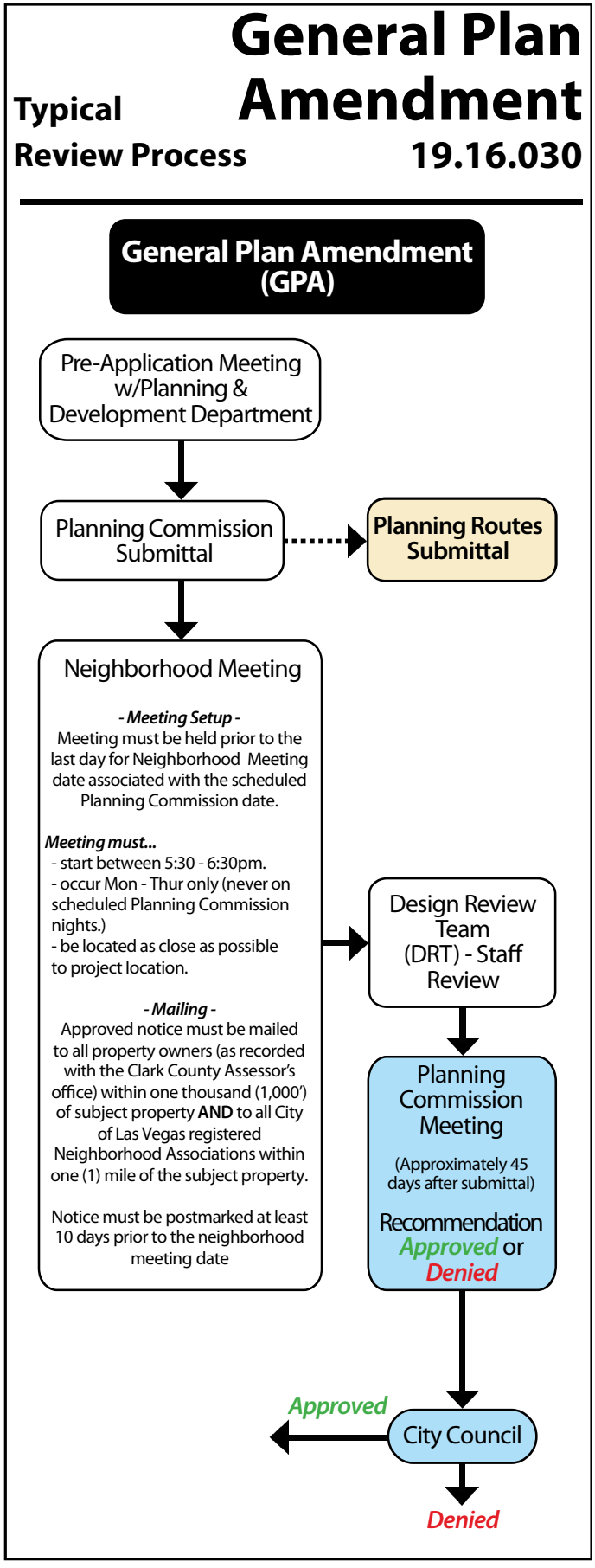
C. Application

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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19.16.040

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

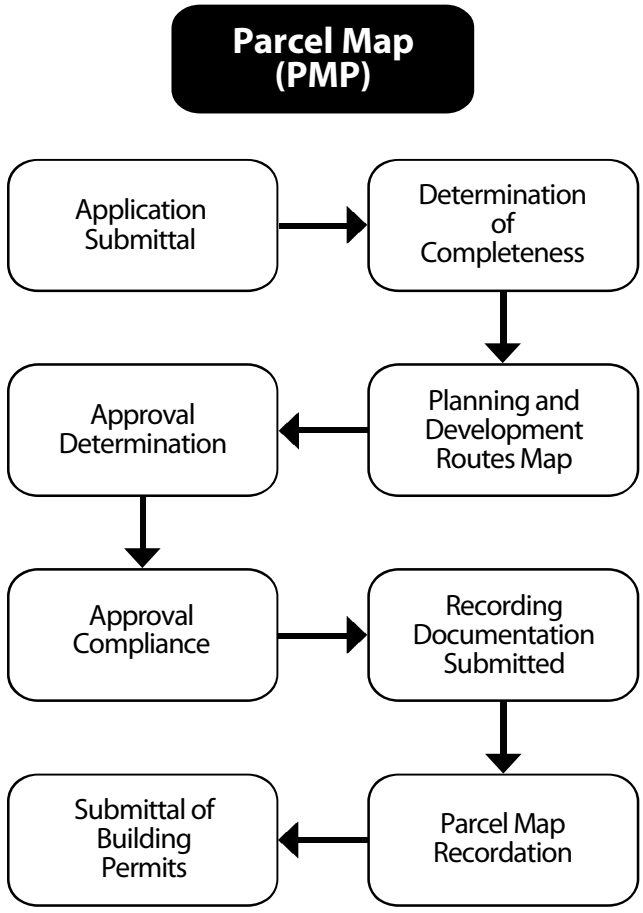
The Director, in conjunction with the Director of Public Works, shall determine whether or not a parcel map complies with this Section. Upon determining, pursuant to this Section, that all conditions and requirements have been met and that all appropriate certification signatures are complete, the Director 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.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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).

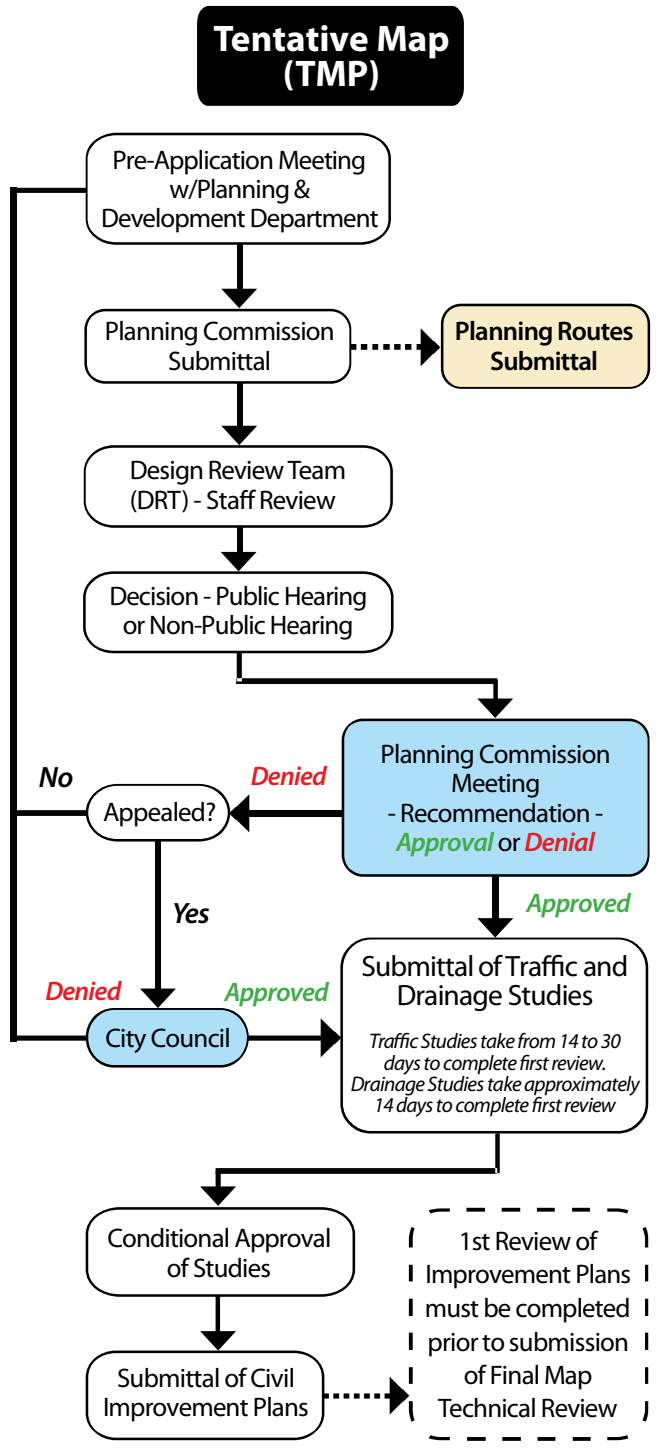
2. In cases where approval of a rezoning or a site development plan review by the City Council is necessary before a tentative map can be approved:

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:

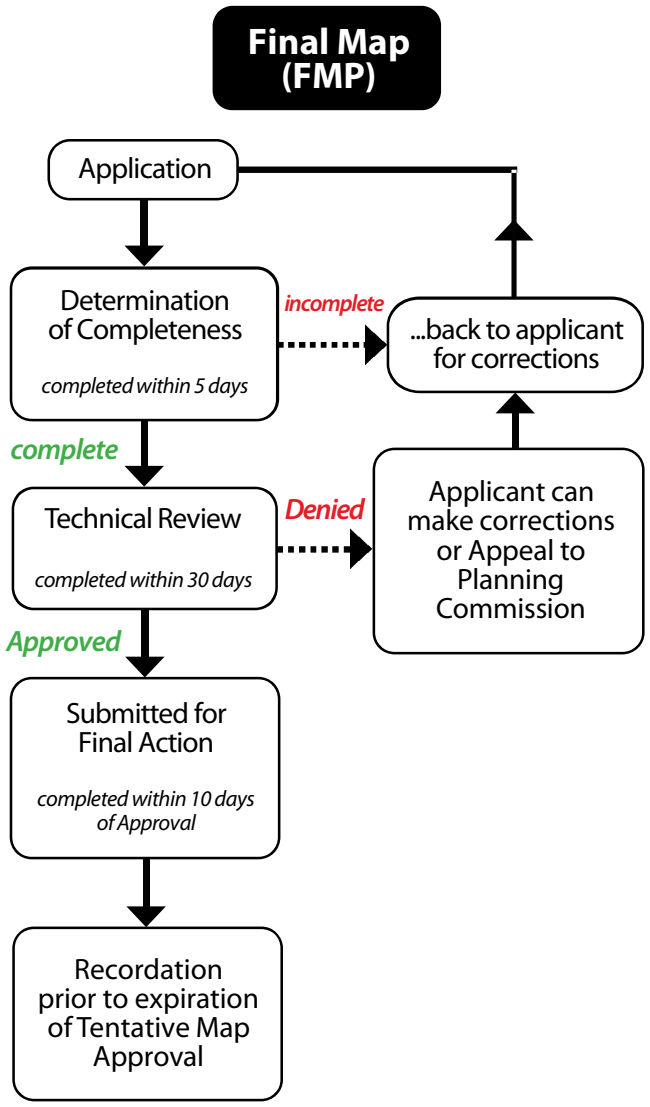
i. A drainage plan and technical drainage study is not required or that the required plan and study have been approved by the Department of Public Works; and

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

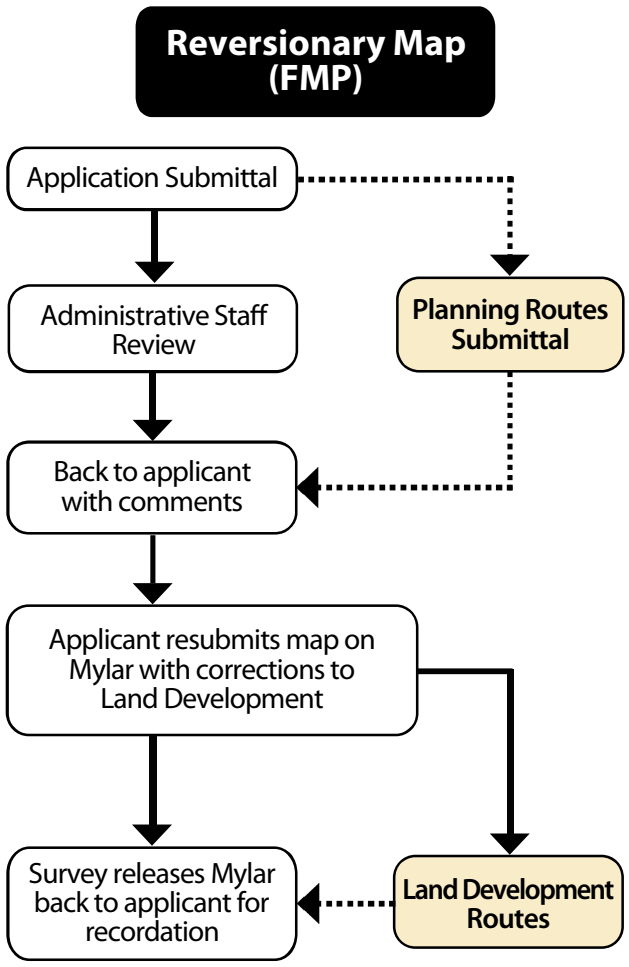
The final map of reversion shall be prepared by a professional land surveyor licensed pursuant to NRS Chapter 625. The surveyor shall include in the required surveyor's certificate all the information required by NRS Chapter 278, including the representation that the map has been prepared from information 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).

Reversionary Map

Typical Review Process

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

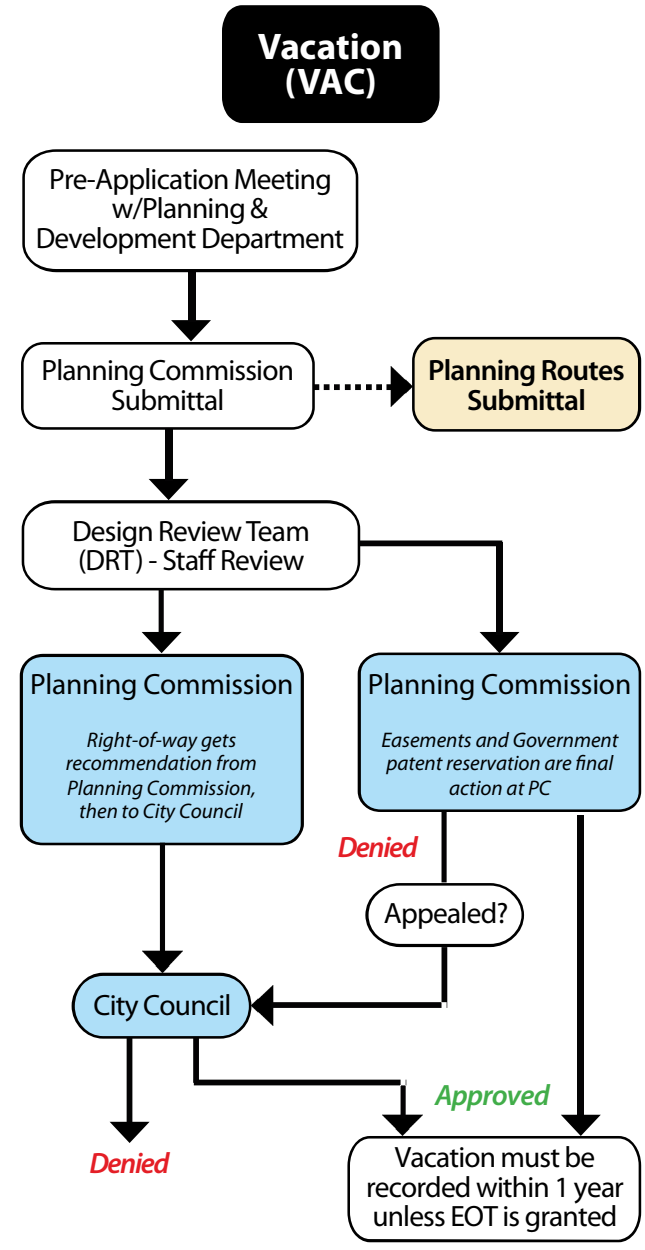
In order to provide sufficient time for the necessary investigation by the Planning Commission and its Secretary and agents, a petition for vacation must be filed with the Secretary of the Planning Commission a minimum of thirty days prior to the date of the meeting of the Planning Commission at which 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.

Vacations

Typical Review Process **19.16.080**



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:

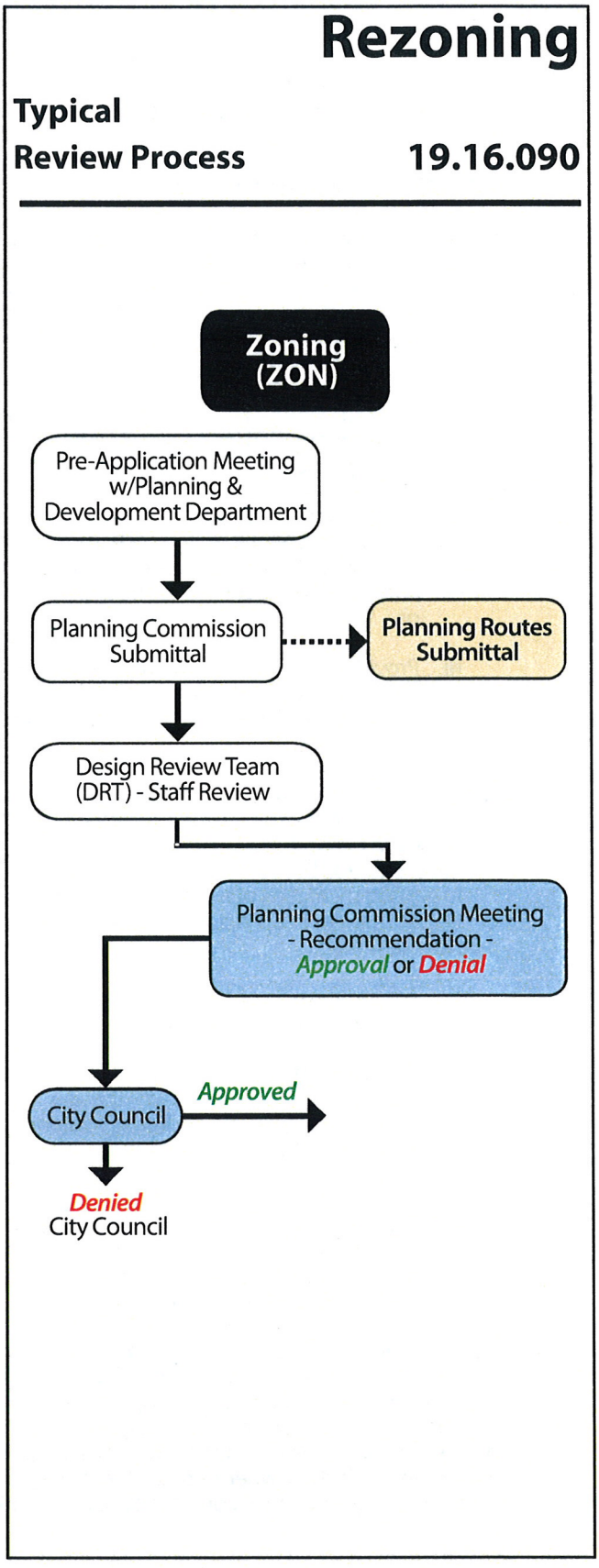
1. **P-C District.** Minimum site area of three thousand acres.

2. **PD District.** Minimum site area of forty 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)



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

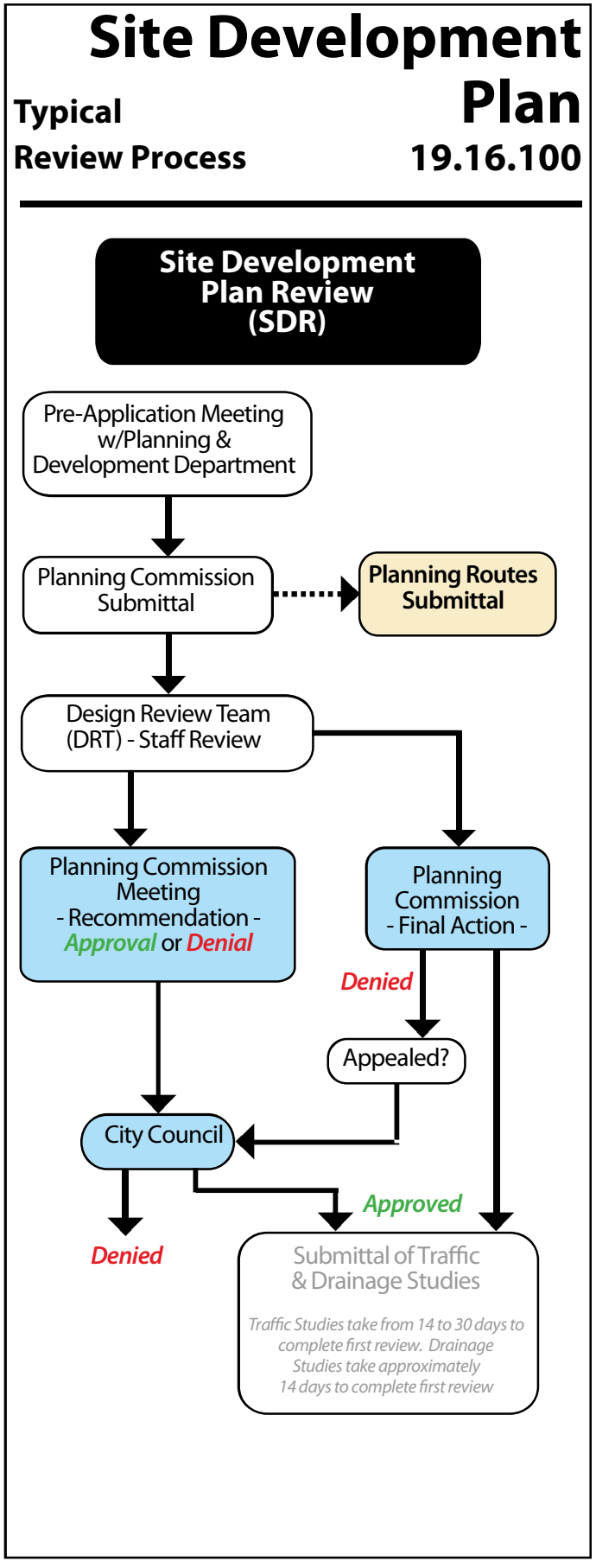
A. Purpose

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

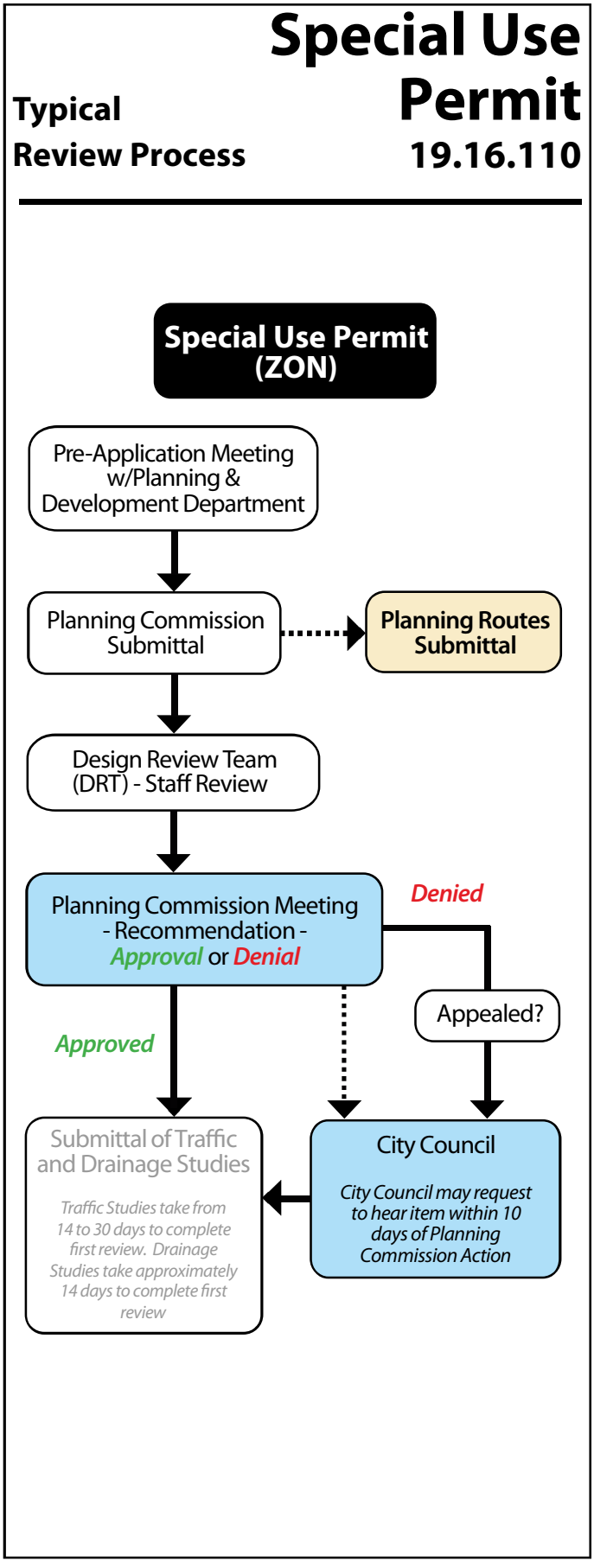
Except as otherwise provided in this Subsection (B), the Planning Commission shall have the authority to approve, approve with conditions, or deny an application for a Special Use Permit, and the decision of the Planning Commission is final. If the decision of the Planning Commission is appealed or forwarded 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:

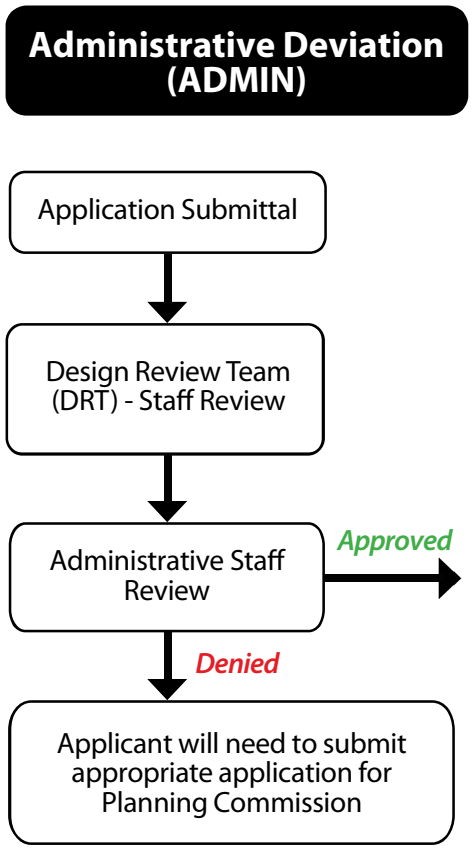
a. In the case of a required side or rear setback of ten feet or less, the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the setback is measured;

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

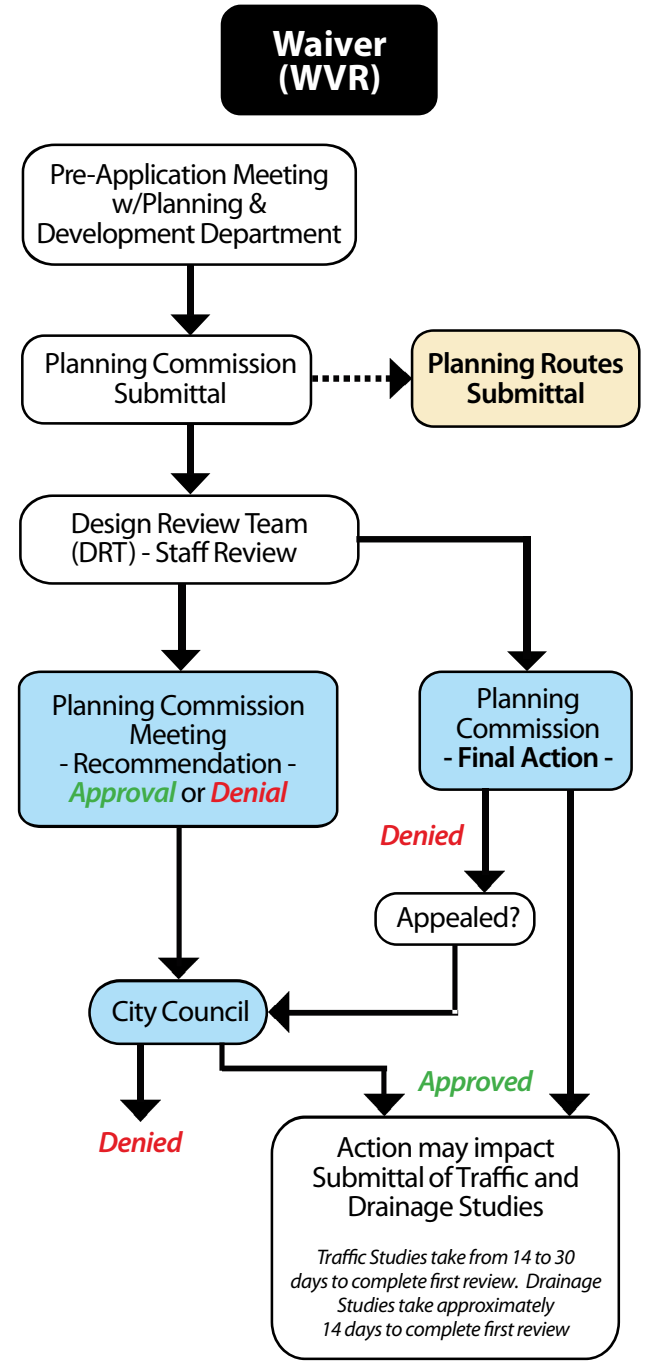
The applicant for a Waiver shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for a Waiver shall be filed with the Department in connection with a Site Development Plan Review or Special Use Permit, or as a stand-alone item 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

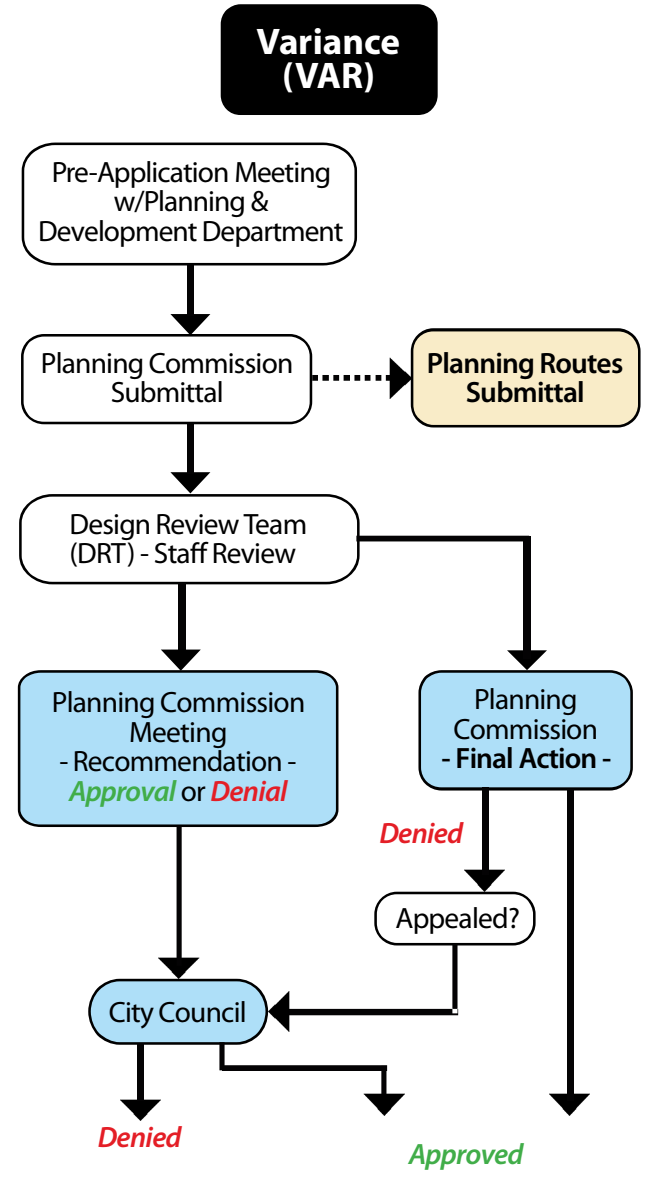
An application for a Variance shall be made on a form provided by the Department. This application shall be filed at the office of the Department. The application shall be signed, notarized and acknowledged by the owner of record of the property for which the Variance is sought; provided however, that:

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

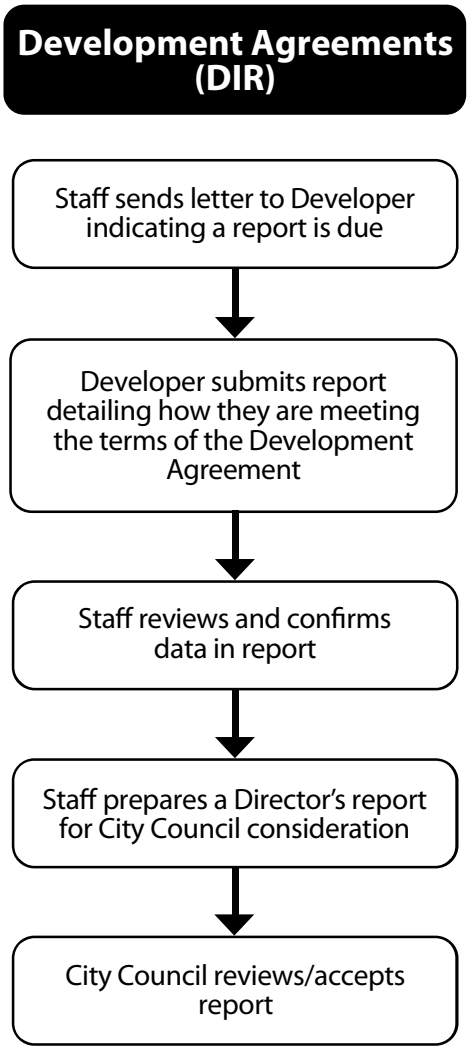
Subject to review and input from other City departments, the Department shall be responsible for applying, administering and enforcing the provisions of this subchapter including the negotiation and enforcement of development agreements.

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:

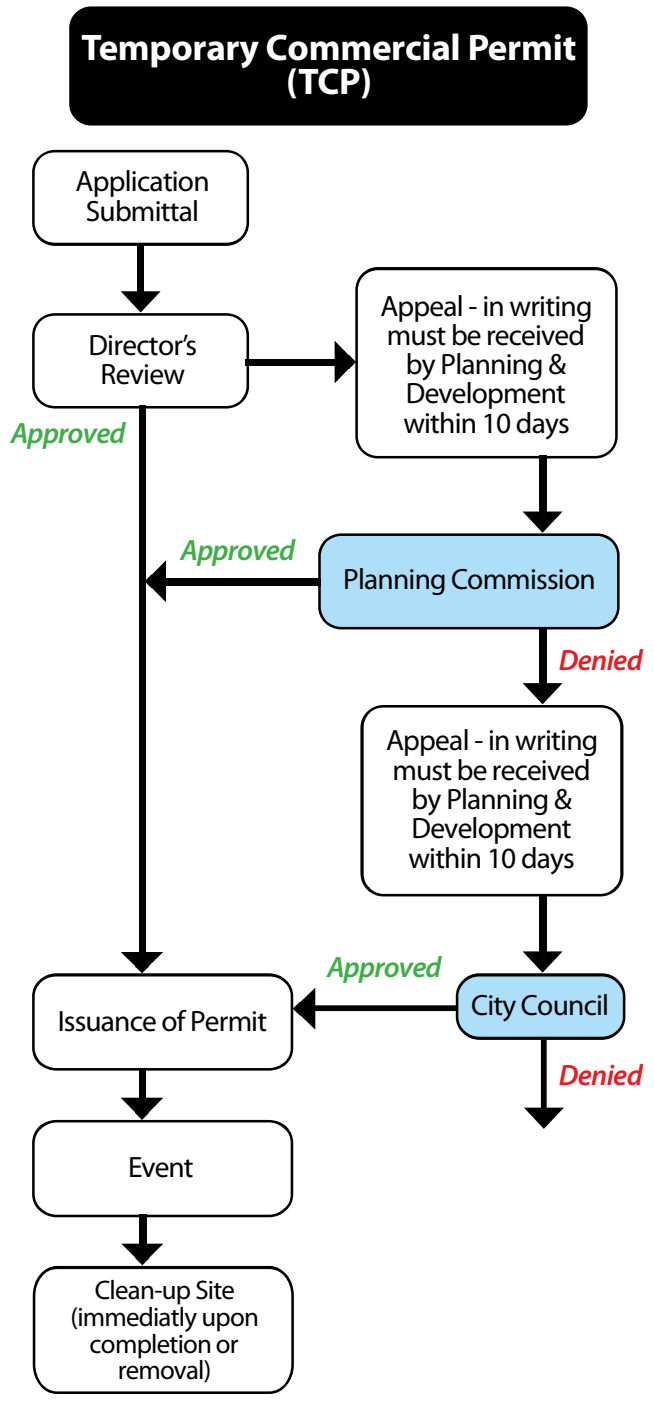
a. Takes place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site; and

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.

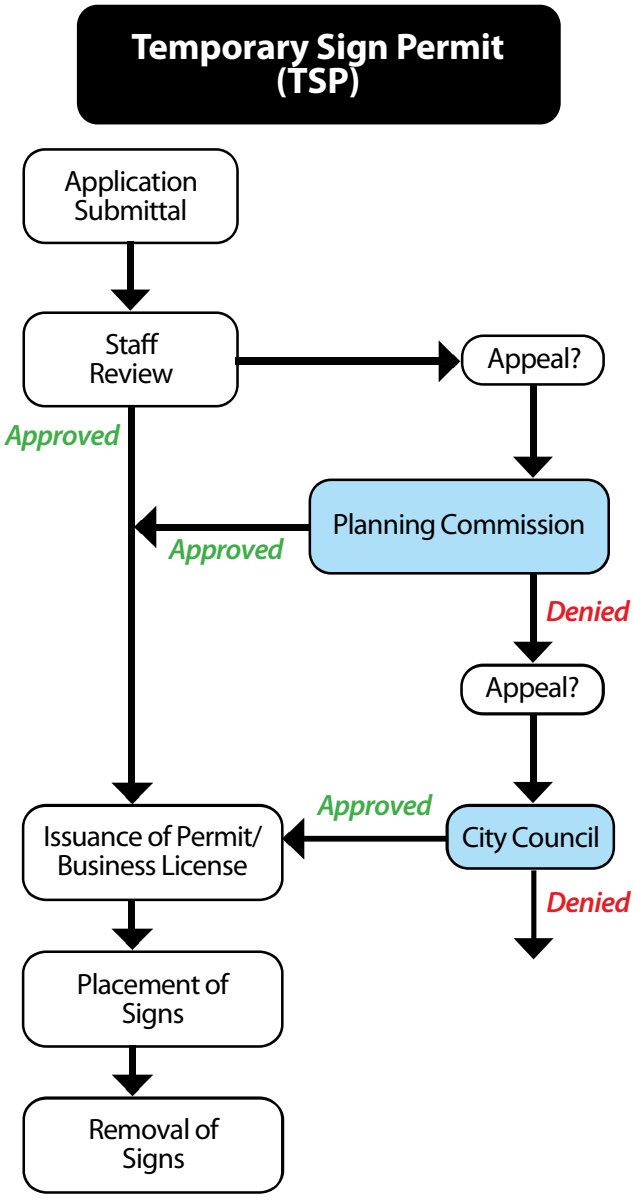
D. Appeal

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

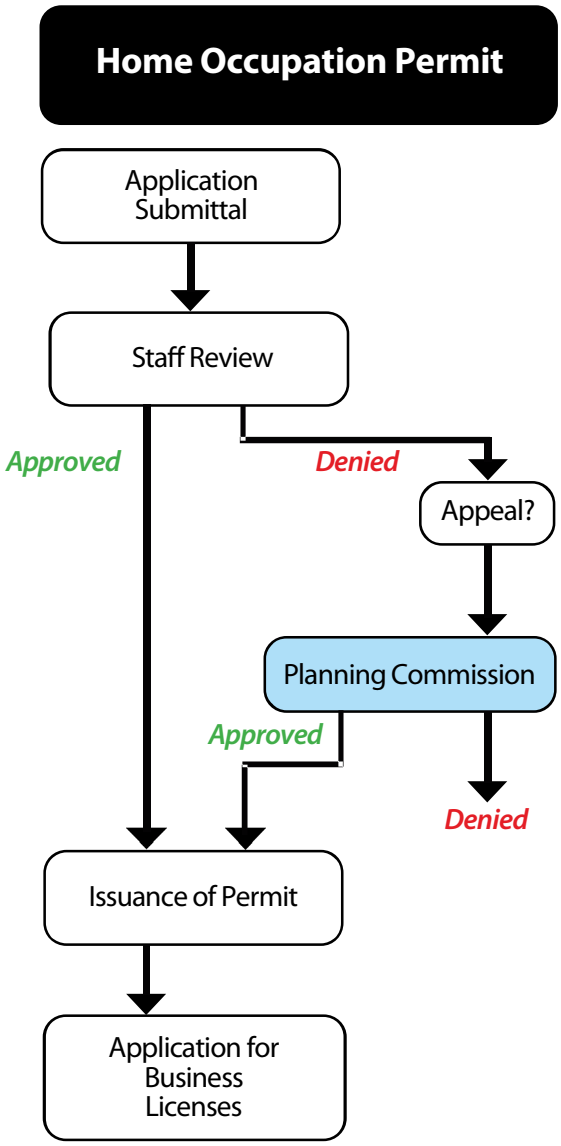
An application for a Home Occupation Permit shall be filed with the Director. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this Section. If the Home Occupation is to be conducted by the tenant of property 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:

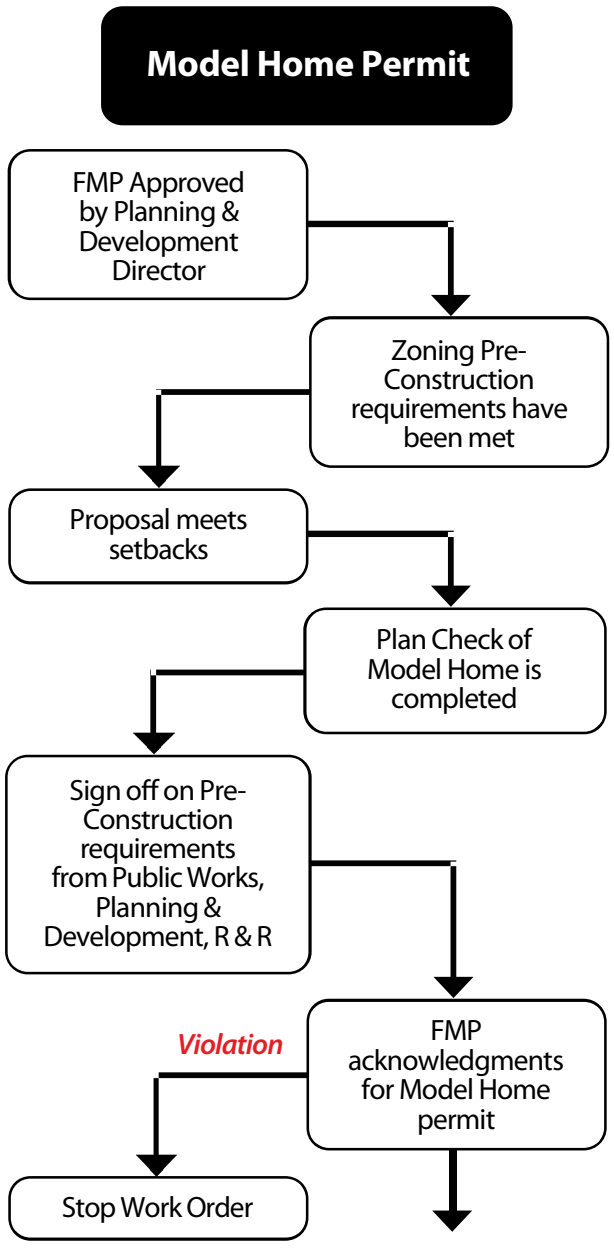
a. No changes to the final map as approved will be made, except those required by the City, and all construction and improvements will conform to the approved map.

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.

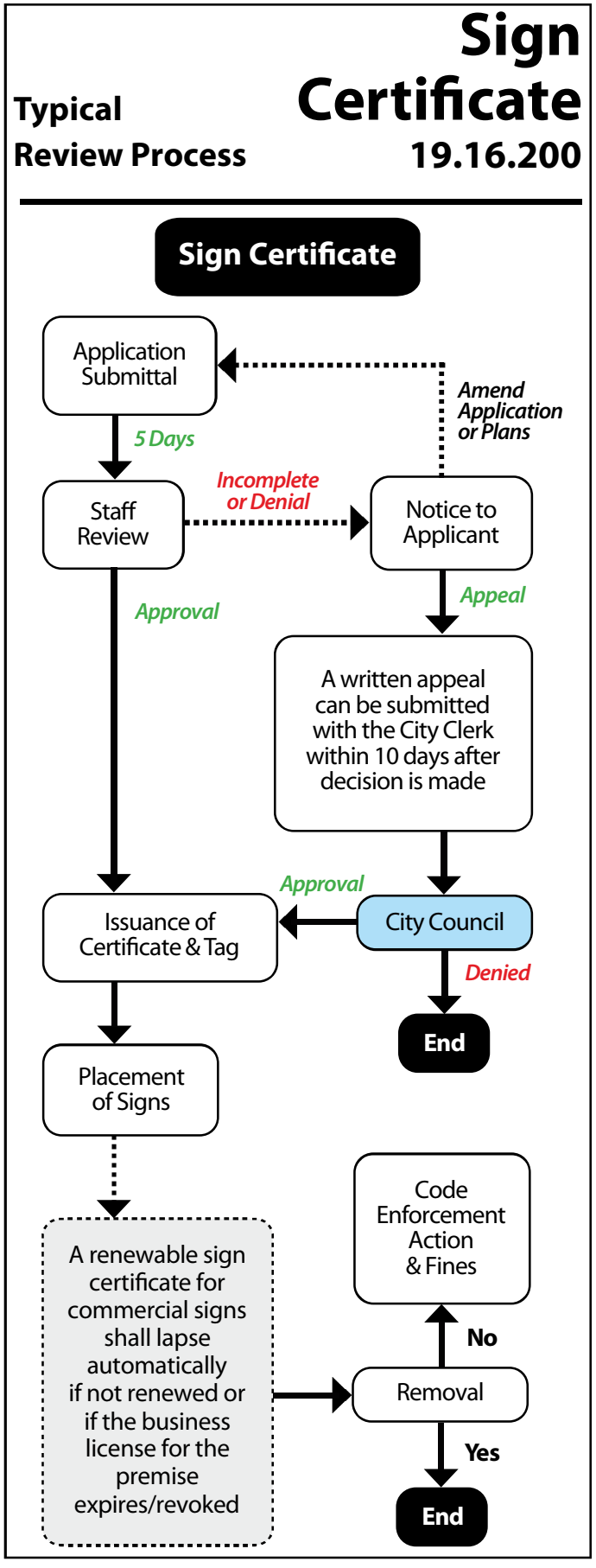
3. Upon approval, the City will issue a certificate and tag for the sign. The tag shall be affixed to the sign in a location where it is plainly visible. Absence of the tag or any record of the issuance of the tag on any sign, which is required by this Title to have a certificate, shall subject that 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.

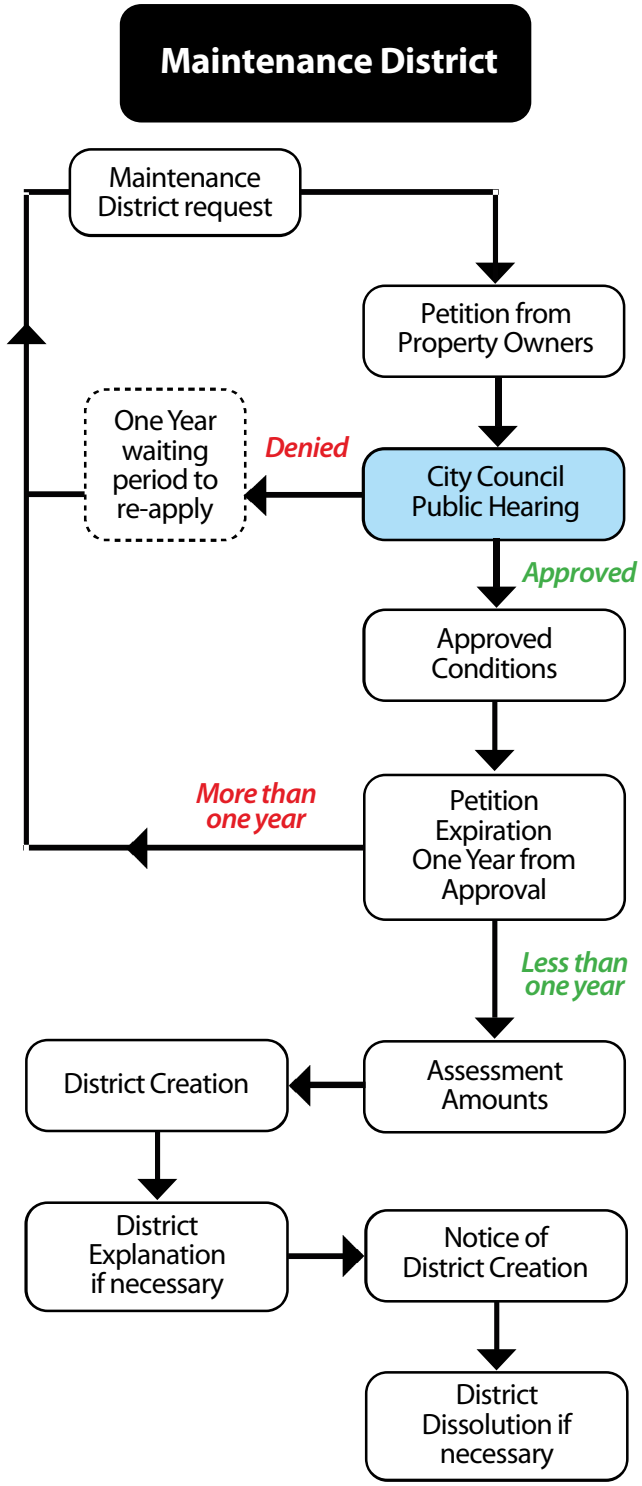
"Improvement" or "improvements" means any of the following improvements that are included or proposed to be included within a maintenance district in accordance with this Section:

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



19.16.210

"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.

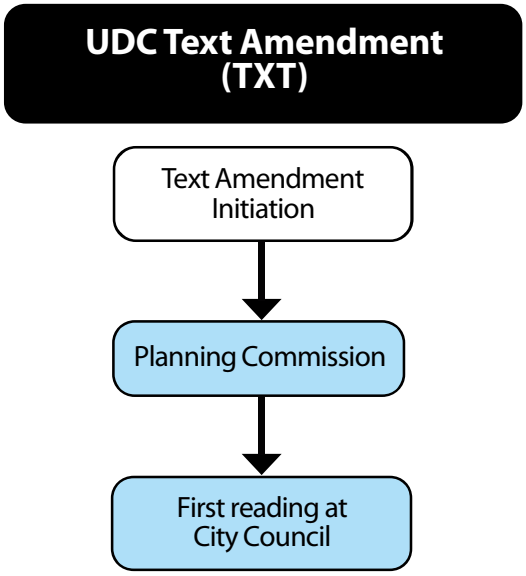
4. At the conclusion of the public hearing on the text amendment, the Planning Commission may recommend approval, approval with modification or disapproval of the amendment, or may hold the item in abeyance for further study.

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.

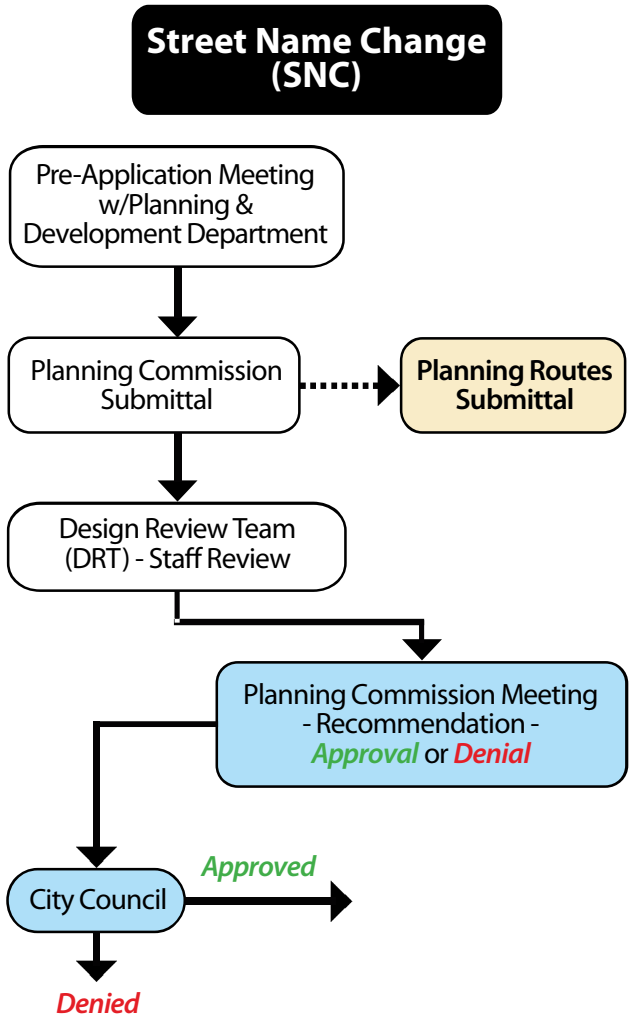
D. Planning Commission Public Hearing and Action

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.

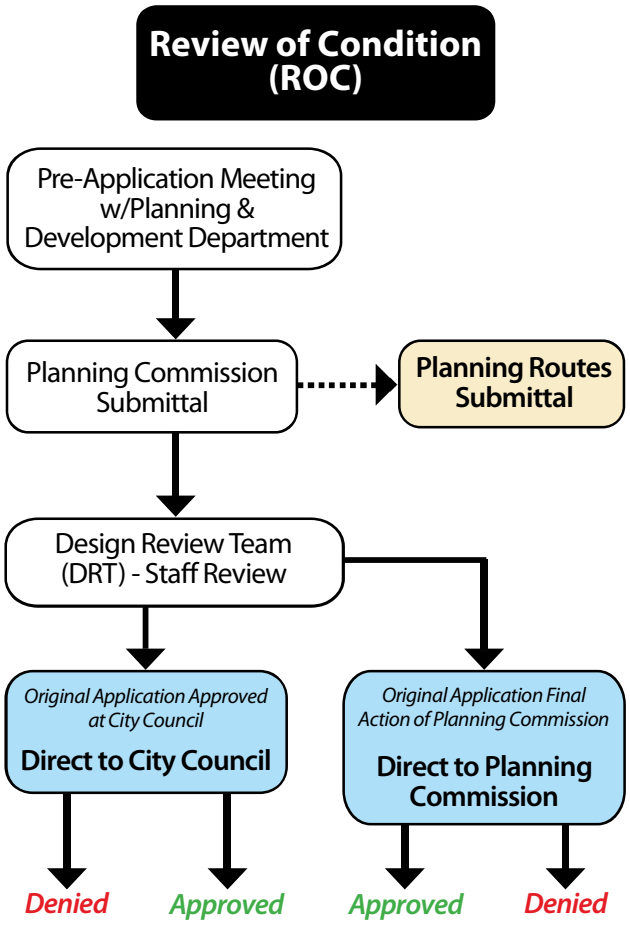
C. Hearing

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:

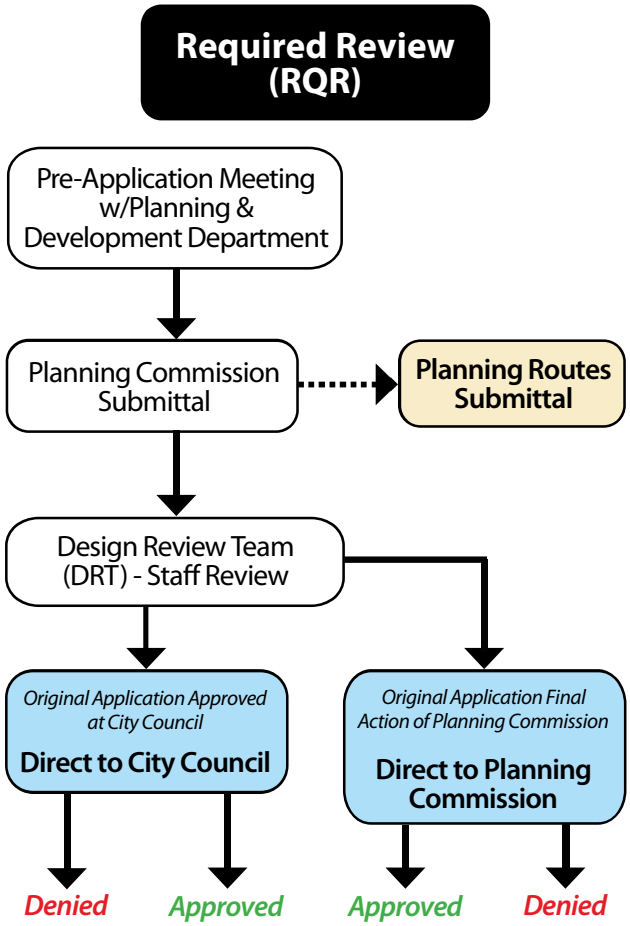
1. Publishing the notice in a newspaper of general circulation within the City; and

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

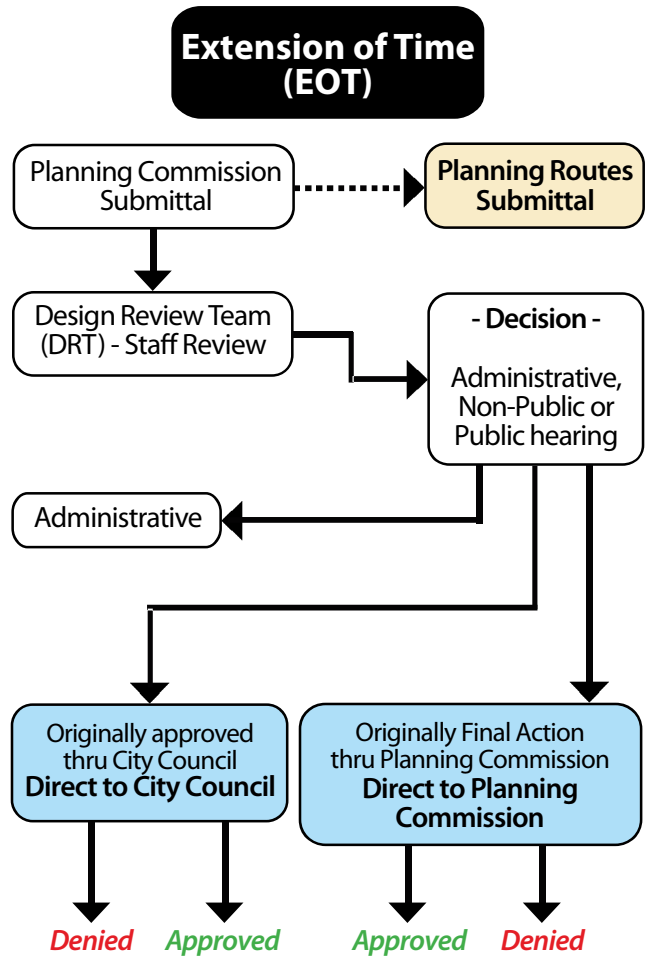
4. Denial of the extension of the previous approval.

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.

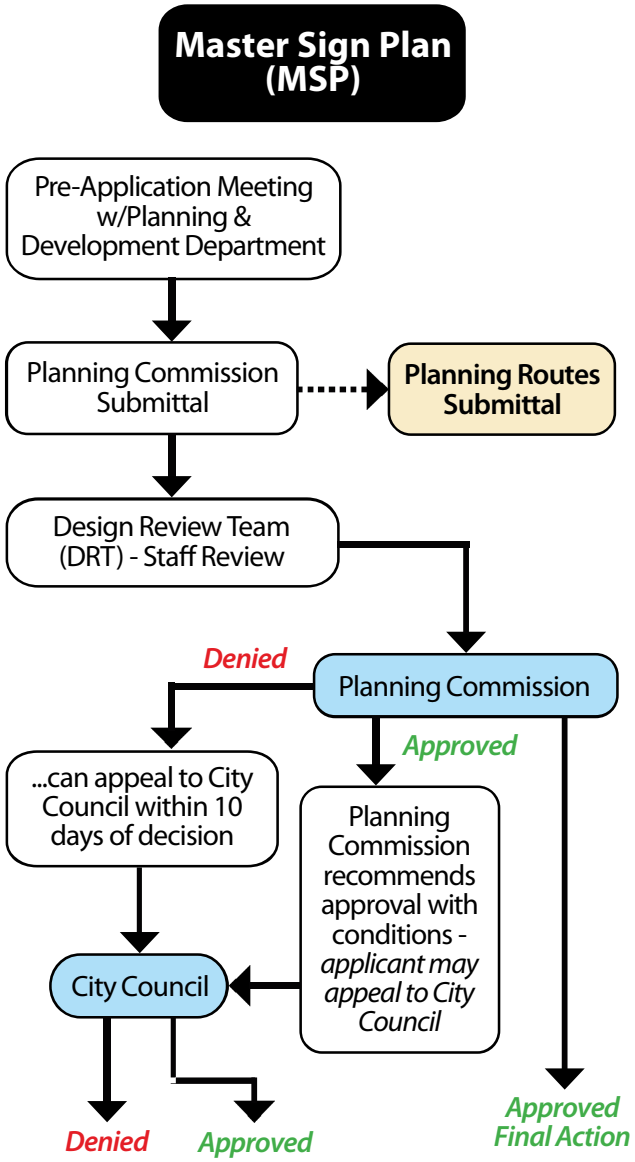
C. Master Sign Plan Requirements

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

Unified Development Code
Title 19


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Definitions & Measures

19.18.010 General 339

19.18.020 Words and Terms Defined 339

19.18.030 Measurement Rules 373

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

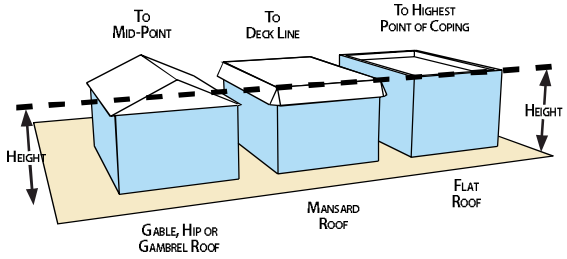
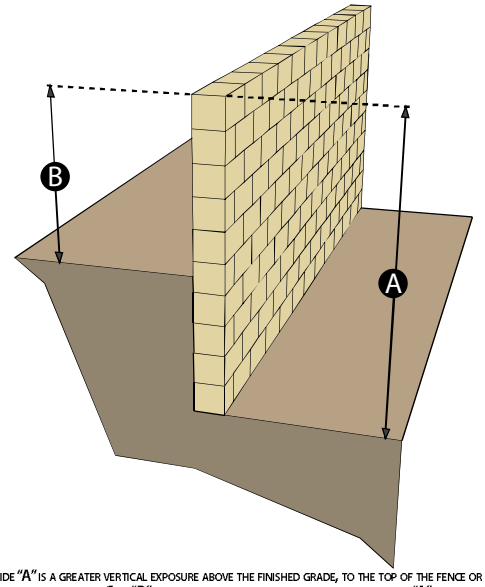
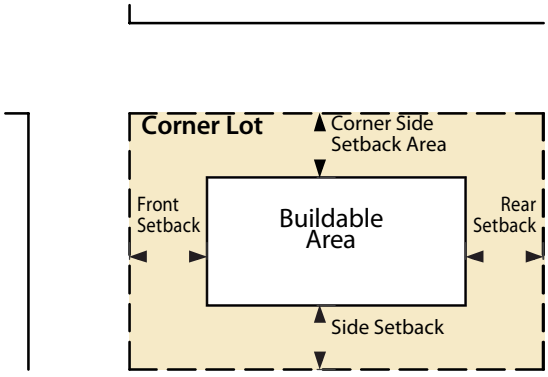


FIGURE 2 - WALL/FENCE HEIGHT MEASUREMENT



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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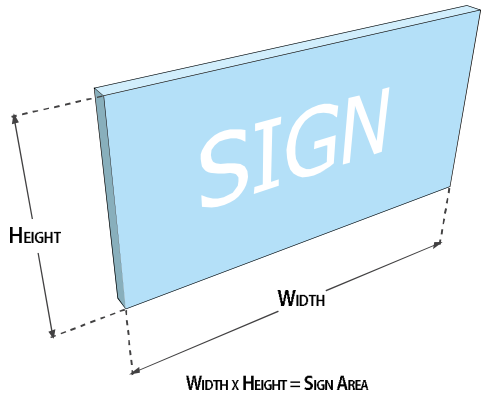
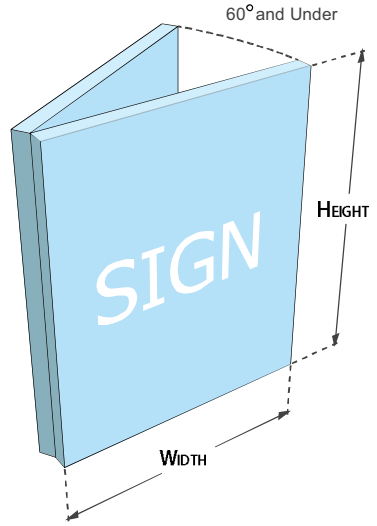
FIGURE 4 - SIGN AREA MEASUREMENT - 2 SIDED FLAT SIGN

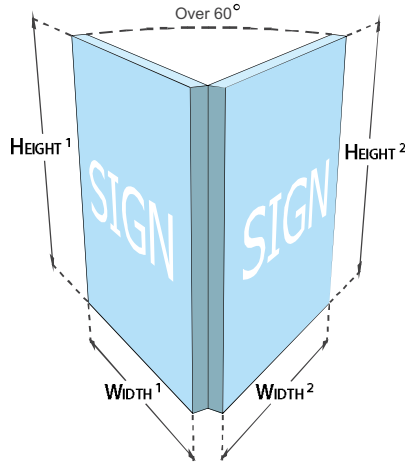


WIDTH X HEIGHT = SIGN AREA

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.

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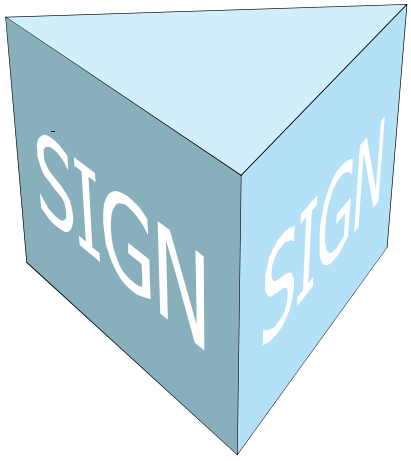
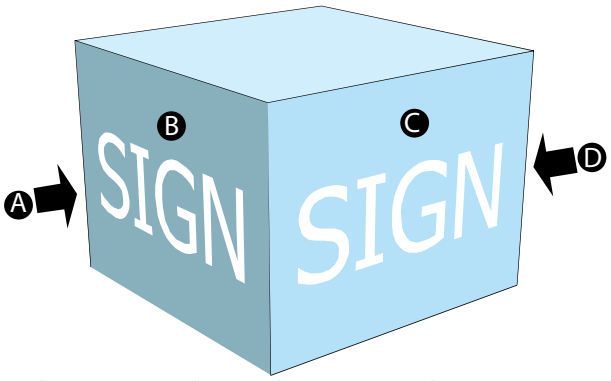
FIGURE 6 - SIGN AREA MEASUREMENT - 3 SIDED SIGN



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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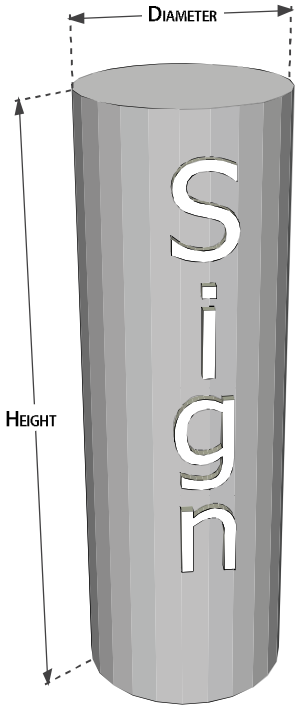
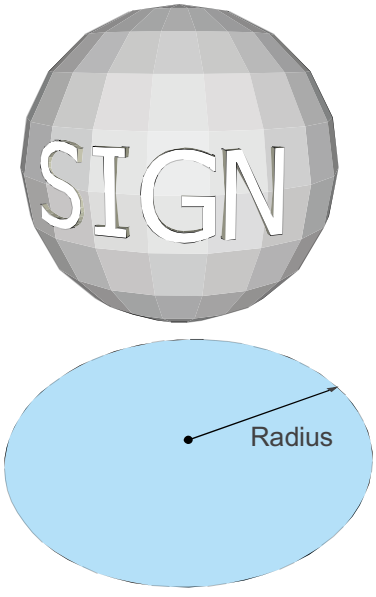
FIGURE 8 - SIGN AREA MEASUREMENT - CYLINDRICAL/SPHERICAL



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

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FIGURE 9 - SIGN AREA MEASUREMENT - INDIVIDUAL ELEMENTS

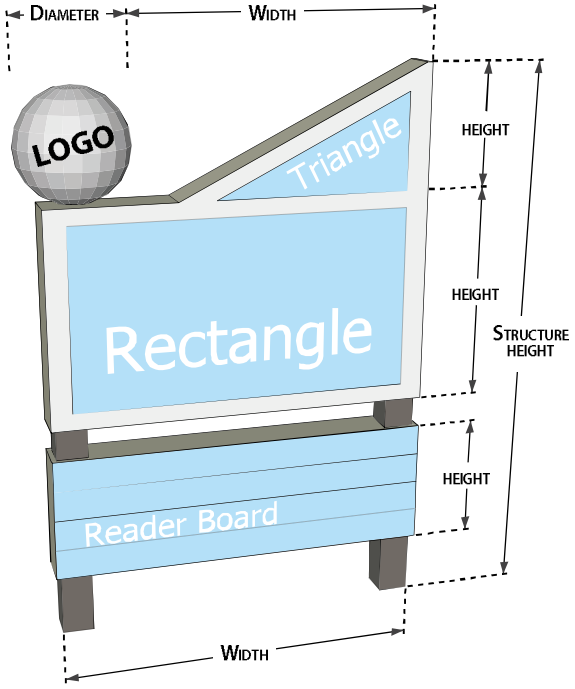
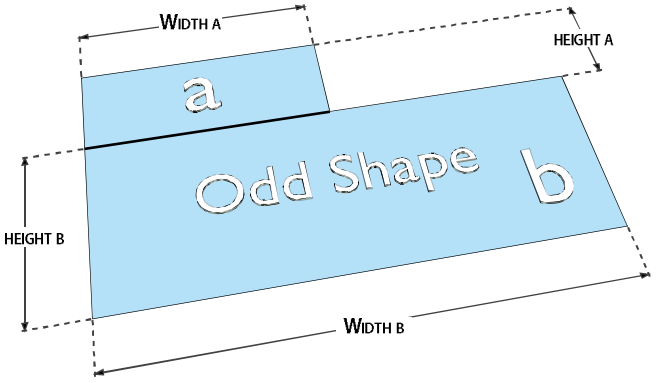


FIGURE 10 - SIGN AREA MEASUREMENT - INDIVIDUAL ELEMENTS



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.

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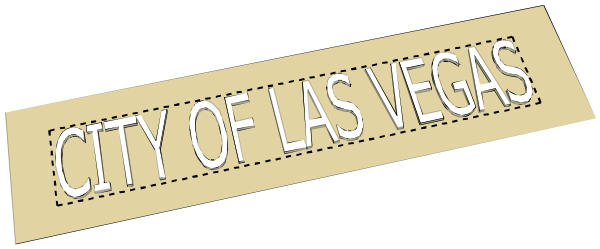
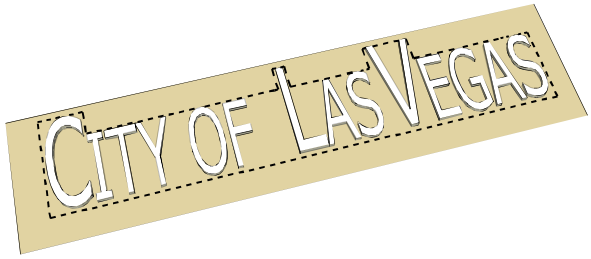
FIGURE 11 - SIGN AREA MEASUREMENT - CHANNEL LETTERS



THE SMALLEST CONTINUOUS PERIMETER THAT ENCOMPASSES THE ENTIRE COHERENT MESSAGE IS USED

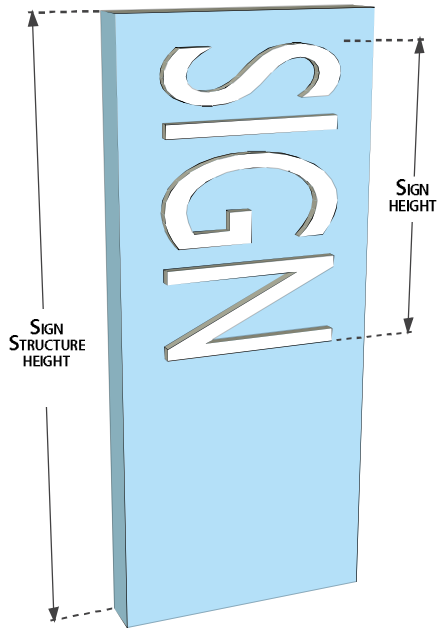


THE SMALLEST CONTINUOUS PERIMETER THAT ENCOMPASSES THE ENTIRE COHERENT MESSAGE IS USED, IN THIS CASE, THE PERIMETER IS ADJUSTED FOR THE SMALLER HEIGHT LETTERS



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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NOV 11 2010

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.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2011-8 – Amends the zoning provisions governing the computation of time to treat days that the City's offices are officially closed to the public the same as Saturdays, Sundays and holidays. (TXT-40266) 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:
Current zoning regulations that govern the computation of time within which certain acts must be performed exclude from consideration Saturdays, Sundays and holidays. This bill will add to that list any day that the City's principal administrative offices are officially closed to the public. The primary intent is to adjust to the fact that the City's principal offices are closed on Fridays.

RECOMMENDATION:
ADOPTION at 3/16/2011 City Council meeting pursuant to the 3/1/2011 Recommending Committee

First Reading – 2/16/2011 First Publication 3/3/2011

BACKUP DOCUMENTATION:
Bill No. 2011-8

BILL NO. 2011-8

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING PROVISIONS GOVERNING THE COMPUTATION OF TIME TO TREAT DAYS THAT THE CITY'S OFFICES ARE OFFICIALLY CLOSED TO THE PUBLIC THE SAME AS SATURDAYS, SUNDAYS AND HOLIDAYS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Acting Director of Planning and Development

Summary: Amends the zoning provisions governing the computation of time to treat days that the City's offices are officially closed to the public the same as Saturdays, Sundays and holidays.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 19, Chapter 00, Section 60, Subsection (D), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(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, [or] legal holiday, or other day on which the City's principal administrative offices are 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.

SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.00.060 is deemed to be a subchapter rather than a section.

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 2-2-11
_____
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

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2011-9 – Adds a number of specific licensing categories to the City's business licensing regulations. 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 add a number of specific licensing categories to the City's business licensing regulations, namely, corporate administrative office space, fulfillment center, affiliate company software developer, sales-related call center, and internet retailer. The new categories reflect the City's desire to attract and retain these types of businesses.

RECOMMENDATION:
ADOPTION at 3/16/2011 City Council meeting pursuant to the 3/1/2011 Recommending Committee

First Reading – 2/16/2011 First Publication 3/3/2011

BACKUP DOCUMENTATION:
1. Bill No. 2011-9
2. Business Impact Statement

BILL NO. 2011-9

ORDINANCE NO. _____

AN ORDINANCE TO ADD A NUMBER OF SPECIFIC LICENSING CATEGORIES TO THE CITY'S BUSINESS LICENSING REGULATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Adds a number of specific licensing categories to the City's business licensing regulations.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 4, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.04.040: Businesses or business locations within the following licensing categories shall pay a one hundred dollars annual business license fee, as set forth below:

Administrative office space, which is an office location in which specific administrative functions of a business are conducted apart from the primary business location.

Corporate administrative office space, which is an office location in which centralized administrative functions are conducted on behalf of affiliated business entities, whether the business operations of those entities are conducted at that location or elsewhere.

Lawn and landscape maintenance, which is any business that provides lawn or landscape maintenance but is not required to have a State contractor's license.

Motor transportation service, which is any person who provides passenger transportation service for hire, excluding a taxi service. An applicant for this license must furnish a certificate of public convenience and necessity from the Transportation Services Authority in accordance with NRS Chapter 706, or evidence of exemption from the certificate requirement. The fee amount shall be charged for each vehicle operated as part of the business, except that any vehicle which is devoted exclusively to public transportation as designated by a local government within Clark County is exempt from the license fee requirement.

Public bus service, which is any person who operates a privately owned bus service for the purpose of transporting members of the general public from place to place within the City. The fee

amount shall be charged for each bus used in the transportation service. Before a license application may be approved by the City Council, the applicant must file with the City Clerk a map designating the proposed service routes, and must meet all Transportation Service Authority requirements.

Sightseeing bus or limousine service, which is any person who operates a transportation service utilizing buses or limousines to transport passengers for hire, but which is not operated over fixed routes or between pre-established points. The fee amount shall be charged for each vehicle used in the transportation service. An applicant for this license must furnish a certificate of public convenience and necessity from the Transportation Services Authority, as obtained in accordance with NRS Chapter 706.

Skating rink, which is any business that offers to the public for a fee the use of any facility, regardless of surface type, for the purpose of skating. The term "skating" includes roller skating, ice skating or any other type or form of skating or skateboarding.

Travel and ticket agency, which is any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons. The category does not include any person who furnishes reservations or tickets exclusively for services in an establishment owned by that person.

Truck rental agency, which is any business that offers trucks for rent. The fee amount shall be charged for each truck available for rental.

SECTION 2: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.04.060: Businesses within the following licensing categories shall pay a two hundred dollars annual business license fee, as set forth below:

Adult day care facility, which is an establishment operated and maintained to provide care, for not more than twelve hours at a time, on a temporary or permanent basis for aged or infirm persons.

Advertising or marketing service, which is any business engaged in the act of designing, producing and disseminating information to the general public, including public relations activities on behalf of persons or businesses.

Auto broker, which is any person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered by the broker.

Automobile leasing, which is any business that leases automobiles or any other kind of motor vehicle that is required to be licensed by the Department of Motor Vehicles and Public Safety.

Babysitting service, which is any business whose employees are sent to a home or lodging establishment to care for one or more children who reside there. Each principal of the business and each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a health card pursuant to regulations of the Health District.

Bail agent or bail enforcement agent, which is any person who is authorized, employed or contracted by a surety or bail agent to do any of the following:

(A) Solicit bail transactions;

(B) Execute or countersign undertakings of bail;

(C) Pledge currency, money orders or cashier's checks as security for a bail bond in connection with judicial proceedings and receive or be promised money or other things of value therefor;

(D) Enforce the terms and conditions of a defendant's release from custody on bail in a criminal proceeding; or

(E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and bail enforcement agent is required to have an appropriate State license issued in accordance with NRS Chapter 697 before doing business in the City.

Body piercing, which is any business that pierces the skin for the purpose of inserting rings, loops, studs or other implements, or which engages in the sale of those items for use in connection with body piercing.

Environmental analysis, which is any business that tests or analyzes the quality or content of soil, water, atmosphere, or other elements related to the environment.

Health and fitness club, which is any business that is open to the general public and that provides the use of equipment or facilities for the maintenance or development of physical fitness or

the control of weight.

Insurance adjuster, which is any person who is licensed or required to be licensed as an adjuster under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether acting as an owner, officer, associate, member or employee of a business.

Insurance agency, which is any business whose agents, brokers, or adjusters transact insurance subject to the regulations of NRS 679A. The license fee for this category includes the first agent, broker or adjuster who otherwise would be required to be pay a license fee under this Section as a sales or service agent or representative.

Managed health care organization, which is any person who provides, arranges, pays for, or reimburses for the provision of any element of health care services and who controls the amounts to be paid to health care providers by a managed care program.

Management or consulting service, which is any person or firm that conducts budgeting, management counseling, consulting service or promoting for another.

Merchandise broker, which is any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take physical possession of the merchandise.

Photography business, which is any business that takes photographs for eventual sale to a client or customer of the business.

Remote motor vehicle rental, which is an automobile ticket rental agency or transportation rental agency location with no vehicles on site.

Residential home care provider, which is any person who provides or contracts to provide medical supervision, general care, nursing or housekeeping services to the sick, injured or dependent within a home setting, whether on a temporary or permanent basis.

Sales or service agent or representative, which is any person who sells, solicits, negotiates, offers or performs on behalf of another person the transaction of any instrument or finance related service, including but not limited to insurance, financial or investment advice, securities or similar activities, whether the instrument or service is in possession of the agent or representative and whether the agent or representative is an employee or under contract to perform these activities.

Wire service, which is any person who engages in the business of transmitting or receiving funds by means of a communication system in which the transmission and reception stations are directly connected by one or more telephones or computers.

Youth employment organization, which is any for-profit or nonprofit organization whose primary purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location. Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each organization must comply with State Labor Commission regulations and must first obtain the written consent of the parent or legal guardian of each minor before they are hired.

SECTION 3: Title 6, Chapter 4, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the new sections, designated respectively as Section 153, 155 and 157, reading as follows:

6.04.153: Subject to the provisions of Subsections (D) and (E) of LVMC 6.02.150, businesses within the following licensing category shall pay a three thousand dollars annual business license fee, as set forth below:

Fulfillment center, which is a business whose services include without limitation the fulfillment of orders placed directly by a customer or by an affiliate company, whether such orders are placed by means of mail, fax, email, telephone or an internet transaction. The license fee for this category includes all sales-related activities.

6.04.155: Subject to the provisions of Subsections (D) and (E) of LVMC 6.02.150, businesses within the following licensing categories shall pay a four thousand dollars annual business license fee, as set forth below:

Affiliate company software developer, which is a business that provides information technology services and/or a technology platform for its corporate affiliates, including without limitation (1) the development of websites, applications, e-commerce, digital assets, and 2) domain name management.

Sales-related call center, which is a business that is designed, equipped and used to:

(A) Handle a large volume of telephone calls pertaining to orders for goods that are placed by telephone or through an Internet website; and

(B) Forward such orders directly to a merchant or fulfillment center to complete such transactions.

If a call center has more than one business location in the City, an additional fee shall be charged for each such location. If a call center operates on behalf of more than one trade name, an additional fee shall be charged for each additional trade name on whose behalf the call center operates. The license fee for this category includes all sales-related activities.

6.04.157: Subject to the provisions of Subsections (D) and (E) of LVMC 6.02.150, businesses within the following licensing category shall pay a five thousand dollars annual business license fee, as set forth below:

Internet retailer, which is any business that sells tangible personal property, digital goods or services primarily over the Internet, and has no walk-in retail sales or services. The license fee for this category includes all sales- and service-related activities.

SECTION 4: Title 6, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.010: Unless the context otherwise requires, the scope of all words in this Title shall be liberally construed in order to effectuate the purposes of this Title. In particular, the following words shall have the meaning ascribed to them as follows:

"Applicant" means any person who has applied for a City business license, approval of suitability, work card or any permit.

"Business" means any business, commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in, conducted, carried on, advertised or marketed, by any person, his agent or employee for the purpose of gain, benefit or advantage, either direct or indirect.

"Department" means the Department of [Finance and Business Services.] Planning.

"Director" means the Director of the Department of [Finance and Business Services] Planning and those persons authorized [by him to act in his] to act in the Director's behalf.

"Employee" means any person who performs services for another for hire, salary, wages or any other kind of compensation, whether or not the services are casual, temporary or permanent, and whether or not the contract of service is express or implied, oral or written.

"Establishment" means any business conducted in or upon any premises, and includes any buildings, improvements, equipment and facilities used or maintained in connection with such business.

"Gross sales/gross revenues," as used in connection with the determination of license taxes, means the total amount of the sale price of all goods sold, the total amount charged or received for the performance of any act, service or employment, of whatever nature it may be, whether or not such service, act or employment is performed as part of or in connection with the sale of goods, wares or merchandise for which a charge is made or credit allowed, including all receipts, cash, credits or property of any kind, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of property of any kind, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of property sold, cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever.

(A) The term gross sales/gross revenue shall not include:

(1) Cash discounts which are allowed or taken on sales/revenue;

(2) Over-allowance on trade-ins of used merchandise, cars or goods which are received in trade for the purchase of new merchandise, cars or goods. For purposes of this definition, "over-allowance" means the amount which is allowed on any trade-in which is in excess of the actual sale price of the trade-in by the dealer, whether that sale is wholesale, retail or at auction. In order for a dealer of new merchandise, cars or goods to substantiate deductions for over-allowances, a separate general ledger account must be maintained which accumulates the total over-allowances. This account must be supported by a cash receipt journal or similar journal which summarizes the daily transactions. Each daily entry must be supported by the original contract which clearly substantiates the difference between the actual sales price and the allowance which is given to the customer on the trade-in;

(3) Inventory transfers between dealers of new merchandise, cars or goods and their wholly owned leasing companies, wherein no profit is involved. In order for a dealer of new merchandise, cars or goods to substantiate deductions for inventory transfers, a separate account must

be maintained in the general ledger for all merchandise, cars or goods which are transferred to its wholly owned leasing company. These transactions must be traceable to a cash receipt journal or similar journal which summarizes daily transactions. Each daily entry must be supported by paperwork which legally transfers the new merchandise, car or goods to the leasing company; [and]

(4) Any tax on fuel or retail sales that is collected by the seller[.] ; and

(5) Any charge between a purchaser and seller where, at the time a license fee is due, the purchaser and seller are related entities as defined in Section 267 of the Internal Revenue Code.

"Health District" means the Southern Nevada Health District.

"License" means permission granted by the licensing authority to engage in the business for which the license is issued.

"Licensee" means any person to whom a valid license has been issued pursuant to this Title.

"License fee" or "license tax" means any money required by law to be paid to obtain, renew or maintain a license.

"Metro" means the Las Vegas Metropolitan Police Department.

"Person" includes any association, corporation, firm, partnership, trust or other form of business or social association or organization, as well as a natural person and the estate of a natural person.

"Personal representative" means any person authorized to act on behalf of the estate of a natural person.

"Premises" means land together with all buildings, appurtenances, improvements, parking areas and personal property located thereon.

"Principal" means:

(A) Any person who is an officer, director, trustee, personal representative or general partner or who has an ownership interest in or voting control of the business equal to or greater than ten percent of the entire ownership of voting control of such business. If the ownership interest or voting control is held by a person other than an individual, then each officer, director, trustee, personal representative or general partner of such person is a principal;

(B) Any person who is or will be directly engaged in the administration or supervision of the business; and

(C) Any other person if, in the Director's opinion, the person exercises, or is capable of exercising, significant influence over the business.

"Professional" means a person who:

(A) Holds a license, certificate, registration, permit or similar type of authorization issued by a State regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(B) Practices his or her profession for any type of compensation as an employee. The term "employee" for the purposes of this definition includes an owner, sole proprietor, member, partner or associate of a professional business.

"Professional business" means a business which:

(A) Holds itself out as offering services regarding one or more of the professions regulated by a State regulatory body as defined in NRS 622.060 or by Nevada Supreme Court Rules; and

(B) Employs one or more professionals to provide such services.

"Valid unexpired license" means a license that has not been suspended or revoked before its expiration date.

SECTION 5: Title 6, Chapter 2, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.150: (A) Separate licenses or permits must be obtained for each branch establishment or separate place of business, whether the activity is intended to be permanent or temporary.

(B) Except as otherwise provided in this Section or with respect to a specific license category established under this Title:

(1) A license must be obtained for every class and type of business in this Code specified, even though several classes or types of business may be operated by the same person and at the same place of business[.]; and

(2) The license fee applicable to each type or class must be paid, whether

the fee is based on gross sales pursuant to LVMC 6.04.005 or is a semiannual or annual fixed license fee established elsewhere in this Code.

(C) A person conducting several classes or types of businesses, each of which is required by LVMC 6.04.005 to pay a license fee on the basis of gross sales, at the same location and under the same business name, shall, unless otherwise directed by the Director, apply for and obtain only one license.

(D) A person who falls within a license category described in Subsection (E) shall be subject to the gross sales license fee described in LVMC 6.04.005 unless, for one or more future licensing periods, the person elects to pay the fixed annual license fee established in the applicable Code section described in Subsection (E). As deemed appropriate, the Director shall establish deadlines, procedures and other requirements for making the election described in this Subsection.

(E) The following license categories are subject to the election provisions of Subsection (D):

(1) Corporate administrative office space, as described in LVMC 6.04.040.

(2) Fulfillment center, as described in LVMC 6.04.153.

(3) Affiliate company software developer or sales-related call center, as described in LVMC 6.04.155.

(4) Internet retailer, as described in LVMC 6.04.157.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-8-11
_____
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. 2011-9
(Adds a number of specific licensing categories to the City's business licensing regulations)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-9, that would add a number of specific licensing categories to the City's business licensing regulations.

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 additional licensing categories

Direct effects:

Availability of additional licensing categories

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. The fee categories created are fixed fees rather than the gross-sales type of fee that otherwise would apply

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. See #5 above

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: February 8, 2011

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-10 – Adopts the 2009 Edition of the International Building Code, together with amendments thereto. 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 adopt the 2009 Edition of the International Building Code, together with amendments thereto. The amendments primarily represent adaptations agreed upon by local area jurisdictions.

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. 2011-10
2. Southern Nevada Amendments to the 2009 International Building Code
3. Business Impact Statement

BILL NO. 2011-10

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE, TOGETHER WITH AMENDMENTS THERETO, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2009 Edition of the International Building Code, together with amendments thereto.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.04.010: A building code is established and adopted for the City. The building code adopted by this Section, to be known as the City's Building Code, shall consist of the following documents, which are adopted by this reference and [a copy] copies of which shall be maintained on file in the Office of the City Clerk:

(A) The publication entitled ["International Building Code, 2006 Edition,"] "International Building Code, 2009 Edition," as modified herein, including all Appendices, except as otherwise specified. This publication, as modified, is designated as Part 1 of this Chapter.

(B) The document entitled ["Southern Nevada Amendments to the 2006 International Building Code,] "Southern Nevada Amendments to the 2009 International Building Code," which amends, by adding to and deleting from, certain sections of the International Building Code, [2006] 2009 Edition. This document is adopted as Part 2 of this Chapter.

(C) The publication entitled the "International Residential Code for One- and Two-Family Dwellings, 2006 Edition" (also known as the "International Residential Code, 2006 Edition"), as modified herein, including all chapters and Appendices, except as otherwise specified. This publication, as modified, is designated as Part 3 of this Chapter.

(D) The document entitled "Southern Nevada Amendments to the 2006 International Residential Code," which amends, by adding to and deleting from, certain sections of the International Residential Code, 2006 Edition. This document is adopted as Part 4 of this Chapter.

SECTION 2: The document entitled "Southern Nevada Amendments to the 2009 International Building Code" referred to in Section 1 of this Ordinance is hereby amended by adding thereto a new Section 421 and a new Subsection 421.1, to read as follows:

Section 421 Live/Work Units

421.1 Live/Work Units. In accordance with Title 19 of the Las Vegas Municipal Code, live/work units, as defined therein, are permitted in the Live/Work Overlay District. For purposes of addressing fire and life safety issues raised by that type of occupancy, live/work units are permitted in accordance with Title 19, subject to the following limitations:

a. The minimum floor area of a live/work unit shall be 750 square feet.

b. A maximum of 50 percent of the floor area of a live/work unit may be used or arranged for residential purposes such as sleeping, kitchen, bathroom and closet area.

c. No interior wall separating the living portion from the work portion of a unit is required if automatic fire alarm systems are installed throughout the building.

d. Each live/work unit shall be separated from other live/work units or other uses in the building by a two-hour rated fire wall.

e. Access to live/work units shall be provided only from common access areas (halls or corridors) and shall not be from other live/work units or other uses in the building.

f. Each live/work unit shall be fully sprinklered. Units of less than 1500 square feet may use an NFPA 13R system. Units 1500 square feet or larger require a full NFPA 13 system.

g. An emergency mode of egress directly to the outside (other than through the work portion) shall be provided from the sleeping portion of the live/work unit.

h. Live/work units shall not be used for storage of flammable liquids or hazardous materials, welding or any open flame work.

i. Gas appliances, including gas stoves and water heaters shall be separated from the sleeping areas per applicable codes.

SECTION 3: The document entitled "Southern Nevada Amendments to the 2009 International Building Code" referred to in Section 1 of this Ordinance, is attached hereto.

SECTION 4: The documents entitled "International Building Code, 2006 Edition"

and "Southern Nevada Amendments to the 2006 International Building Code," are hereby repealed.

SECTION 5: This Ordinance shall become effective on July 5, 2011.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-16-11
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
Fax: 702-382-1731
Email:
chknight@lasvegasnevada.gov

MEMBERS

Chris Knight, Chair
City of Las Vegas

Greg Blackburn
City of North Las Vegas

Ron Nybo
City of Boulder City

Ron Lynn
Clark County

Kurt Sawyer
City of Mesquite

Brent Steed
Pahrump Regional
Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

SOUTHERN NEVADA AMENDMENTS

TO THE

2009

INTERNATIONAL BUILDING CODE

Approved by SNBO
September 21, 2010

Chapter 1 Administration.

Delete Part 2 ("Administration and Enforcement"), including Sections 103 through 116 in their entirety, from Chapter 1.

Section 202 Definitions.

Revise Section 202, definition of "High-Rise Building", as follows:

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Revise Section 202 to include the following new definitions:

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the *International Fire Code*, or a duly authorized representative.

INTERNATIONAL ELECTRICAL CODE. The Electrical Code as amended and adopted by the local jurisdiction.

INTERNATIONAL ENERGY CONSERVATION CODE. The Energy Conservation Code as amended and adopted by the local jurisdiction.

INTERNATIONAL EXISTING BUILDING CODE. The Existing Building Code as amended and adopted by the local jurisdiction.

INTERNATIONAL FIRE CODE. The Fire Code as amended and adopted by the local jurisdiction.

INTERNATIONAL FUEL GAS CODE. The Fuel Gas Code as amended and adopted by the local jurisdiction.

INTERNATIONAL MECHANICAL CODE. The Mechanical Code as amended and adopted by the local jurisdiction.

INTERNATIONAL PLUMBING CODE. The Plumbing Code as amended and adopted by the local jurisdiction.

INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE. The Private Sewage Disposal Code as amended and adopted by the local jurisdiction.

INTERNATIONAL PROPERTY MAINTENANCE CODE. The Property Maintenance Code as amended and adopted by the local jurisdiction.

INTERNATIONAL RESIDENTIAL CODE. The Residential Code as amended and adopted by the local jurisdiction.

INTERNATIONAL WILDLAND-URBAN INTERFACE CODE. The Wildland-Urban Interface Code as amended and adopted by the local jurisdiction.

Section 303.1 Assembly Group A.

Revise Section 303.1 Subsection A-2, as follows:

A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:
Banquet halls
Night clubs
Restaurants
Taverns and bars
Casinos

Remainder of Section 303.1 to remain unchanged.

Section 308.3.1 Definitions.

Revise Sections 308.3.1, as follows:

308.3.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

CHILD CARE FACILITIES. Facilities that provide care on a 24-hour basis to more than six children, 2½ years of age or less.

Other definitions remain unchanged.

Section 308.5 Group I-4, day care facilities.

Revise Section 308.5, as follows:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with six or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

Section 308.5.1 remains unchanged.

Section 308.5.2 Child care facility.

Revise Section 308.5.2, as follows:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than six children 2½ years of age or less shall be classified as a Group I-4.

Exception: A child day care facility that provides care for more than six but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

Section 310.1 Residential Group R.

Revise Section 310.1, as follows:

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing *sleeping unit*s where the occupants are primarily transient in nature, including:

Boarding houses (transient)
Hotels (transient)
Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses
Boarding houses (non-transient)
Condominiums (non-transient)
Convents
Dormitories
Fraternities and sororities
Hotels (non-transient)
Live/work units
Monasteries
Motels (non-transient)
Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two *dwelling units*.
Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
Child care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours.
Congregate living facilities with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

Remainder of Section 310.1 to remain unchanged.

Section 311.2 Moderate-hazard storage, Group S-1.

Revise Section 311.2, as follows:

311.2 Moderate-hazard storage, Group S-1. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

Aerosols, Levels 2 and 3
Aircraft hangar (storage and repair)
Bags; cloth, burlap and paper
Bamboos and rattan
Baskets
Belting: canvas and leather
Books and paper in rolls or packs
Boots and shoes
Buttons, including cloth covered, pearl or bone
Cardboard and cardboard boxes
Clothing, woolen wearing apparel
Cordage
Dry boat storage (indoor)
Furniture
Furs
Glues, mucilage, pastes and size
Grains
Horns and combs, other than celluloid
Leather
Linoleum
Lumber
Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1(1) (see Section 406.6)
Photo engravings
Resilient flooring
Self-Service Storage Facility
Silks
Soaps
Sugar
Tires, bulk storage of
Tobacco, cigars, cigarettes and snuff
Upholstery and mattresses
Wax candles

Section 402.5.1 Minimum width.

Revise Section 402.5.1, as follows:

402.5.1 Minimum width. The minimum width of the mall shall be 20 feet (6096 mm). The mall width shall be sufficient to accommodate the *occupant load* served. There shall be a minimum of 10 feet (3048 mm) clear exit width to a height of 8 feet (2438 mm) in front of, adjacent to, and parallel to the store front of a tenant space bordering the mall. Kiosks, vending machines, benches, display openings, food courts or other obstructions to *means of egress* travel shall not be permitted to be located within the minimum required clear exit width to a height of 8 feet.

Section 402.9 Automatic sprinkler system.

Revise Section 402.9, as follows:

[F] 402.9 Automatic sprinkler system. The *covered mall building* and buildings connected shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, which shall comply with the following:

1. The *automatic sprinkler system* shall be complete and operative throughout occupied space in the *covered mall building* prior to occupancy of any of the tenant spaces. Unoccupied tenant spaces shall be similarly protected unless provided with *approved* alternative protection.

2. Sprinkler protection for the mall shall be independent from that provided for tenant spaces or anchors. Where tenant spaces are supplied by the same system, they shall be independently controlled and the control valve shall be electrically supervised through the fire alarm system.

Exception: An *automatic sprinkler system* shall not be required in spaces or areas of:

1. *Open parking garages* constructed in accordance with Section 406.3.

2. *Open malls* as defined in Section 402.2.

Section 402.11 Kiosks.

Revise Section 402.11, as follows:

402.11 Kiosks. Kiosks and similar structures (temporary or permanent) shall meet the following requirements:

1. *Unchanged.*

2. Kiosks or similar structures located within the mall shall be provided with *approved* fire suppression and detection devices.

3. *Unchanged.*

4. *Unchanged.*

Section 403.1 Applicability.

Revise Section 403.1, as follows:

403.1 Applicability. High-rise buildings shall comply with Sections 403.2 through 403.6.

Exception: The provisions of Sections 403.2 through 403.6 shall not apply to the following buildings and structures:
1. Airport traffic control towers in accordance with Section 412.3.
2. Open parking garages in accordance with Section 406.3.
3. Special industrial occupancies in accordance with Section 503.1.1.

Section 403.3 Automatic sprinkler system.

Revise Section 403.3, as follows:

[F] 403.3 Automatic sprinkler system. Buildings and structures shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 and a secondary water supply where required by Section 903.3.5.2.

Exception: An *automatic sprinkler system* shall not be required in *open parking garages* in accordance with Section 406.3.

Section 403.4 Emergency systems.

Revise Section 403.4, as follows:

403.4 Emergency systems. The detection, alarm and emergency systems of high-rise buildings shall comply with Sections 403.4.1 through 403.4.9.

Section 403.4.6 Smoke removal.

Revise Section 403.4.6, as follows:

403.4.6 Smoke removal. To facilitate smoke removal in post-fire salvage and overhaul operations, buildings and structures shall be equipped with natural or mechanical ventilation for removal of products of combustion in accordance with one of the following:

1. Easily identifiable, manually operable windows or panels shall be distributed around the perimeter of each floor at not more than 50-foot (15 240 mm) intervals. The area of operable windows or panels shall not be less than 40 square feet (3.7 m^2) per 50 linear feet (15 240 mm) of perimeter.

   Exceptions:

   1. In Group R-1 occupancies, each *sleeping unit* or suite having an *exterior wall* shall be permitted to be provided with 2 square feet (0.19 m^2) of venting area in lieu of the area specified in Item 1.

   2. Where permitted by the fire code official, windows of tempered glass shall be permitted to be fixed provided that no coating or film is applied and the glazing can be cleared by firefighters.

   3. Manually operable windows or panels are not required in Group R-1 and R-2 residential units provided the residential units comply with the passive requirements of Section 909 and all corridors between the residential units and the exit enclosures serving the residential units comply with Section 403.4.6, Item 3.

2. Mechanical air-handling equipment providing one exhaust air change every 15 minutes for the area involved. Return and exhaust air shall be moved directly to the outside without recirculation to other portions of the building. The volume of air shall be calculated based upon the volume of the space between the floor and the floor or roof structure above. The exhaust air quantity shall be as measured at the exhaust fan.

   Exception: Smoke removal is not required for normally unoccupied areas such as mechanical equipment rooms, electrical rooms, storage rooms that do not exceed 500 square feet in area, elevator equipment rooms, or similar areas as approved by the *building official*.

3. A smoke control system in accordance with Section 403.4.9 that provides a minimum of one exhaust air change every 15 minutes for the area involved upon manual activation of the smoke removal feature at the smoke control graphics panel. The volume of air shall be calculated based upon the volume of the space between the floor and the floor or roof structure above. The exhaust air quantity shall be as measured at the exhaust fan.

4. Any other *approved* design that will produce equivalent results where permitted by the Authority Having Jurisdiction.

403.4.6.1 Design requirements. Smoke removal systems shall be capable of manual activation and shall be designed in accordance with Sections 403.4.6.1.1 through 403.4.6.1.4.

403.4.6.1.1 Fans. Fans shall be selected for stable performance based on normal temperature. Calculations and manufacturer's fan curves shall be part of the documentation procedures. Fans shall be supported and restrained by noncombustible devices in accordance with the requirements of Chapter 16.

403.4.6.1.1.1 Fan belts. Belt-driven fans shall have 1.5 times the number of belts required for the design duty, with the minimum number of belts being two.

403.4.6.1.1.2 Fan motors. Motors driving fans shall not be operated beyond their nameplate horsepower (kilowatts), as determined from measurement of actual current draw, and shall have a minimum service factor of 1.15.

403.4.6.1.2 Ducts. Ducts shall be constructed and supported in accordance with the *International Mechanical Code*. Exhaust ducts shall be leak tested to 1.5 times the maximum design pressure in accordance with nationally accepted practices. Measured leakage shall not exceed 5 percent of design flow. Results of such testing shall be a part of the special inspections report in accordance with Section 403.4.6.3.3.

Exception: Leakage testing shall not be required where the exhaust ducts are contained completely within the smoke removal zone they serve.

403.4.6.1.3 Power. The smoke removal system shall be supplied with two sources of power. Primary power shall be from the normal building power systems. Secondary power shall be from an *approved* standby source complying with Chapter 27 of this code.

Exception: Secondary power for the smoke removal system is not required where normal power can be automatically restored from the fire command center following a normal power shunt.

403.4.6.1.3.1 Standby power source enclosure. The standby power source and its transfer switches shall be in a room separate from the normal power transformers and switch gears and ventilated directly to and from the exterior. The room shall be enclosed with not less than 1-hour *fire barriers* constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712, or both.

403.4.6.1.3.2 Power sources and power surges. Elements of the smoke removal system relying on volatile memories shall be supplied with uninterruptable power sources of sufficient duration to span a 15-minute primary power interruption. Elements of the smoke removal system susceptible to power surges shall be suitably protected by conditioners, suppressors or other *approved* means.

403.4.6.1.3.3 Secondary power supply. The secondary power supply shall be sized to accommodate the electrical requirements of the two largest adjacent smoke removal zones simultaneously.

403.4.6.1.4 Status indicators and controls. Status indicators and controls for the smoke removal system shall be provided on a graphic control panel in the fire command center. The graphic control panel shall be designed in accordance with the *International Fire Code* and shall provide status of smoke removal fans and controls for the smoke removal systems. The control panel for the smoke removal system shall be permitted to operate through the building HVAC management system or the fire alarm system. The control panel for the smoke removal system shall not be required to be listed as smoke control equipment.

403.4.6.2 Control diagrams. The *construction documents* shall provide sufficient information and detail to adequately describe the elements of the design necessary for the proper implementation of the smoke removal systems. The construction documents shall include smoke removal system control diagrams that show all devices in the system and identify their location and function. The smoke removal system drawings shall be permitted to be combined with smoke control system drawings, where applicable. Approved copies of the smoke removal system control diagrams shall be maintained current and kept on file with the Authority Having Jurisdiction and in the fire command center in an *approved* format and manner.

403.4.6.3 Special inspections for smoke removal. Smoke removal systems shall be tested by a special inspector.

Exception: Special inspections shall not be required where smoke removal is achieved by natural ventilation in accordance with Section 403.4.6, Item 1.

403.4.6.3.1 Scope of testing. *Special inspections* shall be conducted in accordance with the following:

1. During erection of ductwork and prior to concealment for the purposes of leakage testing and recording device location.

2. Prior to occupancy and after sufficient completion for the purposes of exhaust air change rate measurements and control verification.

403.4.6.3.2 Qualifications. *Special inspection* agencies for smoke removal shall have expertise in fire protection engineering, mechanical engineering and certification as air balancers.

403.4.6.3.3 Reports. A complete report of testing shall be prepared by the special inspector or *special inspection* agency. The report shall include identification of all devices by manufacturer, nameplate data, design values, measured values and identification tag or *mark*. The report shall be reviewed by the responsible *registered design professional* and, when satisfied that the design intent has been achieved, the responsible *registered design professional* shall seal, sign and date the report with a statement as follows:

"I have reviewed this report and by personal knowledge and on-site observation certify that the smoke removal system is in substantial compliance with the design intent, and to the best of my understanding complies with the requirements of the code."

403.4.6.3.3.1 Report filing. A copy of the final report shall be filed with the Authority Having Jurisdiction and an identical copy shall be maintained in the *fire command center*.

Section 403.4.7.2 Standby power loads.

Revise Section 403.4.7.2, as follows:

[F] 403.4.7.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.8;
2. Ventilation and automatic fire detection equipment for smokeproof enclosures;
3. Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008; and
4. Smoke control systems.

Section 403.4.9 Smoke control.

Add a new Section 403.4.9, as follows:

403.4.9 Smoke control. A smoke control system shall be provided for all Group R-1 or R-2 occupancies. The smoke control system shall be in accordance with Section 909 except as modified in Section 403.4.9.1.

Exceptions:

1. Compliance with Sections 909.6, 909.7, 909.8, 909.9, and 909.12.3 shall not be required.

2. The preprogrammed test sequence for smoke control systems required by Section 909.12 shall be permitted to be performed on a quarterly basis and shall be permitted to only test manually restorable components on an individual basis, such that no single component shall be required to activate more than once during the test sequence.

403.4.9.1 Design criteria. Corridors serving Group R-1 sleeping units or Group R-2 dwelling units shall be provided with mechanical ventilation that achieves a minimum of one exhaust air change each 10 minutes for the area involved (6 air changes per hour). The exhaust rate for the smoke control system shall exceed the supply (makeup) air rate by a minimum of 20 percent to ensure that the corridor is maintained slightly negative relative to adjacent areas. All Group R-1 sleeping units and Group R-2 dwelling units shall be passive smoke control zones.

Exception: Where approved by the *building official*, passive smoke control shall be permitted for the corridors.

403.4.9.1.1 System activation. The smoke control system shall be automatically activated upon smoke detection in the corridor.

Exception: Where corridor smoke detection is not required by other sections of this code, activation of the smoke control system by activation of sprinkler systems shall be permitted. The sprinkler system used to initiate the smoke control system shall protect only the corridor for which active smoke control is provided and shall be separately zoned from sprinkler systems protecting all rooms and areas that are not part of the active smoke control zone.

403.4.9.1.2 Arrangement of supply and exhaust openings. The supply and exhaust openings serving the smoke control system shall be sufficiently separated from each other, but not less than a horizontal distance equal to two-thirds of the overall length of the corridor served. The entire exhaust opening shall be within the upper one-third of the average height of the corridor. The entire supply opening shall be within the lower one-third of the average height of the corridor.

403.4.9.1.3 Sequence of operation. Upon activation, the corridor smoke control system shall exhaust air directly to the exterior without recirculation. Recirculating fan-coil units serving the corridor and air-handling equipment serving residential units shall be permitted to continue to operate in normal mode. All other exhaust systems, including those serving toilets, kitchens, vending rooms, or other similar spaces shall be permitted to continue to operate in normal mode.

403.4.9.1.4 Number of zones. Where doors are provided to divide the corridors into multiple sections, each section shall be provided with the required ventilation rate.

Section 403.5.2 Additional exit stairway.

Add new Sections 403.5.2.1 and 403.5.2.2, as follows:

403.5.2 Additional exit stairway. For buildings other than Group R-2, that are more than 420 feet (128 m) in *building height*, one additional *exit stairway* meeting the requirements of Sections 1009 and 1022 shall be provided in addition to the minimum number of *exits* required by Section 1021.1. The total width of any combination of remaining *exit stairways* with one *exit stairway* removed shall not be less than the total width required by Section 1005.1. *Scissor stairs* shall not be considered the additional *exit stairway* required by this section.

403.5.2.1 Access. Access into the additional exit stairway shall be provided on every floor level equal to the exit stairways serving those areas of the building greater than 420 feet (128 m) in building height. The additional exit stairway shall not be required to be provided for redundancy to stairs serving only those portions of the building less than 420 feet (128 m) in building height.

403.5.2.2 Multiple towers. For buildings containing multiple towers, the additional exit stairway shall only be required for those towers exceeding 420 feet (128 m) in building height.

Exception: An additional *exit stairway* shall not be required to be installed in buildings having elevators used for occupant self-evacuation in accordance with Section 3008.

Section 403.5.3 Stairway door operation.

Revise Section 403.5.3, as follows:

403.5.3 Stairway door operation. Stairway doors other than the *exit discharge* doors shall be permitted to be locked from stairway side. Stairway doors that are locked from the stairway side shall be unlocked simultaneously without unlatching upon any of the following: a signal from the fire command center; activation of a fire alarm signal in an area served by the stairway; or failure of the power supply.

Exception: Upon approval of the *building official*, stairway doors opening directly into privately owned residential units or leased tenant spaces are permitted to unlock without unlatching only upon signal from the fire command center.

Section 403.5.4 Smokeproof exit enclosures.

Revise Section 403.5.4, as follows:

403.5.4 Smokeproof exit enclosures. Every required level *exit stairway* serving floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with Sections 909.20 and 1022.9.

Section 403.6.1 Fire service access elevator.

Revise Section 403.6.1, as follows:

403.6.1 Fire service access elevator. In buildings with an occupied floor more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access, a minimum of one fire service access elevator shall be provided in accordance with Section 3007.

Exception: Where a building is provided with multiple elevators in accordance with Section 3002.4 and Table 3002.4, a fire service access elevator shall not be required.

Section 404.3 Automatic sprinkler protection.

Delete Exception No. 1 and No. 2 in Section 404.3, as follows:

[F] 404.3 Automatic sprinkler protection. An *approved automatic sprinkler system* shall be installed throughout the entire building.

Section 404.6 Enclosure of atriums.

Revise Section 404.6, as follows:

404.6 Enclosure of atriums. Atrium spaces shall be separated from adjacent spaces by a 1-hour *fire barrier* constructed in accordance with Section 707 or a *horizontal assembly* construction in accordance with Section 712, or both.

Exceptions:

1. A glass wall forming a smoke partition where a separately zoned system of automatic sprinklers are spaced 6 feet (1829 mm) or less along both sides of the separation wall, or on the room side only if there is not a walkway on the atrium side, and between 4 inches and 12 inches (102 mm and 305 mm) away from the glass and designed so that the entire surface of the glass is wet upon activation of the sprinkler system without obstruction. The glass shall be installed in a frame so that the framing system deflects without breaking (loading) the glass before the sprinkler system activates.

2. *Unchanged.*

3. *Unchanged.*

Section 405.8.1 Standby power loads.

Revise Section 405.8.1, as follows:

[F] 405.8.1 Standby power loads. The following loads are classified as standby power loads:
1. Smoke control system.
2. Ventilation and automatic fire detection equipment for smokeproof enclosures.

Standby power shall be provided for elevators in accordance with Section 3003.

Section 405.9.1 Emergency power loads.

Revise Section 405.9, as follows:

[F] 405.9.1 Emergency power loads. The following loads are classified as emergency power loads:

1. Emergency voice/alarm communication systems.
2. Fire alarm systems.
3. Automatic fire detection systems.
4. Elevator car lighting.
5. *Means of egress* and exit sign illumination required by Chapter 10.
6. Electrically powered Fire Pimps.

Section 406.1.2 Area increase.

Add a new exception after last paragraph of Section 406.1.2, a*s follows:*

406.1.2 Area increase. Group U occupancies used for the storage of private or pleasure-type motor vehicles where no repair work is completed or fuel is dispensed are permitted to be 3,000 square feet (279 m^2) when the following provisions are met:

1. For a mixed occupancy building, the *exterior wall* and opening protection for the Group U portion of the building shall be as required for the major occupancy of the building. For such a mixed occupancy building, the allowable floor area of the building shall be as permitted for the major occupancy contained therein.

2. For a building containing only a Group U occupancy, the *exterior wall* shall not be required to have a *fire-resistance rating* and the area of openings shall not be limited when the *fire separation distance* is 5 feet (1524 mm) or more.

More than one 3,000-square-foot (279 m^2) Group U occupancy shall be permitted to be in the same building, provided each 3,000-square-foot (279 m^2) area is separated by *fire walls* complying with Section 706.

Exception: Noncombustible carports may be of unlimited area when they are open on all sides, not over twelve feet (3658 mm) in height, and located a minimum of 5 feet (1524 mm) from any property line or assumed property line, measured from the roof edge.

Section 406.1.4 Separation.

Revise Section 406.1.4 by adding new Item Nos. 4 and 5, as follows:

406.1.4 Separation. Separations shall comply with the following:

1. *Unchanged.*
2. *Unchanged.*
3. *Unchanged.*
4. Noncombustible carports do not require exterior wall and opening protection when they are open on all sides, not over twelve feet (3658 mm) in height, and located a minimum of 5 feet (1524 mm) from any property line or assumed property line, as measured from the roof edge.
5. When a Group B, F, M, R, or S occupancy structure and a noncombustible carport are located on the same property with a minimum separation of ten feet (3048) between the structure and the carport, as measured from the roof edges, exterior wall and opening protection is not required for either structure.

Section 406.2.6.1 Floor drains.

Add a new Section 406.2.1, as follows:

406.2.6.1 Floor drains. Where provided, floor drains installed in enclosed parking garages or repair garages shall drain to an *approved* sand/oil separator in accordance with the *International Plumbing Code*.

Section 406.4.2 Ventilation.

Revise Section 406.4.2, as follows:

406.4.2 Ventilation. A mechanical ventilation system shall be provided in accordance with the *International Mechanical Code.*

Exceptions:

1. A mechanical ventilation system shall not be required in an enclosed parking garage when openings complying with Section 406.3.3.1 are provided.

2. A mechanical ventilation system shall not be required in an enclosed parking garage having a floor area of 1,000 ft^2 or less and used for the storage of five (5) or less private motor vehicles.

406.4.2.1 Minimum ventilation. The mechanical ventilation system shall be capable of producing a ventilation rate of 0.75 cfm per square foot (0.0038 $m^3/s \cdot m^2$) of floor area.

Exception: When approved by the *building official*, the mechanical ventilation system may be designed to exhaust a minimum of 14,000 cfm (6.61 m^3/s) for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles, but not less than 2.5 percent of the garage capacity, or one vehicle, whichever is greater.

406.4.2.2 Intermittent operation. The mechanical ventilation system shall not be required to operate continuously where *approved* automatic carbon monoxide sensing devices are provided to operate the system automatically to maintain a maximum average concentration of carbon monoxide of 50 parts per million during any eight-hour period, with a maximum concentration not greater than 200 parts per million for a period not exceeding one hour.

406.4.2.3 Occupied spaces accessory to public garages. Connecting offices, waiting rooms, ticket booths and similar uses that are accessory to a public garage shall be supplied with conditioned air and maintained at a positive pressure.

Section 406.6.3 Ventilation.

Revise Section 406.6.3, as follows:

406.6.3 Ventilation. Repair garages shall be mechanically ventilated in accordance with the *International Mechanical Code*. The ventilation system shall be controlled at the entrance to the garage.

406.6.3.1 Minimum ventilation. The mechanical ventilation system shall be capable of producing a ventilation rate of 1.5 cfm per square foot (0.0076 $m^3/s \cdot m^2$) of floor area. Each engine repair stall shall be equipped with an exhaust pipe extension duct, extending to the outside of the building, which, if over 10 feet (3048 mm) in length, shall mechanically exhaust 300 cfm (0.142 m^3/s).

406.6.3.2 Occupied spaces accessory to repair garages. Connecting offices, waiting rooms and similar uses that are accessory to a repair garage shall be supplied with conditioned air and maintained at a positive pressure.

Section 410.3.4 Proscenium wall.

Add a new Exception to Section 410.3.4, as follows:

410.3.4 Proscenium wall. Where the stage height is greater than 50 feet (15 240 mm), all portions of the stage shall be completely separated from the seating area by a proscenium wall with not less than a 2-hour *fire-resistance rating* extending continuously from the foundation to the roof.

Exception: Where a stage is located in a building of Type I construction, the proscenium wall is permitted to extend continuously from the 2-hour *fire-resistance-rated* floor slab of the space containing the stage to the roof or a 2-hour *fire-resistance-rated* floor deck above. This exception shall not apply to buildings of Type IB construction in which the minimum fire-resistance ratings of the building elements in Table 601 have been reduced in accordance with Section 403.2.1.1.

Section 410.3.5.1 Activation.

Add a new Section 410.3.5.1, as follows:

410.3.5.1 Activation. When provided, a fire curtain shall be activated by manual emergency operation, fusible link, rate-of-rise heat detection installed in accordance with Section 907.3 operating at a rate of temperature rise of 15 to 20ºF per minute (8 to 11ºC per minute), or signal of water flow from any sprinkler system covering the stage as required by Section 410.6.

Section 410.6 Automatic sprinkler system.

Delete Exceptions No. 1 and 2 in Section 410.6, as follows:

[F] 410.6 Automatic sprinkler system. Stages shall be equipped with an automatic fire-extinguishing system in accordance with Chapter 9. Sprinklers shall be installed under the roof and gridiron and under all catwalks and galleries over the stage. Sprinklers shall be installed in dressing rooms, performer lounges, shops and storerooms accessory to such stages.

Exception: Sprinklers are not required within portable orchestra enclosures on stages.

Section 410.8 Special effects.

Add a new Section 410.8, as follows:

410.8 Special effects. Special effects are regulated by the *International Fire Code*.

Section 412.4.6 Fire suppression.

Delete the Exception in Section 412.4.6, as follows:

412.4.6 Fire suppression. Aircraft hangars shall be provided with a fire suppression system designed in accordance with NFPA 409, based upon the classification for the hangar given in Table 412.4.6.

Section 419.5 Fire Protection.

Revise Section 419.5, as follows:

419.5 Fire Protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2

Section 420.4 Visual access.

Add a new Section 420.4, as follows:

420.4 Visual access. The primary entrance door of individual units in motels, hotels, apartment houses, condominiums, and vacation timeshare properties shall contain a means to allow the occupant to visually identify a visitor without opening the unit entry door.

Section 421.5 Ventilation.

Revise Section 421.5, as follows:

421.5 Ventilation. Cutoff rooms shall be provided with mechanical ventilation.

Exception: Where approved by the *building official*, natural ventilation shall be permitted in lieu of mechanical ventilation.

421.5.1 Ventilation rate. Mechanical ventilation of hydrogen cutoff rooms shall be provided at a minimum rate of 1 cubic foot per minute per 12 cubic feet [0.00138 $m^3/(s \cdot m^3)$] of room volume.

421.5.2 Inlets and outlets. Hydrogen cutoff rooms shall be ventilated utilizing air supply inlets and exhaust outlets arranged to provide uniform air movement to the extent practical. Inlets shall be uniformly arranged on exterior walls near floor level. Outlets shall be located at the high point of the room in exterior walls or the roof.

421.5.3 Operation. Ventilation shall be by a continuous mechanical ventilation system.

Exception: Where approved by the *building official*, ventilation shall be permitted to be by a mechanical ventilation system activated by a continuously monitoring flammable gas detection system that activates at a gas concentration of 25 percent of the lower flammable limit (LFL).

421.5.4 Shutdown. The gaseous hydrogen system shall be automatically shut down in the event of failure of the ventilation system.

Section 505.1 General.

Revise Section 505.1, as follows:

505.1 General. A *mezzanine* or *mezzanines* in compliance with Section 505 shall be considered a portion of the *story* in which it is contained. Such *mezzanines* shall not contribute to either the *building area* or number of *stories* as regulated by Section 503.1. The area of the *mezzanine* shall be included in determining the *fire area* defined in Section 902. The clear height above and below the *mezzanine* floor construction shall not be less than 7 feet-6 inches (2286 mm).

Exception: The clear height above and below the mezzanine shall not be less than 7 feet for any of the following conditions:

1. For Group A, B, E, F, M and U occupancies, where the occupant load does not exceed 49.
2. For Group H-1, H-2, and H-3 occupancies, where the occupant load does not exceed 3.
3. For Groups H-4, H-5, I-1, I-3, I-4, and R, where the occupant load does not exceed 10.
4. For Group S, where the occupant load does not exceed 29.

Section 507.2 Group F-2 or S-2, one story.

Revise Section 507.2, as follows:

507.2 Group F-2 or S-2, one story. The area of a Group F-2 or S-2 building no more than one *story* in height shall not be limited when the building is surrounded and adjoined by *public ways* or *yards* not less than 60 feet (18 288 mm) in width and the building is provided with an automatic sprinkler system throughout when required by Section 903.2 or the *International Fire Code*.

Section 507.3 Sprinklered, one story.

Delete Exception No. 2 in Section 507.3, as follows:

507.3 Sprinklered, one story. The area of a Group B, F, M or S building no more than one *story above grade plane*, or a Group A-4 building no more than one *story above grade plane* of other than Type V construction, shall not be limited when the building is provided with an *automatic sprinkler system* throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by *public ways* or yards not less than 60 feet (18 288 mm) in width.

Exception: Buildings and structures of Type I and II construction for rack storage facilities that do not have access by the public shall not be limited in height, provided that such buildings conform to the requirements of Sections 507.3, 903.3.1.1 and Chapter 23 of the *International Fire Code*.

Table 508.2.5 Incidental Accessory Occupancies.

Revise Table 508.2.5, as follows:

TABLE 508.2.5
INCIDENTAL ACCESSORY OCCUPANCIES

ROOM OR AREA	SEPARATION AND/OR PROTECTION
Rooms containing fire pumps in nonhigh-rise buildings	2 hours

All other parts of Table 508.2.5 to remain unchanged.

Section 603.1.2 Piping.

Revise Section 603.1.2, as follows:

603.1.2 Piping. The use of combustible piping materials shall be permitted when installed in accordance with the limitations of the *International Mechanical Code* and the *International Plumbing Code*~~.~~ or the following:

603.1.2.1 Equipment rooms. Combustible piping shall be permitted to be installed in an equipment room that is enclosed by 2-hour fire-resistance rated construction and protected throughout by automatic sprinklers. The combustible piping shall be permitted to be extended from the equipment room to other rooms provided the piping is encased in an approved, dedicated 2-hour fire-resistance rated assembly. Where such combustible piping penetrates a fire-resistance rated wall and/or floor/ceiling assembly, the penetration shall be protected by a through-penetration firestop system that is listed for the specific piping material and that has F and T ratings not less than the required fire-resistance rating of the penetrated assembly. The combustible piping shall not penetrate more than a single floor.

603.1.2.2 Chemical waste systems. Combustible piping shall be permitted to be installed for chemical waste and vent systems when the chemical waste would otherwise react with noncombustible piping. Combustible piping serving such systems shall be protected as required in Section 603.1.2.1.

603.1.2.3 Medical water systems. Combustible piping shall be permitted to be installed for purified water systems that are used in conjunction with medical treatment systems, such as dialysis. Combustible piping serving such systems shall be protected as required in Section 603.1.2.1.

603.1.2.4 Bars and soda fountains. Combustible piping shall be permitted to be installed for distribution/process systems that serve bars and soda fountains. Combustible piping serving such systems shall either be installed below a fire-resistance rated slab-on-grade, protected as required in Section 603.1.2.1, or sleeved within noncombustible EMT conduit or metal piping from the room of origin to the area of end use. Where combustible piping serving bars and soda fountains is sleeved within noncombustible EMT conduit or metal piping, the end points of the conduit or pipe shall be sealed in accordance with Southern Nevada Health District requirements.

603.1.2.5 Fire sprinkler systems. CPVC piping that is specifically listed and labeled for fire protection use shall be permitted to be installed for fire sprinkler system piping provided that it is installed in accordance with its listing, the manufacturer's installation requirements, and the *International Building Code*.

603.1.2.6 Under slab-on-grade. Combustible piping shall be permitted to be installed under a fire-resistance rated slab-on-grade provided the transition from combustible to noncombustible piping occurs entirely below the slab-on-grade. The transition from combustible to noncombustible piping shall be permitted to occur within an equipment room directly above the slab-on-grade when the room is protected as required in Section 603.1.2.1.

Section 703.6 Marking and identification.

Revise Section 703.6, as follows:

703.6 Marking and identification. Fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions or any other wall required to have protected openings or penetrations shall be effectively and permanently identified with signs or stenciling in all accessible concealed floor, floor-ceiling or attic spaces. Such identification shall:

1. Be located within 15 feet (4572 mm) of the end of each wall, and at intervals not exceeding 30 feet (9144 mm) measured horizontally along the wall or partition; and

2. Include lettering not less than 2 inches (50.8 mm) in height with a minimum 3/8 inch stroke (9.5 mm) in a contrasting color, incorporating the suggested wording: "FIRE AND/OR SMOKE BARRIER—PROTECT ALL OPENINGS," or other wording.

Exception: Walls in group R-2 occupancies that do not have a removable decorative ceiling allowing access to the concealed space

Table 705.8 Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection

Revise Table 705.8, as follows:

TABLE 705.8 MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION		
FIRE SEPARATION DISTANCE (feet)	**DEGREE OF OPENING PROTECTION**	**ALLOWABLE AREA[a]**
0 to less than 3[b,c]	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S)[i]	Not Permitted
	Protected (P)	Not Permitted
3 to less than 5[d,e]	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S)[i]	15%
	Protected (P)	15%
5 to less than 10[e,f, j]	Unprotected, Nonsprinklered (UP, NS)	10%[h]
	Unprotected, Sprinklered (UP, S)[i]	25%
	Protected (P)	25%
10 to less than 15[e, f, g, j]	Unprotected, Nonsprinklered (UP, NS)	15%[h]
	Unprotected, Sprinklered (UP, S)[i]	45%
	Protected (P)	45%
15 to less than 20[f, g, j]	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S)[i]	75%
	Protected (P)	75%
20 to less than 25[f, g, j]	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S)[i]	No Limit
	Protected (P)	No Limit
25 to less than 30[f, g, j]	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S)[i]	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S)[i]	No Limit
	Protected (P)	No Limit

Notes and Footnotes remain unchanged except for the addition of j, as follows.

j. For special requirements for Group U occupancies, see Sections 406.1.2 and 406.1.4.

Section 708.13.3 Refuse and laundry chute access rooms.

Revise Section 708.13.3, as follows:

708.13.3 Refuse and laundry chute access rooms. Access openings for refuse and laundry chutes shall be located in rooms or compartments enclosed by not less than 1-hour fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with 712, or both. Openings into the access rooms shall be protected by opening protectives having a fire protection rating of not less than ¾ hour. Doors shall be self- or automatic-closing upon the detection of smoke in accordance with Section 715.4.8.3. The room or compartment shall be sized to allow the access door to the room or compartment to close and latch with the access panel to the refuse or laundry chute in any position.

Section 708.13.4 Termination room.

Revise Section 708.13.4, as follows:

708.13.4 Termination room. Refuse and laundry chutes shall discharge into an enclosed room separated from the remainder of the building by fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712, or both. Construction shall be a minimum of 1-hour, but not less than the fire-resistance rating of the shaft enclosure. Openings into the termination room shall be protected by opening protectives having a fire protection rating of not less than ¾ hour for 1-hour termination rooms and 1½ -hour for 2-hour termination rooms. Doors shall be self- or automatic-closing upon the detection of smoke in accordance with Section 715.4.8.3. Refuse chutes shall not terminate in an incinerator room. Refuse and laundry rooms that are not provided with chutes need only comply with Table 508.2.5.

Section 710.4 Continuity.

Revise Section 710.4, as follows:

710.4 Continuity. *Smoke barriers* shall form an effective membrane continuous from the top of the foundation or floor/ceiling assembly below to the underside of the floor or roof sheathing, deck or slab above, including continuity through concealed spaces, such as those found above suspended ceilings, and interstitial structural and mechanical spaces. The supporting construction shall be protected to afford the required *fire-resistance rating* of the wall or floor supported in buildings of other than Type IIB, IIIB or VB construction.

Exception: Smoke-barrier walls are not required in interstitial spaces where such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by the smoke-barrier walls.

Table 715.4 Fire Door and Shutter Fire Protection Ratings

Revise Table 715.4 by adding a new Note, at the bottom of the Table, as follows:

Note: As specified in Section 909.20, 20-minute fire rated door opening protectives are allowed in *fire barrier* walls separating a vestibule and the stairway.

Footnotes" a" and" b" remain.

Section 715.4.8 Door Closing.

Revise Section 715.4.8, as follows:

715.4.8 Door Closing. *Fire doors* in fire walls shall be automatic-closing in accordance with this section. *Fire doors in other than fire walls* shall be self- or automatic-closing in accordance with this section.

Exceptions:

1. *Fire doors* located in common walls separating sleeping units in Group R-1 and between dwelling units of transient nature in Group R-2 shall be permitted without automatic- or self-closing devices.

2. The elevator car doors and the associated hoistway enclosure doors at the floor level designated for recall in accordance with Section 3003.2 shall be permitted to remain open during Phase I emergency recall operations.

Section 717.3.2 Groups R-1, R-2, R-3 and R-4.

Revise Section 717.3.2, as follows:

717.3.2 Groups R-1, R-2, R-3 and R-4. Draftstopping shall be provided in floor/ceiling spaces in Group R-1 buildings, in Group R-2 buildings with three or more dwelling units, in Group R-3 buildings with two dwelling units and in Group R-4 buildings. Draftstopping shall be located above and in line with the dwelling unit and sleeping unit separations.

Exceptions:

1. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.2, provided that automatic sprinkler systems in accordance with Section 903.3.1.1 are also installed in the combustible concealed spaces.

Section 717.4.2 Groups R-1 and R-2.

Revise Section 717.4.2, as follows:

717.4.2 Groups R-1 and R-2. Draftstopping shall be provided in attics, mansards, overhangs or other concealed roof spaces of Group R-2 buildings with three or more dwelling units and in all Group R-1 buildings. Draftstopping shall be installed above, and in line with, sleeping unit and dwelling unit separation walls that do not extend to the underside of the roof sheathing above.

Exceptions:

1. Where corridor walls provide a sleeping unit or dwelling unit separation, draftstopping shall only be required above one of the corridor walls.

2. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

3. In occupancies in Group R-2 that do not exceed four stories in height, the attic space shall be subdivided by draftstops into areas not exceeding 3,000 square feet (279 m2) or above every two dwelling units, whichever is smaller.

4. Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.2, provided that automatic sprinkler systems in accordance with Section 903.3.1.1 are also installed in the combustible concealed spaces.

Section 717.5 Combustible materials in concealed spaces in Type I or II construction.

Revise Section 717.5, as follows:

717.5 Combustible materials in concealed spaces in Type I or II construction. Combustible materials shall not be permitted in concealed spaces of buildings of Type I or II construction.

Exceptions:

1. Combustible materials in accordance with Section 603.
2. Combustible materials exposed within plenums complying with the *International Mechanical Code.*
3. Class A interior finish materials classified in accordance with Section 803 where the concealed space is protected with fire sprinklers as required by the Fire Code when fire sprinklers are required in the building by another section in this code.
4. Combustible insulation and covering on pipe and tubing, installed in concealed spaces other than plenums, complying with Section 719.7.
5. CPVC fire sprinkler system piping listed and labeled for fire protection use. Piping shall have a peak optical density not greater than 0.50, an average optical density of not greater than 0.15, and a flame spread of not greater than 5 feet when tested in accordance with UL 1887.

Section 721.6.2.3 Exterior Walls.

Revise Section 721.6.2.3, as follows:

721.6.2.3 Exterior Walls. For an *exterior wall* with a *fire separation distance* greater than 10 feet (3048 mm), the wall is assigned a rating dependent on the interior membrane and the framing as described in Tables 721.6.2(1) and 721.6.2(2). The membrane on the outside of the non-fire-exposed side of the *exterior walls* with a *fire separation distance* greater than 10 feet (3048 mm) may consist of sheathing, sheathing paper and siding as described in table 721.6.2(3).

Section 802.1 General.

Revise Section 802.1, as follows:

802.1 General. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

DECORATIVE MATERIALS. See Section 202.

EXPANDED VINYL WALL COVERING. Wall covering consisting of a woven textile backing, an expanded vinyl base coat layer and a nonexpanded vinyl skin coat. The expanded base coat layer is a homogeneous vinyl layer that contains a blowing agent. During processing, the blowing agent decomposes, causing this layer to expand by forming closed cells. The total thickness of the wall covering is approximately 0.055 inch to 0.070 inch (1.4 mm to 1.78 mm).

The remainder of this section remains unchanged.

Section 803.11.2 Set-out construction.

Revise Section 803.11.2, as follows:

803.11.2 Set-out construction. Where walls and ceilings are required to be of fire-resistance-rated or noncombustible construction and walls are set out or ceilings are dropped distances greater than specified in Section 803.11.1, noncombustible materials, in accordance with Section 703.4 shall be used except where *interior finish* materials meet one of the following:

1. Protected on both sides by an automatic sprinkler system in accordance with Section 903.3.1.1, or
2. The combustible void is filled with fiberglass or noncombustible insulation, or
3. Attached to a noncombustible backing, or
4. Attached to furring strips installed as specified in Section 803.11.1.

The hangers and assembly members of such dropped ceilings that are below the main ceiling line shall be of noncombustible materials, except that in Types III and V construction, *fire-retardant-treated wood* shall be permitted. The construction of each set-out wall shall be of fire-resistance-rated construction as required elsewhere in this code.

Section 803.13 Site-fabricated stretch systems.

Add a new Section 803.13.1, as follows:

803.13 Site-fabricated stretch systems. Where used as interior wall or ceiling finish materials, site-fabricated stretch systems shall be tested in the manner intended for use, and shall comply with the requirements of Section 803.1.1 or 803.1.2. If the materials are tested in accordance with ASTM E 84 or UL 723, specimen preparation and mounting shall be in accordance with ASTM E 2573.

803.13.1 Site-fabricated stretch ceiling systems. Where used as a dropped ceiling, the following shall apply:

1. In Types I and II construction, frames shall be of non-combustible materials.

2. Where automatic sprinkler protection in accordance with Section 903.3.1.1 or 903.3.1.2 is required beneath the panel, core materials shall be of non-combustible materials.

Section 806.1 General requirements.

Add a new sentence to the end of the fourth paragraph of Section 806.1, as follows:

[F] 806.1 General requirements. In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other *decorative materials* suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

In Groups I-1 and I-2, combustible *decorative materials* shall meet the flame propagation criteria of NFPA 701 unless the *decorative materials*, including, but not limited to, photographs and paintings, are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorative materials are prohibited.

Fixed or movable walls and partitions, paneling, wall pads and crash pads applied structurally or for decoration, acoustical correction, surface insulation or other purposes shall be considered *interior finish* if they cover 10 percent or more of the wall or of the ceiling area, and shall not be considered *decorative materials* or furnishings.

In Group B and M occupancies, fabric partitions suspended from the ceiling and not supported by the floor shall meet the flame propagation performance criteria in accordance with Section 806.2 and NFPA 701 or shall be noncombustible. In other than Group B and M occupancies, fabric partitions shall be in accordance with the type of construction required for the building.

Section 903.1.1 Alternative protection.

Delete Section 903.1.1, in its entirety.

Section 903.2 Where required.

Revise Section 903.2, as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided throughout all buildings, regardless of occupancy type, exceeding 5,000 sq ft (464 m^2) in building area, and additionally in locations described in Section 903.2.1 through 903.2.12.

Exceptions:

1. Open parking garages with no other occupancy above any part of the open parking garage structure are not required to be protected with automatic sprinklers.
2. Buildings, structures, or service equipment and installations directly used in utility generation or distribution which are installed on properly recorded easements belonging to water, gas, power, telephone, or other utility companies that are preemptively regulated by the Nevada Pubic Service Commission, a State of Nevada charter, or other public franchise. This exception does not apply to non-exempted buildings or structures containing occupiable spaces such as offices, meeting rooms, service counters, public restrooms, or other normally occupied space.

If any fire area in a building or structure is provided with fire sprinklers, whether required or not, all fire areas in the building or structure shall be provided with fire sprinklers.

Exceptions:

1. Where a building is subdivided into separate buildings, each having a total building area of less than 5,000 sq ft (464 m^2), by 4-hour rated fire walls with no openings constructed in accordance with the IBC.
2. Special hazard areas that require sprinklers for certain uses, such as medical gas rooms, may be fire sprinklered without requiring additional fire sprinklers, when approved by the code official.

For new construction expanding existing buildings, where an addition to any existing non-sprinklered building or structure expands the total area to greater than 5,000 square feet (464 m^2), the entire building, including the existing portions, shall be provided with fire sprinklers.

Exceptions:
1. Group R-3 occupancies with fire flow in accordance with the International Fire Code.
2. Where the area of the addition does not exceed 25% of the original building area at the time of construction and the area of the addition does not exceed 5,000 square feet (464 m^2).

Section 903.2.3 Group E.

Revise Section 903.2.3, as follows:

903.2.3 Group E. An *automatic sprinkler* system shall be provided for Group E occupancies where one of the following conditions exists:

1. The Group E *fire areas have an occupant load of 50 or more.*
2. Any portion of the Group E fire areas is below the lowest *level of exit discharge.*
3. Rooms used for kindergarten, first or second-grade pupils or for child care purposes, are located above or below the first story.
4. Daycare facilities used for child care between the hours of 12:00 a.m. and 6:00 a.m.

Exception: An *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area where every classroom throughout the building has at least one exterior *exit* door at ground level.

Section 903.2.9 Group S-1.

Revise Section 903.2.9, as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1115 m^2)
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2)
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m^2)
5. A Group S-1 fire area used for self-storage where the fire area exceeds 2,500 square feet (279 m^2)

Section 903.3.1.1.1 Exempt locations.

Revise Section 903.1.1.1, as follows:

903.3.1.1.1 Exempt locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, or fire-resistance rated construction, or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when *approved* by the *fire code official*
3. Fire service access elevator machine rooms and machinery spaces

Section 903.3.1.2 NFPA 13R sprinkler systems.

Revise Section 903.3.1.2, as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including two stories in height, automatic sprinkler systems shall be installed in accordance with NFPA 13 or NFPA 13R.

Section 903.3.1.3 NFPA 13D sprinkler systems.

Revise Section 903.3.1.3, as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be permitted to be installed throughout in accordance with NFPA 13, NFPA 13R, or NFPA 13D.

Section 903.3.5.2 Secondary water supply.

Revise Section 903.3.5.2, as follows:

903.3.5.2 Secondary water supply. A dedicated secondary on-site water supply equal to the hydraulically calculated sprinkler demand, including a 100 gpm inside hose stream requirement, but not less than 15,000 usable gallons, shall be provided for high-rise buildings. The secondary water supply shall have a duration of not less than 30 minutes.

Section 903.4 Sprinkler system supervision and alarms.

Revise Section 903.4, as follows:

903.4 Sprinkler system supervision and alarms. Sprinkler system supervision and alarms are regulated by the *International Fire Code*.

Section 904.2 Where required.

Revise Section 904.2, as follows:

904.2 Where required. Automatic fire-extinguishing systems shall be approved by the fire code official. Automatic fire-extinguishing systems shall not be considered an alternative to the required automatic sprinkler systems of Section 903 or for the purpose of exceptions or reductions allowed by other requirements of this code.

Section 905.3.1 Height.

Revise Section 905.3.1, as follows:

905.3.1 Height. Approved Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of the fire department vehicle access.

Section 905.3.2 Group A.

Revise Section 905.3.2, as follows:

905.3.2 Group A. Class I automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an occupant load exceeding 1,000 persons.

Exceptions:

1. Open-air seating spaces without enclosed spaces
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings where the highest floor surface used for human occupancy is 55 feet (16 764 mm) or less above the lowest level of fire department vehicle access.

Section 905.4 Location of Class I standpipe hose connections.

Revise Section 905.4, as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connection shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located on the floor level landing, as approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

   Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

   Exception: Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

6. Throughout the entire building so that all portions of each floor level are provided with hose valve coverage utilizing 100 feet (30 480 mm) of hose and 30-foot (9144 mm) stream from any hose connection located on that floor or intermediate landing. The length of hose shall be along normal walking routes, and the stream shall not be expected to penetrate walls or windows.

Section 905.4.1 Protection.

Revise Section 905.4.1, as follows:

905.4.1 Protection. Risers and laterals of Class I standpipe systems not located within an enclosed stairway or pressurized enclosure shall be protected by a degree of fire resistance equal to that required for vertical enclosures in the building in which they are located.

Exception: In buildings constructed of Type I or Type II construction in accordance with the Building Code or in buildings equipped throughout with an approved automatic sprinkler system, standpipes that are not located within an enclosed stairway or pressurized enclosure are not required to be enclosed within fire-resistance-rated construction.
Revise Section 905.5, as follows:

905.5 Location of Class II standpipe hose connections. Class II standpipe hose connections are regulated by the *International Fire Code*.

Section 905.5.3 Class II system 1-inch hose.

Delete Section 905.5.3 in its entirety.

Section 906 Portable Fire Extinguishers

Delete 906.1 in its entirety and replace, as follows:

906.1 General. Portable fire extinguishers are regulated by the *International Fire Code*.

Section 907.1.2 Fire alarm shop drawings.

Revise Section 907.1.2, as follows:

907.1.2 Fire alarm shop drawings. Fire alarm shop drawings are regulated by the *International Fire Code*.

Section 907.2.7.1 Occupant Notification.

Delete Section 907.2.7.1 in its entirety.

Section 907.2.9.1 Manual fire alarm system.

Revise Section 907.2.9.1, as follows:

907.2.9.1 Manual fire alarm system. A manual fire alarm system that activates the occupant notification system in accordance with Section 707.6 shall be installed in Group R-2 occupancies where:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge;
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit; or
3. The building contains 15 or more dwelling units or sleeping units.

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, exit court or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow. At least one manual fire alarm box is installed at an approved location.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means or egress door opening directly to the exits or are served by open-ended corridors designed in accordance with Section 1026.6, Exception 4

Section 907.2.9.1.1 Automatic smoke detection system.

Add a new section 907.2.9.1.1, as follows:

907.2.9.1.1 Automatic smoke detection system. When a fire alarm system is required, an automatic smoke detection system that activates the occupant notification system in accordance with Section 907.6 shall be installed throughout all interior corridors serving sleeping units.

> **Exception:** An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress doors opening directly to an exit or to an exterior exit access that leads directly to an exit.

Section 907.2.13 High-rise buildings.

Revise Section 907.2.13, as follows:

907.2.13 High-rise buildings. Buildings with a floor used for human occupancy located more that 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

Exceptions:

1. Airport traffic control towers in accordance with Section 907.2.22 and Section 412 of the IBC.
2. Open parking garages in accordance with Section 406.3 of the IBC.
3. Low-hazard special occupancies in accordance with Section 503.1.1 of the IBC.

Section 907.2.13.1.1 Area smoke detection.

Revise item #1, add two new items #3 and #4 and a new exception to Section 907.2.13.1.1, as follows:

907.2.13.1.1 Area smoke detection. Area smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall operate the emergency voice/alarm communication system in accordance with Section 907.5.2.2. Smoke detectors shall be located as follows:

1. In each mechanical equipment, or similar room which is not provided with sprinkler protection.
2. In each elevator machine room and in elevator lobbies.
3. In each transformer, telephone equipment and information technology equipment room.
4. In each electrical room (i.e., a room designed and dedicated to electrical distribution).

Exception: Mechanical equipment and similar rooms containing electrical equipment necessary for the operation of that equipment, such as motor control centers, variable frequency drives, service disconnects, building automation controls, and other similar electrical equipment are not required to be provided with smoke detection.

Section 907.4.1 Protection of fire alarm control unit.

Revise Section 907.4.1, as follows:

907.4.1 Protection of fire alarm control unit. In areas that are not continuously occupied, automatic smoke detection shall be provided at the location of each fire alarm control unit, notification appliance circuit power extenders and supervising station transmitting equipment.

Exceptions:

1. Where ambient conditions prohibit installation of smoke detector, a heat detector shall be permitted.
2. Dedicated function fire alarm systems shall not have smoke detectors installed.

Section 907.5.2.1.1 Average sound pressure.

Revise Section 907.5.2.1.1, as follows:

907.5.2.1.1 Average sound pressure. The audible alarm notification appliances shall provide a sound pressure level of 15 decibels (15 dBA) above the average ambient sound level or 5 dBA above the maximum sound level having a duration of at least 60 seconds, whichever is greater, in every occupiable space within the building. The minimum sound pressure levels shall be: 90 dBA in mechanical equipment rooms; and 80 dBA in other occupancies. One of the two methods below shall be utilized to ensure that the minimum sound level will be achieved:

(1) Audible notification devices shall be installed in each occupied area, including but not limited to spaces such as bathrooms, walk-in closets, storage rooms, and walk-in coolers/freezers.

(2) In lieu of providing audible notification devices within certain spaces, calculations may be performed in order to prove that the alarm signals from the proposed adjacent audible devices will achieve a minimum of 80 decibels inside and throughout that space, where doors or other barriers between the space and the adjacent audibility device(s) are closed.

Section 907.5.2.1.1.1 Average sound pressure.

Add new Section, 907.5.2.1.1.1, as follows:

907.5.2.1.1.1 Where occupants are incapable of evacuating themselves because of age, physical or mental disabilities, or physical restraint, the private mode as described in NFPA 72, National Fire Alarm Code, shall be permitted to be used when allowed by the AHJ. Only the attendants and other personnel required to evacuate occupants from a zone, area, floor, or building shall be required to be notified when allowed by the AHJ. The notification shall include means to readily identify the zone, area, floor, or building in need of evacuation

Section 907.5.2.1.2 Maximum sound pressure.

Revise Section 907.5.2.1.2, as follows:

907.5.2.1.2 Maximum sound pressure. The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72.

Section 907.5.2.3 Visible Alarms.

Revise Section 907.5.2.3, as follows:

907.5.2.3 Visible Alarms. Visible alarm notification appliances shall be provided in accordance with Sections 907.5.2.3.1 through 907.5.2.3.4.

Exceptions:

1. Visible alarm notification appliances are not required in alterations, when the building does not have visible alarm notification appliances installed anywhere within the building, except where an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed.
2. Visible alarm notification appliances shall not be required in exits as defined in Section 1002.1.
3. Visible alarm notification appliances shall not be required in elevator cars.

Section 907.6.3.1 Alarm Annunciator.

Revise Section 907.6.3.1, as follows:

907.6.3.1 Alarm Annunciator. All required annunciation means shall be readily accessible to responding personnel to facilitate an efficient response to a fire situation. A remote annunciator shall be provided inside the building at the main entrance of all buildings. The location of an operated initiating device shall be displayed by alphanumeric display at the annunciator. The alphanumeric display shall state the device type, the floor level (if applicable), the device address and a descriptive location for the operated device(s). The visible annunciation of the location of operated initiating devices shall not be canceled by the means used to deactivate alarm notification appliances.

Section 909.4.6 Duration of operation.

Revise Section 909.4.6, as follows:

[F] 909.4.6 Duration of operation. All portions of active or passive smoke control systems shall be capable of continued operation after detection of the fire event for a period of not less than 20 minutes.

Exception: An engineered analysis utilizing twice the estimated egress time to demonstrate that all occupants can safely evacuate shall be permitted.

Section 909.5.2 Opening protection.

Add a new Exception #6 to Section 909.5.2, as follows:

909.5.2 Opening protection. Openings in *smoke barriers* shall be protected by automatic-closing devices actuated by the required controls for the mechanical smoke control system. Door openings shall be protected by *fire door assemblies* complying with Section 715.4.3.

Exceptions:

1. *Unchanged.*
2. *Unchanged.*
3. *Unchanged.*
4. *Unchanged.*
5. *Unchanged.*
6. Door openings in *smoke barriers* shall be permitted to be protected by *self-closing* fire doors in the following locations:
   6.1 Guest rooms.
   6.2 Individual dwelling units.
   6.3 Mechanical rooms.
   6.4 Elevator machine rooms.
   6.5 Electrical rooms used exclusively for that purpose.
   6.6 Doors typically maintained in a closed position as approved by the Building Official.

Section 909.16 Fire-fighter's smoke control panel.

Revise Section 909.16, 909.16.1. 909.16.2, 909.16.3, as follows:

909.16 Fire-fighter's smoke control panel. The Fire-fighter's smoke control panels are regulated by the *International Fire Code*.

Section 909.17 System response time.

Revise Section 909.17, as follows:

909.17 System response time. Smoke-control system activation shall be initiated immediately after receipt of an appropriate automatic or manual activation command. Smoke control systems shall activate individual components (such as dampers and fans) in the sequence necessary to prevent physical damage to the fans, dampers, ducts and other equipment. For purposes of smoke control, the fire-fighter's smoke control panel response time shall be the same for automatic or manual smoke control action initiated from any other building control point. The total response time, including that necessary for detection, shut-down of operating equipment and smoke control system startup, shall allow for full operational mode to be achieved before the conditions in the space exceed the design smoke condition. Upon receipt of an alarm condition at the fire alarm control panel, fans, dampers and automatic doors shall have achieved their proper operating state and final status shall be indicated at the smoke control panel within 90 seconds. Verification –shall be reported in the required final report.

Section 909.18.8.3 Reports.

Revise Section 909.18.8.3 and 909.18.8.3.1, as follows:

909.18.8.3 Reports. A complete report of testing shall be prepared by the special inspector or special inspection agency. The report shall include identification of all devices by manufacturer, nameplate data, design values, measured values and identification tag or mark. The report shall be reviewed by the responsible registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign and date the report with a statement as follows:

"I have reviewed this report and by personal knowledge and on-site observation certify that the smoke-control system is in substantial compliance with the design intent, and to the best of my understanding complies with requirements of the code."

909.18.8.3.1 Report filing. A copy of the final report shall be filed with the code official and an identical copy shall be maintained in an approved location at the building.

Section 909.18.10 Alternative testing method.

Add a new Section 909.18.10, as follows:

909.18.10 Alternative testing method. When required by the Code Official, theatrical smoke or other approved tracer gases shall be used during final acceptance testing to visually verify air movement.

Section 909.20 Smokeproof enclosures.

Revise S*ection 909.20, as follows:*

909.20 Smokeproof enclosures. Where required by Section 1022.9, a smokeproof enclosure shall be constructed in accordance with this section. A smokeproof enclosure shall consist of an enclosed interior *exit stairway* that conforms to Section 1022.1 and an open exterior balcony or pressurized stairway enclosure and vestibule meeting the requirements of this section. Where access to the roof is required by the *International Fire Code*, such access shall be from the smokeproof enclosure where a smokeproof enclosure is required.

Sections 909.20.1 through 909.20.3.3 remain with no changes.

Section 909.20.4 Stair and vestibule pressurization alternative.

Delete Section 909.20.4 in its entirety and replace, as follows:

909.20.4 Stair and vestibule pressurization alternative. The provisions of Sections 909.20.4.1 through 909.20.4.3 shall apply to smokeproof enclosures using a pressurized stairway enclosure and pressurized entrance vestibule.

909.20.4.1 Vestibule doors. The door assembly from the building into the vestibule shall be a fire door assembly complying with Section 715.4. The door assembly from the vestibule to the pressurized stairway enclosure shall not have less than a 20-minute fire protection rating and meet the requirements for a smoke door assembly in accordance with Section 715.4.3. The door shall be installed in accordance with NFPA 105.

909.20.4.2 Pressure difference. The stair enclosure shall be pressurized to a minimum of 0.05 inch of water gage (12.44 Pa) positive pressure relative to the vestibule with all stairway doors closed under the maximum anticipated stack pressures. The vestibule with doors closed shall have a minimum of 0.05 inch of water gage (12.44 Pa) positive pressure relative to the fire floor. The pressure difference across doors shall not exceed 30 lbs (133-N) maximum force to begin opening the door.

909.20.4.3 Dampered relief opening. A controlled relief vent discharging a minimum of 2,500 cfm (1180 L/s) of air at the design pressure difference shall be located in the upper portion of the pressurized stairway enclosure.

Section 909.20.5 Stair pressurization alternative.

Revise Section 909.20.5 and add a new subsection 909.20.5.1, as follows:

909.20.5 Stair pressurization alternative. Where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, the vestibule is not required, provided that interior *exit stairways* are pressurized to a minimum of 0.10 inches of water (25Pa) and a maximum of 0.35 inches of water (87Pa) in the shaft relative to the building measured with all *stairway* doors closed under maximum anticipated conditions of stack effect and wind effect. The pressure difference across doors shall not exceed 30 lbs (133-N) maximum force to begin opening the door.

909.20.5.1 Dampered relief opening. A controlled relief vent discharging a minimum of 2,500 cfm (1180 L/s) of air at the design pressure difference shall be located in the upper portion of the pressurized exit enclosure.

Section 910.3.2.2 Sprinklered buildings.

Revise Section 910.3.2.2, as follows:

910.3.2.2 Sprinklered buildings. Where installed in buildings provided with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat-responsive device rated at a minimum temperature of 360º F (182º C).

Section 910.3.5 Draft curtains.

Revise Section 910.3.5, as follows:

910.3.5 Draft curtains. Where required by Table 910.3, draft curtains shall be installed only in non-sprinklered buildings on the underside of the roof in accordance with this section.

Section 911.1.3 Size.

Revise Section 911.1.3, as follows:

911.1.3 Size. The fire command center shall be a minimum of 0.015 percent of the total building area of the facility served or 200 square feet (19m^2) in area, whichever is greater, with a minimum dimension of 0.7 times the square root of the room area, or 10 feet (3048 mm), whichever is greater.

Section 911.1.5 Required features.

Revise Section 911.1.5, as follows:

911.1.5 Required features. The fire command center shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication control unit.
2. The fire department communication system.
3. Fire detection and alarm system annunciator.
4. Annunciator unit visually indicating the location of the elevators and whether they are operational.
5. Status indicator and controls for air distribution systems, including smoke removal systems where required by Section 403.4.6.
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking stairway doors simultaneously.
8. Sprinkler valve and waterflow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Current approved building plans including the Master Egress Plans, approved fire protection system shop drawings, approved Smoke Control Diagrams, the approved Fire Protection Report, fire/emergency preplans for the facility and manufacturers' operation manuals for all fire protection and life safety systems.
13. A new work table with a minimum size of three (3) feet by seven (7) feet capable of holding plans in an open position.
14. Generator supervision devices, manual start and transfer features.
15. Public address system, where specifically required by other sections of this code.
16. Elevator fire recall switch in accordance with ASME A17.1.

17. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.
18. An approved white board with a minimum size of three (3) feet by four (4) feet capable of easy erasure, with a marking device and an eraser attached.
19. Separate shunt trip switches for normal and emergency power.

Section 916 Fire Riser Rooms

Add a new Section 916, as follows:

Section 916 Fire Riser Rooms

916.1 Where required. A dedicated fire riser room shall be required in accordance with Section 916 of the International Fire Code.

916.2 Exterior Access Door. Fire riser rooms shall have an exterior access door with a minimum width of 36 inches (914 mm) and a minimum height of 80 inches (2032 mm).

> **Exception**: For high-rise, terminal, and covered mall buildings, secondary fire risers may be contained in fire riser rooms that are located in dedicated rooms with direct corridor access inside the building without direct access from the exterior.

916.3 Protection. Fire riser rooms shall be separated from the rest of the building by 1-hour fire partitions.

916.4 Conditioning. Fire riser rooms shall be conditioned to maintain a minimum temperature of 40º F and a maximum temperature of 100º F. Heating and cooling units shall be permanently wired.

> **Exception:** Where the riser room does not contain a Fire Alarm Control Unit or spare sprinklers heads, the riser room shall not be required to be conditioned for maximum temperature.

916.5 Lighting. Permanently installed artificial lighting with back-up power shall be provided for the riser room.

916.6 Size. The riser room shall have a minimum area of 16 square feet (1.49 m^2), with a minimum dimension of 4 feet, for the first sprinkler riser, plus an additional 9 square feet (0.84 m^2) for each additional riser contained.

916.7 Clearances for a fire alarm control unit. Where a fire alarm control unit is located in the fire riser room, the unit shall be located so that there is a minimum clearance in accordance with the electrical code.

Section 1006.3 Illumination emergency power.

Revise Section 1006.3, as follows:

1006.3 Illumination emergency power. The power supply for *means of egress* illumination shall normally be provided by the premises' electrical supply.

In the event of power failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. *Aisles* and unenclosed egress *stairways* in rooms and spaces that require two or more *means of egress*.

2. *Corridors*, *exit enclosures* and *exit passageways* in buildings required to have two or more *exits*.

3. Exterior egress components at other than their *levels of exit discharge* until *exit discharge* is accomplished for buildings required to have two or more *exits*.

4. Interior *exit discharge* elements, as permitted in Section 1027.1, in buildings required to have two or more *exits*.

5. Exterior landings as required by Section 1008.1.6 for *exit discharge* doorways in buildings required to have two or more *exits*.

6. Electrical equipment rooms, *fire command centers*, fire pump rooms, PBX rooms, and generator rooms.

7. Public restrooms which are greater than 64 square feet (5.9 square meters) and accessed by *means of egress* components which are required to have emergency illumination.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Chapter 27.

Section 1007.1 Accessible means of egress required.

Revise Section 1007.1, as follows:

1007.1 Accessible means of egress required. *Accessible means of egress* shall comply with this section. *Accessible* spaces shall be provided with not less than one *accessible means of egress*. Where more than one *means of egress* are required by Section 1015.1 or 1021.1 from any *accessible* space, each *accessible* portion of the space shall be served by not less than two *accessible means of egress*.

Exceptions:

1. *Accessible means of egress* are not required in alterations to existing facilities.
2. One *accessible means of egress* is required from an *accessible mezzanine* level in accordance with Section 1007.3, 1007.4 or 1007.5.
3. In assembly areas with sloped or stepped *aisles*, one *accessible means of egress* is permitted where the common path of travel from the wheelchair space is *accessible* and meets the requirements in Section 1028.8.

Section 1008.1.4.5 Security grilles.

Revise Section 1008.1.4.5, as follows:

1008.1.4.5 Security grilles. In Groups A-2 and A-3 with occupant loads less than 300, and Groups B, F, M, and S, horizontal sliding or vertical security grilles are permitted at the main exit and shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grilles shall remain secured in the full-open position during the period of occupancy by the general public. Where two or more *means of egress* are required, not more than one-half of the *exits* or *exit access doorways* shall be equipped with horizontal sliding or vertical security grilles.

Section 1008.1.5 Floor elevation.

Revise Section 1008.1.5, as follows:

1008.1.5 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope).

Exceptions:

1. *Unchanged.*
2. *Unchanged.*
3. *Unchanged.*
4. *Unchanged.*
5. *Unchanged.*
6. A single step with a maximum height of 7 inches (178 mm) is permitted for doors serving building equipment rooms that are not normally occupied and are not required to be accessible by Chapter 11.

Section 1008.1.8 Door arrangement.

Revise Section 1008.1.8, as follows:

1008.1.8 Door arrangement. Space between two doors in a series shall be 48 inches (1219 mm) minimum plus the width of a door swinging into the space. Doors in a series shall swing either in the same direction or away from the space between the doors.

Exceptions:

1. The minimum distance between horizontal sliding power-operated doors in a series shall be 48 inches (1219 mm).
2. Storm and screen doors serving individual dwelling units in Groups R-2 and R-3 need not be spaced 48 inches (1219 mm) from the other door.
3. Doors within individual dwelling units in Groups R-2 and R-3 other than within Type A dwelling units.
4. The space between doors serving access vestibules of smokeproof enclosures shall be permitted to be in accordance with Section 909.20.1.

Section 1008.1.9.7 Delayed egress locks.

Revise Section 1008.1.9.7, as follows:

1008.1.9.7 Delayed egress locks. *Approved*, *listed*, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings which are equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an *approved* automatic smoke detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an *exit*.

1. The doors unlock upon actuation of the *automatic sprinkler system* or automatic smoke detection system.
2. The door unlock upon loss of power controlling the lock or lock mechanism.
3. The door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more that 15 seconds when a force of not more that 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.
5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 SECONDS.
6. Emergency lighting shall be provided at the door.

Section 1008.1.9.10 Stairway doors.

Revise Section 1008.1.9.10, as follows:

1008.1.9.10 Stairway doors. *Interior stairway means of egress* doors shall be operable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. *Stairway* discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3.
3. In *stairways* serving buildings other than high-rise buildings, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side. Except for exit discharge doors, the stairway doors shall be automatically unlocked simultaneously without unlatching upon any of the following: a signal from the fire command center, if present, or a signal by emergency personnel from an approved location inside the building; activation of a fire alarm system or a fire sprinkler system in an area served by the stairway; or failure of the power supply.
4. Upon approval of the *building official*, stairway doors opening directly into privately owned residential units or leased tenant spaces are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side. The doors are permitted to unlock without unlatching only upon signal from the fire command center, if present, or a signal by emergency personnel from an approved location inside the building.

Section 1008.3 Turnstiles.

Revise Section 1008.3, as follows:

1008.3 Turnstiles. Turnstiles or similar devices that restrict travel to one direction shall not be placed so as to obstruct any required *means of egress*.

Exception: Each turnstile or similar device shall be credited with no more than a 50-person capacity where all of the following provisions are met:

1. Each device shall turn free in the direction of egress travel when primary power is lost.

2. Such devices are not given credit for more than 50 percent of the required egress capacity.

3. Each device is not more than 39 inches (991 mm) high.

4. Each device has at least 16½ inches (419 mm) clear width at and below a height of 39 inches (991 mm) and at least 22 inches (559 mm) clear width at heights above 39 inches (991 mm).

5. Buildings are protected throughout by an approved automatic sprinkler system or an approved automatic smoke detection system.

6. Each device shall automatically turn free in the direction of egress travel upon activation of the automatic sprinkler system or the smoke detection system. The device shall remain unlocked until the fire protection system is reset.

Where located as part of an *accessible route*, turnstiles shall have at least 36 inches (914 mm) clear at and below a height of 34 inches (864 mm), at least 32 inches (813 mm) clear width between 34 inches (864 mm) and 80 inches (2032 mm) and shall consist of a mechanism other than a revolving device.

Section 1011.6 Floor proximity exit signs.

Add a new Section 1011.6, as follows:

1011.6 Floor proximity exit signs. Where exit signs are required by Section 1011.1, additional approved floor proximity exit signs that are internally or externally illuminated shall be provided in all corridors serving residential units in Group R-1 occupancies and Group R-2 occupancies with transient use. The bottom of each such sign shall not be less than 6 inches (152 mm) nor more that 18 inches (455 mm) above the floor level and shall indicate the path of exit travel. For exit and exit-access doors, the sign shall be mounted on the door or adjacent to the door, with the nearest edge of the sign within 4 inches (102 mm) of the door frame.

Section 1012.9 Intermediate handrails.

Add new Exception to Section 1012.9, as follows:

1012.9 Intermediate handrails. *Stairways* shall have intermediate *handrails* located in such a manner that all portions of the *stairway* width required for egress capacity are within 30 inches (762 mm) of a *handrail*. On monumental *stairs*, *handrails* shall be located along the most direct path of egress travel.

Exception: Stairs less than 88 inches in width.

Section 1015.2.2 Three or more exits or exit access doorways.

Revise Section 1015.2.2, as follows:

1015.2.2 Three or more exits or exit access doorways. Where access to three or more *exits* is required, at least two *exit* doors or *exit access doorways* shall be arranged in accordance with the provisions of Section 1015.2.1. Additional *exits* or *exit access doorways* shall be distributed so that if one becomes blocked, the others will be available.

Section 1016.3 Corridor increases.

Add a new Section 1016.3, as follows:

1016.3 Corridor increases. The travel distances specified in Table 1016.1 may be increased up to an additional 100 feet (30 480 mm) provided that the last portion of exit access leading to the exit occurs within a minimum one-hour fire-resistance rated corridor. The length of such corridor shall not be less than the amount of increase taken, in feet (mm).

Section 1021.1 Exits from stories.

Revise Section 1021.1, as follows:

1021.1 Exits from stories. All spaces within each *story* shall have access to the minimum number of *approved* independent *exits* as specified in Table 1021.1 based on the *occupant load* of the *story*. For the purposes of this chapter, occupied roofs shall be provided with *exits* as required for stories.

Exceptions:

1. *Unchanged.*
2. *Unchanged.*
3. *Unchanged.*
4. In Group R-1, R-2 and R-3 occupancies, one *means of egress* is permitted within and from individual sleeping or dwelling units with a maximum *occupant load* of 20 where the sleeping or dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Section 1022.3 Openings and penetrations.

Revise Section 1022.3, as follows:

1022.3 Openings and penetrations. *Exit enclosure* opening protectives shall be in accordance with the requirements of Section 715.

Openings in *exit enclosures* other than unprotected exterior openings shall be limited to those necessary for *exit access* to the enclosure from normally occupied spaces and for egress from the enclosure.

Elevators shall not open into an *exit enclosure*.

Exceptions:

1. In buildings required to comply with Section 403 or 405, each of the *exit enclosures* serving a *story* with a floor surface located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the finished floor of the lowest level of exit discharge, and accessed by way of a vestibule in accordance with Section 1022.9.2 are permitted to provide a second vestibule providing access into the required vestibule for areas considered normally non-occupied spaces. The second vestibule is required to be constructed in accordance with Section 909.20 and provided with automatic closing opening protection in accordance with Section 715. Smoke detection connected to the building fire alarm system shall be provided within the second vestibule.

2. In buildings not required to comply with Sections 403 or 405, each of the *exit enclosures* are permitted to provide a vestibule between the floor and the *exit enclosure* for areas considered normally non-occupied spaces. The vestibule is required to be constructed in accordance with Section 909.20 and provided with automatic closing opening protection in accordance with Section 715. Smoke detection connected to the building fire alarm system shall be provided within the vestibule.

Section 1022.9 Smokeproof enclosures and pressurized stairways.

Revise Section 1022.9, as follows:

1022.9 Smokeproof enclosures and pressurized stairways. In buildings required to comply with Section 403 or 405, each of the *exit enclosures* serving a *story* with a floor surface located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the finished floor of a *level of exit discharge* serving such stories shall be a *smokeproof enclosure* or pressurized *stairway* in accordance with Section 909.20. Pressurization shall occur automatically upon activation of an *approved* fire alarm system.

Section 1024.1 General.

Revise Section 1024.1, as follows:

1024.1 General. *Approved* luminous egress path markings delineating the exit path shall be provided in exit enclosures in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

Exceptions:

1. Luminous egress path markings shall not be required on the *level of exit discharge* in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.

2. Luminous egress path markings shall not be required in areas of *open parking garages* that serve as part of the exit path in accordance with Section 1027.1, Exception 3.

3. Luminous egress path markings shall not be required in exit enclosures that do not serve a *story* located more than 55 feet above the lowest level of fire department vehicle access.

Section 1026.2 Use in a means of egress.

Revise Section 1026.2, as follows:

1026.2 Use in a means of egress. *Exterior exit stairways* shall not be used as an element of a required *means of egress* for Group I-2 occupancies. For occupancies in other than Group I-2, *exterior exit ramps* and *stairways* shall be permitted as an element of a required *means of egress* for buildings not exceeding six stories above *grade plane* or having occupied floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 1028.6.2.3 Automatic sprinklers.

Revise Section 1028.6.2.3, as follows:

1028.6.2.3 Automatic sprinklers. Enclosed areas with walls and ceilings in buildings or structures containing *smoke-protected assembly seating* shall be protected with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1.

> **Exception:** Outdoor seating facilities where seating and the *means of egress* in the seating area are essentially open to the outside.

Section 1102.1 Definitions.

Revise Section 1102.1, "Self-Service Storage Facility" definition, as follows:

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing property on a self-service basis.

Section 1107.6.2.1 Apartment houses, condominiums, monasteries and convents.

Revise Section 1107.6.2.1, as follows:

1107.6.2.1 Apartment houses, condominiums, monasteries and convents. *Type A units* and *Type B units* shall be provided in apartment houses, condominiums, monasteries and convents in accordance with Sections 1107.6.2.1.1 and 1107.6.2.1.2.

Section 1203.1 General.

Revise Section 1203.1, as follows:

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code* or Section 1203.6.

Section 1203.2 Attic spaces.

Revise Section 1203.2, as follows:

1203.2 Attic spaces. Where determined necessary by the *building official* due to atmospheric or climatic conditions, enclosed attics and enclosed rafter spaces formed where ceiling are applied directly to the underside of roof framing members shall have cross ventilation openings for each separate space by ventilating openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. A minimum of 1 inch (25 mm) of airspace shall be provided between the insulation and the roof sheathing. The net free ventilating area shall not be less than $^{1}/_{300}$ of the area of the space ventilated, with 50 percent of the required ventilating area provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.

Section 1203.4.1.3 Guest rooms and habitable rooms.

Add new Sections 1203.4.1.3, 1203.4.1.4, and 1203.4.1.5, as follows:

1203.4.1.3 Guest rooms and habitable rooms. Guest rooms and habitable rooms within a dwelling unit or congregate residence in R occupancies, when provided with natural ventilation by means of openable exterior openings, shall be provided with a minimum ventilation area of 5 square feet (0.46 m^2).

1203.4.1.4 Bathrooms, water closets, laundry rooms and similar rooms in R occupancies. Bathrooms, water closet compartments, laundry rooms and similar rooms in R occupancies, when provided with natural ventilation by means of openable exterior openings, shall be provided with a minimum ventilation area of 1.5 square feet (0.14 m^2).

1203.4.1.5 Toilet rooms. Toilet rooms, when provided with natural ventilation by means of openable exterior openings, shall be provided with a minimum ventilation area of 3 square feet (0.28 m^2), or a vertical duct not less than 100 square inches (64 516 mm^2) in area for the first water closet plus 50 square inches (32 258 mm^2) of additional area for each additional water closet.

Section 1203.4.2.1 Bathrooms.

Delete Section 1203.4.2.1 in its entirety.

Section 1203.6 Mechanical ventilation.

Add new Section 1203.6 through 1203.6.5.2, as follows:

1203.6 Mechanical ventilation. Mechanically operated ventilation systems shall be in accordance with the *International Mechanical Code* or Sections 1203.6.1 through 1203.6.5.

1203.6.1 General. In all enclosed portions of Groups A, B, E, F, H, I, M and S Occupancies customarily occupied by human beings, when mechanically operated ventilation systems are provided in lieu of required exterior openings for natural ventilation, such system shall be capable of supplying a minimum of 15 cubic feet per minute (7 L/s) of outside air per occupant in all portions of the building during such time as the building is occupied. If the velocity of the air at a register exceeds 10 feet per second (3 m/s), the register shall be placed more than 8 feet (2438 mm) above the floor directly beneath. Such exterior openings shall open directly onto a public way or a yard or court as set forth in Section 1206.

In toilet rooms, if mechanically operated systems are to be utilized for required ventilation, such systems shall be capable of providing a complete change of air every 15 minutes. Such mechanically operated exhaust systems shall be connected directly to the outside, and the point of discharge shall be at least 3 feet (914 mm) from any opening that allows air entry into occupied portions of the building.

1203.6.2 Groups B, F, M and S Occupancies. In all buildings classified as Groups B, F, M and S Occupancies or portions thereof where Class I, II or III-A liquids are used, a mechanically operated exhaust ventilation system shall be provided sufficient to produce a minimum of six air changes per hour. Such exhaust ventilation shall be taken from a point at or near the floor level.

1203.6.3 Group H Occupancies. All Group H Occupancies shall comply with the *International Fire Code*, *International Mechanical Code* and Section 415. In Group H, Division 5 Occupancies, mechanical exhaust ventilation shall be provided in accordance with 415.8.2.6, 415.8.4.3, 415.8.5.7, 415.8.10.2 and other appropriate Sections of this code. Rooms, areas or spaces of Group H Occupancies in which explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors or gases are or may be emitted due to the processing, use, handling or storage of materials shall be mechanically ventilated as required by Section 414.3, the *International Fire Code*, and the *International Mechanical Code*.

1203.6.4 Group R Occupancies. In Group R Occupancies, in lieu of required exterior openings for natural ventilation, a mechanically operated ventilation system may be provided. Such system shall be capable of providing two air changes per hour in guest rooms, dormitories, habitable rooms and in public corridors with a minimum of 15 cubic feet per minute (7 L/s) of outside air per occupant during such time as the building is occupied.

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof, laundry rooms, and similar rooms, a mechanically operated ventilation system capable of providing a minimum of five air changes per hour shall be provided. Such systems shall be connected directly to the outside, and the point of discharge shall be at least 3 feet (914 mm) from any opening that allows air entry into occupied portions of the building. Bathrooms that contain only a water closet, lavatory or combination thereof and similar rooms may be ventilated with an approved mechanical re-circulating fan or similar device designed to remove odors from the air.

1203.6.5 Motor Vehicle Related Occupancies.

1203.6.5.1 Repair garage. Ventilation in repair garages shall be in accordance with Section 406.6.3.

1203.6.5.2 Enclosed parking garages. Ventilation in enclosed parking garages shall be in accordance with Section 406.4.2.

Section 1603.1 General.

Add new Exception #7 to Section 1603.1, as follows:

(...)

7. Average dead loads for roofing and flooring materials.

Table 1607.1 Minimum Uniformly Distributed Live Loads, and Minimum Concentrated Live Loads

Add footnote "m" for item #27 in Table 1607.1, as follows:
(Remainder of Table and footnotes remain unchanged)

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs)
27 Residential		
One- and two- family dwellings		
Uninhabitable attics without storage i, m	10	
Uninhabitable attics with limited storage i, j, k, m	20	
Habitable attics and sleeping areas	40	----
All other areas	40	
Hotels and multiple-family dwellings		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

[m.] Attics, designed per uniform loads described for uninhabitable attics, are not required to be designed for the additional concentrated load of Item 31

Section 1609.1.1 Determination of wind loads.

Add a new exception #7 to Subsection 1609.1.1, as follows:

Exceptions:

(...)

7. Solid and freestanding walls up to and including 10' (3.05m) above the highest adjacent grade and designed using the provisions of ASCE 7 section 6.5.14 need only consider CASE A of Figure 6-20 with a C_f factor equal to 1.40 and the resultant applied at the mid-height of the wall.

Section 1610.1 General.

Revise Section 1610.1 and add a new Subsection 1610.1.1, as follows:

1610.1 General. Foundation walls and retaining walls shall be designed to resist lateral soil loads. When a geotechnical report is not required by the building official the design active pressure shall be 45 psf/ft and the at-rest pressure shall be 60 psf/ft. Foundation walls and other walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure, unless specified otherwise in a soil investigation report approved by the building official. Retaining walls free to move and rotate at the top shall be permitted to be designed for active pressure. Design lateral pressure from surcharge loads shall be added to the lateral earth pressure load. Design lateral pressure shall be increased if soils at the site are expansive. Foundation walls shall be designed to support the weight of the full hydrostatic pressure of undrained backfill unless a drainage system is installed in accordance with Sections 1805.4.2 and 1805.4.3.

1610.1.1 Seismic load due to lateral earth pressure. All basement, foundation, and retaining walls in seismic design categories D, E, or F shall be designed to resist the seismic load due to the lateral earth pressure based on the following equations.

For yielding walls: $3/8\ (k_H)$ (backfill soil density) $(H)^2$ (Equation 16-35a)
For nonyielding walls: (k_H) (backfill soil density) $(H)^2$ (Equation 16-35b)

Where k_H (peak ground acceleration) = $S_{DS} / 2.5$
H = the height of the backfill behind the wall

These equations represent the dynamic (seismic) lateral thrust. The point of application of the resultant dynamic thrust is taken at a height of 0.6H above the base of the wall. This is represented as an inverted trapezoidal pressure distribution.

Section 1612.3 Establishment of flood hazard areas.

Revise Section 1612.3, as follows:

1612.3 Establishment of flood hazard areas. To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Clark County, Nevada and Incorporated Areas," most current edition, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 1613.1. Scope.

Revise Exception #1 to Section 1613.1, as follows:

1613.1. Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.

Exceptions:
1. Detached one- and two-family dwellings, assigned to Seismic Design Category A or B
2. The seismic-force-resisting system of wood-framed buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this section.
3. Agricultural storage structures intended only for incidental human occupancy.
4. Structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors.

Section 1613.5.1 Mapped acceleration parameters.

Revise Subsection 1613.5.1, as follows:

1613.5.1 Mapped acceleration parameters. The parameters S_S and S_1 shall be determined from the 0.2 and 1-second spectral response accelerations shown on Figures 1613.5(1) through 1613.5(14) or from the 0.2 and 1-second spectral response accelerations with 2% probability of exceedance in 50 years using the latest probabilistic maps or data made available by the United States Geological Survey. Where S_1 is less than or equal to 0.04 and S_S is less than or equal to 0.15, the structure is permitted to be assigned to Seismic Design Category A.

Section 1613.5.2 Site class definitions.

Add new paragraph at the end of Subsection 1613.5.2, as follows:

Additionally, where allowed by the Building Official, the Registered Design Professional may determine the site class by utilizing values from the Clark County Shear Wave Velocity Profile Map (CCSWVPM). The CCSWVPM may not provide coverage in all areas and is not intended to preclude the use of other site specific testing methods to determine site class.

Section 1613.5.5 Site classification for seismic design.

Revise the last paragraph in Subsection 1613.5.5, as follows:

The rock categories, Site Classes A and B, shall not be used if there is more than 10 feet (3048 mm) of soil between the rock surface and the bottom of the spread footing or mat foundation. This provision shall be required when the average soil shear wave velocity, v_s, within 10 feet of the foundation bottoms is less than 2,500 fps.

Section 1613.5.5.1 Steps for classifying a site.

Add a new item #4 to Subsection 1613.5.5.1, as follows:

4. To classify a site as a site class A, B, or C per Table 1613.5.2 a minimum of one exploration to a depth of 100 feet is required per 40 acres or any portion thereof. The 100-foot exploration can be accomplished using any of the three methods outlined in Section 1613.5.5. A 100-foot exploration within 1,000 feet of the proposed site may be included in the total number of required explorations, but at least one 100-foot exploration must be located within the site boundaries. 100-foot exploration locations shall be determined by the registered design professional, but should be adequately spaced to classify the entire site. Additional 100-foot explorations may be required by the building official if soil conditions are variable across the site. Unless the soil shear wave velocity test is utilized, one test, N_i or s_{ui}, must be performed at ten foot intervals for the entire 100-foot exploration. Each distinctly different soil layer must also be tested. The same test used for a distinct soil layer may also be used for the ten foot interval provided the test interval does not exceed ten feet.

Section 1704.1 General.

Revise Section 1704.1, Exception #3, as follows:

3. Unless otherwise required by the building official, special inspections are not required for detached 1 & 2 family dwellings as applicable in Section 101.2 and occupancies in Group U that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1"

Section 1704.1.2 Report requirement.

Revise Subsection 1704.1.2, as follows:

1704.1.2 Report requirement. Special inspectors shall keep records of required special inspections. The special inspector shall furnish inspection reports to the *building official*, and to the *registered design professional in responsible charge*. Reports shall indicate that work inspected was or was not completed in conformance to *approved construction documents*. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the *building official* and to the registered design professional in responsible charge in writing prior to the completion of that phase of the work. A final report documenting required *special inspections* and correction of any discrepancies noted in the inspections shall be submitted to the *building official* prior to the final inspection.

Section 1704.4 Concrete construction.

Revise the exceptions in Section 1704.4, as follows:

1704.4 Concrete construction. The *special inspections* and verifications for concrete construction shall be as required by this section and Table 1704.4.

Exception: *Special inspections* shall not be required for:

1. Isolated spread and/or continuous concrete footings supporting walls of buildings three stories or less above *grade plane* that are fully supported on earth or rock where:
   1.1 The footings are designed in accordance with Table 1809.7; or
   1.2 The structural design of the footing is based on a specified compressive strength, $f'c$, no greater than 2,500 pounds per square inch (psi) (17.2 MPa),

   regardless of the compressive strength specified in the *construction documents* or used in the footing construction.

2. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 pounds per square inch (1.03 MPa).

3. Concrete patios, driveways and sidewalks, on grade.

Section 1704.5 Masonry construction.

Revise the exceptions in Section 1704.5, as follows:

1704.5 Masonry construction. Masonry construction shall be inspected and verified in accordance with the requirement of Section 1704.5.1 through 1704.5.3, depending on the *occupancy category* of the building or structure.

Exception: *Special inspections* shall not be required for:

1. Empirically designed masonry, glass unit masonry or masonry veneer designed by Section 2109, 2110, or Chapter 14, respectively, or by Chapter 5,6, or 7 of TMS 402/ACI 530/ASCE 5, respectively , when they are part of structures classified as *Occupancy Category* I, II, or III in accordance with Section 1604.5.
2. Masonry fireplaces, masonry heaters or masonry chimneys installed or constructed in accordance with Section 2111, 2112, or 2113, respectively.

3. Masonry fences less than or equal to 8’-0” in height, retaining walls less than or equal to 6’-0” in height or combined masonry fences and retaining walls less than or equal to 14’-0” in overall height with the retaining wall portion less than or equal to 6’-0” in height and the fence portion less than or equal to 8'-0" in height provided that the walls are designed in accordance with Chapter 2 of TMS 402/ACI 530/ASCE 5 with allowable stresses for masonry reduced by one half and f’m does not exceed 1500 psi. Wall heights shall be measured from the top of footing to top of wall.

Section 1704.7 Soils.

Revise the exception in Section 1704.7, as follows:

Exception: Where Section 1803 does not require reporting of materials and procedures for fill placement, the in-place dry density of the compacted fill shall not be less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557.

Table 1704.7 Required Verification and Inspection of Soils.

Revise Table 1704.7, as follows:

Table 1704.7
REQUIRED VERIFICATION AND INSPECTION OF SOILS

Verification and Inspection Task	Continuous During Task Listed	Periodically During Task Listed
1. Verify materials below shallow foundations are adequate to achieve the design bearing capacity.	—	X
2. Verify excavations are extended to proper depth and have reached proper material.	—	X
3. Perform classification and testing of compacted fill materials.	—	X
4. Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill and other grading activities requiring special inspection.	—	X
a. All soils not meeting the requirements of category b.	—	X
b. Moderately, highly or critically expansive soils, hydrocollapsible soils, soluble soils, and/or soils requiring chemical or mechanical (geosynthetics) stabilization are encountered. Construction or stabilization of cut or fill slopes exceeding 5 feet in height, or any site requiring that fill be placed on a natural slope, an existing cut slope, or an existing fill slope steeper than 5:1.	X	—
5. Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.	—	X

Section 1704.17 Amusement and transportation systems special cases.

Add a new Section 1704.17, as follows:

1704.17 Amusement and transportation systems special cases. When testing or verification is required by the manufacturer or specified by the building official, the testing and verification shall occur during the initial installation, operational testing and annual renewal of the certificate of operation.

Section 1710.2 Structural observations for seismic resistance.

Revise item #5 in Section 1710.2, as follows:

1710.2 Structural observations for seismic resistance. Structural observations shall be provided for those structures assigned to Seismic Design category D, E, or F, as determined in Section 1613, where one or more of the following conditions exist:

1. The structure is classified as Occupancy Category III or IV in accordance with Table 1604.5.
2. The height of the structure is greater than 75 feet (22,860 mm) above the base.
3. The structure is assigned to Seismic Design Category E, is classified as Occupancy Category I or II in accordance with Table 1604.5, and is greater than two stories above grade plane.
4. When so designated by the registered design professional responsible for the structural design.

Additionally, structural observations shall be provided when such observation is specifically required by the building official, regardless of the seismic design category.

Section 1803.1 General.

Revise Section 1803.1, as follows:

1803.1 General. Geotechnical investigations shall be conducted in accordance with Section 1803.2 and reported in accordance with Section 1803.6. Where required by the building official or where geotechnical investigations involve in-situ testing, laboratory testing or engineering calculations, such investigations shall be conducted by a registered design professional.

All projects exempt from a geotechnical report shall assume a maximum presumptive load bearing value of 1,000 psf for the vertical foundation pressure, 100 psf/ft for the lateral bearing pressure, 0.25 for the coefficient of friction for lateral sliding resistance, and an Exposure Class S2 (severe sulfate exposure level).

Section 1803.2 Investigations required.

Revise Section 1803.2, as follows:

1803.2 Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Geotechnical investigations shall be prepared by a registered design professional. Recommendations included in the report and approved by the building official shall be incorporated in the construction documents. Geotechnical investigations shall be required for all projects that require new foundations.

Exemptions. At the option of the building official, the following projects may be exempted from having a geotechnical investigation:

1. Single story structures, additions, or remodels with a footprint less than 600 square feet.
2. Fences.
3. Site retaining walls less than 4 feet in retained height.

4. Mobile homes, trailers, modular buildings that do not have concrete or masonry foundations.
5. Pre-engineered carports.
6. Signs, light poles, and communication towers less than 40 feet in height.

Section 1803.3.2 Minimum Exploration Requirements.

Add a new Subsection 1803.3.2, Minimum Exploration Requirements, as follows:

1803.3.2 Minimum Exploration Requirements. The minimum exploration requirements are as follows:

1. For areas less than or equal to one acre, a minimum of two explorations.
2. For areas greater than one acre, but less than five acres, a minimum of one exploration for the first acre and one for each additional two acres, or portion thereof.
3. For areas greater than five acres, but less than twenty acres, a minimum of three explorations plus one additional exploration for each three acres or fraction thereof above five.
4. For areas greater than twenty acres, a minimum of eight explorations plus one additional exploration for each five acres or fraction thereof above twenty.
5. Building additions of less than 2,000 square feet shall require a minimum of one exploration.
6. For signs, light poles, and communication towers whose locations are known and only that area of the site is to be developed, a minimum of one exploration is required.
7. The minimum depth of the exploration shall be fifteen feet. Exploration depth shall be increased as necessary to evaluate the suitability of the material within the foundation's depth of influence as determined by the registered design professional. The explorations can be terminated should refusal be encountered. However, at least three-fourths of the required explorations shall be to the minimum depth. The geotechnical report shall clearly state the refusal criteria. When information regarding the proposed structure and the final grades is made available, the registered design professional shall determine if the explorations originally documented in the geotechnical report meet the depth requirements.

Section 1803.5.3 Expansive soil.

Revise Subsection 1803.5.3, and add two (2) new Subsections, 1803.5.3.1 and 1803.5.3.2, as follows:

1803.5.3 Expansive soil. In areas likely to have expansive soil, the building official shall require soil tests to determine where such soils do exist.

Soils meeting all provisions of 1 through 4 shall be considered expansive, except that tests to show compliance with Items 1, 2, and 3 shall not be required if the test prescribed in Item 4 or 5 is conducted. All soils determined to be expansive by items 1 through 4 shall also conduct item 5 to determine the expansion classification level.

1. Plasticity index (PI) of 15 or greater, determined in accordance with ASTM D 4318.
2. More than 10 percent of the soil particles pass a No. 200 sieve (75 μm), determined in accordance with ASTM D 422.
3. More than 10 percent of the soil particles are less than 5 micrometers in size, determined in accordance with ASTM D 422.
4. Expansion index greater than 20, determined in accordance with ASTM D 4829.
5. Soils may be determined to be expansive or non-expansive by the preceding methods or the standard 60 psf swell test.

1803.5.3.1 Expansion classification level. Expansive soils shall be classified in accordance with Table 1808.6.1.1. When soils are determined to be expansive special design consideration are required. In the event that expansive soil properties vary with depth the variation shall be included in the engineering analysis of the expansive soil's effect on the structure. The foundation design and special inspection for grading/foundations shall be based upon results obtained from the standard 60 pound swell test. Refer to Section 1808.6 for additional requirements.

1803.5.3.2 Standard 60 pound swell test. The swell test samples shall be remolded to the in-place density required for the particular soil type as called for in the geotechnical report. The test samples shall be one inch thick and laterally confined by placing them in a consolidometer retaining ring constructed in accordance with ASTM D 2435. The swell test sample shall be oven dried at 60° C, and the sample shall be dried a minimum of eight (8) hours. The test samples shall be inundated with water and kept in a saturated moisture condition until measurable swelling or vertical movement ceases. The swell test shall use a 60 pounds per square foot surcharge load._The balance of the swell test will be per ASTM D 2435. Swell test results shall be interpreted using Table 1808.6.1.1

Section 1803.5.8 Compacted fill material.

Add new items #8 and #9 to Subsection 1803.5.8, as follows:

(...)

8. Flooding or jetting shall not be used to compact fill material that will support footings or foundation systems.
9. Placement procedure for oversized fill material. No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills within five feet, measured vertically, from the bottom of the footing or lowest finished floor elevation, whichever is lower, within the building pad. Oversized fill material shall be placed so as to assure the filling of all voids with well-graded soil. Specific placement and inspection criteria shall be stated in the geotechnical investigation. Continuous special inspection will be required during placement of any oversized fill material.

Section 1803.6 Reporting.

Revise Section 1803.6 and add new items 5, 7, 13 through 28, as follows:

1803.6 Reporting. Where geotechnical investigations are required, a written report of the investigation shall be submitted to the building official by the owner or authorized agent at the time of permit application. The geotechnical report shall include, but need not be limited to, the following information:

1. A plot showing the location of the test borings, excavations, and/or investigations. The plot shall be dimensioned and shall show the approximate location of all existing and proposed structures.
2. A complete record of the soil boring and penetration test logs and soil samples.
3. A record of the soil profile.
4. Depth to the water table, if encountered.
5. Anticipated approximate cut and fill depths.
6. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement, and varying soil strength; and the effects of adjacent loads. Provide provisions to mitigate the effects of collapsible soils, soluble soils, uncontrolled fill, chemical heave, and corrosive soils. Provide supporting test data.
7. Caliche and cemented soils considerations, if encountered. Recommendations for the removal of caliche and cemented soils and/or the preparation and grading for foundations on caliche and cemented soils.

8. Expected total and differential settlement. Provide all test data and supporting calculations when the allowable foundation bearing pressure exceeds 4,000 psf.
9. Deep foundation information in accordance with Section 1803.5.5.
10. Special design and construction provisions for foundations of structures founded on expansive soils, as necessary.
11. Compacted fill material properties and testing in accordance with Section 1803.5.8. Provide provisions to mitigate the effects of collapsible soils, soluble soils, uncontrolled fill, chemical heave, and corrosive soils.
12. Controlled low-strength material properties and testing in accordance with Section 1803.5.9.
13. Soil classification by the Unified Soil Classification System (ASTM D 2487). As an alternative, classification may be performed on a visual-manual basis (ASTM D 2488) in the field by an individual with a degree in civil engineering, engineering geology, geologic engineering, or geology. Backup data shall be included for at least one sample for every two (2) excavations and/or borings distributed among the prominent horizons in the soil profile.
14. Classify the expansion level of the soil and specify the minimum embedment depth per Table 1808.6.1.1.
15. Address, if applicable, the possible impacts on adjoining properties and mitigating measures to be undertaken.
16. Suitability of onsite soils for use as fill material.
17. Provide grading requirements for onsite and import soils (where applicable) including, but not limited to, swell, solubility, and sulfates.
18. Geotechnical design considerations for drainage structures, as applicable.
19. Trenching or other special procedures for determining fault and fissure(s) locations. The potential for differential movement across a fault and fissuring should be evaluated.
20. Procedures for mitigation for geological hazards.
21. Erosion control requirements, as applicable.
22. Anticipated structural loads and type of proposed structure.
23. When a post-tensioned slab-on-ground is recommended the geotechnical report must specify all of the soil parameters as required by Section 1808.6.2.
24. All lateral earth pressures and seismic forces shall be reported in psf/ft and distributions expressed in graphical form. All resulting forces must have a recommendation on wall placement location. Call out the mapped spectral response accelerations, S_S and S_1, and spectral response coefficients, S_{DS} and S_{D1} assumed to calculate the distribution.
25. Site class per Table 1613.5.5, including all test data and supporting calculations.
26. Specify the soils category, and the level of special inspection required per Table 1704.7. The specified level of special inspection cannot be less than that required by Table 1704.7.
27. All geotechnical reports must be current within the last 12 months. Any report older than 12 months must be accompanied by a wet sealed update letter addressing the current site conditions based on a recent site visit.
28. At the option of the building official, a completed copy of a geotechnical report checklist shall be included with every submittal.

Section 1804.3 Site Grading.

Revise Section 1804.3, as follows:

1804.3 Site Grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048mm) of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 1 percent along the flow line where located within 10 feet (3048mm) of the building foundation. Impervious surfaces within 10 feet (3048mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

Exception: Where low expansive, low collapsible, low soluble soil conditions occur or where an exterior asphalt or concrete surface abuts a building, the slope of the ground away from the building foundation is permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

Section 1804.3.1 Low collapsible and low soluble soil.

Add a new Subsection 1804.3.1 and a new Table 1804.3.1, as follows:

1804.3.1 Low collapsible and low soluble soil. Soils, after grading, shall be classified as low collapsible and low soluble in accordance with the table below. Soils shall be classified as low expansive in accordance with Table 1808.6.1.1.

Table 1804.3.1

Soil Condition	Criteria	Applicable Test Method
Low Collapsible	0 to < 3%	ASTM D 2435-04
Low Soluble	0 to < 2%	AWWA Standard Method 2540

If, after the grading is completed, the anticipated total settlement (collapse, consolidation, and/or compression) exceeds 1 inch, then the soil cannot be classified as low collapsible.

Section 1804.5 Compacted fill material.

Revise the exception in Section 1804.5, as follows:

Exception: When a geotechnical investigation is not required by the building official the in-place dry density within the building pad shall not be less than 90 percent of the maximum dry density at near optimum moisture content determined in accordance with ASTM D 1557.

Section 1805.2.1 Floors.

Revise Subsection 1805.2.1, as follows:

1805.2.1 Floors. Dampproofing materials for floors shall be installed between the floor and the base course required by Section 1805.4.1, except where a separate floor is provided above a concrete slab.

Where installed beneath the slab, dampproofing shall consist of not less than 10-mil (.010 inch; 0.254 mm) polyethylene with joints lapped not less than 6 inches (152 mm) or other approved methods or materials. Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than 4-mil (.004 inch; 0.012 mm) polyethylene, or other approved methods or materials. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

Section 1807.2.3 Safety factor.

Revise the exception in Subsection 1807.2.3, as follows:

Exception: Where earthquake loads are included, the minimum safety factor for retaining wall sliding and overturning shall be 1.1. Where wind loads are included, the minimum safety factor for retaining wall sliding and overturning shall be 1.3.

Section 1807.2.4 Slope Stability Analysis.

Add a new Subsection 1807.2.4 Slope Stability Analysis, as follows:

1807.2.4 Slope Stability Analysis. Retaining walls greater than ten (10) feet (3.05m) in height shall be required to submit a slope stability analysis performed by a registered design professional. Multiple terraced (also sometimes referred to as stacked or tiered) retaining walls with a total height of sixteen feet or more shall require a slope stability analysis. Total height shall be measured from the bottom of the foundation to the top of the retaining wall(s). The minimum factor of safety of 1.5 is required for all failure modes under static loading conditions.

Section 1808.6.1.1 Minimum Foundation Depth in Expansive Soils.

Add a new Subsection 1808.6.1.1 and a new Table 1808.6.1.1, as follows:

1808.6.1.1 Minimum Foundation Depth in Expansive Soils. The minimum foundation depth requirements when placing foundations in expansive soil shall be per Table 1808.6.1.1.

Table 1808.6.1.1
Minimum Thickened Edge or Foundation Depth[1]

Expansion	Percent Swell under 60 psf Surcharge	Minimum Thickened Edge or Foundation Depth (inches)
Low	> 0 to <4	12
Moderate	≥ 4 to < 8	15
High	≥ 8 to < 12	18
Critical 12	≥ 12 to < 16	24
Critical 16	≥ 16 to < 20	30
Critical 20+	20 or greater	36

Footnote:
1. Thickened edge embedment depth shall be measured from the top of the lowest adjacent final compacted subgrade to the bottom of the footing.

Section 1808.6.2 Slab-On-Ground Foundations.

Revise Subsection 1808.6.2 and add a new Table 1808.6.2, as follows:

1808.6.2 Slab-On-Ground Foundations. Moments, shears, and deflections for use in structural design of slab-on-ground, mat or raft foundations on expansive soils shall be determined in accordance with *WRI/CRSI Design of Slab-on-Ground Foundations* or *PTI Standard Requirements of Analysis of Shallow Concrete Foundation on Expansive Soils.* Using the moments, shears and deflections determined above, nonprestressed slabs-on-ground, mat or raft foundations on expansive soils shall be designed in accordance with *WRI/CRSI Design of Slab-on-Ground Foundations* and post-tensioned slab-on-ground, mat or raft foundations on expansive soils shall be in accordance with *PTI Standard Requirements of Analysis of Shallow Concrete Foundation on Expansive Soils.* The criteria for determining the expansive nature of soils are given in section 1803.5.3. The minimum design criteria for post-tensioned slabs are defined in Table 1808.6.2. It shall be permitted to analyze and design such slabs by other methods that

account for soil-structure interaction, the deformed shape of the soil support, the plate or stiffened plate action of the slab as well as both center lift and edge lift conditions. Such alternate methods shall be rational and the basis for all aspects and parameters of the method shall be available for peer review.

Table 1808.6.2 Post Tensioned Slab Criteria

Expansion	Percent Swell under 60 psf Surcharge	Design Values Ym (inches) for PT slabs	
		Edge Lift	Center Lift
Low	> 0 to <4	1/8 to 1/4	-----
Moderate	≥ 4 to < 8	1/4 to 1/2	1/8 to 3/8
High	≥ 8 to < 12	½ to 1	3/8 to 1
Critical 12	≥ 12 to < 16	See Note No. 11	
Critical 16	≥ 16 to < 20	See Note No. 11	
Critical 20+	20 or greater	See Note No. 11	

Notes:

1. This chart is intended to address expansive soil. The presence of collapsible soil or other geologic conditions may require different design criteria.
2. Foundations shall be designed to meet design criteria of the Post-Tensioning Institute manual "Design and Construction of Post-Tensioned Slabs-on-Ground, Third Edition." Both edge lift and center lift conditions need to be evaluated.
3. Edge moisture variation distance (Em) shall be a minimum of 2.5 feet for edge lift and 4.75 feet for center lift.
4. CΔ for prefabricated roof truss clear spans shall be 360 for center lift and 800 for edge lift.
5. Typical systems using stiffener beams may be equated to a flat slab of equivalent stiffness. Stiffening beams in ribbed foundations shall be as required by the Post-Tensioning Institute manual "Design and Construction of Post-Tensioned Slabs-on-Ground, Third Edition." Conventionally reinforced designs may also be used.
6. Modulus of elasticity of the soil (Es) shall be taken as 1000 psi unless tests indicate otherwise.
7. All concrete in the foundation system must be a minimum of 2500 psi and shall comply with ACI 318-08 Table 4.2.1. Lean concrete shall not be permitted in slabs or beams.
8. The calculated differential deflection of the foundation slab shall not exceed the limitations of "Design and Construction of Post-Tensioned Slabs-on-Ground, Third Edition" nor 1/2 inch for edge lift.
9. Perimeter loading of slab (P) shall be limited to dead load.
10. Expansion (swell) test shall be performed in accordance with Section 1803.5.3.
11. Specific recommendations from geotechnical engineer required. Design value (Ym) shall be a minimum of 1 inch.
12. For soil conditions where a low swell potential is determined, a BRAB Type II may be used if specifically recommended by the geotechnical engineer.

Section 1809.4 Depth and width of footings.

Revise Section 1809.4, as follows:

1809.4 Depth and width of footings. The minimum depth of footings below the undisturbed ground surface shall be 12 inches (305 mm). Where applicable, the requirements of Section 1809.5 shall also be satisfied. All excavations and the depth of any footing must be made below the lowest adjacent compacted subgrade to facilitate full embedment of the footing into the compacted subgrade prior to concrete placement unless otherwise recommended in the approved geotechnical investigation. The minimum width of footings shall be 12 inches (305 mm).

Section 1904.3 Concrete properties.

Delete the Exception in Section 1904.3, as follows:

1904.3 Concrete properties. Concrete mixtures shall conform to the most restrictive maximum water-cementitious materials ratios and minimum specified concrete compressive strength requirements of ACI 318, Section 4.3, based on the exposure classes assigned in Section 1904.2.

Section 1910.1 General.

Revise Section 1910.1, as follows:

1910.1 General. The thickness of concrete floor slabs supported directly on the ground shall not be less than 3-1/2 inches (89mm). A 10-mil (.010 inch;0.254 mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods shall be used to retard vapor transmission through the floor slab.

Exception: The vapor retarder is not required:

1. For detached structures accessory to occupancies in Group R-3, such as garages, utility buildings or other unheated facilities.
2. For unheated storage rooms having an area of less than 70 square feet ($6.5m^2$) and carports attached to occupancies in Group R-3.
3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.
4. From driveways, walks, patios and other flatwork which will not be enclosed at a later date.
5. Where approved based on local site conditions.

Section 2304.9.5.2 Fastenings for wood foundations.

Revise Subsection 2304.9.5.2, as follows:

2304.9.5.2 Fastenings for wood foundations. Fastenings for wood foundations shall be as required in AF&PA PWF. Where field conditions preclude the placement of the minimum sill plate anchors, a registered design professional may provide a design for the attachment in accordance with accepted engineering practice.

Section 2308.9.8 Pipes in walls.

Revise Subsection 2308.9.8, as follows:

2308.9.8 Pipes in walls. Stud partitions containing plumbing, heating or other pipes shall be so framed and the joists underneath so spaced as to give proper clearance for the piping. Where a partition containing such piping runs parallel to the floor joists, the joists underneath such partitions shall be doubled and spaced to permit the passage of such pipes and shall be bridged. Where plumbing, heating or other pipes are placed in or partly in a partition, necessitating the cutting of the soles or plates, a metal tie not less than 0.058 inch (1.47mm) (16 galvanized gage) and 1 ½ inches (38mm) wide shall be fastened to each plate across and to each side of the opening with not less than six 1 ½" x 0.148" minimum nails.

Section 2606.7.4 Fire suppression system.

Revise Section 2606.7.4, as follows:

2606.7.4 Fire suppression system. In buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, plastic light-diffusing systems shall be protected both above and below unless the sprinkler system has been specifically approved for installation only above the light-diffusing system. Areas of light-diffusing systems that are protected in accordance with this section shall be limited to a maximum panel size of 10 feet by 10 feet. Adjacent panels shall be separated by at least 8 feet vertical and 4 feet horizontal.

Section 2606.7.5 Electrical luminaires.

Revise Section 2606.7.5, as follows:

2606.7.5 Electrical luminaires. Light-transmitting plastic panels and light-diffuser panels that are installed in approved electrical luminaires shall comply with the requirements of Chapter 8 unless the light-transmitting plastic panels conform to the requirements of Section 2606.7.2. The area of approved light-transmitting plastic materials that are used in required exits or corridors shall not exceed the limitations listed in Sections 2606.7.3 and 2606.7.4 as applicable.

Section 2611 Light-Transmitting Plastic Interior Signs.

Revise Section 2611, as follows:

2611.1 General. Light-transmitting plastic interior signs shall be limited as specified in Sections 2611.2 through 2611.5. Light-transmitting plastic interior signs shall also comply with Section 2606.

Exception: Light-transmitting plastic interior wall signs in covered mall buildings shall comply with Section 402.16.

2611.2 Aggregate area. The aggregate area of signs shall not exceed 20 percent of the wall area.

Exception: Hanging or base supported signs.

2611.3 Separation. Signs shall be separated from each other by at least 4 feet horizontally or 8 feet vertically.

2611.4 Maximum area. The aggregate area of all light-transmitting plastics in each individual sign shall not exceed 24 square feet (2.23 m^2).

Exceptions:

1. Signs are permitted to exceed an aggregate area of 24 square feet of light-transmitting plastics, provided the light-transmitting plastic meets all the following:
    a. does not exceed 100 square feet,
    b. is a minimum CC1 material,
    c. is installed in a building fully protected by automatic sprinklers in accordance with Section 903.3.1.1, and
    d. is installed in a sign that is listed and labeled in accordance with nationally recognized standards.
2. Signs exceeding the 100 square foot limitation of Exception 1 are permitted provided the sign meets all the following:

a. the height does not exceed 10 feet,
b. the length does not exceed 60 feet,
c. the area does not exceed 500 square feet,
d. the light-transmitting plastic is a minimum CC1 material,
e. is listed and labeled in accordance with nationally recognized standards,
f. the space in which the sign is installed is protected with an automatic sprinkler system of at least Ordinary Hazard Group 2, and
g. a Fire Protection Report is provided to substantiate the preceding requirements are met.

2611.5 Encasement. Backs of wall mounted signs and non-illuminated portions of all signs regulated by this section shall be fully encased in metal.

Section 2612.6 Exterior use.

Delete Exceptions No. 1 and No. 2 from Section 2612.6, as follows:

2612.6 Exterior use. Fiber reinforced polymer or fiberglass reinforced polymer shall be permitted to be installed on the exterior walls of buildings of any type of construction when such polymers meet the requirements of Sections 2603.5 and is fireblocked in accordance with Section 717. The fiber reinforced polymer or the fiberglass reinforced polymer shall be designed for uniform live loads as required in Table 1607.1 as well as for snow loads, wind loads and earthquake loads as specified in Sections 1608, 1609 and 1613 respectively.

Table 2902.1 Minimum Number of Required Plumbing Fixtures.

Revise Table 2902.1, by adding A-2 Casinos, revising the column titles and footnote "f", and by adding new footnotes "g" and "h", as follows:

[P] Table 2902.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES[a]
(See Sections 2902.2 and 2902.3)

<table>
<tr><th rowspan="2">No.</th><th rowspan="2">CLASSIFICATION</th><th rowspan="2">OCCUPANCY</th><th rowspan="2">DESCRIPTION</th><th colspan="2">WATER CLOSETS (URINALS[h])</th><th colspan="2">LAVATORIES</th><th rowspan="2">BATHTUBS/ SHOWERS</th><th rowspan="2">DRINKING FOUNTAINS [e,f,g]</th><th rowspan="2">OTHER [f]</th></tr>
<tr><th>MALE</th><th>FEMALE</th><th>MALE</th><th>FEMALE</th></tr>
<tr><td rowspan="5">1</td><td rowspan="5">Assembly</td><td rowspan="5">A-2[d]</td><td rowspan="5">Casinos</td><td>1:1-100</td><td>3:1-50</td><td colspan="2">1:1-200</td><td rowspan="5">--</td><td rowspan="5">--</td><td rowspan="5">1 service sink</td></tr>
<tr><td>----</td><td>4:51-100</td><td colspan="2">2:201-400</td></tr>
<tr><td>2:101-200</td><td>6:101-200</td><td colspan="2">3:401-750</td></tr>
<tr><td>3:201-400</td><td>8:201-400</td><td colspan="2" rowspan="2">Over 750, add one fixture for each additional 500 persons</td></tr>
<tr><td colspan="2">Over 400, add one fixture each additional 250 males, and one for each 150 females.</td></tr>
<tr><td colspan="11">Remainder of rows 1 though 8 to remain unchanged.</td></tr>
</table>

a. The fixtures are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.
b. Toilet facilities for employees shall be separate from facilities for inmates or patients.
c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions fro privacy.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
e. The minimum number of required drinking fountains shall comply with Table 2902.1 and Chapter 11.
f. Drinking fountains and service sinks are not required for an occupant load of 30 or fewer.
g. Where water is served in restaurants and similar occupancies, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers that provide water to occupants free of charge shall be permitted to be substituted for not more than 50 percent of the required drinking fountains.
h. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies.

Section 3002.4 Elevator car to accommodate ambulance stretcher.

Revise Section 3002.4 and add a new Table 3002.4, as follows:

3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above grade or four or more stories below grade plane, at least one elevator, and no less than the minimum number specified in Table 3002.4, shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame. Such elevators shall open into a lobby providing sufficient area to accommodate transport of a 24-inch by 84-inch (610mm by 1930 mm) ambulance stretcher.

Table 3002.4
Ambulance Stretcher Sized Elevator Cars

Highest floor level served above lowest level of fire department access in feet (meters)	Number of elevator cars sized to accommodate an ambulance stretcher
Less than 120 (36.6m)	1
120-599 (36.6m-182.6m)	2 [a.]
600-899 (182.9m-274.0m)	3 [a.]
900 and greater (≥274.3m)	4 [a.]

[a.] An elevator installed in accordance with Section 403.6.1 shall be permitted to substitute for one of these elevators.

Section 3003.1.3 Two or more elevators.

Revise Section 3003.1.3, as follows:

3003.1.3 Two or more elevators. Where two or more elevators are controlled by a common operating system, all elevators shall automatically transfer to standby power within 60 seconds after failure of normal power where the standby power source is of sufficient capacity to operate all elevators at the same time. Where the standby power source is not of sufficient capacity to operate all elevators at the same time, all elevators shall transfer to standby power in sequence, return to the designated landing and disconnect from the standby power source. After all elevators have been returned to the designated level, at least one elevator, and all elevators installed in accordance with Section 3002.4, shall remain operable from standby power source.

Section 3006.4 Machine rooms and machinery spaces.

Revise Section 3006.4, as follows:

3006.4 Machine rooms and machinery spaces. Elevator machine rooms and machinery spaces shall be enclosed with *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 712, or both. The *fire-resistance rating* shall not be less than the required rating of the hoistway enclosure served by the machinery. Openings in the *fire barriers* shall be protected with assemblies having a *fire protection rating* not less than that required for the hoistway enclosure doors.

Exceptions:

1. *Unchanged.*

2. In buildings four *stories* or less above *grade plane* when machine room and machinery spaces have no openings to the hoistway enclosure they serve, the machine room and machinery spaces are not required to be fire-resistance rated.

Section 3111 CABANAS

Add a new Section 3111, as follows:

SECTION 3111
CABANAS

3111.1 General. This section shall apply to cabanas on, or in close proximity to, buildings where the predominant building construction type would not otherwise allow cabanas to be constructed as membrane structures in accordance with Section 3102.3. Cabanas that are erected for a period of less than 180 days shall comply with the *International Fire Code*.

3111.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein:

CABANA. A structure used for temporary shelter, comfort and privacy of occupants located on, or in close proximity to, a building. Cabanas shall not be used for retail sales, bar service, food preparation, storage, or overnight sleeping.

CABANA GROUP. A group of individual cabanas that are not separated from each other as required within this section. The total area of the cabana group shall be used to determine code requirements for all cabanas contained within the cabana group.

3111.3 Design and Construction. Cabanas shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration.

3111.3.1 Frame. Cabanas shall be constructed of a rigid, noncombustible frame that is permanently mounted to the roof or deck on which it is located.

3111.3.2 Membrane Covering. The membrane covering of the cabana shall either be noncombustible in accordance with Section 703.4 or be tested by an approved agency and pass Test 2 of NFPA 701.

3111.3.3 Openness. Each cabana shall be provided with a minimum of one opening to an exterior egress route. Such opening shall provide a minimum unobstructed opening of 5 feet (1524 mm) wide by 7 feet (2134 mm) high.

3111.3.4 Height. The highest point of a cabana shall not exceed 20 feet (4572 mm).

3111.3.5 Area. The area of any single cabana or cabana group shall not exceed 1,000 square feet (46.45 m^2).

> **Exception:** The area of cabanas that are constructed entirely of noncombustible materials shall not exceed 2,000 square feet (92.90 m^2).

3111.3.5.1 Subdivision. Subdivision of a cabana is permitted where subdivision of the cabana is provided by any material that is tested by an approved agency and passes Test 2 of NFPA 701.

3111.4 Location. Cabanas shall be located to minimize the hazard to the building, other cabanas, and the means of egress.

3111.4.1 Separation between cabanas. Cabanas shall be separated from all other cabanas by a minimum distance of 10 feet (3048 mm), as measured at the nearest horizontal projection. Where cabanas do not meet this spacing, the cabanas shall be considered a cabana group, and the cabana group shall meet the requirements set forth herein.

3111.4.2 Separation between cabana groups. Cabana groups shall be separated from all other cabanas by a minimum distance of 10 feet (3048 mm), as measured at the nearest horizontal projection.

3111.4.3 Separation to building. Cabanas shall be a minimum of 10 feet (3048 mm) from any wall or building opening, and shall not be located beneath any horizontal projection of the main building.

3111.4.4 Obstruction to means of egress. Cabanas shall be located and spaced such that the required means of egress is not obstructed by the cabanas for the entire height of the cabanas.

3111.5 Automatic sprinkler system. Cabanas and cabana groups shall be protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

> **Exception:** An automatic sprinkler system shall not be required in cabanas or cabana groups that do not exceed 120 square feet (11.148 m^2) in area.

3111.6 Cooking facilities. Cooking shall not be permitted within 20 feet (6096 mm) of a cabana or inside a cabana.

3111.7 Fuel-fired equipment. Fuel-fired equipment shall not be permitted within 20 feet (6096 mm) of a cabana or inside a cabana.

3111.8 Lighting. All lighting within or attached to cabanas shall be electric. Open flames for any purpose are prohibited within 20 feet (6096 mm) of a cabana or inside a cabana.

3111.9 Fire protection report. A fire protection report shall be submitted and shall address the type of construction of the main structure and the cabana(s), the size of the cabana(s), fire protection systems for the cabana(s), and the impact of the cabana(s) on the means of egress.

Section 3306.2 Walkways.

Revise Section 3306.2, as follows:

3306.2 Walkways. A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the applicable governing authority authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be *accessible* in accordance with Chapter 11 and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 pounds per square foot (psf) (7.2 kN/m2). Sidewalks or walkways that lead from the public sidewalk to a building entrance where the general public may be at risk due to falling construction debris shall be similarly protected.

Section 3310.3 Stairway floor number markings.

Add new Section 3310.3, as follows:

3310.3 Stairway floor number markings. Temporary stairway floor number markings shall be provided in accordance with the following requirements. The markings shall be provided at each floor landing in interior stair enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and identification of the stair. The markings shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the fire department. The markings shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions.

Section 3401.5 Alternative compliance.

Revise Section 3401.5, as follows:

3401.5 Alternative compliance. When approved by the *building official*, work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this chapter.

Section 3403.1 General.

Revise Section 3403.1, as follows:

3403.1 General. Additions to any building or structure shall comply with the requirements of this code for new construction. Alterations to the existing building or structure shall be made to ensure that the existing building or structure together with the *addition* are no less conforming with the provisions of this code than the existing building or structure was prior to the *addition*. An existing building together with its additions shall comply with the height and area provisions of Chapter 5. The portions of the building or structure not altered and not affected by the alterations are not required to comply with the height provisions for a new structure.

Section 3404.1 General.

Revise Section 3404.1, as follows:

3404.1 General. Except as provided by Section 3401.4 or this section, alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the *alteration*.

Exceptions:

1. (remains unchanged)
2. (remains unchanged)
3. The building or structure shall not be required to comply with the height and area provisions of Chapter 5 for a new structure.

Section 3411.8.15 Check-out aisles.

Add new Section 3411.8.15, as follows:

3411.8.15 Check-out aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function shall be made accessible until the number of accessible check-out aisles complies with Section 1109.11.2.

Delete Appendices A, B, D, F, G, and K, in their entirety.

Adopt Appendices C, E, H and I in their entirety.

Appendix E Supplementary Accessibility Requirements

Revise Section E104.3.1, as follows:

E104.3.1 Transient lodging. In *transient* lodging facilities, *sleeping units* with *accessible* communication features shall be provided in accordance with Table E104.3.1. Units required to comply with Table E104.3.1 shall be dispersed among the various classes of units. Not more than 10 percent of dwelling or sleeping units required to provide mobility features under ICC A117.1, Section 1003 shall be used to satisfy the minimum number of dwelling or sleeping units required to provide communication features under Table E104.3.1.

Appendix H - Outdoor Signs

Revise Title of Appendix H, as follows:

"Appendix H - Outdoor Signs"

Section H101.2 Signs exempt from permits.

Add item #6 to Section H101.2, as follows:

H101.2 Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Painted nonilluminated signs.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m^2).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Other signs listed by the applicable Administrative Code.

Appendix J Grading

Section J102.1 Definitions.

Revise the definition of GRADING in J102.1, as follows:

GRADING. An excavation, clearing and grubbing of vegetation, or fill or combination thereof.

Add new definitions in Section J102.1 for Building Pad, Certify, Fault, Holocene Active Fault, Quaternary Active Fault, Inactive Fault, Final Grading Report, Geotechnical Report (Soils Report), Pad Certification Report, Pad Recertification Report, Refusal, and Special Geotechnical Consideration Area, as follows:

BUILDING PAD. The soil, cut or fill site, outlined by the area of the footprint of the building plus a minimum of 5 additional feet (1529 mm) to the exterior. This includes any type of foundation system for the structure.

CERTIFY. Use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

FAULT. A fracture or zone of fracturing in geologic materials (soil or rock) along which there has been displacement of the sides relative to one another parallel to the fracture.

FAULT, HOLOCENE ACTIVE. A fault with recognized activity within Holocene time (within the past 11,000 years).

FAULT, QUATERNARY ACTIVE. A fault with recognized activity within Quaternary time (within the past 1.6 million years).

FAULT INACTIVE. A fault without recognized activity within Quaternary time (within the past 1.6 million years).

FINAL GRADING REPORT. A grading report stamped and signed by a registered design professional certifying that the building pad was constructed in conformance with the recommendations set forth in the geotechnical report. This report contains explicit information and data that verifies compliance with the geotechnical report of record including any approved supplements or addendums.

GEOTECHNICAL REPORT (SOILS REPORT). Data and engineering recommendations resulting from site exploration which evaluates the soil conditions and general site characteristics and suitability of the site for the proposed construction. A registered design professional shall prepare and seal the report.

PAD CERTIFICATION REPORT. An interim grading report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record.

PAD RECERTIFICATION REPORT. A report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record. This report contains explicit information and data that verifies compliance to the geotechnical report of record including any approved supplements or addendums.

REFUSAL. Refusal while advancing an exploration is recognized as defined by ASTM D 1586-08a.

SPECIAL GEOTECHNICAL CONSIDERATION AREA. A portion of Clark County where additional geotechnical investigation requirements may apply. These areas are identified on the most recent edition of the "Clark County Soil Guidelines Reference Map(s)" as published by Clark County.

Section J103.2 Exemptions.

Revise Exemption #1 in Section J103.2, as follows:

J103.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an area deemed by the Building Official as isolated, self-contained, presenting no danger to the public, and not adversely affects adjoining properties; and the drainage study for the proposed site has been waived, or determined to be unnecessary, by the planning and/or civil review process.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Section J103.3 Hazards.

Add a new Section J103.3 Hazards, as follows:

J103.3 Hazards. Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, easement, storm sewer system, or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Section J104.1 Submittal requirements.

Revise Section J104.1, as follows:

J104.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill. All projects that require grading shall have a grading plan prepared, stamped, and signed by a registered design professional.

Exception: At the option of the building official, if the structure is located outside of a flood hazard area the following projects may be exempted from having a grading plan. Projects exempted from a grading plan must still comply with the grading and drainage requirements in the IBC.

1. Single story structures or additions with a footprint less than 600 square feet.
2. Patio covers, decks, and canopies associated with a single family residence.
3. Mobile homes, trailers, modular buildings that do not have concrete or masonry foundations.
4. Pre-engineered carports.
5. Signs, light poles, and communication towers.

Section J104.2 Grading plan requirements.

Revise Section J104.2 in its entirety, as follows:

J104.2 Grading plan requirements. All grading plans shall be prepared, stamped, and signed by a registered design professional. The following items must be included on all grading plan submittals.

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, proposed drainage channels and related construction.
4. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 100 feet of the property or that may be affected by the proposed grading operations.
5. Recommendations included in the geotechnical report shall be incorporated in the grading plans or specifications as follows:
    a. Locations and dimensions of all cut and fill slopes,
    b. Locations of all cross sections presented in the geotechnical report,
    c. Locations and sizes of all recommended remedial measures such as buttress fills, stability fills, deep foundation systems, reinforced earth, retaining walls, etc.,
    d. Location and layout of proposed subdrainage system.
6. A statement that the site shall be graded in accordance with the approved geotechnical report. This statement shall include the firm name that prepared the geotechnical report, the report number, and the date of the geotechnical report.
7. Locations of other existing topographic features either natural or man-made such as streets, drainage structures, pavements, walls, mining pits, etc.
8. The cut to fill transition line.
9. Positive drainage away from the foundation per Section 1804.3.
10. Details and cross sections at property lines, fence walls, retaining walls, berms, etc.
11. Elevation datum and benchmarks (NAVD 88).
12. Existing contours at least 100 feet beyond the property lines.

13. Proposed finish contours or spot elevations at the property corners, building pad, and at swale flow lines.
14. Elevations of curbs or centerlines of roads or streets.
15. Earthwork quantities in cubic yards.
16. Finish floor elevations.
17. Details and cross sections of typical fill slopes and cut slopes.
18. Typical details of fill-over-natural slopes and fill-over-cut slopes where fill is to be placed on natural or cut slopes steeper than 5H:1V in accordance with Section J107.
19. Setback dimensions of cut and fill slopes from site boundaries per Section J108.
20. The placement of buildings and structures on and or adjacent to slopes steeper than 3H:1V (33.3% slope) shall be in accordance with Section 1808.7.
21. Provide terracing in accordance with Section J109 for slopes steeper than 3H:1V (33.3% slope).
22. Provide the locations and dimensions of all terrace drains for all slopes steeper than 3H:1V in accordance with Section J109.
23. The standard notes specified in the Las Vegas Valley Construction Site Best Management Practice Guidance Manual (most current edition).
24. Registered design professional original seal (wet seal), signature and date or a Records stamp and signature stating, "*This is a true and exact copy of the original document on file in this office*."

Section J104.3 Geotechnical Report.

Revise Section J104.3, as follows:

J104.3 Geotechnical Report. A geotechnical report prepared by a registered design professional shall be provided. The report shall comply with Section 1803.6.

Section J105.1 General.

Revise Section J105 in its entirety, as follows:

J105.1 General. Inspection of grading operations shall comply with the provisions of this section. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage an approved agency, if required by the Building Official.

J105.1.1 Completion of work and final reports. Report submittal shall be in compliance with Section 1704.1.2.

J105.1.2 Final Grading report. Upon completion of pad grading (or foundation excavation) and prior to a footing or foundation inspection, a Final Grading report shall be provided by an approved agency. Grading (or foundation excavation) shall be observed and tested by an approved agency. The approved agency shall prepare the report, signed by a registered design professional certifying that the grading and earthwork are complete and substantially comply with the requirements of the geotechnical report of record including any approved supplements or addenda. At the option of the Building Official, a Pad Certification report submitted in accordance with Section J105.1.3 may be accepted as an interim report prior to a footing or foundation inspection. A Final Grading report will then be required prior to receiving a Final Inspection.

The Final Grading report itself will contain all applicable test data and analysis of the data. Specific project information is also required if there were any changes to the geotechnical report of record or unusual circumstances encountered during grading. The report shall also include the following information:

1. Compaction test results, requirements, locations, depth of backfill at test locations and names of technicians conducting the tests.
2. Moisture Density values and curves that include classifications for all soils used in the grading operation.
3. Description of structure or pad including the proposed use.
4. Grading plan showing approximate locations of tests, dates and depths of over-excavation observations, original contours and finish pad elevations.
5. Swell and solubility test requirements and results. This information shall be provided if required by the geotechnical report of record, elsewhere in the code, or if imported soils were utilized.
6. Type of foundation system applicable to work being certified (i.e. spread footings, strip footings, combination footings, drilled shafts etc.).
7. Import material used, source of import, and tests indicating compliance with the geotechnical report of record recommendations, and classification in relation to ACI 318-08 Section 4.3.
8. A statement describing the process of pad grading. Where applicable, this shall include, but not be limited to the minimum depth of over-excavation, blending operations, the use of import soils, nested aggregate, organics encountered, and removal of unsuitable soils.
9. The preceding requirements shall be presented for each pad or structure being certified.

The Final Grading report remains valid for a maximum of six months after the completion of grading. The six month period begins at the first test date of the final test of the final lift of the structural pad. Once expired, a Pad Recertification report is required.

J105.1.3 Pad Certification report. This letter/report is used as an interim document until a Final Grading report is completed (i.e., a Final Grading report for the entire project or a particular phase(s) of a project). The approved agency shall prepare this report signed by a registered design professional and certifying that the grading and earthwork are complete and substantially comply with the requirements of the geotechnical report of record including any approved supplements or addenda. Specific project information is also required if there were any changes to the geotechnical report of record or unusual circumstances encountered during grading.

This report shall include the following information for each pad or structure:

1. The first test date of the final test of the final lift.
2. Permit number and pad or structure description.
3. Classification of foundation soils in relation to ACI 318-08 Section 4.3.
4. Classification of foundation soil for expansive properties (i.e. non-expansive or results from standard 60 pounds per square foot swell test).
5. The name(s) of the approved special inspector(s) and any technicians that observed grading or foundation improvements.

This report remains valid for no longer than six months after the completion of grading. The six month period begins at the first test date of the final test of the final lift of the structural pad. Upon expiration, a Final Grading report and Pad Recertification report will be required.

J105.1.4 Pad Re-certification report. This report is required when a Final Grading report or Pad Certification report has expired or if required by the Building Official. The approved agency shall prepare this report signed by a registered design professional certifying the current suitability of the pad(s). The condition of the pad(s) is discussed, tests performed and their results are presented and discussed, and any additional grading or reworking is discussed. The conclusions are stated and based upon the current condition of the pad(s) compared to completion at original grading and a statement that the current condition of the pad(s) substantially complies with the requirements of the geotechnical report of record including any approved supplements or addenda.

As a minimum, pad moisture data and standard sixty pounds per square foot swell test results, if applicable, are included in this report. The tests shall be conducted on a representative number of pads.

The report remains valid for no longer than six months after the latest test date. Once expired, the pad(s) recertification will require an evaluation by a registered design professional to confirm the applicability of current site conditions.

J105.1.5 Finished Floor Elevation Certificate. A registered design professional shall certify the lowest habitable finished floor elevation to the elevation on the approved plans upon completion of the slab inspection and placement or the placement of the final construction form for the finished floor. All certifications required by this section shall be provided to and accepted by the Building Official prior to performance of any additional inspections. The minimum finished floor elevation shall comply with the approved plans and the allowable tolerance shall be minus (-) 0.0 feet to plus (+) 0.3 feet of the finished floor elevation detailed on the approved plans.

J105.1.6 Drainage Compliance Report. Upon completion of final grading, and prior to the final building inspection, a statement of compliance for drainage shall be provided by the registered design professional of record or the developer when approved by the building official.

This report shall state that site conditions at the time of final construction provide positive drainage in compliance with the approved drainage plan or the plot and grading plan.

When engineered drainage features, facilities, or structures are required by the approved plans, the register design professional of record shall verify that installed and constructed elements are in compliance with the approved plans. This includes site detention, lot to lot drainage, and drainage conveyance devices.

J105.1.7 Notification of Noncompliance. If in the course of fulfilling their respective duties under this appendix, the registered design professional or the approved agency finds that the work is not being done in conformance with this appendix or the approved plans the discrepancies shall be immediately reported in writing to the contractor, the permittee, and to the Building Official.

J105.2 Special Inspections. The special inspection requirements of Section 1704 shall apply to work performed under a grading permit where required by the Building Official.

Appendix L Fences

Add a new Appendix L Fences, walls and retaining walls, as follows:

APPENDIX L
FENCES, WALLS AND RETAINING WALLS

L101 General

L101.1 General. It shall be unlawful for any person, contractor, firm or corporation to erect, install, construct or replace any fence, wall or retaining wall contrary to the provisions of this code.

L101.2 Applicable regulations. All regulations and requirements of the Building Code and any amendments, deletions and additions thereto shall apply to the erection, installation or construction of any fence, wall and/or retaining wall except that which may be inconsistent with this chapter.

L102.0 DEFINITIONS

L102.1 Definitions. For the purpose of this chapter, certain terms are defined as follows:

CUT. See Excavation.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FENCE. A structure of temporary or semi-permanent material such as wrought iron, wire, wood, screen, vinyl, plastic, etc… erected for purposes of enclosure, division of property or decoration.

FILL. The placement of earth materials by artificial means.

RETAINING WALL. Any wall that is used to resist the lateral displacement of earth or any other material with a difference in elevation of the material from one side to the other exceeding 24 inches (610 mm) in height.

ROCKERY WALL. A system of stacked rocks constructed to retain soil. See the Southern Nevada Building Officials Rockery Wall Construction Standards.

WALL. A structure of stone, brick, masonry, concrete or other similar permanent material, raised to some height and erected for purposes of enclosure, division of property or decoration.

L103.0 PERMITS

L103.1 Permits required. No fence, wall or retaining wall regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a permit for each fence, wall or retaining wall is obtained from the Building Official.

L103.2 Separate permits required. A separate permit is required for each parcel of land upon which a fence, wall or retaining wall is to be located.

> **EXCEPTION:** Only one permit is required for multiple fence(s), wall(s) and/or retaining wall(s) constructed along property lines in connection with the development of a subdivision, provided that a legal description of the property is submitted together with a dimensioned plot plan showing the exact location of the fence, wall and/or retaining wall and all other recorded lot and easement lines.

L103.3 Application for a fence, wall or retaining wall permit. To obtain a permit, the applicant shall first file an application on a form furnished by the jurisdiction for that purpose. The application shall include the following:

1. The name and address of the owner of the real property upon which the fence, wall and/or retaining wall is to be located.

2. The type of material to be used for construction of the fence, wall, and/or retaining wall.

3. The total length, height and square footage of each fence, wall and/or retaining wall.

4. The authorized agent to perform construction.

5. A dimensioned drawing that identifies the location of each fence, wall and/or retaining wall with respect to the property or lot lines, easements, streets, other rights-of-way. Existing construction and drainage features shall be clearly identified on the drawings.

6. The location of all light standards, gas and water meters, and fire hydrants.

7. Other information deemed pertinent by the Building Official.

L103.4 Drawings and specifications. Drawings and specifications required for retaining walls shall be prepared by a registered design professional. The design shall be in accordance with the applicable chapters of the IBC. Rockery walls shall be designed in accordance with the IBC and the Southern Nevada Building Officials Rockery Wall Construction Standards.

Drawings or specifications for fences and walls need not be submitted unless required by the Building Official. Drawings and specifications shall be submitted for retaining walls showing that the retaining wall is designed in accordance with this code.

L104.0 GENERAL REQUIREMENTS AND LIMITATIONS

L104.1 General. General requirements and limitations shall be as follows:

1. No fence, wall and/or retaining wall shall be placed within a right-of-way unless granted permission by the authority having jurisdiction.
2. The height and location of a fence, wall and/or retaining wall shall comply with all zoning ordinances and regulations of the authority having jurisdiction.
3. Fences, walls and/or retaining walls shall be constructed in accordance with published standards of the department or agency having authority of utility easements, when located within a utility easement for any light standard, gas meter, water meter, or fire hydrant.
4. Special inspection, if required, shall be in accordance with the IBC. Rockery walls shall require special inspection in accordance with the IBC and the Southern Nevada Building Officials Rockery Wall Construction Guidelines.

L104.2 Required inspections

1. All footings shall be inspected to verify location to property line, structures, and compliance to the approved plans and permit. Footings shall be excavated and cast against the earth.
2. Concrete foundations shall not be placed until footings have been inspected and approved by the Building Official.
3. No wall and/or retaining wall shall be grouted until the reinforcing required has been inspected and approved by the Building Official.
4. No retaining wall shall be backfilled until verification of the dampproofing, when required, and drainage has been inspected and approved by the Building Official.

L104.3 Natural drainage. No permits shall be issued for fences, walls and/or retaining walls, which would block any natural flow path.

L104.4 Prohibited materials. Walls, fences and retaining walls shall not be constructed of materials which impose a direct safety hazard, such as pointed posts, stakes or pickets, components intended for electrocution, embedded glass, nails, barbed or razor type wire, or other sharp, cutting objects.

EXCEPTION: Manufactured barbed or razor wire may be used when its detailed use, location, and construction requirements are approved by the authority having jurisdiction.

L105.0 IMPLEMENTATION

L105.1 Implementation. The Building Official is empowered to formulate procedural guidelines to be used in implementing this chapter.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-10
(Adopts the 2009 Edition of the International Building Code, together with amendments thereto)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-10, that will adopt the 2009 Edition of the International Building Code, together with amendments thereto.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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:

None identified

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: February 16, 2011

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-11 – Updates the City's Administrative Code, relating to the administration of the various building and technical codes. 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 City's Administrative Code, relating to the administration of the various building and technical codes. The update is designed to adapt the 1997 Uniform Administrative Code for use in implementing and enforcing the various building and technical codes.

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. 2011-11
2. Supplemental Document Amending the Uniform Administrative Code, 1997 Edition
3. Business Impact Statement

BILL NO. 2011-11

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM ADMINISTRATIVE CODE, 1997 EDITION," AS ADOPTED IN LVMC 16.02.010(B), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Updates the City's Administrative Code, relating to the administration of the various building and technical codes.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Except as otherwise provided in Section 3 of this Ordinance, the document entitled "A Supplemental Document Amending the Uniform Administrative Code, 1997 Edition," adopted in LVMC 16.02.010(B), is hereby repealed in its entirety.

SECTION 2: Subject to the provisions of Sections 3 and 4 of this Ordinance, the document entitled "A Supplemental Document Amending the Uniform Administrative Code, 1997 Edition," which is attached hereto and incorporated by this reference, is hereby adopted and incorporated in LVMC 16.02.010(B).

SECTION 3: The fee tables adopted by Ordinance No. 6110 as part of the document entitled "A Supplemental Document Amending the Uniform Administrative Code, 1997 Edition":

(A) Shall remain in full force and effect; and

(B) Subject to the provisions of Section 4 of this Ordinance, shall serve as the fee tables that are included as part of the document referred to in Section 2 of this Ordinance.

SECTION 4: The fee tables referred to in Section 3 of this Ordinance are amended by adding to Table No. 3-E thereof, in the appropriate location and in the format used in that table, a research and processing fee for large-scale projects in the amount of $500.

SECTION 5: The Department of Building and Safety is authorized and directed to incorporate into the fee tables referred to in Section 3 of this Ordinance, at the appropriate location, the new fee adopted by Section 4 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.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Valtteed 2-16-11
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

A SUPPLEMENTAL DOCUMENT AMENDING
THE UNIFORM ADMINISTRATIVE CODE, 1997 EDITION

SECTION 1: Except as otherwise indicated, all section and chapter references contained in this Supplemental Document are to the Uniform Administrative Code, 1997 Edition.

SECTION 2: Certain provisions of this code may be parallel or similar to provisions of the International Building Code; International Residential Code; Uniform Plumbing Code; Uniform Mechanical Code; National Electrical Code; or other similar code adopted by the City. The provisions of this Code and the provisions of the other referenced codes shall be applied to the extent possible. The Building Official shall have the discretion, in the interest of convenience for the City or the public, to apply the provisions herein or corresponding administrative provisions in any of the above-referenced codes, in the versions adopted by the City. In the event of any conflict in administrative provisions, the provisions of Section 104 of this Code shall govern, unless otherwise deemed appropriate by the Building Official. Unless otherwise specified, the term "Department" refers to the department of the City charged with the enforcement of the codes referred to in this Section, and the term "Director" refers to the director of that department.

SECTION 3: Section 102 is hereby amended by adding a new Subsection 102.9, reading as follows:

102.9 Professional Office Conversions. Except as otherwise provided in this Subsection, any conversion from a residential occupancy to a professional office shall conform to the new construction requirements for a B Occupancy, including without limitation the requirements of the International Building Code, the National Electrical Code, the Uniform Mechanical Code, and the Uniform Plumbing Code. However, a conversion from a residential occupancy to a professional office that meets all the following criteria is exempt from the requirements of the International Building Code for commercial buildings (other than those contained in Chapter 11 and Chapter 34):

1. The building must have a building area of 1500 square feet or less, calculated using the definition of "building area" contained in Section 502 of the International Building Code, but not inclusive of parking garage or carport areas;
2. The conversion must be pursuant to a valid zoning approval; and
3. The conversion must not include expansion of the existing building and must be limited to minor exterior or interior remodeling, or both, that is allowed by the Building Official to be done in order to accommodate the disabled or to comply with zoning requirements.

SECTION 4: Section 103 is hereby amended by deleting the introductory paragraph thereof and replacing it with the following:

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. The American Heritage Dictionary of the English Language, Fourth Edition, copyright 2006, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

SECTION 5: Section 103 is hereby amended by deleting the definitions of the terms "Building Code," "Mechanical Code," "Plumbing Code" and "UBC Standards."

SECTION 6: Section 103 is hereby amended by adding thereto, at the appropriate locations, the following terms and corresponding definitions:

BUILDING CODE refers to the International Building Code and the International Residential Code promulgated by the International Code Council, as adopted by the City.

MECHANICAL CODE is the Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the City.

PLUMBING CODE is the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the City.

SECTION 7: Section 202 is hereby amended by deleting Subsections 202.1 and 202.6 and substituting therefor new Subsections 202.1 and 202.6 reading as follows:

202.1 General. The Building Official is hereby authorized and directed to enforce all the provisions of this code and the referenced technical codes. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the sole power and discretionary authority to render interpretations, to modify or to suspend portions of this code and the referenced technical codes and to adopt and enforce additional rules and regulations supplemental to this code and the referenced technical codes as may be deemed necessary to clarify and apply the provisions of this code and the referenced technical codes.

202.6 Authority to Disconnect Utilities. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this Code or by the technical codes, in case of emergency, where such building, structure or equipment is hazardous to life or property. The Building Official shall whenever possible notify the serving utility, the owner and the occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify in writing such utility, owner and occupant of such disconnection immediately thereafter. Such disconnection is also authorized in cases where a building or structure has been constructed, remodeled, repaired, energized or occupied in violation of this Code or any of the technical codes; provided, however, that notice and an opportunity for informal hearing shall first be afforded the owner and occupant.

SECTION 8: Section 204 is hereby amended by deleting Section 204.1 and 204.2 and substituting therefor a new Section 204.1 and Subsections 204.1.1 through 204.1.5, reading as follows:

204.1 Board of Appeals. The Board of Appeals is created to hear and decide

appeals of determinations made by the Building Official or Fire Marshal relative to the application and interpretation of the technical codes. The Board of Appeals is authorized to hear appeals relating to this Chapter and the technical codes, and to review proposed alternate materials and methods of construction. Members of the Board of Appeals shall be appointed by the Las Vegas City Council and shall serve a term of four years, or until their successors are appointed. Members may be removed from office at any time by a majority vote of the City Council.

204.1.1 Members. The members of the Board of Appeals shall be qualified by training and experience to decide matters pertaining to building construction and building service equipment. The members shall not be employees of the City of Las Vegas. The members of the Board of Appeals shall consist of the following:

1. Two general contractors.
2. One electrical contractor or electrical engineer.
3. Two mechanical/plumbing contractors.
4. One fire protection engineer.
5. One lay member.
6. One architect registered by the State of Nevada.
7. One structural engineer registered by the State of Nevada.

201.1.2 Procedures. The Board of Appeals may adopt rules and procedures for conducting its hearings and investigations. A person (the appellant) who wishes to appeal a determination of the Building Official or Fire Marshal to the Board of Appeals shall submit a written request for appeal to the Building Official or Fire Marshal, as applicable. The Building Official or Fire Marshal, as applicable, shall provide the appellant a copy of the guidelines for preparing an appeal and a copy of any Board-adopted rules and procedures. The appellant is responsible to prepare the written appeal in compliance with the guidelines. In order to provide for timely hearing and resolution of appeals, the Building Official or Fire Marshal shall schedule a hearing before the Board upon a determination of the Building Official or Fire Marshal that a written appeal is in substantial compliance with the Board guidelines for preparing an appeal. In addition to information and evidence submitted by the appellant, information and evidence may be submitted in support of the determination by the Building Official or Fire Marshal. The Board shall issue a written decision based on the evidence presented at the hearing. The decision shall be signed by the chairman of the Board and shall be filed with the Building Official or Fire Marshal, as applicable. A copy of the Board decision shall be delivered to the appellant in person or by U.S. Certified Mail.

201.1.3 Limitation and Scope of Authority. The Board of Appeals shall not have authority relative to the interpretation of the administrative provisions of this Chapter or the adopted administrative provisions of the technical codes, nor shall the Board be empowered to waive any requirements of this Chapter or the technical codes.

201.1.4 Tests. The appellant shall, at the appellant's expense, cause to be performed and produced any tests or research necessary to support appellant's claims before the Board of Appeals and any tests or research as may be required by the Board in its consideration of the claims

of the appellant.

201.1.5 Liability. No member of the Board of Appeals shall be personally liable for any damage that may accrue to persons or property as a result of any good faith act or any good faith act omission in the discharge of the duties specified herein. Any suit brought against the Board or any member thereof resulting from such act or omission performed, or not performed, by a member of the Board acting in an official capacity in the performance of Board duties as specified in this Chapter shall be considered an act of the City of Las Vegas and shall be subject to all applicable immunities and rights conferred by law upon the City of Las Vegas, as well as subject to applicable City of Las Vegas liability self-insurance or insurance coverage.

SECTION 9: Section 301 is hereby amended by deleting Subsection 301.1 and substituting therefor a new Subsection 301.1 and new Subsections 301.1.1 and 301.1.2, reading as follows:

301.1 Permits Required. Except as specified in this Section 301 or in Section 28 of this Supplemental Document, no building, structure, building service equipment or onsite improvement regulated by this Code or any of the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate, appropriate permit for each building, structure, building service equipment or onsite improvement has first been obtained from the Building Official. If work is commenced before a necessary and appropriate permit for the work has been obtained, the Building Official is authorized to charge:

1. An additional fee in the amount of the building permit fees chargeable under Section 304 (i.e., double fees); and
2. An investigation inspection fee pursuant to Table No. 3-E, if an inspector or inspections supervisor is sent to inspect the work.

NOTE: Requirements concerning swimming pools and spas are contained in Sections 39 to 44, inclusive, of this Supplemental Document.

301.1.1 Licensing and Contractor Requirements. No building permits shall be issued for building work which is required to be performed by a licensed contractor under NRS Chapter 624 unless the applicant is appropriately licensed by the State of Nevada and is licensed to do business within the City. Where State law requires that a general contractor be retained for a particular project, the general contractor shall be responsible for acquiring the permits for all the trades to be involved in the work, and shall be responsible for paying all fees associated with the work in accordance with Table Nos. 3-A, 3-B and 3-C. A general contractor to whom a permit is issued shall be responsible for all work authorized for the project and shall post at the job site a list of all subcontractors doing work on the job with their names, their State subcontractor's license numbers and classifications and their City business license numbers. Mechanical, electrical and plumbing subcontractors shall register with the Department when all permits have been taken out by the general contractor. The general contractor and subcontractors must meet all applicable qualifications and requirements described in the technical codes. All building permit applications must include the license number and applicable monetary limits of the general contractor and each

subcontractor.

NOTE: Additional licensing requirements concerning plumbing work are contained in Sections 26 to 33, inclusive, of this Supplemental Document. Additional licensing requirements concerning mechanical work are contained in Sections 34 to 38, inclusive, of this Supplemental Document.

301.1.2 Maintenance. All buildings, structures, pools, spas, signs, and building service equipment, existing and new, and all parts thereof shall be maintained in a safe condition. All devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or his designated agent shall be responsible for the maintenance of buildings, structures, pools, spas, signs and their building service equipment. To determine compliance with this subsection, the Building Official may cause any structure to be reinspected.

SECTION 10: Section 301 is hereby amended by deleting Subsection 301.2.1, including its constituent subdivisions and substituting therefor a new Subsection 301.2.1, reading as follows:

301.2.1 Work Exempt from Permit. A building permit shall not be required for the following:

1. Construction work on property owned by the United States or on property owned by any other governmental entity, to the extent exempted by State law.
2. Amusement devices and structures, including merry-go-rounds, ferris wheels, rotating conveyances, slides and similar devices, and any other accessory structure consisting of a cover or roof whose use is necessary for the operation of any such device or structure when such device or structure is used for less than 30 days. A storage building or detached structure that is not an integral part of an amusement device or structure does not qualify as an exempt accessory structure for purposes of this paragraph. The exemption contained in this paragraph likewise does not apply to any electrical, mechanical or plumbing work that is to be done in connection with amusement devices or structures that are to be used on a site.
3. Oil derricks.
4. Movable cases, counters and partitions that do not exceed 5 feet 9 inches in height and not containing electrical branch circuits.
5. Privately owned water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
6. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below, when built in conjunction with a building that is classified as a Group R, Division 3 one-family or two-family dwelling or a U Occupancy.
7. Painting, papering and similar finish work, except for trim and decorative work exceeding 0.5 pounds per square foot or 0.35 pounds per lineal foot in weight.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Window awnings supported by an exterior wall of a Group R, Division 3

one-family or two-family dwelling, or a U Occupancy, when projecting not more than 54 inches.

10. Residential television or radio antennas whose height design does not exceed 10 feet above the height of the tallest structure on the property, and so located that the distance to the nearest property line is equal to or greater than the total height of the antenna mast.

11. Construction directly relating to the delivery of a utility service, built by a public utility company operating under the control of the Public Service Commission. This exemption applies only to buildings, structures, or service equipment that is directly used in utility generation or distribution and is installed on properly registered easements belonging to water, gas, power, telephone, or other utility companies governed under the State of Nevada Public Service Commission, another State agency, or a public franchise. This exemption does not apply to office buildings, grading, occupied support buildings and general site development.

12. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved 120-volt receptacle, when that cord or cable is permitted by the Electrical Code.

13. The repair or replacement of fixed motors or fixed approved appliances of the same type and rating in the same location.

14. The installation, alteration or repair of electrical wiring, apparatus or equipment for the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public utility in the exercise of its function as a serving utility.

15. Any portable unit refrigerating system (cooling only) as defined in the Mechanical Code.

16. Any wall, including a retaining wall, that is not over two feet in height, measured from the low finished grade to the grade on the opposite side. This exemption does not apply to:

a. Any wall that supports a surcharge;

b. Any wall (including a patio wall) that retains flammable liquids; or

c. Any wall of combined materials that exceeds 2 feet in height.

17. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet.

NOTE: Exemption from the permit requirements of this Code shall not be deemed to authorize any work to be done in violation of the provisions of the technical codes or any other City ordinances or regulations.

SECTION 11: Section 301 is hereby amended by adding thereto a new subsection, designated as Subsection 301.3, reading as follows:

301.3 Manufactured Housing, Travel Trailer and Recreational Vehicle Permits.

301.3.1 Manufactured Housing Installations (R-MH or R-MHP District). Manufactured housing installations are under the jurisdiction of the Nevada State Department of

Business and Industry. The units shall bear a seal from a recognized approval agency.

301.3.2 Travel Trailers or Recreational Vehicles (R-MH or R-MHP District). Travel trailers or recreational vehicles are under the jurisdiction of the Nevada State Department of Business and Industry.

301.3.3 Temporary Residential Use Pending Construction. Nothing in this Code or the technical codes shall be deemed to prohibit any owner of a lot or parcel of land from parking his own manufactured home or recreational vehicle thereon and living therein. Before placing or parking the manufactured home or recreational vehicle, the owner must:

1. Obtain a building permit for a permanent residence to be located on the same lot and for the owner's use;
2. Execute in the City's favor a surety bond or equivalent, in accordance with the provisions of Section 301.3.4 below:
3. Obtain a permit for the temporary placement of the manufactured home or recreational vehicle; and
4. Provide the proper sanitary facilities in the manner required by the Clark County Health District.

The period of occupancy may not exceed one year after the permit for temporary placement is issued. Upon written request, the Building Official may grant a single extension of time of up to six months.

301.3.4. Surety for Removal. The surety bond required by Section 301.3.3 shall be in the amount of one thousand dollars ($1,000.00), shall secure the removal of the manufactured home or recreational vehicle, and shall be conditioned upon the owner's maintaining in force a valid building permit during the entire time the manufactured home or recreational vehicle is in place. As an alternative to the surety bond, the owner may deposit the sum of one thousand dollars ($1,000.00):

1. With the City Treasurer, to be refunded upon full compliance with this Subsection; or
2. With a financial institution, provided that the owner, the City and the financial institution have entered into a security agreement that is acceptable to the City Attorney. The arrangement described in the preceding sentence is referred to below as cash-in-lieu-of-bond.

301.3.5 Temporary Placement for Contractor/Security Purposes. Nothing in this Code or the technical codes shall be deemed to prohibit the temporary placement of a manufactured home or travel trailer for the use of a contractor engaged in construction work on the same parcel of land. In addition, a manufactured home or travel trailer may be temporarily placed upon any commercially zoned lot or parcel of land to be used for security purposes when approved by the Building Official. Any placement of a temporary manufactured home or travel trailer for the purpose of living there shall be subject to the requirements concerning installation, permitting, bonding, and time limits as set forth in Sections 301.3.4 and 301.3.5 above. Any such manufactured home or travel trailer shall be properly installed and maintained in accordance with this Section 301.3.

301.3.6 Temporary Placement of Manufactured Building for Commercial Operation. Nothing in this Code or the technical codes shall be deemed to prohibit a commercial operation from temporarily operating within a manufactured building when the use has been approved by the City Council, the duration of the temporary use shall be in accordance with this Section 301.3 or as determined by the City Council. The period of occupancy may not exceed one year from the date of approval. The Building Official may, upon written request, grant a single six-month extension, provided that a valid building permit is in force at the time the extension is requested and the City Council has approved the extension. Any such manufactured home or travel trailer shall be properly installed and maintained in accordance with this Section 301.3.

301.3.7 Enforcement. Enforcement of the provisions of this Section 301.3 shall be in accordance with this Section 301.3.7. Each reference in this Section 301.3.7 to the term "manufactured home" includes a travel trailer or recreational vehicle.

1. Whenever the Building Official or his designee finds that a manufactured home has remained on the permit holder's property for a period in excess of the limits specified above, he may issue a written notice and order to comply to the principal and to any surety on the bond. Notice to the principal is sufficient if sent by certified mail, return receipt requested, to the address provided by the principal on the application for the permit. The notice and order shall state the estimated cost of removal, and provide that if the manufactured home is not removed within 30 days from the date of notice, the bond shall be forfeited.

2. Any permit holder or surety who believes that no violation described in Paragraph (1) above has occurred may, within 15 days after the date of the notice and order, apply in writing to the Department for a hearing. The Department shall forthwith set a date for said hearing, with at least five days written notice to the requesting party. The hearing shall be conducted by the Building Official or his designee.

3. The compliance order shall be stayed from the date a timely hearing request is received by the Department until a decision is rendered by the Department, and by the City Council in the event of a timely appeal of the Department's decision.

4. After the requested hearing, the Building Official may rescind, modify or affirm the order of compliance.

5. Within ten days after the date the Department's decision is rendered, the permit holder or surety may, if dissatisfied, appeal to the City Council by filing a written notice of appeal with the Department.

6. Upon receipt of an application from the person required to remove the manufactured home and an agreement by such person to comply with the order if allowed additional time, the Building Official or his designee may, at his discretion, grant an extension of time, not to exceed an additional 180 days, within which to remove the manufactured home. The Building Official or his designee's authority to extend time is limited to the removal of the manufactured home and shall not in any way affect the time to appeal the notice and order.

7. After receipt of a notice and order to comply, the surety must, within the time limits specified above, either cause the manufactured home to be removed or pay over to the Department the cost of removal after said manufactured home is removed by the Department. The Building Official or his designee may proceed by such mode as is deemed convenient to cause the

manufactured home to be removed. The Building Official or his designee may, in accordance with City contracting procedures, hire a private contractor to remove manufactured home.

8. If a cash bond has been posted, notice of default as provided shall be given to the principal, and if the compliance is not obtained within the time limits specified, the Building Official or his designee may proceed without further notice to use the cash deposit or any portion of such deposit to cause the manufactured home to be removed, by contract or otherwise. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor or to his successors or assignee after deducting the cost of the work.

9. If cash-in-lieu of bond has been deposited, the notice of default shall be given to the principal, and if the compliance is not obtained within the 30) days specified, the Building Official or his designee may withdraw the deposited funds and use them to cause the manufactured home to be removed by contract or otherwise. The balance, if any, shall upon the completion of the work, be returned to the depositor or to his successors or assignee after deducting the cost of the work.

10. In any instance where the Building Official or his designee has caused a manufactured home to be removed, such manufactured home may be placed in storage at any location within Clark County, Nevada, and all costs of that storage shall be borne by the owner of such mobile home upon reclaiming the manufactured home. Upon the owner's failure to pay storage costs, such manufactured home may be sold in accordance with NRS Chapter 108.

11. Any costs in excess of the forfeited bond amounts shall be charged to the principal. Where the full amount due to the City is not paid by the principal within 60 days after the City has removed the manufactured home, the Building Official or his designee may request the City Attorney to commence appropriate legal proceedings to obtain payment.

301.3.8 Adoption of Guidelines. The Department may adopt procedural guidelines to be used in implementing this Section 301.3.

SECTION 12: Section 301 is hereby amended by adding thereto three new subsections, designated as Sections 301.4, 301.5 and 301.6, respectively, reading as follows:

301.4 Grading Permit-Acreage Limitations. In order to minimize the environmental impacts of large-scale grading, a grading permit shall authorize the grading of no more than 120 acres at a time. The Building Official may increase the acreage authorized for grading in the case of:

1. Golf course development; or
2. Other large-scale development, if the applicant or permittee demonstrates to the satisfaction of the Building Official that enhanced dust control mitigation measures are in place to ensure that the increase in grading activity will not adversely impact neighboring properties.

301.5 Moving of Buildings.

1. In order to move any building or structure to or from a location within the City, a moving permit must be obtained in advance. The application for a permit must describe the

proposed new location for the building or structure. After a permit is issued, but before the building or structure is moved, the applicant must contact a Supervisor of Building Inspections to schedule field inspections of the building that is to be moved and the site from which it is being moved. Field inspections may include, without limitation, the following items:

a. Visible structural integrity of the structure.
b. Required or proposed means of egress.
c. Electrical wiring and grounding.
d. Plumbing and gas line location, and compliance with applicable codes.
e. Site safety, including the capping of lines, disconnection of electrical power, filling of holes, and removal of other potential hazards.

The moving of buildings shall be subject to the requirements (and the prior approval, if applicable) of the Traffic Engineering Division of the Department of Public Works, the Nevada Department of Transportation, and any other agency having jurisdiction.

2. With regard to any structure proposed to be moved to a location within the City, whether it is proposed to be moved from another location within the City or from a location outside the City, the application for a moving permit shall be accompanied by an application for a building permit, including the submittal of plans of the type and extent that would be required for the initial erection of that structure and comply with current codes. The Department is authorized to require letters from design professions verifying structural integrity and compliance with the International Energy Code. The review and approval of those plans shall also include and be subject to review and verification by the Department of Planning and Development, and the Land Development Division that the proposed location of the building, whether permanent or temporary, is permissible and appropriate under applicable zoning and development regulations.

301.6 Demolition Permits. Except as otherwise provided in this Section 301.6, a separate demolition permit is required for each building, address or suite at which demolition is to occur. Any sewer investigation permit which is required must be obtained prior to the issuance of a demolition permit. A demolition permit is not required under this Section for partial demolition work if:

1. The work is to be performed in conjunction with remodeling, alteration, or repair of a structure;
2. Plans for the work have been reviewed, approved, and a permit has been issued by the Building Department for the proposed work; and
3. The demolition work is within the area of the scope of the new work.

SECTION 13: Section 302 is hereby amended by deleting Subsections 302.3 and 302.5, substituting therefor new Subsections 302.3 and 302.5, reading as follows:

302.3 Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper whose sheets will be of a uniform size not to exceed 42 x 30 inches in size. The plans and specifications shall be of sufficient clarity to indicate the location,

nature and extent of the work proposed and to show in detail that the work will conform to the provisions of the technical codes and all relevant laws, ordinances, rules and regulations. Electronic submittals will be accepted in accordance with 1) State of Nevada approved guidelines and 2) technological capabilities.

302.5 Inspection and Observation Program. When special inspection is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Chapter 17 of the International Building Code, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

SECTION 14: Section 303 is hereby amended by deleting Subsection 303.4 and substituting therefor a new subsection 303.4, reading as follows:

303.4 Expiration. Every permit issued by the Building Official with respect to work governed by the technical codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, as documented by an approved inspection, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, as documented by an approved inspection. For purposes of this Section, an "approved inspection" is a complete inspection that is passed for all aspects of the subject of the inspection, and does not include "partial passed" inspections.

Any permittee holding an unexpired permit may apply for an extension of the time within which to commence work under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. For each permit extension, an administrative fee in the amount set forth in Table No. 3-D for "Permit Issuance and Administration" shall be charged. The Building Official may extend a permit more than once, at his or her sole discretion. However, no such extension shall exceed a period of 2 years in the aggregate. After 2 years, new permits shall be required with full

fees at each renewal.

Permits shall also expire when corrections which have been required by means of a notice to correct have not yet been completed within 30 days after such inspection. Before such work can be recommenced, a new permit therefor shall first be obtained, and the fee therefor shall be one half the amount required for a new permit for such work, provided that no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall request the renewal in writing and pay a new full permit fee.

SECTION 15: Section 304 is hereby amended by deleting Subsection 304.1, 304.2, and 304.3, and substituting therefor new Subsections 304.1, 304.2, and 304.3, including their constituent parts, reading as follows:

304.1 General Provisions.

304.1.1 Fees–Generally. Fees shall be assessed in accordance with the provisions of this Section and the fee tables adopted in connection with this Supplemental Document, as amended by the City Council from time to time. Political subdivisions which by law are exempt from the payment of building permit fees are not exempt from:

1. The plan check fees described in this Section 304;
2. Sewer connection fees; or
3. Any other development-related fee, except to the extent provided by law.

304.1.2 Fee-Related Definitions. For purposes of this Section 304:

1. "New construction" refers to new construction, remodels and additions relating to the occupancies that are listed in Table No. 3-A, as adopted in connection with this Supplemental Document.

2. "Included examination time," with respect to a project and the fees chargeable in relation thereto, means the amount of time (measured in hours) that the Building Official has estimated as necessary to complete the required review of plans by Building and Safety staff for compliance with applicable codes relating to the issuance of a building permit (plan check). The plan check fees that have been set with respect to any particular type of project are deemed to entitle the developer/contractor/owner of that particular project to a level of effort and service from the Building and Safety Department which reflects the "included examination time." The estimated hours of plan check time are represented in the base plan check fee (calculated as the product of that number of hours and the applicable hourly rate).

3. "Extraordinary examination time," with respect to a project and the fees chargeable in relation thereto, means the time necessary to conduct plan check that is in excess of the "included examination time" for that project.

4. "Included inspection time," with respect to a project and the fees chargeable in relation thereto, means the amount of time (measured in hours) that the Building

Official has estimated as necessary to complete the required inspections of the on-site construction work for completion of the project to a final certificate of occupancy or completion. The fees that have been set with respect to any particular type of permit are deemed to entitle the developer/contractor/owner of that particular project to a level of effort and service from the Building and Safety Department which reflects the "included inspection time." The estimated hours of building inspection time are represented in the base fee (calculated as the product of that number of hours and the applicable hourly rate).

5. "Extraordinary inspection time," with respect to a project and the fees chargeable in relation thereto, means the time necessary to inspect a project that is in excess of the "included inspection time" for that project.

304.2 Plan Check Fees.

304.2.1 New Construction. For new construction, as defined in Subsection 304.1, the base plan check fee for each type of permit shall be the applicable base plan check fee as set forth in Table No. 3-A under the heading "Effective July 1, 2010," determined with reference to the occupancy and the size basis thresholds listed therein. Such base fees, which are subject to adjustment in accordance with Sections 304.2.2 and 304.9, include plans examination to the extent represented in the "included examination time" that has been established by the Building and Safety Department for that project. Additional examination time (referred to as "extraordinary examination time") will be charged in accordance with Table No. 3-E.

304.2.2 Size-Based Adjustment to Base Plan Check Fee. For new construction, as defined in Subsection 304.1, the applicable base plan check fee, determined with reference to the occupancy and the size basis thresholds listed therein, shall be increased, in accordance with Table No. 3-B, by the amount that corresponds to the number of square feet by which the construction exceeds the amount of the applicable threshold base plan check fee, taking into account the applicable construction type listed in the various table columns.

304.2.3 Other Construction. For construction other than new construction, as defined in Subsection 304.1, the plan check fee for each type of permit shall be as set forth in Table No. 3-E under the heading "Effective July 1, 2010". Those fees, which are subject to adjustment in accordance with Section 304.9, include plans examination to the extent represented in the "included examination time" that has been established by the Building and Safety Department for that project. Additional examination time (referred to as "extraordinary examination time") will be charged in accordance with Table No. 3-E.

304.3 Permit and Inspection Fees

304.3.1 New Construction. For new construction, as defined in Subsection 304.1, the base fee for each type of permit and the associated inspections shall be the applicable base fee as set forth in Table No. 3-A under the heading "Effective July 1, 2010," determined with reference to the occupancy and the size basis thresholds listed therein. Such base fees, which are subject to

adjustment in accordance with Sections 304.3.2 and 304.9, include:

1. The fees for the associated mechanical, plumbing and electrical work;
2. Associated structural reviews; and
3. Inspections to the extent represented in the "included inspection time" that has been established by the Building and Safety Department for that project.

Additional inspection time (referred to as "extraordinary inspection time") will be charged in accordance with Table No. 3-E.

304.3.2 Size-Based Adjustment to Base Fee. For new construction, as defined in Subsection 304.1, the applicable base fee, determined with reference to the occupancy and the size basis thresholds listed therein, shall be increased, in accordance with Table No. 3-C, by the amount that corresponds to the number of square feet by which the construction exceeds the amount of the applicable threshold base fee, taking into account the applicable construction type listed in the various table columns.

304.3.3 Other Construction. For construction other than new construction, as defined in Subsection 304.1, the fee for each type of permit and the associated inspections shall be as set forth in Table No. 3-E. Those fees, which are subject to adjustment in accordance with Section 304.9, do not include necessary structural reviews, which shall be chargeable under Section 304.7, but do include:

1. The fees for the associated mechanical, plumbing and electrical work; and
2. Inspections to the extent represented in the "included inspection time" that has been established by the Building and Safety Department for that project.

Additional inspection time (referred to as "extraordinary inspection time") will be charged in accordance with Table No. 3-E.

304.3.4 Mechanical/Plumbing/Electrical Work Only. For work that is limited to mechanical, plumbing, or electrical, the fee for each type of permit and the associated inspections shall be as set forth in Table No. 3-D. Those fees, which are subject to adjustment in accordance with Section 304.9, do not include necessary structural reviews, which shall be chargeable under Section 304.7, but do include inspections to the extent represented in the "included inspection time" that has been established by the Building and Safety Department for that project. Additional inspection time (referred to as "extraordinary inspection time") will be charged in accordance with Table No. 3-E.

SECTION 16: Section 304 is hereby amended by adding a new Subsection 304.6.1, reading as follows:

304.6.1 Nonrefundable Fees. Except with respect to fees erroneously collected, the following fees will not be refunded:

1. Administrative issuance fees.
2. Zoning requirement review fees collected on behalf of the Planning and Development Department.

SECTION 17: Section 304 is hereby amended by adding thereto four new subsections, designated as Subsections 304.7, 304.8, 304.9 and 304.10, reading respectively as follows:

304.7 Miscellaneous and Other Fees. The following fees are chargeable to the extent not included elsewhere under applicable fee tables:

1. Administrative issuance fees, which are chargeable under Table Nos. 3-D and 3-E and apply to every permit, in addition to any other charge.
2. Hourly fees for extraordinary examination time and extraordinary inspection time as described in this Section 304 and as set forth in Table No. 3-E.
3. A research and processing fee, as set forth in Table No. 3-E, for certain large-scale projects concerning which permit renewal has been requested. The determination of which projects are subject to this fee shall be made by the Building Official, taking into account the size and complexity of the project.
4. All other fees set forth in Table Nos. 3-E and 3-F.

304.8 Interpretation of Fee Tables. In connection with certain items of work or construction (or combinations of such items), it may be necessary to consult more than one fee table in order to determine the amounts of all applicable fees. The determination of which fee table or fee tables apply in any particular case shall be within the discretion of the Building Official or his designee.

304.9 Fee Increases. Unless otherwise determined by future action of the City Council pursuant to Section 304.10:

1. All fees set forth in Table Nos. 3-A, 3-D and 3-E under the columns "Effective July 1, 2010" shall be increased on July 1, 2012, and on July 1, 2013, respectively, as set forth under the corresponding columns in those Tables; and
2. On those dates, there shall be corresponding percentage-based increases in the amounts set forth in Tables 3-B, 3-C and 3-F.

304.10 Fee Review. Before July 1, 2012, the Building Official shall review the current fiscal performance of the City of Las Vegas Building and Safety Enterprise Fund to determine the need for the fee increases described in Section 304.9. Following the completion of the review, the Building Official will present the results of the review to the City of Las Vegas Building and Safety Enterprise Fund Committee for consideration in accordance with NRS 354.59893. If the Building Official determines that the fee increases are not needed, an appropriate agenda item to remove the increases shall be presented to the City Council for action to do so.

SECTION 18: Section 305 is hereby amended by deleting the first paragraph of the subsection remaining the same:

305.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official, and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types

of construction shall have continuous inspection as specified by Chapter 17 of the International Building Code.

SECTION 19: Section 305 is hereby amended by deleting Subsection 305.5 and substituting therefor a new Subsection 305.5, reading as follows:

305.5 Required Building Inspections. All work regulated by this Code and the technical codes must be inspected and approved before being covered or concealed, and finished work must be inspected and approved before occupancy. The sequence and types of required inspections will be indicated on the inspection report card. The absence of such indication shall not be deemed to waive any inspection requirement. The Building Official, upon notification, shall make inspections that may include, but are not limited to, the following, and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent of construction that fails to comply with this Code or the technical codes:

1. Foundation Inspection. To be made after excavations for footing are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.

2. Concrete slab or under-floor inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

3. Frame inspection. To be made after the floor, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

4. Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joists and fasteners are taped and finished.

5. Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

SECTION 20: Sections 306 and 307 are deleted in their entirety with no substitution.

SECTION 21: Section 308 is hereby amended by adding thereto two new subsections, designated as Subsections 308.3 and 308.4, respectively, reading as follows:

308.3 Construction Power. The Building Official may authorize temporary construction power, which is a privilege granted solely for convenience.

308.4 Revocation of Temporary Connection or Construction Power. Temporary connections of construction power may be revoked, upon written notice, for the use of temporary construction power for permanent occupancy, and may be revoked with or without notice for tampering with the electrical service panel in violation of the National Electrical Code and utility company requirements, or in the event work is suspended or abandoned as described in Subsection 303.4.

SECTION 22: Subsection 309.1 is hereby amended by deleting both the first paragraph thereof and the exception that follows and substituting for that paragraph and exception the following paragraph:

309.1 Use or Occupancy. No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official approved the building or structure for occupancy, either by means of a Certificate of Occupancy or by the approval of a final inspection.

SECTION 23: Subsection 309.3 is hereby amended by adding and the end thereof the following provisions:

Whenever it is determined that an existing building has never been issued a Certificate of Occupancy, the Building Official may require that the following steps be taken in order to determine a minimal level of compliance with the appropriate technical codes:

1. The performance of a site investigation by an appropriate inspector to review the building's compliance with applicable codes in effect at the time the building was constructed.

2. Written notice to the owner, representative, or tenant identifying deficiencies in code compliance and requiring that actions be taken within a specified time to address such deficiencies.

In connection with these steps, the Building Official may also require that the use or occupancy of the building be ceased pending the correction of deficiencies, but only where the Building Official determines that immediate danger to public safety so requires.

Upon correction of the deficiencies, a Certificate of Occupancy will be issued.

SECTION 24: Section 309 is hereby amended by adding thereto a new subsection, designated as Subsection 309.7, reading as follows:

309.7 Utilities. Upon revocation of a Certificate of Occupancy, the Building Official may order the disconnection or discontinuance of utility services upon at least 3 days written notice to the owner and occupant.

SECTION 25: Table Nos. 3-A to 3-H, inclusive, are hereby deleted in their entirety, and new Table Nos. 3-A, 3-B, 3-C, 3-D, 3-E and 3-F, which were adopted by Ordinance No. 6110, are incorporated by this reference and are adopted in lieu of the tables hereby deleted.

PROVISIONS RELATING TO THE PLUMBING CODE

SECTION 26: In connection with the administration and enforcement of the Uniform Plumbing Code, as adopted by the City, the provisions which are set forth as Sections 27 to 33, inclusive, of this Supplemental Document are hereby adopted.

SECTION 27: **GENERAL PROHIBITIONS AND PROVISIONS**

A. It is unlawful for any person to conduct, carry or engage in the business of plumbing or act in the capacity of a plumbing contractor without first having obtained a license from the State of Nevada Contractor's Board to carry on the trade of plumbing.

B. It is unlawful for any person to conduct, carry on or engage in the business of installing, altering or repairing sewers or private sewage disposal systems without first having obtained a license from the State of Nevada Contractors Board to carry on the trade of plumbing.

C. The minimum job site requirement for an individual leading or directing the installation of plumbing shall be a Southern Nevada licensed journeyman plumber.

D. Contractors and their employees engaged in the construction of underground utility lines are exempt from provisions of this Chapter requiring a Certificate of Qualification, but such contractors must possess both valid State contractor's license and a City business license to carry on the business of contracting, as distinct from engaging in the business of plumbing.

SECTION 28: **DEFINITIONS AND QUALIFICATIONS OF CONTRACTORS AND PLUMBERS**

A. A Plumbing Contractor is a person who holds a license from the State of Nevada Contractors Board and a business license from the City to carry on the trade of plumbing.

B. A licensed Journeyman Plumber is a person who has successfully passed an examination issued by an approved agency in Clark County.

C. A Qualified Individual or QI is a person who has passed an appropriate examination(s) of the State of Nevada Contractors Board subsequent to July 1, 1985, and otherwise meets the qualifications of, and has been accepted by, the State of Nevada Contractors Board as a Qualified Individual in one or more of the subcategories of plumbing contracting (or as appropriate to the work to be permitted) after July 1, 1985.

D. Notwithstanding anything to the contrary in Sections 301 through 309 of this Code, as adopted by the City, the Building Official may authorize approved contractors to install, inspect and verify the proper installation of water heaters and water softeners, without the need to obtain a permit prior to the installation or to obtain an inspection of the work by the City following the installation. In such cases, the Building Official may issue permits for the installation of water heaters and water softeners after the work has been completed and charge an appropriate fee in connection therewith. Each installation must be properly verified, tagged and documented in accordance with procedures set forth by the Building Official. For the purposes of this Subsection, an "approved contractor" is one who:

1. Is properly licensed for the type of work to be performed;
2. Has successfully completed a course on the installation of water heaters and water softeners provided by the City; and
3. Has been approved by the City to participate in the program described in this Subsection.

SECTION 29: **PERMITS; WORKSITE REQUIREMENTS**

A. Permits may be issued to plumbing contractors having a State of Nevada Contractor's license and City business license for any plumbing or drainage work regulated by the Uniform Plumbing Code.

B. Permits may be issued to any properly licensed person to install, alter or enlarge irrigate systems, providing that required backflow prevention devices are installed to existing water lines.

C. Permits may be issued to licensed fire sprinkling contractors or licensed plumbing contractors for the installation of automatic fire existinguishing systems, provided that all work conforms to the requirements of the most recent edition of the National Board of Fire Underwriters Standard #13.

D. Permits may be issued to any person to do plumbing or drainage work regulated by the Uniform Plumbing Code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings or quarters in connection with such buildings, provided that such person is the bona fide owner of such dwelling and accessory buildings or quarters, and the same are occupied or designated to be occupied by said owner.

E. A permit may be issued for the original installation of permanent and rental water softening equipment, provided the work done involves only minor changes in the existing water lines. Every application for a permit shall be accompanied by a sketch or drawing of the proposed installation. The person making the installation, at a minimum, must have successfully passed an examination given by an approved agency for a limited certificate of competency, permitting the holder to make minor changes in the present water system to install only permanent and rental water softening equipment. If the installation involves connecting to the drainage system, this work must

be done by a certified plumber unless the building is provided with a drain connection suitable for the purpose of connecting a water softener. For purposes of this paragraph, "minor changes" in the water system shall be construed to mean that no more than one cut into the existing water lines will be required.

F. A permit may be issued to any general engineering contractor, or to any sewer, sewage disposal, drain and pipelaying contractor, pipeline contractor or industrial piping contractor licensed by the State of Nevada, for work within that contractor's respective specialty or specialties, for the construction and installation of sewer, water, or other underground utility lines on private or public property up to a point not less than 5 feet from the building and, with respect to a manufactured home or recreational vehicle park, for installation of pipeline systems in accordance with approved plans.

G. A permit may be issued to any refrigeration or air conditioning contractor who holds both a valid State of Nevada contractor's license, Classification C-21 (a) or (b), and a valid business license issued by the City, to install gas piping which is directly related and necessary to the repair or replacement of a refrigeration, heating or air conditioning system, not exceeding 500,000 BTUH per permit (based on natural gas input). The permittee shall only use qualified workers who have met City requirements for installation of gas lines. The permittee shall not modify or alter any gas piping except for that gas piping allowed by this Subsection.

H. At least one licensed Journeyman Plumber must be on any job site while work is being performed.

I. Notwithstanding anything to the contrary in Sections 301 through 309 of this Code, as adopted by the City, the Building Official may authorize approved contractors to install, inspect and verify the proper installation of water heaters and water softeners, without the need to obtain a permit prior to the installation or to obtain an inspection of the work by the City following the installation. In such cases, the Building Official may issue permits for the installation of water heaters and water softeners after the work has been completed and charge an appropriate fee in connection therewith. Each installation must be properly verified, tagged and documented in accordance with procedures set forth by the Building Official. For the purposes of this Subsection, an "approved contractor" is one who:

1. Is properly licensed for the type of work to be performed;
2. Has successfully completed a course on the installation of water heaters and water softeners provided by the City; and
3. Has been approved by the City to participate in the program described in this Subsection.

SECTION 30: **PLAN/CALCULATION PREPARATION**

When plans and calculations are not stamped with the seal of an architect or engineer who is responsible for the work, the plumbing contractor shall be responsible for design and

conformance with this Code. The plumbing contractor shall provide on any plans a title block which includes the plumbing contractor's company and individual names, and the State contractor's license number.

EXCEPTION: An owner-builder may prepare plans for the owner-builder's own home. An owner-builder shall provide a title block and sign the building plans.

SECTION 31: **OCCUPANCY FEES FOR SEWER CONNECTION (See Chapter 14.04 of the Las Vegas Municipal Code for Schedule of Fees)**

Occupancy fees for sewer connection shall be due at the time of issuance of building permit or occupancy change. An application for occupancy change shall include the deposit for any additional fees that required to be paid. Credit for existing sewer shall be applied to the new sewer fees based on previous type of occupancy and only when the new occupancy requires an additional fee. The Building Official may authorize the refunding of sewer connection fees which are erroneously paid or collected and in instances where construction is not performed. All applications for refunds must be filed in writing by the original permittee not later than 180 days after the date of payment. All refunds are subject to an administrative fee to cover the processing of permits and refund applications. The administrative fee shall be in the amount of the Permit Issuance and Administration Fee set forth in Table No. 3-D, or 20% of the total connection fee, whichever is less.

SECTION 32: **SEWER TRUNK EXTENSION AND OVERSIZING REFUNDING AGREEMENTS**

A. Sewer trunk extensions and oversizing necessary to serve real property within the City which is incapable of being served by existing sewer trunks may be installed pursuant to refunding agreements, at the discretion of the Director of Public Works, in accordance with the following procedures:

1. An applicant for a "sewer extension" refunding agreement will file an application with the Department of Public Works, accompanied by an approved design of the proposed installation.

2. When a "sewer oversizing" refunding agreement is required, the Department of Public Works shall designate the sizing for the proposed trunk extension; the depth at which it shall be installed; the number, location and type of appurtenances to be included therein; and the location of the area from which the refund therefor will be derived. Two designs shall be prepared for the project, an oversizing design and a base design meeting the capacity needs of the development. Both designs shall have matching pipe crown elevations.

3. Upon receipt of approved design plans, the applicant shall submit to the Department of Public Works at least 3 written bids (sealed) from licensed sewer contractors for the construction of the proposed sewer extension in accordance with the approved plans therefor; provided, however, that the Director of Public Works, at his discretion and upon good cause shown, may waive the requirement of those written bids.

4. Sewer refunding agreements are based on the lowest responsible bid.

Oversizing costs are based on the lowest cost differential between the oversizing design bid and the base design bid. Reimbursable extension costs are based on the lowest bid minus the oversizing costs. Costs involving rock or hard material excavation shall not be included in the original refunding agreements. If the developer encounters rock or hard material excavation, the developer shall notify Off-site Inspection and Testing who will document the amount of hard material excavation encountered. The developer may request an amendment to the agreement based on the amount of hard material excavation encountered. As a prerequisite for City consideration for payment for rock or hard material excavation, notification will be provided to the City prior to commencement of work.

5. Any sewer trunk extension and appurtenant installation under a refunding agreement shall conform to Design and Construction Standards for Wastewater Collection Systems then in force in the City, and shall be subject to the acceptance by the City prior to the use thereof.

6. Upon the completion of construction of any such sewer trunk extension, ôas builtö plans of said installation shall be filed with the Department of Public Works.

B. Recovery of extension costs shall apply only to that portion of the extended sewer trunk in excess of 200 feet from its connection to the existing sewer trunk (the "trunk extension subject to refunding") and terminating at the nearest point of the development. The amount recoverable thereunder shall be as specified in the agreement but not to exceed 95% of the amount, based on the lowest acceptable bid, actually expended by the applicant, after any appropriate adjustment in cost, in the construction of the trunk extension subject to refunding; provided, however, that the cost resulting from any oversizing of such extended sewer trunk at the request of the City shall be pursuant to separate agreement and shall be paid after the acceptance by the City of such extended sewer trunks, or as specified in the agreement.

C. Unless otherwise provided by agreement, refunds pursuant to each refunding agreement shall be made by the City on or before the anniversary date of the refunding agreement in each year on the basis of and shall be limited to $125.00 for each sewer connection fee received during the preceding 12 months from properties adjacent to the limits of the extension agreement. The right to any refund thereunder shall expire on the tenth anniversary of the execution of such agreement. In no event shall the aggregate refund to be made under any such refunding agreement ever exceed ninety-five percent (95%) of the costs expended by the applicant in connection with the installation of the trunk extension subject to refunding.

D. Unless otherwise specified by agreement, refunds associated with sewer extensions and reimbursements associated with oversizing shall be made to the applicant.

SECTION 33: **FEES.**

Fees related to plumbing permits and plumbing work shall be as set forth in Table Nos. 3-A through 3-F.

PROVISIONS RELATING TO THE MECHANICAL CODE

SECTION 34: In connection with the administration and enforcement of the Uniform Mechanical Code, as adopted by the City, the provisions which are set forth as Sections 35 to 37, inclusive, of this Supplemental Document are hereby adopted.

SECTION 35: **LICENSING**

Any person, firm or corporation engaged in the business of installing, repairing, servicing, maintaining or improving heating and air conditioning equipment or ductwork in the City shall first secure a State of Nevada contractor's license and a City business license. Those licenses must be kept valid as long as the licensee is engaged in any business described in this section.

SECTION 36: **QUALIFIED PERSONS**

A. It is unlawful for any person to install, alter, reconstruct, repair or maintain any heating, ventilating, air conditioning or refrigeration equipment or evaporative cooler or cooling tower as described in this Code, unless such person is a qualified person or a regular salaried employee of a qualified person, in which latter case the qualified person shall be responsible for all work done by such employee.

B. The term "qualified person" shall be deemed to mean a person, firm or corporation holding both a valid contractor's license issued by the State of Nevada and a valid City business license, or a person who qualifies under Subsection (C) of this Section.

C. Any permit required by this Code may be issued to any person doing any construction or work regulated by this Code in a single family dwelling used exclusively for living purposes, including usual accessory buildings and quarters in connection with such single family dwelling, provided that:

1. Such person is a bona fide owner of such dwelling, accessory building and quarters;
2. The same are occupied by or intended to be occupied by such owner;
3. For the installation of any equipment, such owner applies for and obtains a permit for such construction work; provided, however, that no permit will be required for the repair, service or maintenance of existing equipment.

SECTION 38: **FEES.**

Fees related to mechanical permits and mechanical work shall be as set forth in Table Nos. 3-A through 3-F.

PROVISIONS RELATING TO THE POOL CODE

SECTION 39: In connection with the administration and enforcement of the Southern Nevada Pool Code, as adopted by the City, the provisions which are set forth as Sections 40 to 44,

inclusive, of this Supplemental Document are hereby adopted.

SECTION 40: **EXISTING INSTALLATIONS**

A. Any swimming pool/spa or water feature lawfully installed prior to the effective date of this Code may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by such system.

B. The owner or his designated agent shall be responsible for the maintenance of the swimming pool/spa or water feature in a safe and sanitary condition.

SECTION 41: **AUTHORITY TO ABATE**

A. Any portion of a swimming pool/spa or water feature found to be unsafe and/or insanitary as defined herein is hereby declared to be a nuisance.

B. Where a nuisance exists or a system is maintained in violation of this Code, the Building Official shall have authority to provide notice of, and require the abatement of, the nuisance in any manner provided by law.

SECTION 42: **PERMIT REQUIRED**

A. It shall be unlawful for any person to install, remove, repair or replace or cause to be installed, removed, repaired or replaced, any swimming pool/spa or water feature within a building or upon any premises without first obtaining a permit to do such work from the Building Official.

B. A separate permit shall be obtained for each building structure or swimming pool/spa or water feature.

EXCEPTION: A permit is not required for repairs and remodeling which involve only the replacement of component parts of existing work with similar materials and do not affect any structural, electrical, mechanical, or plumbing installations.

SECTION 43: **APPLICATION FOR PERMIT**

A. A permit application may be made by a person entitled to apply for and receive a permit, on forms provided for that purpose. The application shall include a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Building Official may require plans, specifications or drawings and such other information as may be deemed necessary before issuance of a permit per Section 101.6 of this Code.

B. An application for a permit for new construction shall be accompanied by plans as required by the Building Official, and in sufficient detail, to include the following:

1. Plot plans dimensioned and drawn to a reasonable scale and showing at least the following:

a. Property lines, easement, right-of-way of record, and overhead utilities over the property adjacent to the pool/spa or water feature.

b. Existing structures, fences, retaining walls, irregular grades, and other relevant characteristics adjacent to the pool/spa or water feature.

c. The proposed pool/spa or water feature shape and type, dimensioned and located to show setbacks, side yards and clearance from existing structures adjacent to the pool/spa or water feature.

d. The proposed mechanical equipment pad location in relation to setbacks and side yards.

e. All diving and deck equipment items if included.

f. The proposed deck work configuration showing its anticipated drainage.

2. A structural plan showing at least the following:

a. The type of construction.

b. The pool/spa or water feature dimensions, including the depth, surface area, and adequate cross-sections drawn to scale.

c. Computations, stress diagrams, and other data sufficient to show the correctness of the plans, including the reinforcing steel schedule and detail, if applicable.

d. Contractor's structural calculations (stamped and signed by a registered engineer) for pools, spas, spa dam walls, raised bond beams, surcharges, waterscape and all other unusual conditions.

e. Detailed drawings of the items listed in (e), which shall be stamped and signed by the engineer of record and show:

i. Plan views.

ii. Cross sections.

iii. Reinforcing steel size.

iv. Reinforcing steel spacing.

v. Thickness of walls.

3. A mechanical plan showing at least the following:

a. The volume, system flow rate in gallons per minute (GPM's), and turnover in hours.

b. The type and size of filtration system and means of waste disposal.

c. The type and size of the pool heater, including the method of venting and provisions for combustion air, if applicable.

d. The pool piping layout and types of material to be used, and showing the location of the main outlet, surface skimmers and inlets.

e. The rated capacity of the pool pump in GPM's at the design head with the size and type of motor indicated and identified as to type of pump.

f. The means of adding make-up water.

g. The size and length from source to heater and routing of gas line, if applicable.

h. The size and location of existing electrical service.

C. If the Building Official determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant are in compliance with this Code, the permit applied for shall be issued upon payment of the required fees.

D. The Building Official shall further require that permits be obtained by the persons responsible for all of the electrical, plumbing, related utility connections and heating work in conjunction with issuance of the building permit for the swimming pool/spa or water feature.

E. All plans and documents submitted shall be on substantial paper and shall show the name and address of the person under whose supervision the documents were prepared.

F. Nothing in this Section or in its implementation shall void or diminish the applicability of any other requirement of any other department or agency having jurisdiction.

SECTION 44: **FEES.**

Fees related to permits and work under the Pool Code shall be as set forth in Table Nos. 3-B,3-C, 3-D and 3-E.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-11
(Updates the City's Administrative Code, relating to the administration of the various building and technical codes)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-11, that will update the City's Administrative Code, relating to the administration of the various building and technical codes.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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:

Unknown; dependent on how many applicants for large-scale projects need research services

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Unknown; dependent on how many applicants for large-scale projects need research services. Likely not to exceed $2500 per year

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:

Offset research-related costs

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: February 16, 2011

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-12 – Adopts the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code. 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 adopt the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code. The amendments primarily represent adaptations agreed upon by local area jurisdictions.

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. 2011-12
2. Southern Nevada Amendments to the 2009 Uniform Plumbing Code
3. Business Impact Statement

BILL NO. 2011-12

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE UNIFORM PLUMBING CODE, TOGETHER WITH AMENDMENTS THERETO, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 28, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.28.010: Those certain documents, [three] copies of each being on file in the Office of the City Clerk, and designated as follows, are adopted by reference and made a part of this Code, to the same effect as if set out herein in full:

(A) Uniform Plumbing Code, [2006] 2009 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled ["Southern Nevada Amendments to the 2006 Uniform Plumbing Code,"] "Southern Nevada Amendments to the 2009 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, [2006] 2009 Edition, designated as Part 2 of this Chapter.

SECTION 2: The document entitled Southern Nevada Amendments to the 2009 Uniform Plumbing Code is attached hereto.

SECTION 3: The document entitled "Southern Nevada Amendments to the Uniform Plumbing Code, 2009 Edition," is amended by adding thereto the following language:

Section 313.4 of the Uniform Plumbing Code, 2009 Edition, is amended by adding thereto a new sentence, reading as follows:

All copper piping under the slab must be sleeved.

SECTION 4: The Uniform Plumbing Code, 2006 Edition, and the 2006 Southern

Nevada Plumbing Code Amendments, as amended, are hereby repealed in their entirety.

SECTION 5: This Ordinance shall become effective on July 5, 2011.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-16-11
_____
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
Fax: 702-382-1731
Email:
chknight@lasvegasnevada.gov

MEMBERS

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Pahrump Regional
Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

SOUTHERN NEVADA AMENDMENTS

TO THE

2009

UNIFORM PLUMBING CODE

Approved by SNBO
July 23, 2010

Chapter 1 Administration.

Delete Chapter 1, with the exception of Sections 101.1, 101.2 and 103.1.3 and revise Section 103.1.3, as follows:

103.1.3 Plumbing Licensing Provision. Provision for licensing shall be determined by the Administration Provision of Authority Having Jurisdiction.

Section 205 Definitions.

Add a new definition to Section 205 to be placed in alphabetical order, as follows:

Combustible Construction - Combustible construction shall mean work within any building or structure classified as Type III, Type IV or Type V as defined in the Building Code. Plastic piping is not permitted in Type I and Type II buildings.

Section 311.4 Prohibited Fittings and Practices.

Revise Section 311.4 by deleting the second sentence and adding a new exception, as follows:

311.4 Except as hereinafter provided in Sections 908.0, 909.0 and 910.0, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

> **Exception:** Single stack DWV systems may be used provided they are designed by a Nevada registered Mechanical Engineer and approved by the authority having jurisdiction.

Section 402.2 Water Closets.

Revise Section 402.2 in its entirety, as follows:

402.2 Water Closets. Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of 1.6 gallons (6.1 liters) of water per flush. A timing device or other mechanism which will automatically flush a water closet periodically or continually is prohibited.

Section 402.3 Urinals.

Revise Section 402.3 in its entirety, as follows:

402.3 Urinals. Urinals shall have an average water consumption of 1 gallon (3.8 liters) of water per flush. A timing device or other mechanism which will automatically flush a urinal periodically or continually is prohibited.

Section 411.2 Location of Floor Drains.

Add a new Section, 411.2.4, as follows:

411.2.4 All Fire Pump rooms shall be provided with a (3) inch (76 mm) minimum floor drain which must be connected to an approved trap primer.

Section 412.1 Minimum Number of required Fixtures.

Delete Sections 412.2 through 412.6 and Table 4-1 in their entirety and revise Section 412.1, as follows:

412.1 Minimum Number of Required Fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as required by the currently adopted Building Code.

Section 413.1 Limitation of Hot Water Temperature for Public Lavatories.

Add a new Exception to Section 413.1, as follows:

413.1 Limitation of Hot Water Temperature for Public Lavatories. Hot water delivered from public use lavatories shall be limited to a maximum temperature of 120ºF (49ºC) by a device that conforms to ASSE 1070 or CSA B125.3. The water heater thermostat shall not be considered a control for meeting this provision.

Exception: An ASSE 1017 listed device may be acceptable when the maximum temperature setting for the device is 120ºF.

Section 414.5 The Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs.

Add a new Exception to Section 414.5, as follows:

414.5 The Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs. The maximum hot water temperature discharging from the bathtub and whirlpool bathtub filler shall be limited to 120ºF (49ºC) by a device that conforms to ASSE 1070 or CSA B125.3. The water heater thermostat shall not be considered a control for meeting this provision.

Exception: An ASSE 1017 listed device may be acceptable when the maximum temperature setting for the device is 120ºF.

Section 416.3 Limitation of Water Temperature in Bidets.

Add a new Exception to Section 416.3, as follows:

416.3 Limitation of Water Temperature in Bidets. The maximum hot water temperature discharging from a bidet shall be limited to 110ºF (43ºC) by a device that conforms to ASSE 1070 or CSA B125.3. The water heater thermostat shall not be considered a control for meeting this provision.

Exception: An ASSE 1017 listed device may be acceptable when the maximum temperature setting for the device is 120ºF. In no case shall the setting for the bidet exceed 110°F.

Section 509.3.1 Access to Appliances on Roofs.

Revise Section 509.3.1, as follows:

509.3.1 Gas utilization appliances located on roofs or other elevated locations shall be accessible~~.~~ by permanent roof access ladders, as follows:

(1) Each ladder shall have side railings which extend at least thirty (30) inches (762 mm) above the roof or parapet wall.

(2) Each ladder shall be a minimum of fourteen (14) inches (356 mm) in width.

(3) Each ladder rung shall be spaced at a maximum of fourteen (14) inches (356 mm) on center.

(4) Each ladder shall have a minimum of a six (6) inch (152 mm) toe space.

(5) Each ladder shall have intermediate horizontal landings whenever the ladder height exceeds eighteen feet (5486 mm) above finished grade. Landings shall be placed at eighteen foot (5486 mm) intervals, maximum.

Exceptions:

1. Permanent exterior ladders providing roof access need not extend closer than eight (8) feet (2438 mm) to the finish grade.
2. A portable ladder may be used for access for Group R Division 3 and 4 and U occupancies.

3. Permanent ladders for equipment access need not be provided at parapets or walls less than thirty (30) inches (762mm) in height.

Section 510.6 Gas vents.

Add a new Exception to Section 510.6.2, item #1, as follows:

510.6.2 A gas vent shall terminate in accordance with one of the following:

(1) Above the roof surface with a listed cap or listed roof assembly. Gas vents twelve (12) inches (300 mm) in size or smaller with listed caps shall be permitted to be terminated in accordance with Figure 5-2, provided they are at least eight (8) feet (2.4 m) from a vertical wall or similar obstruction. Other gas vents shall terminate not less than two (2) feet (0.6 m) above the highest point where they pass through the roof and at least two (2) feet (0.6 m) exceeding any portion of a building within ten (10) feet (3.1 m).

Exception: A single-family residence having gas vents twelve (12) inches (300 mm) in size or smaller with listed caps shall be permitted to be terminated in accordance with Figure 5-2, provided they are at least four (4) feet (1.2 m) from a vertical wall or similar obstruction.

Items (2) through (6) remain unchanged.

Section 603.3 General Requirements.

Revise Section 603.3.3, as follows:

603.3.3 The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and not less than on an annual schedule thereafter, or more often when required by the Authority Having Jurisdiction. The certified tester shall leave a copy of their backflow certification on site along with a copy of the certification of each device tested. These documents shall be recorded into the permanent record at the time of installation. The periodic testing shall be performed in accordance with the procedures referenced in Table 14-1 by a tester qualified in accordance with those standards.

Section 603.4.12 Potable Water Supply to Carbonators.

Revise Section 603.4.12, as follows:

603.4.12 Potable Water Supply to Carbonators. Potable water supply to carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction.

Section 604.0 Materials.

Add a new Section 604.1.1, as follows:

604.1.1 Plastic piping shall be limited to buildings defined as combustible construction by this code.

Section 608.5 Relief Valves.

Revise Section 608.5 Relief Valves, as follows:

608.5 Relief Valves. Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard- drawn copper piping and fittings, CPVC, flexible corrugated connectors complying with 604.12, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor

less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Temperature and Pressure Relief (T & P) drains shall discharge to the exterior of the building unless structural conditions or the manufacturers listing prevent this termination. T & P drains may discharge through an air gap into a secondary clothes washer port, or through an air gap in a floor sink or a floor drain provided they are located in normally unoccupied areas. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

Section 701.0 Materials.

Revise Section 701.0 by adding a new Section 701.1.2.1 Materials, as follows:

701.1.2.1 Materials. Plastic piping used for drainage waste and vent systems shall be limited to buildings defined as combustible construction by this code.

Section 704.3 Fixture Connections (Drainage)

Revise Section 704.3, as follows:

704.3 Pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines and other similar fixtures shall be indirectly connected to the drainage systems by means of an air gap.

Section 707.10 Cleanouts

Add a new Exception to Section 707.10, as follows:

707.10 Cleanout fittings shall be not less in size than those given in Table 7-6.

Exception: Where a 2-1/2" (inch) cleanout is required, a 2" (inch) cleanout may be used for horizontal branch waste lines.

Section 710.1 Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer level.

Delete Section 710.1, in its entirety and replace, as follows:

710.1 Drainage Piping servicing fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve; Other than a single dwelling unit served by an individual sewer, fixtures above such elevation shall not discharge through the backwater valve.

Section 801.2.2 Food and Beverage Handling Establishments.

Revise Section 801.2.2, as follows:

801.2.2 For walk-in coolers, floor drains shall be permitted to be connected to a separate drainage line discharging into an outside receptor. The flood level rim of the receptor shall be not less than six (6) inches (152 mm) lower than the lowest floor drain. Such floor drains shall be trapped and individually vented. Cleanouts shall be provided at every ninety (90) degree (1.6 rad) turn and shall be accessibly located. Such waste shall discharge through an airgap into a trapped and vented receptor, except that full-size airgap is required where the indirect waste pipe may be under vacuum.

Section 801.2.4 Floor Sinks.

Revise Section 801.2 by adding a new Section 801.2.4 Floor Sinks, as follows:

801.2.4 Floor Sinks. Floor sinks shall be installed flush with the finished floor and shall be accessible for cleaning.

Section 804.1 Indirect Waste Receptors.

Revise Section 804.1 by adding a new second paragraph, as follows:

When any indirect waste piping other than the discharge from the clothes washer is terminated into a washer box, a double port clothes washer box shall be used. The second port shall be permanently connected to the vertical receptor standpipe via a wye branch fitting or a listed multiport clothes washer box may be used. The clothes washer shall discharge through an air break into the primary receptor standpipe. All other indirect waste piping shall discharge into the secondary port through an air gap.

Section 903.0 Materials.

Revise Section 903.1 by adding a new section 903.1.2.1, as follows:

903.1.2.1 Plastic piping used for drainage waste and vent systems shall be limited to buildings defined as combustible construction by this code.

1009.0 Gravity Grease Interceptors.

Delete Sections 1009.0 through 1017.2, retain Table 10-3 and add new Sections 1009.0, 1010.0, 1011.0, 1012.0 and 1013.0, as follows:

1009.0 - Gravity Grease interceptors

1009.1 General. A grease interceptor shall be provided for proper handling of liquid wastes containing grease. A grease interceptor as described in these standards shall be installed in any business establishment with kitchen facilities including restaurants, cafes, lunch counters, cafeterias, supermarkets, convenience stores, bakeries, bars and clubs, hotels, hospitals, sanitariums, factory or school kitchens, or any other commercial establishment where grease may be introduced into the sewer system.

Special consideration shall be given to every fish, fowl and animal slaughterhouse or establishment; every fish, fowl and meat packing or curing establishment; every soap factory, tallow rendering, fat rendering and hide curing establishment; or any other establishment from which considerable amounts of grease are likely to be discharged into the sewer system. Written application describing exact operation and anticipated volumes of grease shall be made to the Sanitation Authority Having Jurisdiction to determine the standards for such systems.

1009.2 Fixtures. The waste discharge from fixtures and equipment which may contain grease from the businesses set out previously shall be drained through a grease interceptor or grease interceptors. Fixtures such as, but not limited to, the following are included: scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and similar cooking equipment, trash compactors, floor drains in grease generating areas, and trash can wash areas.

1009.3 Prohibited fixtures. The waste lines from toilets, urinals, and other similar fixtures shall not drain through a grease interceptor.

1009.4 Location.

(1) Grease interceptors shall be so installed and connected that they shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease.

(2) Grease interceptors shall be placed as close as practical to the fixtures served.

(3) Grease interceptors shall be located on the exterior of buildings unless specifically approved otherwise in writing by the health district.

(4) Grease interceptors shall be so located as to be accessible for service without the use of ladders or the removal of bulky equipment.

(5) Location of all grease interceptors shall be shown on the approved plans.

(6) Each grease interceptor shall serve only one business establishment. Multiple business connections to a single interceptor are not permitted. Unless approved by the sanitation authority in writing.

(7) An accessible hose bib shall be located within 25 feet (7620 mm) of every grease interceptor.

1009.5 Size.

(1) Grease interceptors shall be sized in accordance with Table 10-3. Interceptors shall not be more than one size larger than required in Table 10-3.

NOTE: For situations not covered by Table 10-3, a submittal showing the interceptor size and calculations shall be approved by the sanitation authority prior to building official plan approval. For business establishments other than commercial restaurants, a specific submittal shall be approved by the sanitation authority prior to building official plan approval. Such designs shall be prepared by a Nevada Registered Engineer.

(2) All grease interceptors shall have a minimum of two compartments with a minimum of 3 inch (76.2 mm) diameter fittings designed for grease retention. The fittings shall be installed in the following manner: A sanitary tee shall be installed at the inlet, a sanitary tee on the inlet side of the interceptor baffle, and a sanitary tee installed at the outlet.

(3) There shall be adequate access for cleaning all areas of the separator. A minimum of one access point into each compartment within the separator shall be provided. In addition, no access points shall be further apart than 10 feet (3048 mm) regardless of the number of compartments. Separator covers shall be of gas-tight construction. Interceptor covers shall have a minimum opening dimension of twenty (20) inches (508 mm) in diameter.

(4) All waste shall enter the grease interceptor through the inlet pipe.

(5) Grease interceptors shall be so designed that they will not become air bound. Each interceptor shall be properly vented with a relief vent located on the outlet side of the interceptor.

(6) Cleanouts shall be installed in the drainage piping inlet and outlet side of each grease interceptor and the outlet side of each sample box.

(7) Each fixture discharging into a grease interceptor shall be individually trapped and vented in an approved manner.

(8) Each grease interceptor shall have an approved water seal of not less than two (2) inches (50.8 mm) in depth or the diameter of its outlet whichever is greater.

(9) When grease interceptors are located in areas of pedestrian or vehicle travel, the design of the interceptor shall be adequate to support the imposed load. Structural calculations to verify its adequacy may be required.

(10) A sample box shall be provided on the outlet side of each grease interceptor down stream of the required cleanout and vent.

1009.6 Water Test. A water test shall be applied to the level of the top of the interceptor inlet opening through the outlet opening or discharge side of the sample box. Interceptors shall show no leakage from section seams, pinholes or other imperfections. Any leakage below this level is cause for rejection.

(1) **Backfill**. Interceptors shall not be backfilled until the inspection has been made to verify there are no leaks.

1010.0 Sand/Oil Interceptors.

1010.1 Where Required. An interceptor shall be provided for the proper handling of liquid wastes containing oil (of petroleum origin), sand, inert solids or any other similar substances.

NOTE: A sand/oil interceptor is not intended for the disposal of hazardous waste or as a backup system for accidental spills.

Interceptors as described in these standards shall be installed in, but not limited to, the following locations: car washes, motor vehicle, boat or airplane storage yards, gasoline and diesel service stations, repair garages or any other similar facility which may introduce sand and oil into the sewer system.

Submittal of a written application describing the exact facility operation and the types and anticipated volumes of waste to be generated may be required by the building official.

1010.2 Fixtures. The waste discharge from fixtures and equipment which may contain sand, oil-based wastes and inert solids shall drain only through an interceptor. This requirement includes, but is not limited to, the following: floor drains, floor sinks, special processing equipment, trench drains, and area drains.

1010.3 Prohibited Fixtures. The waste line from toilets, urinals, lavatories and other similar fixtures, which discharge domestic wastes only, shall not drain through the interceptor.

1010.4 Location.

(1) Sand/ oil interceptors shall be so installed and connected that they shall be at all times accessible for inspection, cleaning and removal of the intercepted waste.

(2) Sand / oil interceptors shall be placed as close as practical to the fixtures served.

(3) Sand/ oil interceptors shall be located on the exterior of buildings unless specifically approved otherwise in writing by the sanitation authority.

(4) Sand/ oil interceptors shall be located as to be accessible for service without the use of ladders or the removal of bulky equipment.

(5) Location of all sand/oil interceptors shall be shown on the approved plans.

(6) Each sand/ oil interceptor shall serve only one business establishment. Multiple business connections to a single sand/ oil interceptor are not permitted unless approved by the sanitation authority in writing.

1010.5 Size and Design.

(1) All sand/oil interceptors shall be a minimum of three hundred (300) gallons (40 cubic feet) (1136 l) of total liquid capacity with a minimum floating liquid capacity of 55 gallons (208 l).

(2) All sand/oil interceptors shall have a minimum of two compartments with a minimum of 3 inch (76.2 mm) diameter fittings designed for retention. The fittings shall be installed in the following manner: a 90^0 long sweep shall be installed at the interceptor inlet, a sanitary tee shall be installed on the inlet side of the interceptor baffle, and a sanitary tee installed at the outlet.

(3) There shall be adequate access for cleaning all areas of the separator. A minimum of one (1) access point into each compartment within the separator shall be provided. In addition, no access points shall be further apart than ten (10) feet (3048 mm) regardless of number of compartments. Access covers shall have a minimum opening dimension of twenty (20) inches (508 mm) in diameter. Separator covers shall be of gas-tight construction.

(4) The sand/oil interceptor shall be properly vented and designed to prevent it from becoming air bound in accordance with this code.

(5) Each business establishment for which a sand/oil interceptor is required shall be provided with an interceptor which shall serve that establishment only and no others. Separate owners or lessees within a large business or establishment shall require separate interceptors.

(6) Each sand/oil interceptor shall have a water seal of not less than six (6) inches (152 mm).

(7) When separators are located in areas of foot or vehicle traffic, the design of the separator shall be adequate for the imposed load. Structural calculations performed by a Nevada Registered Engineer to verify adequacy may be required.

(8) Any private or public wash rack or slab used for cleaning machinery or machine parts, shall drain to a sand/oil separator, and shall be adequately protected against storm or surface water intrusion.

(9) Design standards other than those listed above may be acceptable. Redwood baffles shall not be used for new or existing interceptors. Any alternate design shall be prepared by a Nevada Registered Engineer and submitted for review and approval by the sanitation authority and the building official.

(10) Cleanouts shall be installed in the drainage piping inlet and outlet side of each sand/oil interceptor and the outlet side of each sample box.

(11) A sample box shall be provided on the outlet side of the interceptor down stream of the required cleanout and vent.

1010.6 Water Test. A water test shall be applied to the level of the top of the interceptor inlet opening through the outlet opening or discharge side of the sample box. Interceptors shall show no leakage from section seams, pinholes or other imperfections. Any leakage below this level is cause for rejection.

(1) **Backfill**. Interceptors shall not be backfilled until the inspection has been made to verify there are no leaks.

1011.0 Maintenance of interceptors.

1011.1 Grease and sand/oil interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease or sand/oil. No such collected grease, sand/oil, or any material collected from the interceptor shall be introduced into any drainage piping, public or private sewers. The materials removed from interceptors shall be handled and disposed of in a proper manner in accordance with published health district and sanitation authority requirements. Illegal dumping of waste into the sewer shall not be allowed.

1011.2 Maintenance records for each installed interceptor shall be maintained on the premises at all times and presented to a duly authorized agent of the sanitation authority upon request.

1011.3 The Authority Having Jurisdiction shall have the authority to mandate the installation of additional equipment or devices and enforce a maintenance program.

1012.0 Abandoned interceptors. Abandoned interceptors shall be cleaned and filled as required by Section 722.0 of the Plumbing Code for abandoned sewers and sewage disposal facilities.

1013.0 Existing Buildings. Whenever an existing building has a change in use which requires an interceptor or whenever there is an increase in the total number of drainage fixture units served by an existing interceptor, one or more interceptors shall be installed in the drainage system serving the building meeting the requirements of Section 1009 and 1010.

Section 1101.3 Material Uses.

Revise Section 1101.3 by adding a new Section 1101.3.1, as follows:

1101.3.1 Plastic piping used for rainwater systems shall be limited to buildings defined as combustible construction by this code.

Section 1101.5.1 Subsoil Drains.

Revise Section 1101.5.1, as follows:

1101.5.1 Where required by the geotechnical engineer or the authority having jurisdiction, subsoil drains shall be provided around the perimeter of buildings having basements, cellars, or crawl spaces or floors below grade. Such subsoil drains may be positioned inside or outside of the footing, shall be of perforated, or open-jointed approved drain tile or pipe not less than three (3) inches (80 mm) in diameter, and shall be laid in gravel, slag, crushed rock, approved three-quarter (3/4) inch (19.1 mm) crushed recycled glass aggregate, or other approved porous material with a minimum of four (4) inches (102 mm) surrounding the pipe on all sides. Filter media shall be provided for exterior subsoil piping.

Delete Section 1101.9, Filling Stations and Motor Vehicle Washing Establishments, in its entirety.

Delete Section 1101.10, Paved Areas, in its entirety.

Delete Section 1103.0, Traps on Storm drains and Leaders, in its entirety.

Delete Section 1104.3, Combining Storm with Sanitary Drainage, in its entirety.

Section 1203.3 Fuel gas.

Revise Section 1203.3 by adding a new Section 1203.3.1, as follows:

1203.3.1 Dry Gas – A gas having a moisture and hydrocarbon dew point below any normal temperature to which the gas piping is exposed. Southern Nevada shall be considered a dry gas condition area unless specified by the local gas purveyor.

Section 1211.1.6 Piping Underground Beneath Buildings.

Delete Section 1211.1.6 in its entirety and replace, as follows:

1211.1.6 Piping Underground Beneath Buildings. No gas piping shall be installed in or on the ground under any building or structure unless installed in gastight conduit, and all exposed gas piping shall be kept at least six (6) inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances. All gas piping under a slab shall be capable of being removed and replaced.

The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit shall be not less than one-half (1/2) inch (15 mm) larger than the outside diameter of the gas piping.

The conduit shall extend to a point at least (12) inches (305 mm) beyond any area where it is required to be installed or to the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be readily accessible and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Exception: Products listed for such use.

Section 1211.3.2 Connections.

Revise item (4) in Section 1211.3.2, as follows:

1211.3.2 Connections. Where gas piping is to be concealed, unions, tubing fittings, bushings, and compression couplings made by combinations of fittings shall not be used. Connections shall be of the following types:

(1) Pipe fittings such as elbows, tees, and couplings.

(2) Joining tubing by brazing (see Section 1209.5.8.2).

(3) Fittings listed for use in concealed spaces that have been demonstrated to sustain, without leakage, any forces due to temperature expansion or contraction, vibration, or fatigue based on their geographic location, application or operation.

(4) Where necessary to insert fittings in gas pipe that has been installed in a concealed location, the pipe shall be reconnected by welding, flanges, or with right and left couplings.

Section 1214.3 Test Pressure.

Delete Section 1214.3.1 in its entirety and replace, as follows:

1214.3.1 This inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered or concealed are so concealed and before any fixtures, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO2 or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the Administrative Authority, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the Administrative Authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes. These tests shall be made using air, CO2, or nitrogen pressure only and shall be made in the presence of the Administrative Authority. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Section 319.0, Test Gauges.

Delete Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, in its entirety.

Delete Chapter 15, Firestop Protection, in its entirety.

Delete Chapter 16, Part 1 - Gray Water Systems, Sections 1601 through 1612 in their entirety.

Section 1613.0 Reclaimed Water Systems - General.

Revise Section 1613.0 (A), as follows:

1613.0 Reclaimed Water Systems - General.

(A) The provisions of Part II of this chapter shall not be allowed in residential buildings and shall apply to the installation, construction, alteration, and repair of reclaimed water systems intended to supply uses such as water closets urinals, trap primers for floor drains, floor sinks, irrigation, industrial processes, water features and other uses approved by the Authority Having Jurisdiction. Potable water supplied as makeup water in these systems shall be protected against back-pressure and back-syphonage in accordance with Sections 602.0 and 603.0.

Delete Appendix F, Firefighter Breathing Air Replenishment Systems, in its entirety.

Delete Appendix K, Private Sewage Disposal Systems, in its entirety.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-12
(Adopts the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-12, that will adopt the 2009 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-13 – Adopts the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code. 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 adopt the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code. The amendments primarily represent adaptations agreed upon by local area jurisdictions.

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. 2011-13
2. Southern Nevada Amendments to the 2009 Uniform Mechanical Code
3. Business Impact Statement

BILL NO. 2011-13

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE UNIFORM MECHANICAL CODE, TOGETHER WITH AMENDMENTS THERETO, AS THE CITY'S MECHANICAL CODE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.24.010: Those certain documents, [three] copies of each being on file in the office of the City Clerk, and designated as follows, are adopted by reference and made a part of this Code, to the same effect as if set out herein in full:

(A) Uniform Mechanical Code, [2006] 2009 Edition, designated as Part 1 of this Chapter; and

(B) A document entitled the ["Southern Nevada Amendments to the 2006 Uniform Mechanical Code,"] "Southern Nevada Amendments to the 2009 Uniform Mechanical Code," adding to, deleting from and amending the Uniform Mechanical Code, [2006] 2009 Edition, designated as Part 2 of this Chapter.

SECTION 2: The document entitled the "Southern Nevada Amendments to the 2009 Uniform Mechanical Code," which is attached hereto, is hereby modified as set forth in Section 3 of this Ordinance.

SECTION 3: The amendment concerning Chapter 1 Administration is modified so that it reads:

Chapter 1 is deleted in its entirety except Sections 101.0 Title, 102.0 Purpose and 103.0 Scope.

SECTION 4: The Uniform Mechanical Code, 2006 Edition, and the Southern Nevada 2006 Mechanical Code Amendments are hereby repealed in their entirety.

SECTION 5: This Ordinance shall become effective on July 5, 2011.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-16-11
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
Fax: 702-382-1731
Email:
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MEMBERS

Chris Knight, Chair
City of Las Vegas

Greg Blackburn
City of North Las Vegas

Ron Nybo
City of Boulder City

Ron Lynn
Clark County

Kurt Sawyer
City of Mesquite

Brent Steed
Pahrump Regional
Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

SOUTHERN NEVADA AMENDMENTS

TO THE

2009

UNIFORM MECHANICAL CODE

Approved by SNBO
July 23, 2010

Chapter 1 Administration.

Delete Chapter 1 in its entirety, except for Section 101.0 Title and Section 101.2 Purpose.

Section 205.0 Definitions.

Add a new definition to Section 205.0, as follows:

Combustible Construction - Combustible construction shall mean work within any building or structure classified as Type III, Type IV, or Type V as defined in the Building Code. Plastic piping is not permitted in Type I and Type II buildings.

Section 303.1.1 Plastic Pipe Use.

Add a new Section 303.1.1, Plastic Pipe Use, as follows:

303.1.1 Plastic Pipe Use. Plastic materials listed for use in mechanical equipment are acceptable as an alternate to other approved materials for use in installations in combustible construction only.

Exceptions:

(1) Approved plastic control tubing of mechanical equipment may be used in buildings or structures of all construction classifications when installed in accordance with their listings.

(2) When restricted by other sections of this code.

Section 309.2 Condensate Control.

Revise Section 309.2, as follows:

309.2 Condensate Control. When a cooling coil or cooling unit is located in an attic or furred space where damage may result from condensate overflow an additional watertight pan of corrosion-resistant metal shall be installed beneath the cooling coil or unit top to catch the overflow condensate due to a clogged primary condensate drain or one of the following methods may be used:

(1) One pan with a standing overflow and a separate secondary drain may be provided in lieu of the secondary drain pan.

(2) One pan with a standing overflow and a water level detection device in lieu of the secondary drain pan. The water level detection device shall conform to UL 508 and shall shut off the equipment served in the event that the primary drain is blocked. The device shall be installed in the overflow drain line or in the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of the drain pan.

Exception: Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

The additional pan or the standing overflow shall be provided with a drain pipe, minimum 3/4 inch (19.1 mm) nominal pipe size, discharging at a point that can be readily observed.

This requirement is in addition to the requirements in Sections 309.3 and 309.4.

Section 504.3 Moisture Exhaust Ducts.

Revise Section 504.3.1 by adding a new exception, as follows:

504.3.1 Moisture Exhaust Ducts. Moisture exhaust ducts shall terminate on the outside of the building and shall be equipped with a back-draft damper. Screens shall not be installed at the duct termination.

Ducts for exhausting clothes dryers shall not be connected or installed with sheet metal screws or other fasteners which will obstruct the flow. Clothes dryer moisture exhaust ducts shall not be connected to a gas vent connector, gas vent or chimney and shall only serve clothes dryers. Clothes dryer moisture exhaust ducts under positive pressure shall not extend into or through ducts or plenums.

Exception: When moisture exhaust ducts terminate vertically through a roof, backdraft dampers are not required.

Section 504.3.2.2 Length Limitation.

Revise Section 504.3.2.2 by adding a new exception, as follows:

504.3.2.2 Length Limitation. Unless otherwise permitted or required by the dryer manufacturer's installation instructions and approved by the Authority Having Jurisdiction, domestic dryer moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of fourteen (14) feet (4,263 mm), including two (2) 90 degree (1.57 rad) elbows. Two (2) feet (610 mm) shall be deducted for each 90 degree (1.57 rad) elbow in excess of two.

Exception: Lengths may be increased when justified by calculations prepared by a Nevada Licensed Mechanical Engineer.

Section 510.7.2 Interior Installations.

Add a new Section 510.7.2.4, as follows:

510.7.2.4 Unless specifically listed, the structural supports for a duct enclosure shall be outside the enclosure.

Section 511.2.5 Performance Test.

Add a new Section 511.2.5, as follows:

511.2.5 Performance Test. Upon completion and before final approval of the installation of a ventilation system serving commercial food heat-processing equipment, a performance test shall be performed to verify the rate of airflow and proper operation as specified in this chapter or manufacturer's listing. The permittee shall furnish the necessary test equipment and devices required to perform the tests and shall provide the jurisdiction with an accurate, completed, and signed test report. The report shall be on a form supplied by the jurisdiction or on a form containing equivalent information. At the discretion of the building official, the performance test may be required to be witnessed by the Authority Having Jurisdiction, performed by an approved third party testing agency.

Section 609.0 Automatic Shutoffs.

Revise Section 609.0 by adding a new paragraph following the exceptions, as follows:

Upon completion and before final approval of the air-moving system provided with the required smoke detectors, a performance test shall be performed to verify compliance of detector installation to manufacturer's instructions and system compatibility as specified in this chapter. The permittee shall furnish the necessary test equipment and devices required to perform the tests and shall provide the jurisdiction with an accurate, completed, and signed test report. The report shall be on a form supplied by the jurisdiction or on a form containing equivalent information. At the discretion of the building official, the performance test may be required to be witnessed by the Authority Having Jurisdiction, performed by an approved third party testing agency.

Section 802.6.2 Gas Vents.

Add a new Exception to Section 802.6.2, item (1), as follows:

802.6.2 A gas vent shall terminate in accordance with one of the following:

(1) Above the roof surface with a listed cap or listed roof assembly. Gas vents twelve (12) inches (300 mm) in size or smaller with listed caps shall be permitted to be terminated in accordance with Figure 5-2, provided they are at least eight (8) feet (2.4 m) from a vertical wall or similar obstruction. Other gas vents shall terminate not less than two (2) feet (0.6 m) above the highest point where they pass through the roof and at least two (2) feet (0.6 m) exceeding any portion of a building within ten (10) feet (3.1 m).

Exception: A single-family residence having gas vents twelve (12) inches (300 mm) in size or smaller with listed caps shall be permitted to be terminated in accordance with Figure 5-2, provided they are at least four (4) feet (1.2 m) from a vertical wall or similar obstruction.

The remainder of the section remains unchanged.

Section 904.10 Access to Appliances and Air Moving Systems on Roofs.

Revise Section 904.10, as follows:

904.10 Access to Appliances and Air Moving Systems on Roofs.

904.10.1 Appliances and air moving systems located on roofs or other elevated locations shall be accessible by permanent roof access ladders, as follows:

(1) Each ladder shall have side railings which extend at least thirty (30) inches (762 mm) above the roof or parapet wall.

(2) Each ladder shall be a minimum of fourteen (14) inches (356 mm) in width.

(3) Each ladder rung shall be spaced at a maximum of fourteen (14) inches (356 mm) on center.

(4) Each ladder shall have a minimum of a six (6) inch (152 mm) toe space.

(5) Each ladder shall have intermediate horizontal landings whenever the ladder height exceeds eighteen feet (5486 mm) above finished grade. Landings shall be placed at eighteen foot (5486 mm) intervals, maximum.

Exceptions:

(1) Permanent exterior ladders providing roof access need not extend closer than eight (8) feet (2438 mm) to the finish grade.

(2) A portable ladder may be used for access for a Group R Division 3 and 4 and U occupancies.

(3) Permanent ladders for equipment access need not be provided at parapets or walls less than thirty (30) inches (762mm) in height.

Chapter 10 Steam and Hot Water Boilers

Delete Chapter 10 in its entirety except Section 1001.0 and revise Section 1001.0, as follows:

1001.0 Applicability. For boilers and water heaters less than 120 gallon capacity, or a BTU input rating less than 200,000, or less than 160 pounds per square inch of pressure, see Chapter 5 of the Uniform Plumbing Code. For all other units, contact the Mechanical Section of the Nevada Division of Occupational Safety and Health, part of the Office of Business and Industrial Relations.

Table 11-1 Refrigerant Groups, Properties and Allowable Quantities.

Revise Table 11-1, by adding a new footnote #16, as follows:

[16] For occupancy Group I, Division 1 and Division 2, the quantity of refrigerant in each system is limited to 50 percent of the respective amount listed in this table. Exceptions: Kitchens, laboratories and mortuaries.

Table 11-2 Permissible Refrigeration Systems.

Revise Table 11-2 and add new footnotes #3 and #4, as follows:

Table 11-2

Permissible Refrigeration Systems[1]

Occupancy Group[4] and Division	High - Probability System	Low Probability System	Machinery Room
A-1	Group A1 only	Any	Any
A-2	Group A1 only	Any	Any
A-3	Group A1 only	Any	Any
A-4	Group A1 only	Any	Any
A-5	Group A1 only	Any	Any
B	Group A1 only[2]	Any	Any
E	Group A1 only	Any	Any
F-1	Group A1 only	Any	Any
F-2	Any[2]	Any	Any
H-1	Any	Any	Any
H-2	Any	Any	Any
H-3	Any	Any	Any
H-4	Any	Any	Any
H-5	Group A1 only	Any	Any
I-1	Group A1 only[3]	Any	Any
I-2	Group A1 only[3]	Any	Any
I-3	Group A1 only[3]	Any	Any
I-4	Group A1 only[3]	Any	Any
M	Group A1 only[2]	Any	Any
R-1	Group A1 only	Any	Any
R-2	Group A1 only	Any	Any
R-3	Group A1 only	Any	Any
R-4	Group A1 only	Any	Any
S-1	Group A1 only[2]	Any	Any
S-2	Any[2]	Any	Any
U	Any	Any	Any

Notes:

[1] See Section 1105.0.

[2] Any refrigerant may be used within a high-probability system when the room of space complies with Section 1105.3.

[3] The allowable quantities shown in Table 11-1 shall be reduced by 50 percent for all institutional occupancies except kitchens, laboratories, and mortuaries. (ASHRAE Safety Standard for Refrigeration Systems 15-2007 Section 7.2.1.)

[4] Occupancy classifications are defined in the Building Code

Section 1302 Fuel Gas.

Revise Section 1302.2 by adding a new Section 1303.2.1, as follows:

1303.2 Fuel Gas – Natural, manufactured, liquefied petroleum, or a mixture of these.

1303.2.1 Dry Gas – A gas having a moisture and hydrocarbon dew point below any normal temperature to which the gas piping is exposed. Southern Nevada shall be considered a dry gas condition area unless specified by the local gas purveyor.

Section 1312.1.6 Piping Underground Beneath Buildings.

Revise Section 1312.1.6 in its entirety, as follows:

1312.1.6 Piping Underground Beneath Buildings. No gas piping shall be installed in or on the ground under any building or structure unless installed in gastight conduit, and all exposed gas piping shall be kept at least six (6) inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances. All gas piping under a slab shall be capable of being removed and replaced.

The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit shall be not less than one-half (1/2) inch (15 mm) larger than the outside diameter of the gas piping.

The conduit shall extend to a point at least (12) inches (305 mm) beyond any area where it is required to be installed or to the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be readily accessible and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Exception: Products listed for such use.

Section 1312.3.2 Connections.

Revise Section 1312.3.2, item 4, as follows:

1312.3.2 Connections. Where gas piping is to be concealed, unions, tubing fittings, bushings, and compression couplings made by combinations of fittings shall not be used. Connections shall be of the following types:

(1) Pipe fittings such as elbows, tees, and couplings.

(2) Joining tubing by brazing (see Section 1209.5.8.2).

(3) Fittings listed for use in concealed spaces that have been demonstrated to sustain, without leakage, any forces due to temperature expansion or contraction, vibration, or fatigue based on their geographic location, application or operation.

(4) Where necessary to insert fittings in gas pipe that has been installed in a concealed location, the pipe shall be reconnected by welding, flanges, or right and left couplings.

1316.3 Test Pressure.

Delete Sections 1316.3.2 and 1316.3.3 and revise Sections 1316.3 and 1316.3.1 in their entirety, as follows:

1316.3 Final Piping Inspection

1316.3.1 This inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered or concealed are so concealed and before any fixtures, appliance, or shutoff valve has been attached thereto. Gas valves may be installed when permitted by the manufacturer to withstand test pressures. This inspection shall include an air, CO2 or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the Authority Having Jurisdiction, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than thirty (30) minutes. These tests shall be made using air, CO2, or nitrogen pressure only and shall be made in the presence of the Administrative Authority. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Section 1304.3.2.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-13
(Adopts the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-13, that will adopt the 2009 Edition of the Uniform Mechanical Code, together with amendments thereto, as the City's Mechanical Code.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-14 – Adopts the 2008 Edition of the National Electrical Code, together with local amendments thereto. 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 adopt the 2008 Edition of the National Electrical Code, together with local amendments thereto. The amendments primarily represent adaptations agreed upon by local area jurisdictions.

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. 2011-14
2. Southern Nevada Amendments to the 2008 National Electrical Code
3. Business Impact Statement

BILL NO. 2011-14

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE, TOGETHER WITH LOCAL AMENDMENTS THERETO, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2008 Edition of the National Electrical Code, together with local amendments thereto.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 12, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.12.010: Those certain documents, [three] copies of which are on file in the Office of the City Clerk, and being marked and designated as follows, are adopted by reference as and for the City's Electrical Code:

(A) National Electrical Code, [2005] 2008 Edition, hereby designated as Part 1 of this Chapter; and

(B) [A document entitled "A Supplemental Document Amending the National Electrical Code, 2005 Edition," deleting from and adding to the National Electrical Code, 2005 Edition, hereby designated as Part 2 of this Chapter; and

(C)] The Southern Nevada Amendments to the [2005] 2008 National Electrical Code, hereby designated as Part [3] 2 of this Chapter.

SECTION 2: The document entitled the "Southern Nevada Amendments to the 2008 National Electrical Code," which is attached hereto, is modified as set forth in Section 3 of this Ordinance.

SECTION 3: Where necessary for the sake of consistency, references in the Southern Nevada Amendments to the 2008 National Electrical Code to "Article" numbers shall be deemed to refer to "Section" numbers as contemplated in the National Electrical Code.

SECTION 4: The National Electrical Code, 2005 Edition, the supplemental document amending that edition, and the Southern Nevada Amendments to the 2005 National Electrical Code,

are hereby repealed in their entirety.

SECTION 5: This Ordinance shall become effective on July 5, 2011.

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 _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-16-11
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
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MEMBERS

Chris Knight, Chair
City of Las Vegas

Greg Blackburn
City of North Las Vegas

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Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

SOUTHERN NEVADA AMENDMENTS

TO THE

2008

NATIONAL ELECTRICAL CODE

Approved by SNBO
July 23, 2010

Article 110.12 Mechanical Execution of Work.

Add new Subsections (C) and (D) to Article 110.12, as follows:

(C) Abandoned Conductors and Cables. For those structures regulated by the Building or Swimming Pool Code, no electrical conductors or cables shall be abandoned in place. Such conductors or cables shall be removed from the building or structure back to the panelboard unless otherwise approved by the Building Official or designated representative based upon consideration of safety and combustibility.

(D) Used Materials and Equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Article 110.26 Spaces About Electrical Equipment.

Revise Article 110.26 (C) (2), as follows:

(2) Large Equipment. For equipment rated 1200 amperes or more and over 1.8 m (6ft) wide that contains overcurrent devices, switching devices, or control devices, there shall be one entrance to and from the required working space not less than 610 mm (24 in.) wide and 2.0 m (6 ½ ft) high at each end of the working space. When more than one entrance is required by this ARTICLE both entrances shall open to the exterior of the building or into an approved means of egress that is not under the control of an individual tenant.

A single entrance to and egress from the required working space shall be permitted where either of the conditions in 110.26(C)(2)(a) or (C)(2)(b) is met.

The remainder of this Article remains unchanged.

Article 110.33 Entrance and Access to Work Space.

Revise Article 110.33 (A) (1), Large Equipment, as follows:

(1) Large Equipment. On switchboard and control panels exceeding 1.8 m (6 ft) in width, there shall be one entrance at the end of the equipment. When more than one entrance is required by this article both entrances shall open to the exterior of the building or into an approved means of egress that is not under the control of an individual tenant. A single entrance to the required working space shall be permitted where either of the conditions in 110.33 (A)(1)(a) or (A)(1)(b) is met.

The remainder of this Article remains unchanged.

Article 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.

Add a new Subsection (6) to Article 210.8 (B), as follows:

(6) Food and/or beverage serving areas.

Article 210.23 Permissible Loads.

Add a new Subsection (E) to Article 210.23, as follows:

(E) Dwelling Branch Circuits.

(1) Maximum Number (15-ampere). The maximum number of outlets on a 15-ampere, 125 volt (nominal) luminaire lighting fixture circuit shall be twelve (12) and shall not contain general purpose outlets.

Exception No 1: *Dedicated branch circuits feeding only IC rated recessed luminaires (recessed lighting fixtures) and/or low wattage energy efficient luminaires (lighting fixtures) may use Article 220.14(D) for maximum number of lighting outlets.*

Exception No 2: *In branch circuits serving smoke detectors the smoke detectors outlets need not be counted with the other lighting outlets.*

(2) Maximum Number (20-ampere). The maximum number of outlets on a 20-ampere, 125-volt (nominal) circuit used either exclusively for receptacles, for lighting outlets or for any combination of receptacles and lighting outlets shall be twelve (12).

Exception No 1: *Dedicated branch circuits feeding only IC rated recessed luminaires (recessed lighting fixtures) and/or low wattage energy efficient luminaires (lighting fixtures) may use Article 220.14(D) for maximum number of lighting outlets.*

Exception No 2: *In branch circuits serving smoke detectors the smoke detectors outlets need not be counted with the other lighting outlets.*

(3) Individual Branch Circuits. The following fastened-in-place appliances are required to have a separate minimum 20-ampere circuit: dishwasher, trash compactor and microwave oven. The required laundry circuit may serve one (1) additional outlet in the laundry area.

Article 210.52 Dwelling Unit Receptacle Outlets.

Revise Article 210.52 (A) (2), as follows:

(2) The space occupied by fixed panels in exterior walls, excluding sliding panels. Where panels consist of multiple sliding panels only the first panel in each direction may be excluded.

Revise Article 210.52 (A)(2)(3), as follows:

(3) The space afforded by fixed room dividers such as free standing bar-type counters or railings. Where room dividers consist of multiple moving panels only the first moving panel in each direction may be excluded as a wall space.

Revise Article 210.52 (B)(3), as follows:

(3) Kitchen Receptacle Requirements. Receptacles installed in a kitchen to serve countertop surfaces shall be limited to five (5) duplex receptacles on a circuit. They shall be supplied by not fewer than two small-appliance branch circuits, either or both of which shall also be permitted to supply receptacle outlets in the same kitchen or in other rooms as specified in 210.52(B)(1). Additional small-appliance branch circuits shall be permitted to supply receptacle outlets in the kitchen and other rooms specified in 210.52(B)(1). No small-appliance branch circuit shall serve more than one kitchen.

Add a new exception to Article 210.52 (B)(3), as follows:

Exception: *Receptacles installed to provide power for electric ignition systems or clock timers for gas-fired ranges, ovens or counter-mounted cooking units.*

Add a new exception No. 3 to Article 210.52 (F), as follows:

Exception No. 3: *In structures more than four (4) stories in height where the configuration of a laundry area is such that only an electrically heated stackable type washer/dryer unit utilizing 208 volt or 240 volt power can be accommodated, the receptacle may be considered as meeting the laundry circuit requirement.*

Article 210.70 Lighting Outlets Required.

Revise Item (1) in Article 210.70 (A), as follows:

(1) Habitable Rooms. At least one wall switch-controlled lighting outlet shall be installed in every habitable room and bathroom. Unless prohibited by structural design, a wall switch shall be located within 1.8 m (6 ft) of the point of entry, and shall not be located behind an active door in the fully open position.

The remainder of this Article remains unchanged

Revise Item (a) in Article 210.70 (A)(2), as follows:

(a) At least one wall switch-controlled lighting outlet shall be installed in hallways, stairways, attached garages, and detached garages with electric power. Hallways of 3.0 m (10 ft) or more in length shall have wall switches at every end. There shall be a wall switch within 1.8 m (6 ft) of each bedroom door unless prohibited by structural design.

Revise Item (b) in Article 210.70 (A)(2), as follows:

(b) For dwelling units, attached garages, and detached garages with electric power, at least one wall-switch controlled lighting outlet shall be installed to provide illumination on the exterior side of outdoor entrances or exits with grade level access. A vehicle door shall not be considered as an outdoor entrance or exit. At least one wall switch that controls an interior lighting outlet shall be located at each keyed exterior entry. This switch shall be located within 1.8 m (6 ft) of the latching jamb side, unless prohibited by structural design, and not behind an active door in the fully open position.

Add a new Subsection (4) to Article 210.70 (A), as follows:

(4) Closets. All walk-in closets or storage areas of 1.86 sq. m (20 square feet) or more in floor area shall contain a light fixture controlled by a wall switch.

Add a new Subsection (D) to Article 210.70, as follows:

(D) Self-Service Storage Facilities. All Self-Service Storage Facilities shall have egress illumination as required by the Building Code.

Article 220.5 Branch-Circuit, Feeder, and Service Calculations.

Add a new Subsection (C) to Article 220.5 to read as follows:

(C) Calculated Loads. The calculated load of a new single family dwelling service shall allow a minimum of 4800 volt-amperes for future expansion. These 4800 volt-amperes shall be added to the total net computed load.

Article 220.84 Multifamily Dwelling.

Delete item (5) in Article 220.84(C), in its entirety.

Add a new Subsection (D) to Article 220.84, as follows:

(D) Heating and Air Conditioning Load. The largest of the following six selections (load in kVA) shall be included:

(1) 100 percent of the nameplate rating(s) of the air conditioning and cooling.

(2) 100 percent of the nameplate rating(s) of the heat pump when the heat pump is used without any supplemental electric heating.

(3) 100 percent of the nameplate ratings of electric thermal storage and other heating systems where the usual load is expected to be continuous at the full nameplate value. Systems qualifying under this selection shall not be calculated under any other selection in 220.84(D).

(4) 100 percent of the nameplate rating(s) of the heat pump compressor and 65 percent of the supplemental electric heating for central electric space heating systems. If the heat pump compressor is prevented from operating at the same time as the supplementary heat, it does not need to be added to the supplementary heat for the total central space heating load.

(5) 65 percent of the nameplate rating(s) of electric space heating if less than four separately controlled units.

(6) 40 percent of the nameplate rating(s) of electric space heating if four or more separately controlled units.

Article 225.32 Location.

Revise Article 225.32, in its entirety, as follows:

225.32 Location. The disconnecting means shall be installed as described in 230.70 of these amendments. For the purposes of this Article the requirements in 230.6 shall be utilized.

Exception No. 1: *For installations under single management, where documented safe switching procedures are established and maintained for disconnection, and where the installation is monitored by qualified individuals, the disconnecting means shall be permitted to be located elsewhere on the premises.*

Exception No. 2: *For buildings or other structures qualifying under the provisions of Article 685, the disconnecting means shall be permitted to be to be located elsewhere on the premises.*

Exception No. 3: *For towers or poles used as lighting standards, the disconnecting means shall be permitted to be located elsewhere on the premises.*

Exception No. 4: *For accessory buildings to one and two-family dwellings the disconnecting means may be installed either inside or on the exterior of the accessory structure.*

Article 230 Services.

Add a new Article 230.11 Location of Customer Owned Service Lateral or Drop, as follows:

230.11 Location of Customer Owned Service Lateral or Drop. All conductors shall traverse only the property to be served except through recorded power easements.

Article 230.70 General.

Revise Article 230.70, in its entirety, as follows:

230.70 General. Means shall be provided to disconnect all ungrounded service entrance conductors to a building or structure.

(A) Location. The service disconnecting means shall be installed in accordance with 230.70(A)(1), (2), (3), (4) and (5).

(1) **Exterior of the Building.** The service disconnecting means shall be installed in a readily accessible exterior location and within 3.7 m (12 ft.) of the building or structure. Where the distance is greater than 3.7 m (12 ft.) from the building or structure the service disconnecting means shall be considered as a separate structure.

Exception No1: *A fire pump and its associated electrical equipment.*

(2) **Electrical Equipment Room.** The service disconnecting means may be installed within a dedicated electrical equipment room with a readily accessible direct access on the exterior of a building or structure. Such rooms shall be separated from all other rooms or spaces within the building by a minimum of one (1) hour fire resistive construction and shall have approved Fire Department access.

FPN: A recessed 3200 series Knox Box may serve as the approved Fire Department access in some jurisdictions.

(3) **Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

(4) **Remote Control.** Where a remote control device(s), required by another code such as in a fire command center, is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1) or (2). The remote control device shall be supervised by a local signaling service that causes an audible signal and illumination of an amber visual signal at the Fire Command Center and at each auxiliary location required for the Life Safety System.

(5) **Emergency Systems, Information Technology Equipment and Uninterruptible Power Supplies (UPS).** Emergency Systems driven by prime movers and UPS Systems shall have separate disconnecting means with separate identification. Information Technology Equipment rooms complying with Article 645.2 shall be permitted to have their disconnecting means installed per article 645.10 and 645.11 if identified at the same location as the "Service Disconnect."

(B) Marking. Each service disconnecting means shall be marked with a sign(s). When located in a dedicated electrical room the exterior door(s) providing access to the disconnecting means located in a dedicated electrical room shall be permanently marked with a sign(s). Each sign shall be a minimum 0.093sq.m (1 sq. foot), colored yellow with 25.4mm (1 inch) high, 6.35 mm (¼ inch) stroke raised or engraved letters and/or numbers indicating the address or unit it serves and be identified as the "Electrical Service Disconnect(s)" and/or "Electrical Service Disconnect(s) Inside." Emergency Systems disconnects shall be permanently marked with sign(s), identified as "Emergency Electrical Disconnect(s)" and/or "Main Emergency Electrical Disconnect(s) Inside." When the service disconnecting means is located inside a dedicated electrical room and it is not the first service disconnect encountered or there are multiple service disconnects there shall be a directional 75mm (3inch) wide painted yellow stripe on the floor from the entry door(s) to each service disconnect. Other durable means of identification may be used with prior approval by The Authority Having Jurisdiction.

Exception: *One and two family dwelling units and their associated accessory structures.*

(C) Suitable for Use. Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 517.

Article 230.202 Service-Entrance Conductors.

Add a new Subsection (C) to Article 230.202, as follows:

(C) Conductors Considered Outside the Building. Service-entrance conductors shall be installed in accordance with Article 230.6.

Article 230.205 Disconnecting Means.

Revise Article 230.205(A), in its entirety, as follows:

(A) Location. The service disconnecting means shall be installed in accordance with 230.70. Facilities on private property, under single management with a Life Safety System, Fire Command Center and 24 hour on-site qualified maintenance personnel shall be permitted to utilize a remote control device for their power disconnecting means. The main electrical room is not required to be located on the exterior of the building or other structure.

Revise Article 230.205(C), as follows:

(C) Remote Control. For multi-building, industrial installations under single management, the service disconnecting means shall be permitted to be located at a separate building or structure. In such cases, the service disconnecting means shall be permitted to be electrically operated by a readily accessible, remote-control device. The remote control device shall be supervised by a local signaling service that causes an audible signal and the illumination of an amber visual signal at the Fire Command Center and at each auxiliary location required for the Life Safety System.

Article 240.6 Standard Ampere Ratings.

Revise Article 240.6 (B), as follows:

(B) Adjustable-Trip Circuit Breakers. The rating of adjustable-trip circuit breakers having external means for adjusting the current setting (long-time pickup setting), shall be the maximum setting possible.

Delete Subsection (C) of Article 240.6, in its entirety.

Article 240.86 Series Ratings.

Revise Article 240.86, as follows:

240.86 Series Ratings. Where a circuit breaker is used on a circuit having an available fault current higher than the marked interrupting rating by being connected on the load side of an acceptable overcurrent device having a higher rating, the circuit breaker shall meet the requirements specified in (A) or (B), and (C). All of the information including manufacturers and part numbers of each component making up the series combination rating shall be provided on the submittal drawings for plans examination and permit. Only those manufacturers and part numbers shall be permitted for the installation.

Article 250.32 Buildings or Structures Supplied by Feeder(s) or Branch Circuit(s).

Revise Article 250.32 (A), as follows:

(A) Grounding Electrode. For the purposes of this Article all buildings or structures not joined by a continuous concrete foundation or footing and roof shall be considered as separate buildings or structures. Building(s) or structure(s) supplied by feeder(s) or branch circuit(s) shall have a grounding electrode system installed in accordance with Part III of Article 250. The grounding electrode conductor(s) shall be connected in accordance with 250.32 (B) or (C). Where there is no existing grounding electrode, the grounding electrode(s) required in 250.50 shall be installed.

Article 250.50 Grounding Electrode System.

Revise Article 250.50, as follows:

250.50 Grounding Electrode System. All grounding electrodes as described in 250.52(A)(1) through (A)(7) that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these grounding electrodes exist, one or more of the grounding electrodes specified in 250.52(A)(4) through (A)(8) shall be installed and used. The concrete-encased electrode described in Article 250.52(A)(3) shall be required for new buildings and structures that are supplied with electrical power and have concrete foundations or footings.

Exception: *Concrete-encased electrodes of existing buildings or structures shall not be required to be part of the grounding electrode system where the steel reinforcing bars or rods are not accessible for use without disturbing the concrete.*

Article 250.52 Grounding Electrodes.

Revise Item (5) of Article 250.52(A), as follows:

(5) Rod Electrodes. Rod electrodes shall not be less than 2.44 m (8 ft) in length and shall consist of the following materials and shall be installed according to Article 250.53 (G). Electrodes shall be copper clad or their equivalent and shall not be less than 15.875 mm (5/8 in.) in diameter, or listed non-ferrous rods or their equivalent and not less than 12.7 mm (1/2 in.) in diameter.

Delete Item (7) of Article 250.52(A), in its entirety and renumber the subsequent items sequentially, as follows:

(7) Other Local Metal Underground Systems or Structures.

The remainder of this Article remains unchanged

Article 250.53 Grounding Electrode System Installation.

Revise Article 250.53(A), as Rod Electrodes, as follows:

(A) Rod Electrodes. Where practicable, rod electrodes shall be embedded below permanent moisture level. Rod electrodes shall be free from nonconductive coatings such as paint or enamel.

Revise Article 250.53(B), as follows:

(B) Electrode Spacing. Where more then one of the electrodes of the type specified in 250.52(A)(5) are used, each electrode of one grounding system (including that used for air terminals) shall not be less than 1.83 m (6 ft) from any other electrode of another grounding system. Two or more grounding electrodes that are bonded together shall be considered a single grounding electrode system.

Revise Article 250.53(D) (2), as follows:

(2) Supplemental Electrode Required. A metal underground water pipe shall be supplemented by an additional electrode of a type specified in 250.52(A)(2) through (A)(7). Where the supplemental electrode is a rod type, it shall comply with 250.56. The supplemental electrode shall be permitted to be bonded to the grounding electrode conductor, the grounded service- entrance conductor, the nonflexible grounded service raceway, or any grounded service enclosure.

> ***Exception:*** *The supplemental electrode shall be permitted to be bonded to the interior metal water piping at any convenient point as covered in 250.52(A)(1), Exception.*

Revise Article 250.53(E), as follows:

(E) Supplemental Electrode Bonding Connection Size. Where the supplemental electrode is a rod electrode, that portion of the bonding jumper that is the sole connection to the supplemental grounding electrode shall not be required to be larger than 6 AWG copper wire or 4 AWG aluminum wire.

Revise Article 250.53(G), as follows:

(G) Rod Electrodes. The electrode shall be installed such that at least 2.44 m (8 ft) of length is in contact with the soil. It shall be driven to a depth of not less than 2.44 m (8 ft) except that, where rock bottom is encountered, the electrode shall be driven at an oblique angle not to exceed 45 degrees from the vertical or, where rock bottom is encountered at an angle up to 45 degrees, the electrode shall be permitted to be buried in a trench that is at least 750 mm (30 in.) deep. The upper end of the electrode shall be flush with or below ground level unless the aboveground end and the grounding electrode conductor attachment are protected against physical damage as specified in 250.10.

Delete Subsection (H) of Article 250.53, in its entirety.

Article 250.56 Resistance of Rod, Pipe and Plate Electrodes.

Revise Article 250.56, as follows:

250.56 Resistance of Rod Electrodes. A single electrode consisting of a rod that does not have a resistance to ground of 25 ohms or less shall be augmented by one additional electrode of any of the types specified by 250.52(A)(4) through (A)(8). Where multiple rod electrodes are installed to meet the requirements of this article, they shall not be less than 1.8 m (6 ft) apart.

> FPN: The paralleling efficiency of rods longer than 2.5 m (8 ft) is improved by spacing greater than 1.8 m (6 ft).

Article 250.94 Bonding for Other Systems.

Add new items (4) and (5) to Article 250.94, as follows:

(4) A set of listed terminals connected to the concrete-encased electrode as defined in Article 250.52(A)(3).

(5) A set of listed terminals connected to the concrete-encased electrode conductor as defined in Article 250.24(D), 250.30(A)(3), 250.30(A)(4), 250.30(B)(1) and 250.32(E).

Article 250.120 Equipment Grounding Conductor Installation.

Add a new Subsection (D) to Article 250.120, as follows:

(D) Equipment Grounding Conductor. All raceways installed on roofs shall contain an equipment grounding conductor sized per Table 250.122 installed with the circuit conductors.

Exception No. 1: *Low voltage, communication and similar type systems unless required elsewhere in the Code.*

Exception No. 2: *As permitted by Article 250.86 for short Articles of metal enclosures or raceways.*

Table 250.122 Equipment Grounding Conductors for Grounding Raceway and Equipment

Revise Table 250.122 Minimum Size Equipment Grounding Conductors for Grounding Raceway and Equipment, as follows:

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding (Amperes)	*Size (AWG or kcmil)* *Copper*	*Size (AWG or kcmil)* *Aluminum or Copper-Clad Aluminum**
4000	500	750

Article 300.1 Scope.

Add a new paragraph (D) to Article 300.1, as follows:

(D) Article 760 System Wiring.

(1) Wiring for Article 760 systems installed in the construction of buildings and structures shall be contained in a raceway or cable tray system.

Exception No. 1: AC cable, MC cable and MI cable. Articles 320, 330, and 332 respectively.

Exception No.2: Wiring in residential occupancies two stories or less in height.

(2) Raceway systems for Article 760 systems in buildings and structures of Type I or Type II A construction as defined in the Building Code shall be of metallic non-combustible materials and cable trays shall be of the fully enclosed type.

Exception No. 1: Non-metallic raceways encased in concrete, or masonry, or underground or solid grouted building components that are in compliance with the Building Code.

Exception No. 2: Liquid-tight flexible conduit in lengths of 1.8 m (6 ft) or less which comply with NEC Articles 350 and 356.

Article 310.15 Ampacities for Conductors Rated 0-2000 Volts.

Revise Article 310.15(B)(2)(c), as follows:

(c) *Conduits Exposed to Sunlight on Rooftops.* Where conductors or cables are installed in conduits exposed to direct sunlight on or above rooftops, one of the following conditions shall be met:

(1) All conductors shall have an insulation rating of 90ºC and the conduits shall be installed at least 3 1/2" above the roof surface.

(2) The adjustments shown in Table 310.15(B)(2)(c) shall be added to the outdoor temperature to determine the applicable ambient temperature for application of the correction factors in Table 310.16 and Table 310.18.

FPN: One source for the average ambient temperatures in various locations is the ASHRAE Handbook — *Fundamentals*.

Article 314.24 Depth of Outlet Boxes.

Revise Article 314.24, as follows:

314.24 Minimum Depth of Boxes for Outlets, Devices, and Utilization Equipment. Outlet and device boxes shall have sufficient depth to allow equipment installed within them to be mounted properly and with sufficient clearance to prevent damage to conductors within the box. All boxes for outlets, devices, utilization equipment or junction boxes less than 200 mm (8 inches) in any dimension, shall have no more than two extension boxes or one extension box and one plaster ring.

Exception: *Listed unit(s) or assembly(s).*

Article 352.10 Uses Permitted.

Add a new Subsection (I) to Article 352.10, as follows:

(I) Exposed to Direct Sunlight. Rigid non-metallic conduit shall be a minimum Schedule 80 and identified for such use.

Article 358.12 Uses Not Permitted.

Add new items (7), (8) and (9) to Article 358.12, as follows:

(7) Embedded within concrete or masonry in contact with earth.
(8) Underground installations.
(9) Within earth fills.

Article 408.54 Maximum Number of Overcurrent Devices.

Add the following paragraph to the end of Article 408.54 to read as follows:

Each panelboard or load center installed in a new one or two-family dwelling shall have a capacity for a minimum of two (2) additional full-size single pole overcurrent devices on adjacent opposite poles for expansion. All available overcurrent device spaces shall comply with Article 404.8(A).

Article 514.11 Circuit Disconnects.

Revise Article 514.11(A), as follows:

(A) General. Each circuit leading to or through dispensing equipment, including equipment for remote pumping systems, shall be provided with a clearly identified and readily accessible switch or other acceptable means, located remote from the dispensing devices, to disconnect simultaneously from the source of supply, all conductors of the circuits, including the grounded conductor, if any. Single-pole breakers utilizing handle ties shall not be permitted. The switch shall be a momentary contact type. The disconnect station sign shall be 0.093 sq. m (1 ft square), colored yellow and have black, 25.4 mm (1 inch) high, 6.35 mm (¼ inch) stroke permanent lettering describing it as "Emergency Pump Shutoff".

Article 600.41 Neon Tubing.

Revise Article 600.41(D), as follows:

(D) Protection. Field-installed skeleton tubing shall not be subject to physical damage. Where the tubing is readily accessible to other than qualified persons, field-installed skeleton tubing shall be provided with suitable guards or protected by other approved means. Installations less than 2.44 m (8 ft.) above finished grade or floor level shall be considered as readily accessible.

Article 682 Natural and Artificially Made Bodies of Water.

Delete Article 682 in its entirety.

Article 690.14 Additional Provisions.

Delete the exception and revise Article 690.14(C) (1), as follows:

(1) Location. The photovoltaic disconnecting means and overcurrent device shall be installed at an accessible location on the outside of a building or structure before any system conductors enter the building or structure.

The photovoltaic system disconnecting means shall not be installed in bathrooms.

Article 700.1 Scope.

Revise Article 700.1, as follows:

700.1 Scope. For the purposes of this ARTICLE items considered as meeting the requirements for high rise applications (i.e. buildings with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access to be placed on the emergency distribution system may include: Emergency illumination, exit signage, electric fire pumps, fire jockey or makeup pumps, fire alarm equipment, smoke control equipment, one elevator per bank of elevators, cooling and heating equipment for emergency electrical rooms and elevator machine rooms, FAA required obstruction lighting, battery chargers for emergency generating equipment, heating equipment for freeze protection of fire sprinkler systems, telecommunications equipment (i.e. for 911 applications) fire command center loads such as monitoring and display equipment and other equipment approved by the Authority Having Jurisdiction that will enhance the survivability of life safety systems.

The provisions of this article apply to the electrical safety of the installation, operation, and maintenance of emergency systems consisting of circuits and equipment intended to supply, distribute, and control electricity for illumination, power, or both, to required facilities when the normal electrical supply or system is interrupted.

Emergency systems are those systems legally required and classed as emergency by municipal, state, federal, or other codes, or by any governmental agency having jurisdiction. These systems are intended to automatically supply illumination, power, or both, to designated areas and equipment in the event of failure of the normal supply or in the event of accident to elements of a system intended to supply, distribute, and control power and illumination essential for safety to human life.

Article 700.9 Wiring, Emergency System.

Revise Article 700.9(D), as follows:

(D) Fire Protection. Emergency systems shall meet the additional requirements in 700.9(D)(1) and (D)(2) in any occupancy(s) of 300 or more persons or in buildings with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Add a new exception and amend Article 700.9 (D) (2), as follows:

(2) Feeder-Circuit Equipment. Equipment for feeder circuits (including transfer switches, transformers, and panelboards) shall be located either in spaces fully protected by approved automatic fire suppression systems (including sprinklers, carbon dioxide systems) or in spaces with a 1-hour fire resistance rating. This equipment shall be located in room(s) dedicated to this equipment.

Exception: *System components described in Article 701 may occupy the same dedicated room(s) as emergency systems.*

FPN: For the definition of *Occupancy Classification*, see Article 6.1 of NFPA *101*-2006, *Life Safety Code*.

Article 700.12 General Requirements.

Revise Article 700.12, as follows:

700.12 General Requirements. Current supply shall be such that, in the event of failure of the normal supply to, or within the building or group of buildings concerned, emergency lighting, emergency power, or both shall be available within the time required for the application but not to exceed 10 seconds. The supply system for emergency purposes, in addition to the normal services to the building and meeting the general requirements of

this ARTICLE, shall be one or more of the types of systems described in 700.12(A) through (E). Unit equipment in accordance with 700.12(F) shall satisfy the applicable requirements of this article.

In selecting an emergency source of power, consideration shall be given to the occupancy and the type of service to be rendered, whether of minimum duration, as for evacuation of a theater, or longer duration, as for supplying emergency power and lighting due to an indefinite period of current failure from trouble either inside or outside the building.

Equipment shall be designed and located so as to minimize the hazards that might cause complete failure due to flooding, fires, icing, and vandalism.

Equipment for sources of power as described in 700.12(A) through 700.12(E) shall meet the following additional requirements in any occupancy(s) of 300 or more persons or in buildings with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access. This equipment shall be installed in spaces fully protected by approved automatic fire suppression systems (sprinklers, carbon dioxide systems and so forth) or in spaces protected by a fire-rated assembly listed to achieve a minimum fire rating of one-hour.

FPN No. 1: For the definition of *Occupancy Classification*, see ARTICLE 6.1 of NFPA *101*-2006, *Life Safety Code*.

FPN No. 2: Assignment of degree of reliability of the recognized emergency supply system depends on the careful evaluation of the variables at each particular installation.

Add a new Subsection (7) to Article 700.12 (B), as follows:

(7) The emergency generator shall not be located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access. When the generator set is located inside a building it shall be located in a room dedicated to the Emergency Power Supply System. This room shall be separate from the interior of the building by a minimum of two-hour resistive construction or shall be in room(s) fully protected by approved automatic fire suppression systems. Unless otherwise required by Building Codes openings for generator cooling and exhaust shall not be required to be fire-resistive construction.

When a generator set is located within 1.5 m (5 ft) of a building it shall be separated from the building with a rated separation wall equal to the highest fire rating within the building that has no openings. It shall be isolated within an enclosure and protected from physical damage.

When a generator set is located more than 1.5 m (5 ft) from a building it shall be isolated within an enclosure and protected from physical damage.

Article 760.3 Other Articles.

Add a new paragraph (A) to Article 760.3, and re-alphabetize the existing paragraphs (A) through (G) to (B) through (H) respectively:

(A) Wiring Methods. Article 760 Fire Alarm Systems wiring shall comply with Article 300.1(D).

Add a new paragraph to the end of this section, as follows:

All Fire alarm wiring installed in the construction of buildings and structures shall be contained in a raceway or cable tray system.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-14
(Adopts the 2008 Edition of the National Electrical Code, together with local amendments thereto)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-14, that will adopt the 2008 Edition of the National Electrical Code, together with local amendments thereto.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-15 – Adopts an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code. 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 adopt an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code. The update represents recent adaptations agreed upon by local area jurisdictions.

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. 2011-15
2. Southern Nevada Amendments to the 2009 International Energy Conservation Code
3. Business Impact Statement

BILL NO. 2011-15

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT AN UPDATED VERSION OF THE SOUTHERN NEVADA AMENDMENTS TO THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The document entitled "Southern Nevada Amendments to the 2009 International Energy Conservation Code,"as adopted in LVMC 16.52.010(B), is hereby repealed in its entirety.

SECTION 2: The document entitled "Southern Nevada Amendments to the 2009 International Energy Conservation Code," which is attached hereto and incorporated by this reference, is hereby adopted and incorporated in LVMC 16.52.010(B).

SECTION 3: This Ordinance shall become effective on July 5, 2011.

SECTION 4: 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 5: 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 6: 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 2-16-11
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
Fax: 702-382-1731
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Pahrump Regional
Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

SOUTHERN NEVADA AMENDMENTS

TO THE

2009

INTERNATIONAL ENERGY

CONSERVATION CODE

Approved by SNBO
September 22, 2010

Section 101.1 Title.

Revise Section 101.1 Title, as follows:

101.1 Title. This code shall be known as the *International Energy Conservation Code of Southern Nevada*, and shall be cited as such. It is referred to herein as "this code".

Section 101.4.3 Additions, alterations, renovations or repairs.

Revise Exceptions 2, 3 and add a new exception 9 of Section 101.4.3, as follows:

101.4.3 Additions, alterations, renovations or repairs. Additions, alterations renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. The addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exceptions: The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestrations.

2. Glass only replacements in an existing sash and frame. Glass must meet or exceed the same U-value and SHGC of the glass being replaced. If U-value and SHGC of glass cannot be determined, the minimum prescriptive values of Tables 402.1.1 for residential buildings and 502.3 for commercial buildings shall be deemed compliant.

3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation. The R-values need not exceed the prescriptive values in Tables 402.1.1 for residential buildings and 502.2(1) for commercial buildings.

4. Construction where the existing roof, wall or floor cavity is not exposed.

5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and were the sheathing or insulation is exposed during reroofing shall be insulated either above or below sheathing.

6. Replacement of existing doors that separate *conditioned space* from the exterior shall not require installation of the vestibule or revolving door, provided, however, that an existing vestibule that separates a *conditioned* space from the exterior shall not be removed.

7. Alterations that replace less than 50 percent of the luminaires in a space, provided that such alteration s do not increase the installed interior lighting power.

8. Alterations that replace only the bulb and ballast within the existing luminaries in a space provided that the *alteration* does not increase the installed interior lighting power.

9. Relocations only of existing luminaries within an existing area enclosed by walls or floor to ceiling partitions.

Section 102.1.1 Above code programs.

Revise Section 102.1.1, as follows:

Section 102.1.1 Above code programs. The Southern Nevada Building Officials shall be permitted to deem a national, state or local energy efficiency program to exceed the efficiency required by this code. Programs seeking approval must submit all requested supporting documentation to the Southern Nevada Building Officials for review. Buildings certified in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as "mandatory" in chapters 4 and 5 of this code, as applicable, shall be met. A list of approved energy efficiency programs include the following:

- EPA: Energy Star (15% above Code Program)
- EPA: Home Performance with Energy Star for existing home improvements.
- Department of Energy: Builder Challenge (30% above Code Program)
- IRS: Federal Tax Credit (50% above Code Program)
- IRS: Federal Tax Credit for Homeowner Improvements
- Utility Incentive Programs for new homes (15% above Code Program)
- USGBC LEED Green Building Program (15% above Code Program)
- Build it Green (15% above Code Program)
- Build it Green for Existing Home improvements
- SNHBA Green Building Partnership (15% above Code Program)
- Environments for Living (EFL) (15% above Code Program or better)
- City of Las Vegas Green Building Program (15% above Code Program or better)

102.1.1.1 Compliance for residential tract developments. Residential tract developments, consisting of 10 homes or more, shall be deemed in compliance with this code when the following documentation is submitted to the jurisdiction by the developer:

1. Written HERS documentation, certifying compliance with an *approved* energy efficiency program using approved RESNET software
2. A copy of the contractual agreement between the developer and a certified HERS rater to perform all mandatory field testing, sampling protocols and program verifications.
3. Additional documentation as may be deemed necessary by the jurisdiction.

Section 106.1 General.

Revise Section 106.1, as follows:

Section 106.1 General. The codes and standards referenced in this code shall be those listed in Chapter 6. Where this code refers to other codes not adopted by the jurisdiction, the applicable code adopted by the jurisdiction shall govern. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference.

Section 202 General Definitions.

Revise Section 202, General Definitions, as follows:

AIR BARRIER. An integral component of the *building thermal envelope* comprised of approved materials that are assembled and joined together to support in-contact insulating materials on one or more of its surfaces and to provide a barrier to air leakage through the building envelope. An air barrier may be comprised of, but not limited to, the exterior siding, exterior lath and stucco, rigid insulation board, exterior sheathing and sub-sheathing, water proof substrate with tiles, masonry walls, roof sheathing and drywall between conditioned and unconditioned spaces.

BUILDING THERMAL ENVELOPE. The basement walls, exterior walls, floor, roof and any other building air barrier element(s) that enclose *conditioned space.* This boundary also includes the air barrier between *conditioned space* and any exempt or unconditioned space.

Add new definitions to Section 202, General Definitions, as follows:

CASINO. A business with a Non-restricted Gaming License from the Nevada Gaming Commission and State Gaming Control Board. It includes the gaming area(s) as well as the adjacent areas within the building envelope.

CASINO GAMING AREA. The space within a *casino* wherein gaming is conducted. The gaming area shall also include accessory uses within the same room(s) as, or substantially open to the gaming floor(s). Such areas shall include, but not be limited to lobbies, balconies, public circulation areas, assembly areas, restaurants, bars, lounges, food courts, retail spaces, mezzanines, convention pre-function areas, cashiers' cages, players' clubs, customer support, conservatories and promenades that share the same atmosphere, spillover lighting and theme lighting with the adjacent gaming floor area.

For accessory areas situated on the perimeter of the gaming floor to be considered substantially open, the wall(s) or partition(s) separating an accessory space from the gaming area must be a minimum of 50% open, as measured from the interior side of the accessory space, with no doors, windows and other obstructions, other than roll up security grills, installed within the opening.

CONDITIONED SPACE. An area or room within the building thermal envelope being heated or cooled, containing un-insulated ducts, or with a fixed opening directly into an adjacent *conditioned space*. An attic shall be considered conditioned space if the roof sheathing is constructed as the air barrier, with all insulation installed in direct contact with it, all exterior ventilation is eliminated and the space, including all eave framing and pipe and flue penetrations through the air barrier are tightly sealed to prevent exterior air infiltration.

INSULATION (THERMAL). A component of the thermal energy envelope comprised of any approved material installed in substantially direct contact to either side of the air barrier that provides measurable thermal resistance (R-value) to heat flow to or from a conditioned space to which it bounds.

LIGHTING, THEATRICAL. Lighting used to directly or indirectly illuminate performance areas, dance floors, and visual features in themed or theatrical environments. Theatrical Lighting shall include, but not be limited to: strobe lights, automated luminaries (intelligent lighting), effects projectors, lasers, and ultraviolet (UV) fixtures. In order to qualify as Theatrical Lighting, the lighting must be controlled separately from general illumination.

LUMINAIRE. A complete lighting unit consisting of a light source, such as a lamp or lamps, together with the parts designed to position the light source and connect it to the power supply. It may also include parts to protect the light source, ballast, or distribute the light. A lamp holder itself is not a luminaire.

OCCUPANT SENSOR (LIGHTING). A device that detects the presence or absence of people within an area and causes lighting to be regulated accordingly. The term "occupant sensor" applies to a device that controls indoor lighting systems. When the device is used to control outdoor lighting systems, it is defined as a motion sensor. This definition also applies to "occupancy sensor" and "occupant-sensing device." When used with a manual device for initial activation, an occupant sensor may be called a "vacancy sensor."

SIGN (SIGNAGE). An interior or exterior lighted device used to impart way-finding, identifications or promotional information to the viewer. Signs include, but are not limited to, business identification, location maps and directories, gaming boards, sports scoreboards, and slot carousel identifiers.

Section 301.1 General.

Delete Section 301.1 in its entirety and replace, as follows:

301.1 General. The jurisdictions of the City of Boulder City, the County of Clark County, the Clark County School District, the City of Henderson, the City of Las Vegas, the City of Mesquite and the City of North Las Vegas shall meet the requirements of this code for Climate Zone 3B.

> **Exception:** Areas within these jurisdictions above altitudes of 4000 ft and the Town of Pahrump shall be considered in Climate Zone 5B.

Section 303.1.3 Fenestration product rating.

Revise Section 301.1.3, as follows:

303.1.3 Fenestration product rating. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Products lacking such a labeled *U*-factor shall be assigned a default *U*-factor from Table 303.1.3(1) or 303.1.3(2), or Table 4 of the 2009 ASHRAE Fundamentals Handbook (with the exclusion of the "glass only" columns).

The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, doors, and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory and labeled and certified by the manufacturer. Products lacking such a labeled SHCG shall be assigned a default SHGC from Table 303.1.3(3) or from Table 10 of the 2009 ASHRAE Fundamentals Handbook center-of-glazing properties--normal incidence angle 0.00 column only).

NOTE: When the 2009 ASHRAE Fundamentals Handbook simulation tables are used, all information must be provided as prescribed in amended subsections 303.1.3.1 and 303.1.3.2. This amended provision, allowing plans to be submitted to the building department for approval using the ASHRAE simulation tables, will expire after December 31, 2010.

Add two (2) new Subsections, 303.1.3.1 and 303.1.3.2, as follows:

303.1.3.1 Fenestration rating documentation. All fenestration products to be used in a project must be listed in a fenestration schedule on the approved plans. This schedule shall include all of the following:

1. A list of all fenestrations, including, but not limited to, fixed and operable windows, skylights, sliding, swinging and overhead doors and glass block.
2. The manufacturer and model numbers for all non-default fenestration products, including NFRC CDP numbers.

3. For site-built windows, simulation report reference numbers provided by an NFRC accredited simulation laboratory, for each type of product to be used in the project.
4. The fenestration type, size, quantity, NFRC 100 certified U-factor or default U-factor. (If default U-factor is used, the schedule must also include a description of the key energy-efficiency features that are necessary to achieve that default U-factor.)
5. The solar heat gain coefficient for each fenestration proposed, using either the NFRC 200 certified value or the default value.

303.1.3.2 Construction site rating documentation. In addition to the approved plans described above, the following documentation shall be provided at the construction site prior to inspection of the thermal energy envelope:

1. All NFRC certified factory-built fenestration products shall be labeled with the NFRC certification label. This label is to remain intact on the fenestration unit until inspected by the jurisdiction having authority.

2. For rated site-built fenestration products, there shall be a separate NFRC label certificate for each type of fenestration product used in the project, signed by an independent, NFRC certified inspection agency. The label will display the following information:
   a) The NFRC certification logo.
   b) The name, address and authorized NFRC license number of the approved inspection agency.
   c) The product ratings (U-factor, solar heat gain coefficient and visible light transmittance).
   d) The name, address, and permit number of the project.
   e) The product line information.
   f) The names, addresses and contractors/business license numbers for the suppliers of the frame, the glazing and the contractor.
   g) The printed name and signature of the inspector for the certified inspection agency.

3. For site-built fenestration products where default values were listed on the approved plans, the glazing contractor of record will provide the jurisdiction, a letter on company stationary, containing the following information:
   a) The name, address and permit number of the project.
   b) An itemized list of documentation describing specific components used to construct each type of fenestration.
   c) The signature of the principal owner of the glazing company, attesting to the fact that all products described and documentation submitted were used on that jobsite.
   d) A statement taking full legal and financial responsibility for the correct installation of the fenestration products.
   e) Attached copies of all packing slips for all fenestration components used on the project. This documentation shall bear the job site address or specifically referencing the project.

Section 401.3 Certificate.

Revise Section 401.3, as follows:

401.3 Certificate. A permanently installed certificate approved by the jurisdiction shall be posted on a wall adjacent to the water heater. The certificate shall be completed by the builder or registered design professional. The certificate shall have a heading stating "DO NOT REMOVE" in ½" minimum bold face letters and shall list the predominant R-values of the insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside conditioned spaces; U-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering each area or component separately. The certificate shall list the types and efficiencies of heating, cooling and service water heating equipment.

Section 403.2.2 Sealing (Mandatory).

Revise Section 403.2.2, as follows:

403.2.2 Sealing (Mandatory). All ducts, air handler connections at the plenum, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with the currently adopted mechanical code. Duct assemblies shall be verified for tightness by either of the following methods:

The remainder of this Section remains unchanged

Section 403.4 Service hot water systems (Mandatory).

Delete Section 403.4 in its entirety and replace, as follows:

403.4 Service hot water systems (Mandatory). All service hot water heating systems shall meet the requirements of Sec. 403.4.1 or 403.4.2.

> **403.4.1 Non-circulating hot water systems**. All service hot water piping installed in unconditioned spaces, including under-slab piping, shall be insulated to at least R-2.
>
> **403.4.2 Circulating hot water systems.** All circulating service hot water piping, including under-slab piping, shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not used.

Section 403.5 Mechanical ventilation (Mandatory).

Add a new Exception to Section 403.5, as follows:

403.5 Mechanical ventilation (Mandatory). Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

> **Exception:** Where clothes dryer exhaust vents terminate vertically at the roof, back draft dampers are not required.

Section 403.6 Equipment sizing (Mandatory).

Revise Section 403.6, as follows:

403.6 Equipment sizing (Mandatory). Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculations methodologies.

Section 405.6.1 Minimum capabilities.

Revise Section 405.6.1, Item 2, as follows:

2. Calculation of whole-building (as a single zone) sizing for the heating and cooling equipment in the standard reference design residence in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies.

Section 502.4.5 Outdoor air intakes and exhaust openings.

Add new Exceptions No.2 through No.6 to Section 502.4.5, as follows:

502.4.5 Outdoor air intakes and exhaust openings. Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot (6.8 L/s · Cm^2) at 1.0 inch water gauge (w.g.) (250 Pa) when tested in accordance with AMCA 500D.

Exceptions:

1. Gravity (non-motorized) dampers are permitted to be used in buildings less than three stories in height above grade.
2. Supply and exhaust ducts or shafts integral to the smoke management system as required by Sec. 909 of the International Building Code.
3. Type I and Type II fume hoods in commercial kitchens and the make-up air units that are required for the operation of these fume hoods.
4. All vents used for conveying products of combustion.
5. Clothes dryer vents that terminate vertically through a roof.
6. Explosion venting.

503.2.5.1 Demand controlled ventilation.

Revise Section 503.2.5.1, as follows:

503.2.5.1 Demand controlled ventilation. Demand control ventilation (DCV) is required for spaces larger than 500 ft^2 (50m^2) and with an average occupant load of 40 people per 1000 ft^2 (93 m^2) of floor area) as established in Table 4-1of the *Uniform Mechanical Code* and served by systems with on or more of the following:

Revise the title of Section 505, as follows:

SECTION 505
ELECTRICAL POWER AND LIGHTING SYSTEMS

Section 505.2.1 Interior lighting controls.

Add a new Exception No. 3 to Section 505.2.1, as follows:

505.2.1 Interior lighting controls. (…)

Exceptions:

1. *No change*
2. *No change*
3. Normally unoccupied areas, such as restrooms, janitor closets, storage closets and similar spaces, controlled by local occupancy sensors.

Section 505.2.2 Additional controls.

Revise Section 505.2.2, as follows:

505.2.2 Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1, 505.2.2.2 and 505.2.2.3.

Section 505.2.2.3 Daylight zone control.

Add two new Exceptions to Section 505.2.2.3, as follows:

505.2.2.3 Daylight zone control. Daylight zones, as defined by this code, shall be provided with controls that control the lights independent of general area lighting. Contiguous daylight zones adjacent to vertical fenestration are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, and west). Daylight zones under skylights more than 15 feet (4572 mm) from the perimeter shall be controlled separately from daylight zones adjacent to vertical fenestration.

Exceptions:

1. Daylight spaces enclosed by walls or ceiling height partitions and containing two or fewer light fixtures are not required to have a separate switch for general area lighting.
2. Where automatic dimming controls are provided for the electric lighting within the daylight zones, no separate manual control for the daylight zone shall be required.
3. In areas where daylight zones overlap, only one control shall be required to control both zones, unless the areas include more than two adjacent cardinal orientations.

Section 505.5.1 Total connected interior lighting power.

Revise Section 505.5.1 by revising exception #7 and adding a new exception #15, as follows:

505.5.1 Total connected interior lighting power. (…)

Exceptions:

(…)

7. Advertising signage or directional signage, including signage for business identification or promotion, location maps and directories, sports or gaming scoreboards, and slot carousel identifiers.

(…)

15. Theme elements in theme/amusement parks and casino gaming areas.

Section 505.6.2 Exterior building lighting power.

Revise Section 505.6.2, by revising exceptions #2 and #8, as follows:

505.6.2 Exterior building lighting power. (…)

Exceptions:

2. Advertising signage or directional signage, including signage for business identification and promotion, location maps and directories, and sports scoreboards;

8. Theme elements in theme/amusement parks and casinos; and

Chapter 6 REFERENCED STANDARDS

Revise the reference standards in Chapter 6 to include the organization ACCA (Air Conditioning Contractors of America), as follows:

ACCA	Air Conditioning Contractors of America 2800 Shirlington Road, Suite 300 Arlington, VA 22206

Standard reference number	Title	Referenced in code section number
Manual D--95	Residential Duct Systems	
Manual J--02	Residential Load Calculations—Eight Edition	403.6 amend.
Manual S	Residential Equipment Selection	

BUSINESS IMPACT STATEMENT
BILL NO. 2011-15
(Adopts an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-15, that will adopt an updated version of the Southern Nevada Amendments to the 2009 International Energy Conservation Code.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-16 – Adopts the 2009 Edition of the Southern Nevada Pool Code. 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 adopt the 2009 Edition of the Southern Nevada Pool Code. This version represents an updated version of pool and spa regulations agreed upon by local area jurisdictions.

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. 2011-16
2. 2009 Southern Nevada Pool Code
3. Business Impact Statement

BILL NO. 2011-16

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE SOUTHERN NEVADA POOL CODE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2009 Edition of the Southern Nevada Pool Code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 30, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.30.010: That certain document entitled ["2006 Southern Nevada Pool Code,"] "2009 Southern Nevada Pool Code," three copies of which are on file in the Office of the City Clerk, is adopted by reference and made a part of this Code, to the same effect as if set out herein in full.

SECTION 2: The 2009 Southern Nevada Pool Code, a copy of which is attached to this Ordinance, shall supersede and replace the 2006 Southern Nevada Pool Code, as well as the provisions of that certain document entitled "City of Las Vegas Swimming Pool/Spa Code, 1992 Edition."

SECTION 3: The 2009 Southern Nevada Pool Code referred to in Sections 1 and 2 of this Ordinance is hereby amended as set forth in Sections 4 and 5 of this Ordinance.

SECTION 4: Section 101.3 is hereby amended by adding to the list of exceptions a new Exception (D), reading as follows:

(D) Non-permanently installed pools, except to the extent that the Building Official determines that one or more provisions of Chapter 8 shall apply to particular pools or types of pools.

SECTION 5: Section 804.0 is hereby amended by amending Exceptions 2 and 3 within that Section to read as follows, with new material indicated by underlining:

Exception 2: An alarm permanently installed on all openings in the dwelling unit that provide direct access to the pool or spa. Openings to include doors; operable windows with a sill height of forty-eight (48) inches or less; and pet doors allowing the passage of a sphere of four (4) inches (102 mm) in

diameter. The alarm shall be listed to meet UL Standard 2017 for Residential Water Hazard Entrance Alarms. The alarm shall sound continuously for a minimum of thirty (30) seconds within seven (7) seconds after the door is opened, and be a minimum of capable of providing 85 dB when measured indoors at ten (10) feet (3.05 m) (10'). The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. The deactivation switch shall be located at least fifty-four (54) inches (1372 mm) (54") above the threshold of the door.

Exception 3: A laser or light beam activation alarm, permanently installed, that either provides an active beam barrier across the access to the pool from the dwelling unit or is installed around the entire perimeter of the pool. The laser or light beam must have an adjustable height capability and sound an alarm of at least eighty-five (85) dB both inside and outside of the home when the beam is crossed. The alarm must automatically reset after alarming. The alarm shall meet ASTM's Provisional Standard Specifications for Pool Alarms (PS 128-01) and be listed.

SECTION 6: The provisions of the City's Administrative Code shall govern procedural and administrative matters related to the enforcement and application of the 2009 Southern Nevada Pool Code.

SECTION 7: This Ordinance shall become effective on July 5, 2011.

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 2-16-11
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

Southern Nevada Building Officials
c/o City of Las Vegas
Building & Safety Dept
713 S. 4th Street
Las Vegas, NV 89101

Phone: 702-229-6257
Fax: 702-382-1731
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MEMBERS

Chris Knight, Chair
City of Las Vegas

Greg Blackburn
City of North Las Vegas

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Clark County

Kurt Sawyer
City of Mesquite

Brent Steed
Pahrump Regional
Planning District
(Nye County)

Michael Bouse
City of Henderson

Lisa Conner
Clark County School District

2009

SOUTHERN NEVADA

POOL CODE

Approved by SNBO

July 23, 2010

2009
SOUTHERN NEVADA POOL CODE

SECTION **PAGE**

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PREFACE

This document comprises the Southern Nevada Pool Code and was developed by the jurisdictions listed on the cover page as a document to be adopted by reference. These provisions are not code unless adopted and codified by governmental jurisdictions. These provisions are not intended to prevent the use of any material or method of construction not specifically prescribed herein, provided any alternate has been approved and its use authorized by the building official. This document is available to be adopted as code by any jurisdiction without permission or approval from the jurisdictions listed on the cover page.

In addition to the requirements set forth in this document, public swimming pools, wading pools, spas and water features, designed for full or partial human submersion and open to the public must be constructed in compliance with the Southern Nevada Health District rules and regulations. In the event that conflicts between this document and those regulations occur, the more restrictive condition will apply.

For further information on public pools, please contact the Southern Nevada Health District at (702) 759-0571.

Chapter 1: SCOPE AND ADMINISTRATION

101.0 Title. This document shall be known as the "Southern Nevada Pool Code", may be cited as such, and will be referred to herein as "this code".

101.2 Purpose. This code is an ordinance providing minimum requirements and standards for the protection of public health, safety and welfare.

101.3 Scope. The provisions of this code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition, use, or maintenance of artificially constructed bodies of water.

Exceptions: The following bodies of water shall be exempt from these requirements:

(A) Manmade lakes as defined in local ordinance or administrative code.

(B) Water features utilized in a family entertainment theme park as regulated in local ordinance or administrative code.

(C) Water feature not greater than eighteen (18) inches (457 mm) of maximum water level, used in conjunction with and on the same property as a single-family residence, and available only to the family of the householder or their private guests.

Chapter 2: DEFINITIONS

201.0 General. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter and elsewhere in this code where specific definitions are provided. Terms, phrases, and words used in the singular include the plural and the plural singular. Terms, phrases, and words used in the masculine include the feminine and the feminine masculine.

Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinarily accepted meanings.

202.0 Definition of Terms.

ACCESSIBLE: When applied to a fixture, connection, appliance or equipment shall mean having access thereto, but which may require the removal of an access panel, door or similar obstruction without damaging the structure or finish.

ACCESSIBLE, READILY: When applied to a fixture, connection, appliance or equipment shall mean having direct access without the necessity to remove an access panel, door or similar obstruction.

ACCESS BARRIER: A fence, wall, building wall or combination thereof that completely encloses a pool, spa or water feature and obstructs access.

APPROVED: Approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

GATE OR DOOR: A single movable panel that swings or hinges, rotates or slides used for entrance into or closing off an opening in the required barrier.

HEALTH DISTRICT: Southern Nevada Health District.

LISTED and LISTING: Equipment or materials included in a list published by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

MANMADE DECORATIVE WATER FEATURE: Any manmade stream, fountain, waterfall, or other water feature that does not meet the definition of a swimming pool and contains water that flows or that is sprayed into the air, constructed for decorative, scenic or landscape purposes. Any manmade decorative water feature exceeding eighteen (18) inches (457 mm) in depth shall meet the requirements of a swimming pool as specified in Chapters 3 through 8.

MANUFACTURED: A pool, spa or water feature that is manufactured or constructed at another location, transported to the property, and placed and/or assembled at the property.

MAXIMUM WATER LEVEL: The highest level that water can reach before it spills out.

NORMAL OPERATING WATER LEVEL: The overflow point on overflow gutters or the midpoint in the throat of skimmers.

POOL: See "SWIMMING POOL."

POOL DEPTH: The distance between the lowest point of the pool floor and the maximum water level.

PRIVATE SWIMMING POOL OR SPA: All constructed swimming pools or spas which are used in conjunction with and on the same property as a single-family residence, and available only to the family of the residence or their private guests.

PUBLIC POOL OR SPA: Any swimming pool or spa, other than a private pool or spa.

SLIP RESISTANT: A surface that has been so treated or constructed as to significantly reduce the chance of slipping when wet.

SPA: An artificially constructed body of water, either portable or permanent with a maximum water level greater than eighteen (18) inches (457 mm) in depth, designed for recreation or therapeutic use that is not drained, cleaned or refilled for each individual user. It may include, but is not limited to: hydro-jet circulation, hot tubs, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof.

STAIR, RECESSED TREAD, LADDER: A means of entry and exit to and from the pool or spa that may be used in conjunction with each other.

(A) **Stair**: A riser/tread or series of risers/treads extending down from the deck into the pool/spa.

(B) **Recessed Tread**: A series of vertically spaced cavities in the pool or spa wall creating tread areas for step holes.

(C) **Ladder**: A series of vertically separated treads or rungs connected by vertical rail members or independently fastened to an adjacent vertical wall.

STORABLE SWIMMING OR WADING POOL: Those that are constructed on or above the ground and are capable of holding water to a maximum depth of forty-two (42) inches (1067 mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension. Such items are not subject to this code.

SUCTION OUTLET: The aperture or fitting, other than a skimmer, on the bottom or side wall of a pool, spa or water feature through which the water under negative pressure (vacuum) is drawn from the pool, spa or water feature to the pump.

SWIMMING POOL: A permanently installed artificial body of water with a maximum water level greater than eighteen (18) inches (457 mm) in depth, which includes all equipment necessary for its use.

UNBLOCKABLE DRAIN: The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

WASTEWATER: Water from filter cleansing, draining of a pool or spa, or lowering of the water level in a pool or spa.

WATER FEATURE: See "MANMADE DECORATIVE WATER FEATURE".

WIDTH or LENGTH: The actual dimension taken at the maximum location from inner wall to inner wall at the normal operating water level of a pool or spa.

Chapter 3: SITE WORK, SETBACKS AND CLEARANCE REQUIREMENTS

301.0 Site Work. Excavation areas shall be protected so that they do not endanger life or property. Temporary barricades shall be maintained in place and kept in good order until permanent barriers are installed. It shall be the responsibility of the contractor or owner to verify property line locations prior to excavation.

302.0 Pool Location. In-ground pools, spas, and water features shall not be placed closer than sixty (60) inches (1524 mm) to any building or structure and shall not encroach within public utility easements. An exception may be permitted when substantiation is provided by a Nevada Licensed Structural or Civil Engineer that no damage will occur to buildings, structures or adjacent properties and that no unsafe structural conditions will exist.

303.0 Drainage. Site drainage shall be provided to direct all drainage from site, perimeter decks, and roofs away from the pool, spa and adjacent buildings and structures.

304.0 Equipment. Any outdoor equipment pad shall not be in contact with any foundation. Equipment shall be installed with adequate drainage. Equipment in vaults or pits shall have an approved means to drain water. Equipment shall be installed in accordance with the currently adopted Codes, listing requirements and the manufacturer's installation instructions.

305.0 Equipment Clearances. All electrical equipment clearances shall comply with requirements specified per National Electrical Code and manufacturer's listing guidelines. A twenty-four (24) inch (610 mm) wide access path is required to all pool and mechanical equipment. Equipment shall be mounted on a permanent, secure wall, fence or other approved structure.

306.0 Overhead electrical conductor clearances. Existing service-drop conductors or other open, overhead wiring shall not be left in place or be installed above the following:

(1) Pools and the area extending ten (10) feet (3.05 m) horizontally from the inside of the walls of the pool;

(2) Diving structures;

(3) Observation stands, towers or platforms.

Exceptions:

1. Where such installations meet the requirements of NEC Table 680.8, as follows:

Table 680.8 Overhead Conductor Clearances

Clearance Parameters	Insulated supply or service drop cables or wiring, 0-750 volts to ground, supported on and cabled together with an solidly grounded bare messenger or solidly grounded neutral conductor	All other Conductors Voltage to Ground	
		0-15 kV	15 to 50 kV
A. Clearance in any direction to the water level, edge of water surface, base of diving platform, or permanently anchored raft	22.5 ft. (6.9 m)	25ft. (7.5 m)	27 ft. (8.0 m)
B. Clearance in any direction to the diving platform or tower	14.5 ft. (4.4 m)	17 ft. (5.2 m)	18 ft. (5.5 m)
C. Horizontal limit of clearance measured from inside wall of the pool	This limit shall extend to the outer edge of the structures listed in (A) and (B) of this table but not to less than 10 ft. (3.05 m).		

2. Utility-owned, operated, and maintained communications conductors, community antenna system coaxial cables complying with Article 820, and the supporting messengers shall be permitted at a height of not less than ten (10) feet (3.05 m) above swimming and wading pools, diving structures, and observation stands, towers, or platforms. (See Sections NEC 225.18 and 225.19 for clearances for conductors not covered by this section.)

307.0 Additional Clearances. All clearances must comply with the currently adopted edition of the National Electrical Code.

Chapter 4: STRUCTURAL REQUIREMENTS

401.0 General Materials. Pools, spas, and water features shall be constructed of reinforced concrete conforming to the provisions of the currently adopted Building Code, Southern Nevada Code Amendments or alternate materials approved by the Building Official. Approved, listed manufactured pools, spas and water features shall be installed in accordance with manufacturer's installation instructions and their listing.

402.0 Design. Structural design for pools, spas and water features shall be engineered by a registered design professional or approved by the Building Official. Construction documents (material specifications, sections and details) shall be wet sealed and signed by the engineer-of-record.

403.0 Geotechnical Investigation Report. All areas of Southern Nevada shall have a geotechnical investigation report at completion of excavation or prior to permit application. Geotechnical investigation report must be prepared by a registered design professional. Geotechnical investigation report shall be accompanied by appropriate substantiation test including: sampling data, suitability for the intended project, and recommendations on treating the sub-grade soil and/or modifications to the swimming pool design.

When a geotechnical report is not used for structural design, the design shall comply with the provisions of the currently adopted Building Code and the Southern Nevada Code Amendments.

Exceptions:

1. The site is specifically identified as outside a special geologic consideration zone as identified on the Clark County Soils Guidelines Map
2. Areas of Clark County not covered by the Clark County Soils Guidelines Map
3. At the option of the Building Official
4. Any excavation less than twenty-four (24) inches (610mm) in depth.

404.0 Ground Water Protection. If groundwater is present, a hydrostatic valve or other approved means shall be installed at the lowest point.

405.0 Site Condition. Additional loads due to sloping backfill and surcharges shall be designed and detailed. Plans and sections shall include all permanent structures from the pool wall within a horizontal distance of seven (7) feet (2.1m) or maximum depth of the pool, whichever is greater. The setback for permanent structures and pool shall comply with the provisions of the currently adopted Building Code and the Southern Nevada Code Amendments.

406.0 Seismic Consideration. In-ground pools, spas and water features are not required to be designed for a seismic load.

407.0 Concrete Strength, f'c. Minimum specified compressive strength in the construction document shall be 4,500psi with a maximum water to cement ratio of 0.45.

408.0 Bond Beam. A continuous bond beam shall not be interrupted for the installation of skimmers and/or similar apparatus. An alternate method may be used when approved by the Building Official.

409.0 Special Inspection. Unless required by a registered design professional or by the Building Official, special inspections are not required for a private swimming pool, spa or water feature.

Chapter 5: ELECTRICAL REQUIREMENTS

501.0 Electrical Requirements. All electrical installations, modifications, repairs or alterations of pools, spas and water features shall conform to the provisions of the currently adopted National Electrical Code, Southern Nevada Code Amendments and the Southern Nevada Health District.

502.0 Pool and Spa Lighting. Pools and spas shall be equipped with lighting that illuminates the entire bottom and volume, and shall be an underwater or overhead type. Underwater lighting shall be a minimum of one-half (1/2) watt or equivalent lumens per square foot of water surface area. Overhead lights shall be a minimum of two (2) watts or equivalent lumens per square foot of water surface area. Any glass parts shall be protected from breakage. Fiber Optic lighting used for pool and spa lighting shall be installed in accordance with their listing and labeling.

503.0 Area Lighting of Public Pools and Spas. Area lighting shall be provided to illuminate the surface areas of the pool deck and spa deck. The lights shall be a minimum of six-tenths (6/10) watt or equivalent lumens per square foot of deck area.

504.0 Disconnecting Means. Time clocks are not permitted as a means of disconnect for motors unless listed for the purpose or approved by the Building Official.

505.0 Load Calculations. Electrical load calculations will be required for any pool, spa, or combination that utilizes more than one pump motor. This is required to verify that the existing electrical system is adequate for the additional loads being added.

506.0 Conductor Feeder, Overcurrent Protection and Grounding: All pool panels shall have a minimum #10 AWG copper wire feeder or equal and a thirty ampere (30A) breaker with an insulated ground wire to the existing panel.

507.0 Bonding. Swimming pools and decks shall be bonded in accordance with the National Electrical Code, Article 680.26 and the Southern Nevada Code Amendments.

Chapter 6: PLUMBING REQUIREMENTS

601.0 Plumbing Requirements. Plumbing installation, modification, repair or alteration of a pool, spa or water feature shall conform to the provisions of the currently adopted Plumbing Code, Southern Nevada Code Amendments, Southern Nevada Health District and the additional following requirements:

602.0 Water Quality. All water treatment, filtration and recirculation devices, and hydraulic lines and systems shall be approved by the Health District prior to permit issuance for a public pool or spa. Water features designed for full or partial human submersion open to the public shall be reviewed and approved by the Health District prior to permit issuance. Water quality in water features, which do not come in contact with the public, and private pools and spas, shall be maintained in such a manner that a nuisance is not created pursuant to NRS 40.140.

603.0 Heating Equipment. Heating equipment shall conform to the provisions of the currently adopted Mechanical, Plumbing and Electrical Codes. Installation of such equipment shall be according to the manufacturer's instructions and listing. Heating equipment shall be located on a minimum three (3) inch (76 mm) thick pad of concrete or other approved material. The top of the pad shall be a minimum of three (3) inches (76 mm) above adjacent grade and shall be appropriately sized to accommodate all equipment. Equipment installed in alternate locations, such as vaults or pits, must be listed for the location or be approved by the Building Official. When pool or spa water heating equipment is installed with a full-way type shutoff valve between the outlet of the heater and the pool or spa, an approved pressure relief valve shall be installed on the discharge side of the water heating equipment.

603.1 Vents shall terminate with clearances as follows: Vents shall terminate as per the currently adopted Uniform Mechanical Code and per the manufacturers listing.

604.0 Underground Installation. All underground installation of plumbing lines, including water supply lines, drains, vacuum and circulating lines and gas piping systems, shall be installed on a minimum three (3) inch (76 mm) base, a minimum one (1) inch (25.4 mm) side and four (4) inch (101.6 mm) cover of clean sand in place at time of inspection.

605.0 Water Piping. Swimming pools, spas, and water features shall use approved type "L" copper, approved PVC pipe of a minimum schedule 40 PVC meeting the NSF PW-14 Standard (or equal), or other approved materials. PVC pipe shall be bent using heat by thermostatically controlled equipment. All plastic pipe exposed to sunlight shall be protected with an approved tape wrapping or paint. Water piping shall be pressure tested at twenty (20) PSI for fifteen (15) minutes. For the purpose of this code the factory installed pressure gauge shall be adequate.

606.0 Gas Piping. Natural gas piping systems shall conform to the provisions of the currently adopted Plumbing Code. All other approved systems shall be tested at sixty (60) PSI for thirty (30) minutes. Liquefied petroleum gas piping systems shall conform to the provisions of the National Fuel Gas Code, NFPA 54. Threaded ferrous metal gas pipe systems shall be pressure tested at ten (10) PSI for fifteen (15) minutes.

607.0 Water supply. Pools, spas, and water features shall have water directly supplied through a water supply inlet. The water supply inlet for public pools shall comply with Southern Nevada Health District provisions. The water supply inlet on private pools shall be protected by a one (1) inch (25.4 mm) air gap or approved backflow protection device.

Exception: Private pools and spas may be provided with a water supply consisting of an approved back flow protection device (vacuum breaker) located on the discharge side of the last valve or a sill cock (hose bib) from which a water hose may be attached.

608.0 Wastewater. Wastewater from pools, spas, and water features shall be discharged to the public sewer through a permanently installed waste line. Wastewater shall not be discharged to a septic tank.

The permanently installed waste line shall discharge through an indirect waste connection of the following type: an approved interceptor; a sand trap which is vented and provided with a clean-out on the discharge side; or a "P" trap of a minimum size of three (3) inches (76 mm).

Exceptions:

1. If a public sewer service is not available, the Building Official may authorize the wastewater to be discharged above ground and used for irrigation purposes. The wastewater shall not be allowed to drain to adjacent properties or the public way. This authorization may be revoked if a hazardous, nuisance or unsanitary condition occurs.

2. For private pools, spas, and water features, a hose connection may be used as a waste line.

609.0 Entrapment Avoidance: Each swimming pool, spa or water feature shall be constructed with at least one of the following means for entrapment avoidance. Public pools and spas shall comply with the Southern Nevada Health Districts requirements.

609.1 Minimum of two (2) suction outlets:

(a) Each suction outlet must be sized to the maximum pipe size used in that outlet system.

(b) The tee feeding the common suction line between the suction outlets, to the pump(s) shall be located approximately midway between the outlets, and without valves, with the branch side of the tee providing flow to the pump.

(c) Each suction outlet shall be separated a minimum of thirty-six (36) inches (914.4mm) on a horizontal plane, or located on two (2) different planes. (For example: one on the bottom & one on a vertical plane, one each on two (2) separate walls). (One skimmer and one drain cover on a single suction line shall not be permitted)

(d) Each suction outlet pipe must have a cover installed per the manufacturers instructions, complying with ASME/ANSI A112.19.8a-2008 or any successor standard.

(e) The flow rate of each cover shall be at least the system's maximum flow rate.

609.2 One (1) or more unblockable drains:

(a) All unblockable drains must be installed as a complete drain & sump assembly or pre assembled by the manufacturer. No "field fabricated sumps" will be allowed.

(b) Unblockable drains must be eighteen (18) inches (457 mm) x twenty-three (23) inches (737 mm) or have a diagonal measurement of twenty-nine (29) inches (737 mm) or greater.

(c) Drains must be installed per manufactures instructions.

(d) Anti- Entrapment devices or systems complying with ASME/ASNI A112.19.17-2007 or ASTM standard F-2387-04.

1. The device or system must be installed & tested as per manufactures instructions.

2. The instruction manual shall be left with property owner, management or owners representative.

(e) Other means as approved by the Building Official.

610.0 Filtering and recirculation. Pools, spas, and water features shall be equipped with a filtering and recirculation system. Equipment shall be mounted on a minimum three (3) inch (76 mm) thick pad of concrete or other approved materials. The pad shall be a minimum of three (3) inches (76 mm) above adjacent grade and sized to accommodate all equipment. All equipment shall be listed by a nationally recognized testing agency for the appropriate use. The circulation system shall provide a complete turnover of water within the time frame specified below:

Type of Water Feature	Maximum Recirculation Time (Hours)
Public Pool	6.0
Private Pool	12.0
Public Spa	0.5
Private Spas	1.0
Water Feature	8.0

Filler, circulation systems, scum gutters and skimmers that are located in public pools, spas and water features shall conform to Health District regulations. Inlets for fresh or repurified water in all pools, spas, and water features shall be located to produce uniform circulation of water throughout the entire pool, spa or water feature.

611.0 Sewer Lines. Swimming pools, in-ground spas, or water features shall not be constructed over a sewer, unless the sewer line is of cast iron material and prior approval from the Building Official is obtained.

612.0 Septic Systems. All Swimming pool and spa water filler and circulation piping within twenty-five (25) feet (7.5m) of a septic system shall conform to Health District regulations.

Chapter 7: ARCHITECTURAL REQUIREMENTS

700.0 Public Pools and Spas. Public pools and spas shall also comply with the Southern Nevada Health District requirements.

701.0 Walls and floors. The materials used in pool, spa, and water feature wall and floor construction shall conform to the provisions of the currently adopted Building Code and the Southern Nevada Code Amendments. Walls and floors shall be designed and constructed of non-absorbent material in a manner to be leak-proof and structurally sound under all the conditions of the site. The inner surface of the pool or spa shall be coved, rounded, or bull-nose at all joints, corners, angles of bases, walls, floors, or curbs. No sharp corners or projections shall be permitted.

702.0 Entry/Egress.

702.1 Pools. Pools with a depth greater than twenty-four (24) inches (610 mm) at pool walls shall be provided with a means of Entry/Egress. Pools exceeding thirty (30) feet (9.14 m) in width or length shall have egress provided on opposite ends of those sides greater than thirty (30) feet (9.14 m). A seat meeting the requirements of Section 704.0 shall be considered as a second means of egress.

702.2 Spas. Spas with a depth greater than twenty-four (24) inches (610 mm) shall have an interior top step, which complies with Section 703.2 below. The distance from the top step to the bench shall comply with Section 703.2 on one side of the top step. Spas with a deck between twelve (12) inches (305 mm) and twenty-four (24) inches (610 mm) above grade that are entered by sitting on the rim deck and spinning into the spa shall not require exterior steps. Listed manufactured spas shall have entry and egress as per their listing.

702.3 Water features. Water features and vanishing edge catch basins greater than twenty-four (24) inches (610 mm) in depth with walls that are inclined greater than forty-five (45°) degrees shall have a means of entry/egress.

703.0 Ladder, stairs, or recessed treads. An entry/egress for a pool, spa or water feature shall be constructed to minimize hazards and consist of a ladder, stairs, or recessed treads or an alternate method approved by the Building Official. The ladder, stairs or recessed treads shall comply with the following requirements, respectively:

703.1 Ladder. Ladders shall be of a corrosion resistant material and be provided with two handholds or handrails. Ladder treads shall have a uniform vertical spacing of seven (7) inches (178 mm) minimum and twelve (12) inches (305 mm) maximum, with a minimum width of eighteen (18) inches (457 mm). Vertical spacing variation within each ladder shall not exceed one (1) inch (25.4 mm). Treads shall have a minimum horizontal depth of one and one-half (1 ½) inches (38 mm). The top tread of the ladder shall be a maximum of twelve (12) inches (305 mm) below the top of coping, deck or exterior edge of the pool or spa.

703.2 Stairs/Steps. Stairs/steps shall have a slip resistant surface and no sharp edges. Public pools shall have a maximum riser height of ten (10) inches (254 mm) with a minimum horizontal tread depth of twelve (12) inches (305 mm). Riser height variation within each stair shall not exceed one (1) inch (25.4 mm). The distance from the bottom of the pool to the bottom step shall not be considered a riser. Private pools, private and public spas and water features shall have a maximum riser height of twelve (12) inches (305 mm), with a minimum horizontal tread depth of twelve (12) inches (305 mm). Steps shall extend to a depth of forty-two (42) inches (1067 mm) of water depth or within twelve (12) inches (305 mm) of a portion of the pool floor. The distance from the bottom of the pool to the bottom step shall not be considered a riser.

703.3 Recessed treads. Recessed treads shall be provided with a set of handrails or handholds to serve all treads and risers. Recessed treads shall have a uniform vertical spacing of seven (7) inches (178 mm) minimum and twelve (12) inches (305 mm) maximum. Recessed treads shall have a minimum depth of five (5) inches (127 mm) and a minimum width of twelve (12) inches (305 mm). The uppermost tread shall be a maximum of twelve (12) inches (305 mm) below the coping, deck or exterior edge of the pool or spa.

704.0 Deck, Seat or Handholds. Pools and spas greater than thirty-six (36) inches (914.4 mm) in water depth shall be provided with a deck made of a slip resistant material or other alternate materials, as approved by the Building Official. Man-made decorative water features and design features may interrupt the deck. In these cases seats or handholds may be used for safety and emergency provisions, and shall be spaced a maximum of every forty-eight (48) inches (1219 mm) around the perimeter of the pool or spa where deck interruptions occur. Decks shall be mandatory at each required entry and egress point. This deck section shall meet the width requirements as stated below and shall be a minimum of forty-eight (48) inches (1219 mm) in length. This decking may be up to twenty-four (24) inches (610 mm) below the maximum water level. The deck, seat or handholds shall comply with the following requirements, respectively:

704.1 Deck. The deck shall be a minimum of thirty (30) inches (762 mm) wide and slope one quarter (¼) inch per foot (6.4 mm per 305 mm) away from pool, property lines and house footings. The deck shall be placed a maximum of twelve (12) inches (305 mm) above the normal operating water level to qualify as a handhold. Public pools and spas shall have a minimum deck width of forty-eight (48) inches (1219 mm).

The finished surface of pool decks shall be a minimum of two (2) inches (51 mm) below the bottom of any adjacent exterior wall weep screed. A drain feature allowing a two (2) inch (50.8mm) vertical clearance along the weep screed shall be acceptable.

Decks shall be sloped to effectively drain to either deck drains or perimeter areas away from the pool or spa. Deck drains must terminate a minimum of twenty-four (24) inches (610 mm) from the foundation of any structure.

704.2 Seat. An underwater seat, bench or swim-out, utilized as a means of egress, shall be a minimum of twelve (12) inches (305 mm) long, a minimum of twelve (12) inches (305 mm) wide and a maximum of twenty-four (24) inches (610 mm) below the water surface.

Exception: Spa seats.

704.3 Handhold. A handhold shall consist of any of the following:

(a) A continuous coping, ledge or handhold shall be placed a maximum of twelve (12) inches (305 mm) above the water surface or no greater than six (6) inches (152.4 mm) below water level. A ledge shall have a minimum projection of three (3) inches (76 mm). Individual handholds must be at least six (6) inches (152.4 mm) in length and one and one-half (1 ½) inches (38 mm) in depth. Attachment must be made by an approved listed waterproof epoxy. Vanishing edges sloping into the main body of water shall have a maximum wall thickness of fifteen (15) inches (381 mm) when used as a handhold.

(b) A permanently secured railing of one and one-quarter (1 ¼) inches (32 mm) to two (2) inches (51 mm) in diameter placed at a maximum of twelve (12) inches (305 mm) above the water surface and a maximum of six (6) inches (152.4 mm) below the water surface.

(c) Ladders, steps or recessed treads complying with Section 703.0 as listed above.

705.0 Wind Sensors. Water features and fountains on commercial properties shall be equipped with an integral automatic wind sensor device calibrated to shut off airborne and moving water when wind velocity exceeds twenty miles per hour.

706.0 Diving Boards/Slides. Pools equipped with diving boards or slides shall be engineered and designed to comply with published ANSI standards. Slides and diving boards shall be installed per manufacturer's listing.

Chapter 8: ACCESS BARRIERS ANS SAFETY REQUIREMETS

800.0 Public Pools and Spas. Public pools and spas shall also comply with the Southern Nevada Health Districts requirements.

801.0 Access Barrier Requirements. Pools and spas shall be completely enclosed with access barriers.

Exceptions:

1 Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons.

2 Spa or hot tub with an approved lockable cover in the closed position meeting the most recent addition of ASTM Standard F1346-91, or equal.

802.0 Access Barrier Construction Requirements: Access barriers shall comply with the following:

802.1 Height. The top of the barrier shall not be less than sixty (60) inches (1524 mm in height above adjacent grade measured from outside the enclosed area or eight (8) feet (2.4 m) vertical, non-climbable, measured on the inside. The vertical clearance between grade and the bottom of the barrier shall be four (4) inches (101.6 mm) maximum. When permanently installed pools or spas are in adjacent yards the common barrier may be reduced to forty-eight (48) inches (1219.2 mm) on either side.

802.2 Wrought Iron. Wrought iron fence with open guardrails shall have intermediate rails or an ornamental pattern such that a sphere four (4) inches (101.6 mm) in diameter cannot pass. Horizontal support members shall be spaced at least thirty-two (32) inches (813 mm) and shall comply with Section 802.1.

802.3 Wrought Iron with Masonry. Mixed use of masonry and wrought iron walls shall comply with all of the following:

(1) Masonry or wrought iron portion of the wall shall be a minimum of thirty-two (32) inches (813 mm) in height.

(2) The wrought iron portion of the wall shall comply with Sections 802.1 and 802.2 with a maximum of two horizontal members, one near the bottom, within four (4) inches (101.6 mm) of the masonry wall below, and one a minimum of sixty (60) inches (1524 mm) above grade.

802.4 Chain Link. Chain link fences shall not exceed one and one quarter (1¼) inch (32 mm) mesh size. The fence shall have top and bottom horizontal supports. The fence height must be a minimum of sixty (60) inches (1524 mm) and shall be constructed of not less than 11 gauge wire.

803.0 Gates or Doors. All gates or doors eight (8) feet (2.4 m) in width or less shall meet the following requirements:

(1) Gates and doors shall be self-closing and self-latching.

(2) Gates shall open outward from the enclosed pool area.

803.1 Latching Devices. The self-latching devices of gates or doors shall be one of the following:

(1) A device that is an ASTM F-1908-08 approved latching device. It shall be installed per the manufacturer's installation instructions.

(2) A device mounted inside the enclosed area and be designed to be inoperable from outside the enclosed area. Manual catch latch devices shall not be less than three (3) inches (76 mm) or more than six (6) inches (152.4 mm) below the top of the door or gate. It shall be inaccessible from outside the enclosed area for a distance of twenty (20) inches (508 mm) in all directions from the latch except that an opening not greater than one-quarter (1/4) inch (6 mm) diameter shall be permitted. This protection is not required to extend above the top of the gate.

(3) Keyed lockset devices shall be mounted at a minimum of forty-two (42) inches (1067 mm) above grade.

803.2 No other device shall impede operation or obstruct closing of self-latching device.

803.3 Large Access Barrier Gates. Access barrier gates, greater than eight (8) feet (2.4 m) in width, shall be equipped with protected self-latching, lockable hardware and shall remain locked at all times when not in use.

Exception: Electronic remote latches without manual devices and panic hardware where required shall not be subject to height restrictions.

803.4 Single Access Gates. Single access gates or doors integral to perimeter fences shall comply with the requirements of Section 802.0 and shall have latching devices capable of keeping the door or gate securely closed and latched.

803.5 Double Gates. Double gates integral to perimeter fences shall comply with the requirements of Section 802.0 and shall be permanently locked. If double gates are used as a component of the access barrier, one gate shall be pinned and locked in the closed position and the adjoining gate must meet the requirements of Section 803.0.

803.6 Electric Operated Gates. Electric operated gates shall start to close within thirty seconds (30) of entry.

803.7 Key Operated Devices. Key-operated, self-latching locks that are integral to the gate or door may be used as latching devices, as long as they are permanently locked from the outside and comply with the above installation requirements.

804.0 Secondary Access Barrier Requirement. An additional barrier that isolates all openings in the dwelling unit from the pool or spa shall be erected. The barrier shall be a minimum of forty-eight (48) inches (1219 mm) in height and shall not allow the passage of a sphere four (4) inches (102 mm) in diameter. All gates shall be self-closing and latching at the top of the barrier. No other device shall impede operation or obstruct the closing of self-latching gate.

Exception 1: Self-closing and self-latching devices installed on all openings in dwelling unit that provide direct access to the pool or spa. Openings to include doors; operable windows with a sill height of forty-eight (48) inches (1219 mm) or less; and pet doors allowing the passage of a sphere of four (4) inches (102 mm) in diameter.

Exception 2: An alarm installed on all openings in dwelling unit that provide direct access to the pool or spa. Openings to include doors; operable windows with a sill height of forty-eight (48) inches or less; and pet doors allowing the passage of a sphere of four (4) inches (102 mm) in diameter. The alarm shall be listed to meet UL Standard 2017 for Residential Water Hazard Entrance Alarms. The alarm shall sound continuously for a minimum of thirty (30) seconds within seven (7) seconds after the door is opened, and be a minimum of capable of providing 85 dB when measured indoors at ten (10) feet (3.05 m) (10'). The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. The deactivation switch shall be located at least fifty-four (54) inches (1372 mm) (54") above the threshold of the door.

Exception 3: A laser or light beam activation alarm installed that provides an active beam barrier across the access to the pool from the dwelling unit or installed around the entire perimeter of the pool. The laser or light beam must have an adjustable height capability and sound an alarm of at least eighty-five (85) dB both inside and outside of the home when the beam is crossed. The alarm must automatically reset after alarming. The alarm shall meet ASTM's Provisional Standard Specifications for Pool Alarms (PS 128-01) and be listed.

Exception 4: Power safety covers installed that comply with ASTM F1346-91.

Exception 5: An alternate means or method approved by the Building Official provided the degree of protection afforded is equal to or greater than that afforded by a secondary barrier.

805.0 Safety Glazing. Glazing in walls and fences within sixty (60) inches (1524 mm) or less, measured horizontally from the water's edge and less than sixty (60) inches (1524 mm) measured vertically above grade shall be considered hazardous locations. In these locations, tempered glazing, laminated glass or Plexiglas shall be used.

806.0 Barrier Timeliness. All required access barrier elements shall be installed prior to:

(1) Installation of a pre-manufactured pool or spa.

(2) The pre-plaster inspection of a conventionally constructed pool or spa.

(3) The filling of any water feature.

807.0 Surveillance Substitute. In lieu of access barriers required by this code, resort hotel facilities and therapeutic facilities used by or under the direct control of licensed medical personnel may provide a dedicated guard so that observation is maintained at all times. An alternate method may be submitted in writing and approved by the Building Official. Such submittal shall become a permanent part of the job record.

808.0 Responsible Party. The owners of the property upon which pools, spas or artificial bodies of water are located are responsible to establish and maintain access barriers. The owner or developer of land adjacent to an access barrier required by this section shall not reduce, degrade, or infringe on the access barrier's compliance with this code.

809.0 Alternate Materials or Methods: An application for alternate materials or methods must be reviewed and approved by the Building Official for any proposed access barrier which does not meet the requirements of this code. If approved by the Building Official, the owner remains responsible for establishing and maintaining such approved alternate materials or methods.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-16
(Adopts the 2009 Edition of the Southern Nevada Pool Code)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-16, that will adopt the 2009 Edition of the Southern Nevada Pool Code.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2011-17 – Adopts the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code. 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 adopt the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code. This version represents an updated version of the City's regulations governing amusement and transportation rides.

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. 2011-17
2. City of Las Vegas Amusement and Transportation Rides Code, 2010 Edition
3. Business Impact Statement

BILL NO. 2011-17

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE "CITY OF LAS VEGAS AMUSEMENT AND TRANSPORTATION RIDES CODE, 2010 EDITION" AS A REPLACEMENT FOR THE 1993 EDITION OF THAT DOCUMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 16, Chapter 48, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.48.010: That certain document entitled [~~"City of Las Vegas Amusement and Transportation Rides Code, 1993 Edition,"~~] "City of Las Vegas Amusement and Transportation Rides Code, 2010 Edition," three copies of which are on file in the Office of the City Clerk, is adopted by reference and made a part of this Code, to the same effect as if set out herein in full.

SECTION 2: That certain document entitled "City of Las Vegas Amusement and Transportation Rides Code, 1993 Edition" is hereby repealed in its entirety.

SECTION 3: That certain document referred to in Section 1 is attached to this Ordinance.

SECTION 4: This Ordinance shall become effective on July 5, 2011.

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 2-16-11
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

CITY OF LAS VEGAS AMUSEMENT AND TRANSPORTATION RIDES CODE, 2010 EDITION

SECTION 1: **Purpose.** The purpose of this Code is to establish minimum standards for the design, construction, alteration, maintenance, operation, inspection, and issuance of ride permits/certificates for, amusement and transportation rides for use by the public. The Code is intended to protect the public safety, health and general welfare by setting certain standards for structural strength, stability, health and general welfare by setting certain standards for structural strength, stability and safety relative to life and property hazards incident to the installation, construction, maintenance, alteration, repair, removal and use of amusement and transportation rides.

SECTION 2: **Scope.** Except as otherwise provided, the provision of this Code shall apply to all amusement rides and transportation rides that are erected or installed for a period of 30 days or longer.

This Code may be referred to as the "City of Las Vegas Amusement and Transportation Rides Code, 2010 Edition" or the "Amusement and Transportation Rides Code of the City of Las Vegas, 2010 Edition."

Nothing is this Code shall be deemed to deprive any federal or state agency, or any applicable governing body having jurisdiction, or any power or authority which it had on the effective date of this Code or of any remedy for the enforcement of its orders, nor shall anything in this Code be deemed to deprive any individual or entity of its legal rights as provided by law. Nothing herein is intended to regulate means of public transportation that are already regulated by the Nevada Public Service Commission.

Nothing in this Code shall be deemed to create any additional duty on the part of the City of its officers, agents and employees toward any individual or group of individuals. The liability provisions set forth in Section 202 of the Uniform Administrative Code, as adopted by the City, shall apply to this Code and the administration and enforcement thereof.

This Code shall be considered a "technical code" whose administrative provisions are generally contained in the Uniform Administrative Code, as adopted by the City of Las Vegas, except as otherwise specifically provided herein.

SECTION 3: **Definitions.** The terms used in this Code have the meanings ascribed to them in this Section, or in the Uniform Administrative Code or other technical codes adopted by the City of Las Vegas. Terms that are not defined in accordance with the preceding sentence shall have their ordinarily accepted meanings within the context in which they are used. Webster's "Third New International Dictionary of the English Language, Unabridged, 1981 Edition," shall be deemed to provide ordinarily accepted meanings.

"**Amusement Ride**" means any ride, device, building or structure which is put to public use and is used primarily for human entertainment, enjoyment or transportation of people, whether moving or stationary, or a structure which causes a medium to be moved to transport passengers. The final determination concerning whether or not a ride, device, building or structure shall be classified as an "amusement ride" is within the discretion of the Director.

"**Amusement Park**" means a tract or area used principally as a permanent location for amusement ride, transportation rides and building and systems associated therewith.

"**Attraction**" means an interactive device that contains elements such as a moving stage, hydraulics, pneumatics, fire spectacles or other devices designed to entertain.

"**Approved Agency**" means an agency regularly engaged in providing verification reports; manufacturing inspections or testing; raw material inspection; certification or testing of completed products or components at the point of fabrication or manufacture; or inspection or testing of assembled items or components at a project location during construction or installation.

"**Department**" means the Department of Building and Safety of the City of Las Vegas.

"**Director**" means the Director of the Department or his designee.

"**Major Modification**" of a Ride means any change in either the structural or operation characteristics of the Ride which will alter its performance from that specified in the manufacturer's design criteria.

"**Minor Modification**" of a Ride means any change that does not alter the structural or operation characteristics of the Ride no change its performance from that specified in the manufacturer's design criteria.

"**Operations and Maintenance Manual(s)**" means one or more manuals, written in the English language and approved by the Director, which specify the procedures for the Owner/Operator to follow to ensure proper maintenance and safe operation of Rides regulated by this Code.

"**Owner/Operator**" means the owner, operator and/or lessee of a Ride, and includes a person who has custody or control of the Ride.

"**Prohibited Use Notice**" means a formal written notice issued by the Department indicating noncompliance with the requirements of certification, installation, inspection, operation or any other requirement of this Code and further indicating that the Ride may not be operated for other than inspection or testing.

"**Qualified Individual**" means a designated representative of the Owner/Operator of a Ride who is technically qualified and is accountable to the Owner/Operator for the maintenance of a Ride.

"**Ride**" means an Amusement Ride or Transportation Ride.

"**Ride Operation Certificate**" means a certificate issued by the Department on an annual basis certifying that a Ride has been inspected and found to be in compliance with the manufacturer's requirements for operation and maintenance, the approved Operations and Maintenance Manual(S) and all other requirements of this Code.

"**Ride Permit**" means a permit issued by the Department authorizing construction and installation of a Ride. At the Director's option, the permit may include in its scope any subsidiary permits for supporting, enclosing or affiliated buildings or structures; utility permits; or other building service equipment.

"**Serious Injury**" means an injury to a person that results in hospitalization for inpatient or outpatient treatment or both.

"**Transportation Ride**" means any moving apparatus which is primarily intended for transportation but may provide entertainment and enjoyment while moving along, around or over a fixed or restricted course. The final determination concerning whether or not an apparatus shall be classified as a "transportation ride" is within the discretion of the Director. The term does not include automobiles, trucks, buses, surface trains or other means of transportation to the extent that such inclusion would conflict with existing regulation by federal, state or local authorities.

"**Verification Report**" means certification by an Approved Agency or the Department that all inspection and testing required by the manufacturer and the approved Operations and Maintenance Manual(s) have been performed and that the ride is in compliance therewith and with the applicable provisions and all other requirements of this Code.

SECTION 4: **Other Codes.** Any installation associated with a Ride regulated by this Code shall conform to the requirements of all other technical codes enforced by the Department as they apply to that installation.

SECTION 5: **Permit and Certification Requirements.** No Ride may be constructed or installed without a valid Ride Permit, and no Ride may be operated without a valid Ride Operation Certificate. The principal and ultimate (but not exclusive) responsibility for obtaining permits and certificates belongs to the Owner/Operator.

SECTION 6: **Owner/Operator and Qualified Individual.**

(A) Owner/Operator Responsibilities. The responsibilities of an Owner/Operator include but are not limited to: ensuring that all new and existing Rides for which he is responsible, as well as the associated equipment and safeguards, are periodically inspected and properly maintained and operated in accordance with the approved Operations and Maintenance Manual(s); designating a Qualified Individual for each Ride; and determining when a Ride's use should be discontinued.

(B) Qualified Individual Responsibilities. For each Ride, the Qualified Individual shall be the designated technical representative of the Owner/Operator with respect to that Ride and shall be responsible for having full operational knowledge of the Ride and responsibility for the maintenance of the Rid at all times it is in use. The Qualified Individual may be an employee of the Owner/Operator, the manufacturer or its representative, or a contracted maintenance company or its representative. This individual is responsible for providing all reports to the City of Las Vegas as described herein.

SECTION 7: **Reporting Requirements.**

(A) Fatalities. In the case of a fatality which appears to have resulted from mechanical or structural failure of a Ride or operator error related thereto, the Owner/Operator shall immediately cause the Ride to be closed down. He shall report the incident to the Department by telephone within four (4) hours after the incident and by written report to the Director within two (2) days.

(B) Serious Injuries. The reporting requirement for serious injuries shall be the same as those for fatalities.

(C) Structural Damage. Within five (5) days after the occurrence of structural damage to a Ride, the Owner/Operator shall file with the Director a written report concerning such damage.

(D) Action upon notification. Upon notification of a fatality, serious injury, or structural damage, the Director shall determine whether the Ride shall be sealed out-of-service by a "Prohibited Use Notice" until an investigation of the site and records can be performed. The Owner/Operator shall be responsible for fully inspecting the Ride, making corrective repairs, and testing components and operations as specified in this Code and the Operation and Maintenance Manual(s). The Owner/Operator has the burden to ensure that the Ride meets all requirements for return to service prior to requesting Department inspection. In the event that a Ride is sealed out-of-service in accordance with this Subsection (D), the Department shall perform an inspection within twenty-four (24) hours or as soon thereafter as possible.

(E) Content of Reports. Any written reports shall include all pertinent facts including:

(1) Date, time, and location of incident;
(2) Name, age, and address of victim(s);
(3) Type of injury;
(4) Hospital where treated;
(5) A description of the incident;
(6) Name, address and telephone number of the Owner/Operator and the Qualified Individual; and
(7) Damage to equipment, and the Owners/Operator's expected actions to repair or take out of service.

SECTION 8: **Administrative Actions.**

(A) **Prohibited Use Notice**. Where the Director determines that a Ride is not in compliance with the requirements of this Code, the applicable technical codes, the Uniform Administrative Code, the approved Operations and Maintenance Manuals(s) or if an accident has occurred which has resulted in a fatality, injury, or Ride system damage, the Director may declare that the continued operation of the Ride is prohibited. The Prohibited Use Notice shall recite the reason(s) for the finding. Upon receipt of a Prohibited Ride Notice, the Owner/Operator and Qualified Individual immediately shall cause the operation of the Ride to discontinue.

(B) **Out of Service Seal.** Upon issuance of a Prohibited Use Notice, the Director shall cause to be affixed to the control panel, one or more Out-Of-Services Seals stating that the Rid shall not be used except for testing or inspection. In the event that the Owner/Operator does not adequately secure the Ride,, the Director may in his discretion cause one or more Out-Of-Service Seal(s) to be placed across the entrance(s) to the Ride. No Notice or Seal shall be removed except by order of the Director after the Ride has been repaired, reinspected and certified as operational.

(C) **Inspection and Certification**. Once the Owner/Operator has effected a repair of all deficiencies identified in the Prohibited Use Notice, the Owner/Operator shall notify the Department and request an inspection. The Department shall perform an inspection within twenty-four (24) hours or as soon thereafter as possible. When the deficiencies are found to be corrected and any required tests have been completed successfully, the Out-of-Service Seal(s) shall be removed.

SECTION 9: **Appeals.** The Owner/Operator may appeal orders, decisions or determinations made by the Director relative to the application or interpretation of this Code in accordance with the appeal provisions set forth in the Uniform Administrative Code as adopted by the City of Las Vegas. Unless otherwise determined by the Director, a Prohibited Use Notice and Out-Of-Service Seal which are the subject of an appeal shall remain in effect during the pendency of the appeal. Failure of the Owner/Operator to file an appeal within the deadlines prescribed by the Uniform Administrative Code shall be a waiver of subsequent administrative redress.

SECTION 10: **Adoption of Standard for Physical Information.** That certain document, , being marked and designated as the American Society for Testing and Materials (ASTM) Standard F698-94 (re-approved 2000),Standard Specification for Physical Information to be Provided for Amusement Rides and Devices, is hereby adopted by reference as part of this Code.

SECTION 11: **Adoption of Standard for Ownership and Operation**. That certain document, being marked and designated as the American Society for Testing and Materials (ASTM) Standard F770-06a, Standard Practice for Ownership and Operation Procedures for Amusement Rides and Devices,
is hereby adopted by reference as part of this Code, but amended to include a new Section 11, reading as follows:

11.0 REQUIRED DOCUMENTS

11.1 Copies of all items identified in this standard shall be presented to the presented to the department for review and approval. All such documents shall be a part of the Ride Permit application package and are a required part of the total plan submittal package. The plans for construction may not be approved or any building permits issued until the information required herein is submitted, reviewed and approved.

11.2 Copies of the City of Las Vegas approved Operation and Maintenance Manual(s) identified in this standard shall be maintained at all times with the ride or at a location which is near the ride or device and which has been approved by the Director, his authorized agent or other concerned governmental agencies upon request during normal operating hours.

11.3 A copy of the emergency procedure shall be filed with the department to meet the intent of the standard included herein.

11.4 The owner/operator shall retain quality assurance documentation, such as material certification test reports, inspection records and reports for the life of the ride while under his/her control. Upon sale or other transfer of the ride, the Owner/Operator shall transfer these quality assurance documents to the new Owner/Operator.

SECTION 12**:** **Adoption of the Standard for Testing Performance** That certain document, being marked and designated as the American Society of Testing and Materials (ASTM) Standard F846-92 (re-approved 1998), Standard Guide for Testing Performance of Amusement Rides and Devices, is hereby adopted by reference as part of this Code, but amended to add to Section 7, Paragraph 7.1, reading as follows:

The manufacturer of the ride shall develop specific operational tests along with minimum intervals for these tests to be performed that will allow the owner/operator of the ride to determine whether a given ride is operating within prescribed operating limits. Testing as prescribed by the manufacturer shall be performed or observed by a third party testing agency approved by the department for intital installation and subsequent testing. When required by the approved Operations and Maintenance Manual(s), the owner/operator shall cause an approved third-party agency to perform or observe testing and/or inspection.

SECTION 13**:** **Adoption of Standard for Maintenance**. That certain document, being marked and designated as the American Society for Testing and Materials (ASTM) Standard F853-05, Standard Practice for Maintenance Procedures for Amusement Rides and Devices, is hereby adopted by reference as a part of this Code, but with the following amendments:

Section 4, Paragraph 4.1, Subparagraph 4.1.14 is amended by adding a new sentence to read as follows:

"The Owner/Operator shall provide the department, upon request, maintenance bulletins or similar documents, published by the manufacturer of the amusement ride after its initial installation."

Section 4, Paragraph 4.1, Subparagraph 4.1.4 is amended to read as follows:

4.1.4 A formal written daily log form must be completed and signed by the person performing maintenance prior to each day's operation, identifying each required maintenance and inspection item and attesting that the required maintenance procedures have been performed. A copy of the daily and other log forms required by the approved Operations and Maintenance Manual shall be maintained by the Owner/Operator as long as the ride is under the control of the Owner/Operator. All records shall be available for inspection upon request by the department and any of its assigned inspectors during working hours. All records and maintenance logs created subsequent to the date of the last annual department inspection shall be maintained on-site.

Section 4, Paragraph 4.1 is amended to add a new Subparagraph 4.1.15, reading as follows:

4.1.15 Any additional recommendation of the Owner/Operator, manufacturer or the Department of Building and Safety of the City of Las Vegas.

SECTION 14: **Adoption of Standard for Inspection.** That certain document, being marked and designated as the American Society for Testing and Materials (ASTM) Standard F893-05a, Standard Guide for Inspection of Amusement Rides and Devices, is hereby adopted by reference as a part of this Code, but with the following amendments:

Section 5, Paragraph 5.1, Subparagraph 5.1.1 is amended by the addition of two new sentences to read as follows:

A copy of the manufacturer's written quality assurance program shall be submitted for review and approval at the time a Ride Permit application is submitted. The director may also require that the quality assurance program be amended and brought into conformance with the adopted and published technical guidelines or other requirements of the City of Las Vegas prior to the approval of any amusement ride.

Section 5, Paragraph 5.1, Subparagraph 5.1.3.1 is amended to read as follows:

5.1.3.1 When changes in the procedures prescribed in Paragraph 5.1.3 are deemed essential by the manufacturer because of information not available to the manufacturer at the time of delivery, those changes shall be communicated in writing to the Owner/Operator and to the department.

Section 5, Paragraph 5.1, Subparagraph 5.1.5 is amended by adding a new sentence to read as follows:

The Owner/Operator shall provide the findings to the department when requested.

SECTION 15: **Adoption of Standard for Design and Manufacture.** That certain document, being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1159-02, Standard Practice for The Design and Manufacture of Amusement Rides and Devices is hereby adopted by reference as a part of this Code, but with the following amendments:

Section 1 is amended by adding a new Paragraph 1.3, reading as follows:

1.3 The application of this standard to systems or devices that involve hazardous materials, operations or equipment shall not affect or diminish the application or enforcement of the applicable requirements of the Fire Code or the International Building Code, including Chapter 9 thereof.

Section 4, Paragraph 4.1 is amended by adding a new Subparagraph 4.1.3, reading as follows:

4.1.3 Engineering analysis of primary structural, engineering and mechanical components.

Section 4 is amended by adding a new Paragraph 4.4 and a new Paragraph 4.5, reading as follows:

4.4 Engineering Review. When the ride is not designed by a Nevada-registered engineer or architect, the plans specifications, and calculations shall be reviewed by an engineer registered in Nevada to verify that the design is in conformance with this Code and other applicable standards.

4.5 Equivalency Review. Other demonstration of adequacy of design such as testing, product listing or any other appropriate documentation may be required or accepted by the director in lieu of engineering design or calculations.

SECTION 16: **Adoption of Standard for Quality Manufacture and Construction of Amusement Rides and Devices and Quality Assurance Program.** That certain document, being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1193-06, Standard Practice for Quality, Manufacture and Construction of Amusement Ride and Devices, is hereby adopted by reference as a part of this Code. It is the intent of the director that ride manufacturers shall maintain a quality assurance program that is satisfactorily equivalent to the Uniform Administrative Code, Section 306.6, entitled "Approved Fabricators." Documentation that the manufacturer meets this standard shall be furnished to the department at the time application for a Ride Permit is made.

SECTION 17: **Adoption of Standard for the Classification of Amusement Ride and Device Related Injuries and Illnesses.** That certain document being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1305-94 (Re-approved 2002), is hereby adopted with the following amendments:

Sections 2.1.1, 2.1.3, 3, 4.2 and 5 are not adopted.

Section 2.1.4 is modified to add the following sentences:

Simple Fractures – A simple fracture of any bone shall be reported as a serious injury. Toxic inhalation shall be considered a serious injury.

Section 4 is amended to add the following:

4.3.1.9 Damage to equipment, and the Owner/Operator's expected actions to repair or take out of service

4.4 It shall be the responsibility of the Owner/Operator to maintain all reports specified by this standard.

SECTION 18: **Adoption of Standard for Used Rides.** That certain document, ~~three copies of which are on file in the Office of the City Clerk, said copies~~ being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1950-99, Standard Specification for Physical Information to be transferred With Used Amusement Ride and Devices, is hereby adopted by reference as a part of this Code.

SECTION 19: **Adoption of Standard for Concession Go-Karts.** That certain document being marked and designated as the American Society for Testing and Materials (ASTM) Standard, F2007-07. Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go-Karts and Facilities, is hereby adopted by reference as part of this Code

SECTION 20. **Adoption of Standard for Measuring the Dynamic Characteristics of Amusement Rides and Devices.** That certain document being marked and designated as the American Society for Testing and Materials (ASTM) Standard, F2137-01 Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices, is hereby adopted by reference as a part of this Code

SECTION 21. **Adoption of Standard for Design of Amusement Rides and Devices.** That certain document being marked and designated as the American Society for Testing and Materials (ASTM) Standard, F2291-05, Standard Practice for Design of Amusement Ride and Devices is hereby adopted by reference as a part of this Code

Section 1 Scope is amended by the addition of new Section 1.6.

1.6 This standard may involve hazardous materials, operations and equipment. Where such substances or operations are involved, the requirements of International Building Code Section 307 and other appropriate sections of the International Building Code and Fire Code shall apply.

A new paragraph 5.1.1.4 is added to read as follows:

5.1.1.4 Passenger Evacuation – The ride analysis shall address passenger evacuation and shall provide an egress platform, stairway, walkway, elevator, scissors lift, ladder or other acceptable means to safely evacuate passengers from all positions during an unscheduled cessation.

A new paragraph 5.5.3 is added to read as follows:

5.5.3 Engineering Review – When the Ride is not designed by a Nevada Licensed engineer, a Nevada licensed engineer shall provide or ensure the necessary expertise to review subsystem design (i.e. civil, controls, mechanical, electrical, power, structural, etc.). The Nevada licensed engineer shall ensure subsystem integration compatibility and the overall system to verify that the design is in conformance with this chapter and other applicable standards. A report prepared by and stamped with the seal of the Nevada licensed engineer describing the review process shall be included with the submittal. Other proof of adequacy of design such as testing, product listing or any other appropriate documentation may be required or accepted by the Director in lieu of engineering design or calculations.

A new sentence is added to Paragraph 6.3.1 of ASTM 2291-05 to read as follows:

6.3.1 A rider restraint system, individually adjustable to the girth of the rider, may be required by the Director, based on a review of the unique operating characteristics of each particular Ride The Director may require the use of two independent restraints.

Add a new section 11.3.1.6 to ASTM 2291-05 to read as follows:

11.3.1.6 Ride Control System Review

11.3.1.6.1 The Ride control system shall be reviewed by an engineer registered in the state of Nevada or an agency acceptable to the department.

11.3.1.6.2 The analysis and conclusions of the review shall be provided to the department.

11.3.1.6.3 A testing program consisting of normal operation and worst case scenarios shall be developed to verify the Ride control system operates as designed. If the scenario has been designed by others, the design professional shall review the testing program.

Section 18 Unlisted or Uncertified Components is here by added and shall read as follows:

18. Unlisted or Uncertified Components. All unlisted or uncertified components shall be labeled using the appropriate standards by a Nationally recognized agency.

SECTION 22. **Adoption of Standard for Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements**. That certain document being marked and designated as the American National Standards Institute (ANSI) Standard B77.1-2006, American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements, is hereby adopted.

SECTION 23. **Adoption of Standards for Funiculars**. That certain document being marked and designated as the American National Standards Institute (ANSI) Standard B77.2-2004, American National Standard for Funiculars – Safety Requirements, is hereby adopted.

SECTION 24. **Adoption of Standard for Fixed Guideway Transit Systems**.

That certain document being marked and designated as the National Fire Protection Association, Inc., NFPA 130-2007, Standard for Fixed Guideway Transit and Passenger Rail systems is hereby adopted.

SECTION 25. **Adoption of Standard for Automated People Movers. (Part 1)** That certain document being marked and designated as the American Society of Civil Engineers, ASCE 21-05, Automated People Mover Standards – Part 1 (Operating Environment, Safety Requirements, System Dependability, Automatic Train Control (ATC), and Audio Visual Communications), is hereby adopted.

SECTION 26. **Adoption of Standard for Automated People Movers. (Part 2)**

That certain document being marked and designated as the American Society of Civil Engineers, ASCE 21-98, **Automated People Mover Standards – Part 2** (Vehicles, Propulsion and Braking), is hereby adopted.

SECTION 27. **Adoption of Standard for Automated People Movers. (Part 3)** That certain document being marked and designated as the American Society of Civil Engineers, ASCE 21-00, Adopted People Mover Standards – Part 3 (Electrical, Stations, and Guideways), is hereby adopted.

SECTION 28. **Adoption of Standard for Bungy Jumping**. That certain document being marked and designated as the Australian/New Zealand Standard, AS/NZS 5848:2000, Code of Practice for Bungy Jumping, is hereby adopted with the following amendment:

Add a new section 114.7.2(h) to read as follows:

(h) When the exposure to daylight exceeds 250 hours.

SECTION 29. **Adoption of Standard for Flame Effects**. That certain document being marked and designated as the National Fire Protection Agency (NFPA) 160, Standard for Flame Effects before an Audience, 2006 Edition is hereby adopted.

SECTION 30. **Requirements for an attraction**. Devices classified as an attraction must obtain all appropriate permits and inspections required for installation. In addition, an attraction must demonstrate the following:

1. In the event of a fire alarm or signal, the attraction must stop all confusing sounds and show elements and reset to its original load/unload position.

2. Exits must be illuminated and visible. Additional exit signs and directional markings may be required.

3. Lighting shall be restored to a level equivalent to the building requirements prior to the attraction being run.

4. Attractions must be built of materials and comply with material specifications appropriate to the building where the attraction is placed.

5. Attractions shall demonstrate compliance with codes and manufacturer's specifications and obtain all permits and inspections prior to public operation.

SECTION 31: **Rides, Structures, or Transportation Devices with Insufficient Data or Built to Other Standards.** When information on a Ride, structure or transportation devices is insufficient to meet the standards of this Code, or the Ride was built to other standards, the Owner/Operator or Qualified Individual shall provide such information as the director determines to be appropriate. Such information shall conform to the intent of this Code and shall include engineering analysis and calculations, testing programs, and inspections of the Ride, structure or transportation device, as appropriate. When the Owner/Operator possesses or can obtain one or more published standards under which the Ride was designed and built, the Owner/Operator shall submit the standard(s) along with the design, calculations, testing and inspection data for review in accordance with Sections 105, 106 and 107 of the Uniform Administrative Code. The Department shall determine whether and to what extent equivalency exists.

SECTION 32: **Violations**

A. It is unlawful for a person to construct or allow to be constructed, or to operate or allow to be operated any Ride:

1. Without a valid Ride Permit issued pursuant to this Code;

2. Without a valid Ride Operation Certificate issued pursuant to this Code;

3. In violation of an Out-of-Service Seal or Prohibited Use Notice;

4. In violation of the safety requirements of this Code.

B. It is unlawful for a person to fail to perform any act required by this Code or to perform any act which is prohibited by this Code.

SECTION 33: Fees. Fees applicable to this Code shall be set forth in the Uniform Administrative Code, as adopted by the City of Las Vegas.

BUSINESS IMPACT STATEMENT
BILL NO. 2011-17
(Adopts the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-17, that will adopt the 2010 Edition of the City of Las Vegas Amusement and Transportation Rides Code as a replacement for the 1993 Edition of that Code.

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.

Notice of the proposed ordinance was published in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to development-related and construction groups that are representative of affected industries. No written responses were received.

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:

Those proposing construction will need to plan for and adjust to any new or differing Code requirements

Beneficial effects:

Code provisions that are updated and that are consistent with other area jurisdictions

Direct effects:

See adverse and 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: February 16, 2011

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2011-18 – Makes minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments. Proposed by: Candace Falder, Director of Finance, and Flinn Fagg, Acting Director of Planning

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will make minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments. The adjustments correspond to recent changes in the zoning regulations and are designed to provide greater flexibility and availability of licensing and zoning approvals. In connection with the greater availability of these approvals, the bill includes a reduction in the license fee and origination fee applicable to these businesses.

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. 2011-18
2. Business Impact Statement

BILL NO. 2011-18

ORDINANCE NO. _____

AN ORDINANCE TO MAKE MINOR ADJUSTMENTS TO THE LICENSING AND ZONING TREATMENT OF BEER/WINE/COOLER CULTURAL ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Candace Falder, Director of Finance
Flinn Fagg, Acting Director of Planning

Summary: Makes minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 50, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.040: A beer/wine/cooler [art] cultural event license authorizes the sale only of beer, wine and coolers for consumption only at [an art gallery or art studio] a museum, performing arts theater, or facility licensed as an art gallery or art studio, and only during the hours of an artistic exhibition, presentation or performance.

SECTION 2: Ordinance No. 6126 and Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.50.360 reads as follows:

6.50.360: Each licensee shall pay to the Department, in advance, the semiannual license fees set forth in the following schedule:

License Category	Semiannual License Fee (Dollars)
Alcoholic beverage caterer	500.00
Ancillary lounge bar	1,200.00
Banquet or event establishment	500.00
Beer/wine/cooler [art] cultural event on-sale	[300.00] 150.00
Beer/wine/cooler on-sale	300.00
Beer/wine/cooler off-sale	300.00
Beer/wine/cooler on-off sale	600.00
Brew/pub/tavern	1,200.00
Convention facility	1,200.00
General on-sale	1,200.00

License Category	Semiannual License Fee (Dollars)
General on-sale (beer and wine)	500.00
Gift basket limited	300.00
Gift shop limited	500.00
Grocery store or mega store internet sale	500.00
Instructional wine making facility	600.00
Keg beer	200.00
Liquor manufacturer	1,000.00
Nonprofit club general on-sale	200.00
Nonprofit club restaurant service bar	100.00
Package	750.00
Permanent trade show facility	2,400.00
Restaurant service bar	600.00
Supper club	800.00
Plus: fee for each additional bar	750.00
Tavern (one bar)	1,200.00
Plus: fee for each additional bar	900.00
Tavern-limited	800.00
Plus: fee for each additional bar	500.00
Urban lounge	1,000.00
Plus: fee for each additional bar	750.00
Wholesale general	1,000.00
Wine, beer, cordial, liqueur tasting	600.00

Each special event general licensee shall pay a license fee of one hundred dollars per day.

Each special event beer/wine licensee shall pay a license fee of seventy-five dollars per day.

SECTION 3: Ordinance No. 6126 and Title 6, Chapter 50, Section 380, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.50.380 reads as follows:

6.50.380: (A) The origination charge listed in this Section is a one time charge which is due and payable at the time of filing an application for an alcoholic beverage license. Origination charges are as follows:

. . .

. . .

License Category	Origination Charge (Dollars)
Alcoholic beverage caterer	4,000.00
Ancillary lounge bar	40,000.00
Banquet or event establishment	20,000.00
Beer/wine/cooler [art] cultural event on-sale	[1,000.00] 500.00
Beer/wine/cooler on-sale	2,500.00
Beer/wine/cooler off-sale	2,500.00
Beer/wine/cooler on-off sale	5,000.00
Brew/pub/tavern	75,000.00
Convention facility	75,000.00
General on-sale	75,000.00
General on-sale (beer and wine)	20,000.00
Gift basket limited	1,000.00
Gift shop limited	4,000.00
Grocery store or mega store internet sale	2,500.00
Instructional wine making facility	2,500.00
Keg beer	4,000.00
Liquor manufacturer	10,000.00
Nonprofit club general on-sale	2,000.00
Nonprofit club restaurant service bar	1,000.00
Package	40,000.00
Permanent trade show facility	60,000.00
Restaurant service bar	30,000.00
Supper club	40,000.00
Tavern	75,000.00
Tavern-limited	20,000.00
Urban lounge	50,000.00
Wholesale general	10,000.00
Wine, beer, cordial, liqueur tasting	2,000.00

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sold, transferred to

a third party, or transferred to a new location, notwithstanding any provision of this Title to the contrary.

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the description of the use "Beer/Wine/Cooler Cultural Establishment," as found in the "Retail and Personal Services" element thereof, to read as follows:

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.

SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the definition of the term "Beer/Wine/Cooler Cultural Establishment" to read as follows:

"Beer/Wine/Cooler Cultural Establishment" means 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 Table 2, as adopted in Section 19.04.010.

SECTION 6: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the term "Beer/Wine/Cooler Art Event" and its corresponding definition.

SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

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: 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 3-1-11
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. 2011-18
(Makes minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-18, that would make minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments.

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:

Expanded licensing category with lower license-related fees

Direct effects:

Expanded licensing category with lower license-related fees

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: March 1, 2011

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 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: MARCH 16, 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
CITY COUNCIL MEETING OF: MARCH 16, 2011

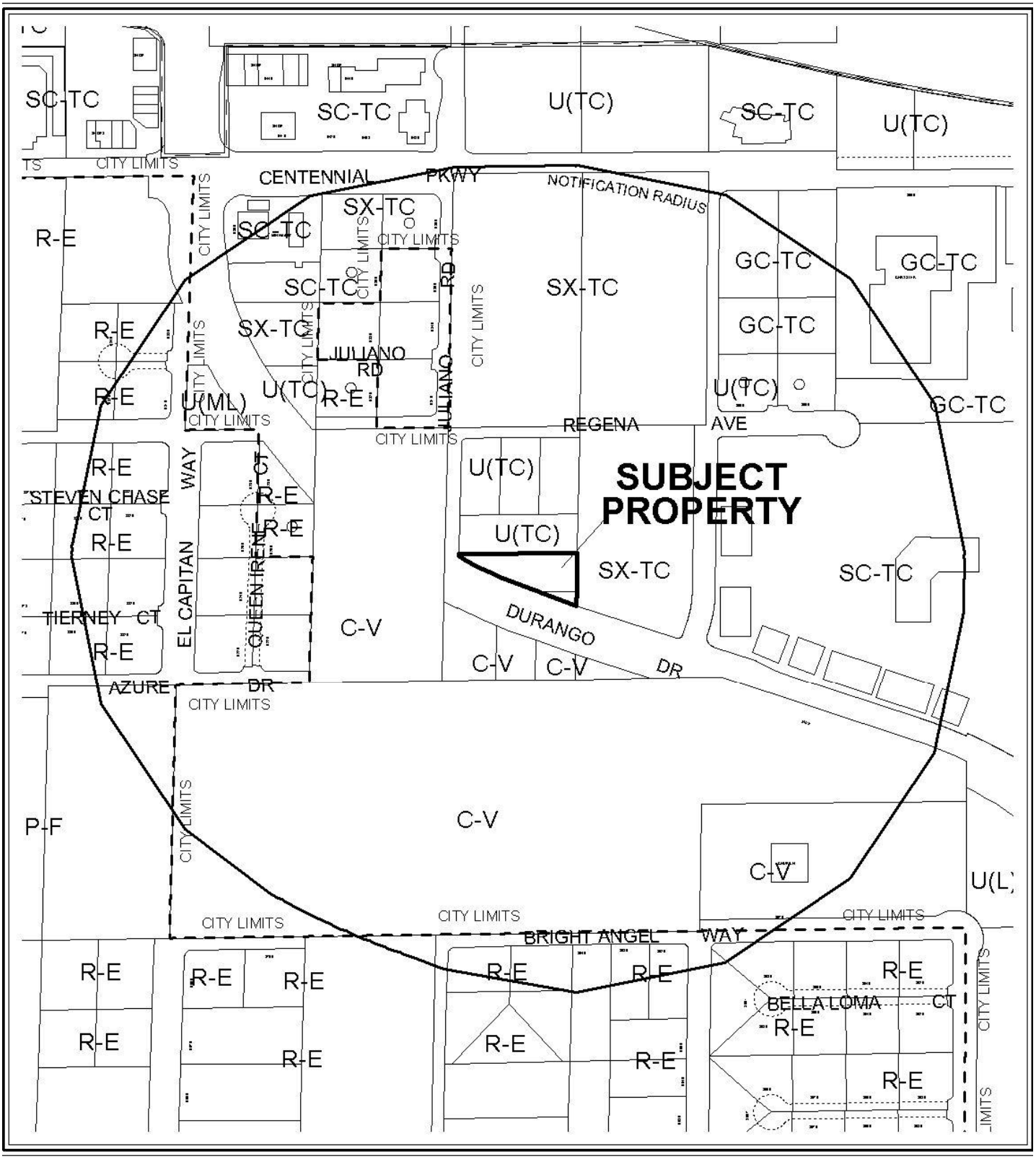
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-40469 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: T-C (TOWN CENTER) [SX-TC (Suburban Mixed-Use - Town Center) Special Land Use Designation] on 0.54 acres at the northeast corner of Durango Drive and Juliano Road (APNs 125-29-502-020 and 025), Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter

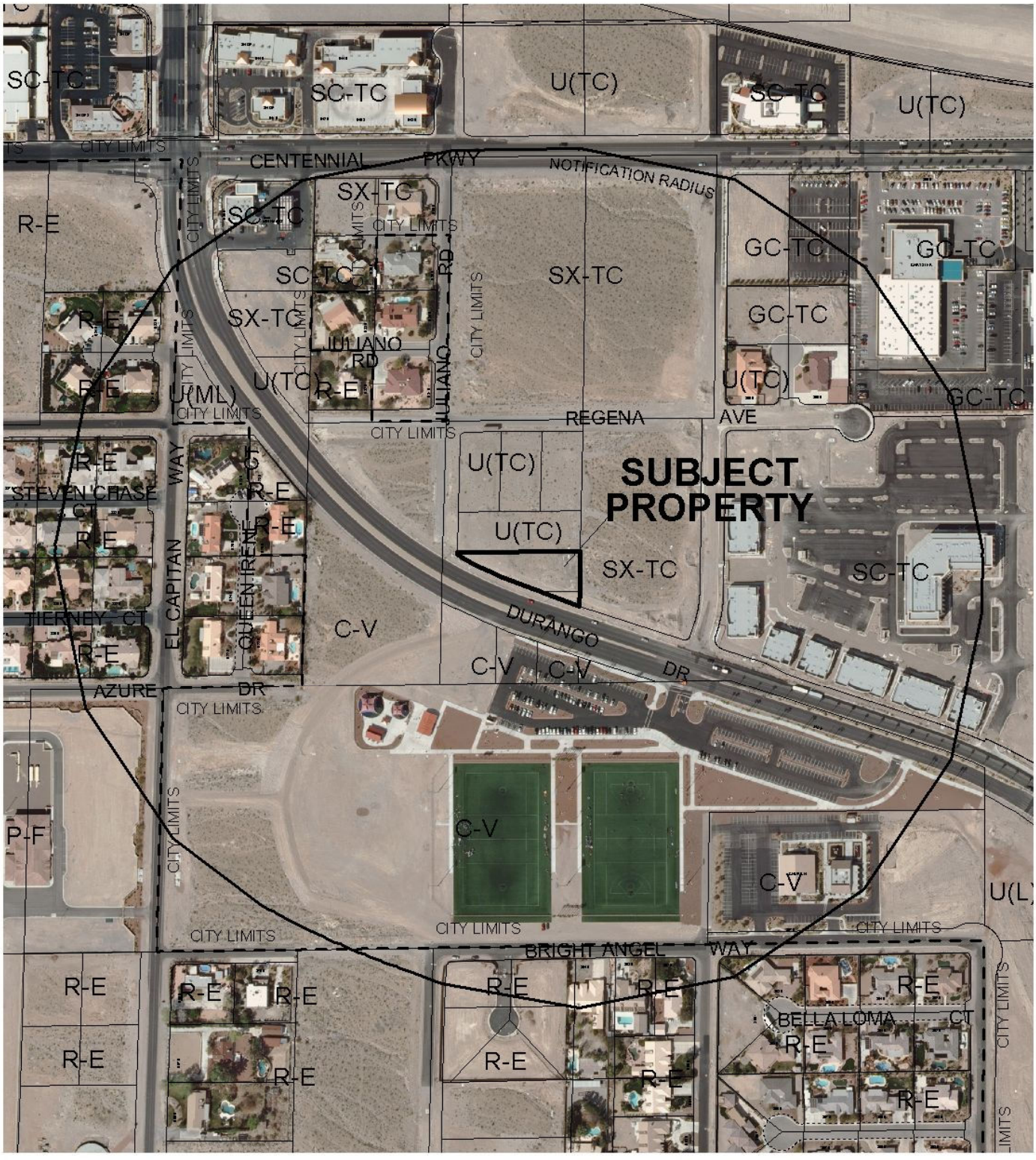


CASE: **ZON-40469**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)



0 300 600 Feet

CASE: **ZON-40469**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
ZON-40469	Staff recommends APPROVAL.	

YK

Staff Report Page One
March 16, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to rezone City-owned property on the east side of Durango Drive, approximately 325 feet south of Regena Avenue from R-E (Residence Estates) to T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center), containing .53 acres. The parcels are currently undeveloped and no specific development proposals are being made in conjunction with this request. The parcel is adjacent on all sides to undeveloped land. As the proposed zoning conforms to the General Plan staff recommends approval. If denied, the lot will remain designated R-E (Residence Estates) and the zoning designation will remain inconsistent with the existing land use designation.

ISSUES

- The proposed T-C (Town Center) zoning would allow for conformance to the existing General Plan land use designation for this parcel, and is required for all property located within the Town Center Master Plan area.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/21/02	The City Council approved a General Plan Amendment (GPA-0019-02) to amend a portion of the southern boundary of the Centennial Hills Sector Town Center Plan to match the alignment of the proposed S Curve; and to amend the future land use within the revised boundary area from: ML (Medium Low Density Residential), L (Low Density Residential), GC (General Commercial) and SC-TC (Service Commercial – Town Center) to: GC-TC (General Commercial – Town Center), SX-TC (Suburban Mixed Use – Town Center), SC-TC (Service Commercial – Town Center) and PF-TC (Public Facilities – Town Center) on parcels north of the proposed S Curve, south of Centennial Parkway and west of Durango Drive. The Planning Commission and staff recommended approval.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 6/yk).

Most Recent Change of Ownership	
11/15/00	A deed was recorded for a change in ownership for 125-29-502-020.
11/30/00	A deed was recorded for a change in ownership for 125-29-502-025.

YK

Related Building Permits/Business Licenses
There is no activity on file for these parcels.

Pre-Application Meeting	
12/14/10	Staff reviewed the requirements for a Rezoning application.

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
01/13/11	Staff conducted a field check and found an undeveloped lot with where some excess dirt has been dumped. There were some small weeds and minor debris on the site.

Details of Application Request	
Site Area	
Net Acres	0.53

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	SX-TC (Suburban Mixed Use - Town Center)	R-E (Residence Estates)
North	Undeveloped	SX-TC (Suburban Mixed Use - Town Center)	U (Undeveloped)
South	Undeveloped	PF (Public Facilities)	C-V (Civic)
	Park	PF (Public Facilities)	
East	Undeveloped	SX-TC (Suburban Mixed Use - Town Center)	T-C (Town Center)
West	Undeveloped	SX-TC (Suburban Mixed Use - Town Center)	T-C (Town Center)

Master Plan Areas	*Yes*	*No*	*Compliance*
Town Center Master Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
T-C (Town Center) District	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

ANALYSIS

These parcels are remnants of the Durango Drive right-of-way acquisition. There is a multi-use trail and bike path located along this right-of-way. However, since no development proposal is being presented at this time, there is no impact.

If approved, this request would rezone the subject site from R-E (Residence Estates) to T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center)]. Rezoning of this parcel is appropriate, as the proposed T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center)] zoning district is required for all properties within the Town Center Master Plan area, is consistent with the existing T-C (Town Center) General Plan designation and the zoning is compatible with the surrounding adjacent land uses. Staff therefore recommends approval.

FINDINGS (ZON-40469)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   The site is designated TC (Town Center) on the General Plan. The proposed T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center)] Zoning designation is in conformance with the existing General Plan designation.

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.**

   The potential uses allowed in the proposed T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center)] district are appropriate for the area.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The subject site has a land use designation of TC (Town Center). Rezoning of the subject site will allow conformance with the existing land use designation of the subject site, and is required for developments with the Town Center Master Plan area.

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.**

   Access to this site is provided from Durango Drive, a fully improved 120-foot wide Parkway Arterial as designated by the Master Plan of Streets and Highways.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

NOTICES MAILED 42 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-40469** APN: 125-29-502-020 & 025

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas

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: _____

Partner(s): _____ _____

APN: _____

RECEIVED
DEC 15 2010

Signature of Property Owner: _____

Print Name: Peter Lowenstein

Subscribed and sworn before me

This 14th day of December, 2010

_____
Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Rezoning

Project Address (Location) West of Juliano Rd approximately 325 feet south of Regina Ave.

Project Name N/A **Proposed Use** N/A

Assessor's Parcel #(s) 125-29-502-020 & 025 **Ward #** 6 (Ross)

General Plan: existing TC proposed N/A **Zoning:** existing R-E proposed T-C

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres .54 **Lots/Units** N/A **Density** N/A

Additional Information Rezoning from R-E (Residence Estates) to T-C (Town Center District).

PROPERTY OWNER City of Las Vegas **Contact** Peter Lowenstein

Address 731 S 4th Street **Phone:** (702) 229-4693 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

APPLICANT City of Las Vegas **Contact** Peter Lowenstein

Address 731 S 4th Street **Phone:** (702) 229-6301 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

REPRESENTATIVE **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* Peter Lowenstein

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Peter Lowenstein

Subscribed and sworn before me

This 14th day of December, 2010.

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

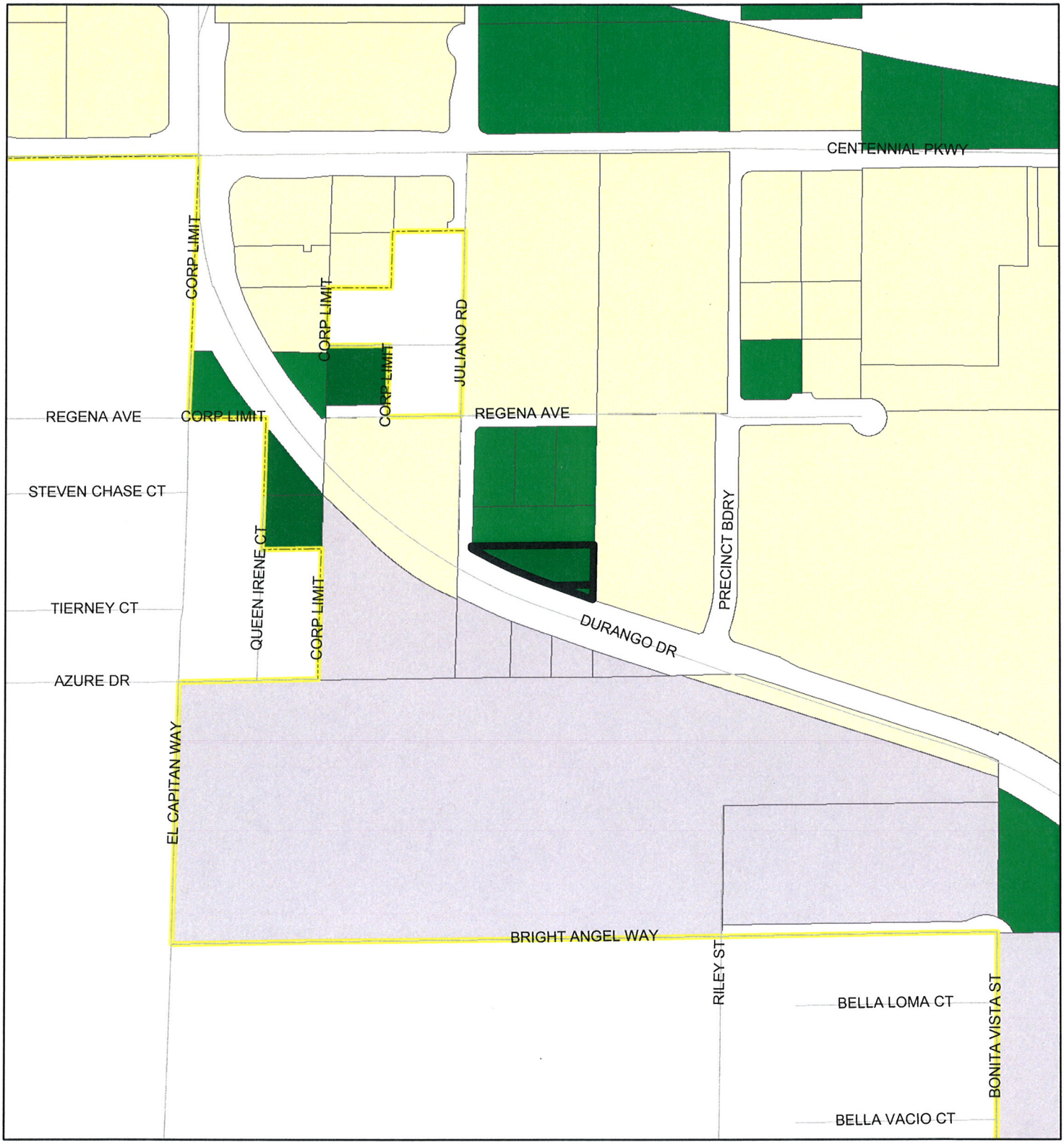
FOR DEPARTMENT USE ONLY

Case #	ZON-40469
Meeting Date:	2/8/11
Total Fee:	$1,200.00
Date Received:*	12/14/10
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.

REZONING Parcel: 125-29-502-020 and 125-29-502-025

ZON - 40469



ZONING

C-V	R-MH	R-3	O	C-2
C-PB	R-CL	R-4	C-D	C-M
P-C	R-2	R-5	C-1	M
U	R-D	R-MHP	PD	Subject Parcel
R-A	R-PD	P-R	T-D	City Limits
R-E	R-1	N-S	TC	ROI Zoning

FROM R-E TO T-C

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: December 17, 2010

PLANNING & DEVELOPMENT



ZON-40469 - APPLICANT/OWNER: CITY OF LAS VEGAS

0.54 ACRES ON THE WEST ALIGNMENT OF JULIANO ROAD APPROXIMATELY 325 FEET SOUTH OF REGENA AVENUE

01/13/11



ZON-40469 - APPLICANT/OWNER: CITY OF LAS VEGAS
0.54 ACRES ON THE WEST ALIGNMENT OF JULIANO ROAD APPROXIMATELY 325 FEET SOUTH OF REGENA AVENUE

01/13/11

PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

December 14, 2010

Steve Gebeke
Planning and Development Department
731 S 4th Street
Las Vegas, NV 89101

RE: Application ZON-40469
Assessor's Parcel Number 125-29-502-020 & 025

Dear Mr. Gebeke:

In regard to these parcels, staff has determined that the existing General Plan designation and zoning classification are inconsistent with possible future development. In order to resolve this inconsistency and ensure that future development is compatible with existing development, staff is proposing to change the zoning district of the subject parcels to T-C (Town Center). Please call me at 229-4693 with any questions.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Planning & Development Department

PL:nl

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

City Manager
Elizabeth N. Fretwell

RECEIVED
DEC 15 2010

ZON-40469

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

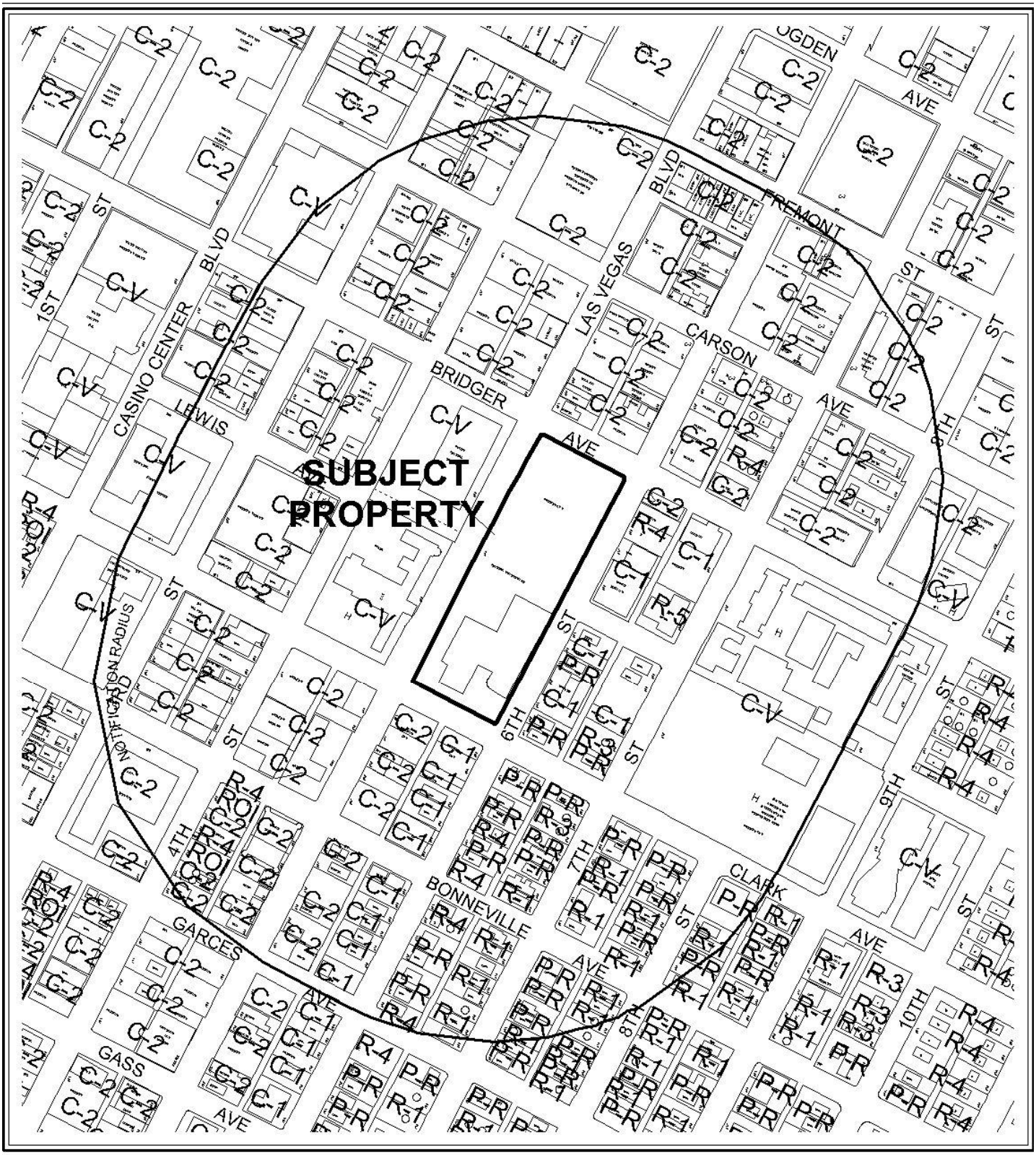
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-40478 - REZONING - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: USA - Request for a Rezoning FROM: C-2 (GENERAL COMMERCIAL) TO: C-V (CIVIC) on 5.96 acres at 333 South Las Vegas Boulevard (APN 139-34-701-001), Ward 3 (Reese). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the February 8, 2011 Planning Commission Meeting Item ZON-40478



0 300 600 Feet

CASE: **ZON-40478**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



0 300 600 Feet

CASE: **ZON-40478**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: CITY OF LAS VEGAS - OWNER: USA

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
ZON-40478	Staff recommends APPROVAL.	

YK

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to rezone property at 333 South Las Vegas Boulevard from C-2 (General Commercial) to C-V (Civic), containing 6.03 acres. Currently, a Federal Courthouse is located on this parcel. The parcel is adjacent to existing commercial and civic zoned properties and is already designated for PF (Public Facilities) land uses by the General Plan. As the proposed zoning conforms to the General Plan and the existing use is compatible with the existing surrounding land uses, staff recommends approval. If denied, the lot will remain designated C-2 (General Commercial) and the zoning designation will remain inconsistent with the existing land use designation.

ISSUES

- The proposed zoning would allow for conformance with the existing General Plan land use designation for this parcel.
- The existing use of the subject site as a Government Facility is a permissible use in the C-V (Civic) zoning district, and is consistent with the existing General Plan designation.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
10/05/55	City Council approved Rezoning (Z-0008-55) from R-4 (High Density Residential) to C-1 (Limited Commercial) for parcel 139-34-701-001.
12/10/59	City Council approved Rezoning (Z-0041-59) from C-1 (Limited Commercial) to C-2 (General Commercial) for parcel 139-34-701-001.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda 7/yk).

Most Recent Change of Ownership	
10/08/97	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
No Permits are on file for this federal property.

Pre-Application Meeting	
12/14/10	Staff reviewed the requirements for a Rezoning application.

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
01/13/11	Staff found no issues during the site visit.

Details of Application Request	
Site Area	
Net Acres	6.03

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Government Facility	PF (Public Facilities)	C-2 (General Commercial)
North	Wedding Chapel	C (Commercial)	C-2 (General Commercial)
South	Parking Lot	C (Commercial)	C-2 (General Commercial)
			C-1 (Limited Commercial)
East	Offices	C (Commercial)	C-2 (General Commercial)
	Parking Lot	C (Commercial)	R-4 (High Density Residential)
	Offices	C (Commercial)	C-1 (Limited Commercial)
	Parking Lot	C (Commercial)	P-R (Professional Office and Parking)
West	Government Facilities	PF (Public Facilities)	C-V (Civic)

Master Plan Areas	*Yes*	*No*	*Compliance*
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
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 project is located in the Downtown Centennial Plan Overlay, which provides standards for development in the downtown area. The project is in conformance with these standards. The parcel is also on the Las Vegas Boulevard Scenic Byway Overlay, which provides standards for signage. No signage is proposed with this project. As there are no residential uses with the project, the Live/Work Overlay does not apply.

If approved, this request would rezone the subject site from C-2 (General Commercial) to C-V (Civic). Such action would conform to the existing PF (Public Facility) General Plan land use designation on this parcel. The C-V (Civic) zoning district is intended to provide for existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, and other public utility facilities. Rezoning of this parcel is appropriate, as the proposed C-V (Civic) zoning district is consistent with the existing PF (Public Facilities) General Plan designation, the existing Government Facility use is a permissible use in the C-V (Civic) zoning district, and the zoning is compatible with the surrounding adjacent land uses. Staff therefore recommends approval.

FINDINGS (ZON-40478)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   The site is designated PF (Public Facilities) on the Southeast Sector Land Use Plan Map of the General Plan. The proposed C-V (Civic) Zoning designation is in conformance with the existing General Plan designation.

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.**

   The potential uses allowed in the proposed C-V (Civic) district are appropriate for the area.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The subject site has a land use designation of PF (Public Facilities). Rezoning of the subject site will allow conformance with the existing land use designation of the subject site.

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.**

   Access to this site is provided from Las Vegas Boulevard, a fully improved 100-foot wide Primary Arterial as designated by the Master Plan of Streets and Highways. The existing courthouse is sufficiently served by existing roadway facilities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 36

NOTICES MAILED 203 (By City Clerk)

APPROVALS 1

PROTESTS 0

YK

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-40478** APN: 139-34-701-001

Name of Property Owner: USA

Name of Applicant: City of Las Vegas

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: _____

Partner(s): _____ _____

APN: _____

RECEIVED
DEC 15 2010

Signature of Property Owner: _____

Print Name: Flinn Fagg

Subscribed and sworn before me

This 14th day of December, 2010

_____
Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Rezoning

Project Address (Location) 333 S Las Vegas Boulevard

Project Name N/A **Proposed Use** N/A

Assessor's Parcel #(s) 139-34-701-001 **Ward #** 3 (Reese)

General Plan: existing PF proposed N/A **Zoning:** existing C-2 proposed C-V

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres 5.96 **Lots/Units** N/A **Density** N/A

Additional Information Rezoning from C-2 (General Commercial) to C-V (Civic).

PROPERTY OWNER City of Las Vegas **Contact** Flinn Fagg

Address 731 S 4th Street **Phone:** (702) 229-6301 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

APPLICANT City of Las Vegas **Contact** Flinn Fagg

Address 731 S 4th Street **Phone:** (702) 229-6301 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

REPRESENTATIVE **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* F. Fagg

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Flinn Fagg

Subscribed and sworn before me

This 14th day of December, 2010.

Nora Lares

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

FOR DEPARTMENT USE ONLY

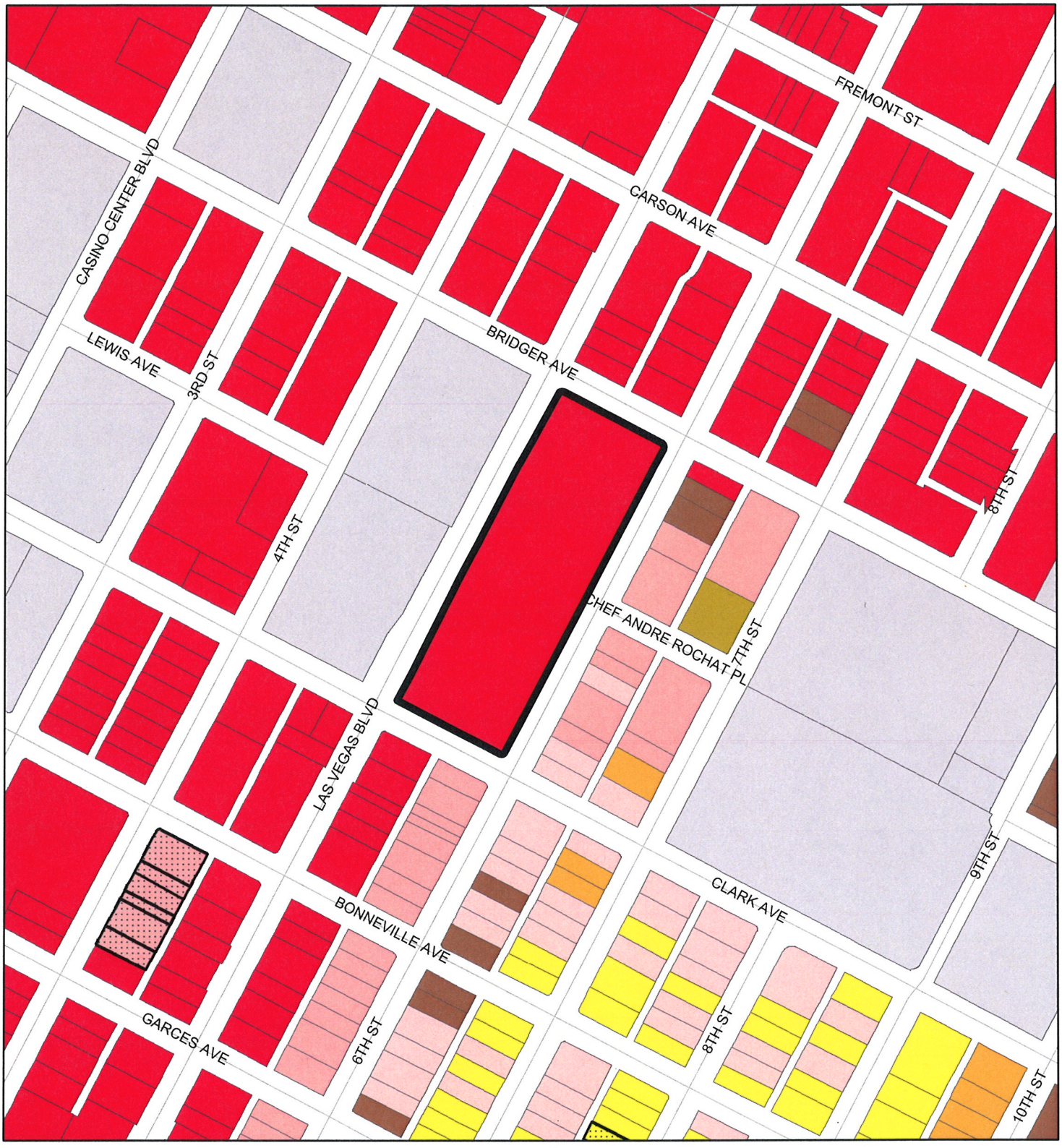
Case #	ZON-40478
Meeting Date:	2/8/11
Total Fee:	$1,200.00
Date Received:*	12/14/10
Received By:	

*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.

Revised 10/27/08

REZONING Parcel: 139-34-701-001

ZON - 40478



ZONING

C-V	R-MH	R-3	O	C-2
C-PB	R-CL	R-4	C-D	C-M
P-C	R-2	R-5	C-1	M
U	R-D	R-MHP	PD	Subject Parcel
R-A	R-PD	P-R	T-D	City Limits
R-E	R-1	N-S	TC	ROI Zoning

FROM C-2 TO C-V

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: December 17, 2010

PLANNING & DEVELOPMENT



ZON-40478 - APPLICANT: CITY OF LAS VEGAS - OWNER: USA
333 SOUTH LAS VEGAS BOULEVARD

01/13/11

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

December 14, 2010

Steve Gebeke
Planning and Development Department
731 S 4th Street
Las Vegas, NV 89101

RE: Application ZON-40478
Assessor's Parcel Number 139-34-701-001

Dear Mr. Gebeke:

In regard to the subject parcel, staff has determined that the existing General Plan designation and zoning classification are inconsistent with possible future development. In order to resolve this inconsistency and ensure that future development is compatible with existing development, staff is proposing to change the zoning district of the subject parcel to C-V (Civic). Please call me at 229-4693 with any questions.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Planning & Development Department

PL:nl

RECEIVED
DEC 15 2010

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

City Manager
Elizabeth N. Fretwell

CITY OF LAS VEGAS NEVADA

07101-001-06-09

ZON-40478

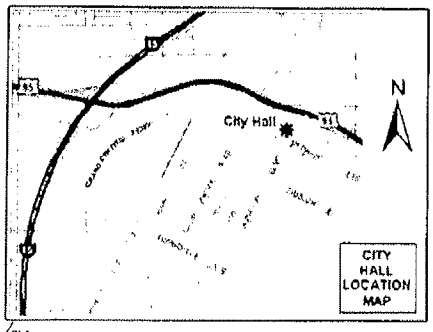
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 27 2011
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.

ZON-40478
Planning Commission Meeting of 2/8/2011

Case ZON-40478
13934311142
GARCES VENTURE L L C
%R FINVARB
1065 KANE CONCOURSE #201
BAY HARBOR ISLANDS FL 33154-2100

109 KRDFN11 33154

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

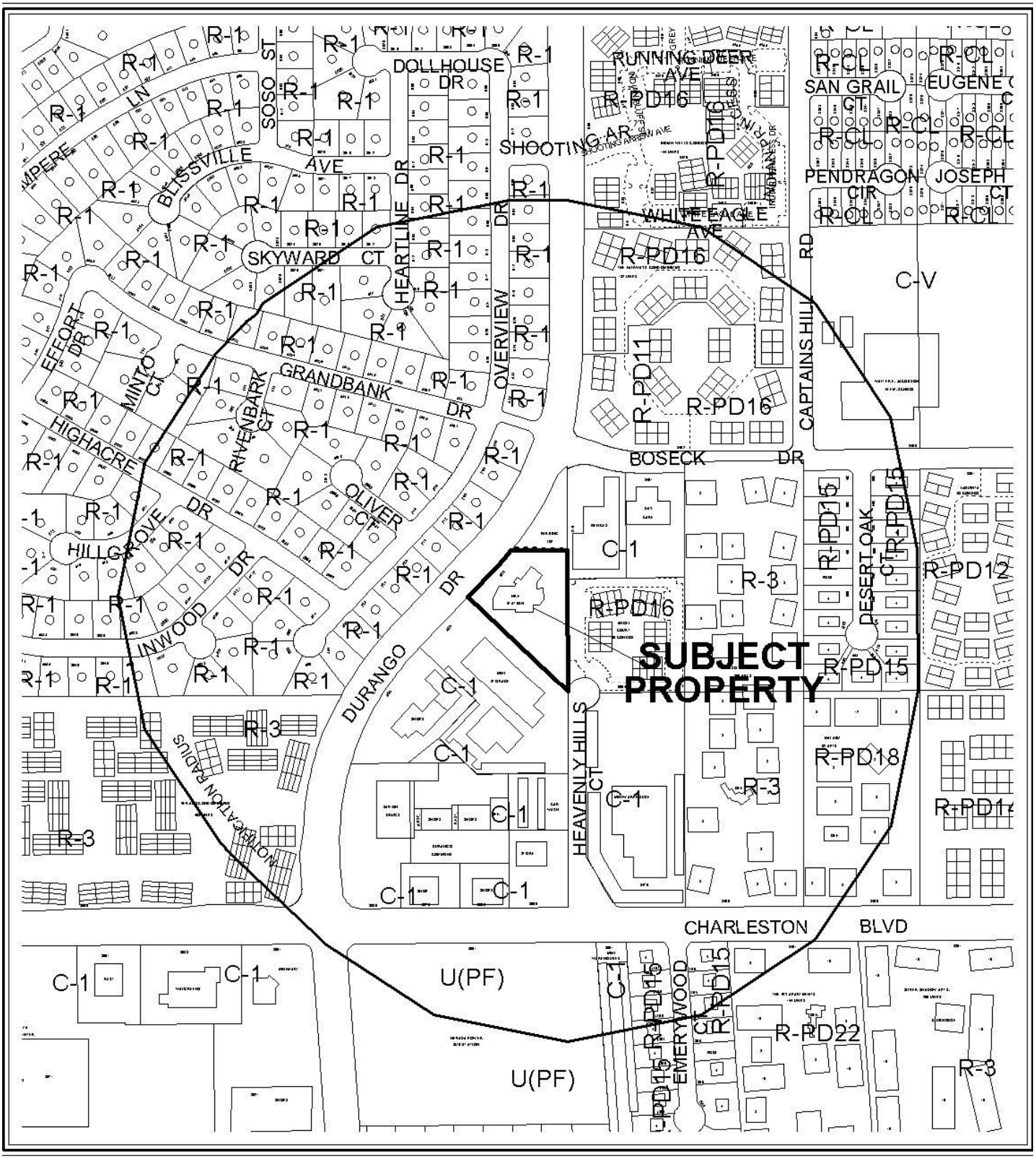
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-40496 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-V (CIVIC) on 1.59 acres at 900 South Durango Drive (APN 138-32-802-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards
7. Backup referenced from the February 8, 2011 Planning Commission Meeting Item ZON-40496



0 200 400 Feet

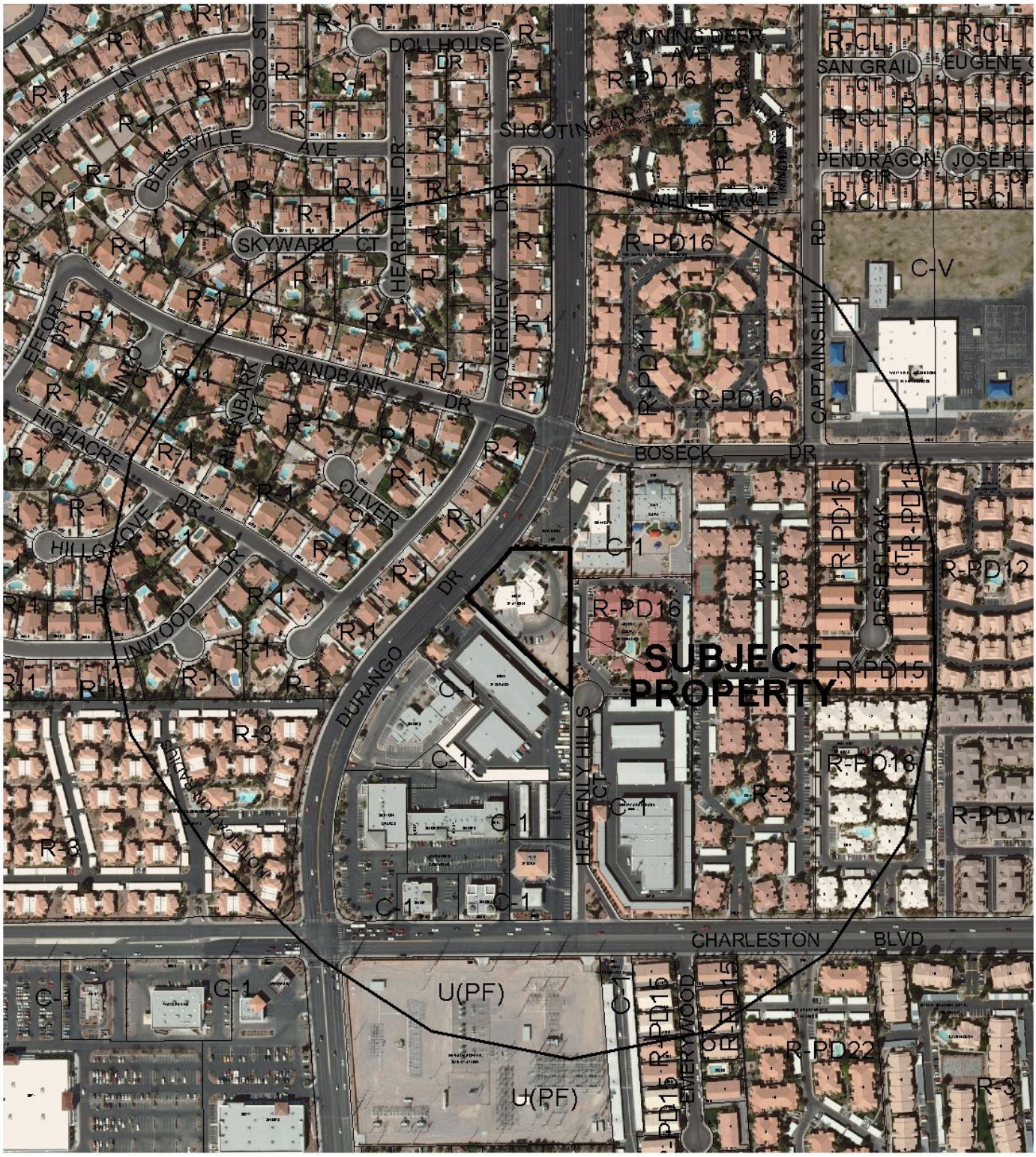
CASE: **ZON-40496**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



0 200 400 Feet

CASE: **ZON-40496**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
ZON-40496	Staff recommends APPROVAL.	

YK

Staff Report Page One
March 16, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to rezone property at 900 South Durango Drive from C-1 (Limited Commercial) to C-V (Civic), containing 1.59 acres. Currently, a Fire Station is located on this lot. The lot is adjacent to existing commercial and residentially zoned properties and is already designated for PF (Public Facilities) land uses by the General Plan. As the proposed zoning conforms to the General Plan and the existing use is compatible with the existing surrounding land uses, staff recommends approval. If denied, the lot will remain designated C-1 (Limited Commercial) and the zoning designation will remain inconsistent with the existing land use designation.

ISSUES

- The proposed zoning would allow for conformance with the existing General Plan land use designation for this lot.
- The existing use of the subject site as a Fire Station is a permissible use in the C-V (Civic) zoning district, and is consistent with the existing General Plan designations.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/17/80	The City Council approved Annexation (A-0018-80) of 2,246 acres located on the northwest corner of Sahara Avenue and Durango Drive. The Planning Commission and staff recommend approval.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda 8/yk).

Most Recent Change of Ownership	
12/08/86	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
No relevant permits are on file.

Pre-Application Meeting	
12/16/10	Staff reviewed the requirements for a Rezoning application.

YK

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
01/13/11	Staff found a well maintained active firehouse. No concerns were noted.

Details of Application Request	
Site Area	
Net Acres	1.55

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Fire Station	PF (Public Facilities)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Mini Storage	SC (Service Commercial)	C-1 (Limited Commercial)
East	Condominiums	M (Medium Density Residential)	R-PD16 (Residential Planned Development 16 units per acre)
West	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

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

If approved, this request would rezone the subject site from C-1 (Limited Commercial) to C-V (Civic). Such action would conform to the existing PF (Public Facility) General Plan land use designation on this lot. The C-V (Civic) zoning district is intended to provide for existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, and other public utility facilities. Rezoning of this lot is appropriate, as the proposed C-V (Civic) zoning district is consistent with the existing PF (Public Facilities) General Plan designation, the existing fire station use is a permissible use in the C-V (Civic) zoning district, and the zoning is compatible with the surrounding adjacent land uses. Staff therefore recommends approval.

FINDINGS (ZON-40496)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   The site is designated PF (Public Facilities) on the Southwest Sector Land Use Plan Map of the General Plan. The proposed C-V (Civic) Zoning designation is in conformance with the existing General Plan designation.

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.**

   The potential uses allowed in the proposed C-V (Civic) district are appropriate for the area.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The subject site has a land use designation of PF (Public Facilities). Rezoning of the subject site will allow conformance with the existing land use designation of the subject site.

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.**

   Access to this site is provided from Durango Drive, a fully improved 120-foot wide Parkway Arterial as designated by the Master Plan of Streets and Highways. The existing fire station is sufficiently served by existing roadway facilities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 809 (By City Clerk)

APPROVALS 4

PROTESTS 0

YK

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-40496** APN: 138-32-802-001

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas, % Flinn Fagg, AICP

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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Flinn Fagg, AICP

Subscribed and sworn before me

This 16th day of December, 2010

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
PETER LOWENSTEIN
My Appointment Expires Feb. 27, 2011
No. 03-80709-1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Rezoning

Project Address (Location) 900 S Durango Drive

Project Name CLV Fire Station **Proposed Use** No change

Assessor's Parcel #(s) 138-32-802-001 **Ward #** 2

General Plan: existing PF proposed N/A **Zoning:** existing C-1 proposed C-V

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres 1.59 **Lots/Units** N/A **Density** N/A

Additional Information Rezoning from C-1 (Limited Commercial) to C-V (Civic).

PROPERTY OWNER City of Las Vegas **Contact** Flinn Fagg, AICP

Address 731 S 4th Street **Phone:** (702) 229-6301 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

APPLICANT City of Las Vegas **Contact** Flinn Fagg, AICP

Address 731 S 4th Street **Phone:** (702) 229-6301 **Fax:** (702) 385-7268

City Las Vegas **State** NV **Zip** 89101

E-mail Address

REPRESENTATIVE **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* FK

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Flinn Fagg, AICP

Subscribed and sworn before me

This 16th day of December, 20 10.

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
PETER LOWENSTEIN
No. 03-80709-1 My Appointment Expires Feb. 27, 2011

FOR DEPARTMENT USE ONLY

Case #	ZON-40496
Meeting Date:	2/8/11
Total Fee:	$1,200.00
Date Received:*	12/16/10
Received By:	

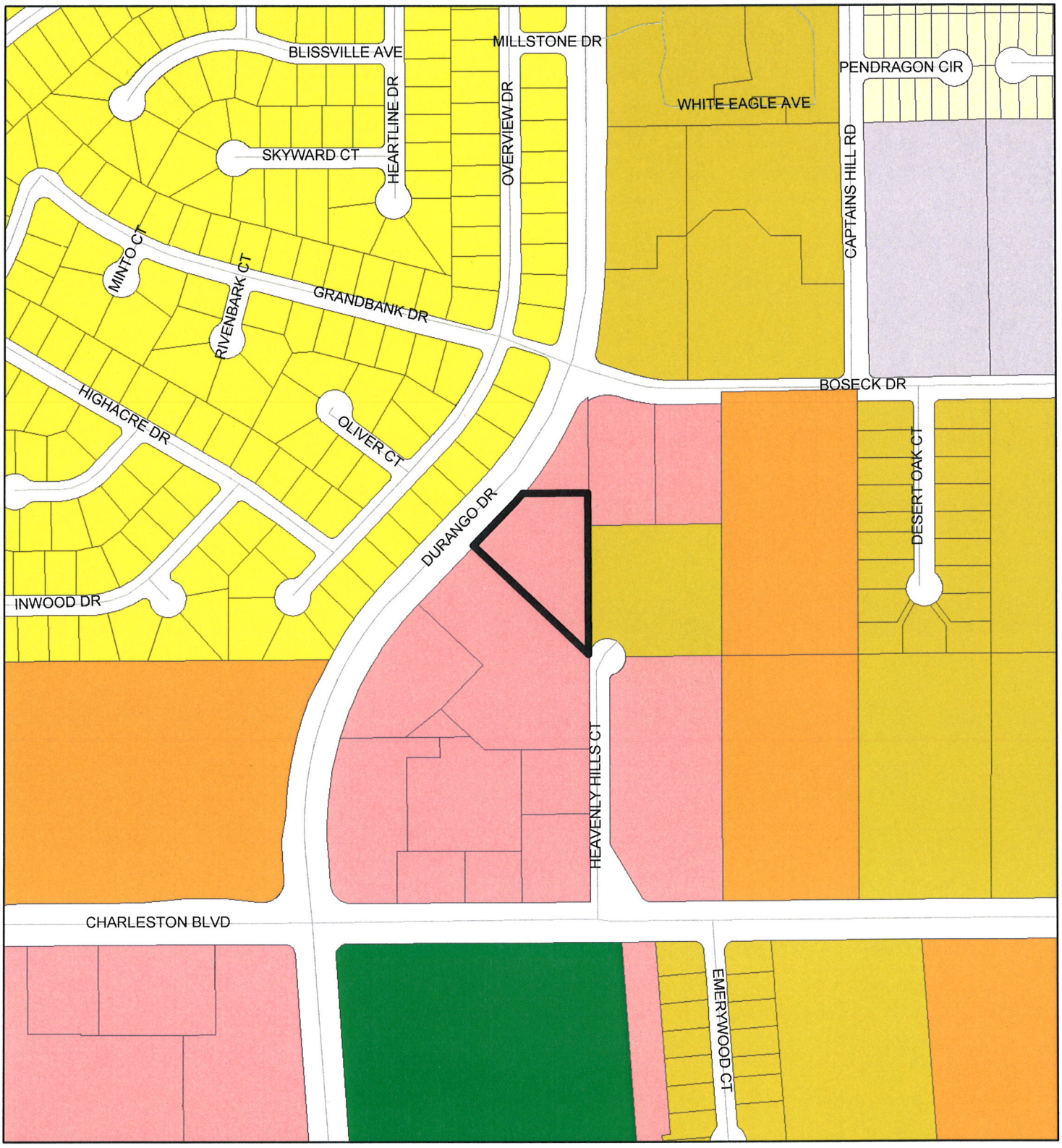
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

REZONING Parcel: 138-32-802-001

ZON - 40496



ZONING

C-V	R-MH	R-3	O	C-2
C-PB	R-CL	R-4	C-D	C-M
P-C	R-2	R-5	C-1	M
U	R-D	R-MHP	PD	Subject Parcel
R-A	R-PD	P-R	T-D	City Limits
R-E	R-1	N-S	TC	ROI Zoning

FROM C-1 TO C-V

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: December 17, 2010

PLANNING & DEVELOPMENT



ZON-40496 - APPLICANT/OWNER: CITY OF LAS VEGAS
900 SOUTH DURANGO DRIVE

01/13/11

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

December 16, 2010

Mr. Steve Gebeke
Planning and Development Department
731 S 4th Street
Las Vegas, NV 89101

RE: ZON-40496
Assessor's Parcel Number 138-32-802-001

Dear Mr. Gebeke:

In regard to the subject parcel, staff has determined that the existing General Plan designation and zoning classification are inconsistent with possible future development. In order to resolve this inconsistency and ensure that future development is compatible with existing development, staff is proposing to change the zoning district of the subject parcel to C-V (Civic). Please call me at 229-4693 with any questions.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Planning & Development Department

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

City Manager
Elizabeth N. Fretwell

CITY OF LAS VEGAS NEVADA

FM-0073-09-09

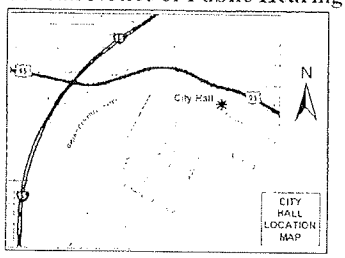
ZON-40496

Mar 05 11 12:03p Lucia Piarova 702-3606261 p.1

RECEIVED
CITY CLERK
2011 MAR -7 A 7:01

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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.

ZON-40496

City Council Meeting of 3/16/2011

PIAROVA LUCIA REVOCABLE LIV TR
8416 PACIFIC FOUNTAIN AVE
LAS VEGAS NV 89117-1817

APN#13833317021

18 LADFM11 89117

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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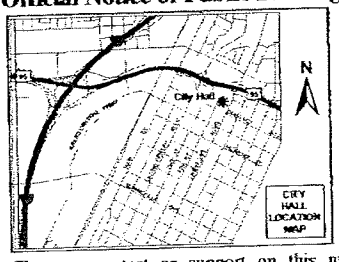
0004279218 MAR 03 2011
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

ZON-40496
City Council Meeting of 3/16/2011

2011 MAR -7 P 1:51
CLERK

DECKER CONSTANCE T
900 HEAVENLY HILLS CT #109
LAS VEGAS NV 89145-2427

APN#13833412017

28 LRDFN11 89145

03/07/2011 MON 12:26 [TX/RX NO 9032] 001

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
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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UNITED STATES POSTAGE PITNEY BOWES
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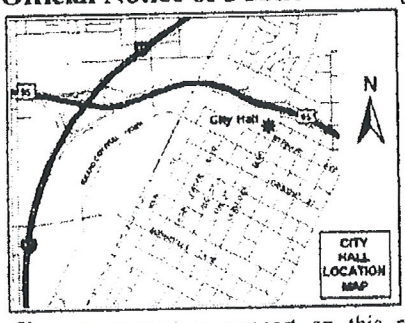
0004279218 JAN 27 2011
MAILED FROM ZIP CODE 89101

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.

ZON-40496

Planning Commission Meeting of 2/8/2011

Case: ZON-40496
13832713013
JACKSON NANCY E
3905 BRANCHWOOD DR
NO LAS VEGAS NV 89032-0192

48 KRDFN11 89032

RECEIVED
JAN 31 2011

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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0004279218 JAN 27 2011
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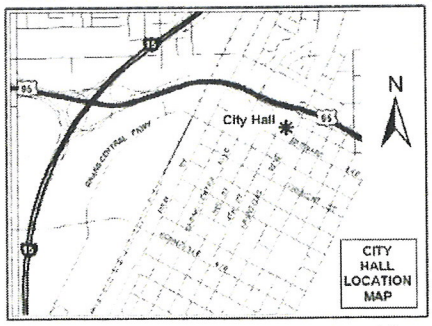
Return Service Requested
Official Notice of Public Hearing



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ZON-40496

Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 3 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ZON-40496

13833317047
RICHARDSON DORA FAMILY BYPASS TR
10428 MISSION LN
SUN CITY AZ 85351-4868

1-31-11

6A

96 KRDFN11 85351

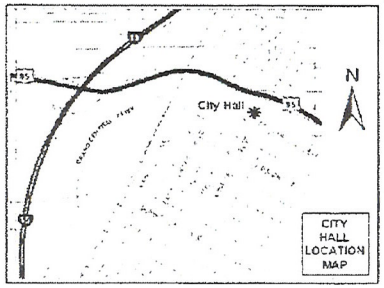
6

Feb 02 11 11:53a Lucia Piarova 702-3606261 p.1

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

Return Service Requested

Official Notice of Public Hearing



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FEB - 2 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-40496

Planning Commission Meeting of 2/8/2011

Case ZON-40496

13833317021
PIAROVA LUCIA REVOCABLE LIV TR
8416 PACIFIC FOUNTAIN AVE
LAS VEGAS NV 89117-1817

18 KRDFN11 89117

6A

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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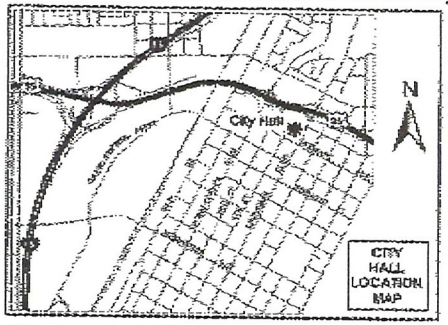
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-40496

Planning Commission Meeting of 2/8/2011

RECEIVED
JAN 31 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ZON-40496

13833324042
MCGILL FAMILY LIVING TRUST
14715 DUNTON DR
WHITTIER CA 90604-1119

87 KRDFN11 90604

City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

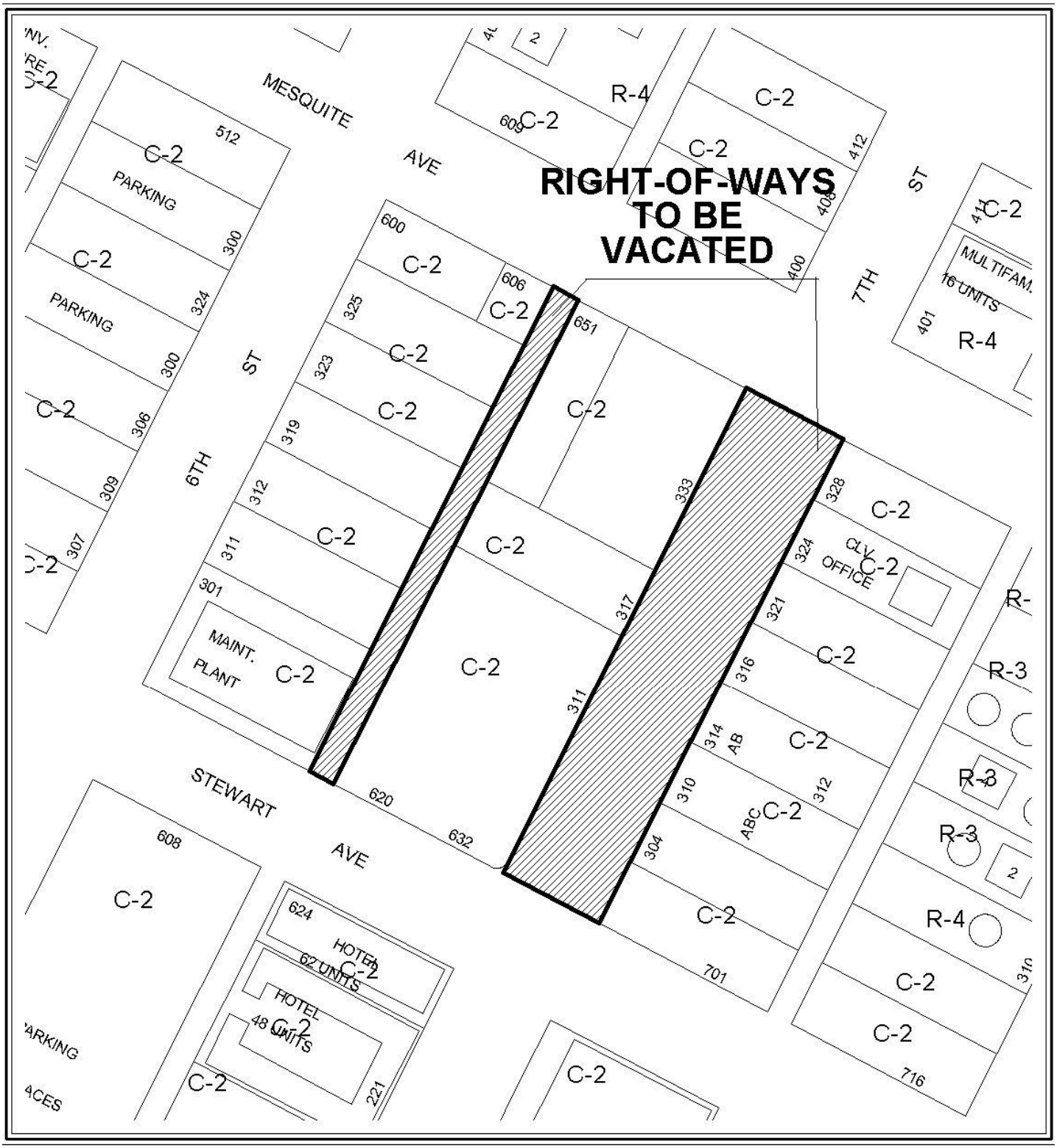
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-40649 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Petition to Vacate public right-of-way between Stewart Avenue and Mesquite Avenue to include 7th Street and an unnamed alley west of 7th Street, Ward 5 (Barlow). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**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 February 8, 2011 Planning Commission Meeting Item VAC-40649



0 100 200 Feet

CASE: VAC-40649

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 100 200 Feet

CASE: VAC-40649

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAC-40649	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAC-40649

1. The limits of this Petition of Vacation shall be the entire width of Seventh Street and the entire width of the alley between Seventh Street and Sixth Street bounded by the projection of the northerly right of way line of Stewart Avenue and the projection of the southerly right of way line of Mesquite Avenue.

2. A Public Sewer Easement shall be retained over the entire area of the alley between Mesquite Avenue and Stewart Avenue through this Petition of Vacation. Alternatively, a sanitary sewer relocation/abandonment plan must be submitted to and approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation.

3. A Public Drainage Easement shall be retained over the entire area to be vacated over Seventh Street between Mesquite Avenue and Stewart Avenue through this Petition of Vacation. Alternatively, a Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.

4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.

5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

6. All development shall be in conformance with code requirements and design standards of all city Departments.

7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

8. If the Order of Vacation is not recorded within one (1) year after approval by the city of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant proposes to vacate the portion of Seventh Street between Stewart Avenue and Mesquite Avenue and a 20-foot wide public alley located between Stewart Avenue, Sixth Street, Mesquite Avenue and Seventh Street. The properties in this area are being assembled for a large future redevelopment site. Vacation of the existing public rights-of-way will further the redevelopment goals of the city of Las Vegas by providing additional land for development. As the existing rights-of-way are not needed in their current configuration, staff recommends approval with conditions. If denied, the rights-of-way will remain dedicated for public use and maintenance.

ISSUES

- A Multi-Use Non-Equestrian Trail has been previously approved for both sides of Seventh Street between U.S. 95 and Bonneville Avenue, including the area proposed to be vacated. Future development of the site shall incorporate the required trail, or the trail alignment shall be moved through a General Plan Amendment.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/11/06	A one-lot Parcel Map (PMP-12980) on 0.63 acres at the northwest corner of Seventh Street and Stewart Avenue was recorded as PM 112-41.
04/01/09	The City Council approved a Rezoning (ZON-32974) of city-owned parcels from R-4 (High Density Residential) and R-4 (High Density Residential) and C-2 (General Commercial) (multi-zoned) to C-2 (General Commercial) on 5.01 acres generally located between Las Vegas Boulevard and Eighth Street and between Stewart Avenue and U.S. 95. The Planning Commission and staff recommended approval.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 12/ss).

Most Recent Change of Ownership	
05/16/88	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-512-026.
12/12/05	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-021, 022, 023, 035, 036 and 051.

12/08/06	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-019, 024 and 025.
03/19/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-512-050.
05/17/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-501-011.
07/18/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-099 and 100.
09/24/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-055 and 056.
01/08/08	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-034, 052 and 053.

Related Building Permits/Business Licenses	
09/22/88	A building permit (#88005558) was issued for a mechanical plant at 301 North Sixth Street for the adjacent hotel casino. A final inspection was approved on 08/17/89.

Pre-Application Meeting
A pre-application meeting is not required for this application, nor was one held.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
01/13/11	A field check was conducted on the subject site. A portion of the alley has been graded and is blocked from public access. Seventh Street is usable by the public. It contains five-foot sidewalks and approximately 10 feet of unpaved amenity zone on each side that contains some sparse landscaping and utility poles.

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Downtown Centennial Plan	X		Y

Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District (Downtown Gateway District)	X		Y
A-O (Airport Overlay) District (N/A-200 Feet)	X		N/A
Live/Work Overlay District	X		N/A
Trails (Multi-Use Non-Equestrian)	X		Y
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

LEGAL DESCRIPTION

The subject property is legally described as the following:

A portion of Seventh Street, 80 feet wide, as shown on the plat of Buck's Subdivision of Las Vegas, on file in Book 1 of Plats, Page 15, of Clark County, Nevada records, bounded on the north by the south line of Mesquite Avenue and bounded on the south by the north line of Stewart Avenue.

A portion of that 20-foot wide northeasterly-southwesterly alley lying within Block 5 of said Buck's Subdivision of Las Vegas plat.

Said property being a portion of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 34, Township 20 South, Range 61 East, M.D.M., in the city of Las Vegas, County of Clark, State of Nevada.

ANALYSIS

Vacation of the proposed rights of way would allow for future redevelopment of the adjacent parcels. A future General Plan Amendment to realign the required multi-use non-equestrian trail along both sides of Seventh Street will be required if the developer of the adjacent site does not incorporate the approved trail alignment within the boundaries of the development. A Site Development Plan Review for any specific development on the adjacent site has not yet been submitted.

Vacation of the existing rights of way would reduce traffic handling capability in the area, but would not eliminate public access to adjacent parcels. As no conflicts with any city requirements would be created by vacation, staff recommends approval of the Petition to Vacate, with conditions.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Yes. It will eliminate north and south access via Seventh Street and the alley west of Seventh Street between Mesquite Avenue and Stewart Avenue.*

C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate right-of-way that will be used to further future downtown redevelopment.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 8 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-40649** APN: 139-34-501-011

Name of Property Owner: City of Las Vegas

Name of Applicant: Jorge Cervantes, P.E., PTOE, Director, Department of Public Works

Name of Representative: Barton T. Anderson

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: Barton T Anderson (for Jorge Cervantes)

Print Name: Barton T. Anderson for Jorge Cervantes

Subscribed and sworn before me

This 6th day of January, 2011

Kevin Cerny

Notary Public in and for said County and State

KEVIN CERNY
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 04-90775-1
MY APPT. EXPIRES JULY 29, 2012

JAN 07 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Vacation of Public Right-of-Way

Project Address (Location) 7th Street & Alley between Stewart Ave and Mesquite Ave

Project Name _____ **Proposed Use** Redevelopment

Assessor's Parcel #(s) 139-34-501-011 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER City of Las Vegas **Contact** Jorge Cervantes

Address 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

City Las Vegas **State** NV **Zip** 89101

E-mail Address jcervantes@lasvegasnevada.gov

APPLICANT Jorge Cervantes **Contact** Bart Anderson

Address 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

City Las Vegas **State** NV **Zip** 89101

E-mail Address jcervantes@lasvegasnevada.gov

REPRESENTATIVE Barton T. Anderson **Contact** Bart Anderson

Address 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

City Las Vegas **State** NV **Zip** 89101

E-mail Address banderson@lasvegasnevada.gov

Property Owner Signature* Barton T Anderson for Jorge Cervantes

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Barton T. Anderson for Jorge Cervantes

Subscribed and sworn before me

This 6th day of January, 2011.

Kevin Cerny

Notary Public in and for said County and State

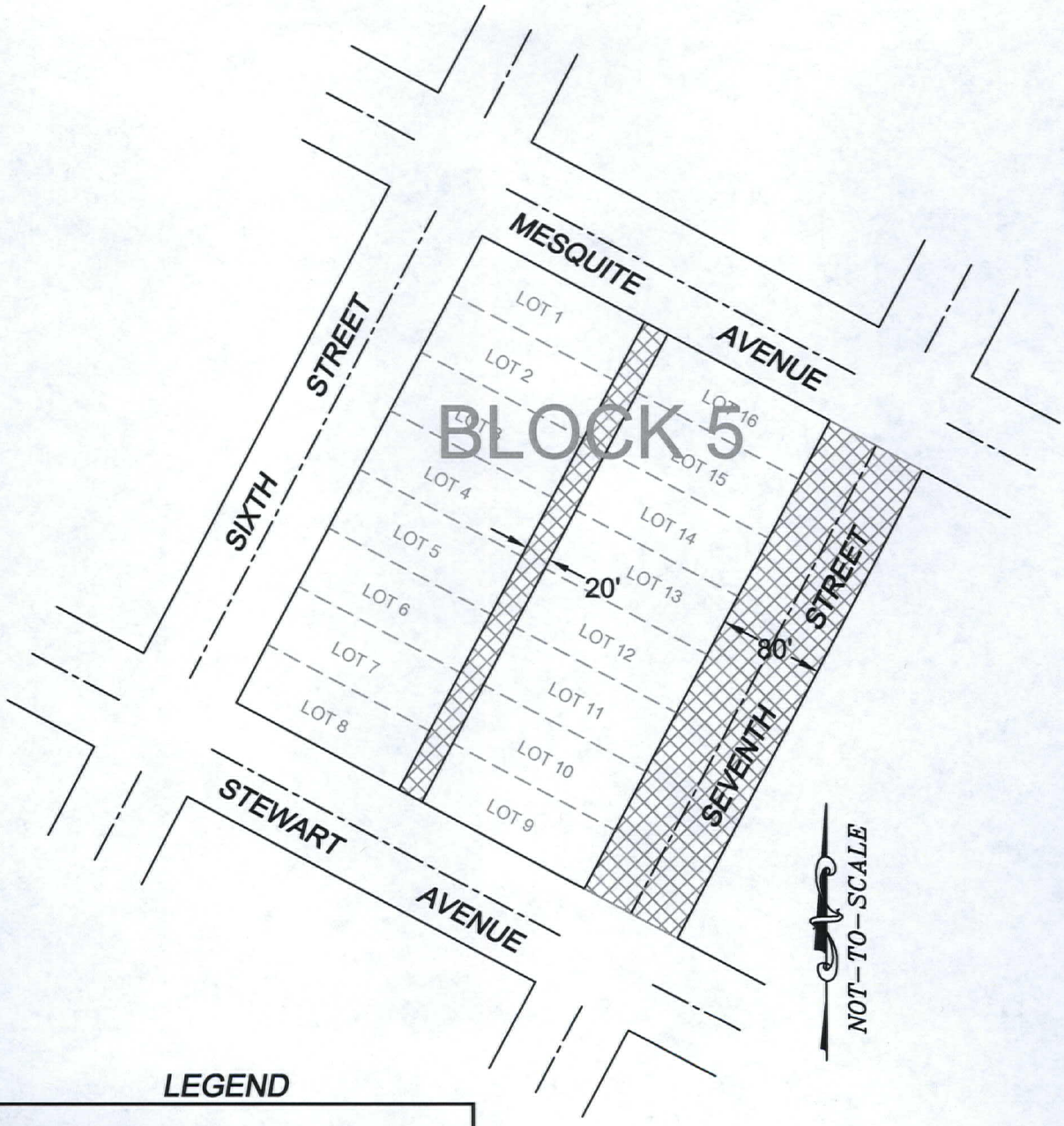
KEVIN CERNY
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 04-90775-1
MY APPT. EXPIRES JULY 29, 2012

RECEIVED
JAN 07 2011

FOR DEPARTMENT USE ONLY

Case #	VAC-406-09
Meeting Date:	02/08/11
Total Fee:	
Date Received:*	
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.



LEGEND

AREAS PROPOSED FOR VACATION	
STREET CENTERLINE	

MAP EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
NE 1/4, NE 1/4, SEC 34, T20S, R61E, MDM
A PORTION OF BUCK'S SUBDIVISION OF LAS VEGAS
BOOK 1 OF PLATS, PAGE 15 (C.C.N.R.)
ROAD PARCEL 139-34-599-005

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY SECTION

RECEIVED
JAN 07 2011

VAC-40649



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11



VAC-40649 - APPLICANT/OWNER: CITY OF LAS VEGAS
BETWEEN STEWART AVENUE AND MESQUITE AVENUE TO INCLUDE 7TH STREET AND AN UNNAMED ALLEY WEST OF 7TH STREET

01/13/11

To whom it may concern:

The Department of Public Works requests a Petition of Vacation of the public right-of-way for 7th Street between Stewart Avenue and Mesquite Avenue, and the existing public alley bounded by Stewart Avenue, 6th Street Mesquite Avenue, and 7th Street. Over the past several years, the City has assembled nearly all of the properties abutting the rights-of-way requested for vacation, with the intent of consolidating them all into a large redevelopment site, either by the City or another developer. It is anticipated that this petition will further the redevelopment goals of the City of Las Vegas, once the City has moved out of the current City Hall building.

Thank you,

Barton Anderson

Barton T. Anderson,
Project Manager, Development Coordination
City of Las Vegas, Department of Public Works

RECEIVED
JAN 11 2011
VAC-40649

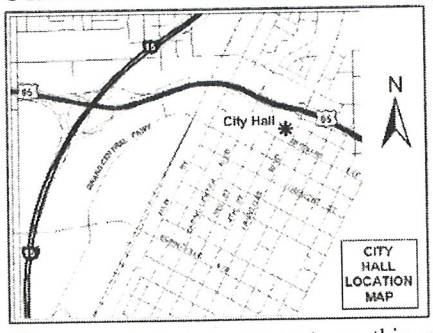
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41
0004279218 JAN 27 20
MAILED FROM ZIP CODE 891

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.

VAC-40649

Planning Commission Meeting of 2/8/2011

OK MP NL 2/1/11

30 KRDFN11 89101

RECEIVED
FEB - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: VAC-40649

13934512026
EXBER INC
107 N 6TH ST 3RD FLOOR
LAS VEGAS NV 89101-4239

12

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

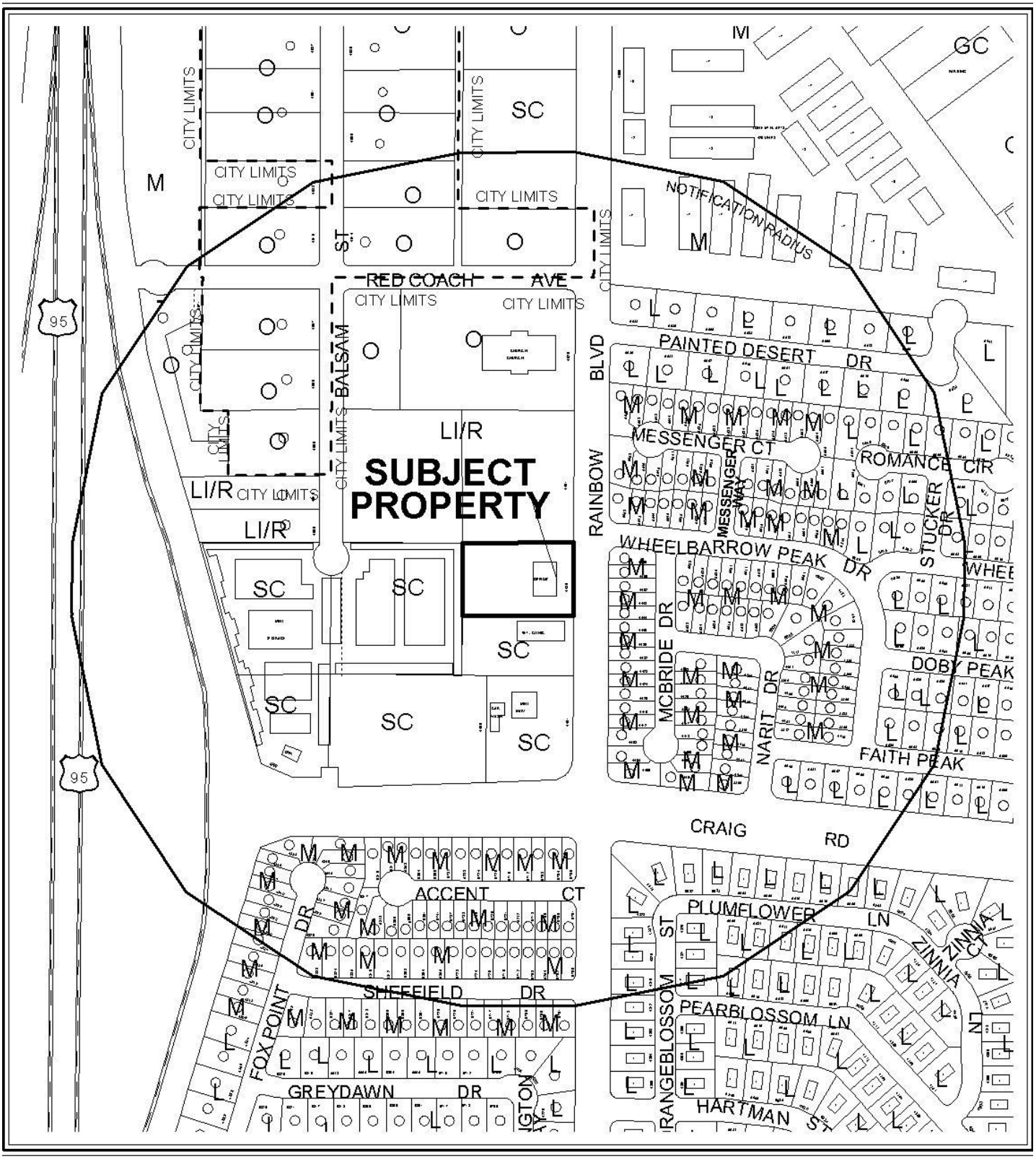
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-39489 – ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a General Plan Amendment FROM: SC (SERVICE COMMERCIAL) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**2**
City Council Meeting	**5**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report - GPA-39489, ZON-39490, VAR-39492 and SDR-39491
3. Supporting Documentation
4. Photos -GPA-39489, ZON-39490, VAR-39492 and SDR-39491
5. Justification Letter - GPA-39489, ZON-39490, VAR-39492 and SDR-39491
6. Protest Postcards for GPA-39489 and ZON-39490
7. Backup referenced from the October 21, 2010 Planning Commission Meeting for Items GPA-39489, ZON-39490, VAR-39492 and SDR-39491



CASE: **GPA-39489**

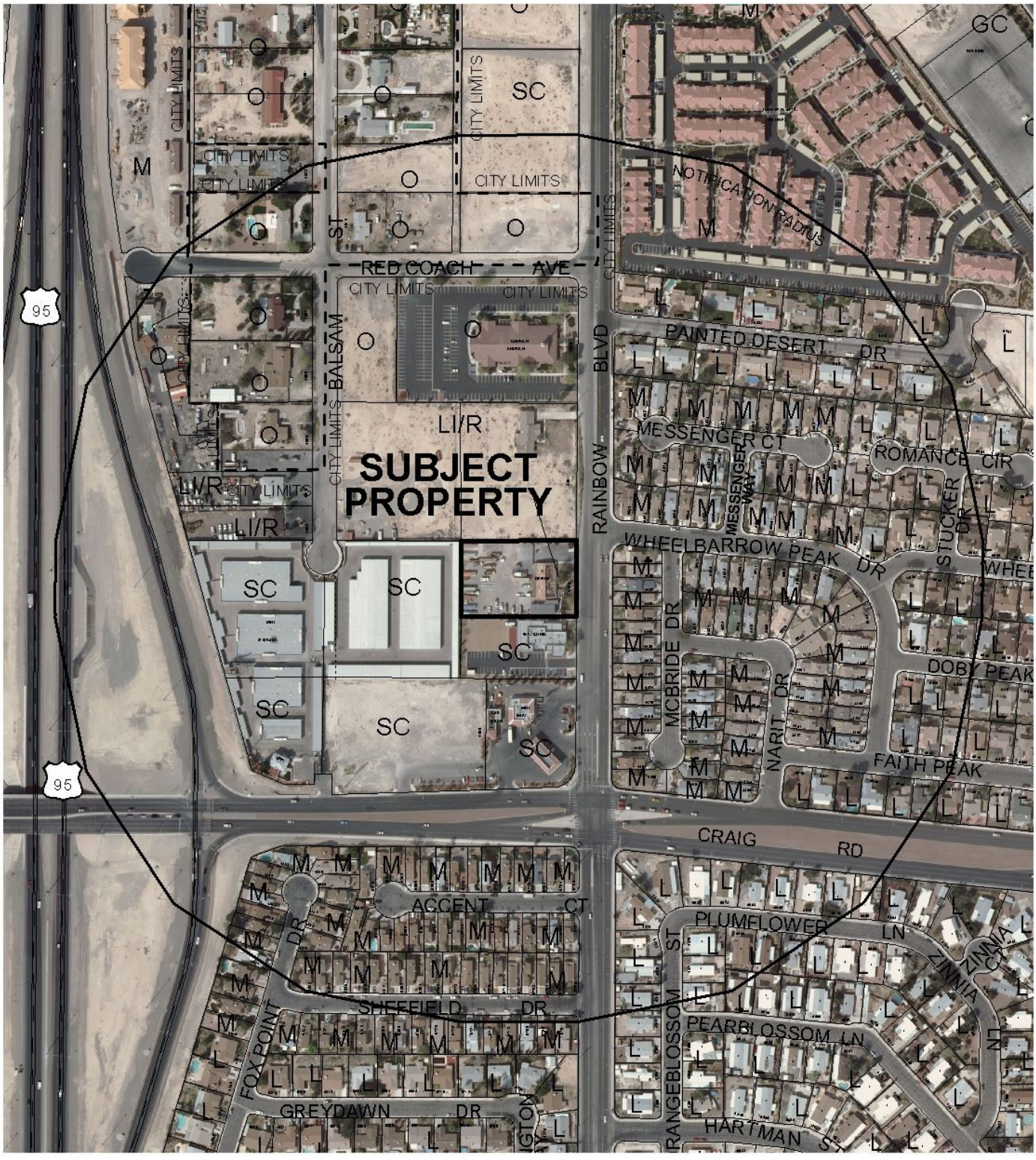
RADIUS: 1000 FT

0 300 600 Feet

GENERAL PLAN LAND USE OF SUBJECT PROPERTY : C-1 (LIMITED COMMERCIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY :
C-M (COMMERCIAL/INDUSTRIAL)

N



CASE: **GPA-39489**

RADIUS: 1000 FT

0 300 600 Feet

GENERAL PLAN LAND USE OF SUBJECT PROPERTY : C-1 (LIMITED COMMERCIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY :
C-M (COMMERCIAL/INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 15, 2010 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-39489	Staff recommends DENIAL.	
ZON-39490	Staff recommends DENIAL.	GPA-39489
VAR-39492	Staff recommends DENIAL, if approved subject to conditions:	GPA-39489 ZON-39490
SDR-39491	Staff recommends DENIAL, if approved subject to conditions:	GPA-39489 ZON-39490 VAR-39492

**** CONDITIONS ****

VAR-39492 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-39489) and Rezoning (ZON-39490), and conformance to the Conditions of Approval for Site Development Plan Review (SDR-39491) shall be required, if approved.

2. Conformance to the approved conditions for Rezoning (ZON-1112).

3. 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.

4. Prior to occupancy, all necessary building permits for all structures 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.

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.

SDR-39491 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-39489) and Rezoning (ZON-39490), and conformance to the Conditions of Approval for Variance (VAR-39492) 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 the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan stamped 10/01/10, and building elevations, date stamped 09/24/10, except as amended by conditions herein.

4. A Waiver from Title 19.12.040 is hereby approved, to allow a seven-foot landscape buffer along a portion of the south perimeter where eight feet is required.

5. An Exception from Title 19.10.010 is hereby approved, to allow eight parking lot trees where 14 are required.

6. The outdoor storage area shall be screened from view from Rainbow Boulevard by a screening device of at least eight feet in height. Outdoor storage of equipment for rent shall not occur in required parking spaces or landscape buffer zones.

7. Business hours shall be 6:30 a.m. to 6:30 p.m., Monday through Friday.

8. No equipment in its stored position shall be taller than 14 feet in height.

9. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 10/01/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

10. Prior to occupancy, all necessary building permits for all structures 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.

11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

12. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to indicate capping of the gap between the rear walls of the proposed building and the existing building located on the east property line of APN 138-03-602-012. The gap shall not exceed eight inches pursuant to Title 19.12.075.

13. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

14. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

18. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

19. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. Remove all substandard sidewalk and sidewalk ramp improvements adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

22. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains an existing 4,011 square-foot office building and parking on 1.21 acres at 4485 North Rainbow Boulevard. The applicant proposes to construct a 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales and Service) building at the rear of the property. The building design requires variances of side and rear yard setbacks, and the parking lot design requires an exception of landscaping requirements. In order to allow the proposed use on this site, a General Plan Amendment to change the land use designation from SC (Service Commercial) to LI/R (Light Industry/Research) and a Rezoning from C-1 (Limited Commercial) to C-M (Commercial/Industrial) are required. The uses and zoning districts that would be allowed by the proposed land use amendment and rezoning would not be compatible with surrounding land uses and districts; staff therefore recommends denial of the General Plan Amendment and Rezoning. The Variance request is self-imposed and the alleged hardship is not due to the physical characteristics of the property; staff therefore recommends denial. As the proposed changes to the site require a variance, and the proposed use requires changes in land use and zoning designations that staff cannot support, staff also recommends denial of the Site Development Plan Review. If these requests are denied, the site shall remain as it is. A future Site Development Plan Review would be required for further site development.

ISSUES

- A Variance is required prior to approval of a Site Development Plan Review to allow a zero-foot side yard setback along the north property line where 10 feet is required and a zero-foot rear yard setback where 20 feet is required.
- A Waiver of Title 19.12.040 is required to allow a seven-foot perimeter landscape buffer along a portion of the south property line where eight feet is required. The waiver is requested to allow for a sidewalk that encroaches into the proposed south landscape buffer. Staff recommends approval of this waiver.
- All previous Site Development Plan Review and Special Use Permit approvals on the site have expired.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/11/97	The City Council approved a Rezoning (Z-0011-97) from N-U (Non-Urban) to C-1 (Limited Commercial) of approximately 2.63 acres generally located north of Craig Road, east of the Oran K. Gragson Highway, west of the subject site. The Rezoning included approval of a Plot Plan and Special Use Permit for a 64,953 square-foot expansion of an existing 77,400 square-foot mini-warehouse facility. The Planning Commission and staff recommended approval.
01/11/99	The City Council approved the Annexation (A-0013-98) of approximately 1.43 gross acres located at 4485 North Rainbow Boulevard into the City of Las Vegas. The Planning Commission and staff recommended approval. The annexation became effective on 01/22/99.
07/12/99	The City Council approved a Rezoning (Z-0029-99) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.22 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval. The Resolution of Intent expired on 07/12/00.
12/18/02	The City Council approved a Rezoning (ZON-1112) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.22 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
02/04/04	The City Council approved Ordinance #5668, which amended the Official Zoning Map to change the zoning on the subject site from R-E (Residence Estates) to C-1 (Limited Commercial).
01/19/05	The City Council approved a Special Use Permit (SUP-5554) for a proposed Auto Detail Facility at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a related Site Development Plan Review (SDR-5553) for a proposed 2,220 square-foot Auto Detail Facility and waivers of parking lot, perimeter and foundation landscaping standards on 1.21 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
02/22/07	The Planning Commission approved a Major Amendment (SDR-19122) of a previously approved Site Development Plan Review (SDR-5553) for a proposed two-story, 4,364 square-foot Auto Detail Facility at 4485 North Rainbow Boulevard. Staff recommended approval. This approval expired 02/22/09.
03/07/07	The City Council approved an Extension of Time (EOT-19400) of a previously approved Special Use Permit (SUP-5554) for a proposed Auto Detail Facility at 4485 North Rainbow Boulevard. Staff recommended approval. The approval expired 01/19/09.

08/20/08	The City Council approved a General Plan Amendment (GPA-28388) from O (Office) to LI/R (Light Industry/Research) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Rezoning (ZON-28389) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to C-PB (Planned Business Park) and M (Industrial) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Variance (VAR-28392) to allow a 4.62 acre C-PB (Planned Business Park) Zoning District where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) District located adjacent to a residential district on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Petition to Vacate (VAC-28393) a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot Warehouse Center with 18,100 square feet of office with waivers to allow a 10-foot landscape buffer on the eastern property line where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line where eight feet is required on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
02/17/09	A Code Enforcement case (74600) was processed for storing equipment and vehicles on an unpaved lot at 4485 North Rainbow Boulevard. The case was closed by Code Enforcement on 03/04/09.
04/30/09	A Code Enforcement case (77677) was processed for storing commercial trucks and operating a business out of a temporary trailer without proper zoning approvals at 4485 North Rainbow Boulevard. The case was closed by Code Enforcement on 03/05/10.
10/21/10	The Planning Commission voted (6-0-1/rt) to recommend DENIAL of companion items GPA-39489, ZON-3990, VAR-39492 and SDR-39491 (PC Agenda Items #39-42/ss).
11/17/10	The City Council voted to hold this item in abeyance to the December 15, 2010 City Council meeting.

Most Recent Change of Ownership	
04/29/08	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/19/04	A building permit (#04006226) was issued for city design block walls at 4485 North Rainbow Boulevard. A final inspection was completed on 03/31/04.
02/14/07	A business license (A01-01335) was issued for an administrative office at 4485 North Rainbow Boulevard. The license was marked out on 11/27/07.
07/17/08	A business license (Q13-01135) was issued for a law firm at 4485 North Rainbow Boulevard. The license is still active.
08/28/08	A business license (B20-00912) was issued for a business support service (paralegal services) at 4485 North Rainbow Boulevard. The license is still active.
09/18/08	A business license (C11-07585) was issued for an electrical contractor at 4485 North Rainbow Boulevard. The license is still active.
03/24/09	A business license (C11-11397) was issued for an electrical contractor at 4485 North Rainbow Boulevard. The license is still active.
04/07/09	A building permit (137098) was issued for an interior remodel tenant improvement for certificate of occupancy at 4485 North Rainbow Boulevard. A final inspection has not yet been completed.
	A building permit (137104) was issued for non-structural demolition at 4485 North Rainbow Boulevard. A final inspection was completed on 04/16/10.
08/14/09	An application (E02-90960) for a business license for equipment rental at 4485 North Rainbow Boulevard was submitted for staff review. Staff denied the application on 08/18/09. The application was closed out on 02/10/10 at request of the applicant.
04/29/10	A building permit (161965) was issued for city design block walls and engineering to add courses to existing block walls at 4485 North Rainbow Boulevard. A final inspection was completed on 06/28/10.
06/02/10	A building permit (164257) was issued for a city design eight-foot tall block wall on the north side of the site at 4485 North Rainbow Boulevard. A final inspection was completed on 06/28/10.

Pre-Application Meeting	
08/25/10	A pre-application meeting was held with the applicant, in which staff discussed preparations for submittal of General Plan Amendment, Rezoning, Variance and Site Development Plan Review applications. The following issues pertaining to the applications were discussed: • The proposed land use amendment is only compatible with the designation of the property to the north. The zoning district proposed is not compatible with the surrounding land uses and districts. • A Variance will be required to allow a zero-foot rear yard setback where 20 feet is required and a zero-foot side yard setback where 10 feet is required. • Existing and proposed fences and walls must be shown on the site plan. • If the property is rezoned as proposed, outdoor storage will be limited to the area allowed by Title 19. If rezoning is not approved, no outdoor storage will be allowed within the existing zoning district. • The existing driveway throat depth does not meet current standards. • Concerning Heavy Machinery and Equipment, only rental of equipment along with operators is proposed. The largest vehicle for rent would be a tractor trailer and flatbed.

Neighborhood Meeting	
09/20/10	A neighborhood meeting was held at the Santa Fe Station Casino Conference Facility at 4949 North Rancho Drive. Six members of the public, five members of the development team, three members of the City Council office staff and one staff member attended. Concerns from the public included the following: • Storage of hazardous materials • Fire access • How many heavy pieces of machinery will be stored at the site? • Truck traffic on Red Coach Avenue, Balsam Street and Rainbow Boulevard • Hours of operation • Will rental equipment be visible from the right-of-way (no cranes raised above the screen walls)? • No parking on Rainbow Boulevard • Expansion of industrial zoning and uses in the area An additional meeting will be held October 5, 2010 at 6:00 p.m. in the same location for those neighbors who attended the first meeting.

10/05/10	A follow-up voluntary neighborhood meeting was held at the Santa Fe Station Casino Conference Facility at 4949 North Rancho Drive. Planning and Development Department staff did not attend.

Field Check	
09/16/10	A field check was conducted on the subject site. The following items were noted: • The site contains a well maintained office building with extensive landscaping in the front yard. • Construction workers were improving the exterior of the existing building and erecting a large arched structure at the rear of the property. • The block wall along the north side of the property has been constructed at eight feet in height up to approximately 10 feet from the front of the property. • A narrow, solid wall (possible future sign) abuts the sidewalk in front of the existing building. • A banner advertising a business on the site was hung at the entrance to the existing office.

Details of Application Request	
Site Area	
Net Acres	1.21

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped (Approved Warehouse and Office)	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Veterinary Clinic	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Dwelling, Detached	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	Mini-Warehouse	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 (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

Pursuant to Title 19.04 and 19.08, the following standards apply:

Standard	*Required/Allowed (C-M)*	*Provided*	*Compliance*
Min. Lot Size	N/A	52,942 SF	N/A
Min. Lot Width	100 Feet	185 Feet	Y
Min. Setbacks			
• Front (east)	10 Feet	50 Feet	Y
• Side (north and south)	10 Feet	0 Feet	N
• Rear (west)	20 Feet	0 Feet	N
Min. Distance Between Buildings	10 Feet	116 Feet	Y
Max. Lot Coverage	N/A	25 %	N/A
Max. Building Height	N/A	24 Feet	N/A
Max. Accessory Outdoor Storage Area	5%	5%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, roofed	Y
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	72 Feet	315 Feet	Y
Adjacent development matching setback	10 Feet	275 Feet	Y
Trash Enclosure	50 Feet	186 Feet	Y

Existing Zoning	***Permitted Density***	***Units Allowed***
C-1	N/A	N/A
Proposed Zoning	***Permitted Density***	***Units Allowed***
C-M	N/A	N/A
Existing General Plan	***Permitted Density***	***Units Allowed***
SC	N/A	N/A
Proposed General Plan	***Permitted Density***	***Units Allowed***
LI/R	N/A	N/A

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	7 Trees	9 Trees	Y
• South	1 Tree / 30 Linear Feet	9 Trees	11 Trees	Y
• East	1 Tree / 20 Linear Feet	7 Trees	14 Trees	Y
• West	1 Tree / 30 Linear Feet	0 Trees	0 Trees	N*
TOTAL PERIMETER TREES		**23 Trees**	**34 Trees**	**Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	8 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N*
• South	8 Feet		7 Feet	N
• East	15 Feet		30 Feet	Y
• West	8 Feet		0 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet along north and south PL 12 Feet existing along west PL	Y

*A Waiver is not required along the north and west perimeter, as the applicant is requesting a variance to allow zero-foot building setbacks along the north and west property lines. No trees are required in the areas where the building is proposed.

Functional Classification of Street(s)	*Governing Document*	*Street Width (Feet)*	*Compliance with Street Section*
Rainbow Boulevard – Secondary Collector	Master Plan of Streets and Highways	80	N

Pursuant to Title 19.04 and 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	
Office, Other Than Listed	4,011 SF	1 space/300 SF GFA	14		14		Y
Heavy Machinery and Equipment (Rental, Sales and Service)	9,000 SF	1 space/250 SF GFA	36		36		Y
TOTAL SPACES REQUIRED			50		50		Y
Regular and Handicap Spaces Required			48	2	48	2	Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
Title 19.12.040(A) Perimeter Landscape Buffer: 8-foot landscape buffer along interior lot lines	7 feet along a portion of the south perimeter	Approval

Exceptions		
Requirement	***Request***	***Staff Recommendation***
Title 19.10.010(J)(11) Parking Lot Design: 14 parking lot trees	8 parking lot trees	Approval

ANALYSIS

The subject site was previously located within unincorporated Clark County and was originally zoned for low density single-family residential uses. After annexation into the city in 1999, the site was rezoned to C-1 (Limited Commercial) and the existing residence was converted to a commercial office without finalized building permits. All previous site review and Special Use permit approvals have expired. At that time, growth factors indicated that rezoning to C-1 was appropriate for this site, as the area between U.S. 95 and Rainbow Boulevard was already mostly commercial and no longer attractive for low density residential development. Since then, the area has not significantly changed with respect to land development. This area remains predominantly commercial, with the exception of the property to the north, which was recently rezoned C-PB (Planned Business Park) to accommodate a proposed office and warehouse complex. Staff did not support the required entitlement requests for the change in land use, zoning and site development, as they were deemed not to be compatible with existing land uses and districts in the area. If approved, the proposed General Plan Amendment would allow zoning for any type of commercial use, which would include (for example) emergency ambulance services, construction material supply yards, major auto repair, heavy manufacturing, salvage yards, sexually oriented businesses and other intense uses. The proposed C-M (Commercial/Industrial) District would allow most of these uses as of right, which would not be compatible with the existing uses to the west and south, nor would they be compatible with single-family residential uses to the east. Staff therefore recommends denial of the General Plan Amendment and Rezoning requests, and subsequently, the requests for a setback Variance and Site Development Plan Review for the specific office and equipment rental building development.

The site plan indicates that the proposed 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales and Service) building would be located at the rear of the property along the north and west property lines, mostly out of view from the adjacent right-of-way and as far as possible from neighboring residential uses. This location represents a 100 percent deviation from the required setback along both the west and north property lines. The building would abut an existing 12-foot tall mini-warehouse building along a majority of the west property line. The setback Variance required for approval of this site design is self-imposed by the applicant, and in no way has been prompted by the shape or physical constraints of the property; staff therefore recommends denial.

The proposed 24-foot tall building will be oriented toward the front of the property. Six bays with 14-foot tall roll-up doors are shown on the east elevation. Only one window will be provided, as the function of the building is for rental and maintenance of heavy machinery and related equipment, and the building will back up to an existing mini-warehouse building. The subject building has been designed to meet Title 19.08.050 Commercial Development Standards by providing relief and variation in materials and color to mitigate the negative effect of long and high walls. If approved, a condition of approval has been added to require the use of materials to cap any gaps between the rear exterior wall of the proposed building and the existing wall of the mini-warehouse building that could cause a safety issue or trap debris.

The development as designed does not meet Title 19.12 perimeter buffer width requirements along the north south and west property lines. A Waiver is required along the south perimeter to allow a required building exiting sidewalk to encroach one foot into the required eight-foot wide landscape buffer. As there would be no impact to the neighboring property, staff can support this waiver. No waivers are required for elimination of the required buffer areas where the proposed 9,000 square-foot building is to be located, as approval of a Variance to allow a zero-foot setback along the north and west property lines would legally allow the building to take the place of a landscape buffer. The proposed landscaping materials and buffers along the other edges of the site generally comply with Title 19 standards. Per Title 19.10, 24-inch box deciduous or evergreen trees are required at the ends of each parking row, and also in interior islands for each six parking spaces. Trees are provided at the end of each parking row, but no islands have been provided. Eleven additional trees are proposed within the perimeter planters to compensate for the deficiency in parking lot trees. Staff recommends approval of the associated exception, if the Site Development Plan Review is approved.

The site plan indicates that the number of parking spaces required by Title 19.04 and 19.10 for the existing and proposed uses on the site will be provided. Compact spaces are proposed along the north perimeter of the site; these constitute approximately 28 percent of the total.

An area along the southeast portion of the site is designated for outside storage. Per Title 19.04, Outside Storage, Accessory is a permitted use within the C-M District as long as no more than five percent of the lot area is used for storage, the area is screened from view of a public street by an eight-foot screening device and storage does not occur within required buffers or setback yards. The site plan indicates that the storage area represents approximately five percent of the total lot area. The plan shows that an existing six-foot wall along the south side of the storage area will be increased to eight feet in height to screen the area from view from Rainbow Boulevard. The storage area would not be located within any landscape buffer areas or setback yards. At no time is any equipment to be stored in an area designated for parking, as those spaces are required for the uses on the site.

There are no adopted plans for this area that would affect this site. Structures on this site are subject to a 175-foot height limit by North Las Vegas Airport Overlay requirements. The tallest proposed structure is 24 feet in height.

FINDINGS (GPA-39489)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The property to the north of the subject site is designated LI/R (Light Industry/Research) and is approved for a warehouse and office complex. However, the predominant pattern of development in this area indicates that the subject site is more appropriate for commercial rather than the more intense industrial uses that are possible through the proposed LI/R category.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   The proposed LI/R (Light Industry/Research) is the most intense commercial land use category and allows all commercial and industrial zoning districts. Industrial zoning districts are inappropriate and incompatible with the existing adjacent C-1 (Limited Commercial) properties to the south and west and with R-CL (Single Family Compact-Lot) zoned properties to the west of Rainbow Boulevard. A potential M (Industrial) District on this site would not be compatible with the existing C-PB (Planned Business Park) District to the north of this site.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   The facilities currently in place are adequate to serve potential uses within the proposed LI/R (Light Industry/Research) land use designation.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

   There are no adopted plans for this area that would affect this site. Structures on this site are subject to a 175-foot height limit by North Las Vegas Airport Overlay requirements.

FINDINGS (ZON-39490)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   With approval of the associated General Plan Amendment to LI/R (Light Industry/Research), the proposed rezoning to the C-M (Commercial/Industrial) District will conform to the General Plan for this site.

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.**

   The proposed Heavy Machinery and Equipment (Rental, Sales and Service) use and other uses allowed by the C-M (Commercial/Industrial) District will not be compatible with existing residential uses to the east of the subject site and the limited commercial uses to the south and west of the subject site.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   There are no indicators that suggest that rezoning to C-M (Commercial/Industrial) is appropriate for this site. The area has not changed from the predominantly commercial development pattern along the east side of U.S. 95.

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.**

   Access to the site is provided by Rainbow Boulevard, a 90-foot wide Secondary Arterial. These facilities will be adequate to meet the requirements of the proposed C-M (Commercial/Industrial) District.

FINDINGS (VAR-39492)

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 a building that does not meet the setbacks prescribed by the C-M (Commercial/Industrial) zoning district. Redesign of the proposed building to increase the setbacks would allow conformance to the 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 (SDR-39491)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development requires amendments to be made to the existing land use and zoning designations for the subject site that are not compatible with neighboring development and also requires a variance from Title 19 setback requirements. Therefore, the proposed development is not compatible with adjacent development.

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;**

   The proposed Heavy Machinery and Equipment (Rental, Sales and Service) development is consistent with Title 19 Commercial Development Standards and parking standards; however, the development does not meet Title 19.12 perimeter buffer requirements, 19.10 parking lot landscaping requirements and Title 19.08 setback standards for the C-M (Commercial/Industrial) District.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is provided by Rainbow Boulevard, a 90-foot wide Secondary Arterial. Rainbow Boulevard may be impeded by truck traffic entering or exiting the site.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The building materials provided, including decorative concrete masonry units and aluminum, are adequate for the intended use and the building's proposed location away from street frontage. Landscaping materials proposed to be added are appropriate for this area.

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;**

   The proposed building design meets Title 19.08.050 Commercial Development Standards by employing pop outs and variation in materials and color. The building will mostly be obscured from view from Rainbow Boulevard. This design is harmonious and compatible with the adjacent mini-warehouse to the west.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   If approved, the proposed development will be subject to inspection during both building construction and business licensing and will therefore not compromise the public health, safety and general welfare.

PLANNING COMMISSION ACTION
There was one speaker in opposition at the Planning Commission hearing.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 282 (By City Clerk)

APPROVALS 2

PROTESTS 10

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-39489** APN: 138-03-602-013

Name of Property Owner: Sagebrush Property Ventures

Name of Applicant: Sequoia Electric

Name of Representative: Pacific Design Concepts - Richard Gallegos

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: BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10

_____

Notary Public in and for said County and State

COUNTY: CLARK
STATE: NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. September 21, 2013

RECEIVED
SEP 07 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: General Plan Amendment

Project Address (Location) 4485 N. Rainbow Blvd.

Project Name Rainbow & Craig Sequoia Elect. **Proposed Use** Industrial

Assessor's Parcel #(s) 138-03-602-013 **Ward #** 4

General Plan: existing SC proposed LI/R **Zoning:** existing C-1 proposed CM

Commercial Square Footage 8,880 **Floor Area Ratio** N/A

Gross Acres 1.21 **Lots/Units** N/A **Density** N/A

Additional Information

PROPERTY OWNER Sagebrush Property Ventures **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 454-9842 **Fax:** 454-7842

City Las Vegas **State** NV **Zip** 89108

E-mail Address

APPLICANT Sequoia Electric **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 839-9047 **Fax:** 454-7842

City Las Vegas **State** NV **Zip** 89108

E-mail Address

REPRESENTATIVE Pacific Design Concepts **Contact** Richard Gallegos

Address 3005 W. Horizon Ridge Pkwy #200 **Phone:** 454-9842 **Fax:** 454-7842

City Henderson **State** NV **Zip** 89052

E-mail Address rchardg@pacdesignconcepts.com

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10.

[signature] Notary Public in and for said County and State COUNTY CLARK STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

Revised 10/27/08

FOR DEPARTMENT USE ONLY

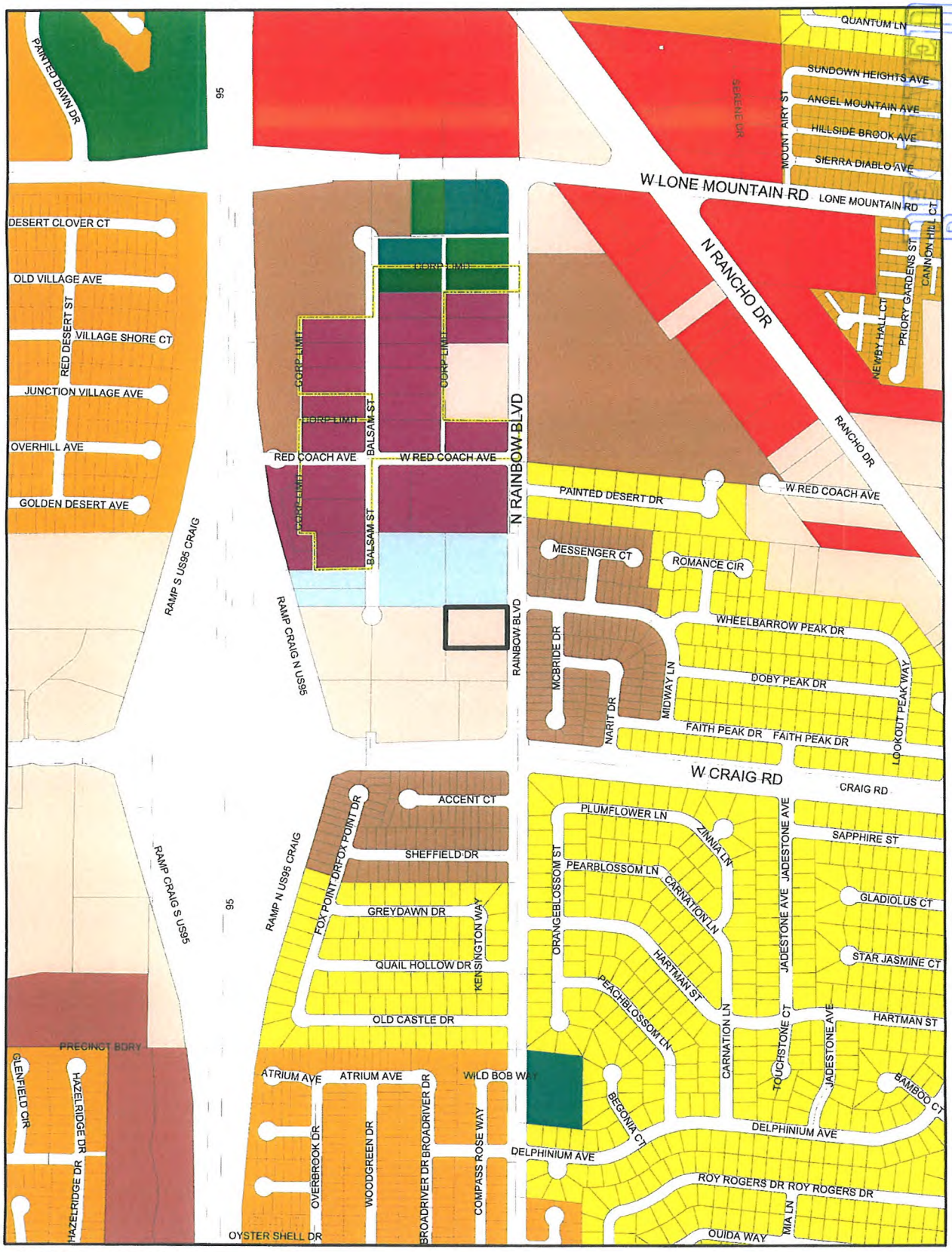
Case #	GPA-39489
Meeting Date:	10/21/10 PC
Total Fee:	$2,000
Date Received:*	9/7/10
Received By:	

*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.

f:\depot\Application Packet\Application Form.pdf

RECEIVED SEP 07 2010

GENERAL PLAN AMENDMENT Parcel: 138-03-602-013



GENERAL PLAN AMENDMENT

Rural Neighborhood Preservation	Medium	Light Industrial / Research	Town Center
Rural Estates	High	Planned Community Development	Resource Conservation
Desert Rural	Office	Downtown Redevelopment Area	Downtown - Commercial
Rural	Service Commercial	Park / Recreation / Open Space	Downtown - Mixed Use
Low	General Commercial	Public Facility	Not in City
Medium - Low	Tourist Commercial	Public Facility - School	Subject Parcel
Medium - Low Attached	Las Vegas Medical District	Public Facility - Clark County	City Limits

FROM SC TO LI/R

GPA-39489

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only. Geographic Information System Planning & Development Dept 702 229-6301

PLANNING & DEVELOPMENT

Printed: September 03, 2010



GPA-39489, ZON-39490, VAR-39492 & SDR-39491 - APPLICANT: SEQUOIA ELECTRIC - OWNER
SAGEBRUSH PROPERTY VENTURES, LLC
4485 NORTH RAINBOW BOULEVARD

09/16/10



GPA-39489, ZON-39490, VAR-39492 & SDR-39491 - APPLICANT: SEQUOIA ELECTRIC - OWNER SAGEBRUSH PROPERTY VENTURES, LLC
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09/16/10



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4485 NORTH RAINBOW BOULEVARD

09/16/10

pacific design concepts, llc PDC
3005 w. horizon ridge pkwy., #200, henderson, nv 89052 (702) 454-5842 fax (702) 454-7842

September 23, 2010
September 30, 2010 Revised

City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

Attn: Romeo Gumarang-Planner

RE: RAINBOW & CRAIG SEQUOIA ELECTRIC **PROJECT NO-10-129**
APN: 138-03-602-013
GENERAL PLAN AMENDMENT, ZONE CHANGE, SITE DEVELOPMENT REVIEW & VARIANCE JUSTIFICATION LETTER

Dear Romeo,

We respectfully request favorable consideration for the above referenced project for a General Plan Amendment, Zone Change, Site Development Review & Variance.

General Plan Amendment Justification
The proposed General Plan Amendment is from SC to LI-R. The subject property is contiguous to industrial planned uses to our North & West.

This request is appropriate base on the following finding of the facts;

1. The density and intensity of the proposed General Amendment is compatible with the existing adjacent land use designation;
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.

Rezoning Justification
The proposed zone change is from C-1 to CM for a heavy equipment rental facility. The subject property is continuous to industrial zoned land to our North and West.

This request is appropriate based on the following finding of the facts;

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.

Variance Justification
The proposed variance is to allow zero rear (West) setbacks where 20'-0" is required and a zero right side (North) set back where 10'-0" is required.

GPA-39489 ZON-39490
VAR-39492 SDR-39491
REVISED

This request is appropriate based on the following finding of the facts;

1. The variance is necessary for the preservation and enjoyment of the substantial property rights.
2. The property to our West has been granted a zero setback.
3. The granting of this request will not materially affect the health or safety on persons residing or working in The neighborhood and will not be materially detrimental to the public welfare or injurious to property or Improvements.
4. The granting of this request will not adversely affect the City of Las Vegas General Plan.

RECEIVED
OCT 01 2010

Site Development Review Justification
The proposed Site Development Plan is for a single story 9, 000 sq ft. heavy equipment rental building in conjunction with an existing 4, 011 sq. ft. office building on 1.21 acres.

This request is appropriate based on the following finding of the facts.

1. The proposed development is compatible with adjacent development and development in the area.
2. The proposed development is consistent with the General Plan, Title 19 and 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.

Waiver Requested
We respectfully request a waiver to allow a 7'-0" wide landscape buffer for a length of approximately 25 feet. Where 8'-0" is required. The waiver is necessary to comply with the exit requirements and ADA laws requiring minimum sidewalk widths.

Exception Requested
We respectfully request to allow 8parking lot tress where 14 are required. We have provided 6 additional trees at the perimeter to offset the deficient parking lot trees so that the total quantity of trees has been provided.

Applicant will provide appropriate closure material and method to eliminate gap between existing building and proposed building at west property line and to meet title 19 requirements.

Should you have any questions or require additional information please contact our office.

Sincerely,

Richard C. Gallegos
Principal

RCG/pt

Cc: .js.lt.sdr.clv

GPA-39489 ZON-39490
VAR-39492 SDR-39491
REVISED

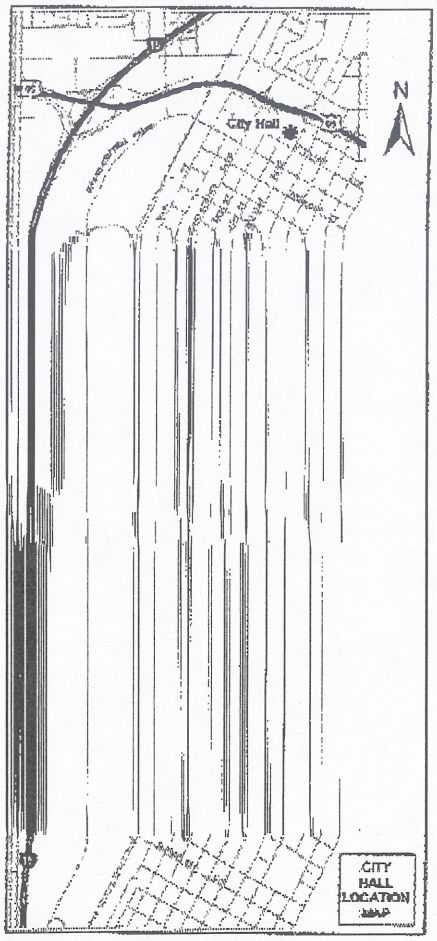
11/07/2010 SUN 20:49 [TX/RX NO 8496] 001

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 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.

GPA-39489 & ZON-39490
City Council Meeting of 11/17/2010

RECEIVED
CITY CLERK
2010 NOV -8 A 9:28

PAPE DONALD J
OAKLEAF NANETTE E
6649 MESSENGER CT
LAS VEGAS NV 89108-5744

APN#13802210031

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
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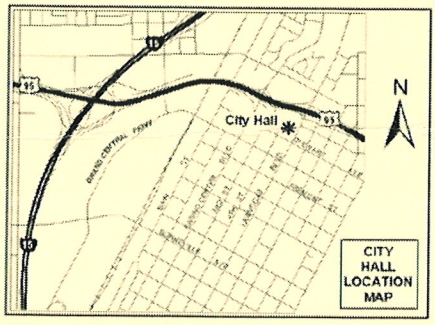
$ 00.41⁴
NOV 05 2010
MAILED FROM ZIP CODE 89101

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.

GPA-39489 & ZON-39490

City Council Meeting of 11/17/2010

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CITY CLERK
2010 NOV 10 A 11:25

RAYNER ELMO JR & JO ANNE R
6600 PAINTED DESERT DR
LAS VEGAS NV 89108-5718

APN#13802201006

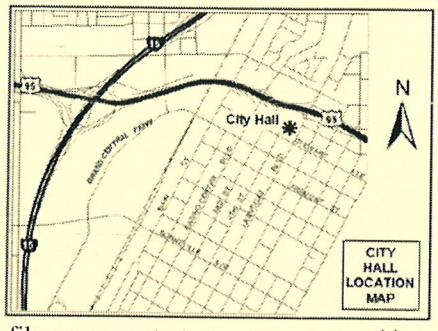
109/110

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 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.

GPA-39489 & ZON-39490
City Council Meeting of 11/17/2010

2010 NOV 15 P 1:03 RECEIVED CITY CLERK

FLORES JOSE E & CHRISTINA Q TR
FLORES JOSE E & CHRISTINA Q TRS
7541 ISLEY AVE
LAS VEGAS NV 89147-4001

APN#13803710017

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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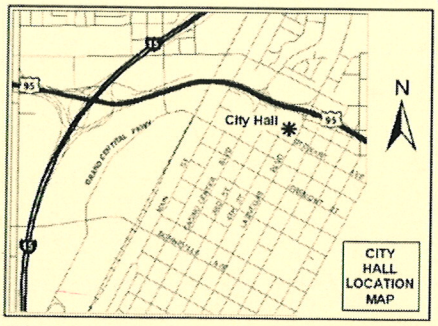

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GPA-39489 & ZON-39490
City Council Meeting of 11/17/2010

2010 NOV 15 P 1:03 RECEIVED CITY CLERK

SHARED EQUITY INVESTMENTS L L C
790 E WATER ROCK LN
PAHRUMP NV 89060-1799

APN#13802211056

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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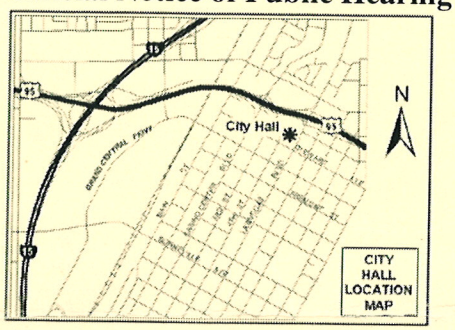
0004279218
$ 00.41⁴
NOV 05 2010
MAILED FROM ZIP CODE 89101

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.

GPA-39489 & ZON-39490
City Council Meeting of 11/17/2010

2010 NOV 15 P 1:08

RECEIVED
CITY CLERK

MAHONEY WILLIAM G
6628 RHINELANDER DR
LAS VEGAS NV 89108-5733

APN#13802211049

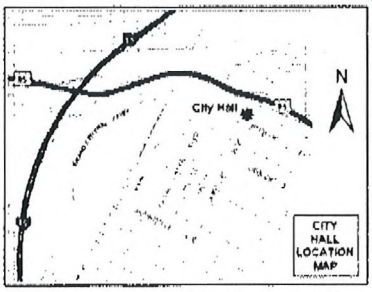
20.

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

$ 00.41⁴

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.

GPA-39489 & ZON-39490
Planning Commission Meeting of 10/21/2010

Case: GPA-39489
13802211056
SHARED EQUITY INVESTMENTS L L C
790 E WATER ROCK LN
PAHRUMP NV 89060-1799

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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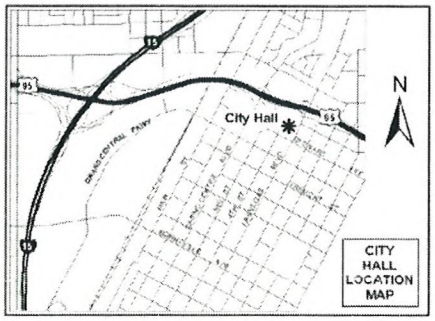
0004279218 OCT 08 2010
MAILED FROM ZIP CODE 89101

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.

GPA-39489 & ZON-39490
Planning Commission Meeting of 10/21/2010

Case: GPA-39489
13803710017
FLORES JOSE E & CHRISTINA Q TR
7541 ISLEY AVE
LAS VEGAS NV 89147-4001

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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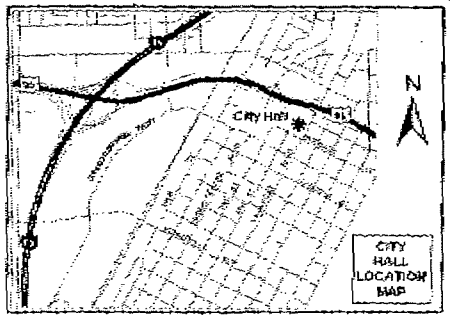
0004279219 OCT 08 2010
MAILED FROM ZIPCODE 89101

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.

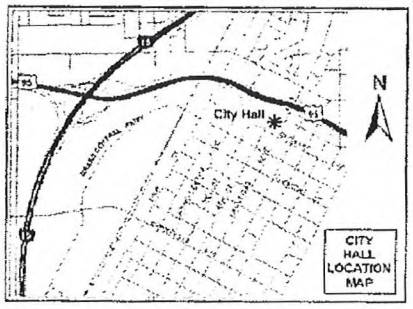
GPA-39489 & ZON-39490

Planning Commission Meeting of 10/21/2010

Case: GPA-39489
13802210031
PAPE DONALD J
6649 MESSENGER CT
LAS VEGAS NV 89108-5744

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

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GPA-39489 & ZON-39490

Planning Commission Meeting of 10/21/2010

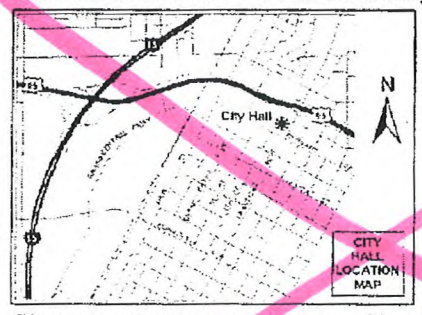
Why are you allowing a heavy equipment in our area? You already ruined area with allowing all the crummy apt. ~~bldgs~~. Bldg's that Bring Low Lifes - More Robberies, vanals etc. Ofc Bldg's - not Big Equipment disrupting the neighborhood - What are you thinking? I oppose this

Case: GPA-39489
13802210044
WEIDNER ELVA L
1337 CASHMAN DR
LAS VEGAS NV 89102-2001

HAVOS11 89102

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.

VAR-39492 & SDR-39491

Planning Commission Meeting of 10/21/2010

Your phone line [illegible] is always Busy

Case: VAR-39492
13802210044
WEIDNER ELVA L
1337 CASHMAN DR
LAS VEGAS NV 89102-2001

HAVOS11 89102

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
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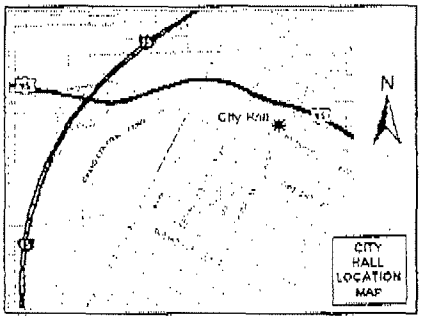

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-39489 & ZON-39490
Planning Commission Meeting of 10/21/2010

Case: GPA-39489
13803602010
GRAGSON-BELTWAY BELCASTRO L L C
%R TORRES
3960 HOWARD HUGHES PKWY #150
LAS VEGAS NV 89169-5919

pacific design concepts, llc PDC
3005 w. horizon ridge pkwy., #200, henderson, nv 89052 (702) 454-5842 fax (702) 454-7842

October 6, 2010

City of Las Vegas
Planning and Development Department
731 S. Fourth Street

Attn: Steve Swanton, AICP

RE: RAINBOW & CRAIG-SEQUOIA ELECTRIC **PROJECT NO: 10-129**
GPA-39489, ZON-39490, SDR-39491, Var-39492

Dear Steve,

Pursuant to our phone conversation, attached is the list of proposed conditions that our neighbors have agreed to as it applies to the Equipment Rental Business:

1. Business days of week shall be Monday thru Friday.
2. Business hours shall be 6:30 A.M. until 6:30 p.m.
3. No diesel engine start ups before 7:00a.m.
4. Equipment shall be rented with an operator.
5. Equipment shall be stored inside the building or at the designated outside storage area.
6. No equipment in its stored position shall be taller than 14 feet in height.
7. Quantity of rental equipment and large vehicles shall be per the Exhibit Site Plan sheet AS1.03 dated 09-07-10
8. Business owner shall provide a point of contact for neighbors to reach out to with any concerns. Contact numbers are during business hours (702) 839-9047 and after business hours (702) 491-2972.
9. Property owner to restrict uses allowed in the C-M zone as agreed to by neighbors. The following list of excluded uses are;
    1. Boarding of Rooming House
    2. Rescue Mission Shelter for Homeless
    3. Gun Club Skeet or Target Rage Archery Club indoor and outdoor
    4. Sexually Oriented Business
    5. Auction House
    6. Auto repair Garage (Major) Open to Public
    7. Motor Vehicle Sales – New and Used
    8. Towing and Impound Yard
    9. Taxi Cab / Limo Yard
    10. Towing Service
    11. Manufacturing, Heavy
    12. Salvage or Reclamation of products (indoor)
    13. Recycling Collection Center
    14. Auto Pawn
    15. Bus Charter Services & Service Facility
10. Existing Monument Sign (externally Illuminated) shall remain.
11. Parking lot lighting shall conform to title 19 requirements including hooded and project downward. Light shall not spill into adjacent properties.

Submitted at Planning Commission

Date 10/21/10 Item 39-42

Summary of neighborhood meeting;

Two neighbors were in attendance and topics of discussion are as follows;

1. We informed the neighbors of plan changes as a result City of Las Vegas Planning staff comments.

2. We reviewed and agreed to the proposed conditions;

3. We reviewed possible CM uses and agreed to delete the undesirable ones.

Meeting started at 6:00 p.m. and concluded at 6:50 p.m.

Should you require additional information or have any questions please contact me at 702.454.5842.

Sincerely,



Richard C. Gallegos
Principal

RCG/PT

cc: 10-129.rl steve.swanton.10.06.10

Richard Gallegos

From: Bob [shooter727@cox.net]
Sent: Wednesday, October 20, 2010 10:21 PM
To: richardg@pacdesignconcepts.com
Subject: letter of support

Richard,
I am sorry to say that will not be able to join you at the Commission meeting due to my work schedule.
If you would, please pass this letter of support to the Commission for me.
I would like to tell them that all persons involved with Sequoia Electric and the respective representatives for the two council members who represent this area were knowledgeable, respectful, patient and willing to hear all of the concerns I put before them, and had or researched and answered to my satisfaction these concerns. As I see it, Sequoia Electric should be a welcome neighbor and will address any concerns in the future.

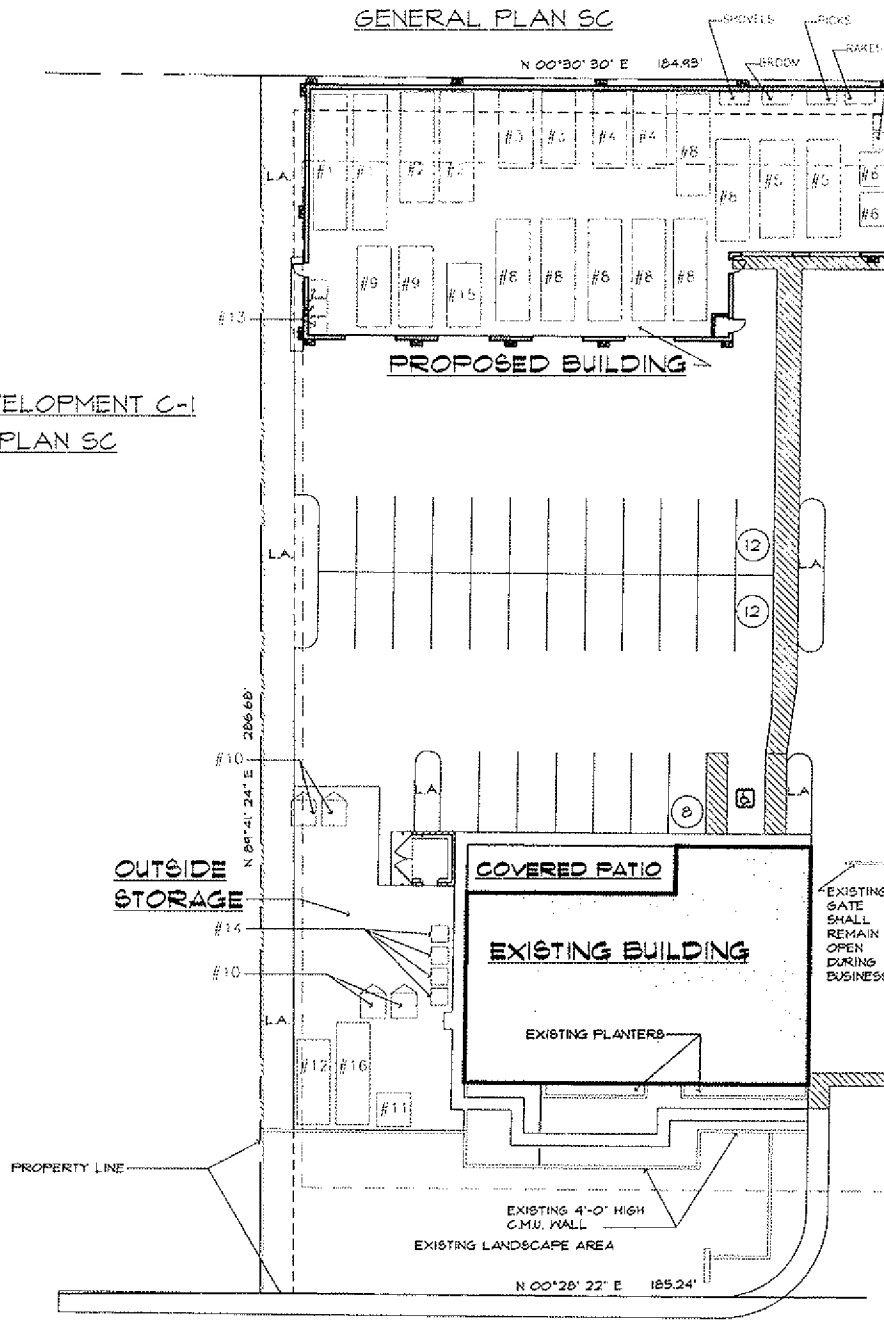
Sincerely,
Bob Fitzpatrick
4448 Mcbride Dr.
Las Vegas, NV 89108
702-574-8819

EXISTING MINI STORAGE BUILDING C-1

GENERAL PLAN SC

EXISTING DEVELOPMENT C-1

GENERAL PLAN SC



N. RAINBOW BLV

SITE PL

1" = 20'-0"

EXISTING RESIDENTIAL RC-L

GENERAL PLAN M

LEGEND

L.A.

P:\10-129 Rainbow & Craig-Sequoia\ARCH-CD\10-129 AS1 03 exhibit for Equipment.dwg plotted 10/21/2010 8:28 AM by Patricia Terrazas

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

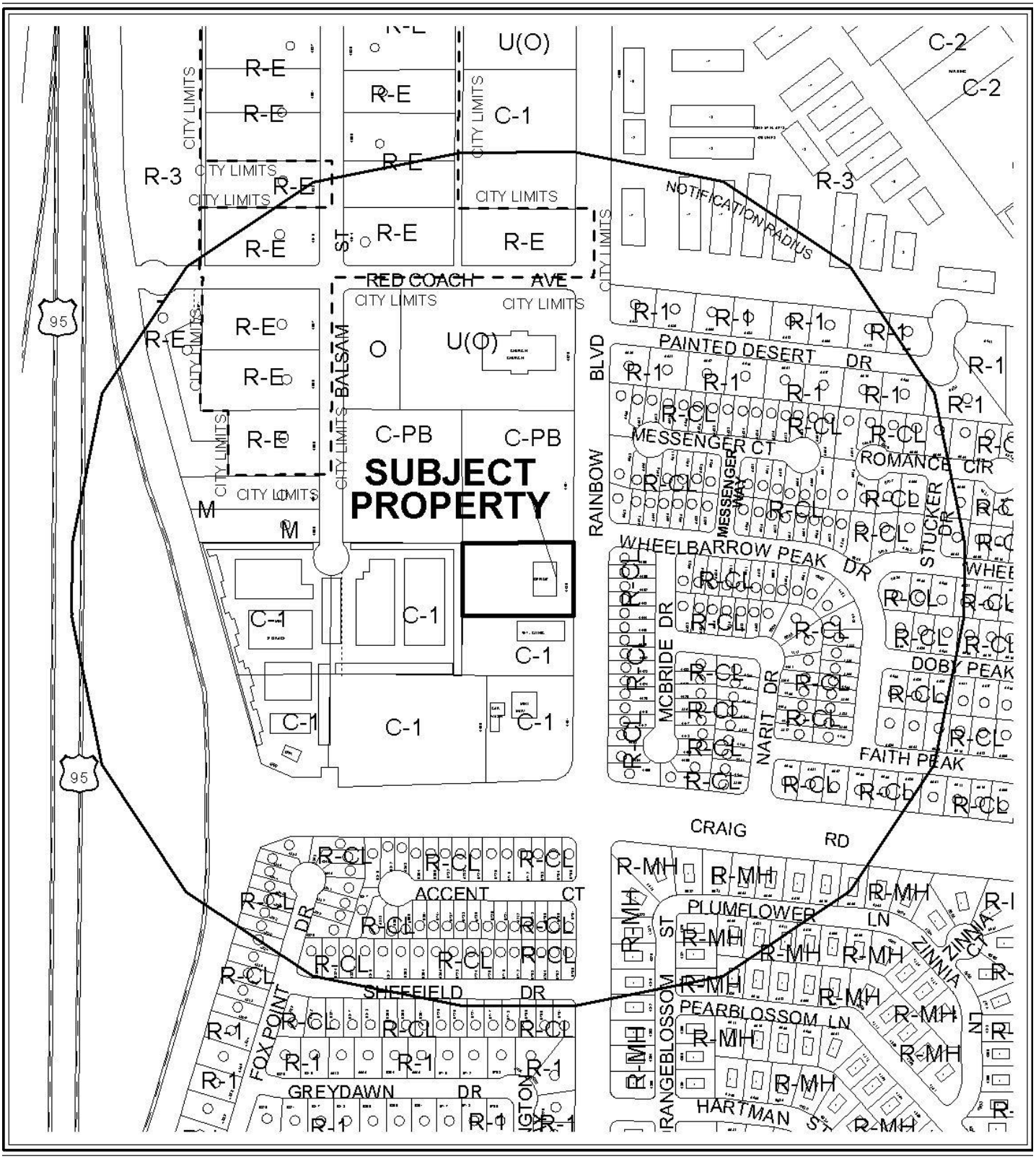
SUBJECT:
ZON-39490 – ABEYANCE ITEM - REZONING RELATED TO GPA-39489 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-M (COMMERCIAL/INDUSTRIAL) on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**2**
City Council Meeting	**5**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Location and Aerial Maps – ZON-39490, VAR-39492 and SDR-39491
3. Supporting Documentation
4. Protest Postcard

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.



CASE: **ZON-39490; VAR-39492 AND SDR-39491**

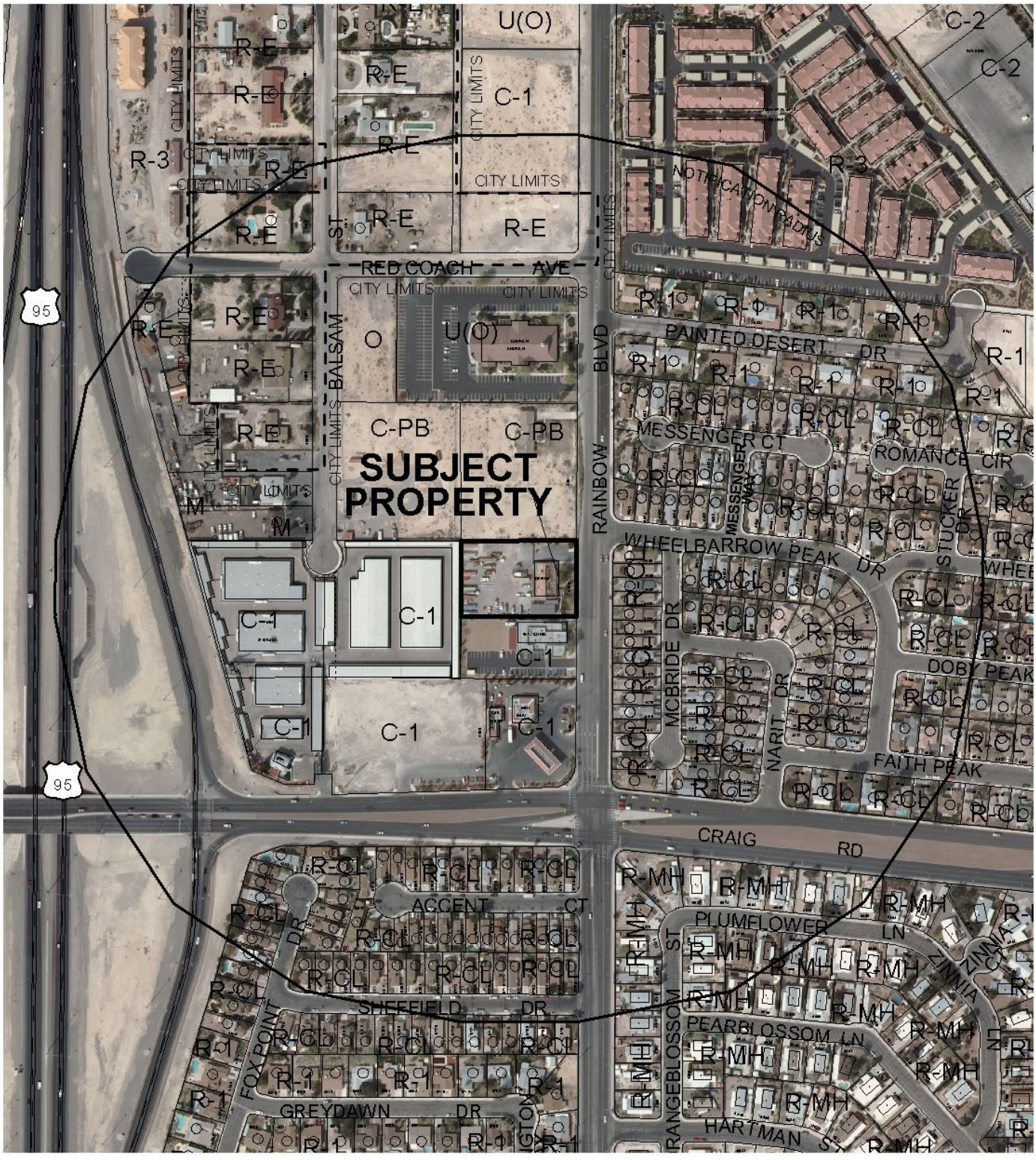
0 300 600 Feet

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N



CASE: **ZON-39490; VAR-39492 AND SDR-39491**

0 300 600 Feet

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-39490** APN: 138-03-602-013

Name of Property Owner: Sagebrush Property Ventures

Name of Applicant: Sequoia Electric

Name of Representative: Pacific Design Concepts- Richard Gallegos

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: BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10

Tammy J Powell

Notary Public in and for said County and State

COUNTY CLARK
STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 93-1098-1
My appt. exp. Sept. 14, 2013

Revised 11-14-06

T:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
SEP 07 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: ZONE CHANGE

Project Address (Location) 4485 N. Rainbow Blvd.

Project Name Rainbow & Craig Sequoia Elect. **Proposed Use** Industrial

Assessor's Parcel #(s) 138-03-602-013 **Ward #** 4

General Plan: existing SC proposed H/R **Zoning:** existing C-1 proposed CM

Commercial Square Footage 8,880 **Floor Area Ratio** N/A

Gross Acres 1.21 **Lots/Units** N/A **Density** N/A

Additional Information

PROPERTY OWNER Sagebrush Property Ventures **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 454-5842 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

APPLICANT Sequoia Electric **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 839-9047 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

REPRESENTATIVE Pacific Design Concepts **Contact** Richard Gallegos

Address 3005 W. Horizon Ridge Pkwy #200 **Phone:** 454-5842 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89052

E-mail Address

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10.

[signature] Tammy Powell

Notary Public in and for said County and State COUNTY CLARK STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

Revised 10/27/08

FOR DEPARTMENT USE ONLY

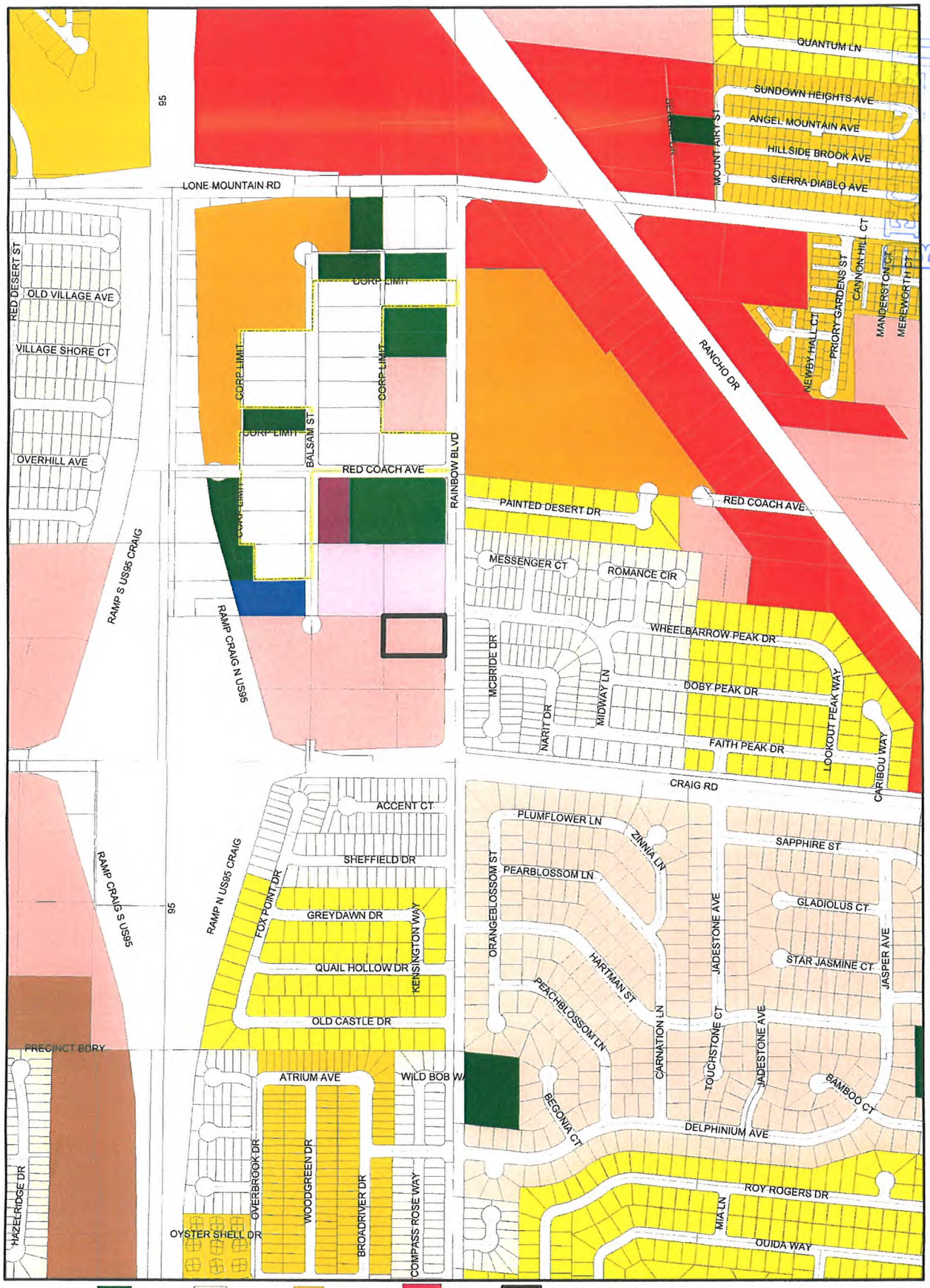
Case #	ZON-39490
Meeting Date:	10/21/10 PC
Total Fee:	$1,200
Date Received:*	9/7/10
Received By:	

*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.

f:\depot\Application Packet\Application Form.pdf

RECEIVED
SEP 07 2010

REZONING Parcel: 138-03-602-013



ZONING

C-V	U	R-MH	R-MHP	PD	Subject Parcel
C-PB	R-A	R-CL	P-R	T-D	City Limits
P-C	R-E	R-2	N-S	TC	ROI Zoning
	R-D	R-3	O	C-2	
	R-PD	R-4	C-D	C-M	
	R-1	R-5	C-1	M	

FROM C-1 TO C-M

ZON-39490

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: September 03, 2010

Please refer to GPA-39489 for related Protest/Support Postcards.

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-39492 – ABEYANCE ITEM - VARIANCE RELATED TO GPA-39489 AND ZON-39490 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Variance TO ALLOW A ZERO-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED AND A ZERO-FOOT SIDE YARD SETBACK WHERE TEN FEET IS REQUIRED on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**1**
City Council Meeting	**5**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation – VAR-39492 and SDR-39491
3. Protest Postcards for VAR-39492 and SDR-39491
4. Backup referenced from the October 21, 2010 Planning Commission Meeting for Items VAR-39492 and SDR-39491

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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-39492** APN: 138-03-602-013

Name of Property Owner: Sagebrush Property Ventures

Name of Applicant: Sequoia Electric

Name of Representative: Pacific Design Concepts-Richard Gallegos

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: BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10

Tammy J Powell

Notary Public in and for said County and State

COUNTY CLARK STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: VARIANCE - ~~SPR~~

Project Address (Location) 4485 N. Rainbow Blvd.

Project Name Rainbow & Craig Sequoia Electric **Proposed Use** Industrial

Assessor's Parcel #(s) 138-03-602-013 **Ward #** 4

General Plan: existing SC proposed H/R **Zoning:** existing C-1 proposed CM

Commercial Square Footage 8,880 **Floor Area Ratio** N/A

Gross Acres 1.21 **Lots/Units** N/A **Density** N/A

Additional Information

PROPERTY OWNER Sagebrush Property Ventures **Contact** Blake Barsy

Address 4485 N. Rainbow **Phone:** 454-5842 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

APPLICANT Sequoia Electric **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 839-9047 **Fax:**

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

REPRESENTATIVE Pacific Design Concepts **Contact** Richard Gallegos

Address 3005 W. Horizon Ridge Pkwy #200 **Phone:** ~~454~~-5842 **Fax:** 454-7842

City HENDERSON **State** NV **Zip** 89052

E-mail Address

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10.

[signature]

Notary Public in and for said County and State STATE NEVADA COUNTY CLARK

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	VAR-39492
Meeting Date:	10/21/10 PC
Total Fee:	$1,030
Date Received:*	9/7/10
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.

f:\depot\Application Packet\Application Form.pdf

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#1 EXISTING FENCE WALL @ SOUTH SIDE



#2 EXISTING FENCE WALL @ NORTH SIDE

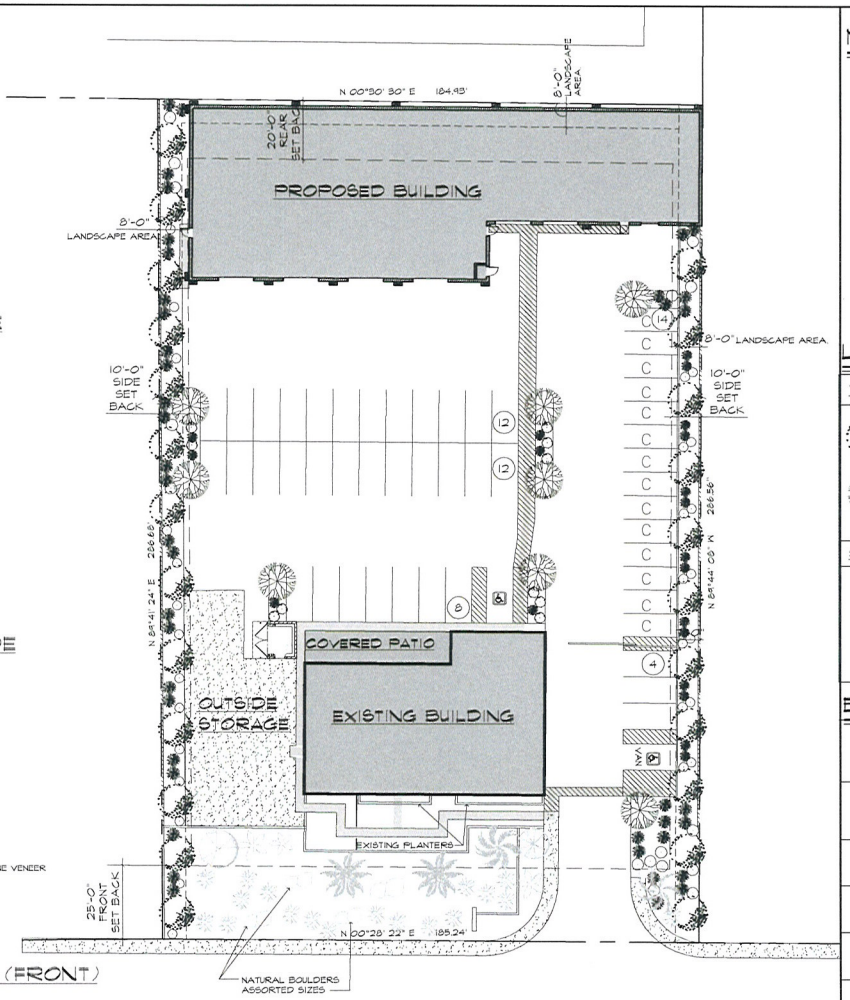


STONE VENEER

#3 EXISTING FENCE WALL @ EAST SIDE (FRONT)



EXISTING LANDSCAPE
AT FRONT OF EXISTING BUILDING



MISCELLANEOUS NOTES

1. ALL EXPOSED SOILS TO RECEIVE 2" THICK LAYER OF DECORATIVE GRAVEL OR DECOMPOSED GRANITE.
2. ALL TREES AND SHRUBS TO BE SPACED ACCORDING TO CITY OF LAS VEGAS MUNICIPAL CODE 14.12.040
3. ASSORTED 5 GAL SHRUBS TO COVER MORE THAN 60% OF LANDSCAPE AREA WITHIN TWO YEAS OF INSTALLATION
4. TREES SHALL NOT BE PLANTED WITHIN 5' OF A DEDICATED RIGHT-OF-WAY WHEN MATURE
5. ANY TREE WITHIN 5' OF A SIDEWALK / PAVED SURFACE AND/OR WALL SHALL BE PLANTED WITH A ROOT SHIELD DESIGNED TO DIRECT ROOT GROWTH DOWNWARD.
6. SWALE DESIGN PER FIGURE 30.64-9.
7. DECOMPOSED GRANITE COLOR: PALAMINO CORAL 1/2" SCREENED
   DECOMPOSED GRANITE SOURCE: VISTA ROCK LAS VEGAS, NEVADA
   DECORATIVE GRAVEL COLOR: RED SANDSTONE 3/4" 2/4"
   DECORATIVE GRAVEL SOURCE: STAR NURSERY LAS VEGAS, NEVADA
8. ALL LANDSCAPE AREAS TO RECEIVED COMPLETE AUTOMATIC PERMANENT UNDERGROUND DRIP IRRIGATION SYSTEM.

LANDSCAPE LEGEND

TREES	SIZE	Q	BOTANICAL NAME	COMMON NAME
	24" BOX	24	PISTACIA CHINENSIS	CHINESE PISTACHE
	24" BOX	8	ACACIA SP	ACACIA
SHRUBS	**SIZE**		**BOTANICAL NAME**	**COMMON NAME**
	5 GAL.	46	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER
	5 GAL.	46	AGAVE AMERICANA	INCENSE CEDAR
	5 GAL.	12	CALOCEDRUS DECURRENS	CENTURY PLANT

EXISTING LANDSCAPE LEGEND

	14'	2	EXISTING DATE PALMS TO REMAIN
	10'	4	EXISTING MEXICAN FAN PALMS TO REMAIN
	6'	2	EXISTING CANARY ISLAND DATE PALM TO REMAIN
	48" BOX	1	EXISTING MONDEL PINE TO REMAIN
	48" BOX	1	EXISTING EVERGREEN ELM TO REMAIN
	15 GAL.	16	EXISTING ERAPE MYRTLE TO REMAIN

PERIMETER TREES	
REQUIRED 1 PER 30 LINEAR FEET (540 L.F / 30) =	18 TREES
PROVIDED	= 24 TREES
PARKING LOT TREES	
REQUIRED 1 PER 6 STALLS	= 14 TREES
PROVIDED	= 8 TREES

LEGEND

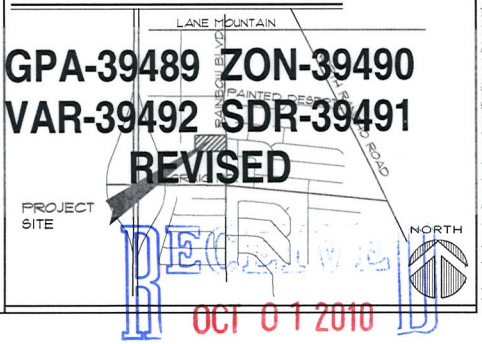
ACCESSIBLE ROUTE 5% MAX. RUNNING SLOPE 2% MAX. CROSS SLOPE W/1/2" MAX CHANGE IN ELEVATIONS

LANDSAPE PLAN

1" = 20'-0"

NORTH

LOCATION MAP/VICINITY:



GPA-39489 ZON-39490
VAR-39492 SDR-39491
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OCT 01 2010

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3005 w. horizon ridge parkway, suite 200
henderson, nevada 89052
(702) 454-5842 fax (702) 454-7842

project title:
RAINBOW AND CRAIG
SEQUOIA ELECTRIC
4485 N. RAINBOW BLVD
LAS VEGAS, NV 89108

PRELIMINARY
NOT FOR CONSTRUCTION
09-07-10

sheet title:
LANDSCAPE PLAN

LAND USE SUBMITTAL

issue dates:
drawn by: PT
checked by: RCG
project no.: 10-129
revisions:

sheet no.
AL1.01

of sheets

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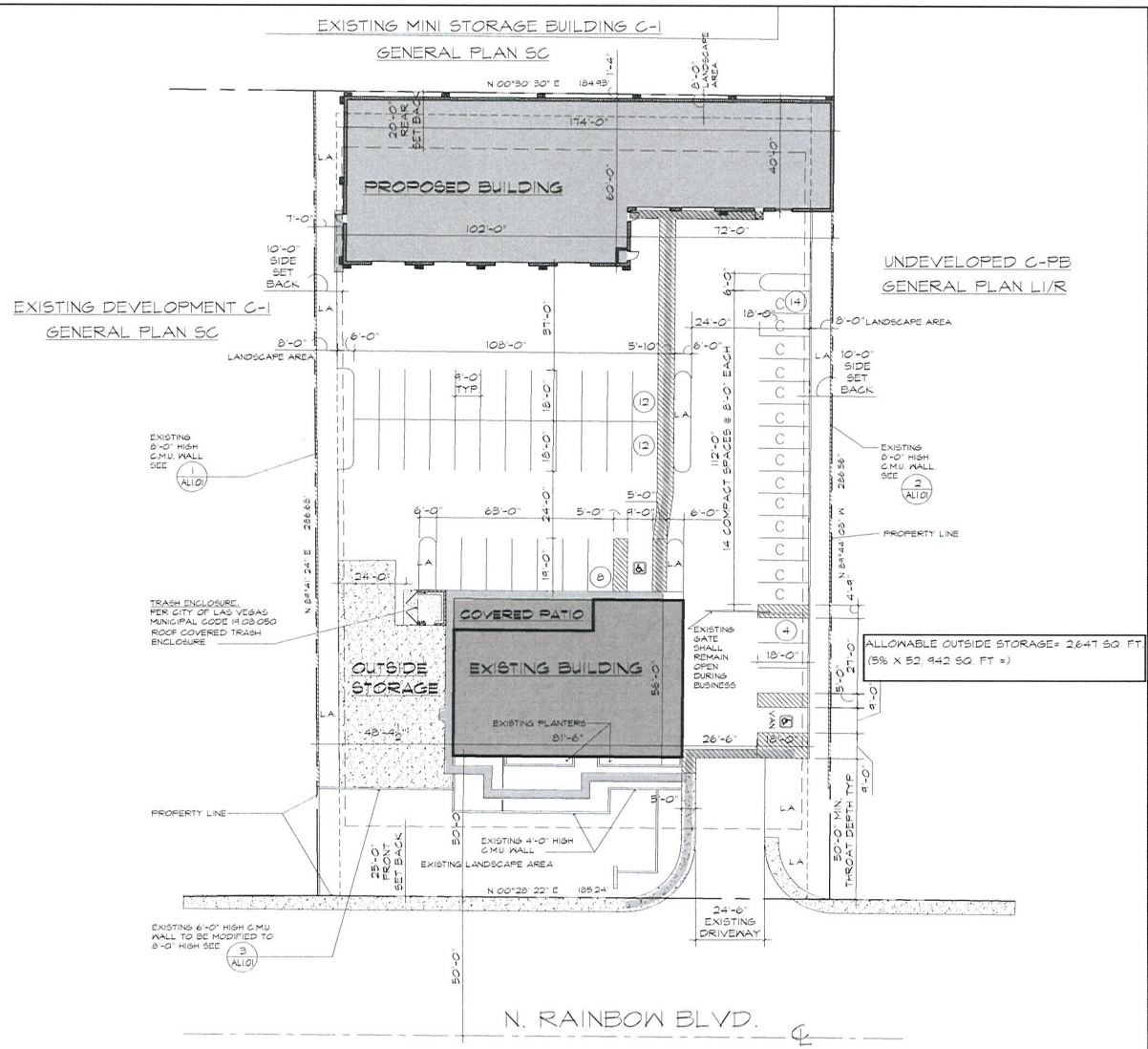


ARCHITECTURAL SITE PLAN

1" = 20'-0"

NORTH

LEGEND

ACCESSIBLE ROUTE 5% MAX. RUNNING SLOPE 2% MAX. CROSS SLOPE 1/1/2" MAX CHANGE IN ELEVATIONS

LANDSCAPE AREA

PROJECT DATA:

ASSESSORS PARCEL NUMBER:	138-03-601-013
ACTION REFERENCE NUMBER:	XX
DEVELOPMENT CODE:	TITLE 19- LAS VEGAS ZONING CODE ADOPTION DATE 04-30-2005
GOVERNING JURISDICTION:	CITY OF LAS VEGAS
SPECIAL OVERLAY DISTRICT(S)	N/A
GENERAL PLAN	SC
PROPOSED GENERAL PLAN	LI-R
EXISTING LAND USE ZONE	C-1
PROPOSED LAND USE ZONE:	C-M
SITE AREA:	1.21 ACRES/ 52,942.4 SF
LOT COVERAGE	24.34 % (BASED ON ROOF DRIP LINE)
BUILDING HEIGHT: ALLOWABLE:	N/A
ACTUAL:	24 FT.
OCCUPANCY GROUP: EXISTING BUILDING	B
OCCUPANCY GROUP: PROPOSED BUILDING	S-1
CONSTRUCTION TYPE: EXISTING BUILDING	V-B
CONSTRUCTION TYPE: PROPOSED BUILDING	III-B FULLY SPRINKLERED

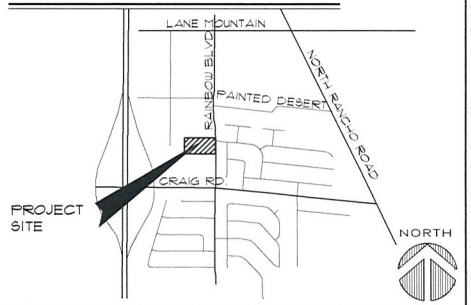
BUILDING AREA TABULATIONS

EXISTING BUILDING AREA:	4, 011 SQ. FT.
PROPOSED BUILDING AREA:	9, 000 SQ. FT.
TOTAL BUILDING AREA	13, 011 SQ. FT.

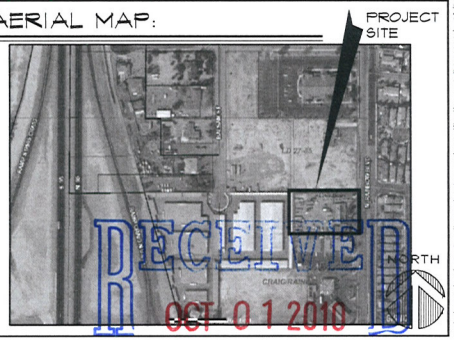
PARKING ANALYSIS

EXISTING BUILDING AREA 4, 011 SQ FT. / 300 = 13.37=	14 SPACES
PROPOSED BUILDING AREA 9, 000 / 250 =	36 SPACES
NUMBER OF PARKING SPACES REQUIRED	50 SPACES
NUMBER OF PARKING SPACES PROVIDED. (INCLUDING 14 COMPACT SPACES = (30% OF TOTAL) (INCLUDING 2 ACCESSIBLE SPACES WITH ONE VAN SPACE)	50 SPACES

LOCATION MAP/VICINITY:



AERIAL MAP:



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pacific design concepts, llc
3005 w. horizon ridge parkway, suite 200
henderson, nevada 89052
(702) 454-5842 fax (702) 454-7842

project title:
RAINBOW AND CRAIG
SEQUOIA ELECTRIC
4485 N. RAINBOW BLVD
LAS VEGAS, NV 89108

PRELIMINARY
NOT FOR CONSTRUCTION
09-07-10

sheet title:
ARCHITECTURAL
SITE PLAN
LAND USE SUBMITTAL

issue dates:
drawn by: RT
checked by: RCG
project no.: 10-129
revisions:
sheet no.: AS1.01
of sheets

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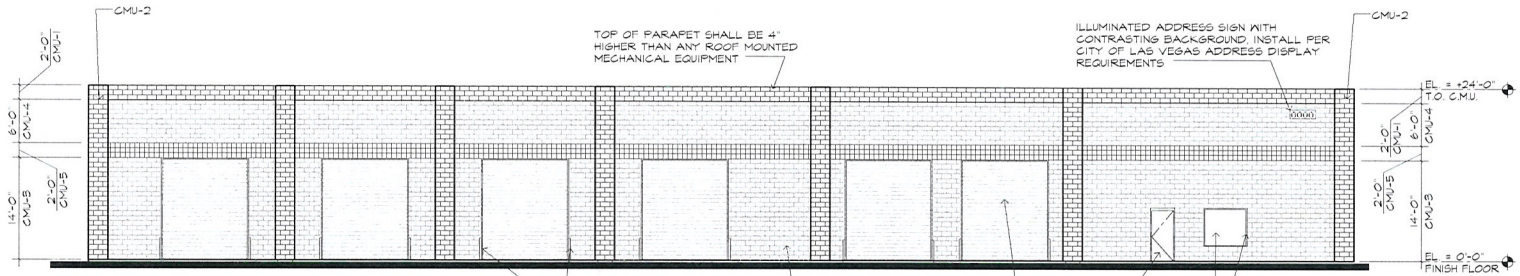
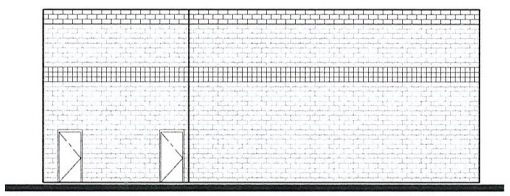
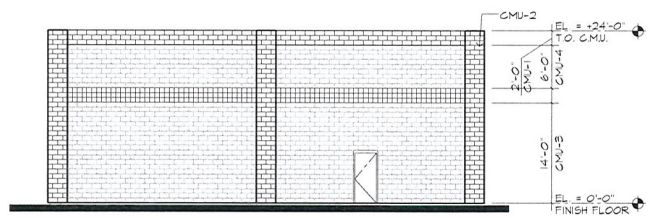


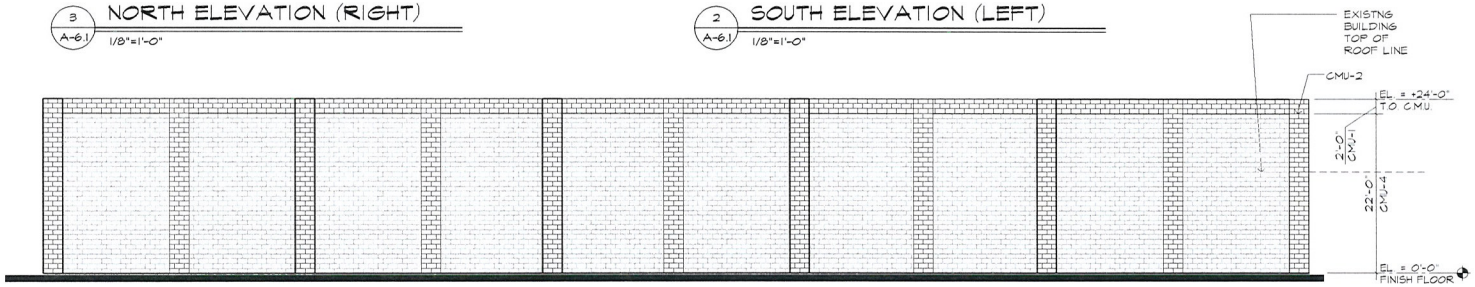
1 A-6.1 EAST ELEVATION (FRONT)
1/8"=1'-0"



3 A-6.1 NORTH ELEVATION (RIGHT)
1/8"=1'-0"



2 A-6.1 SOUTH ELEVATION (LEFT)
1/8"=1'-0"



4 A-6.1 WEST ELEVATION (REAR)
1/8"=1'-0"

EXTERIOR FINISH SCHEDULE

NOTE: ALL C.M.U. IS MANUFACTURED BY "ORCO" BLOCK COMPANY OR EQUAL

CMU-1 8 x 8 x 16 SPLIT FACE CONCRETE MASONRY UNIT COLOR: BLACK 250

CMU-2 8 x 8 x 16 SPLIT FACE CONCRETE MASONRY UNIT COLOR: RED BROWN

CMU-3 8 x 8 x 16 PRECISION BLOCK CONCRETE MASONRY UNIT COLOR: WHEAT

CMU-4 8 x 8 x 16 PRECISION BLOCK CONCRETE MASONRY UNIT COLOR: NU-FAD

CMU-5 8 x 8 x 16 SCORED CONCRETE MASONRY UNIT COLOR: BLACK 250

FR-1 1 3/4" x 4" BLACK ANODIZED FINISH ALUMINUM FRAME BY ARCADIA OR EQUAL

GL-1 1" GRAY OR GREEN REFLECTIVE DUAL GLAZING BY HGP INDUSTRIES OR EQUAL

P-1 COLOR TO BE SELECTED BY OWNER TO MATCH W/ CMU- 4

P-2 COLOR TO BE SELECTED BY OWNER TO MATCH W/ CMU- 3

GENERAL NOTES

1. ALL EXPOSED METAL TO BE PAINTED THE SAME AS ADJACENT PAINT/ FINISH COLOR, U. N. O.

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pacific design concepts, llc
3005 w. horizon ridge parkway, suite 200
henderson, nevada 89052
(702) 454-5842 fax (702) 454-7842

project title:
RAINBOW AND CRAIG SEQUOIA ELECTRIC
4485 N. RAINBOW BLVD
LAS VEGAS, NV 89108

PRELIMINARY
NOT FOR CONSTRUCTION
09-07-10

sheet title:
EXTERIOR ELEVATIONS
LAND USE SUBMITTAL

issue dates:
drawn by: PT
checked by: RCG
project no.: 10-129
revisions:

sheet no.
A6.01
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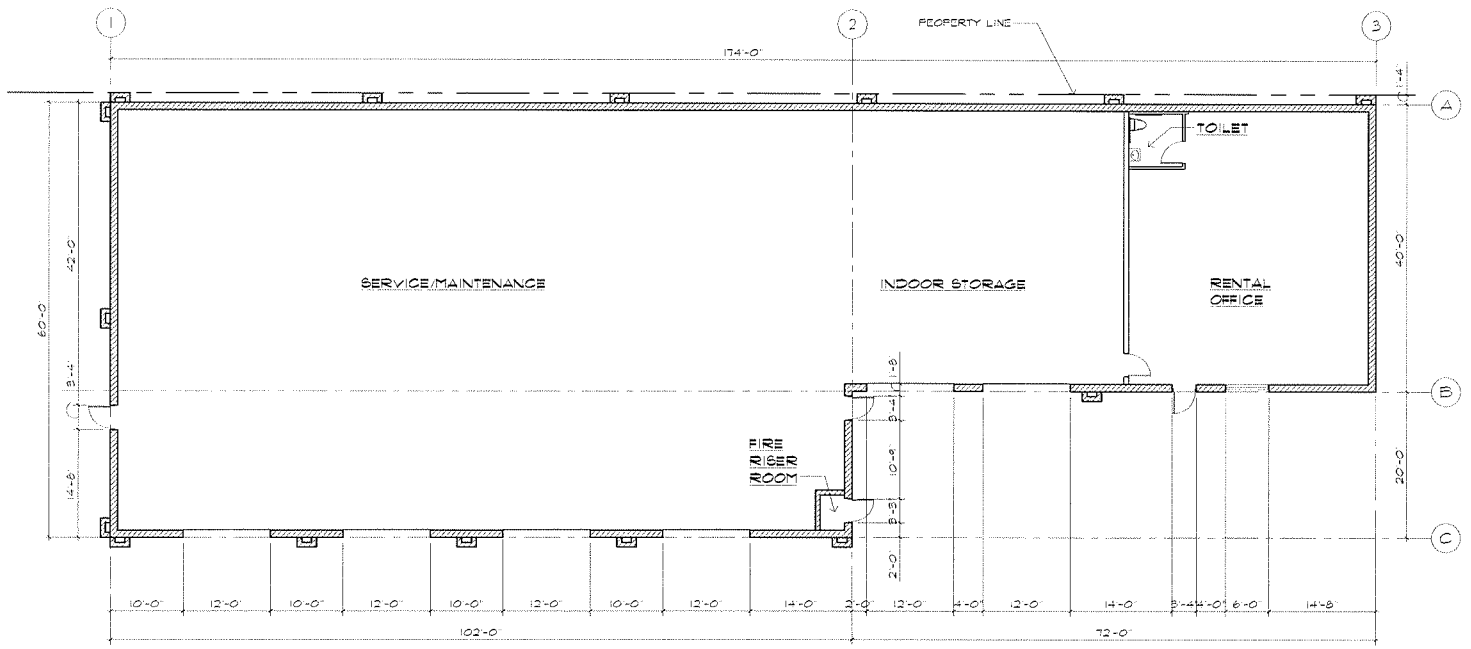

FLOOR PLAN

1/8" = 1'-0"

* MAXIMUM OCCUPANT LOAD (PER IBC) = 89

NORTH

WALL LEGEND

EXTERIOR WALL CONSTRUCTION
8 x 8 x 16 C.M.U. WALL

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUDS CENTER LINE OF GRIDS AND COLUMNS
2. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE BEGINNING WORK
3. CONTRACTOR SHALL PROVIDE AND LOCATE ACCESS PANELS AS REQUIRED AFTER INSTALLATION OF MECHANICAL DUCTS, PLUMBING & ELECTRICAL WORK
4. APPLIANCES AND OTHER EQUIPMENT BY OWNER (N.I.C.)
5. ALL PARTITIONS ADJACENT TO OR LOCATED AT THE BACK OF PLUMBING FIXTURES SHALL BE CONSTRUCTED WITH MOISTURE RESISTANT GYP. BD.

GPA-39489 ZON-39490
VAR-39492 SDR-39491
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PUBLIC HEARING
SEP 24 2010

pacific design concepts, llc
3005 w. horizon ridge parkway, suite 200
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SEQUOIA ELECTRIC
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LAS VEGAS, NV 89108

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sheet title:
FLOOR PLAN
LAND USE SUBMITTAL

case dates:
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revisions:

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CMU–1
8 x 8 x 16 SPLIT FACE CONCRETE MASONRY UNIT COLOR: BLACK 250



CMU–5
8 x 8 x 16 SCORED CONCRETE MASONRY UNIT COLOR: BLACK 250



CMU–2
8 x 8 x 16 SPLIT FACE CONCRETE MASONRY UNIT COLOR: RED BROWN



CMU–3
8 x 8 x 16 PRECISION BLOCK CONCRETE MASONRY UNIT COLOR: WHEAT



CMU–4
8 x 8 x 16 PRECISION BLOCK CONCRETE MASONRY UNIT COLOR: NU–FAD

NOTE: ALL C.M.U. IS MANUFACTURED BY "ORCO" BLOCK COMPANY OR EQUAL

(P–1) COLOR TO BE SELECTED BY OWNER TO MATCH W/ CMU– 4

(P–2) COLOR TO BE SELECTED BY OWNER TO MATCH W/ CMU– 3

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RAINBOW AND CRAIG SEQUOIA ELECTRIC

pacific design concepts, llc
3005 w. horizon ridge parkway, suite 200 henderson, nevada 89052 ph. 454-5842

City of Las Vegas
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400 Stewart Avenue
Las Vegas, Nevada 89101

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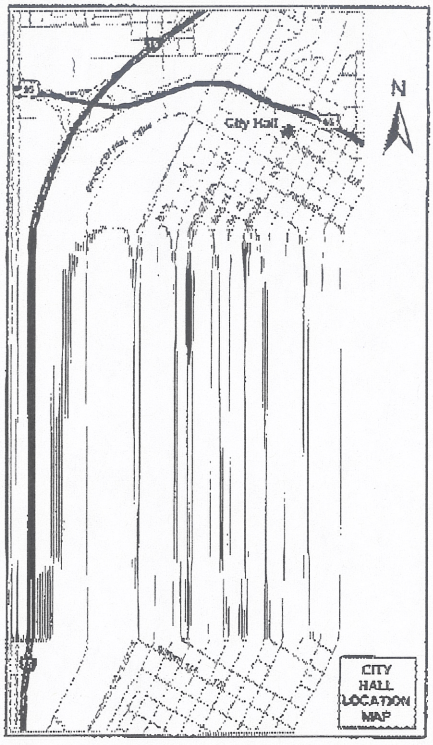

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-39492 & SDR-39491
City Council Meeting of 11/17/2010

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PAPE DONALD J
OAKLEAF NANETTE E
6649 MESSENGER CT
LAS VEGAS NV 89108-5744

APN#13802210031

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Office Of The City Clerk
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Las Vegas, Nevada 89101

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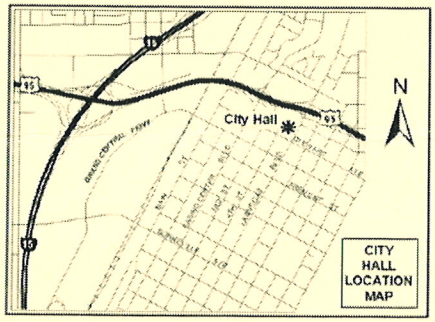

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City Council Meeting of 11/17/2010

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RAYNER ELMO JR & JO ANNE R
6600 PAINTED DESERT DR
LAS VEGAS NV 89108-5718

APN#13802201006

11/112

City of Las Vegas
Office Of The City Clerk
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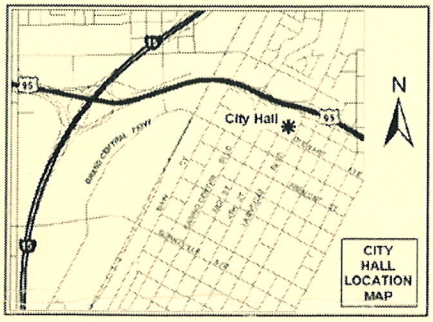

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City Council Meeting of 11/17/2010

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MAHONEY WILLIAM G
6628 RHINELANDER DR
LAS VEGAS NV 89108-5733

APN#13802211049

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400 Stewart Avenue
Las Vegas, Nevada 89101

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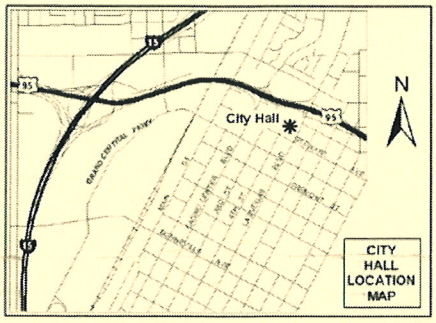

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City Council Meeting of 11/17/2010

LAS VEGAS NV 890 11-08-10

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SHARED EQUITY INVESTMENTS L L C
790 E WATER ROCK LN
PAHRUMP NV 89060-1799

APN#13802211056

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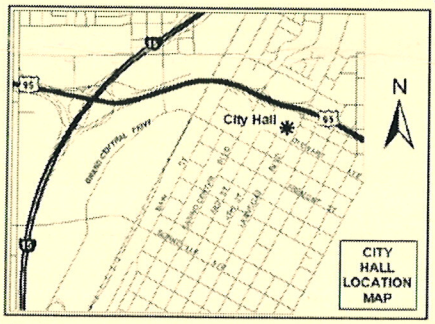
Return Service Requested
Official Notice of Public Hearing



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 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-39492 & SDR-39491
City Council Meeting of 11/17/2010

2010 NOV 15 P 1:18
RECEIVED
CITY CLERK

FLORES JOSE E & CHRISTINA Q TR
FLORES JOSE E & CHRISTINA Q TRS
7541 ISLEY AVE
LAS VEGAS NV 89147-4001

APN#13803710017

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
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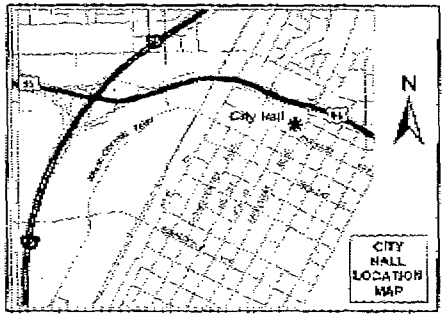
OCT 08 2010
MAILED FROM ZIP CODE 89101

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

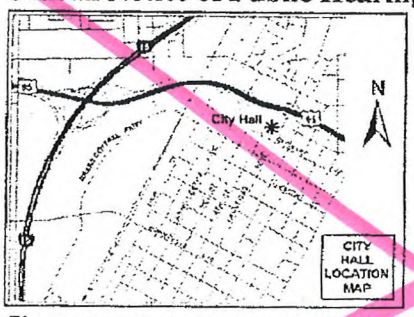
Please use available blank space on card for your comments.

VAR-39492 & SDR-39491
Planning Commission Meeting of 10/21/2010

Case: VAR-39492
13802210031
PAPE DONALD J
6649 MESSENGER CT
LAS VEGAS NV 89108-5744

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.

GPA-39489 & ZON-39490

Planning Commission Meeting of 10/21/2010

Why are you allowing a heavy equipment in our area? You already ruined area with allowing all the crummy apt. ~~bldgs~~. Bldg's that Bring Low Lifes - More Robberies, Vanals etc. Ofc Bldg's - not Big Equipment disrupting the neighborhood - What are you thinking? I oppose this

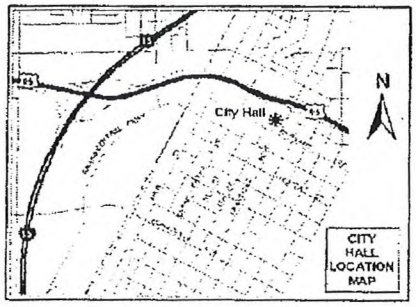
Case: GPA-39489
13802210044
WEIDNER ELVA L
1337 CASHMAN DR
LAS VEGAS NV 89102-2001

HAVOS11 89102

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Your phone line [illegible] is always Busy

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-39492 & SDR-39491

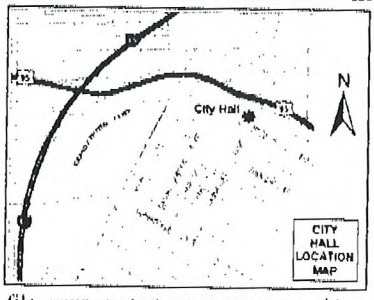
Planning Commission Meeting of 10/21/2010

Case: VAR-39492
13802210044
WEIDNER ELVA L
1337 CASHMAN DR
LAS VEGAS NV 89102-2001

HAVOS11 89102

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.

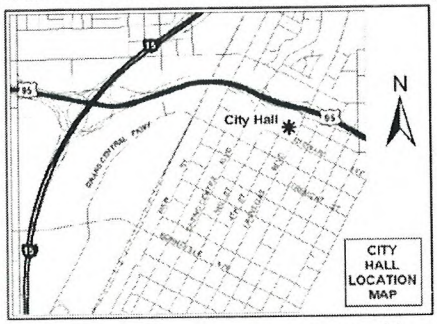
VAR-39492 & SDR-39491
Planning Commission Meeting of 10/21/2010

$ 00.41

Case: VAR-39492
13802211056
SHARED EQUITY INVESTMENTS L L C
790 E WATER ROCK LN
PAHRUMP NV 89060-1799

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.

VAR-39492 & SDR-39491
Planning Commission Meeting of 10/21/2010

PRESORTED FIRST CLASS
UNITED STATES POSTAGE PITNEY BOWES
02 1M 0004279218
$ 00.41⁴
OCT 08 2010
MAILED FROM ZIP CODE 89101

RECEIVED
OCT 21 2010

Case: VAR-39492
13803710017
FLORES JOSE E & CHRISTINA Q TR
7541 ISLEY AVE
LAS VEGAS NV 89147-4001

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-39491 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-39489, ZON-39490 AND VAR-39492 - PUBLIC HEARING - APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH PROPERTY VENTURES, LLC - Request for a Site Development Plan Review FOR THE ADDITION OF A PROPOSED 9,000 SQUARE-FOOT HEAVY MACHINERY AND EQUIPMENT (RENTAL, SALES AND SERVICE) BUILDING TO A SITE THAT CONTAINS AN EXISTING 4,011 SQUARE-FOOT OFFICE, WITH A WAIVER OF PERIMETER LANDSCAPE STANDARDS TO ALLOW A SEVEN-FOOT BUFFER ALONG A PORTION OF THE SOUTH PROPERTY LINE WHERE EIGHT FEET IS REQUIRED on 1.21 acres at 4485 North Rainbow Boulevard (APN 138-03-602-013), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 4 (Anthony). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**1**
City Council Meeting	**5**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation
3. Protest Postcard

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.

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-39491** APN: 138-03-602-013

Name of Property Owner: Sagebrush Property Ventures

Name of Applicant: Sequoia Electric

Name of Representative: Pacific Design Concepts - Richard Gallegos

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: BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10

_____

Notary Public in and for said County and State

COUNTY CLARK

STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

Revised 11-14-06

J:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
SEP 07 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT REVIEW

Project Address (Location) 4485 N. Rainbow Blvd.

Project Name Rainbow & Craig Sequoia Elec **Proposed Use** Industrial

Assessor's Parcel #(s) 138-03-602-013 **Ward #** 4

General Plan: existing SC proposed U/R **Zoning:** existing C-1 proposed CM

Commercial Square Footage 8,880 **Floor Area Ratio** N/A

Gross Acres 1.21 **Lots/Units** N/A **Density** N/A

Additional Information

PROPERTY OWNER SAGEBRUSH PROPERTY VENTURES **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 839-9047 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

APPLICANT Sequoia Electric **Contact** Blake Barsy

Address 4485 N. Rainbow Blvd. **Phone:** 454-9842 **Fax:** 454-7842

City LAS VEGAS **State** NV **Zip** 89108

E-mail Address

REPRESENTATIVE Pacific Design Concepts **Contact** Richard Gallegos

Address 3009 W. Horizon Ridge Pkwy #220 **Phone:** 454-9842 **Fax:** 454-7842

City Henderson **State** NV **Zip** 89052

E-mail Address richardg@pacdesignconcepts.com

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BLAKE BARSY

Subscribed and sworn before me

This 7th day of September, 20 10.

[signature]

Notary Public in and for said County and State COUNTY CLARK STATE NEVADA

TAMMY J. POWELL
Notary Public State of Nevada
No. 09-10981-1
My appt. exp. Sept. 14, 2013

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SDR-39491
Meeting Date:	10/21/10 PC
Total Fee:	$1,030
Date Received:*	9/7/10
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.

f:\depot\Application Packet\Application Form.pdf

RECEIVED
SEP 07 2010

SDR 39491
Sequoia Electric

4485 N. Rainbow Boulevard

Proposed 8.88 thousand square foot expansion of an existing contractor's yard.

Traffic produced by proposed development:

Existing Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	INDUSTRIAL PARK [1000 SF]	4	6.96	28
AM Peak Hour			0.84	3
PM Peak Hour			0.86	3

Proposed Increase	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	INDUSTRIAL PARK [1000 SF]	8.88	6.96	62
AM Peak Hour			0.84	7
PM Peak Hour			0.86	8

Project Total	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	INDUSTRIAL PARK [1000 SF]	12.88	6.96	90
AM Peak Hour			0.84	10
PM Peak Hour			0.86	11

Existing traffic on all nearby streets:

Rainbow Blvd	
Average Daily Traffic (ADT)	9,338
PM Peak Hour (heaviest 60 minutes)	747

Craig Rd	
Average Daily Traffic (ADT)	33,588
PM Peak Hour (heaviest 60 minutes)	2,687

Traffic Capacity of adjacent streets:

	Adjacent Street ADT Capacity
Rainbow Blvd	16,300
Craig Rd	51,800

This project is expected to add 62 trips per day on Rainbow Blvd. and Craig Rd. This will increase traffic on Rainbow Blvd. and Craig Rd. by less than 1 percent. Currently, Rainbow is at about 57 percent of capacity and Craig is at about 65 percent of capacity.

Based on Peak Hour use, this development will add about 8 additional cars into the area in the peak hour, or about one every eight minutes.

Note that this report assumes all traffic from this development uses all named streets.

Please refer to VAR-39492 for related protest/support postcards.

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

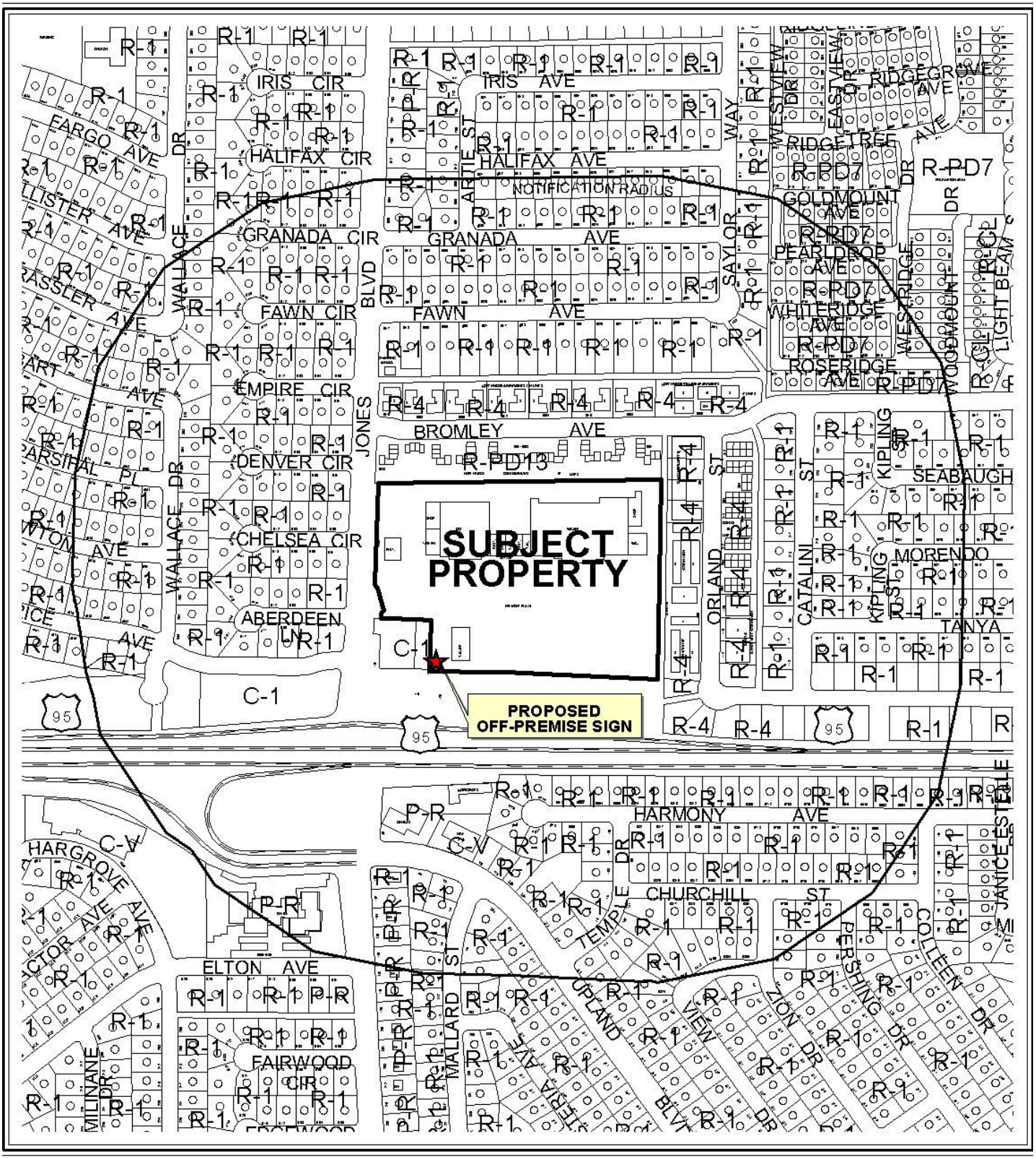
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

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:

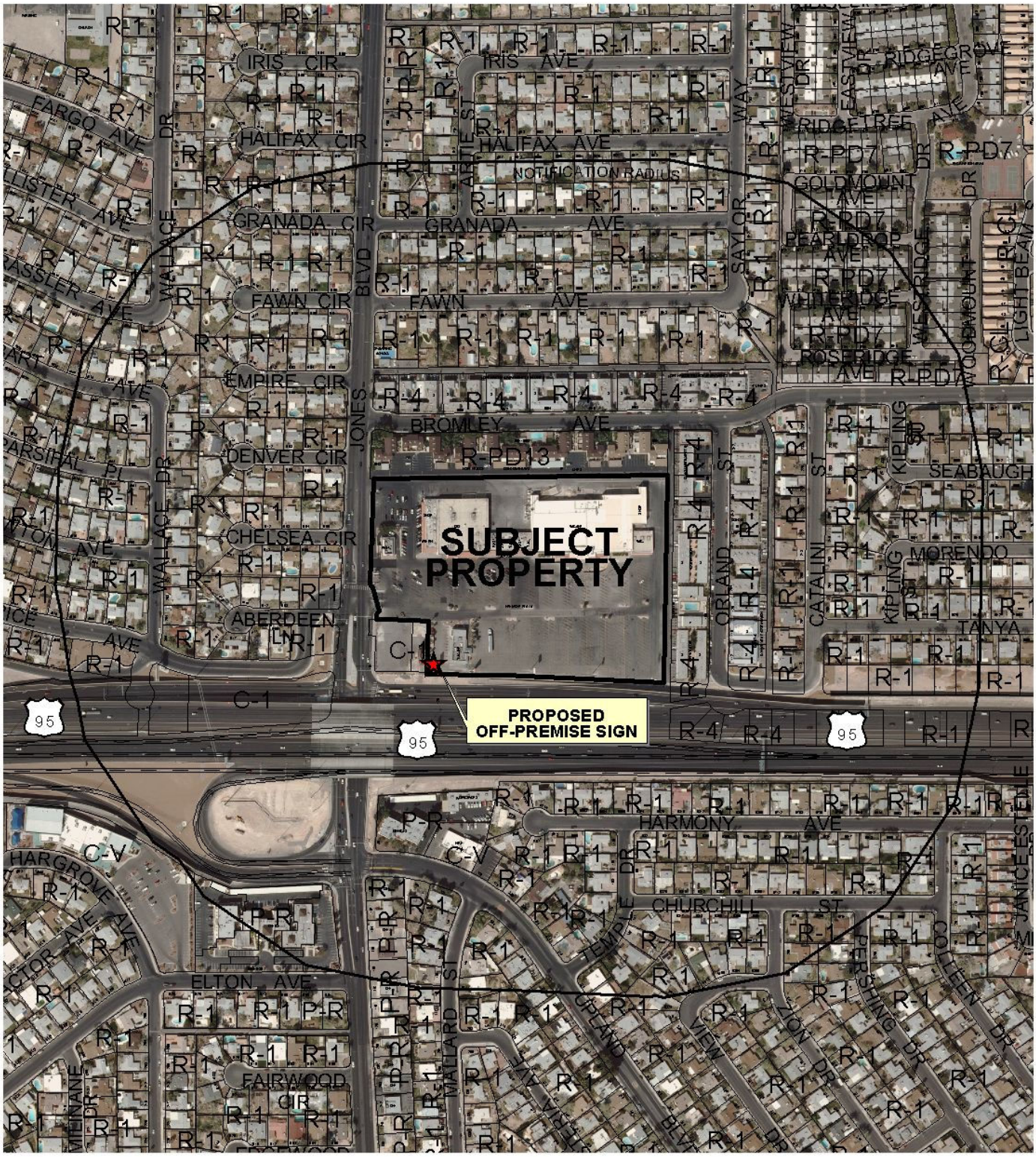
BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-39433 and SUP-39432
2. Conditions and Staff Report - VAR-39433 and SUP-39432
3. Supporting Documentation
4. Photos - VAR-39433 and SUP-39432
5. Justification Letter - VAR-39433 and SUP-39432
6. Protest/Support Postcards – VAR-39433 and SUP-39432
7. Backup referenced from the October 21, 2010 Planning Commission Meeting for VAR-39433 and SUP-39432



CASE: **VAR-39433 AND SUP-39432**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **VAR-39433 AND SUP-39432**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 300 600 Feet

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 2, 2011 CITY COUNCIL MEETING AT COUNCILWOMAN TARKANIAN'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
01/19/11	The City Council voted to hold this item in abeyance to the February 2, 2011 City Council meeting
02/02/11	The City Council voted to hold this item in abeyance to the March 2, 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

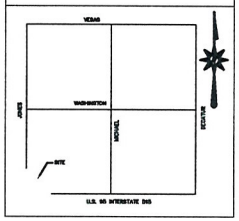
Case #	VAR 39433
Meeting Date:	10.21.10
Total Fee:	$830.-
Date Received:*	9.2.10
Received By:	JFA

*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	699	468
HANDICAP	22	9
TOTAL	721	477
TAKEN BY NEW SIGN	1	
TOTAL	720	477

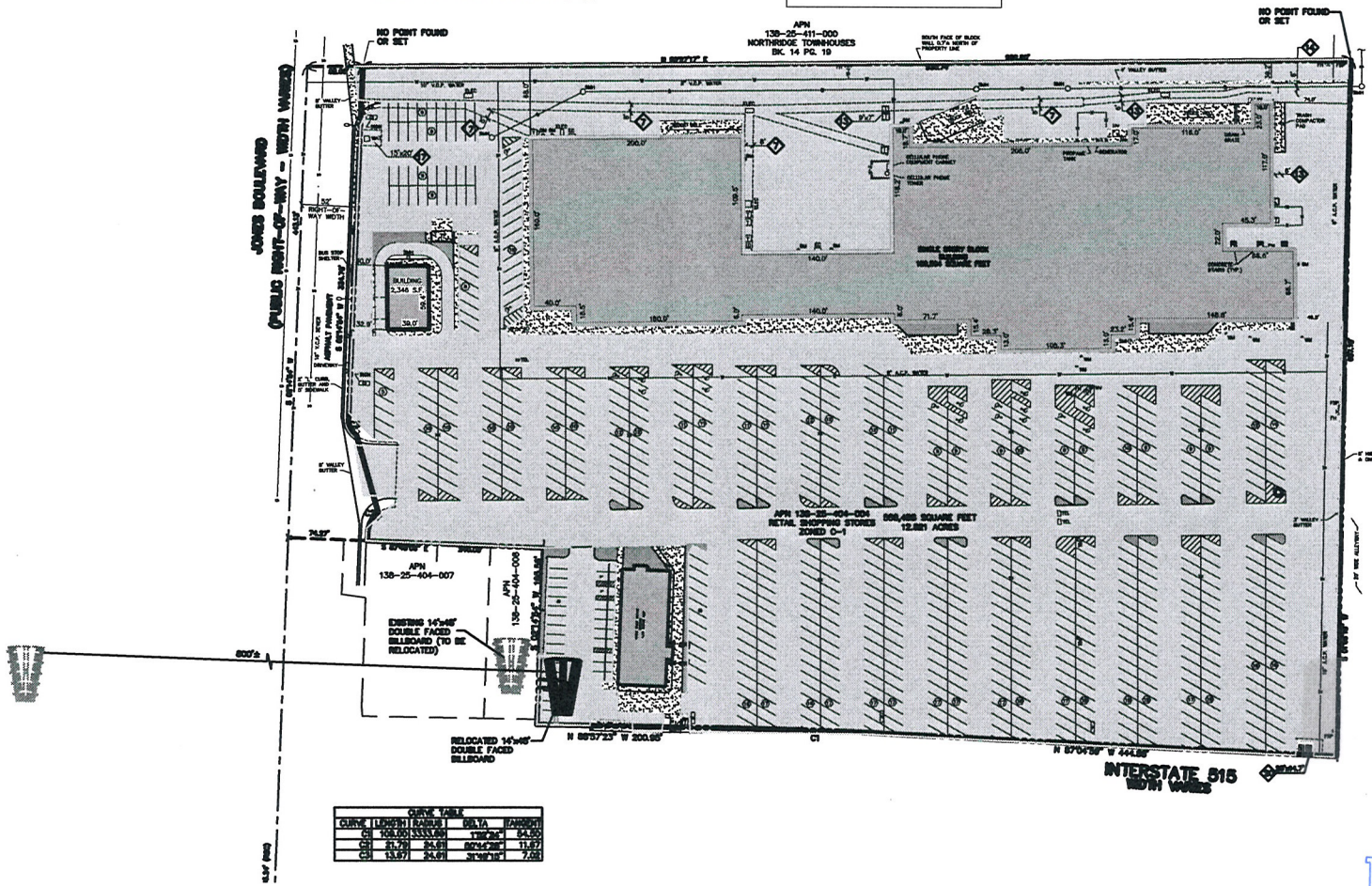
VICINITY MAP NOT TO SCALE



SCALE 1" = 80'

BASIS OF BEARING

NORTH 00°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
- POWER TRANSFORMER
- ELECTRIC VAULT
- POWER POLE
- GUY ANCHOR
- WATER VALVE
- FIRE HYDRANT
- WATER METER
- WATER VAULT
- SANITARY SEWER MANHOLE
- GAS METER
- ELECTRICAL CABINET
- TRASH ENCLOSURE
- SIGN
- FIRE STAND PIPE
- POWER METER
- PARKING SPACES

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	105.00'	5330.00'	1°08'06"	54.52'
C2	21.79'	24.61'	50°44'26"	11.67'
C3	13.97'	24.61'	32°30'15"	7.20'

VAR-39433
SUP-39432
REVISED

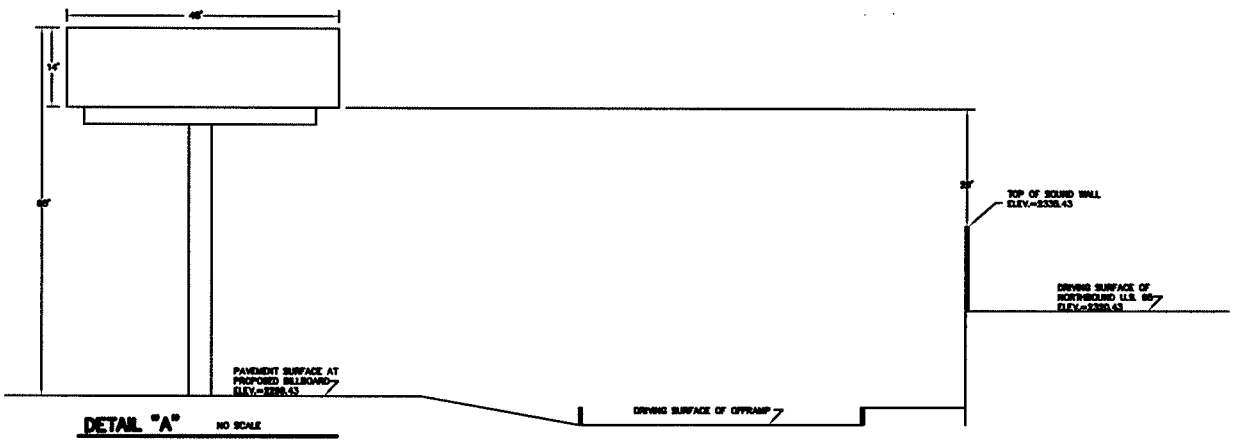
RECEIVED
SEP 28 2010

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

BAUGHMAN & TURNER, INC.
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS
1210 HINSON STREET LAS VEGAS, NEVADA 89102
PH. (702) 870-5777 FAX (702) 870-2666

LAMAR ADVERTISING

SHEET 1 OF 2 SHEETS



DETAIL "A" NO SCALE



DECLARATION:

OFF-PREMISES SIGNS NOT PERMITTED:

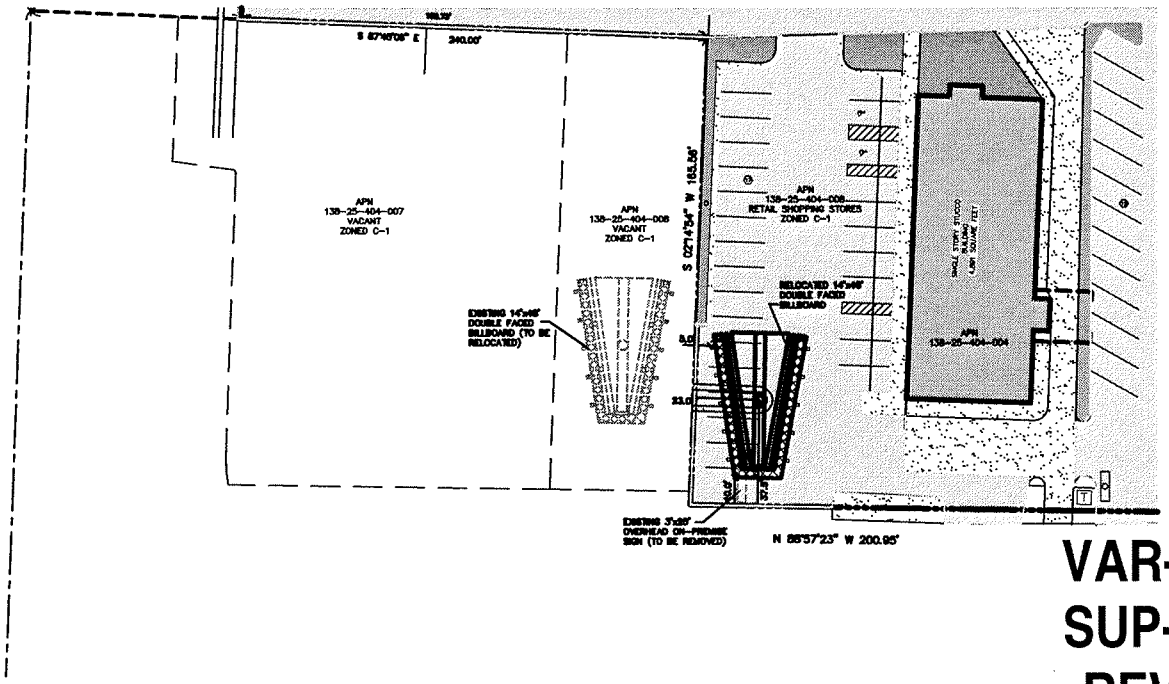
WITHIN 750' OF ANY OTHER OFF-PREMISES SIGN ALONG A FREEWAY OR FEDERAL ROUTE.

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

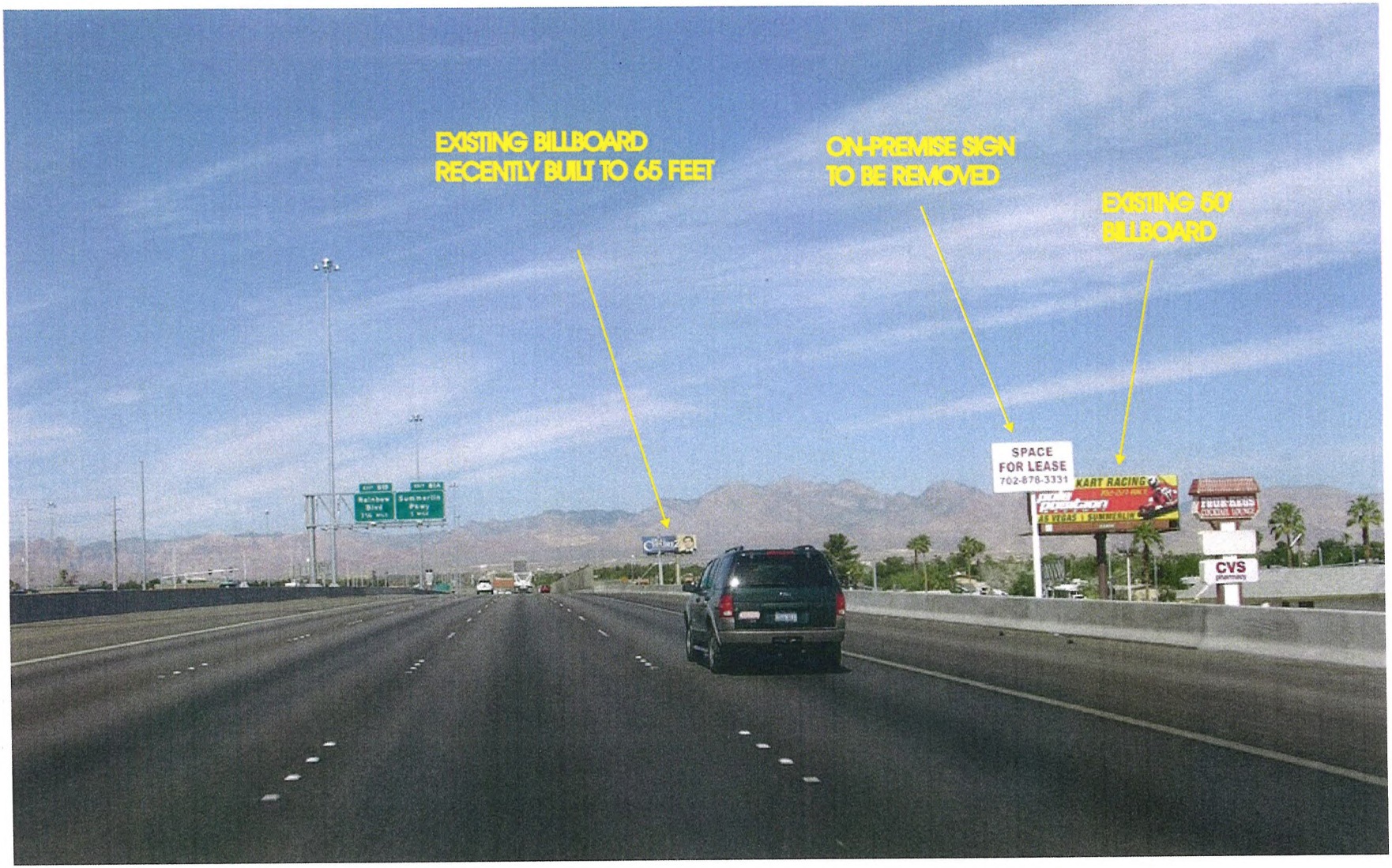
SEP 28 2010

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

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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.

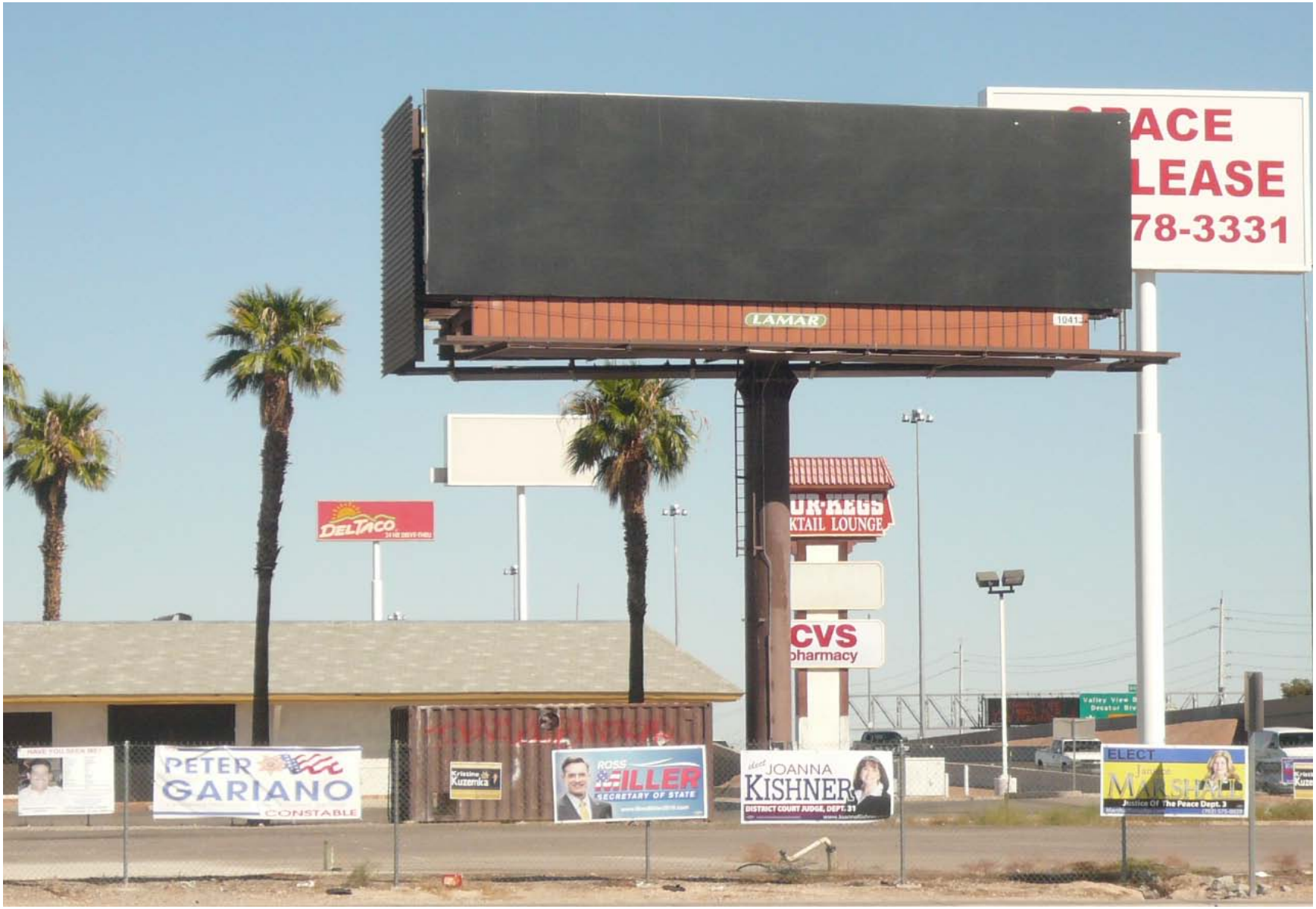
RECEIVED
SEP 0 2 2010

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

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CITY CLERK
2010 NOV -9 A 8:00

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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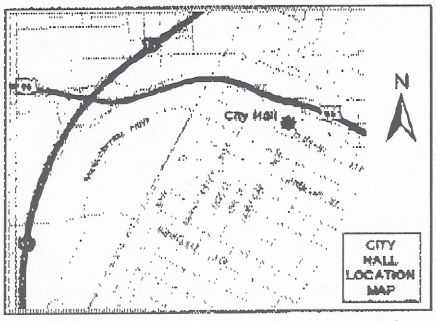
0004279218 NOV 05 2010
MAILED FROM ZIP CODE 89101

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#13825412125

11/08/2010 18:15 3232997125 SIEWART PAGE 01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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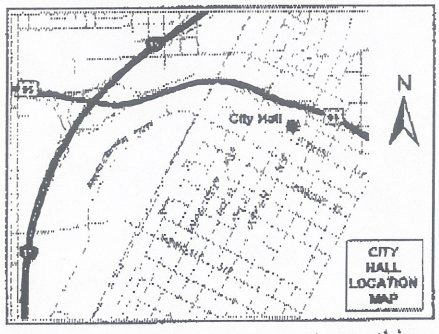

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☐ I SUPPORT this Request

☒ 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

MEDINA JAVIER A & ANA M
3330 E UNIVERSITY
LAS VEGAS NV 89121-5139

APN#13825412023

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Office Of The City Clerk
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Las Vegas, Nevada 89101

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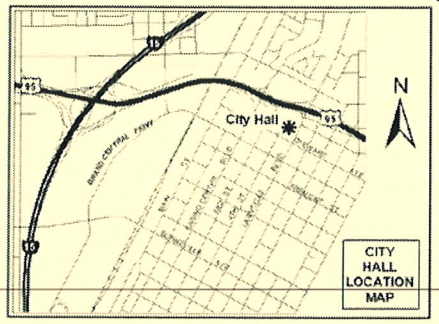

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

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CITY CLERK
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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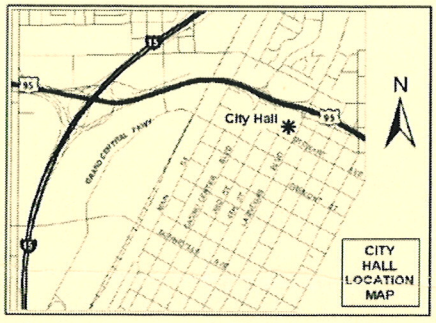
Official Notice of Public Hearing



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☐ 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

The present code restricts height to 50 feet, not 65

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2010 NOV 10 A 11:25

KAL-EL L L C
5204 LYTTON AVE
LAS VEGAS NV 89146-1425

APN#13825415097

11/17/10

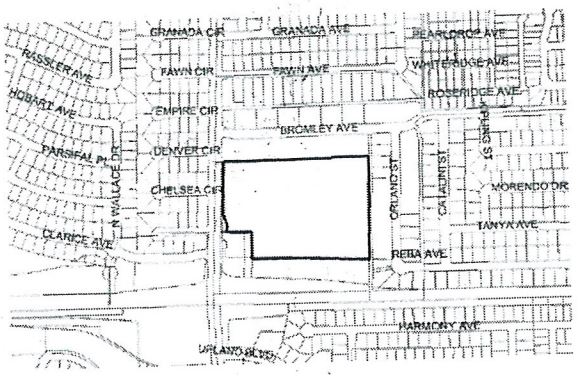
Application Information

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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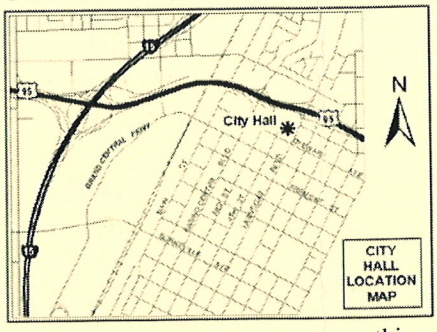
Official Notice of Public Hearing



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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

PRESORTED FIRST CLASS

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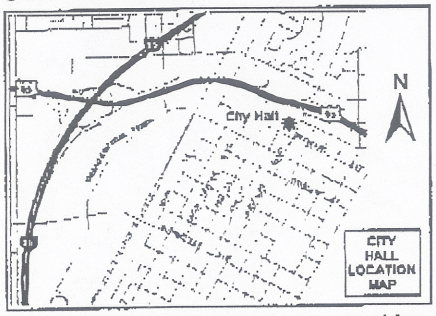

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
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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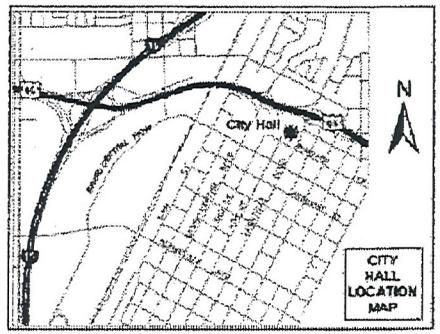

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
City Council Meeting of 11/17/2010

CHADWICK DAVID B
1157 FAN CORAL AVE
LAS VEGAS NV 89123-5304

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CITY CLERK
2010 NOV -9 P 2:40

APN#13836119003

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

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OCT 08 2010
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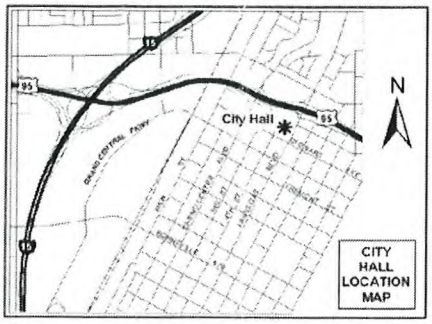

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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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

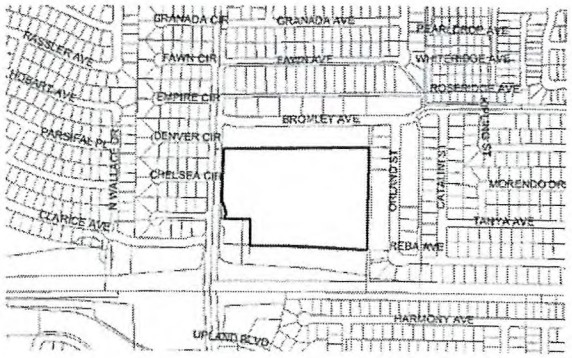
Application Information

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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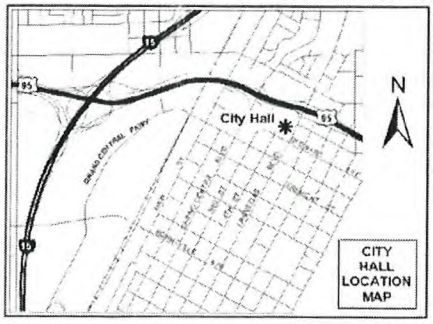

There are too many signs along the 95 at this time. Including 2 that flash lights into our home all night. Thx PRY

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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
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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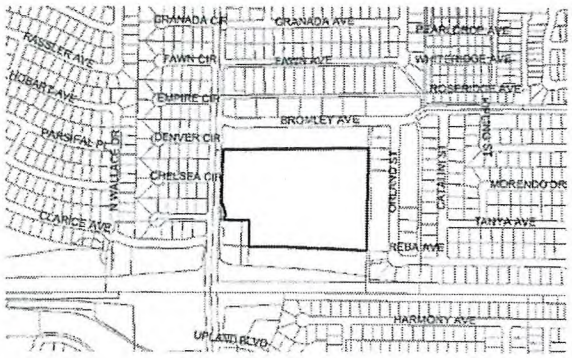
NO

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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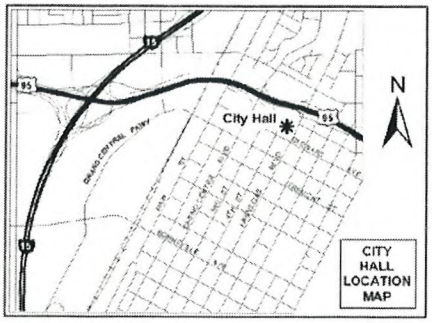

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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

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Development Services Center
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Las Vegas, Nevada 89101-2986

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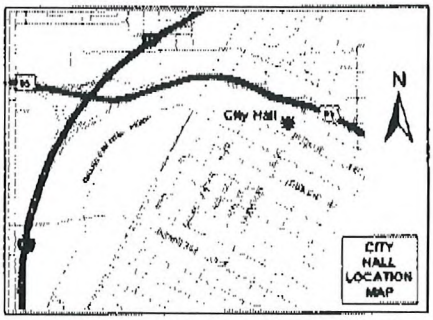

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Please use available blank space on card for your comments.

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

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Development Services Center
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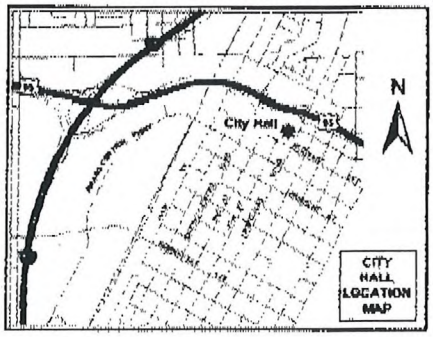

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-39433 & SUP-39432
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

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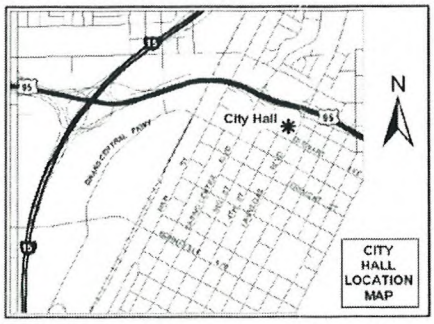

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Please use available blank space on card for your comments.

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

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FWD

89134@9998

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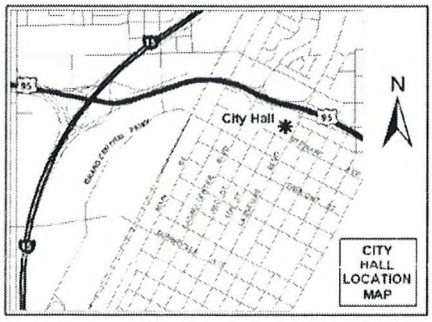

No reason for a variance.

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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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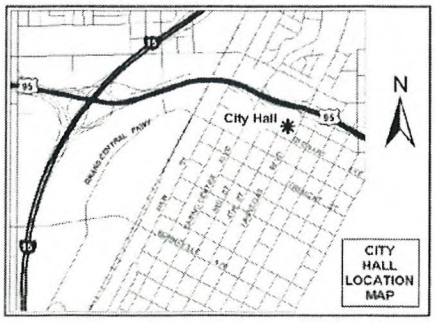

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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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

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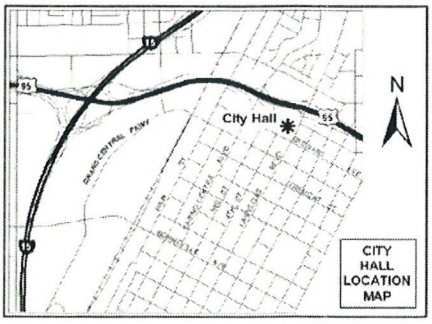

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Please use available blank space on card for your comments.

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

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City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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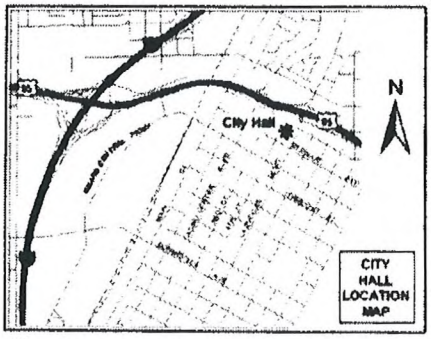

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Please use available blank space on card for your comments.

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

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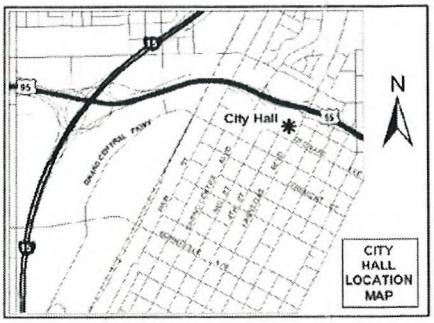

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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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

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OCT 18 2010

Oct 15 2010 2:32PM DAVID CHADWICK PIANO 702 368 4408 p.1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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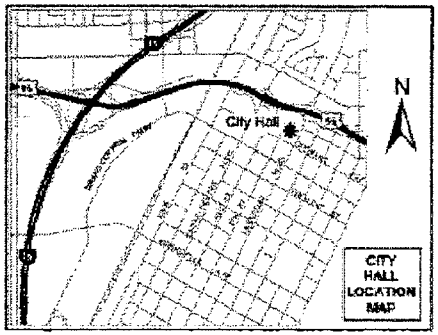

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VAR-39433 & SUP-39432
Planning Commission Meeting of 10/21/2010

Case: VAR-39433
13836119003
CHADWICK DAVID B
1157 FAN CORAL AVE
LAS VEGAS NV 89123-5304

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

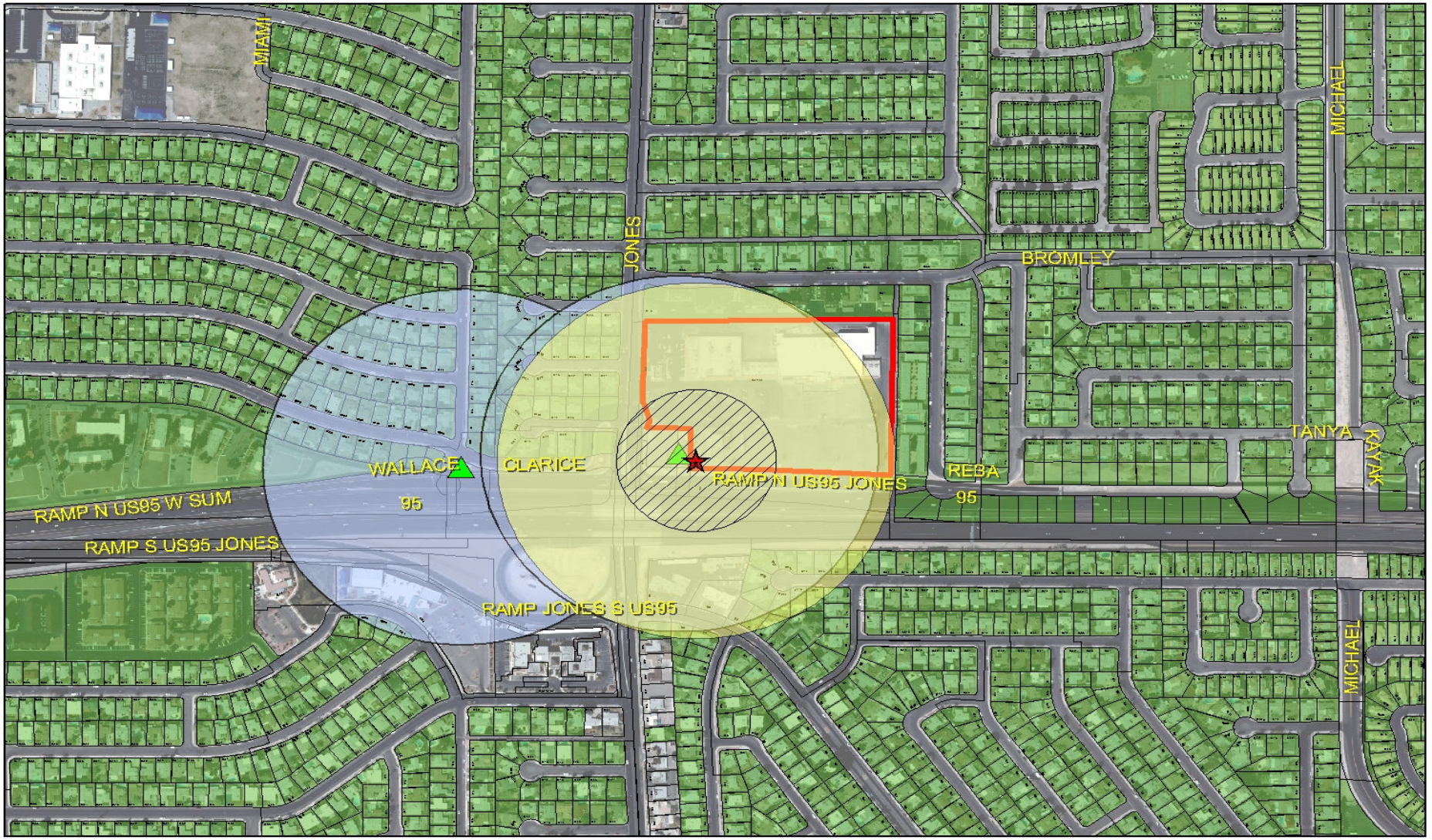
SUBJECT:
SUP-39432 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-39433 - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC. - Request for a Special Use Permit FOR A PROPOSED 65-FOOT TALL 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 120 North Jones Boulevard (APN 138-25-404-004), 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.: **69.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-40401 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to adopt an updated Land Use Element. The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Staff Report
2. Land Use & Rural Neighborhoods Preservation Element – Table 5
3. Land Use Element Appendix

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-40401	Staff recommends APPROVAL.	

NG

Staff Report Page One
March 16, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is to adopt and make revisions to the Land Use and Rural Neighborhoods Preservation Element Las Vegas 2020 Master Plan. An update to Land Use and Rural Neighborhoods Preservation Element is required at this time to align the Element with the proposed changes to Title 13.12 and the Unified Development Code, as well as to keep current with existing conditions.

The revision to the Land Use and Rural Neighborhoods Preservation Element accomplishes the following:

- Changes and updates to Tables 5, 10, and 14 to appropriately match Zoning Districts to Land Use Designations based on the Unified Development Code.
- Minor changes and updates to the Mixed Use Development section also in correlation to the Unified Development Code.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/01/92	The City Council adopted Ordinance No. 3636, thereby adopting the Las Vegas General Plan as required by NRS 278. This master plan contained a circulation plan.
09/06/00	The City Council adopted Ordinance No. 5250, which adopted the Las Vegas 2020 Master Plan.
07/06/05	The City Council adopted Ordinance No. 5787, which adopted and updated Land Use Element.
09/02/09	The City Council adopted Ordinance No. 6056, which adopted an updated Land Use Element.
01/25/11	The Planning Commission voted to hold this item abeyance to the February 8, 2011 meeting at the request of the applicant.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 13/ng).

Neighborhood Meeting	
01/06/11	A neighborhood meeting was held at the Development Services Center at 731 South 4th Street at 5:30 PM. Two members of staff were in attendance. No members of the general public attended.

ANALYSIS

This action is required as part of the process of adopting the Unified Development Code. The proposed of a Unified Development Code included changes to several of the zoning districts. Changes included the elimination of the R-A (Ranch Acres), R-D (Single Family Residential-Restricted), R-PD (Residential Planned Development), C-PB (Planned Business Park), N-S (Neighborhood Service), T-D (Traditional Development) districts, and the merging of the R-4 (High Density Residential) and the R-5 (Apartment) categories into a single district. A new district R-TH (Single Family Attached) was created. Additionally, the P-R (Professional Office and Parking) district was renamed P-O (Professional Office).

Relationship to Nevada Revised Statutes

The Nevada Revised Statutes (NRS) are the current codified laws of the State of Nevada. The Statutes of Nevada are a compilation of all legislation passed by the Nevada Legislature during a particular legislative session. With respect to these laws, the Land Use and Rural Neighborhoods Preservation Element conform to the following:

NSR 278.150 through 170 inclusive requires that the governing body (in this case the city of Las Vegas) prepare and adopt a comprehensive, long-term general plan for the physical development of the city. This document, known as the Las Vegas 2020 Master Plan, must include a Land Use Plan.

Relationship to Las Vegas 2020 Master Plan

The city of Las Vegas 2020 Master Plan policy document was adopted in September 2000. It provides a broad policy structure intended to direct the actions of the city regarding land use and development for the period from 2000 to 2020. The individual elements are intended to provide more specific direction, through detailed analysis and recommended actions, as to how the City should react to certain issues. The Land Use and Rural Neighborhoods Preservation Element contain the goals, objectives and policies from the Master Plan policy document that best relate to land use.

Goals, Objectives, and Policies met through revisions

Community Design Element

Recommendation #2: Use Form-Based codes to improve community design standards.

Conservation Element

AQ 14: The City shall ensure that its land use classification system and Zoning Code contain mechanisms to allow for the ready development of two to four unit housing projects on appropriate sites.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

NG

Land Use & Rural Neighborhoods Preservation Element – Table 5

Table 5: Master Plan Land Use Designations

Master Plan Land Use Designations	RESIDENTIAL									COMMERCIAL/INDUSTRIAL				OTHER				
Master Plan Designation	RNP	DR	R	L	ML	MLA	M	H	PCD	O	SC	GC	LI/R	TC	PR-OS	PF	TND	LVMD
Maximum Allowable Density (Units Per Acre)	2.00	2.49	3.59	5.49	8.49	12.49	25.49	≥25.5	8.00	N/A	N/A	N/A	N/A	~~See~~ Town Center Chart	N/A	N/A	Variable†	~~See~~ Las Vegas Medical District Chart
Allowable Zoning Categories	U*, ~~R-A,~~ R-E	U, ~~R-PD,~~ ~~R-A,~~ R-E	~~R-D,~~ U, ~~R-PD,~~ ~~R-A,~~ R-E, R-1	R-1, R-MH, ~~R-D,~~ U, ~~R-PD,~~ ~~R-A,~~ R-E	R-2, R-CL, ~~R-MHP,~~ R-1, R-MH, ~~R-D,~~ U, ~~R-PD,~~ ~~R-A,~~ R-E	R-2, R-TH	R-3, R-2, R-TH	~~R-5,~~ R-4, R-3, R-2, R-TH	PD ‡	O, P-O ~~P-R~~	C-1, ~~N-S,~~ ~~C-D,~~ O, P-O ~~P-R~~	C-2, C-1, ~~N-S,~~ ~~C-D,~~ O, P-O ~~P-R~~	M, C-M, ~~C-PB,~~ C-2, C-1, ~~N-S,~~ ~~C-D,~~ O, P-O ~~P-R~~	~~See~~ Town Center Chart	C-V	C-V	R-4, R-3, R-2, R-1, R-E, C-2, C-1, O, ~~T-D~~	~~See~~ Las Vegas Medical District Chart

* Per LVMC Title 19.18.020, an undeveloped property may be zoned U (RNP) until it is rezoned or until such time as a proper classification is determined.

† The density of a development within the TND category is limited by the approved Zoning Districts or the Development Standards and Design Guidelines document ~~for each~~ in the case of an approved master planned development.

‡ The PD Zoning District shall require a minimum acreage of 40 acres.

MIXED USE DEVELOPMENT

In 2001, the Downtown Overlay District was created to coincide with the Downtown Centennial Plan area and establish special standards for any zoning district in this area. Many traditional standards such as for setbacks, height, parking, landscaping and lot coverage were relaxed to encourage developments having both residential and nonresidential uses on the same parcel or to allow both residential and nonresidential uses in an area zoned for one or the other. By 2003, a specific use called "Mixed Use" was created and defined, and was deemed appropriate anywhere inside the boundaries of the Las Vegas Redevelopment Area. The area permitting mixed-use developments later expanded to the boundaries of the Neighborhood Revitalization Area, and then became permissible anywhere within the C-1~~,~~ and C-2 ~~and C-PB~~ Districts with certain restrictions.

The Mixed Use (MXU) District was created in 2003 as part of a revision to the Las Vegas Redevelopment Area. Both residential and nonresidential land use categories could be allowed on redevelopment parcels designated as MXU.

The Centennial Hills Town Center area was envisioned as a mixed-use employment center that would create an economic hub in the northwest part of the city. The Town Center (TC) land use category, T-C (Town Center) zoning district and the Town Center Development Standard Manual were created to designate and regulate development in this area.

The Planned Development (PD) zoning district is intended to be flexible in the distribution of land uses, the density of development and in other matters typically regulated in zoning districts, thereby allowing the possibility of mixed-use development. Symphony Park is an example of a mixed-use planned development within the city.

Transit Oriented Development (TOD) is walkable, mixed-use development which occurs within a quarter-mile radius of transit station locations. The goal of creating walkable neighborhoods is most fully realized by the city's TND designation~~, which allows the T-D (Traditional Neighborhood) zoning district~~. The encouraged development pattern is for an interconnected street grid and buildings that relate to the street. This permits shorter walking times practical for access to all points in the neighborhood, whether for leisure or transportation. Complete streets that accommodate vehicles, transit, pedestrians and bicycles are mandated, with emphasis on streetscaping and sidewalks. Commercial service uses are near residential dwellings. Kyle Canyon is a development area designated for Traditional Neighborhood Development.

Tables

Additionally, tables 5, 10, and 14 of the Land Use Element require changes to accommodate the Unified Development Code.

Table 10: Iron Mountain Ranch Land Use Designations

Iron Mountain Ranch Master Plan Area	**RESIDENTIAL**				**COMMERCIAL**	**OTHER**
Master Plan Land Use Designation	DR	R	L	ML	N/A	PF, PR-OS
Maximum Allowable Density (Units Per Acre)	2.00	3.49	5.49	8.49	N/A	N/A
Allowable Zoning Categories	R-PD2*	R-PD*	R-PD*	R-PD*	N/A	C-V

* The types of development permitted under the R-PD designation prior to the adoption of the Unified Development Code shall now be achieved under the TND designation. All existing R-PD designated development as of the effective date of the Unified Development Code shall be governed by any approved Development Standards, Design Guidelines, or other active entitlements that may be applicable.

Table 14: Downtown Area Land Use Designations

Downtown Land Use Plan Area	**RESIDENTIAL**	**COMMERCIAL**		**OTHER**	
Master Plan Land Use Designation	MXU	MXU	C	LI/R	PF
Corresponding	L, ML, M, H, O,	L, ML, M, H,	O, SC, GC	LI/R	PF

General Plan Categories	SC, GC	O, SC, GC			
Allowable Zoning Categories	~~R-A,~~ R-E, ~~R-D,~~ R-MH, ~~R-PD,~~ R-1, R-2, R-3, R-4, ~~R-5,~~ R-TH, O, P-RO, ~~N-S, C-D,~~ C-1, C-2	~~R-A,~~ R-E, ~~R-D,~~ R-MH, ~~R-PD,~~ R-1, R-2, R-3, R-4, ~~R-5,~~ R-TH, O, P-RO, ~~N-S, C-D,~~ C-1, C-2	O, P-RO, ~~N-S, C-D,~~ C-1, C-2	C-M, M, ~~C-PB~~	C-V

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

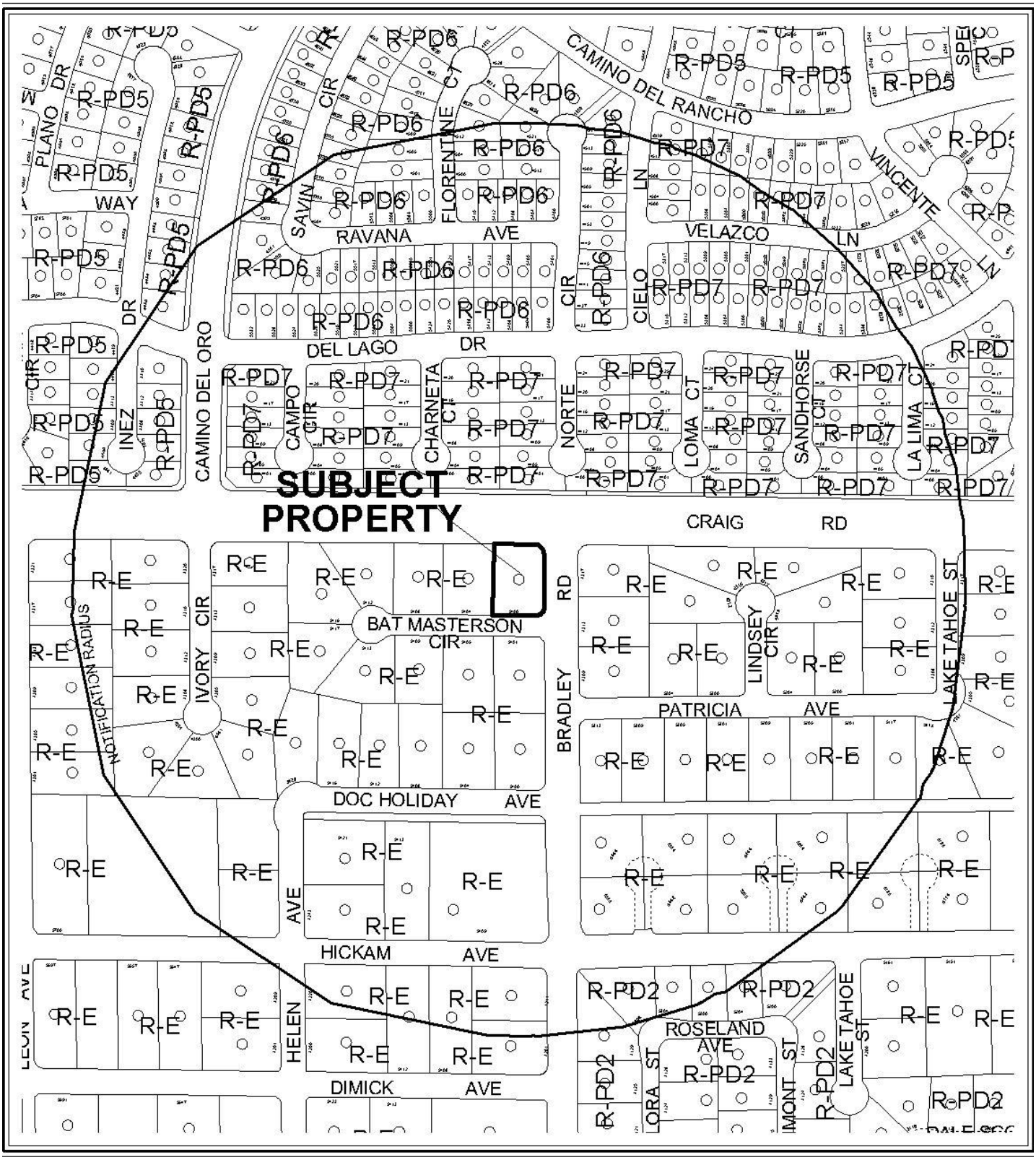
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-40107 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT - Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 14-FOOT HIGH, 1,750 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II THAT IS NOT AESTHETICALLY COMPATIBLE (PLYWOOD) WITH THE MAIN DWELLING (STUCCO), WHERE A 12-FOOT HIGH, 830 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II IS ALLOWED on 0.46 acres at 5400 Bat Masterson Circle (APN 138-01-310-038), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**9**	**Planning Commission Mtg.**	**6**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Appeal Letter Submitted by Jason Aungenett
4. Supporting Documentation
5. Photos
6. Justification Letter
7. Protest Postcards
8. Backup referenced from the February 8, 2011 Planning Commission Meeting Item VAR-40107



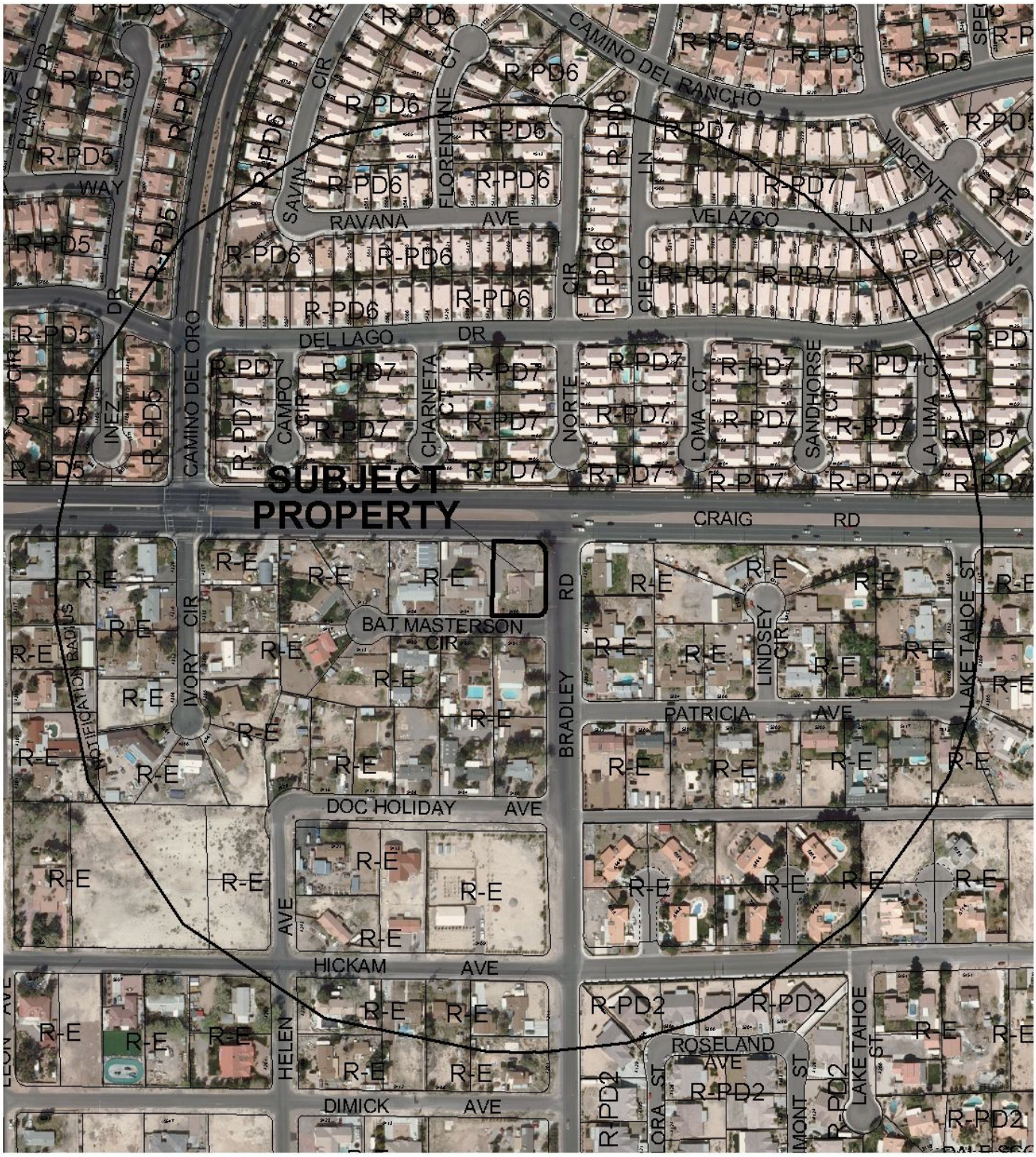
0 300 600 Feet

CASE: **VAR-40107**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-40107**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-40107	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-40107 CONDITIONS

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit is issued. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. Prior to occupancy, 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.

3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. Connect to public sewer and abandon the existing Individual Sewage Disposal System (ISDS) according to Southern Nevada Health Department (SNHD) regulations unless documentation is provided from the SNHD allowing the existing ISDS to remain.

6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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 drainage ways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is located at 5400 Bat Masterson Circle, which contains a 1,659 square-foot single family residence and an existing 14-foot high, 1,750-square-foot Accessory Structure (Class II) where a 12-foot high, 830-square-foot Accessory Structure (Class II) is allowed. No building permits have been issued for the structure. A Variance to allow an Accessory Structure (Class II) to exceed 50 percent of the floor area of the principal dwelling unit and to exceed the height of the main building is required. Staff cannot support the Variance request, as the applicant has not provided compelling evidence of a unique or extraordinary circumstance related to the property and has created a self-imposed hardship by constructing the existing Accessory Structure (Class II) without obtaining the necessary building permits prior to construction. Therefore, staff is recommending denial of this request. If this application is denied, the existing Accessory Structure (Class II) would need to be removed, or altered to meet the minimum requirements of Title 19 with all necessary building permits.

ISSUES

- A new Accessory Structure (Class II) was constructed without building permits.
- The Accessory Structure (Class II) is not aesthetically compatible (T111 OSB siding painted to match) with the principal dwelling unit (stucco), and exceeds the height of the principal dwelling unit.
- The subject site has a driveway off of Bradley Road and a driveway off of Bat Masterson Circle.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
10/28/76	The Board of Zoning Adjustment approved a Variance (V-0077-76) to allow a 30-foot front setback where 50-foot is required on 69 proposed lots on property generally located on the south side of Craig Road between Jones Boulevard, and Thom Boulevard and extending south 700 feet from Craig Road. The Planning and Development staff had no objections to this request.
12/22/83	The Board of Zoning Adjustment approved a Variance (V-0114-83) to allow corrals and stables to the rear property line where 25 feet is required and to allow a maximum of 6 horses on each lot where only 3 are permitted.
03/31/88	The Board of Zoning Adjustment approved a Variance (V-0019-88) to allow a six-foot high block wall along the front (south) and side (west) property lines, where four feet with the top two feet 50 percent open is the maximum height allowed at 5400 Bat Masterson Circle.

08/30/10	A code enforcement case (94041) was processed for building an accessory structure in the back yard without a permit. The case is currently open.
12/16/10	The Planning Commission voted to hold this item in abeyance to the February 8, 2011 meeting.
02/08/11	The Planning Commission voted (7-0) to DENY the request (PC agenda Item 15/jg).
02/15/11	The applicant filed an appeal with the City Clerk.

Most Recent Change of Ownership	
04/16/10	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
C.1986	The single-family residence was constructed.

Pre-Application Meeting	
10/04/10	A pre-application meeting was held with the applicant where the submittal requirements for a Variance were discussed.

Neighborhood Meeting	
01/18/11	A neighborhood meeting was held at the Centennial Hills Community Center YMCA, 6601 N. Buffalo Drive, Las Vegas, NV 89131. The meeting began at 6:38 p.m. There were two members of the development team; four members of the public, one member of the Planning Commission, one member of the Council Staff and one member of the Planning Department in attendance. The concern of the meeting was that the proposed structure was built without a permit. The citizens that were in attendance support the variance if approved by the Planning Commission.

Field Check	
11/10/10	During a site visit staff noted a single family residence with an Accessory Structure (Class II) under construction behind the main dwelling clean of trash and debris.

Details of Application Request	
Site Area	
Net Acres	0.46

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residence	ML (Medium-Low Density Residential)	R-PD7 (Residential Planned Development-7 Units Per Acre)
South	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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 (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
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 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	20,000 SF	20,203 SF	Y
Min. Lot Width	100 Feet	104 Feet	Y
Min. Setbacks (Accessory Structure, Class II)			
• Front	Not Allowed	N/A	N/A
• Side	3 Feet	20 Feet	Y
• Rear	3 Feet	6 Feet	Y
Min. Distance Between Buildings	6 Feet	15 Feet	Y
Max. Building Height (Accessory Structure)	12 Feet	14 Feet	N
Max. Floor Area (Accessory Structure)	830 SF	1,750 SF	N

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Street Width (Feet)*	*Compliance with Street Section*
Bat Masterson Circle	N/A	N/A	50	N/A
Bradley Road	Secondary Collector	N/A	80	N/A

ANALYSIS

Pursuant to Title 19.08, accessory structures in residential areas shall not exceed 50 percent of the building area of the primary structure. The accessory structure is to be built using materials that are similar to the primary structure and shall not exceed the height of the primary structure. This application is for a 53 percent deviation from the allowable floor area, a 100 percent deviation from the building material requirement as the main dwelling is stucco and the accessory structure's exterior is T111 Oriented Strand Board siding that will be painted to match the main dwelling's color and a 14 percent deviation from the allowed height of an accessory structure. All of these deviations are self-imposed hardships that could be alleviated by an alternative design that conforms to the requirements of Title 19. The subject site is located in the Airport Overlay District and conforms to the 105-foot height restriction. The subject site is also located in the Rural Preservation Overlay District and would not have a negative impact, as existing accessory structures exist within the surrounding area. The existing Accessory Structure, (Class II) could be redesigned to meet all Title 19.08 requirements. Therefore, staff recommends denial of the request.

FINDINGS (VAR-40107)

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 constructing the Accessory Structure, (Class II) contrary to Title 19 requirements without obtaining building permits. Alternative design of the Accessory Structure, (Class II) and reconstruction with building permits and inspections would allow conformance to the 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 284 (By City Clerk)

APPROVALS 6

PROTESTS 9

CASE# 138-01-310-036
VAR-40107

I JASON AVAGENET AM APEALING PLANNING COMISSION DECISION FROM MEETING ON FEB 8, 2011 DECISION WAS DENIED.

JASON AVAGENET

2-15-11

5400 BATMASTERSON CIR
LAS VEGAS NV 89130
702-250-2937

RECEIVED
CITY CLERK
2011 FEB 15 P 2:42

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-40107** APN: 138-01-310-038

Name of Property Owner: Rosa M. Aungenett

Name of Applicant: Rosa M. Aungenett

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 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: _____

Signature of Property Owner: Rosa M Aungenett

Print Name: Rosa M. Aungenett

Subscribed and sworn before me

This 28 day of Oct, 2010

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

RECEIVED
OCT 28 2010

Revised 11-14-06

F:\Depot\Public\Forms\Application Packet\Statement of Financial Interest.doc

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Variance

Project Address (Location) 5400 Bat Masterson CIR. Las Vegas NV 89130

Project Name Accessory Building **Proposed Use** DRY storage/garage

Assessor's Parcel #(s) 138-01-310-038 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Jason J. Augenett & Rosa M. Augenett **Contact** (702) 250-2837 (Jason)

Address 5400 Bat Masterson CIR. Las Vegas N **Phone:** _____ **Fax:** _____

City Las Vegas **State** NV **Zip** 89130

APPLICANT Same **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

REPRESENTATIVE Same **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

Property Owner Signature* Rosa M Aug

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Rosa M. Augenett

Subscribed and sworn before me

This 28 day of Oct, 20 10.

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

FOR DEPARTMENT USE ONLY

Case #	VAR-40107
Meeting Date:	12/16/10 PC
Total Fee:	$830.00
Date Accepted:	10/28/10
Accepted By:	Bs

***The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.**

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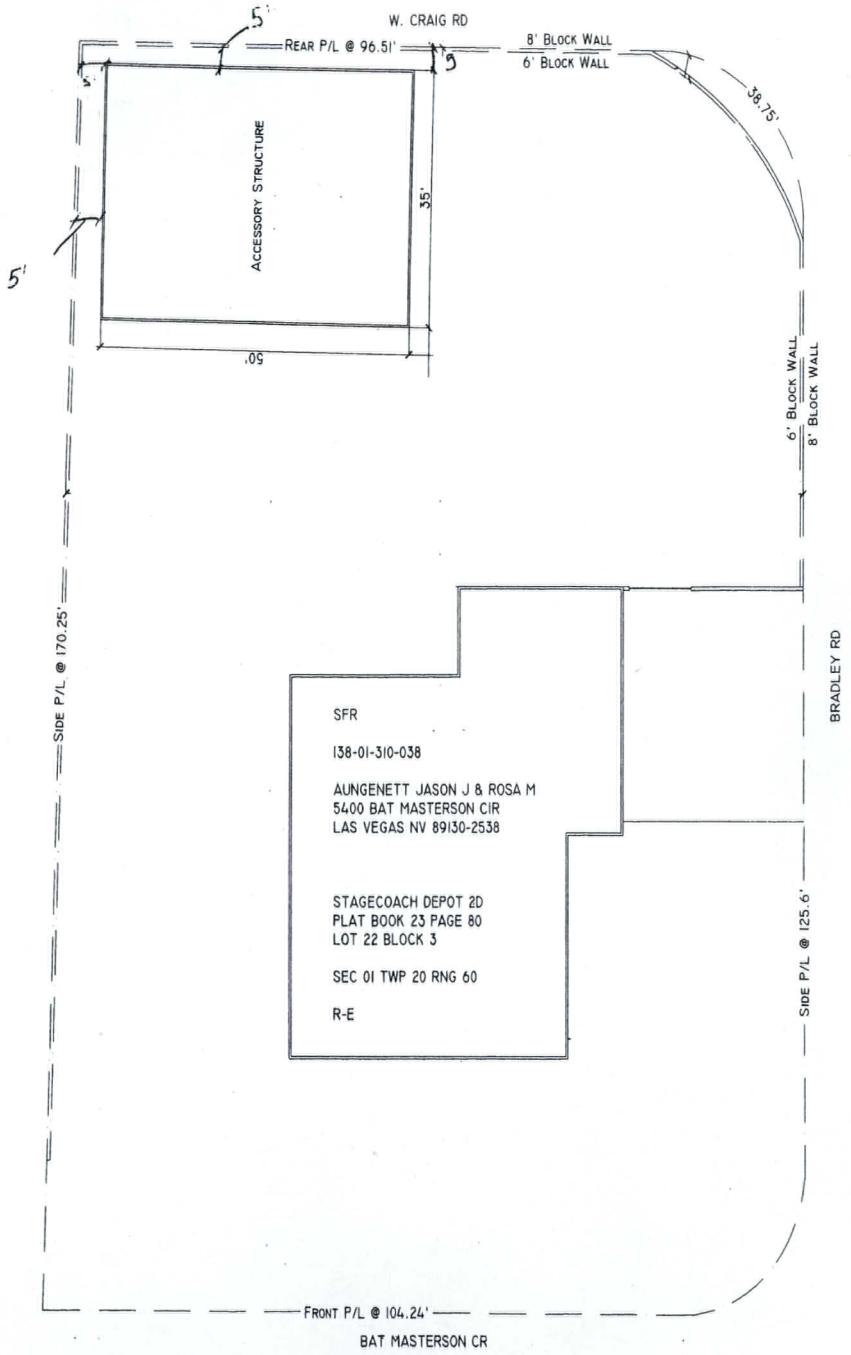
OCT 28 2010



SITE PLAN - 1" = 20'

35' x 50' (1750 S.F.) DETACHED
ACCESSORY STRUCTURE
LOW-SLOPE ROOF, VERTICAL SHEET SIDING

20204 S.F. LOT
1659 S.F RESIDENCE
775 S.F. ATTACHED GARAGE
1750 S.F. ACCESSORY STRUCTURE
4184 S.F. LOT COVERAGE

20.70% LOT COVERAGE

OWNER	JASON AUNGENETT 250-2837
ADDRESS	5400 BAT MASTERSON CR., 89130
PARCEL #	138-01-310-038

SHEET	PLAN
A1	SITE PLAN
A1.1	FLOOR PLAN
A1.2	ELEVATIONS
LS1	LANDSCAPE PLAN

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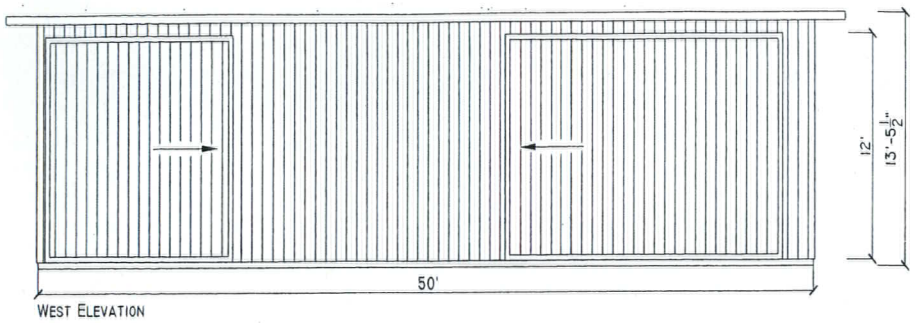
JAN 11 2011

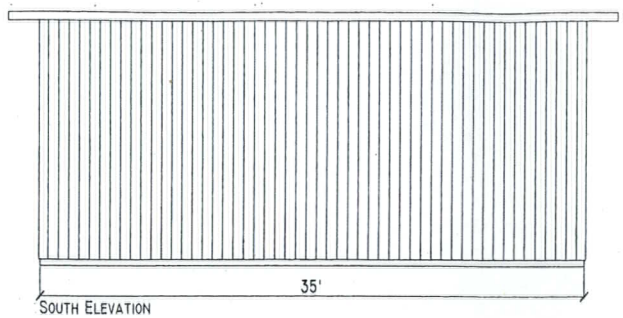
VAR-40107
REVISED

SHEET A 1

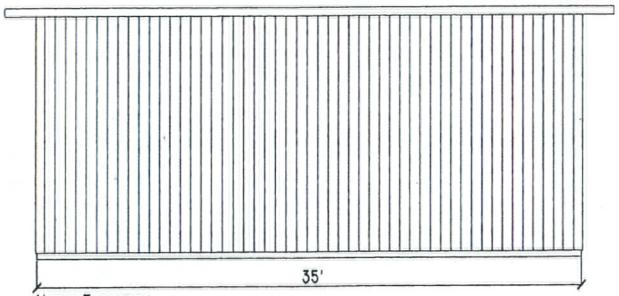
35' x 50' (1750 S.F.) DETACHED ACCESSORY STRUCTURE
LOW-SLOPE ROOF, VERTICAL SHEET SIDING T1-11 OSB SIDING PAINTED TO MATCH



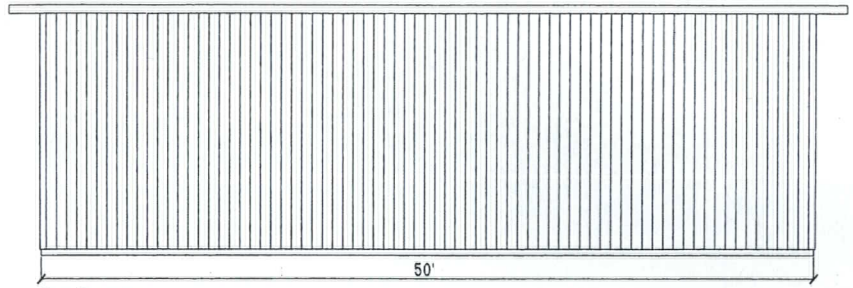
WEST ELEVATION



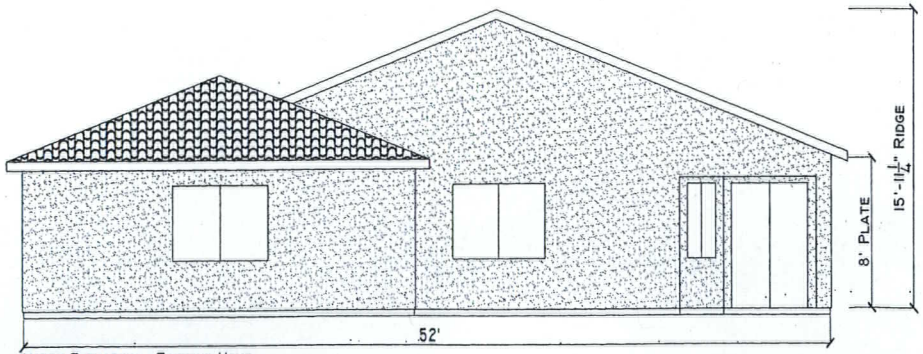
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



NORTH ELEVATION - EXISTING HOME

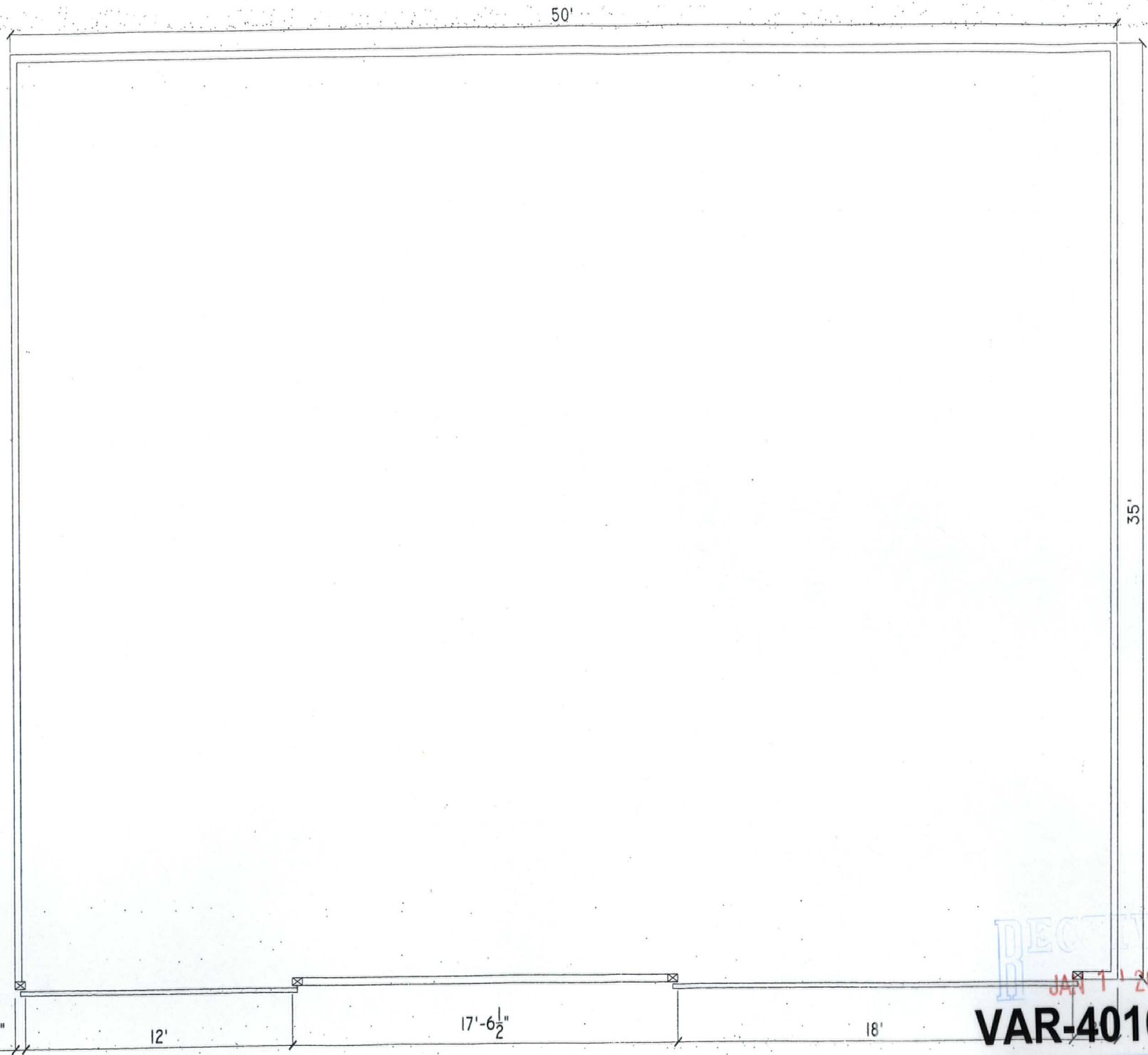
(E) STUCCO FINISH, TILE ROOF

RECEIVED
JAN 11 2011
VAR-40107
REVISED

ELEVATIONS - 1/8" = 1'

OWNER JASON AUNGENETT 250-2837
ADDRESS 5400 BAT MASTERSON CR., 89130
PARCEL # 138-01-310-038

SHEET A 1.2



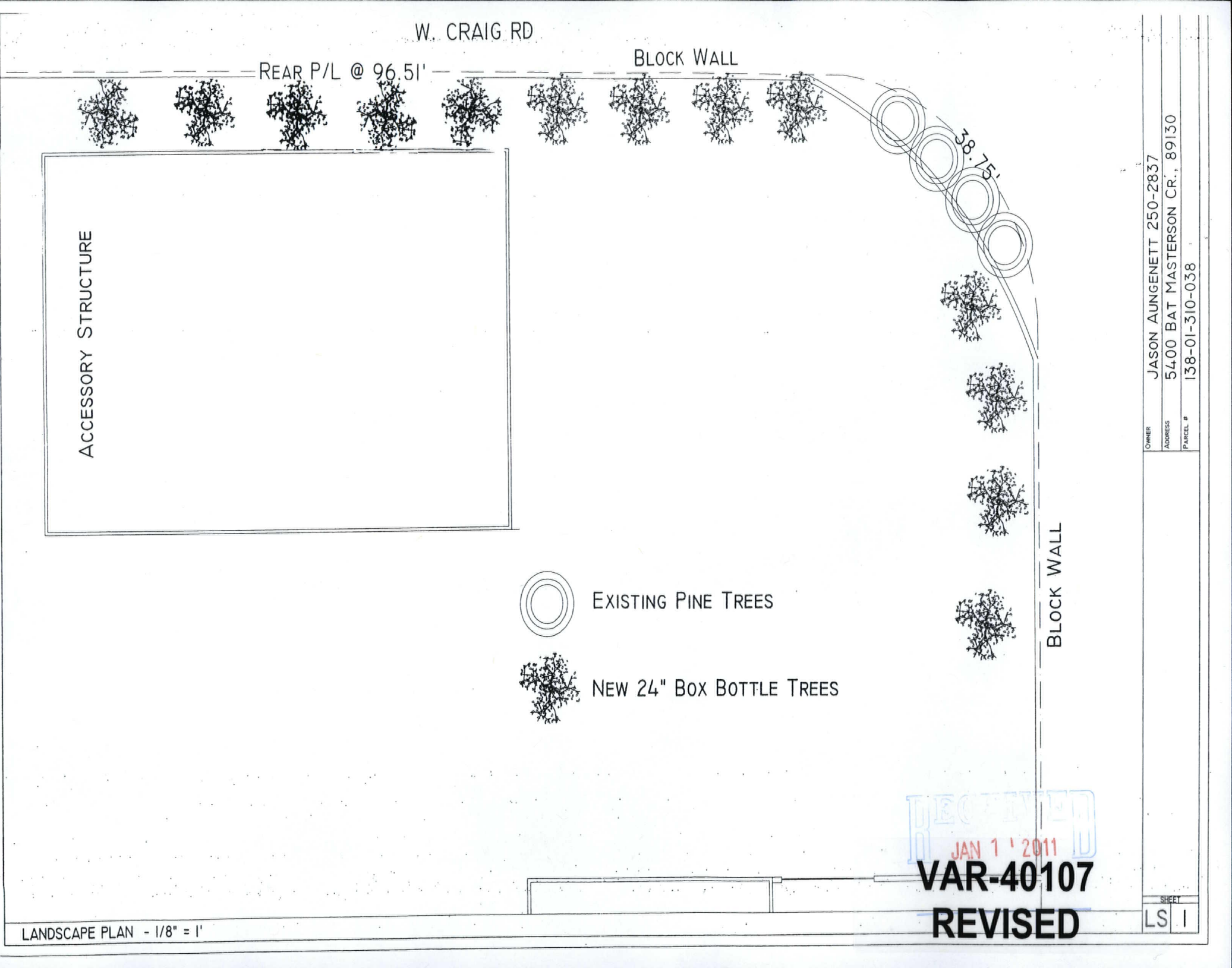
FLOOR PLAN - 1/4" = 1'

RECEIVED
JAN 11 2011

VAR-40107
REVISED

OWNER: JASON AUNGENETT 250-2837
ADDRESS: 5400 BAT MASTERSON CR., 89130
PARCEL #: 138-01-310-038

SHEET A 1.1



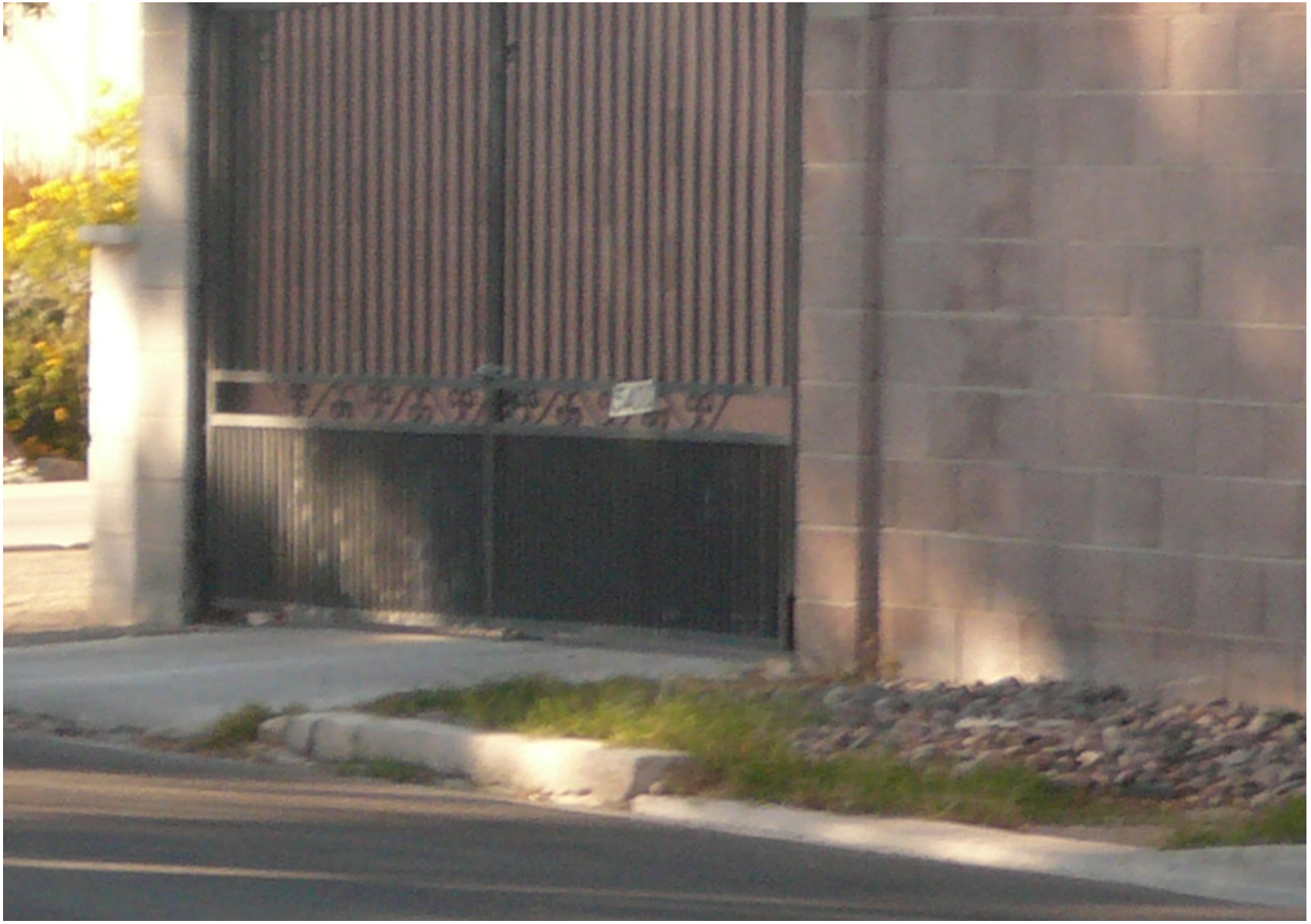
OWNER: JASON AUNGENETT 250-2837
ADDRESS: 5400 BAT MASTERSON CR., 89130
PARCEL #: 138-01-310-038

RECEIVED
JAN 1 1 2011

VAR-40107
REVISED

SHEET LS 1

LANDSCAPE PLAN - 1/8" = 1'



VAR-40107 - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT
5400 BAT MASTERSON CIRCLE

11/09/10



VAR-40107 - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT
5400 BAT MASTERSON CIRCLE

11/09/10



VAR-40107 - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT
5400 BAT MASTERSON CIRCLE

11/09/10

139-01-310-038

Planning and Development Department

731 S Fourth Street Las Vegas NV 89101

To whom it may concern,

I, Jason Aungenett, have built an enclosed dry storage garage to house my seven vehicles due to recent vandalism and robbery that has occurred to my vehicles.

Unfortunately, I began construction prior to obtaining the necessary permits. I did not believe it was necessary to obtain permits as my neighbors have similar size properties and similar size garages. In which I was informed by them that they had not obtained permits for their garages.

I have been working diligently to comply with all requirements. I am requesting a variance because the size of the building exceeds fifty percent of the size of the main dwelling. As I had mentioned before the size of the garage is to occupy several cars, a twenty four foot trailer and a motor home that I plan to purchase in the near future.

Please allow me the opportunity for a proper hearing to propose my plans for my garage.

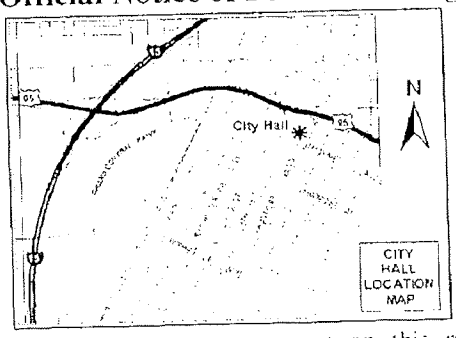
Kind regards,

Jason J Aungenett
5400 Bat Masterson Cir
Las Vegas NV 89130
Home Owner

RECEIVED
OCT 28 2010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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-40107
City Council Meeting of 3/16/2011

RECEIVED
CITY CLERK
2011 MAR -7 A 9:54

ENOS CATHLENE A
VANWIE BEVERLY A
5117 PATRICIA AVE
LAS VEGAS NV 89130-2609

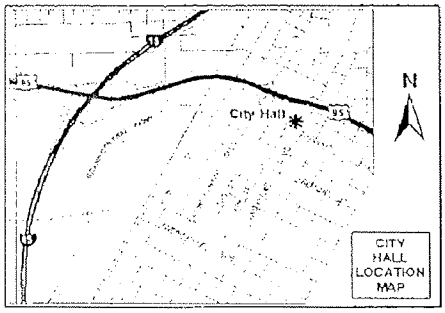
APN#13801711005

PO LRDFN1 89130

This neighborhood is littered with old run down housing that is in dire need of repair and refurbishment. Our goal should be to vastly improve the neighborhoods look with construction projects that are eye appealing and conducive to greatly improving property values.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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-40107
City Council Meeting of 3/16/2011

DONALDSON WARREN & DEBRA
P O BOX 750215
LAS VEGAS NV 89136-0215

APN#13801714003

79 LADFNJ 89136

2011 MAR -7 A 7:50

CITY CLERK
RECEIVED

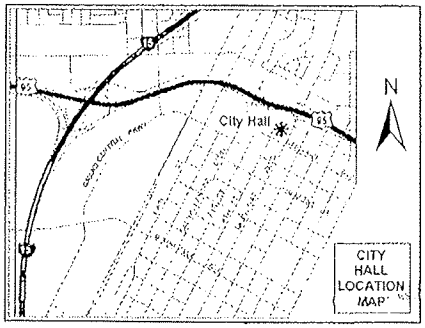
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

02 1M $
0004279216 MAILED FROM ZIPC

2011 MAR 17 P 1:51

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-40107
City Council Meeting of 3/16/2011

DELMURO MARIO & ARACELI D
4400 CAMPO CIR
LAS VEGAS NV 89130-5287

APN#13801

FAX 382-4803

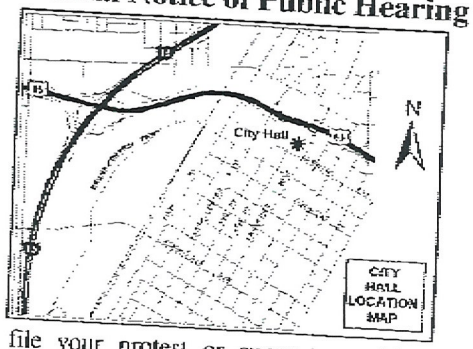
70 LRDFM11 89130

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

PAGE 01/01
EMBARQ
7028719790
12/06/2010 05:37

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.

VAR-40107

Planning Commission Meeting of 12/16/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

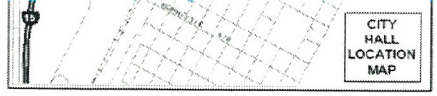
02 1M 0004279218 $ 00.41⁴ DEC 03 2010

MAILED FROM ZIPCODE 89101

RECEIVED
DEC 06 2010

13801710001 Case: VAR-40107
STEVENS BURTON G & PATRICE G
4317 N BRADLEY RD
LAS VEGAS NV 89130-2617

16P



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-40107

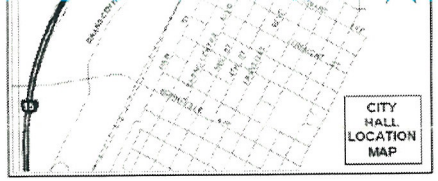
Planning Commission Meeting of 12/16/2010

RECEIVED
DEC 08 2010

Case: VAR-40107

13801217002
NEVIS MYRON F & MARY A FAM TR
5508 RAVANA AVE
LAS VEGAS NV 89130-5272

16P



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Comments other Side

Please use available blank space on card for your comments.

VAR-40107

Planning Commission Meeting of 12/16/2010

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DEC 08 2010

Case: VAR-40107
13801710009
MALONE DANA E & REBECCA C
4313 LINDSEY CIR
LAS VEGAS NV 89130-2604

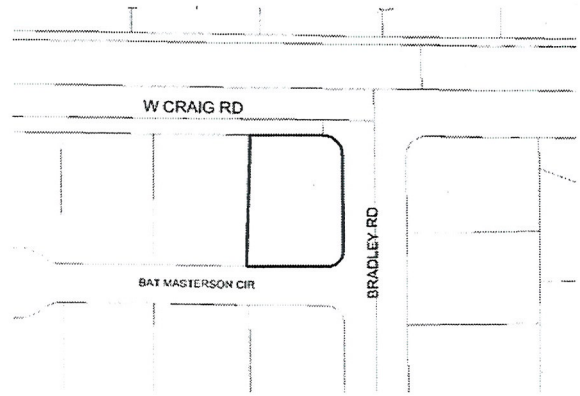
JAVDS11 89130

Application Information

VAR-40107 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT - Request for a Variance TO ALLOW AN EXISTING 14-FOOT HIGH, 1,750 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II THAT IS NOT AESTHETICALLY COMPATIBLE (PLYWOOD) WITH THE MAIN DWELLING (STUCCO), WHERE A 12-FOOT HIGH, 830 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II IS ALLOWED on 0.46 acres at 5400 Bat Masterson Circle (APN 138-01-310-038), R-E (Residence Estates) Zone, Ward 6 (Ross).

*THIS STRUCTURE IS VERY UNSIGHTLY THE OSB PLYWOOD IS SHEETED ON THE INTERIOR WITH EXPOSED 2x4's. WE SEE THIS AS A HIDEOUS STRUCTURE AND POTENTIAL FIRE HAZARD. *

Application Location



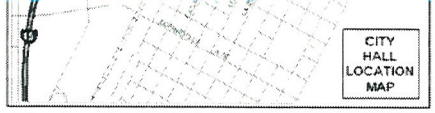
The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***December 16, 2010***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

16P

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.



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-40107

Planning Commission Meeting of 12/16/2010

not compatible

Case: VAR-40107

13801711006
ROHDE FERN P TRUST
5113 PATRICIA AVE
LAS VEGAS NV 89130-2609

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DEC 08 2010

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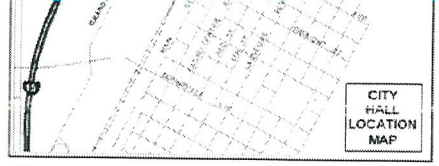

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-40107

Planning Commission Meeting of 12/16/2010

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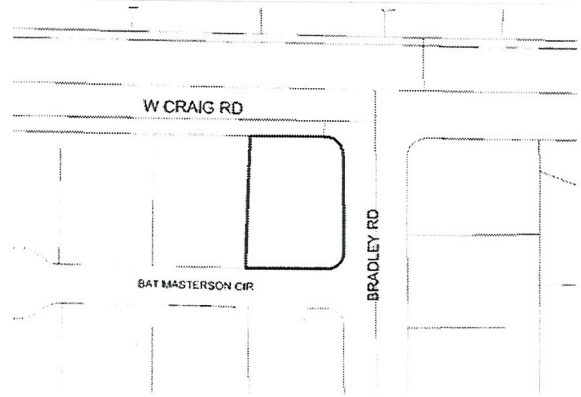
DEC 08 2010

Case: VAR-40107
13801710016
WIXOM JOHN F & CYNTHIA J
5309 PATRICIA AVE
LAS VEGAS NV 89130-2608

VAR-40107 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JASON J. & ROSA M. AUNGENETT - Request for a Variance TO ALLOW AN EXISTING 14-FOOT HIGH, 1,750 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II THAT IS NOT AESTHETICALLY COMPATIBLE (PLYWOOD) WITH THE MAIN DWELLING (STUCCO), WHERE A 12-FOOT HIGH, 830 SQUARE-FOOT ACCESSORY STRUCTURE, CLASS II IS ALLOWED on 0.46 acres at 5400 Bat Masterson Circle (APN 138-01-310-038), R-E (Residence Estates) Zone, Ward 6 (Ross).

This thing needs To Be Torn Down



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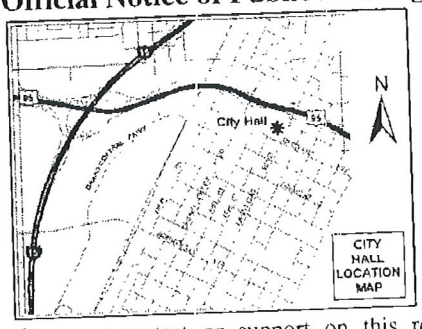
16P

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 $ 00.41⁴
0004279218 DEC 03 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-40107
Planning Commission Meeting of 12/16/2010

TOTAL EYE SORE!

Case: VAR-40107
13801311010
SMITH TIMOTHY O & KATHRYN A
5416 DOC HOLIDAY AVE
LAS VEGAS NV 89130-2527

Needs to Be stuccoed
to Match House

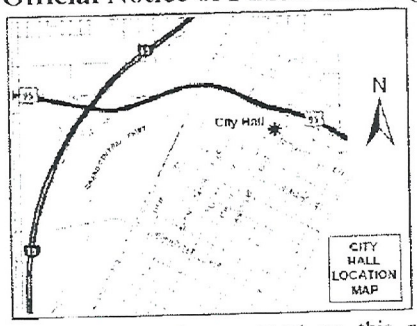
RECEIVED
DEC - 8 2010

16P

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.

VAR-40107

Planning Commission Meeting of 12/16/2010

RECEIVED
DEC 06 2010

Case: VAR-40107

13801711005
ENOS CATHLENE A
5117 PATRICIA AVE
LAS VEGAS NV 89130-2609

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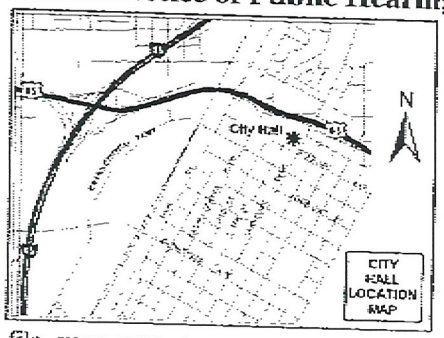
12/07/2010 03:34

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



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-40107

Planning Commission Meeting of 12/16/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

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RECEIVED
DEC 07 2010

Case: VAR-40107

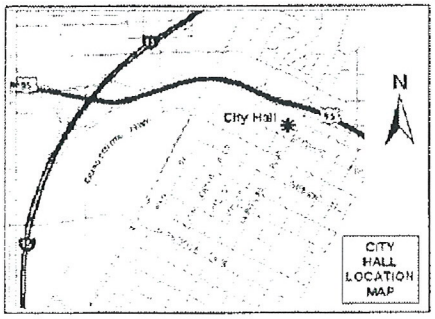
13801710902
FERRELL BATTELL L
4313 BRADLEY RD
LAS VEGAS NV 89130-2617

16p

The area around this residence is older with many different fascias and a mix of different sidings etc-it looks run down. I would like to see any improvements done to code and upgraded to improve the look and aesthetics of the neighborhood.

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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VAR-40107
Planning Commission Meeting of 12/16/2010

Case: VAR-40107
13801714003
DONALDSON WARREN & DEBRA
P O BOX 750215
LAS VEGAS NV 89136-0215

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JAN 3 1 2011

Case: 138-01-310-038

13801311005
LOONEY MARTHA F
5401 BAT MASTERSON CIR
LAS VEGAS NV 89130-2544

Jason & Rosa Aungenett
5400 Batmasterson cir
Las Vegas NV 89130

To whom it may concern,
I am applying for a variance due to sq footage and set back requirements, As a fellow neighbor the city has requested me to obtain a petition for approval from surrounding neighbors to state whether they were for or oppose the construction of my accessory building

Sincerely Jason J Aungenett

Please off your feeling toward accessory structure

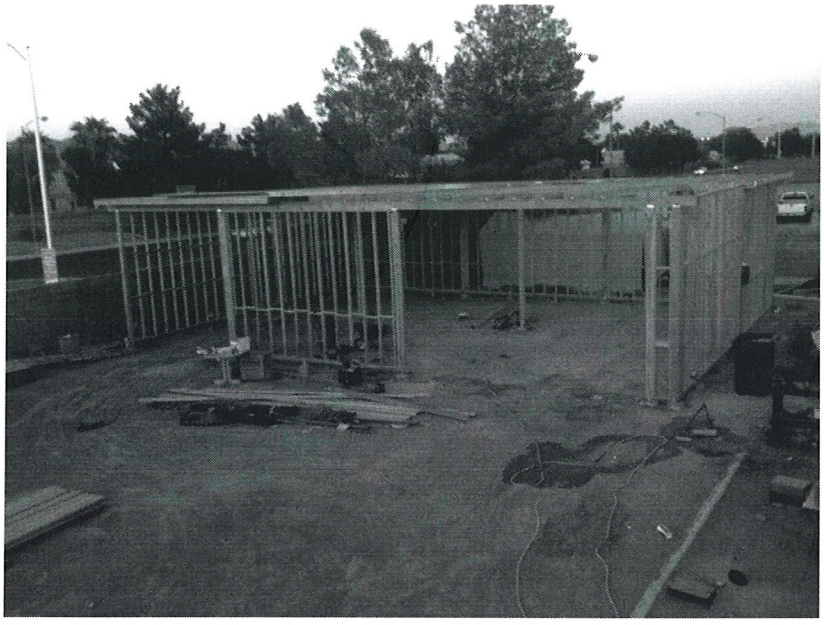
● For it

O Against it

x Larry Linton Date 11-7-10

Name LARRY LINTON

Address



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YMCA 6601 North Buffalo Drive
Las Vegas, NV 89131-4082
(702) 478-9622

ALL SUPPORT WILL BE APPRECIATED

THANKS AUNGENETT FAMILY

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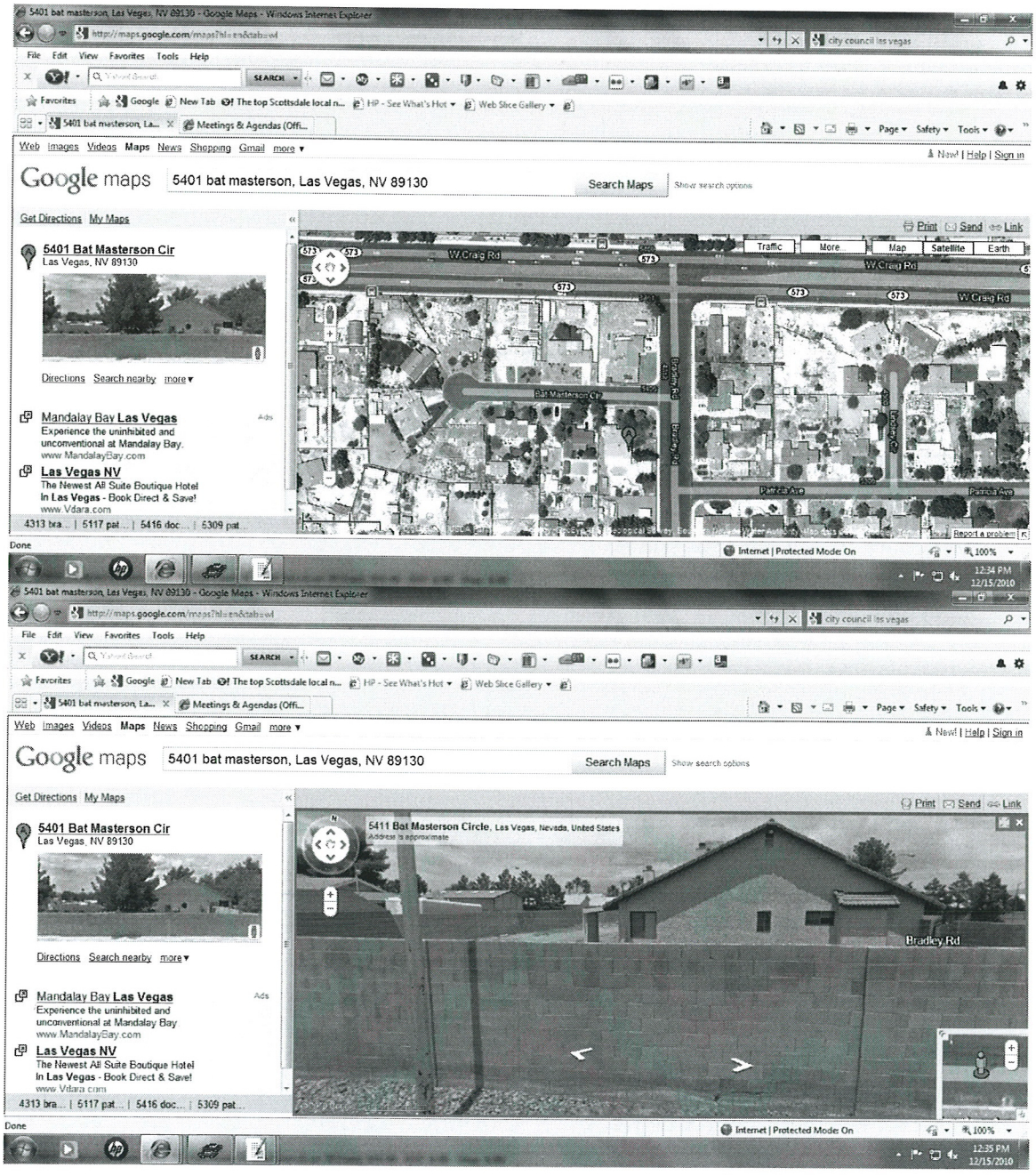

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Case: 138-01-310-038

13801310036
GARNICA AMADO RAMIREZ
5408 BAT MASTERSON CIR
LAS VEGAS NV 89130-2538

Jason & Rosa Aungenett
5400 Batmasterson cir
Las Vegas NV 89130

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Please off your feeling toward accessory structure

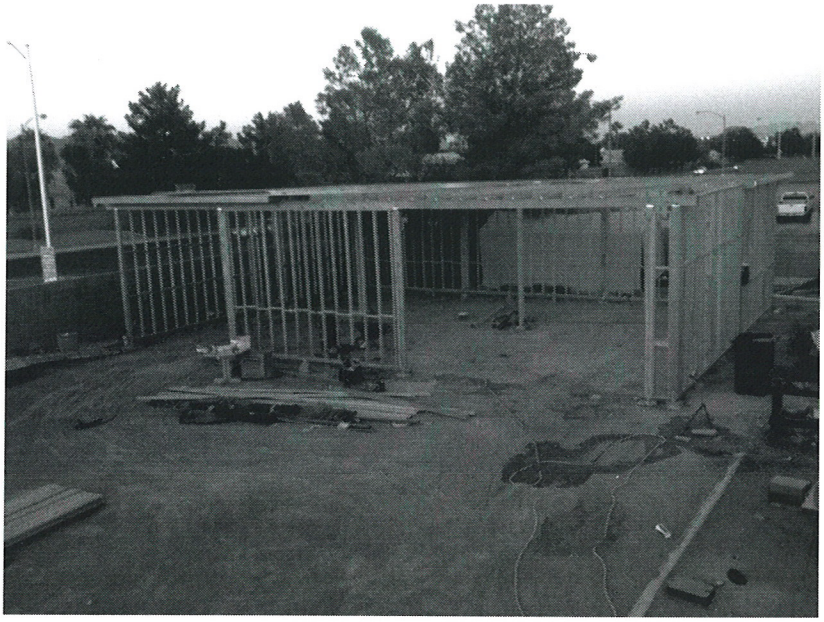
⊙ For it

O Against it

x _____ Date Nov 7- 10

Name ARMANDO RODRIGUEZ

Address 5405 BAT MASTERSON CIR.



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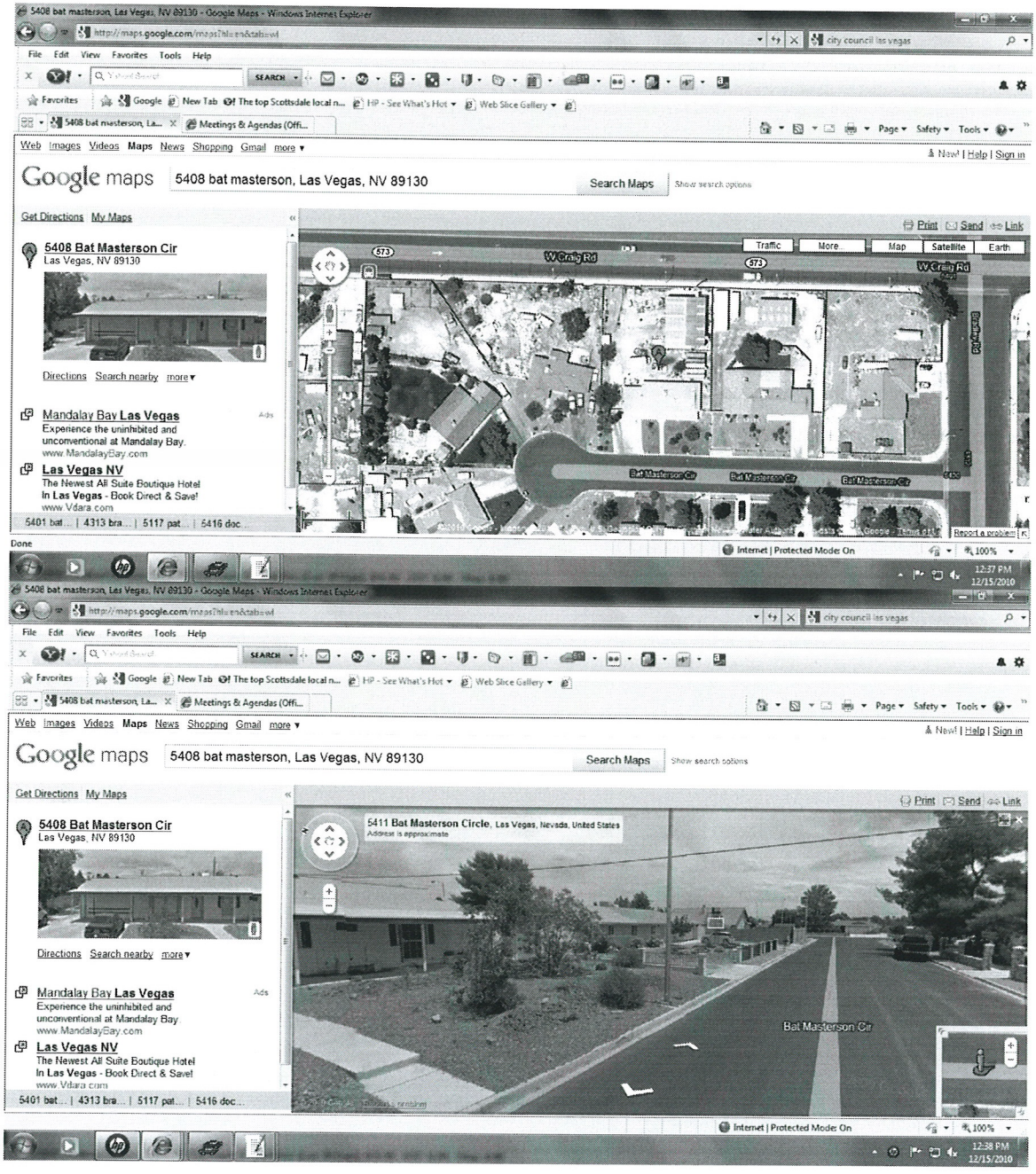

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Jason & Rosa Aungenett
5400 Batmasterson cir
Las Vegas NV 89130

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Please off your feeling toward accessory structure

Ø For it

O Against it

x Jeff Blagg Date 11-7-10

Name Jeff Blagg

Address 5404 BAT MASTERSON



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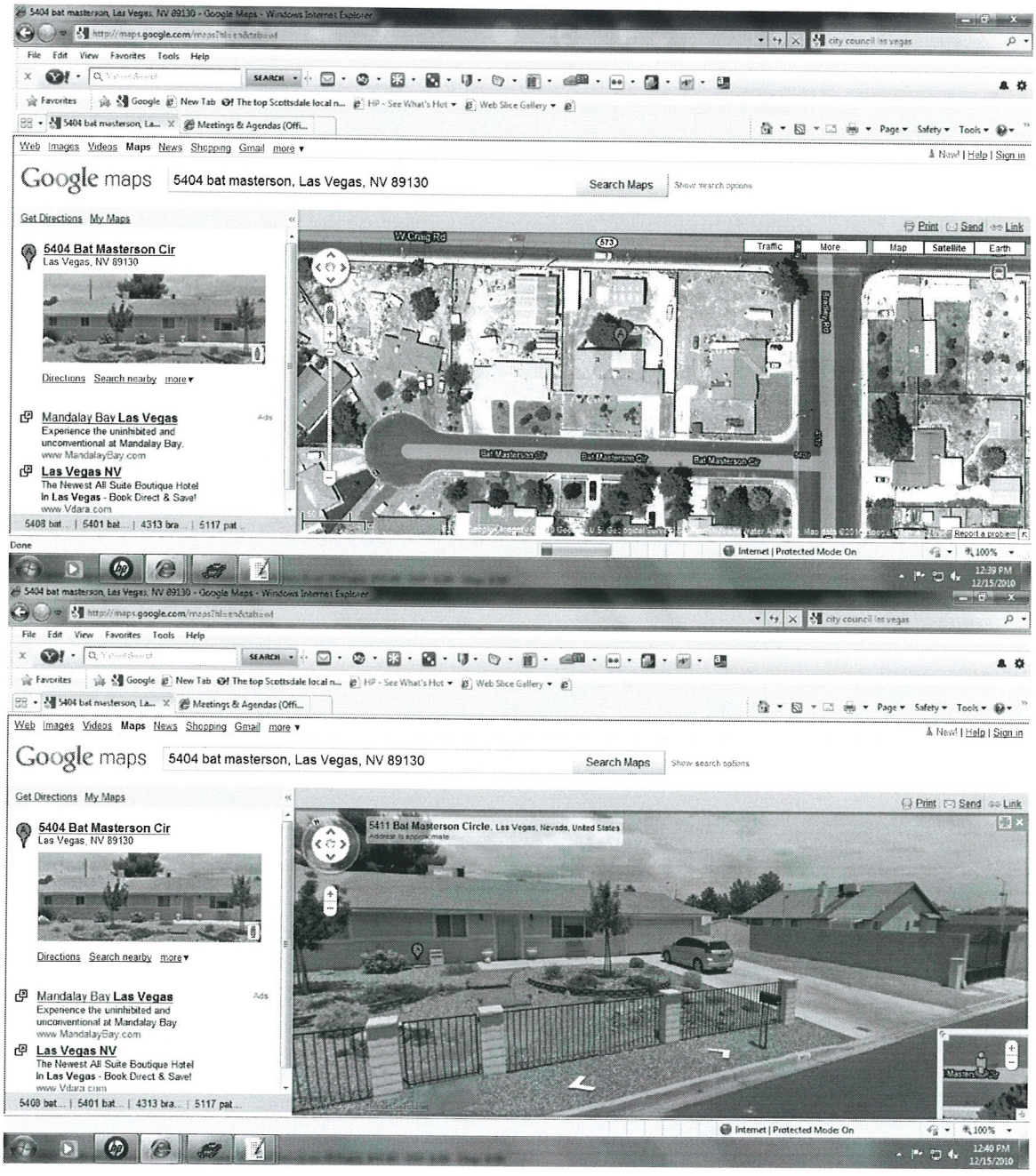

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JAN 18 2011

13801710003 Case: 138-01-310-038
W P H LIVING TRUST
4309 BRADLEY RD
LAS VEGAS NV 89130-2617

Jason & Rosa Aungenett
5400 Batmasterson cir
Las Vegas NV 89130

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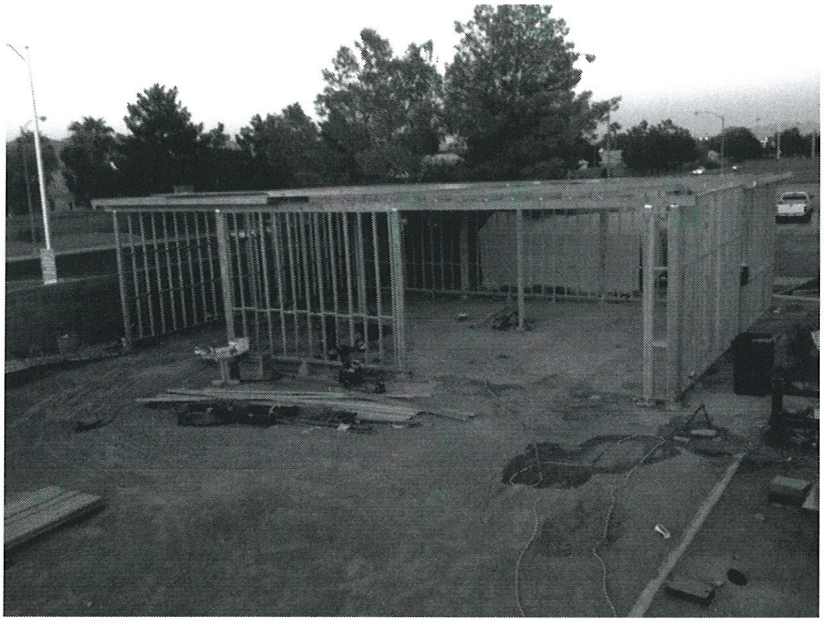
Ø For it

O Against it

x Patricia J. Hurst Date 11-7-10

Name _____

Address



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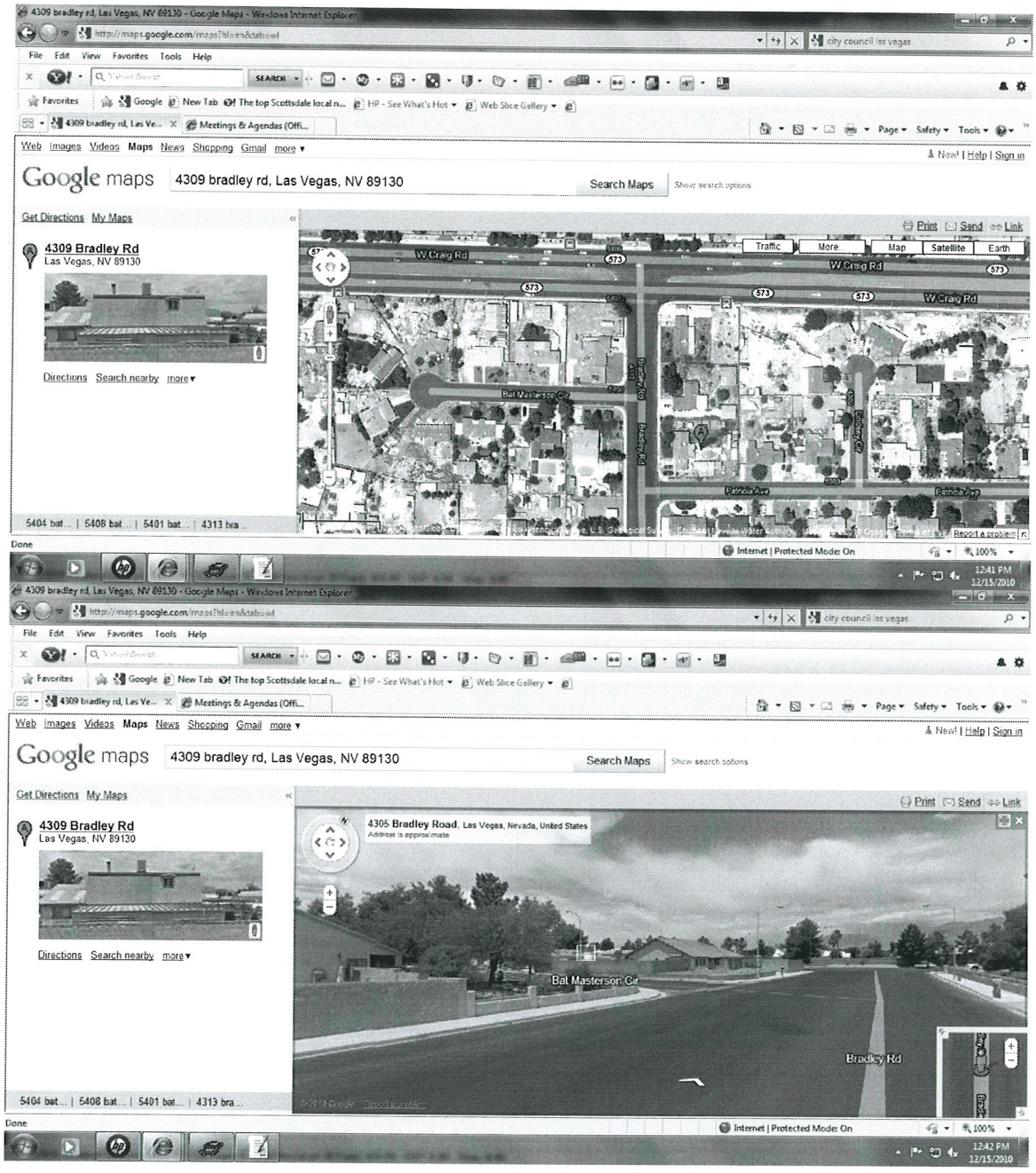

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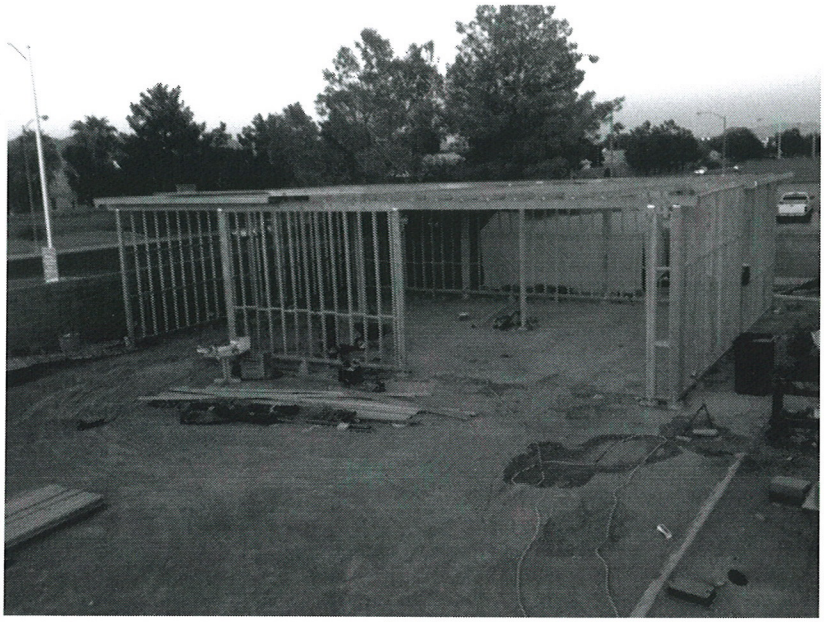
~~O~~ For it

O Against it

x Elena Ramirez Date 11-7-10

Name Elena & A Ramirez

Address 5405 BAT MASTERSON



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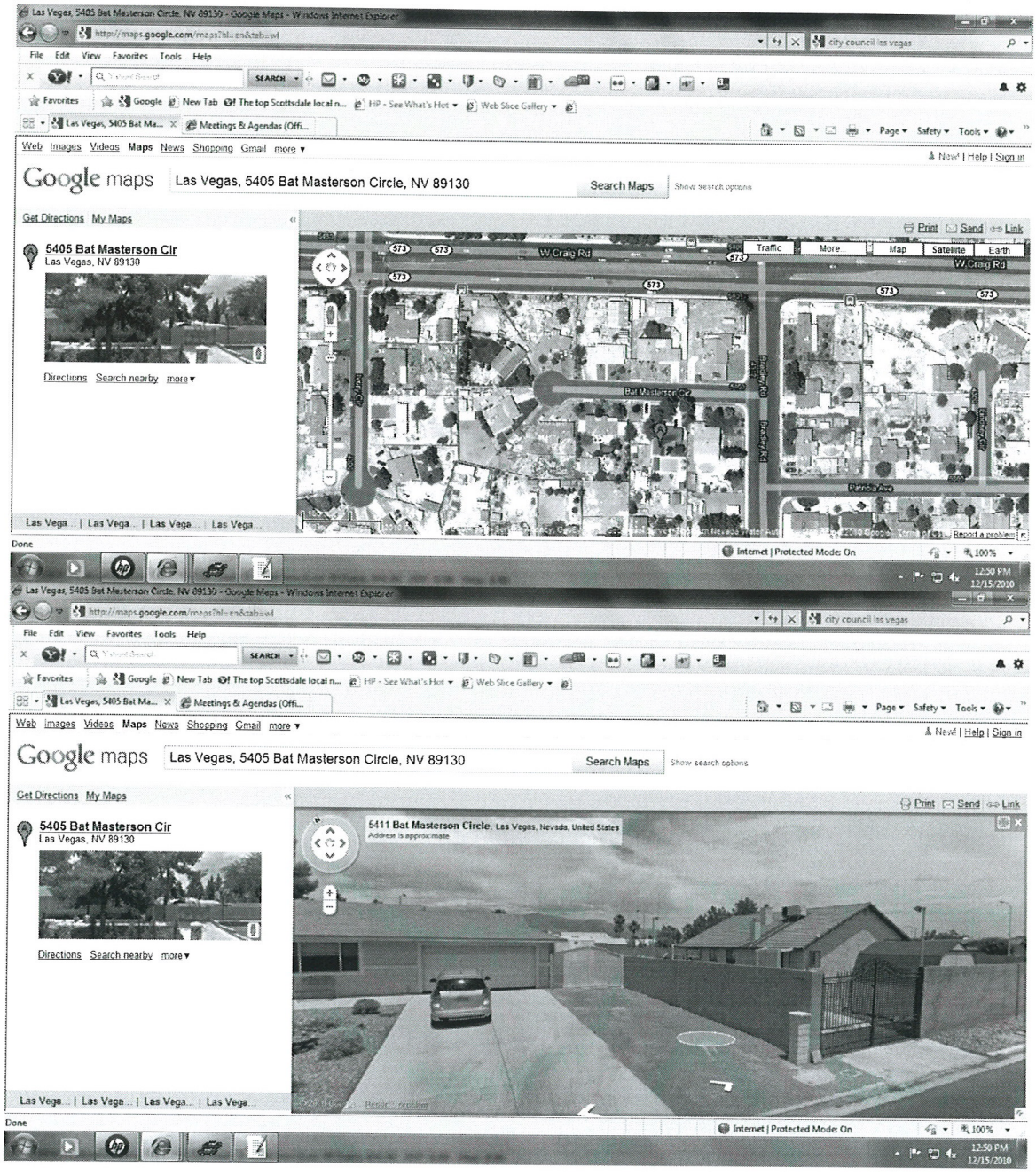

RECEIVED
JAN 18 2011

Case: 138-01-310-038

13801310038
AUNGENETT JASON J & ROSA M
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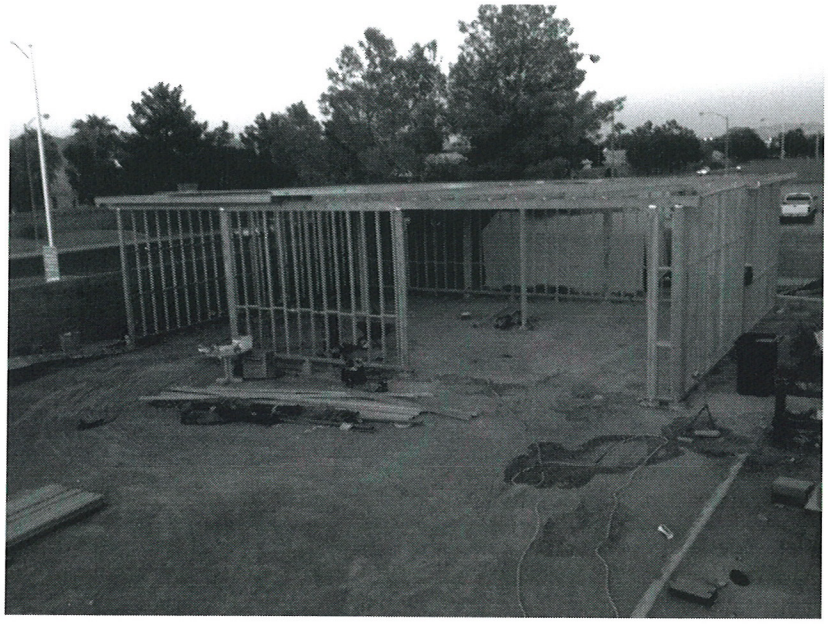
X For it

O Against it

x _____ Date 11/8/10

Name Jason Aungenett

Address



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City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

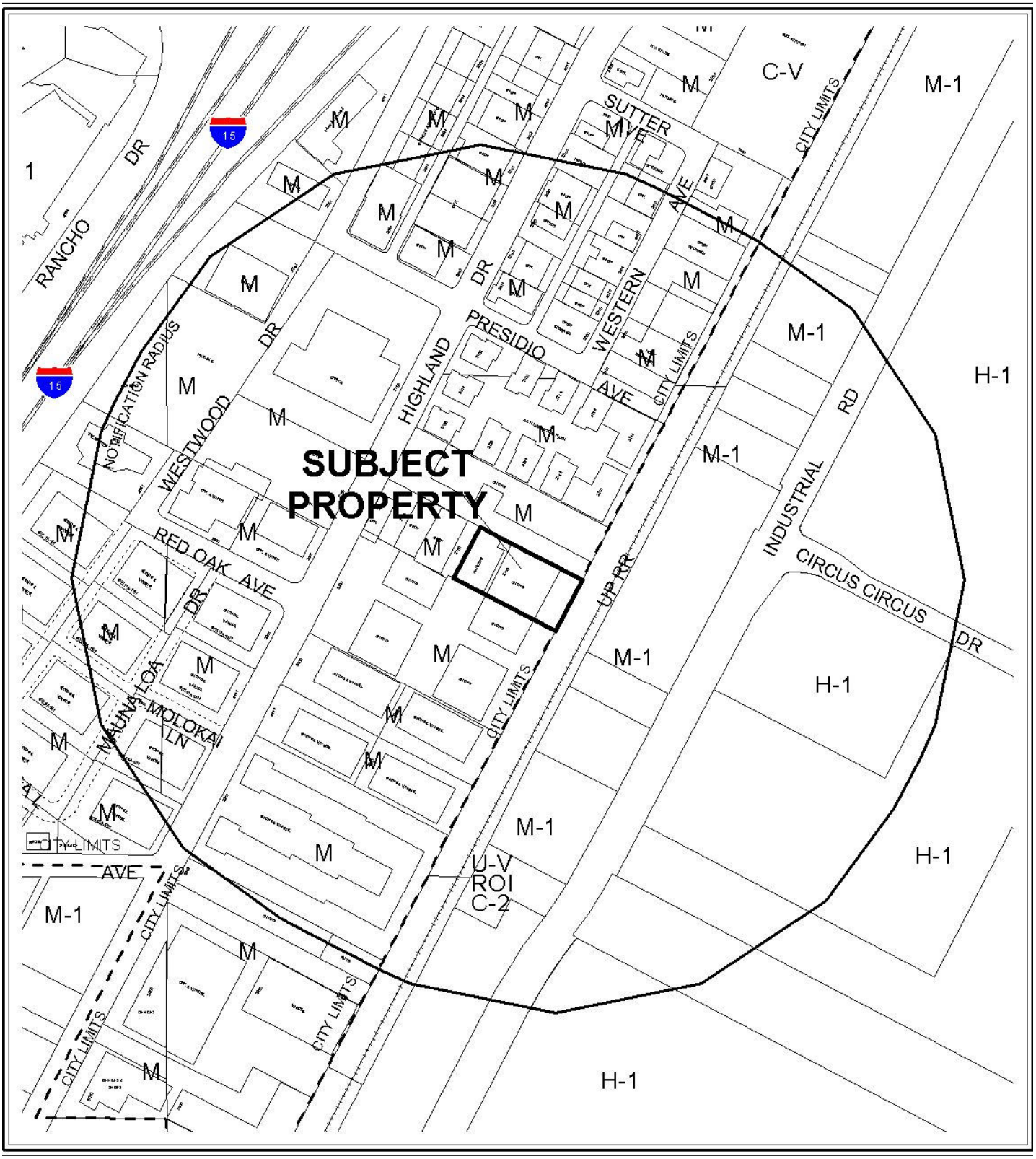
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-40375 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Variance TO ALLOW EIGHT PARKING SPACES WHERE 48 ARE REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-40375, VAR-40543 and SDR-40374
2. Conditions and Staff Report - VAR-40375, VAR-40543 and SDR-40374
3. Supporting Documentation
4. Photos - VAR-40375, VAR-40543 and SDR-40374
5. Justification Letters - VAR-40375, VAR-40543 and SDR-40374
6. Protest/Support Postcards
7. Backup referenced from the February 8, 2011 Planning Commission Meeting Items VAR-40375 and VAR-40543



CASE: **VAR-40375; VAR-40543 AND SDR-40374**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)



0 300 600 Feet

CASE: VAR-40375; VAR-40543 AND SDR-40374

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: GAETANO D'AQUINO

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-40375	Staff recommends DENIAL, if approved subject to conditions:	
VAR-40543	Staff recommends DENIAL, if approved subject to conditions:	VAR-40375
SDR-40374	Staff recommends DENIAL, if approved subject to conditions:	VAR-40374 VAR-40543

** CONDITIONS **

VAR-40375 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-40543) and Site Development Plan Review (SDR-40374) 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. Prior to occupancy, 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-40543 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-40375) and Site Development Plan Review (SDR-40374) 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. Prior to occupancy, 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-40374 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-40375) and Variance (VAR-40543) 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 the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/21/10, except as amended by conditions herein.

4. A Waiver from Title 19.12 is hereby approved, to allow no perimeter landscape buffer where eight-feet is required.

5. An Exception from Title 19.10 is hereby approved, to allow no interior landscape islands where one landscape island for every six parking spaces is required.

6. An Exception from Title 19.12 is hereby approved, to allow no perimeter trees where 30 perimeter trees are required and no shrubs where 120 five-gallon shrubs are required.

7. Prior to occupancy, 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.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

11. All trash enclosures shall be walled, with gates and a roof or trellis in conformance to Title 19.08.

12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

13. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Provide proof of legal access to this site prior to the issuance of permits.

18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

This project will convert a currently vacant Warehouse/Distribution Center into a Wholesale Showroom Facility for an Italian Wine Import business. The building will be completely remodeled and include the addition of a 1,900 square-foot enclosed loading dock on the east side of the building and a 1,375 square-foot enclosed loading dock on the west side of the building. These additions will require a Variance to allow a zero-foot setback where 10 feet are required and a Variance to allow eight parking spaces where 48 are required. In addition, the applicant is requesting a Waiver to allow zero landscape buffers where eight-foot wide buffers are required and Exceptions to allow zero perimeter trees, shrubs and zero landscape parking lot islands.

The roof will be modified to allow for invited clients to congregate for wine-tasting events throughout the year. The applicant states that these events will not be open to the public. The building will be designed so that the applicant will have the option to lease out half of the space at a later date. This desire is the primary factor for the two separate loading docks; however, the addition of the east loading dock eliminates all parking for that tenant, as all parking provided on the site is located on the west side of the building.

Staff is recommending denial of all requests. The Site Plan could be modified to eliminate the east loading dock and install additional parking so the Variance would not be as severe as currently proposed. If these applications are denied, the project would have to be redesigned to adhere to current Title 19 code standards.

ISSUES

- A Variance is required to allow eight parking spaces where 48 are required;
- A Variance is required to allow a zero-foot front and side yard setback where ten-foot setbacks are required;
- A Waiver is required to allow a zero-foot landscape buffer where an eight-foot landscape buffer is required; and
- Exceptions are required to allow for no landscape parking lot islands where one is required for every six parking spaces and to allow no perimeter landscape trees or shrubs.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/17/06	City Council approved a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval.
02/08/11	The Planning Commission vote resulted in a TIE [(3-3-1/gf/bg/rt (yes)/se, tg, tm (no) with vq (abstaining)] which is tantamount to NO RECOMMENDATION for companion items VAR-40375, VAR-40543 & SDR-40374 (PC Agenda Items 17-19/yk).

Most Recent Change of Ownership	
10/16/09	A deed was recorded for a change in ownership for both parcels.

Related Building Permits/Business Licenses
No building permits or business licenses are on file for these parcels.

Pre-Application Meeting	
11/03/10	Staff reviewed the requirements for a Site Development Plan Review and Variance applications for the proposed project. It was noted that two Variances would be required, one for parking and one for reduced setbacks. It was also noted that Waivers of the landscape buffers and Exceptions for the parking lot landscape islands and the number of perimeter trees would also be required. Staff informed the applicant that the parcels would need to be remapped into one parcel prior to any permits being issued.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/13/11	Staff found a vacant one-story warehouse on a clean, graffiti-free property. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	1.03

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Warehouse/Retail	LI/R (Light Industrial/Research)	M (Industrial)
North	Retail	LI/R (Light Industrial/Research)	M (Industrial)
South	Retail	LI/R (Light Industrial/Research)	M (Industrial)
East	Union Pacific Railroad Right-of-Way	Union Pacific Railroad Right-of-Way	Union Pacific Railroad Right-of-Way
West	Retail	LI/R (Light Industrial/Research)	M (Industrial)

Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Width	100 Feet	150 Feet	Y
Min. Setbacks			
• Front	10 Feet	1 Foot	N
• Side	10 Feet	0 Feet	N
• Corner	N/A	N/A	N/A
• Rear	0 Feet	0 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Y	Y
Mech. Equipment	Screened	Y	Y

YK

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	10 Trees	0 Trees	N
• South	1 Tree / 30 Linear Feet	10 Trees	0 Trees	N
• East	1 Tree / 30 Linear Feet	5 Trees	0 Trees	N
• West	1 Tree / 30 Linear Feet	5 Trees	0 Trees	N
TOTAL PERIMETER TREES		**30 Trees**	**0 Trees**	**N**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	3 Trees	4 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• South	8 Feet		0 Feet	N
• East	8 Feet		0 Feet	N
• West	8 Feet		0 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		N/A	N/A

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Street Width (Feet)***	***Compliance with Street Section***
Highland Avenue	Secondary Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Wholesale Showroom Facility	17,776 S.F. (Sales/ Display)	1 space per 500 S.F.	36				
	27,622 S. F. (Warehouse/ Storage)	1 space per 2,500 S.F.	12				
TOTAL SPACES REQUIRED			48		8		

YK

Regular and Handicap Spaces Required			46	2	6	2	N
Loading Spaces	45,398 S.F.	3 for 30,000 to 50,000 S.F.	3		6		Y
Percent Deviation			83%				

Waivers		
Requirement	***Request***	***Staff Recommendation***
An eight foot wide landscape buffer is required.	To have a zero foot wide landscape buffer.	Denial

Exceptions		
Requirement	***Request***	***Staff Recommendation***
Thirty perimeter trees and 120 five-gallon shrubs are required.	To allow zero perimeter trees and shrubs.	Denial
One landscaped island for every six parking spaces for a total of two.	To allow no landscaped islands.	Denial

ANALYSIS

The applicant is proposing to convert an existing Warehouse into a Wholesale Showroom Facility, and add approximately 23,154 square feet of floor area to the site. This additional floor area will be utilized for private parties to showcase the applicant's wines for vendors, and as loading docks. The increase in floor area will result in both an increase in the number of parking spaces required, as well as a reduction in the number of parking spaces provided, leaving only eight parking spaces on the site where 48 are required. Enclosed loading docks will be added to the east and west sides of the building to allow for two tenant spaces within the building. These loading docks will extend from the existing building along the lot line, within the required 10-foot building setback area. The addition of the loading docks limits parking to the west side only, with no parking provided for a future tenant on the east side.

As part of the request for a Site Development Plan Review, Waivers are required to allow no perimeter landscape buffers where eight feet is required. Exceptions are also required to allow no perimeter trees or shrubs where 30 trees and 120 five-gallon shrubs are required, and to allow no parking lot landscape islands where two are required. Staff is recommending denial of all requests as the applicant is proposing to overbuild the site, as is evidenced by the requested Variances, Waivers and Exceptions, and has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance requests. Alternative design or a reduction in the scope of the project would allow conformance to the requirements of Title 19.

FINDINGS (VAR-40375)

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 eliminating parking spaces to expand the loading dock areas. Alternative design of the site could eliminate the need for a Variance. In view of this condition, it is concluded that the applicant's hardship is preferential in nature, and it is thereby not within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-40543)

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 to over build the site. Alternative design of the site or a reduction in the scope of the project would allow conformance to Title 19 requirements. 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 (SDR-40374)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed warehouse showroom is similar to other buildings in the area. It is located adjacent to a railroad right-of-way, where the development will have no effect on existing adjacent development.

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;**

   The General Plan designation for the site is LI/R (Light Industrial/Research). The existing site has a Warehouse use and is located within an M (Industrial) zoning district, where such uses are permitted. The proposal doesn't meet Title 19 development standards, as several Variances, Waivers and Exceptions are needed.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Since the proposed site is an interior parcel, access and circulation will not affect adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The use of non-contrasting material for the perimeter wall is appropriate for this area, as it is interior to the site and not visible from public rights-of-way.

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;**

   The proposed new façade of the building will have an Italian Villa appearance and will be a marked improvement to the existing façade and have an overall positive effect on the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed structures and fencing will be subject to inspection and will therefore not compromise the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 54 (By City Clerk)

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-40375** APN: 162-09-2002003 and 004

Name of Property Owner: Gaetano D'Aquino

Name of Applicant: Gaetano D'Aquino

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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: GAETANO D'AQUINO

Subscribed and sworn before me

This 29 day of NOVEMBER, 20 10

_____

Notary Public in and for said County and State

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

RECEIVED
DEC 03 2010
City of Las Vegas

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Warehouse Remodel

Project Address (Location) 2770 Highland Ave.

Project Name Warehouse Remodel **Proposed Use** Warehouse

Assessor's Parcel #(s) APN# 162-09-202-004 162-09-202-003 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Upgrade exterior elevation design, increase building height, add loading docks

PROPERTY OWNER Gaetano D'Aquino **Contact** Fabrigio Pena

Address 1850 Business Center Drive **Phone:** _____ **Fax:** _____

City Duarte **State** CA **Zip** 91010

E-mail Address wine@daquino.com

APPLICANT Gaetano D'Aquino **Contact** Fabrigio Pena

Address 1850 Business Center Drive **Phone:** _____ **Fax:** _____

City Duarte **State** CA **Zip** _____

E-mail Address wine@daquino.com

REPRESENTATIVE ARON PHADNIS **Contact** _____

Address 67 CLEARWOOD AVE **Phone:** 714-734-8814 **Fax:** 714-734-8820

City DUARTE **State** CA **Zip** 91010

E-mail Address LTI@LTIINC.ORG

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name GAETANO D'AQUINO

Subscribed and sworn before me

This 29 day of NOVEMBER, 2010.

_____

Notary Public in and for said County and State

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

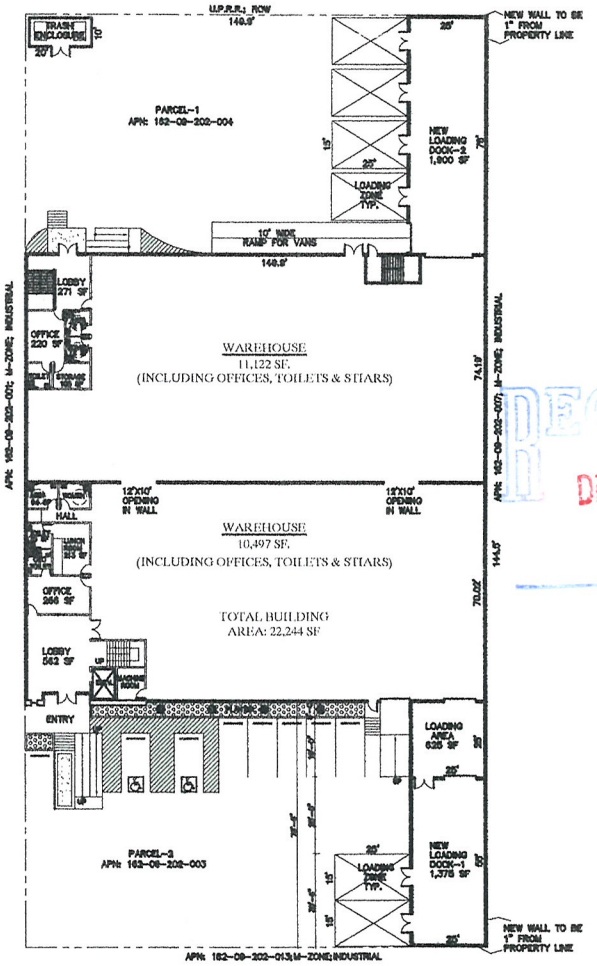
FOR DEPARTMENT USE ONLY

Case #	VAR-40375
Meeting Date:	~~12/14~~ 1-25-11
Total Fee:	830
Date Received:*	12-3-10
Received By:	FS

*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.

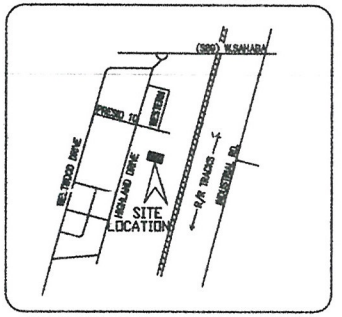
Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf



PROPOSED SITE PLAN

SCALE 1/16" = 1'-0"



VICINITY MAP

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SITE:

PARCEL 1: APN 162-09-202-004 (2770 HIGHLAND) 33,368 SF. 0.77 ACRES
PARCEL 2: APN 162-09-202-003 (2700 HIGHLAND) 12,041 SF. 0.28 ACRES

TOTAL SITE AREA: 45,409 SF.

BUILDING AREA: ANALYSIS/PARKING DEMAND CALCULATIONS

EXISTING WAREHOUSE= 22,244 SF.

PROPOSED ADDITIONS:

1) NEW LOADING DOCKS ON EAST & WEST SIDE= 3,275 SF

2) 2ND FLOOR STORAGE & OFFICES = 653 SF

3) ROOF LEVEL: SECURITY GUARD STATION, STORAGE, LUNCHROOM & TOILETS= 1,450 SF

4) ROOF LEVEL DISPLAY AREA (INSIDE THE BUILDING)= 1,674 SF

5) TERRACE FOR WINE TASTING PARTIES= 16,102 SF

TOTAL USABLE AREA= 45,398 SF.

PARKING SUMMARY:

1) WAREHOUSE AREA INCLUDING NEW LOADING DOCKS, OFFICES, STORAGE, TOILETS, LUNCHROOM, SECURITY GUARD STATION, ETC= 27,622 SF/ 2500= 11 CARS

2) DISPLAY AREA (16,102+1,674) = 17,776 SF/ 500= 36 CARS

TOTAL CARS REQUIRED: 47 CARS

TOTAL CARS PROVIDED : 8 CARS

LEGEND:

LOADING ZONE 15'X25' TYP.

2"-DG. WITH/ 5 GALLON SHRUBS @ 5'-0" O.C WITH AUTOMATIC IRRIGATION SYSTEM WITH BACKFLOW PREVENTOR FROM DOMESTIC WATER LINE

4-QUEEN PALMS WITH 8' TRUNK HEIGHT

VAR-40375
VAR-40543
SDR-40374

NO.	DATE
1	11/30/2010
2	12/15/2010

L.T.I., Inc.
CONSTRUCTION MANAGEMENT
2222 CHAMBERS RD. SUITE #100
TUSTIN, CA 92780
SUBSIDIARY: A. MOSCATO
NEVADA LICENSE # 5400
TEL: (714) 734-6810 FAX: (714) 734-6800
EMAIL: LTIINC@LTIINC.COM

STAMP

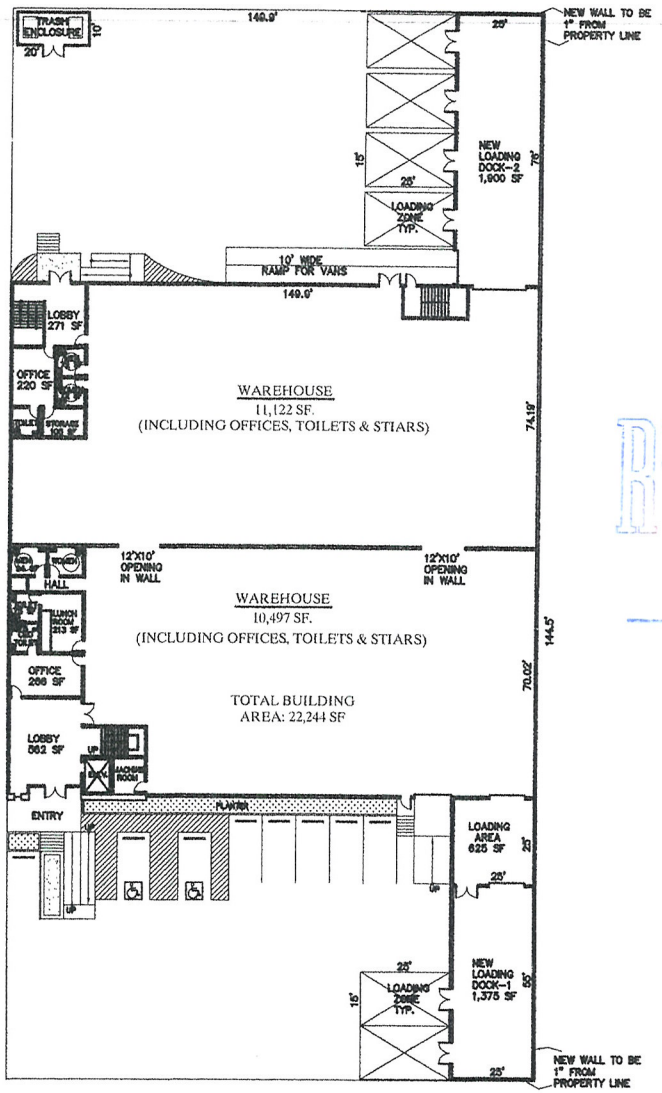
JOB ADDRESS:
WAREHOUSE REMODEL & TENANT IMPROVEMENT
2770 HIGHLAND DRIVE
LAS VEGAS, NEVADA 89109

SHEET TITLE: CONCEPT SITE PLAN

OWNER: MR. GAETANO DAQUINO
5470 WYN ROAD #300, LAS VEGAS, NV. 89103
TEL: (629) 355-1988

DRAWN:
CHECKED: AF
DATE: 10/2/10
SCALE:
JOB NO: 10-108
FILE NAME:
DRAWING: 1
OF SHEETS
PLOT DATE: 12/2/10

DO NOT SCALE THE DRAWING



PROPOSED FIRST FLOOR PLAN
SCALE 1/16" = 1'-0"

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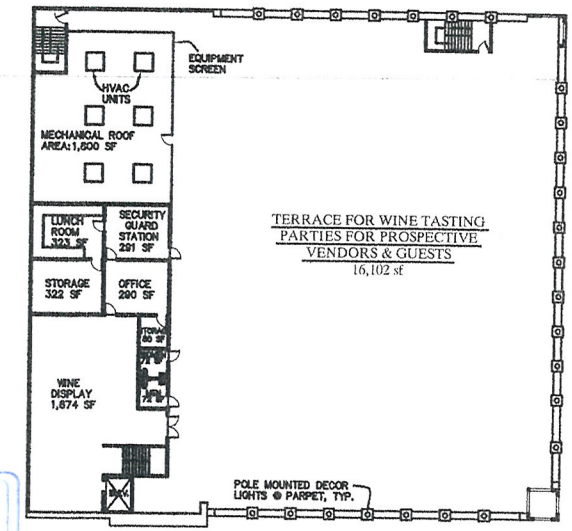
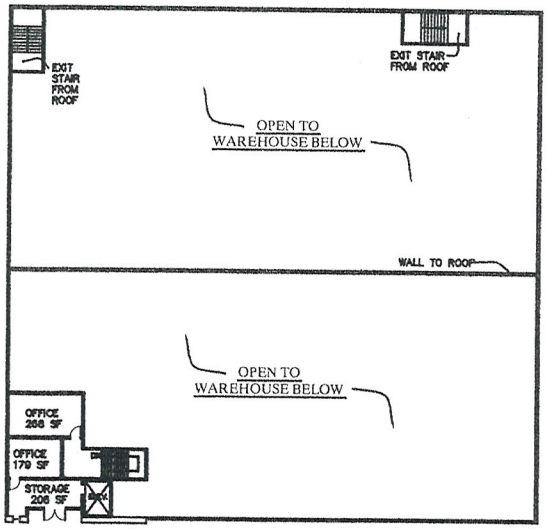
DEC 2 1 2010



ROOF PLAN
SCALE 1/16" = 1'-0"



SECOND FLOOR PLAN
SCALE 1/16" = 1'-0"

REVISION
1 11/16/2010 CITY CHANGES
2 12/15/2010

L. T. I., Inc.
CONSTRUCTION MANAGEMENT
SUITE 205, NO. SAN LE #100
TUSTIN, CA. 92780
SUREEN A. NOOROLAHIAN
NEVADA LICENSE # 5489
TEL: (714) 734-8510 FAX: (714) 734-8520
EMAIL: LTIINC@AOL.COM

STAMP

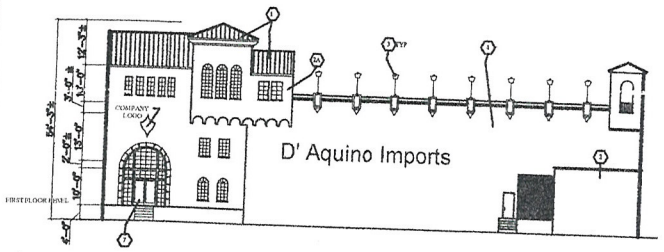
WAREHOUSE REMODEL & TENANT IMPROVEMENT
2770 HIGHLAND DRIVE
LAS VEGAS, NEVADA 89109

CONCEPT FLOOR PLANS

MR. GAETANO DAQUINO
5470 WYN ROAD #300, LAS VEGAS, NV. 89103
TEL. (626) 355-1988

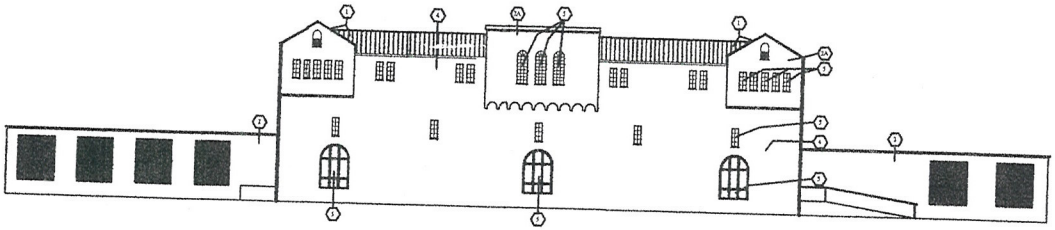
DRAWN	
CHECKED	AP
DATE	10-05-2010
SCALES	AS SHOWN
JOB NO.	10-105
FILE NAME	
DRAWING	2

VAR-40375
VAR-40543
SDR-40374



WEST ELEVATION (FRONT)

SCALE 1/16" = 1'-0"



NORTH ELEVATION (SIDE)

SCALE 1/16" = 1'-0"

EXTERIOR COLOR/ MATERIAL SCHEDULE:

1. CONCRETE TILE ROOF
   DUNN EDWARDS: DE5251-SPICE CAKE
   OR MATCH WITH CONCRETE TILE COLORS
2. STUCCO, PAINTED
   DUNN EDWARDS: DE5239-DELIGHTFUL PEACH
2A. STUCCO, PAINTED
   DUNN EDWARDS: DE5241-SICILIAN VILLA
3. POLE MOUNTED LIGHT FIXTURES @ PARAPET.
4. CONCRETE BLOCK WALLS WITH STUCCO FINISH, PAINTED.
   DUNN EDWARDS: DE5239-DELIGHTFUL PEACH
5. PAINTED WINDOW TREATMENT OR REAL WINDOWS, WHERE SHOWN ON CONSTRUCTION DWGS.
   DUNN EDWARDS: DE5584-SHRUBBERY
6. PAINT ALL DOORS & FRAMES.
   COLOR TO MATCH ADJACENT WALL COLORS.
7. DARK BRONZE ALUMINIUM WITH CLEAR GLASS.

SIGNAGE INFORMATION:

COMPANY LOGO: 6'-2" HIGH, 4'-3" WIDE- INTERNALLY ILLUMINATED

UPPER CASE LETTER: 4'-6" HIGH- INTERNALLY ILLUMINATED
LOWER CASE LETTER: 3'-4" HIGH- INTERNALLY ILLUMINATED

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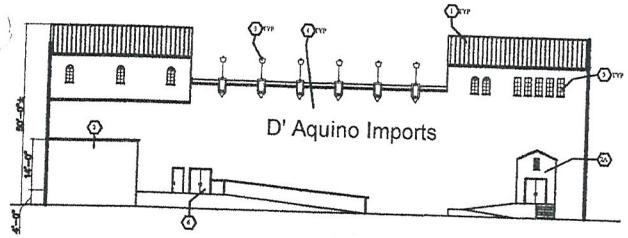
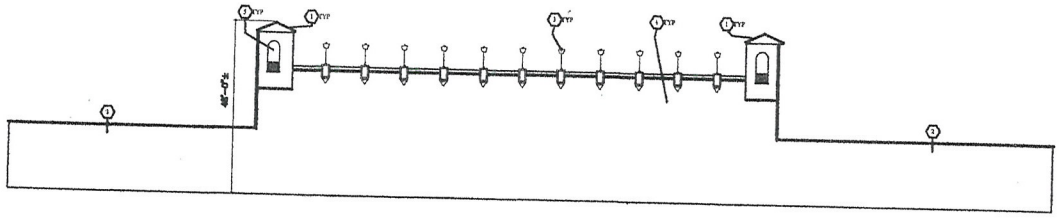
DEC 2 1 2010



EAST ELEVATION (REAR)

SCALE 1/16" = 1'-0"



SOUTH ELEVATION (SIDE)

SCALE 1/16" = 1'-0"

VAR-40375
VAR-40543
SDR-40374

REVISION
1 11/30/2010
2 12/15/2010

L. T. I., Inc.
CONSTRUCTION MANAGEMENT
2522 CHAMBERS RD. SUITE #100
TUSTIN, CA 92780
SURESH A. KODOLIKAR
NEVADA LICENSE # 5489
TEL: (714) 734-8810 FAX: (714) 734-8820
EMAIL: LTIRALTINC.ORG

STAMP

WAREHOUSE REMODEL &
TENANT IMPROVEMENT
2770 HIGHLAND DRIVE
LAS VEGAS, NEVADA 89109

CONCEPT EXTERIOR ELEVATIONS

MR. GAETANO DAQUINO
5470 WYN ROAD #300, LAS VEGAS, NV. 89103
TEL: (626) 359-1988

DRAWN:
CHECKED: AP
DATE: 10-05-2010
SCALE: AS SHOWN
JOB NO: 10-108
FILE NAME:
DRAWING:
3



VAR-40375, VAR-40543 AND SDR-40374 - APPLICANT/OWNER: GAETANO D'AGUINO
2700 AND 2770 HIGHLAND DRIVE

01/13/11



VAR-40375, VAR-40543 AND SDR-40374 - APPLICANT/OWNER: GAETANO D'AGUINO
2700 AND 2770 HIGHLAND DRIVE

01/13/11



VAR-40375, VAR-40543 AND SDR-40374 - APPLICANT/OWNER: GAETANO D'AGUINO
2700 AND 2770 HIGHLAND DRIVE

01/13/11



VAR-40375, VAR-40543 AND SDR-40374 - APPLICANT/OWNER: GAETANO D'AGUINO
2700 AND 2770 HIGHLAND DRIVE

01/13/11

D'Aquino Italian Importing Co., Inc.

1850 Business Center Drive, Duarte, California 91010 USA
Phone (626) 359-1988 Fax (626) 358-6387
www.daquino.com email: wine@daquino.com

Scope of Work will include the remodel of the existing 22,244 sq.ft. warehouse building with creating second floor and roof level rooms and wine tasting roof area.

We are also proposing to add two enclosed loading docks, 1900 sq.ft on east side and 1,375 sq.ft. on the west side of the existing building.

The total square footage with all additions will increase the buidling's "usable area" from 22,244 SF to 45,398 SF.

We are requesting two variances:

1: Parking: We are requesting approval of 8 parking spaces as shown on site plan instead of 47 parking spaces as required by code. We will not need all the parking that would be needed per planning regulations and the parking provided will suffice for our daily operation. The majority of the code required stalls are required due to the roof level wine tasting area. These events are infrequent and will be held during times when the other industrial park businesses are closed.

2: We are requesting a Side (south P.L.) Setback Variance from 10 feet to 0 Foot for the two proposed loading docks. The loading dock additions will match the setback of the existing building to avoid an unsafe condition that would otherwise be created by providing the 10 feet open space behind our new loading docks. We are also requesting a Front (west P.L.) setback Variance from 10 feet to 0 foot for the proposed western loading dock addition. The longer lengths of the loading docks will allow the required Parking backup spaces required for the cars and allow adequate turning areas for the trucks.

Lastly, we are requesting a waiver of the required on-site landscaping regulations of Title 19. Currently there is no landscaping on the property. The subject site is "land locked" and not visible from the street; however, we are still proposing to add two planter areas on the front(west) side of the building with decomposed granite, shrubs and palm trees, but will be unable to add the additional perimeter and parking lot landscaping due to existing site conditions.

Please consider approval of this application as we have made every effort to ensure this project will be a positive addition to the community.

Sincerely,

Gaetano D'Aquino

D'Aquino Italian Importing Co.

VAR-40375
VAR-40543
SDR-40374

185 Via Del Serafico, 00142 Roma, Italy
Tel: 06-504-3331 Fax: 06-519-1743

D'Aquino Exportaciones E Importaciones SA DE CV
DAE9407189M5

D'Aquino Italian Importing Co., Inc.

1850 Business Center Drive, Duarte, California 91010 USA
Phone (626) 359-1988 Fax (626) 358-6387
www.daquino.com email: wine@daquino.com

December 16, 2010

City of Las Vegas

Planning and Development Department

731 S. 4th Street,

Las Vegas, NV 89101

Re: Letter of Justification for remodel and addition to the

Existing warehouse located at

2770 S. Highland Drive, Las Vegas, NV 89109.

APN ns: 162-09-202-003 and 162-202-004.

DEC 2 1 2010

To Whom It May Concern:

The existing warehouse building is currently vacant and has a low barrel roof. In order to store the wine pallets, three stacks high, we are proposing to raise the building height from 13 feet to 25 feet clear inside by increasing the height of the exterior walls and installing a new flat roof.

The exterior appearance of the building will be upgraded to the Italian winery style design elements and Color scheme to compliment the proposed design upgrade.

The new roof level will have "wine tasting "area for our vendors and wholesale customers to sample the product prior to purchase. These events will be attended by invitation only and not open to retail customers.

VAR-40375
VAR-40543
SDR-40374

185 Via Del Serafico, 00142 Roma, Italy
Tel: 06-504-3331 Fax: 06-519-1743

D'Aquino Exportaciones E Importaciones SA DE CV
DAE9407189M5

U S A I T A L Y C A N A D A M E X I C O

333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTE FIRST CLA

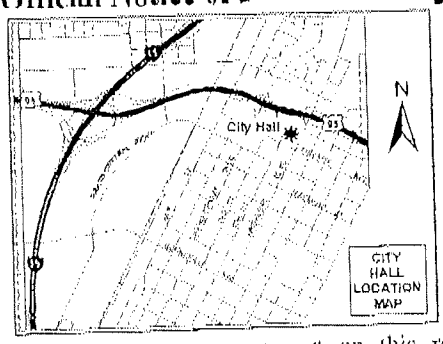
02 1M $ 00.41[4]
0004279218 MAR 03 2011
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing

RECEIVED
CITY CLERK

2011 MAR -7 P 2:51



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-40375, VAR-40543 & SDR-40374

City Council Meeting of 3/16/2011

N Y P CORPORATION
6120 S TORREY PINES
LAS VEGAS NV 89118-3209

APN#16209202001

Mar-06-11 08:37am From-A&B Printing +702/3122/2 T-287 P.001/001 F-525

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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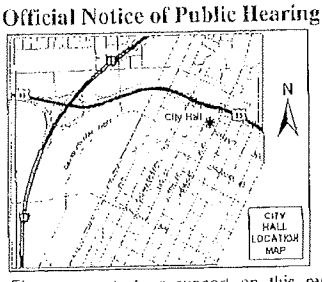
CITY CLERK

2011 MAR -7 A 7:01

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-40375, VAR-40543 & SDR-40374

City Council Meeting of 3/16/2011

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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0004279218 MAR 03 2011
MAILED FROM ZIP CODE 89101

POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

APN#16209202010

38 LRDFN11 89052

03/06/2011 SUN 07 35 [TX/RX NO 9022] 001

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

PLANNING COMMISSION MEETING of February 8, 2011

PHOTOGRAPHS/PAMPHLET Submitted by ARUN (RON) PMADNIS as BACKUP for ITEMS 17-19 FILED WITHIN MINUTES BINDER

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

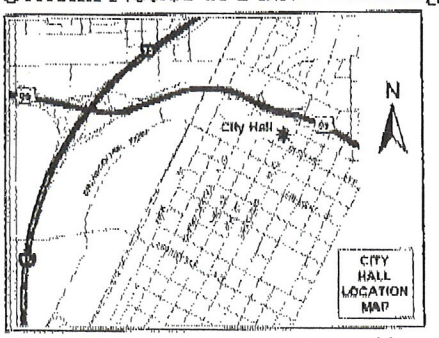
PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 JAN 27 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.

VAR-40375 & VAR-40543
Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 2 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: VAR-40375

16209202001
N Y P CORPORATION
6120 S TORREY PINES
LAS VEGAS NV 89118-3209

17 KRDFN11 89118

17-18 P

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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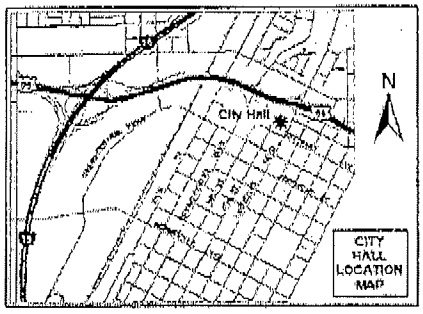
MAILED FROM ZIP CODE 89101

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-40375 & VAR-40543
Planning Commission Meeting of 2/8/2011

Case: VAR-40375
16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

116 KRDFN11 90249

FAXED

City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-40543 - VARIANCE RELATED TO VAR-40375 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D"AGUINO - Request for a Variance TO ALLOW A ZERO-FOOT FRONT AND SIDE YARD SETBACK WHERE TEN FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation
3. 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.

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED
DEC 2 1 2010

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-40543** APN: 162-09-202-013

Name of Property Owner: GAETANO D'AQUINO

Name of Applicant: GAETANO D'AQUINO

Name of Representative: ARUN P. PHADNIS

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: [signature]

Print Name: GAETANO D'AQUINO

Subscribed and sworn before me

This 14 day of DECEMBER, 2010

[signature]

Notary Public in and for said County and State

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

RECEIVED DEC 2 1 2010

Application/Petition For: SETBACK VARIANCE

Project Address (Location) 2770 HIGHLAND DRIVE, LAS VEGAS

Project Name WINE WAREHOUSE **Proposed Use** WAREHOUSE

Assessor's Parcel #(s) 162-09-202-004 / ~~162-09-202-003~~ **Ward #**

General Plan: existing ____ proposed ____ **Zoning:** existing ____ proposed ____

Commercial Square Footage 22,224 1ST FLR **Floor Area Ratio**

Gross Acres 1.05 ACRES **Lots/~~Units~~** 2 **Density**

Additional Information upgrade & Existing Warehouse

PROPERTY OWNER: Gaetano D'Aquino **Contact** Fabrizio Penna

Address 1850 Business Center Drive **Phone:** (626) 359-1988 **Fax:** (626) 358-6387

City Duarte, CA. **State** CA. **Zip** 91010

E-mail Address wine@daquino.com

APPLICANT Gaetano D'Aquino **Contact** Fabrizio Penna

Address 1850 Business Center Drive **Phone:** (626) 359-1988 **Fax:** (626) 358-6387

City Duarte **State** Ca **Zip** 91010

E-mail Address wine@daquino.com

REPRESENTATIVE: Arun Phadnis **Contact** ARUN (CRON) Phadnis

Address 67 Cedarwood Avenue **Phone:** (714) 734-8810 **Fax:** —

City Duarte **State** Ca **Zip** 91010

E-mail Address lti@ltiinc.org

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name GAETANO D'AQUINO

Subscribed and sworn before me

This 15 day of DECEMBER, 20 10.

[signature]

Notary Public in and for said County and State

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	VAR-40543
Meeting Date:	2/8/11
Total Fee:	$830.—
Date Received:*	12.21.10
Received By:	JPA

*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

Please refer to VAR-40375 for related Protest/Support Postcards.

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-40374 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-40375 AND VAR-40543 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Site Development Plan Review TO CONVERT AN EXISTING WAREHOUSE INTO A 45,398 SQUARE-FOOT WHOLESALE SHOWROOM FACILITY WITH A WAIVER TO ALLOW NO PERIMETER LANDSCAPE BUFFER WHERE EIGHT FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation
3. Protest/Support Postcards
4. Backup referenced from the February 8, 2011 Planning Commission Meeting Item SDR-40374

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.

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-40374** APN: 162-09-2002 003 and 004

Name of Property Owner: Gaetano D'Aquino

Name of Applicant: Gaetano D' Aquino

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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: GAETANO D'AQUINO

Subscribed and sworn before me

This 29 day of NOVEMBER 20 10

_____

Notary Public in and for said County and State

RECEIVED
DEC 03 2010
City of Las Vegas

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

DEVELOPMENT SERVICES CENTER

APPLICATION / PETITION FORM

Application/Petition For: Warehouse Remodel

Project Address (Location) 2770 Highland Avenue,

Project Name Warehouse Remodel **Proposed Use** Warehouse

Assessor's Parcel #(s) APN # 162-09-202-004 / 162-09-202-003 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Upgrade exterior elevation design, increase building height, add loading docks.

PROPERTY OWNER Gaetano D'aquino **Contact** Fabrigio Pena

Address 1850 Business Center Drive **Phone:** _____ **Fax:** _____

City Duarte **State** Calif **Zip** 91010

E-mail Address wine@daquino.com

APPLICANT Gaetano D'aquino **Contact** Fabrigio Pena

Address 1850 Business Center Drive **Phone:** _____ **Fax:** _____

City Duarte **State** Calif. **Zip** 91010

E-mail Address wine@daquino.com

REPRESENTATIVE ARUN PLADNIS **Contact** _____

Address 67 CLEARWOOD AVE **Phone:** 714.734.8810 **Fax:** 714.734.8820

City DUARTE **State** CA **Zip** 91010

E-mail Address LTI@LTIINC.ORG

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name GAETANO D'AQUINO

Subscribed and sworn before me

This 29 day of NOVEMBER, 20 10.

_____

Notary Public in and for said County and State

CESAR VINAS
Commission # 1812431
Notary Public - California
Los Angeles County
My Comm. Expires Sep 20, 2012

DEED
FULL TITLE REPORT

FOR DEPARTMENT USE ONLY

Case #	SDR-40374
Meeting Date:	~~12/14/10~~ 1-25-11
Total Fee:	1030
Date Received:*	12-3-10
Received By:	FS

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

SDR 40374
Gaetano D'Aguino

2700 & 2770 Highland Dr

Proposed expansion of an existing industrial use to 22.244 thousand square foot office building.

Traffic produced by proposed development:

Curent Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	WAREHOUSE [1000 SF]	22.244	4.96	110
AM Peak Hour			0.45	10
PM Peak Hour			0.47	10

(heaviest 60 minutes)

Proposed Expansion	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	WAREHOUSE [1000 SF]	23.154	4.96	115
AM Peak Hour			0.45	10
PM Peak Hour			0.47	11

(heaviest 60 minutes)

Total	DESCRIPTION	#UNIT		TOTAL
Average Daily Traffic (ADT)	WAREHOUSE [1000 SF]	45.398	4.96	225
AM Peak Hour			0.45	20
PM Peak Hour			0.47	21

(heaviest 60 minutes)

Existing traffic on all nearby streets:

Highland Dr.	
Average Daily Traffic (ADT)	9,863
PM Peak Hour	789

(heaviest 60 minutes)

Presidio Ave.	
Average Daily Traffic (ADT)	675
PM Peak Hour	54

(heaviest 60 minutes)

Traffic Capacity of adjacent streets:

	Existing Street Capacity
Highland Dr.	25,875
Presidio Ave.	13,040

This project will add approximately 115 trips per day on Highland Dr. and Presidio Ave. Highland is currently at about 38 percent of capacity and Presidio is currently at about 5 percent of capacity. After this expansion, Highland is expected to be at about 39 percent of capacity and Presidio at about 6 percent of capacity.

Based on Peak Hour use, this development will add roughly 11 additional cars into the area; which works out to about one every five minutes.

Note that this report assumes all traffic from this development uses all named streets.

Please refer to VAR-40375 for related Protest/Support Postcards.

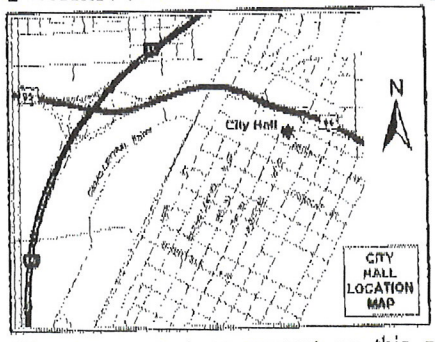
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 27 2011
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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FEB - 2 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-40374
Planning Commission Meeting of 2/8/2011

Case: SDR-40374
16209202001
N Y P CORPORATION
6120 S TORREY PINES
LAS VEGAS NV 89118-3209

17 KROFN11 89118

19P

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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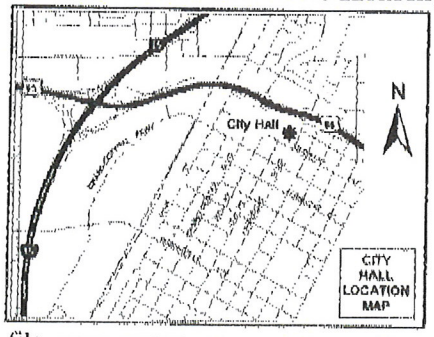

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-40374

Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 2 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SDR-40374

16209202001
N Y P CORPORATION
6120 S TORREY PINES
LAS VEGAS NV 89118-3209

17 KROFN11 89118

19P

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

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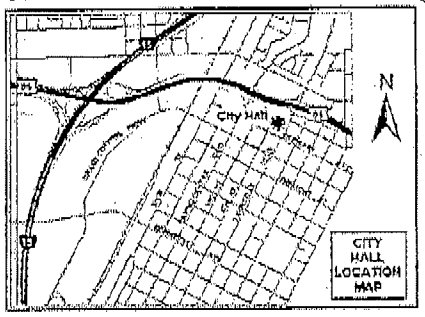
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-40374
Planning Commission Meeting of 2/8/2011

Case: SDR-40374

16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

11B KRDFM11 90249

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

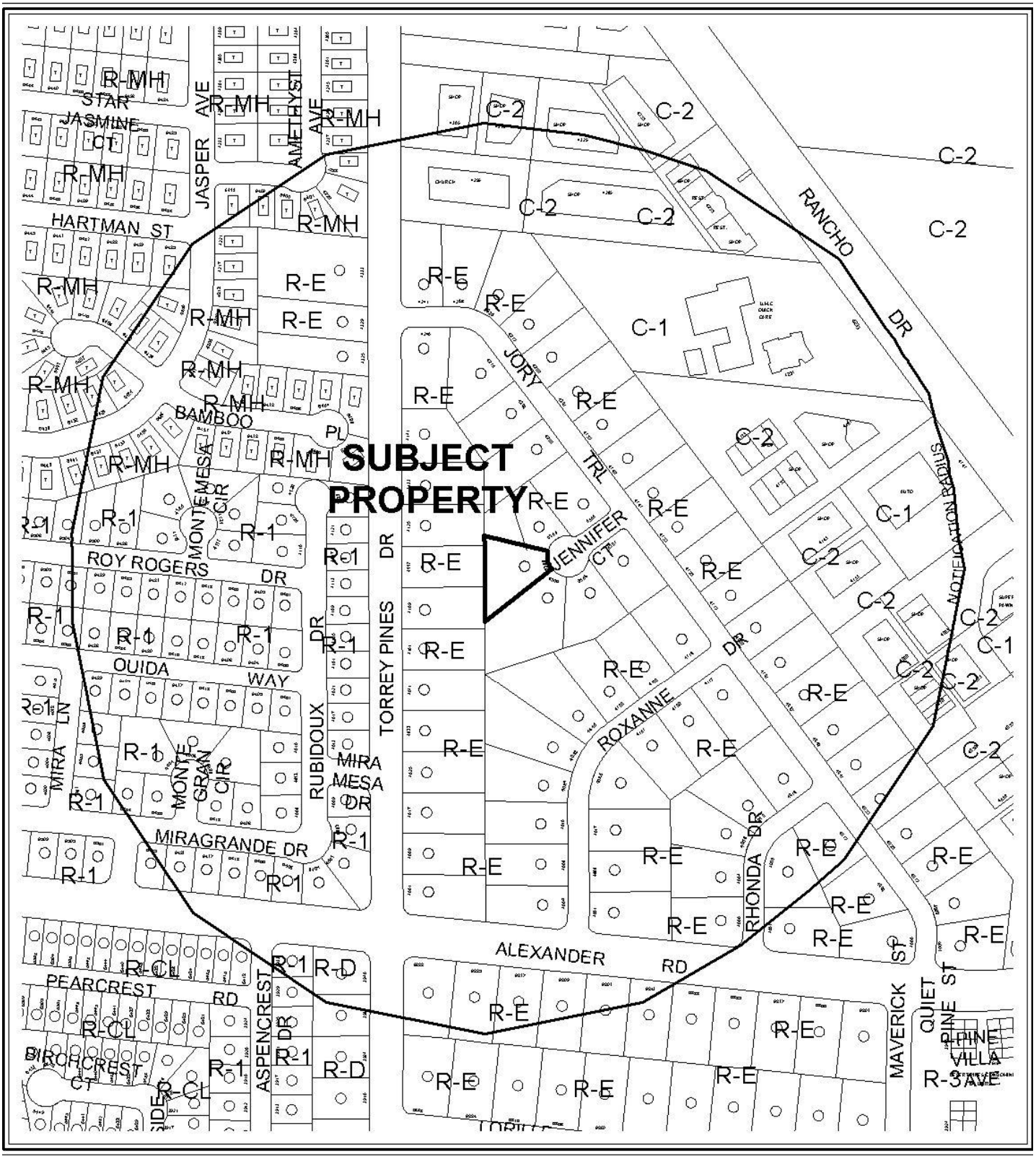
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-40579 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - Request for a Variance TO ALLOW TWO PROPOSED ACCESSORY STRUCTURES (CLASS I AND CLASS II) WITH A COMBINED FLOOR AREA OF 3,467 SQUARE FEET WHERE 809 SQUARE FEET IS THE MAXIMUM ALLOWED, TO ALLOW AN ACCESSORY STRUCTURE (CLASS II) TO NOT BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPAL DWELLING UNIT (STUCCO), AND TO ALLOW BOTH ACCESSORY STRUCTURES TO BE 13 FEET SIX INCHES WHERE 13 FEET IS THE MAXIMUM ALLOWED on 0.45 acres at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**2**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-40579 and SUP-40577
2. Conditions and Staff Report - VAR-40579 and SUP-40577
3. Supporting Documentation
4. Photos - VAR-40579 and SUP-40577
5. Justification Letter - VAR-40579 and SUP-40577
6. Protest Postcards
7. Backup referenced from the February 8, 2011 Planning Commission Meeting Items VAR-40579 and SUP-40577



0 300 600 Feet

CASE: **VAR-40579 AND SUP-40577**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-40579 AND SUP-40577**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: CONAN AND JESSICA TURNER

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-40579	Staff recommends DENIAL, if approved subject to conditions:	N/A
SUP-40577	Staff recommends DENIAL, if approved subject to conditions:	VAR-40579

** CONDITIONS **

VAR-40579 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-40577) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the Accessory Structures (Class I and Class II). An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Prior to occupancy, 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-40577 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Accessory Structure (Class I) use.

2. Approval of and conformance to the Conditions of Approval for Variance (VAR-40579) 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 Accessory Structure (Class I). An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Prior to occupancy, 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.

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.

** STAFF REPORT **

PROJECT DESCRIPTION

These requests are for a Variance and Special Use Permit for a proposed 1,067 square-foot Accessory Structure (Class I) on a developed single family residential lot at 6308 Jennifer Court. The structure will be stucco, and painted to match the existing residence. Staff recommends denial of the Variance and the associated Special Use Permit requests, as no characteristics of the property prevent the Accessory Structure (Class I) from being designed to meet Title 19 standards. If the Variance request is denied, the associated Special Use Permit would also be denied and the property must remain as it is.

ISSUES

- An Accessory Structure (Class I) use is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit.
- There is a companion request for a Variance to allow a maximum 3,467 square feet of combined floor area where 809 square feet is the maximum allowed, to allow an Accessory Structure (Class II) to not be aesthetically compatible (metal) with the principal dwelling unit (stucco) and to allow an Accessory Structure to exceed the height of the principal dwelling unit by six inches. Revised plans submitted February 24, 2011 depict the removal of the Accessory Structure (Class II). This results in a revised Variance request for a building area of 1,067 square feet for the Accessory Structure (Class I) where 809 square feet is allowed. Revised elevations indicate that the height of the structure will not exceed the height of the principal dwelling.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
03/21/73	The Board of City Commissioners approved a Rezoning (Z-0016-73) on this site from C-2 (General Commercial) to R-E (Residence Estates) as part of a larger request.
03/22/73	The Board of Zoning Adjustment approved a Variance (V-0012-73) to allow a 30-foot front yard building setback where 50 feet is required on 68 proposed lots on property located on the north side of Alexander Road, between Torrey Pines Drive and Tonopah Highway.
02/08/11	The Planning Commission voted (7-0) to recommend DENIAL on companion items VAR-40579 & SUP-40577 (PC Agenda Items 21-22/rg).

Most Recent Change of Ownership	
05/26/09	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
c.1978	The Single Family Residence was constructed.

Pre-Application Meeting	
12/13/10	A pre-application meeting was held with the applicant, where elements of submitting a Variance and Special Use Permit for the proposed Accessory Structures (Class I and Class II) were discussed. The topics included: • A request for a Variance is necessary to allow the proposed accessory structures to exceed 50 percent floor area of the main dwelling unit. The exterior elevation of the proposed Accessory Structure (Class II) is not aesthetically compatible with the main dwelling unit. The proposed heights of both accessory structures are greater than the main dwelling unit. • Approval of a Special Use Permit to allow the Accessory Structure (Class I) is required.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/13/11	A site visit by staff noted a well maintained Single Family Dwelling.

Details of Application Request	
Site Area	
Net Acres	0.45

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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 (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
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 19.08.040, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	20,000 SF	19,889 SF	N*
Min. Setbacks (Accessory Structure)			
• Front	Not allowed	N/A	N/A
• Side (North)	3 Feet	49 Feet	Y
• Side (South)	3 Feet	6 Feet	Y
• Rear	3 Feet	5 Feet	Y
Min. Distance Between Buildings	6 Feet	11 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Rear Yard Coverage	50 %	10 %	Y
Max. Floor Area (Accessory Structures)	809 SF	1,067 SF	N
Max. Building Height	Lesser of 2 stories, 35 feet or the height of the principal building.	15 feet	Y

*****The subject site is legally non-conforming for the lot size.

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Street Width (Feet)*	*Compliance with Street Section*
Jennifer Court	N/A	N/A	51	N/A

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement						
Use		*Required*		*Provided*		*Compliance*
		Parking Ratio	Parking		Parking	
Single Family Residence	2 spaces per dwelling unit		2		2	Y
Accessory Structure (Class I)	One additional space must be provided beyond the number of spaces normally required		1		1	Y
TOTAL SPACES REQUIRED			3		3	Y

ANALYSIS

The applicant is requesting a Special Use Permit for a proposed 1,067 square-foot Accessory Structure (Class I) and a companion Variance request to allow Accessory Structures (Class I and Class II) in the property located at 6308 Jennifer Court. The Accessory Structure (Class II) has been removed from a revised site plan submitted February 24, 2011, and is no longer included in this request. The subject property is located within the Airport Overlay District with 140-foot height restriction and Rural Preservation Overlay District. The proposed development conforms to the Special Area Plans.

An Accessory Structure (Class I) use is defined by Title 19.20.020 as "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." Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.

Approval of an associated Variance (VAR-40579) will be required, as the floor area of the proposed class I accessory structure exceeds fifty percent of the floor area of the principal dwelling. Pursuant to Title 19.08.040, the total area of all accessory structures shall not exceed fifty percent of the principal dwelling, which is 1,618 square feet. This would allow a building area for the accessory structure up to 809 square feet. With revised plans and elevations

depicting the removal of the class II accessory structure, and the height and materials of the class I accessory structure shown in compliance with Title 19 requirements, the Variance applies to building floor area only. No characteristics of the property prevent the Accessory Structure (Class I) from being designed to meet Title 19 standards; therefore, staff recommends denial of the requests for a Variance and the associated Special Use Permit.

FINDINGS (VAR-40579)

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 Accessory Structure (Class I) that exceeds the building floor area allowed by Title 19.08, and results in an overbuilt property. Alternatives could include reducing the size of the proposed class I accessory structure, to allow conformance to the 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-40577)

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 cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses as the proposed class I accessory structure exceeds Title 19 standard for floor area.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is not physically suitable for the type and intensity of land use proposed, as is evidenced by the need for a Variance. The floor area of the proposed accessory structure exceeds fifty percent of the floor area of the principal dwelling unit constructed on the same lot, which is the maximum established by Title 19.08 for this 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.

The site is accessed by Jennifer Court. The proposed use is not expected to have an effect on traffic in the area, and the right-of-way is adequate to accommodate it and the existing uses on the property.

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 Accessory Structure (Class I) use will not jeopardize the public health, safety or welfare, as they will be subject to permit review and inspection prior to completion.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Accessory Structure (Class I) use meets all applicable conditions of Title 19.04. The proposed accessory structure is not in compliance with the building area pursuant to Title 19.08.040.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 197 (By City Clerk)

APPROVALS 2

PROTESTS 4

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-40579** APN: 136-02-811-030

Name of Property Owner: Conan Turner

Name of Applicant: Conan Turner

Name of Representative: Conan Turner

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: Conan Turner

RECEIVED
DEC 23 2010
City of Las Vegas

Subscribed and sworn before me

This 21 day of December, 20 10

_____
Notary Public in and for said County and State

QIANA JIMENEZ
Notary Public, State of Nevada
Appointment No. 07-2651-1
My Appt. Expires Apr 27, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Conan and Jessica Turner VARIANCE

Project Address (Location) 6308 Jennifer Ct. Las Vegas NV 89108

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 138-02-811-030 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Conan and Jessica Turner **Contact** _____

Address 6308 Jennifer Ct. **Phone:** 702 858-7603 **Fax:** _____

City Las Vegas NV **State** NV **Zip** 89108

E-mail Address _____

APPLICANT _____ **Contact** _____

Address SAME **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

REPRESENTATIVE _____ **Contact** _____

Address SAME **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Conan Turner

Subscribed and sworn before me

This 21 day of December, 20 10.

_____

Notary Public in and for said County and State

QIANA JIMENEZ
Notary Public, State of Nevada
Appointment No. 07-2651-1
My Appt. Expires Apr 27, 2011

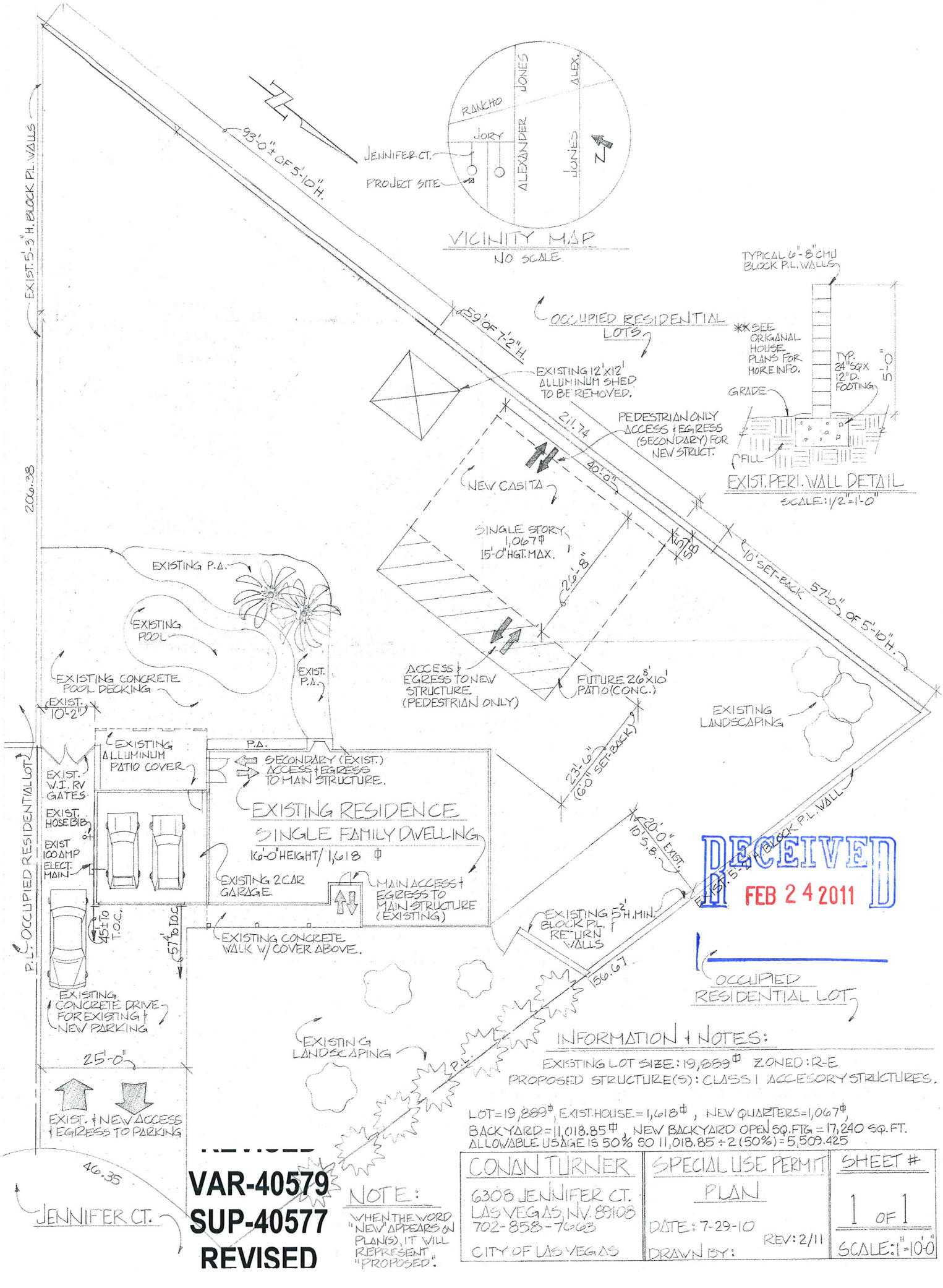
FOR DEPARTMENT USE ONLY

Case #	VAR-40579
Meeting Date:	2-8-11
Total Fee:	$30
Date Received:*	12-23-10
Received By:	FS

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf



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FEB 24 2011

INFORMATION & NOTES:

EXISTING LOT SIZE: 19,889 ☐' ZONED: R-E
PROPOSED STRUCTURE(S): CLASS I ACCESORY STRUCTURES.

LOT = 19,889 ☐', EXIST. HOUSE = 1,618 ☐', NEW QUARTERS = 1,067 ☐',
BACKYARD = 11,018.85 ☐', NEW BACKYARD OPEN SQ. FTG = 17,240 SQ. FT.
ALLOWABLE USAGE IS 50% SO 11,018.85 ÷ 2 (50%) = 5,509.425

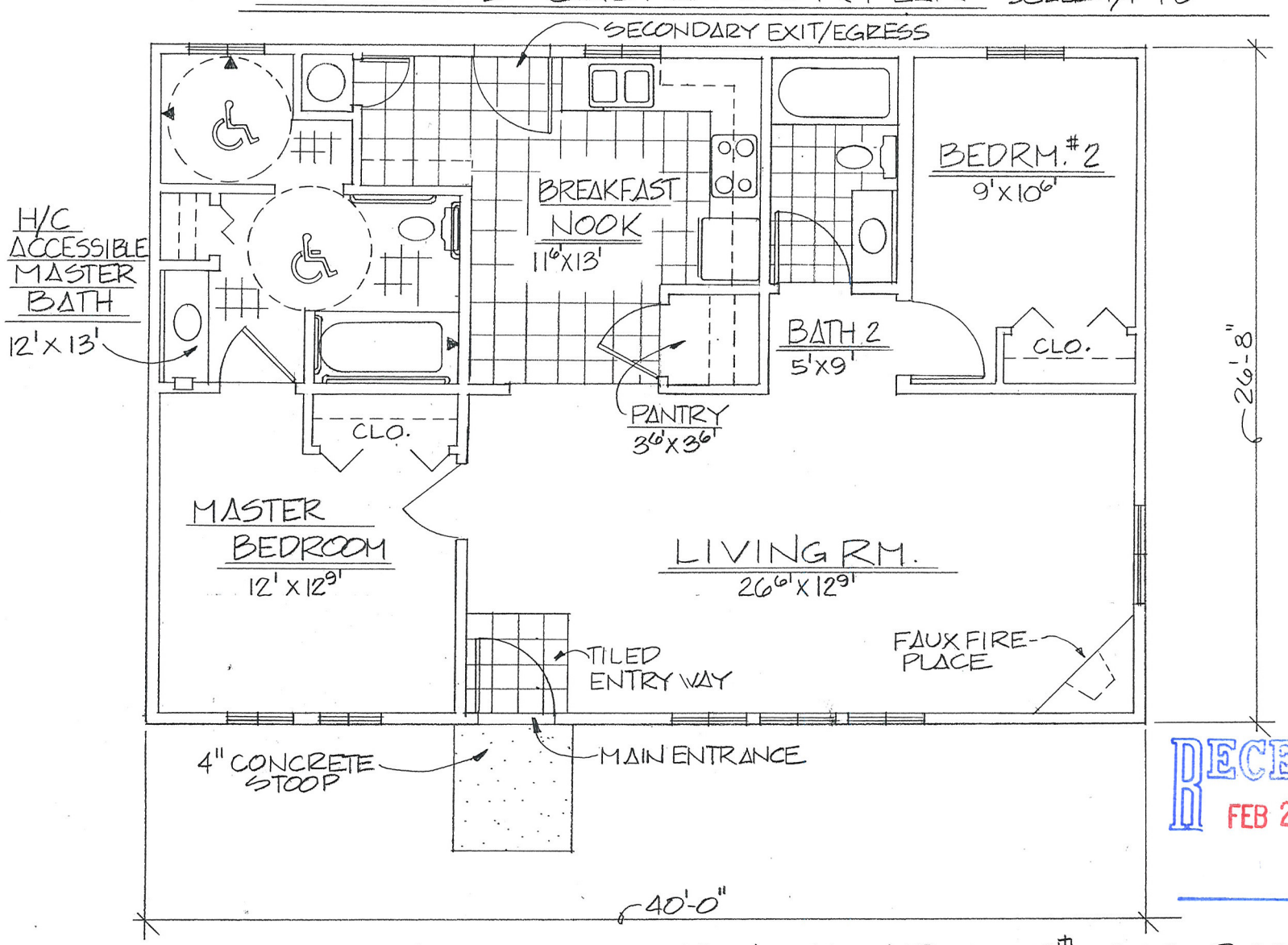
VAR-40579
SUP-40577
REVISED

NOTE:
WHEN THE WORD "NEW" APPEARS ON PLAN(S), IT WILL REPRESENT "PROPOSED".

CONAN TURNER 6308 JENNIFER CT. LAS VEGAS, NV. 89108 702-858-7663 CITY OF LAS VEGAS	SPECIAL USE PERMIT PLAN DATE: 7-29-10 REV: 2/11 DRAWN BY:	SHEET # 1 OF 1 SCALE: 1"=10'-0"

PROPOSED CASITA FLOOR PLAN

SCALE: 1/4"=1'-0"



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FEB 24 2011

MAXIMUM OCCUPANCY LOAD = 1,067# ÷ 200 = 5.335 = (5)

PROPOSED CASITA FLOOR PL.
SPECIAL USE PERMIT PLAN
CITY OF LAS VEGAS.
DATE REV: 2-18-11

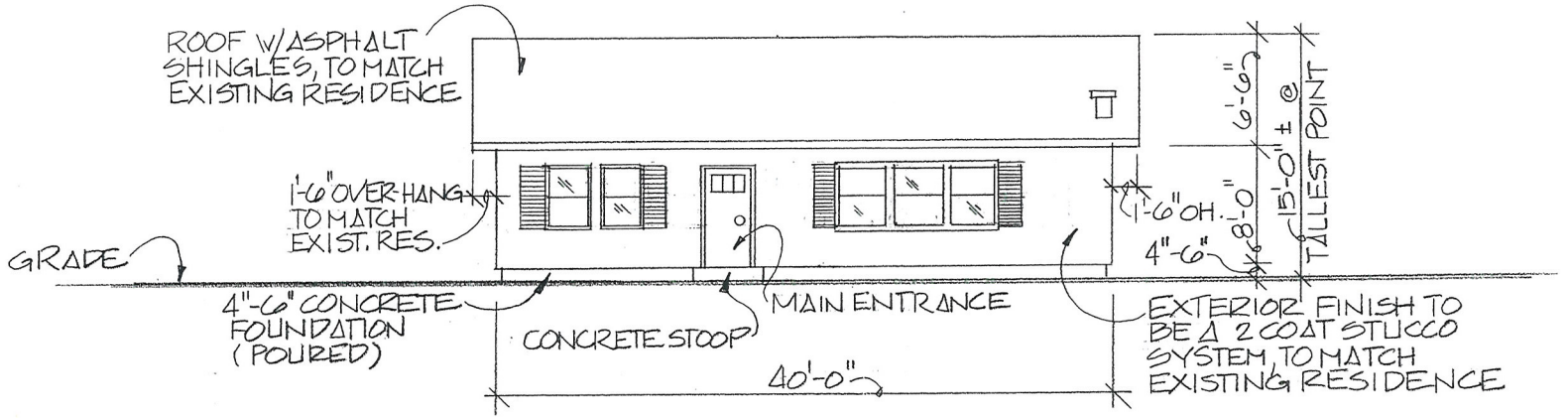
CONAN TURNER
6308 JENNIFER CT.
LAS VEGAS, NV. 89108
702-858-7603

SHEET # 1 OF 3
SCALE: 1/4"=1'-0"

VAR-40579
SUP-40577
REVISED

PROPOSED CASITA EAST ELEVATION PLAN

SCALE: 1/8"=1'-0"



* EXIST. COLOR LEGEND

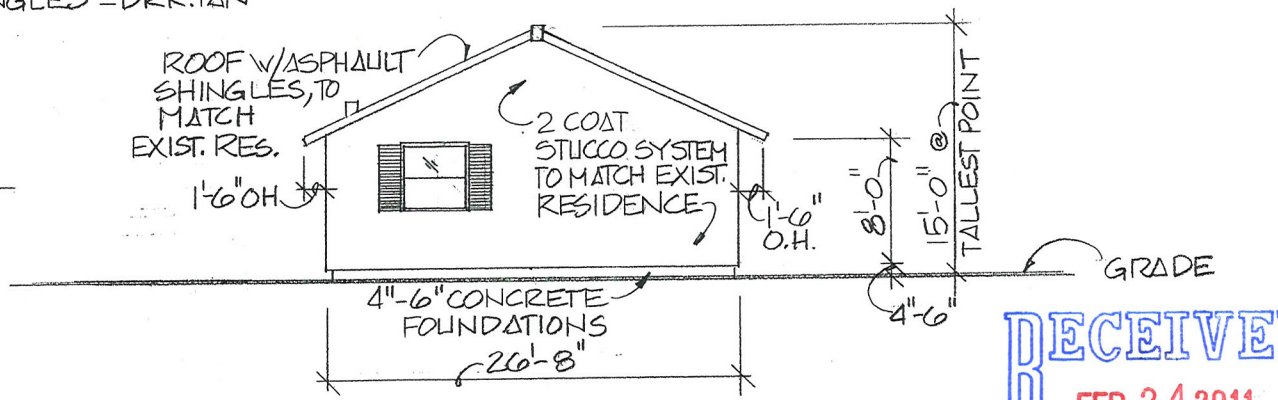
EXIST. RESIDENCE STUCCO = TAN
EXIST. RESIDENCE SHINGLES = DRK. TAN

* NOTE:

EXISTING RESIDENCE IS A SINGLE FAMILY, SINGLE STORY HOME WHICH IS 16'-0" H. @ ITS TALLEST POINT.

NORTH SIDE ELEVATION PLAN

SCALE: 1/8"=1'-0"



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FEB 24 2011

PROPOSE CASITA ELEVATION
SPECIAL USE PERMIT PLAN
CITY OF LAS VEGAS
DATE REV: 2-18-11

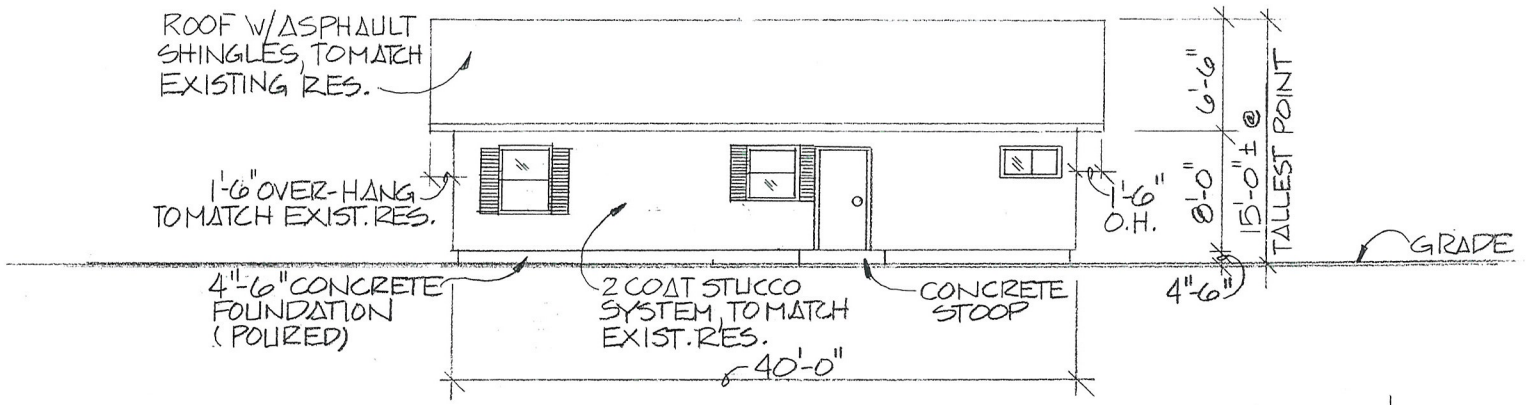
CONAN TURNER
6308 JENNIFER CT.
LAS VEGAS, NV. 89108
702-858-7663

SHEET # 2 OF 3
SCALE: 1/8"=1'-0"

VAR-40579
SUP-40577
REVISED

PROPOSED CASITA WEST ELEVATION PLAN

SCALE: 1/8"=1'-0"



*EXIST. RES. COLOR LEGEND:

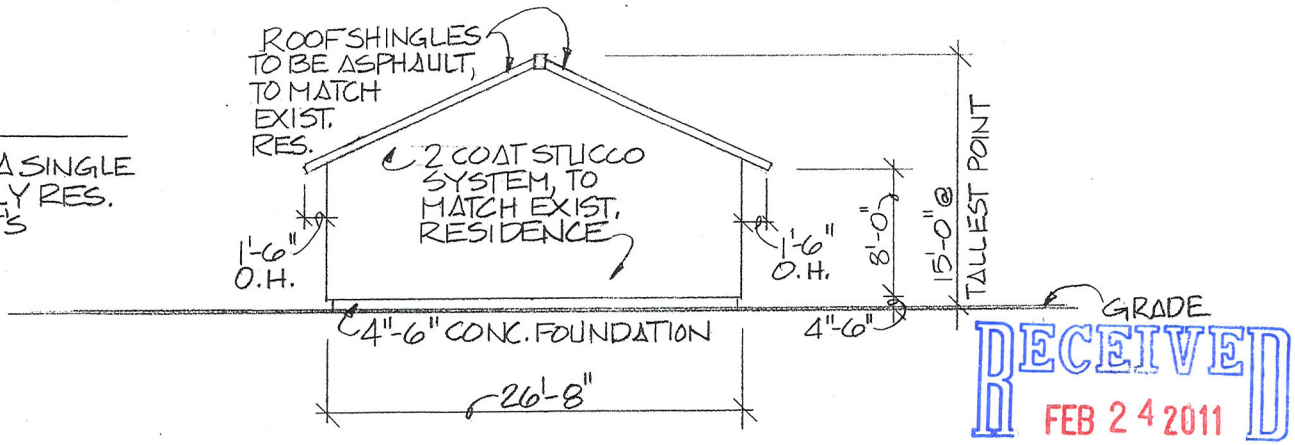
*EXIST. HOUSE STUCCO = TAN
*EXIST. ROOF SHINGLES = DRK. TAN

*NOTE:

EXIST. RESIDENCE IS A SINGLE STORY, SINGLE FAMILY RES. WHICH IS 16'-0" H. @ IT'S TALLEST POINT.

SOUTH SIDE CASITA ELEVATION PLAN

SCALE: 1/8"=1'-0"



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FEB 24 2011

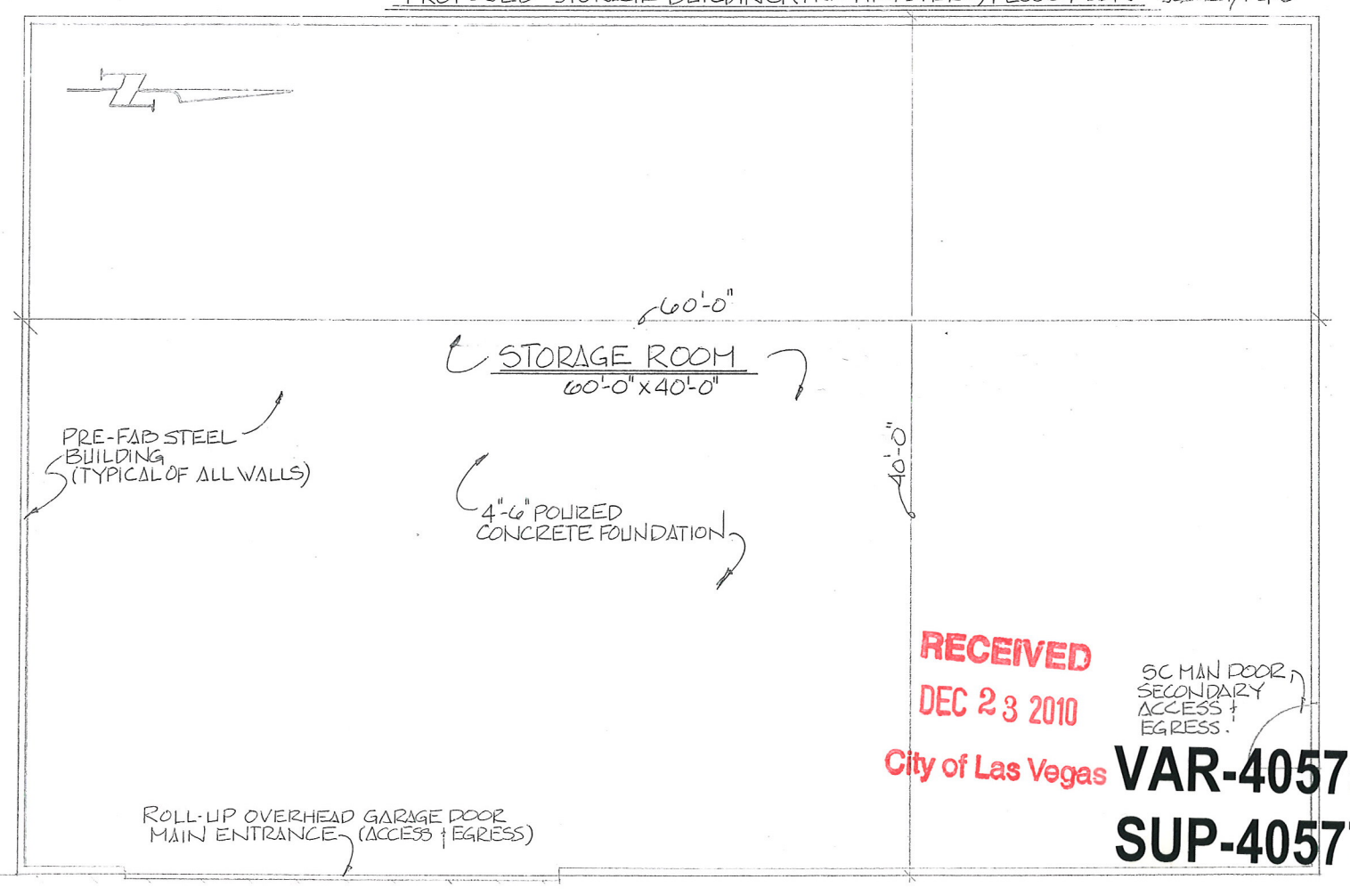
PROPOSED CASITA EXT. ELEV.
SPECIAL USE PERMIT PLANS
CITY OF LAS VEGAS
REV. DATE: 2-23-11

CONAN TURNER
6308 JENNIFER CT.
LAS VEGAS NV. 89108
702-858-7603

SHEET # 3 OF 3
SCALE: 1/8"=1'-0"

VAR-40579
SUP-40577
REVISED

PROPOSED STORAGE BUILDING (PRE-MFG STEEL) FLOOR PLAN SCALE: 1/4"=1'-0"



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DEC 23 2010
City of Las Vegas

VAR-40579
SUP-40577



VAR-40579 AND SUP-40577 - APPLICANT/OWNER: CONAN AND JESSICA TURNER
6308 JENNIFER COURT

01/13/11



VAR-40579 AND SUP-40577 - APPLICANT/OWNER: CONAN AND JESSICA TURNER
6308 JENNIFER COURT

01/13/11

December 22, 2010

Conan and Jessica Turner
6308 Jennifer Ct.
Las Vegas NV 89108
702-858-7663

To Whom It May Concern:

I am writing this to request a special use permit variance for the above noted address. I am planning on adding a mother-in-law's quarters equaling 1,067 sq ft. which exceeds the 50% floor area of the main structure. My mother has MS and requires use of a wheelchair and also requires a lot of my assistance. The need for a storage structure is required also for her belongings of 60 years. This structures sq. footage is 2,400 which also exceed the 50% floor area.

I also request the variances for non-esthetically compatible materials since the new mother-in-law's quarter will be stucco, but the existing house is stucco, brick, and siding. I will be upgrading the main residence to stucco to match the new structure in the future so that it all will be stylish when we are complete. The storage building is a pre-manufactured steel structure which comes in any color which will be a tan to match the proposed stucco.

A variance is also needed for the fact that the finished height of the proposed storage building will be 6" higher at the midpoint as measures from the average finished grade of the structure to the midpoint between the base of the roof and the peak, than the main existing residence since the plate height of the main residence is 8'-0" and the proposed storage buildings plate height is 10'-0". The overall finished height of the proposed structures will not exceed the finished height of the main residence, though.

The neighbors that occupy the lots surrounding our property have been notified of the proposed construction and seem to have no problems with the improvements we desire to make to our lot. They have all done similar or larger projects in the past and realize that a presidence has been set and that it would be unjust to allow certain residents to do projects but others not to. They also realize that our proposed projects will help keep our lot orderly and pleasing to the eye, which in turn helps every ones property values.

We sincerely appreciate your time. If you have any questions or comments regarding this matter please feel free to contact us at the number listed above.

Sincerely,
Conan and Jessica Turner

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DEC 23 2010
City of Las Vegas

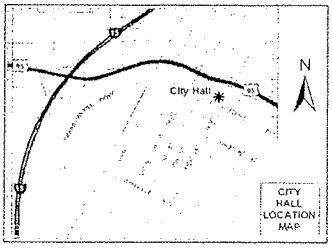
VAR-40579
SUP-40577

2011 MAR -7 A 7:50

CITY CLERK

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

Return Service Requested
Official Notice of Public Hearing



I'm confronted daily with a BLDG like this next to my property & now most of Torrey Pines looks like a ghetto! Any more of these BLDGs on residential lots will further ruin property values! Stucco it or forget it!

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-40579 & SUP-40577
City Council Meeting of 3/16/2011

BRUCE FAMILY TRUST
BRUCE ROSALIE DAWN TRS
4141 N TORREY PINES DR
LAS VEGAS NV 89108-5538

APN#13802810001

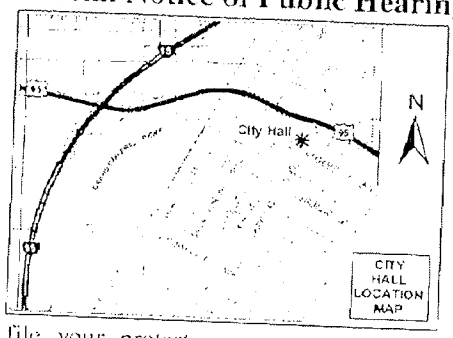
24 LRDFN11 89108

03/04/2011 FRI 11:46 [TX/RX NO 9015] 001

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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-40579 & SUP-40577

City Council Meeting of 3/16/2011

HANSEN KAREN A
4009 RHONDA DR
LAS VEGAS NV 89108-5208

APN#13802811020

24 LRDFN11 89108

2011 MAR -7 A 7:50

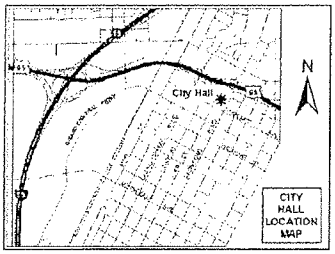
CITY CLERK
RECEIVED

Mar 07 2011 3:35PM HP LASERJET FHX p.1

03/07/2011 MON 15:37 [TX/RX NO 9038] 001

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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-40579 & SUP-40577
City Council Meeting of 3/16/2011

ALL PROPERTY IN BIG SKY RANCH ESTATES HAS A DEED RESTRICTION OF SINGLE FAMILY PROPERTY ONLY

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 MAR 03 2011
MAILED FROM ZIP CODE 89101

THOM ARTHUR J & SUSAN A
4001 RHONDA DR
LAS VEGAS NV 89108-5208

APN#13802811021

2011 MAR -7 P 3:46

CITY CLERK

24 LRDFN11 89108

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

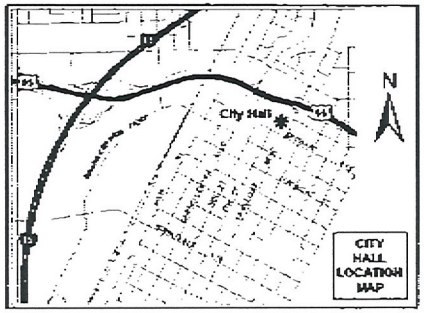
01/29/2011 14:49 FAX 7026454383 J&R SALES 001/001

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 27 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 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.

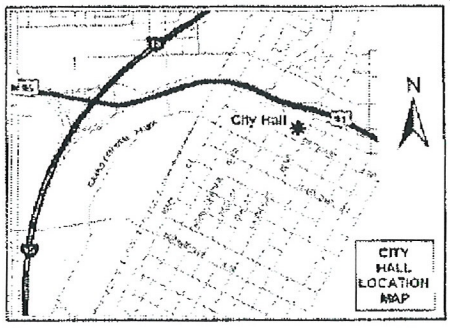
VAR-40579 & SUP-40577
Planning Commission Meeting of 2/8/2011

Case: VAR-40579
13802416041
COOK RICHARD C LIVING TRUST
6417 OUIDA WY
LAS VEGAS NV 89108-5526

RECEIVED
JAN 31 2011

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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-40579 & SUP-40577
Planning Commission Meeting of 2/8/2011

Case: VAR-40579
13802301003
DELEON EFREN N & NEVARRIE P
4325 N TORREY PINES DR
LAS VEGAS NV 89108-5510

24 KRDFN11 89108

RECEIVED
JAN 31 2011

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

RECEIVED
FEB - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

UNITED STATES POSTAGE
PITNEY BOWES
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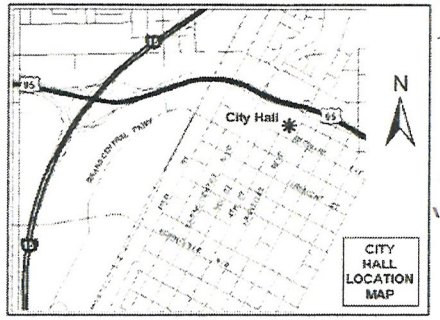
JAN 27 2011
MAILED FROM ZIP CODE 89101

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.

I OPPOSE ALL THREE VARIANCES.
1) I DO NOT WANT A 2400 SQFT METAL STRUCTURE (LARGER THAN THE ENTIRE HOUSE) IN THE YARD.
2) I DO NOT WANT A 1067 SQFT 2 PIECE "MANUFACTURED" (MOBILE HOME) PLACED ON THE PROPERTY
3) I DO NOT WANT ANYTHING ABOVE 13'.
PLEASE STAY WITH THE RULES AND THE MASTER PLAN AND DO NOT ALLOW VARIANCES THAT WILL NEGATIVELY AFFECT MY PROPERTY VALUE.

Peter Ferranti & Carol Ferranti

VAR-40579 & SUP-40577
Planning Commission Meeting of 2/8/2011

Case: VAR-40579
13802811029
FERRANTI PETER W & CAROL
6309 JENNIFER CT
LAS VEGAS NV 89108-5201

24 KRDFN11 89108

21-22 P

24422

PAGE 01
JACKSTRUCKING
7026455297
02/07/2011 09:01

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

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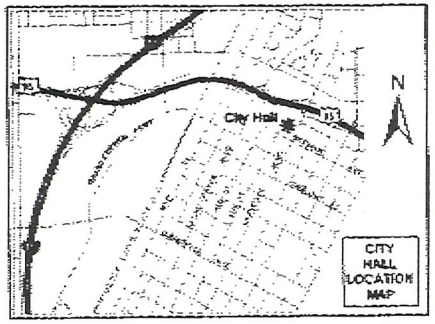
MAILED FROM ZIPCODE 89101

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-40579 & SUP-40577
Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: VAR-40579

13802811028
BENEFIEL JACK W & DOLORES A
6305 JENNIFER CT
LAS VEGAS NV 89108-5201

24 KRDFN11 89108

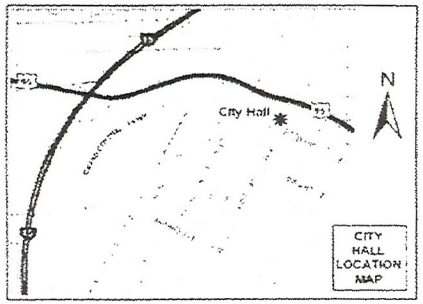
0-12-22

02/07/11 08:27AM ABBOTTS 7028715463 p.01

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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-40579 & SUP-40577

Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: VAR-40579

13802710002
BROGAN RODNEY M & VICTORIA R
4240 JORY TRL
LAS VEGAS NV 89108-5207

24 KRDFN11 89108

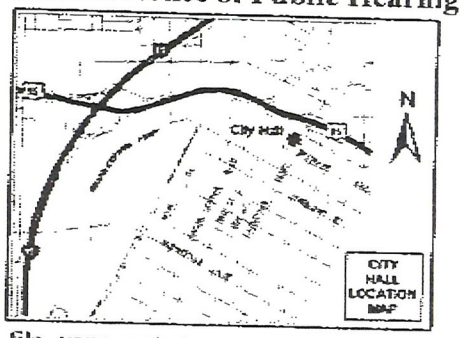
21-22 A

City of Las Vegas
Planning & Development Department
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 1M
00042792-8
$ 00.41⁴
JAN 27 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.

VAR-40579 & SUP-40577

Planning Commission Meeting of 2/8/2011

RECEIVED
FEB - 8 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: VAR-40579

13802416011
BRADLEY ROBERT
6500 OUIDA WY
LAS VEGAS NV 89108-5542

24 KRDFN11 89108

2/8
A-22

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-40577 - SPECIAL USE PERMIT RELATED TO VAR-40579 - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - Request for a Special Use Permit FOR A PROPOSED 1,067 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) WITH KITCHEN at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estate) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation
3. Protest 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.

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-40577** APN: 138-02-811-036

Name of Property Owner: Jessica Turner

Name of Applicant: Jessica Turner

Name of Representative: Jessica Turner

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: J. Turner

Print Name: Jessica Turner

Subscribed and sworn before me

This 21 day of December, 20 10

_____

Notary Public in and for said County and State

QIANA JIMENEZ
Notary Public, State of Nevada
Appointment No. 07-2651-1
My Appt. Expires Apr 27, 2011

RECEIVED
DEC 23 2010
City of Las Vegas

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Conan and Jessica Turner SUP

Project Address (Location) 6308 Jennifer Ct. Las Vegas NV 89108

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 138-02-811-030 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Conan and Jessica Turner **Contact** _____

Address 6308 Jennifer Ct. **Phone:** 702 858 7668 **Fax:** _____

City Las Vegas **State** NV **Zip** 89108

E-mail Address tjackqueli@aol.com

APPLICANT _____ **Contact** _____

Address SAME **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

REPRESENTATIVE _____ **Contact** _____

Address SAME **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* J Turner

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Jessica Turner

Subscribed and sworn before me

This 21 day of December, 20 10.

_____

Notary Public in and for said County and State

QIANA JIMENEZ
Notary Public, State of Nevada
Appointment No. 07-2651-1
My Appt. Expires Apr 27, 2011

FOR DEPARTMENT USE ONLY

Case #	SUP-40577
Meeting Date:	2-8-11
Total Fee:	1030
Date Received:*	12/23/10
Received By:	FS

*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.

Revised 10/27/08

Please refer to VAR-40579 for related Protest/Support Postcards.

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

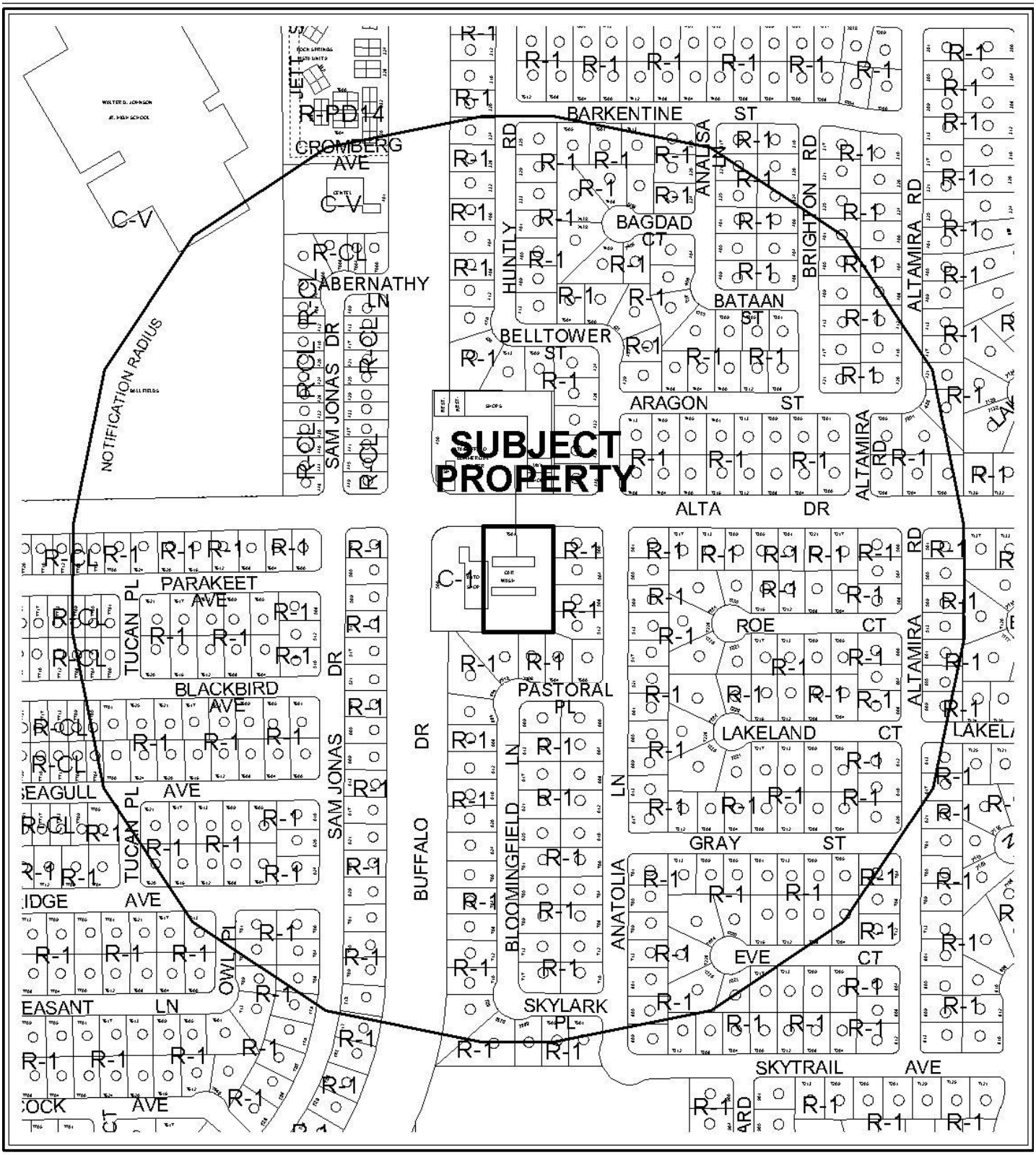
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-39963 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FOSTER DAY, INC. - Request for a Special Use Permit TO RE-ESTABLISH AN ABANDONED CAR WASH, SELF-SERVICE USE WITH WAIVERS TO ALLOW THE OPENING OF THE WASH BAYS TO FACE PUBLIC RIGHTS-OF-WAY, TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL PROPERTY WHERE A MINIMUM OF 200 FEET IS REQUIRED, AND TO ALLOW THE USE TO NOT BE OPERATED IN CONJUNCTION WITH ANOTHER MOTOR VEHICLE RELATED USE at 7501 Alta Drive (APN 138-34-301-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**3**

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. Support Postcards
7. Backup referenced from the February 8, 2011 Planning Commission Meeting Item SUP-39963



0 300 600 Feet

CASE: **SUP-39963**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SUP-39963**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: FOSTER DAY, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-39963	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-39963 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Car Wash, Self-Service use.

2. 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.

3. A One year administrative review after issuance of a business license shall be required.

4. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

5. One 55-gallon trash receptacle labeled “Recyclables” shall be provided on site.

6. All landscaping and common areas shall be permanently maintained in a satisfactory manner

Conditions Page Two
March 16, 2011 - City Council Meeting

7. All required building permits for the accessory shade structure located in the southeast corner of the property must be secured, or the structure shall be removed within 30 days of this approval.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

10. The hours of operation shall be limited to 7 a.m. to 10 p.m., seven days a week.

Staff Report Page One
March 16, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to re-establish an abandoned Car Wash, Self-Service use at 7501 Alta Drive. Pursuant to Title 19.16.030, the existing Car Wash lost its nonconforming status after the discontinuation of business operations for over one year. Because the Car Wash no longer maintains its legal nonconforming status, the applicant is required to obtain a Special Use Permit with Waivers that address the existing physical layout. Staff recommends approval of this request, with conditions. If denied, the subject site may not operate as a Car Wash, Self-Service facility.

ISSUES

- The existing Car Wash Self-Service use was constructed in 1996. When operations ceased on 03/04/2008 and the use was abandoned for more than one year, a Special Use Permit, with Waivers, became necessary to re-establish the use at the site.
- The applicant is requesting Waivers to allow the opening of the wash bays to face public rights-of-way, a zero foot separation distance from a residential property where a minimum of 200 feet is required, and that the use not be operated in conjunction with another motor vehicle related use.
- The requested waivers are based on physical constraints that were approved under the original entitlement. Since the facilities were constructed prior to the current requirements and operated in a manner that was compatible with the neighboring residential development to the south and east for approximately 12 years before the use was discontinued, staff supports these requested Waivers.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/06/70	The Board of City Commissioner approved the request for reclassification of property (Z-0009-70) to Rezone the subject site from R-E (Residence Estates) to C-1 (Limited Commercial).
08/08/90	The Planning Commission approved a request for a (Z-9-70) Plot Plan and Building Review regarding a proposed Shopping Center at the southeast corner of Buffalo Drive and Alta Drive.
02/28/91	The Board of Zoning Adjustment approved a Special Use Permit (U-0021-91) to allow gasoline sales in conjunction with a proposed Convenience Store. This entitlement expired on 02/28/92.

02/15/95	The City Council approved the appeal of the Board of Zoning Adjustment's recommendation for denial of a Special Use Permit (U-0328-94) for a Customer Operated Car Wash on property located on the southeast corner of Alta Drive and Buffalo Drive.
03/01/04	The previous property owner was cited by Code Enforcement (Case #10604) for operating a car wash facility between the hours of 11 p.m. to 1 a.m. with loud music. The car wash is supposed to close at midnight. This case was resolved on 09/03/04.
07/19/06	The previous property owner was cited by Code Enforcement (Case #44680) for allowing someone to live on the property within an RV with cords running to the car wash. This case was resolved on 07/28/06.
03/10/08	The previous property owner was cited by Code Enforcement (Case #63061) for keeping the property in disrepair with vandalized equipment. The owner was referred for graffiti cover up, trash removal and boarding up to prevent access to machinery. This case was resolved on 06/23/08.
06/27/09	The previous property owner was cited by Code Enforcement (Case #79492) for graffiti with trash and debris on the premises. This case was resolved on 07/27/09. The subject site has been fenced off stemming from this citation.
07/08/09	The previous property owner was cited by Code Enforcement (Case #79732) for graffiti and property not being maintained. This case was resolved on 07/08/09.
07/29/10	The previous property owner was cited by Code Enforcement (Case #93197) regarding the problem with graffiti becoming a chronic nuisance.
12/16/10	The Planning Commission voted to hold this item in abeyance to the February 8, 2011 meeting.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 16/mh).

Most Recent Change of Ownership	
09/13/10	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/05/96	A Plan Check, #C-312-95, was issued for a Self-Serve Car Wash at 7501 West Alta Drive. A final inspection was completed on 08/27/96.
07/31/96	A Business License, #C02-00080, was issued for a Car Wash, Self Service at 7501 West Alta Drive marked Out-of-Business 03/04/08.

Pre-Application Meeting	
10/06/10	A pre-application meeting was held with the applicant to discuss the requirements necessary to re-activate an abandoned Car Wash, Self-Service facility. The applicant was informed that the existing facility no longer maintains a legal, non-conforming status and will require a Special Use Permit for the appropriate Waivers from the Minimum Requirements for a Car Wash, Self-Service Facility.

Neighborhood Meeting	
01/13/10	A neighborhood meeting was held by the applicant. Six members of the public, one member of the Council Office, and one member of the Planning Department were in attendance. Concerns: • The applicant indicated that wall heights would be raised and that he would provide each neighbor with the means to do so. • A smog check would not be supported by the neighbors. Overall, those in attendance supported the reopening of the Car Wash.

Field Check	
11/09/10	A field check was performed by staff with the following observations: • The existing Car Wash, Self Service Facility was in the process of undergoing property maintenance. • New perimeter landscaping was being installed and graffiti was being painted over.

Details of Application Request	
Site Area	
Net Acres	0.93

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
North	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	NA
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Carwash, Self-Service	6 Stalls	2 spaces per Stall	12				
TOTAL SPACES REQUIRED			12		13		Y
Regular and Handicap Spaces Required			11	1	12	1	Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
A 200-foot distance separation from a residential property.	A zero-foot separation distance from a residential property	Approval
The use must be operated in conjunction with another motor vehicle related use.	To operate without another motor vehicle related use	Approval
The opening of the wash bays may not face public rights-of-way.	The opening of the wash bays to face public rights-of-way	Approval

ANALYSIS

The subject site contains an existing Car Wash, Self Service facility that was constructed in 1996. The site is zoned C-1 (Limited Commercial), with a General Plan designation of SC (Service Commercial). The car wash ceased operations and the business license expired on 03/04/08. Pursuant to Title 19.16.030, the discontinuation of the car wash use for more than one year resulted in the loss of its non-conforming status, and the need to reestablish the use through the approval of a Special Use Permit. No changes to the site are proposed at this time. The requested waivers are required based on the current Special Use Permit requirements of Title 19.04, which were not applicable at the time that the existing facility was constructed. The car wash operated for approximately 12 years before ceasing operations, and was conducted in a manner that was compatible with the surrounding residential and commercial uses; consequently, staff supports the requested waivers and is recommending approval. A condition of approval has been placed requiring that the hours of operation be limited to 7a.m. to 10p.m., seven days a week. If denied, the applicant will not be allowed to operate a Car Wash, Self-Service facility at this location.

FINDINGS (SUP-39963)

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 abandoned Car Wash, Self-Service use is compatible with the existing with the SC (Service Commercial) land use designation, and will remain consistent with uses typical of the existing C-1 (Limited Commercial) zoning district upon the approval of a Special Use Permit. The Car Wash, Self-Service use had operated for approximately 12 years prior to going out of business on 03/04/08.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site had operated as a car wash prior to abandonment of the use. The applicant has taken steps in renovating the landscaping and removing graffiti in order to ensure that the site is physically suitable for re-establishing the 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.**

The property is accessed from Alta Drive, designated an 80-foot Secondary Collector in the Master Plan of Streets and Highways, which is adequate in size to meet the requirements of the Car Wash, Self-Service 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 this Special Use Permit will not be inconsistent with or compromise the health, safety, or welfare of the general public as it will be subject to licensing and permitting by the City. Additionally, the re-establishment of the Car Wash, Self-Service use will reduce the ongoing neighborhood issues such as graffiti and loitering.

5. The use meets all of the applicable conditions per Title 19.04.

With the exceptions of the requested waivers, the proposed use meets the applicable conditions of Title 19.04. Staff supports the requested waivers as the facilities were constructed prior to the current requirements and operated in a manner that was compatible with the surrounding residential and commercial developments for approximately 12 years before the use was discontinued on 03/04/08.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 427 (By City Clerk)

APPROVALS 1

PROTESTS 3

MH

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-39963** APN: 138-34-301-003

Name of Property Owner: FOSTER DAY INC.

Name of Applicant: ROGER FOSTER

Name of Representative: ROGER FOSTER

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: ROGER FOSTER

Subscribed and sworn before me

This 18th day of October, 2010

Leanne D. Howe Clark, NV

Notary Public in and for said County and State

LEANNE D. HOWE
Notary Public State of Nevada
No. 10-2689-1
My appt. exp. July 30, 2014

RECEIVED
OCT 20 2010

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: USE PERMIT

Project Address (Location) 7501 W. ALTA

Project Name FOSTER DRY CAR WASH **Proposed Use** SELF SERVE CAR WASH

Assessor's Parcel #(s) 138-34-301-003 **Ward #** _____

General Plan: existing SC proposed SC **Zoning:** existing C1 proposed C1

Commercial Square Footage 3500 **Floor Area Ratio** _____

Gross Acres .93 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER FOSTER DAY INC **Contact** ROGER FOSTER

Address 7501 ~~W~~ ALTA **Phone:** 4604396 **Fax:** 876 9705

City LAS VEGAS **State** NV **Zip** 89

E-mail Address N174R@AOL.COM

APPLICANT ROGER FOSTER **Contact** SAME

Address 2560 RED ARROW DR. **Phone:** 4604396 **Fax:** 876 9205

City LV **State** NV **Zip** 89135

E-mail Address _____

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name ROGER FOSTER

Subscribed and sworn before me

This 20th day of October, 20 10.

Susan MOCK

Notary Public in and for said County and State

SUSAN MOCK
Notary Public State of Nevada
No. 99-53862-1
My appt. exp. Dec. 30, 2012

Revised 10/27/08

FOR DEPARTMENT USE ONLY

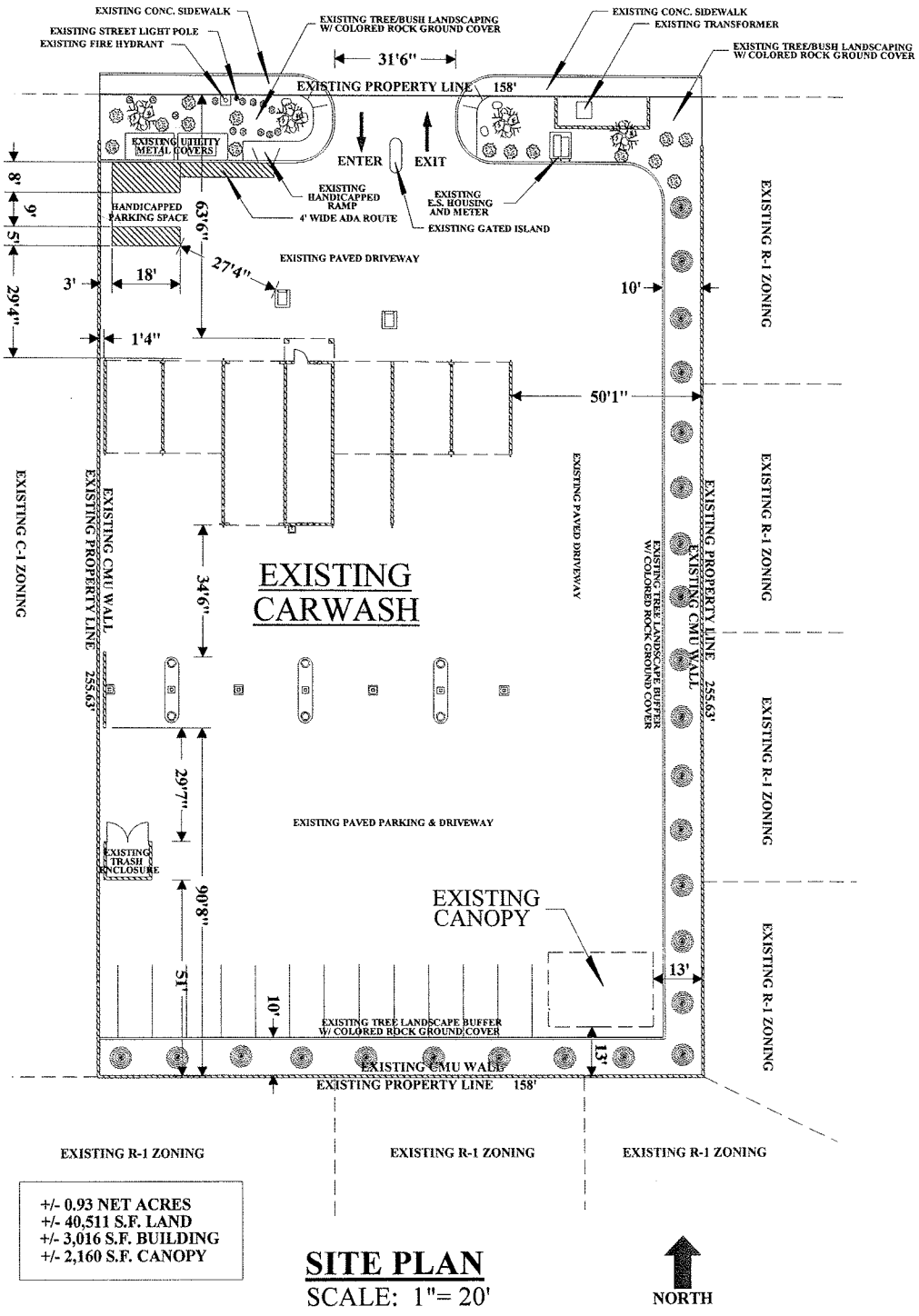
Case #	SUP-39963
Meeting Date:	12/16/10 PC
Total Fee:	$1,030
Date Received:*	10/20/10
Received By:	

*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.

RECEIVED
OCT 20 2010

f:\depot\Application Packet\Application Form.pdf

7501 ALTA DRIVE



+/- 0.93 NET ACRES
+/- 40,511 S.F. LAND
+/- 3,016 S.F. BUILDING
+/- 2,160 S.F. CANOPY

SITE PLAN

SCALE: 1"= 20'

NORTH

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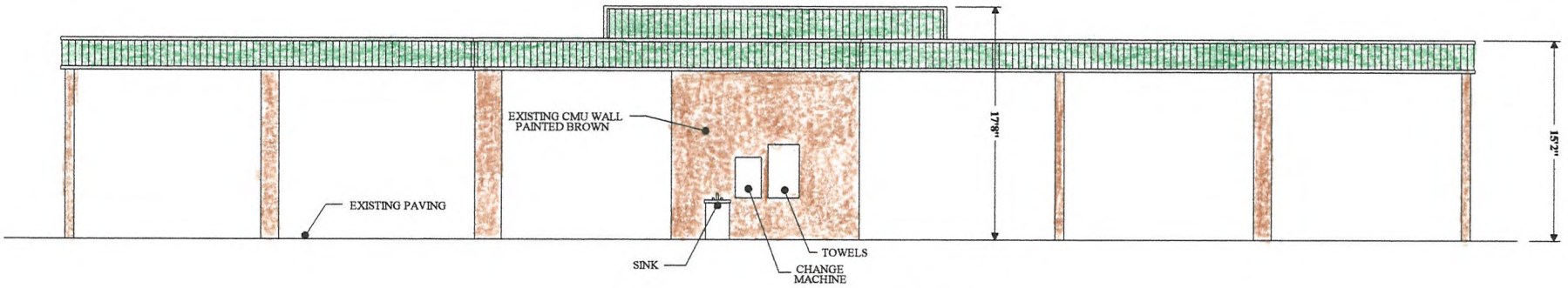
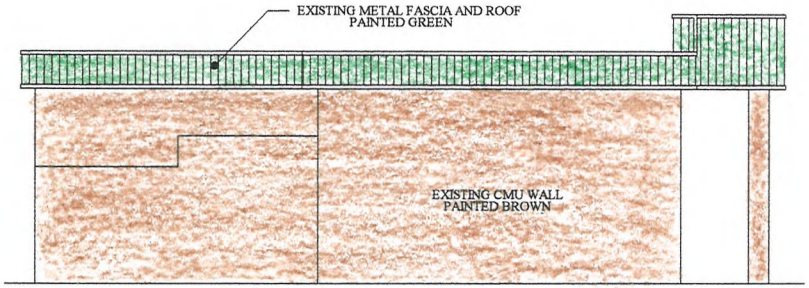
OCT 20 2010

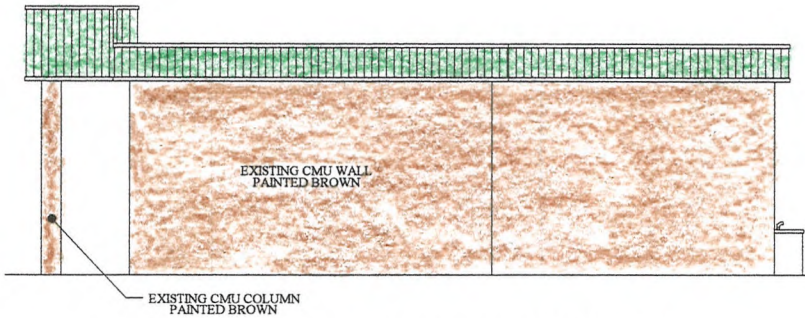
SUP-39963



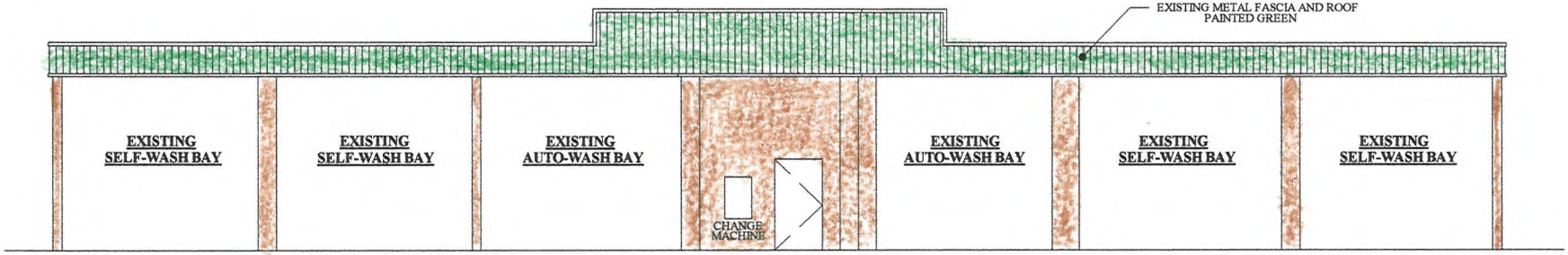
REAR ELEVATION (SOUTH)
SCALE: 3/16"= 1'- 0"



LEFT ELEVATION (EAST)
SCALE: 3/16"= 1'- 0"



RIGHT ELEVATION (WEST)
SCALE: 3/16"= 1'- 0"



FRONT ELEVATION (NORTH)
SCALE: 3/16"= 1'- 0"

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OCT 20 2010

SUP-39963



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10



SUP-39963 - APPLICANT/OWNER: FOSTER DAY INC.
7501 ALTA DRIVE

11/09/10

Justification Letter

The property located at 7501 West Alta Road (apn # 138-34-301-003) has operated as a self-serve carwash for over 13 years. It sits on approximately 1 acre of land and has 6 car wash bays and 6 vacuums bays. Approximately two and a half years ago Community Bank foreclosed on the property and shut the business down. The "Use Permit" expired March of 2009, I have purchase the property subject to the "Use Permit" being renew for the exiting Self-Serve Car Wash. I would be requesting Waivers to the Minimum Special Use Permit requirements as follows:

1. Hours of operation 7am to 10Pm
2. Opening bays to the street / existing
6. The use must not be within 200 feet of residential property / existing
9. The business must be operated in conjunction with another motor vehicle related Smog inspection, minor auto repair etc… I would like to do Smog inspections.
10. An attendant must be on the premises all times the equipment is operational. / Attendant 6 hours 7 days a week

Presently my company operate 10 self-serve car washes it the Las Vegas area and would like the opportunity to re-establish the Use Permit to operate this business again.

Sincerely,

Roger Foster
Foster Day Car Washes

RECEIVED
NOV 2 9 2010

SUP-39963
REVISED

Neil Vance Carter
7228 Lakeland Court
Las Vegas, Nevada, 89145-6026

City of Las Vegas
Office of The City Clerk

I've lived at my above address since July 1st, 1983. Long before Alta even went through to Buffalo. I welcomed the business at the below location when it first was built, and with it having been vacant for many years now, having it reopened and refreshed, would be a needed improvement to our neighborhood. Perhaps with it open again, more tenants might be drawn to occupy the nearly vacant shopping center across the street on the NE corner of Alta & Buffalo. With the economy being as it is currently, any honest business is welcomed by me and my family.

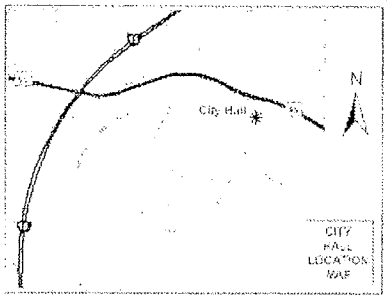
Thanks, and please vote in favor of the reopening of the car wash on Alta near Buffalo.

Thanks Again,

Neil Vance Carter

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

SUP-39963

City Council Meeting of 3/16/2011

2011 MAR -7 A 7:02

RECEIVED CITY CLERK

CARTER NEIL VANCE
7228 LAKELAND CT
LAS VEGAS NV 89145-6026

APN#13834311033

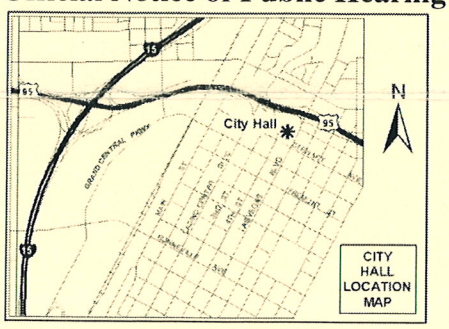
28 LRDFN11 89145

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 MAR 03 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

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SUP-39963
City Council Meeting of 3/16/2011

RECEIVED
CITY CLERK
2011 MAR -7 A 11:20

QUANEY TERRY L & RITA V
505 ANATOLIA LN
LAS VEGAS NV 89145-6037

APN#13834310042

28 LRDFN11 89145

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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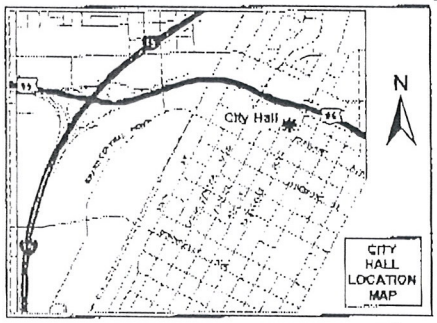
0004279218 MAR 03 2011
MAILED FROM ZIP CODE 89101

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.

SUP-39963
City Council Meeting of 3/16/2011

WHB

RECEIVED
CITY CLERK
2011 MAR -7 A 10:

BETTENS WILLIAM H & RUTH ANN
429 ANATOLIA LN
LAS VEGAS NV 89145-5249

APN#13834210021

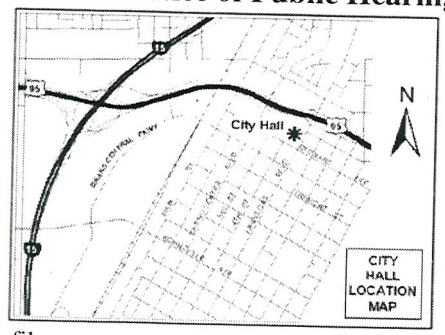
28 LRDFN11 89145

03/05/2011 16:14 FAX 7023639356 BILL BETTENS 001

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

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-39963

Planning Commission Meeting of 12/16/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

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$ 00.41⁴
DEC 03 2010
MAILED FROM ZIP CODE 89101

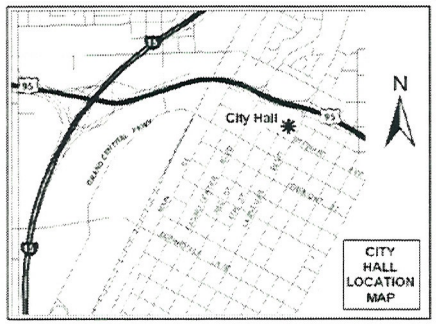
RECEIVED
DEC 08 2010

Case: SUP-39963
13834311025
MITCHELL DON LIVING TRUST
604 ALTA MIRA RD
LAS VEGAS NV 89145-6009

9P

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-39963

Planning Commission Meeting of 12/16/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M 0004279218 $ 00.41⁴ DEC 03 2010

MAILED FROM ZIP CODE 89101

the neighborhood We told Anne Adamson we did not want that car wash; or the shopping center behind us — he voted yes anyway. NO

Case: SUP-39963

13834210015
GRIZZLE REGENIA B
428 ANATOLIA LN
LAS VEGAS NV 89145-5250

RECEIVED
DEC 08 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
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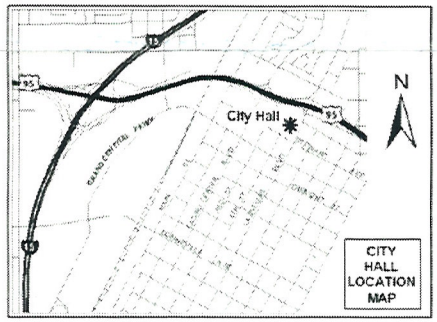
DEC 03 2010
MAILED FROM ZIP CODE 89101

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.

SUP-39963

Planning Commission Meeting of 12/16/2010

RECEIVED
DEC 08 2010

Case: SUP-39963
13834310042
QUANEY TERRY L & RITA V
505 ANATOLIA LN
LAS VEGAS NV 89145-6037

9P

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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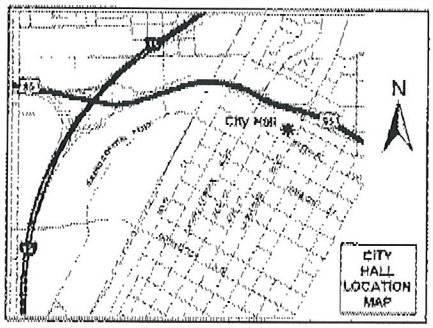
0004279218 DEC 03 2010
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



RECEIVED
DEC 06 2010

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.

Case: SUP-39963

13834311030
PANETTIERE KATHLEEN
7216 LAKELAND CT
LAS VEGAS NV 89145-6026

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-39963

Planning Commission Meeting of 12/16/2010

9A

City of Las Vegas Agenda Item No.: **77.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

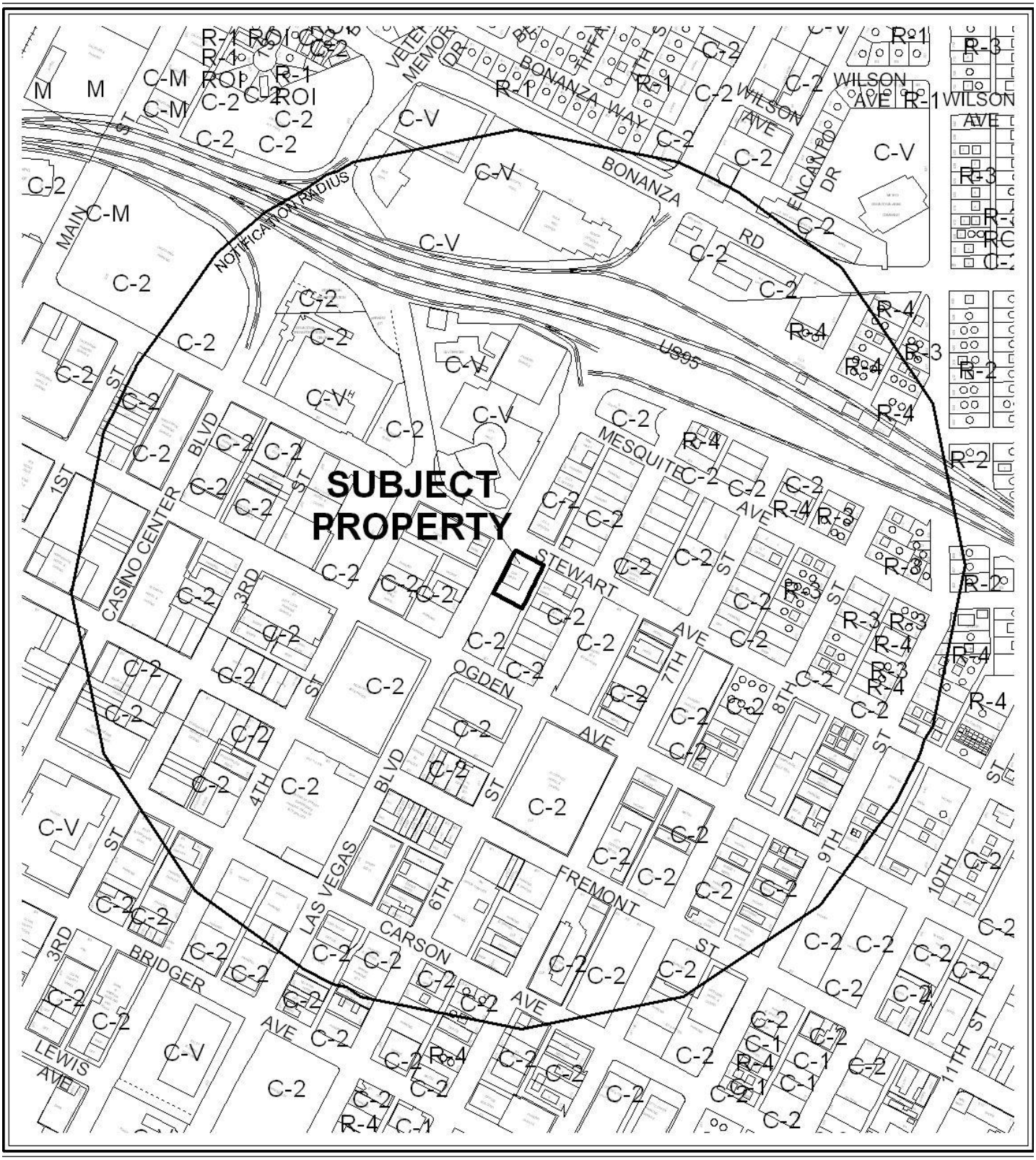
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-40520 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FREMONT PLACE, LLC - Request for a Special Use Permit FOR A 100 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR, OFF-SALE ESTABLISHMENT IN CONJUNCTION WITH AN EXISTING 3,553 SQUARE-FOOT CONVENIENCE STORE at 228 North Las Vegas Boulevard (APN 139-34-501-016), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) recommends DENIAL. 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:
The Planning Commission (7-0 vote) recommends DENIAL. 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 U-0106-02
6. Justification Letter



0 300 600 Feet

CASE: **SUP-40520**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

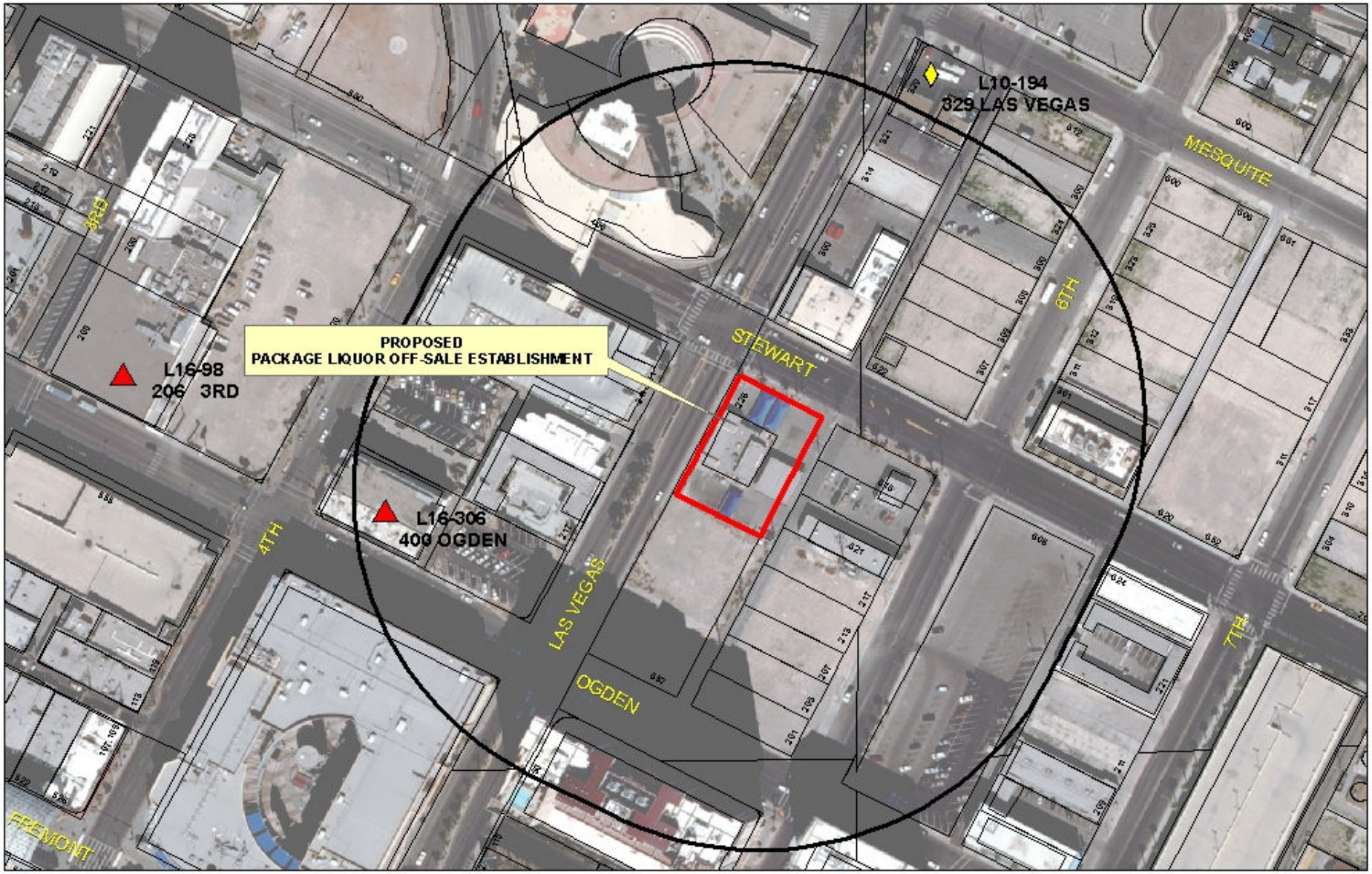


0 300 600 Feet

CASE: **SUP-40520**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



SUP-40520

Package Liquor Sales

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: FREMONT PLACE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-40520	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-40520 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. Conformance to the approved conditions for Rezoning (Z-0100-64), Special Use Permit (U-0234-94) and Plot Plan Review [U-0234-90(1)].

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. Prior to issuance of a business license, 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.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.

8. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a 100 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 3,553 square-foot Convenience Store and Car Wash located at 228 North Las Vegas Boulevard. The proposed use is less than 10% of the total retail floor space of the establishment and will not require additional parking space requirements. The proposed use can be conducted in a harmonious and compatible manner within the existing retail establishment and with the adjacent commercial uses. Staff recommends approval with conditions. If denied, packaged liquor cannot be sold on the premises and the Convenience Store with Service Station and Car Wash will remain.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The site has been vacant since September 17, 2010.
- A Special Use Permit (U-0106-02) for a Package Liquor Off-Sale Establishment (for gift baskets only) expired on 11/06/10.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/26/62	The City Council approved a Rezoning (Z-0100-64), which designated the subject property as within the C-2 (General Commercial) Zone. The Planning Commission recommended approval.
03/05/86	The City Council adopted the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area (Ordinance No. 3218), of which the subject site is a part.
11/20/90	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0234-90) to allow a full service car wash on the subject site.
04/25/91	The Board of Zoning Adjustment approved a Plot Plan Review of an approved Special Use Permit [U-0234-90(1)] to allow a full service car wash on the subject site.
10/16/91	The City Council approved a request for a Special Use Permit (U-0208-91) to allow Restricted (coin-operated) Gaming at 228 North Las Vegas Boulevard. The Planning Commission recommended approval.
12/04/02	The City Council approved a request for a Special Use Permit (U-0106-02) to allow a Liquor Establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard. The Planning Commission and staff recommended denial.

10/02/03	The City Council approved a revision of the Downtown Redevelopment Plan (GPA-2497). The Planning Commission and staff recommended approval.
07/07/04	The applicant withdrew without prejudice an application for Review of Condition (ROC-4121) to remove conditions number #1 through #4 of an approved Special Use Permit (U-0106-02) at 228 North Las Vegas Boulevard.
07/07/04	The City Council approved a Required Six-Month Review (RQR-3930) of the Special Use Permit (U-0106-02) which allowed the liquor establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a Required Six-Month Review (RQR-5630) of the Special Use Permit (U-0106-02) which allowed the liquor establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning and Development Department staff recommended approval.
02/08/11	The Planning Commission voted (7-0) to recommend DENIAL (PC Agenda Item 23/jg).

Most Recent Change of Ownership	
02/19/02	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/30/91	A building permit (91108001) was issued for a Certificate of Occupancy for a Car Wash and Convenience Store at 228 North Las Vegas Boulevard. The permit was finaled on 12/02/91.
05/30/91	A building permit (91108002) was issued for a Vacuum Structure at 228 North Las Vegas Boulevard. The permit was finaled on 12/03/91.
05/03/91	A building permit (91108003) was issued for a Canopy at 228 North Las Vegas Boulevard. The permit was finaled on 12/03/91.
08/07/91	A building permit (91115707) was issued for an underground fuel tank at 228 North Las Vegas Boulevard. The permit was never finaled.
11/19/91	A building permit (91126734) was issued for a Tenant Improvement (Deli) at 228 North Las Vegas Boulevard. The permit was finaled on 12/05/91.
12/05/91	A business license (C02-00040) was issued for a Car Wash at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
02/07/00	A business license (C05-02007) was issued for a Tobacco Dealer at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
01/11/02	A business license (C15-00304) was issued for a Convenience Store at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
03/22/02	A business license (L15-00022) was issued for Package Liquor at 228 North Las Vegas Boulevard. The license was marked inactive on 11/06/08.

08/11/03	A business license (G01-02136) and (C20-02133) was issued for Gaming Restricted use and Convention Hall Gaming Tax at 228 North Las Vegas Boulevard. The licenses were marked out of business on 06/25/10.
03/02/07	A business license (R07-00758) was issued for a Restaurant, seating fewer than 30 people at 228 North Las Vegas Boulevard. The license was marked out of business on 04/16/08.
03/25/09	A building permit (133175) was issued for a Tenant Improvement at 228 North Las Vegas Boulevard. The permit was finaled on 04/24/09.
04/30/09	A business license (S05-01059) was issued for a Service Station at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
06/28/10	A business license (C08-01930) was issued for Coin Amusement machines at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.

Pre-Application Meeting	
12/13/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/13/11	During a site visit, staff noted a vacant convenience store and car wash that was littered with trash and debris.

Details of Application Request	
Site Area	
Net Acres	0.54

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Convenience Store and Car Wash	C (Commercial)	C-2 (General Commercial)
North	Offices	MXU (Mixed Use)	C-2 (General Commercial)
South	Undeveloped	C (Commercial)	C-2 (General Commercial)

East	Auto Repair Garage, Major	C (Commercial)	C-2 (General Commercial)
West	Parking Garage Financial Institution, General (without Drive-Through)	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Downtown Centennial Plan (Downtown Gateway)	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
DDRC (Downtown Design Review Committee) Area	X		Y
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
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

DEVELOPMENT STANDARDS

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Street Width (Feet)***	***Compliance with Street Section***
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways	80	N*
Stewart Avenue	Secondary Collector	Master Plan of Streets and Highways	80	Y

*Las Vegas Boulevard is a 100-foot Primary Arterial, per the Master Plan of Streets and Highways.

Parking Requirement - Downtown							
Use	***Gross Floor Area or Number of Units***	***Base Parking Requirement***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,553 SF	1/175 SF	21				
Car Wash	1,741 SF	1/150 SF	12				
Retail Establishment with Accessory Package Liquor Off-Sale use	100 SF	N/A	N/A				
TOTAL SPACES REQUIRED			33		3		N
Regular and Handicap Spaces Required			31	2	2	1	N

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined by Title 19.20.020 as "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 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."

The subject site is located within the Downtown Centennial Plan (Downtown Gateway) Land Use Plan and the following special purpose and overlay districts: DDRC (Downtown Design Review Committee) Area, A-O (Airport Overlay) District with 200-foot height restriction, Live/Work Overlay District and the Las Vegas Boulevard Scenic Byway Overlay District. The subject site has an existing off street bike lane located along the west property line. The proposed use would not have a negative impact relating to the above mentioned Special Area Plans.

The subject site is located in the Las Vegas Downtown Centennial Plan area and is not subject to the automatic application of parking requirements. No additional parking is required for the proposed use and no changes to the subject site are proposed at this time.

The package liquor will be displayed from behind the front counter and the beer and wine will be located in the cooler. The proposed use complies with all Title 19.04 minimum Special Use Requirements and can be conducted in a manner that is compatible with the existing and surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-40520)

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 Retail Establishment with Accessory Package Liquor Off-Sale use will be located within the existing Convenience Store. The proposed use can be conducted in a manner that is harmonious and compatible with the use 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. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal 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.**

   The site is accessed by Las Vegas Boulevard and Stewart Avenue. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with Accessory Package Liquor Off-Sale 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 proposed use will be located within an existing Convenience Store with Car Wash and complies with the minimum Special Use Permit requirements. The use will devote less than 10 percent of the gross floor space within the existing Convenience Store for the sale of alcoholic beverages and meets all distance separation requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 218 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-40520** APN: 139-34-501-016

Name of Property Owner: FREMONT PLACE LLC

Name of Applicant: FREMONT PLACE LLC

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: _____

Partner(s): _____ _____

APN: _____

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City of Las Vegas

Signature of Property Owner: _____

Print Name: NEISSAN KOROGHLI

State of Nevada County of Clark
Subscribed and sworn before me

This 16th day of Dec, 2010 By: Neissan Koroghi

Samantha Martin
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SAMANTHA MARTIN
No: 08-6463-1
My Appointment Expires Feb. 8, 2012

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: REMOVABLE OF RESTRICATION ON LIQURE LIC.

Project Address (Location) 228 LAS VEGAS Bl N. LASVEGAS NV 89101

Project Name 7-11 (ROYAL CAR WASH) **Proposed Use** LIQ SALES

Assessor's Parcel #(s) 139-34-501-016 **Ward #** 5

General Plan: existing ✓ proposed C2 **Zoning:** existing C2 proposed C-2

Commercial Square Footage 4000 **Floor Area Ratio** _____

Gross Acres ~~[illegible]~~ 1.2 **Lots/Units** NA **Density** NA

Additional Information NONE

PROPERTY OWNER FREMONT PLACE LLC **Contact** NISSAN KOROGHLI
Address 228 LAS VEGAS Bl N **Phone:** (702) 290-6479 **Fax:** _____
City LAS VEGAS **State** NV **Zip** 89101
E-mail Address NISSANK1@GMAIL.COM

APPLICANT FREMONT PLACE LLC **Contact** NISSAN KOROGHLI
Address _____ **Phone:** (702) 2906479 **Fax:** _____
City _____ **State** _____ **Zip** _____
E-mail Address _____

REPRESENTATIVE _____ **Contact** _____
Address _____ **Phone:** _____ **Fax:** _____
City _____ **State** _____ **Zip** _____
E-mail Address _____

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name NEISSAN KOROGHLI

State of Nevada County of Clark
Subscribed and sworn before me

This 16th day of Dec, 2010.
By Neissan Koroghli
Samantha Martin

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SAMANTHA MARTIN
No: 08-6463-1
My Appointment Expires Feb. 8, 2012

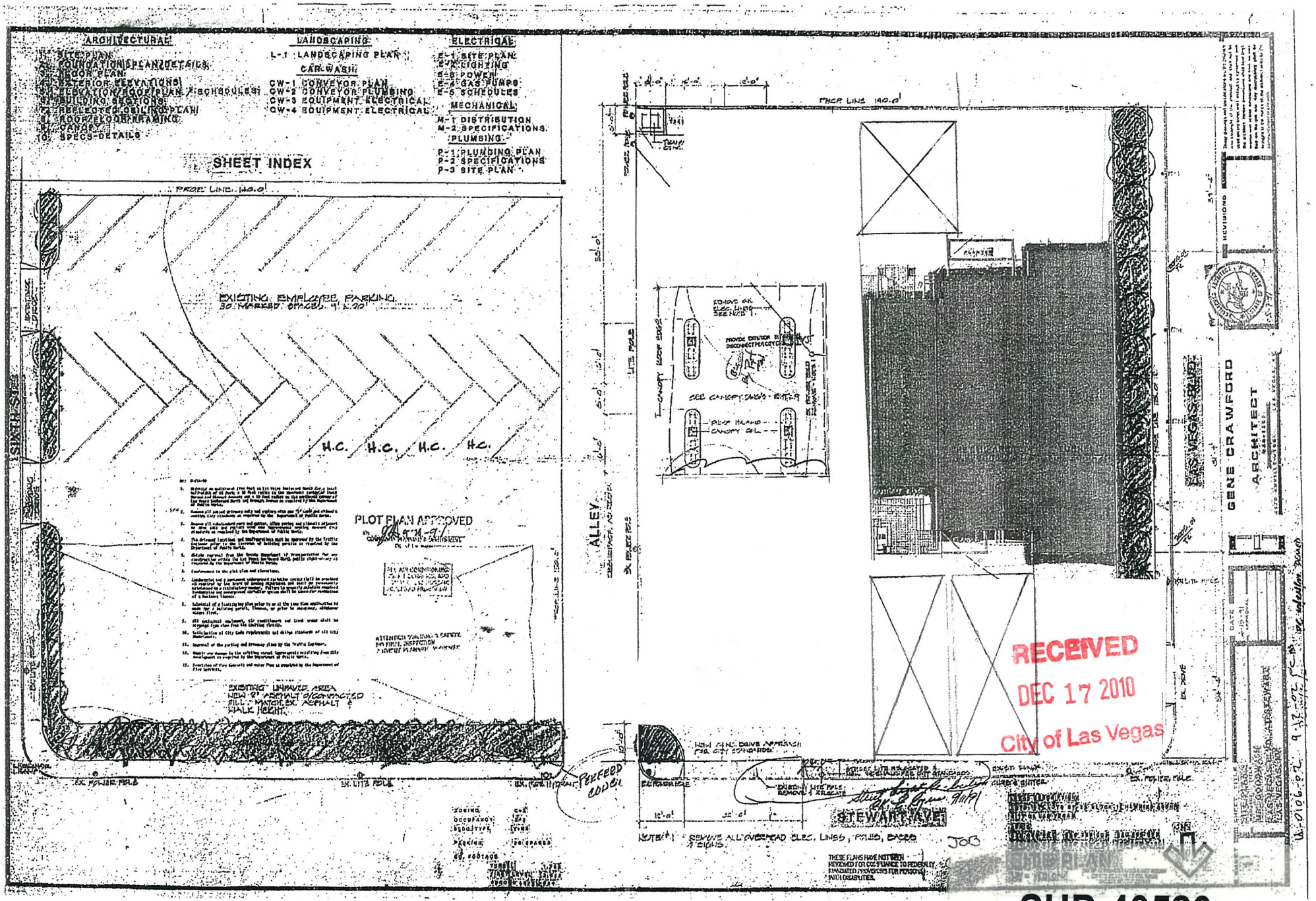
Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP-40520 7
Meeting Date:	2-8-11
Total Fee:	~~[illegible]~~ $1080
Date Received:*	12-17-10
Received By:	F-S

*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


ARCHITECTURAL
1. SITE PLAN
2. FOUNDATION PLAN/DETAILS
3. FLOOR PLAN
4. EXTERIOR ELEVATIONS
5. ELEVATION/ROOF PLAN & SCHEDULES
6. BUILDING SECTIONS
7. REFLECTED CEILING PLAN
8. ROOF/FLOOR FRAMING
9. CANOPY
10. SPECS-DETAILS
LANDSCAPING
L-1 LANDSCAPING PLAN
CAR WASH
CW-1 CONVEYOR PLAN
CW-2 CONVEYOR PLUMBING
CW-3 EQUIPMENT ELECTRICAL
CW-4 EQUIPMENT ELECTRICAL
ELECTRICAL
E-1 SITE PLAN
E-2 LIGHTING
E-3 POWER
E-4 GAS PUMPS
E-5 SCHEDULES
MECHANICAL
M-1 DISTRIBUTION
M-2 SPECIFICATIONS
PLUMBING
P-1 PLUMBING PLAN
P-2 SPECIFICATIONS
P-3 SITE PLAN
SHEET INDEX
PROP. LINE 140.0'
EXISTING EMPLOYEE PARKING
30 MARKED SPACES 9' x 20'
H.C.
H.C.
H.C.
H.C.
PLOT PLAN APPROVED
EXISTING UNPAVED AREA
NEW 2" ASPHALT O/COMPACTED FILL - MATCH EX. ASPHALT & WALK HEIGHT.
SIXTH SIDE
ALLEY
LITE POLE
EX. POWER POLE
EX. LITE POLE
PERFEED CONC.
STEWART AVE.
NOTE #1 REMOVE ALL OVERHEAD ELEC. LINES, POLES, BASES & SIGNS.
THESE PLANS HAVE NOT BEEN REVIEWED FOR CONFORMANCE TO FEDERALLY MANDATED PROVISIONS FOR PERSONS WITH DISABILITIES.
LAS VEGAS BLVD.
GENE CRAWFORD
ARCHITECT
REVISIONS
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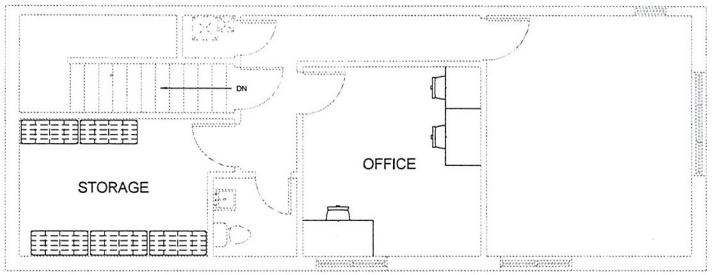
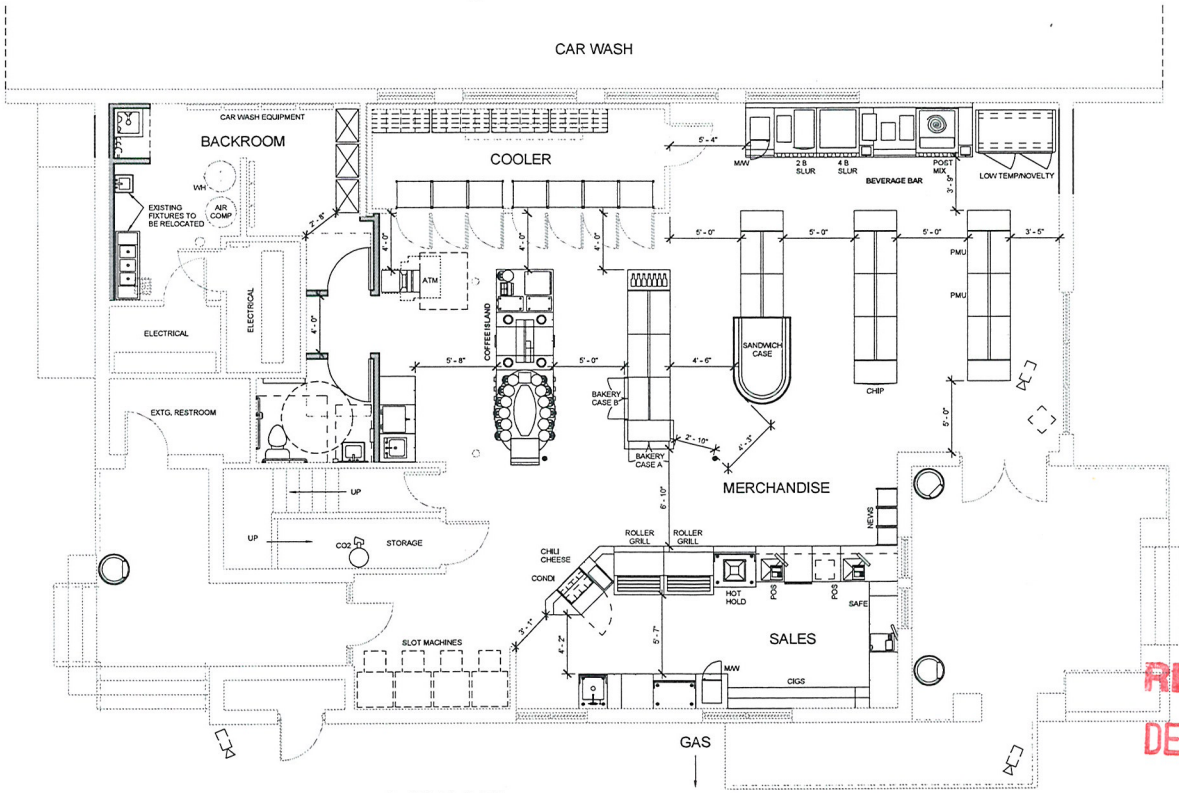
City of Las Vegas
SITE PLAN

SUP-40520



2 1026518 LAS VEGAS, NV - SECOND FLOOR
1/4" = 1'-0"



1 1026518 LAS VEGAS, NV - FIRST FLOOR
1/4" = 1'-0"

LAYOUT INFORMATION

ROLLER GRILLS	2
SANDWICH CASE	CID
VAULT DOORS	7 EXTG
LOW TEMP DOORS	1 DR
ICE MERCHANDISER	OUTSIDE
NOVELTY CASE	1 DR
BAKERY CASE	2
SLURPEE BARRELS	6
GONDOLA UNITS	21
END CAPS	6
HIGHWALLS	0
TOTAL	27
TOTAL SF 1ST FLOOR	= 2,631
TOTAL SF 2ND FLOOR	= 922
SALES FLOOR AREA	= 1,654

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City of Las Vegas

SUP-40520

HFA
ARCHITECTS ENGINEERS INTERIORS
HARRISON FRENCH & ASSOCIATES, LTD
809 S.W. A Street, Suite 201
Bentonville, Arkansas 72712
t 479.273.7780
f 479.273.9486
www.hfa-ae.com

STIPULATION FOR REUSE

ELEVEN

7-ELEVEN
228 LAS VEGAS BLVD
LAS VEGAS, NV
JOB NUMBER: 12-10-00632

ISSUE BLOCK

STORE NO.:	1026518
DOCUMENT DATE:	11/23/10
CHECKED BY:	BTW
DRAWN BY:	SKR

EQUIPMENT LAYOUT

SHEET OF 15

SHEET: EL

11/23/2010 4:26:13 PM
C:\Users\skr\Documents\Revit Projects\15-0532 Las Vegas, NV 102851 Las Vegas Blvd & Sloan - CENTRAL FILE_skr.rvt



SUP-40520 - APPLICANT/OWNER: FREMONT PLACE, LLC
228 NORTH LAS VEGAS BOULEVARD

01/13/11



SUP-40520 - APPLICANT/OWNER: FREMONT PLACE, LLC
228 NORTH LAS VEGAS BOULEVARD

01/13/11



SUP-40520 - APPLICANT/OWNER: FREMONT PLACE, LLC
228 NORTH LAS VEGAS BOULEVARD

01/13/11



SUP-40520 - APPLICANT/OWNER: FREMONT PLACE, LLC
228 NORTH LAS VEGAS BOULEVARD

01/13/11



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
MICHAEL J. McDONALD
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK

CITY MANAGER
DOUGLAS A. SELBY

January 28, 2003

Fremont Place, Limited Liability Company
228 Las Vegas Boulevard South
Las Vegas, Nevada 89101

RE: U-0106-02 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF DECEMBER 4, 2002

Dear Applicant:

The City Council at a regular meeting held December 4, 2002 considered the Appea filed by Metro Development Group, Limited Liability Company from the denial by the Planning Commission of a request for a Special Use Permit FOR PACKAGE LIQUOR FOR OFF-PREMISE CONSUMPTION IN CONJUNCTION WITH AN EXISTING CONVENIENCE STORE/DELICATESSEN at 228 Las Vegas Boulevard North (APN 139-34-511-001, 002 and 003), C-2 (General Commercial) Zone.

The City Council granted the Appeal; thereby APPROVING the Special Use Permit The Notice of Final Action was filed with the Las Vegas City Clerk on December 5 2002. This approval is subject to:

1. The sale of alcoholic beverages shall be restricted to the sale of a minimum of four miniature liquor bottles in multi-product gift-wrapped baskets.

2. The minimum price for each basket will be $35.00.

3. Large single bottles of alcohol may only be displayed for delivery to offices located within the downtown area.

4. A list of all downtown deliveries shall be maintained on site.

5. If this Special Use Permit is not exercised within one year after this approval this Special Use Permit shall be void unless an Extension of Time is granted.

6. This use shall be subject to review by the Planning Commission and the City Council six months from the final approval of this Special Use Permit at which time the Special Use Permit may be revoked.

7. Approval of this Special Use permit does not constitute approval of a liquor license.

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DEC 2 4 2002

SUP-40520

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

8. This business shall operate in conformance to Chapter 6.50 (Liquor Control) of the City of Las Vegas Municipal Code.

9. All City Code Requirements and all City departments' design standards shall be met.

Sincerely,

Doreen Araujo
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

Sincerely,

M. Margo Wheeler, AICP
Planning Manager, Current Planning Division
Planning and Development Department

cc: Planning and Development Dept
Development Coordination-DPW
Dept. of Fire Services

Mr. Ray Koroghli
228 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Mr. Arnold Stack
2725 South Jones Boulevard #101
Las Vegas, Nevada 89146

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DEC 20 2010

SUP-40520

Deborah Sullivan

From: Nissan K [nissank1@gmail.com]
Sent: Wednesday, December 22, 2010 6:14 PM
To: Deborah Sullivan
Cc: RAY KOROGHLI
Subject: FREMONT PLACE LLC

FREMONT PLACE LLC
228 LAS VEGAS BLVD
LAS VEGAS, NEVADA 89101

RE : SPECIAL USE PERMIT
SUP 40520

FREMONT PLACE LLC AKA (ROYAL HAND CAR WASH) IS WORKING WITH 7-11 AND WE LIKE TO FOLLOW 7-11 STANDARD THEREFORE WE LIKE TO ACTIVATE OUR LIQUOR LICENCE AND WE WANT TO BE ABLE TO SELL LIQUOR, WINE, BEER BY SIX PACK AND SINGLE SERV IN THE C- STORE LOCATED IN THE CAR WASH GAS STATION.

WE APPRICIATE ALL YOUR HELP IN THIS MATTER

BEST REGARDS
Neissan Koroghli
--
Nissan K.
(702) 290-6479

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

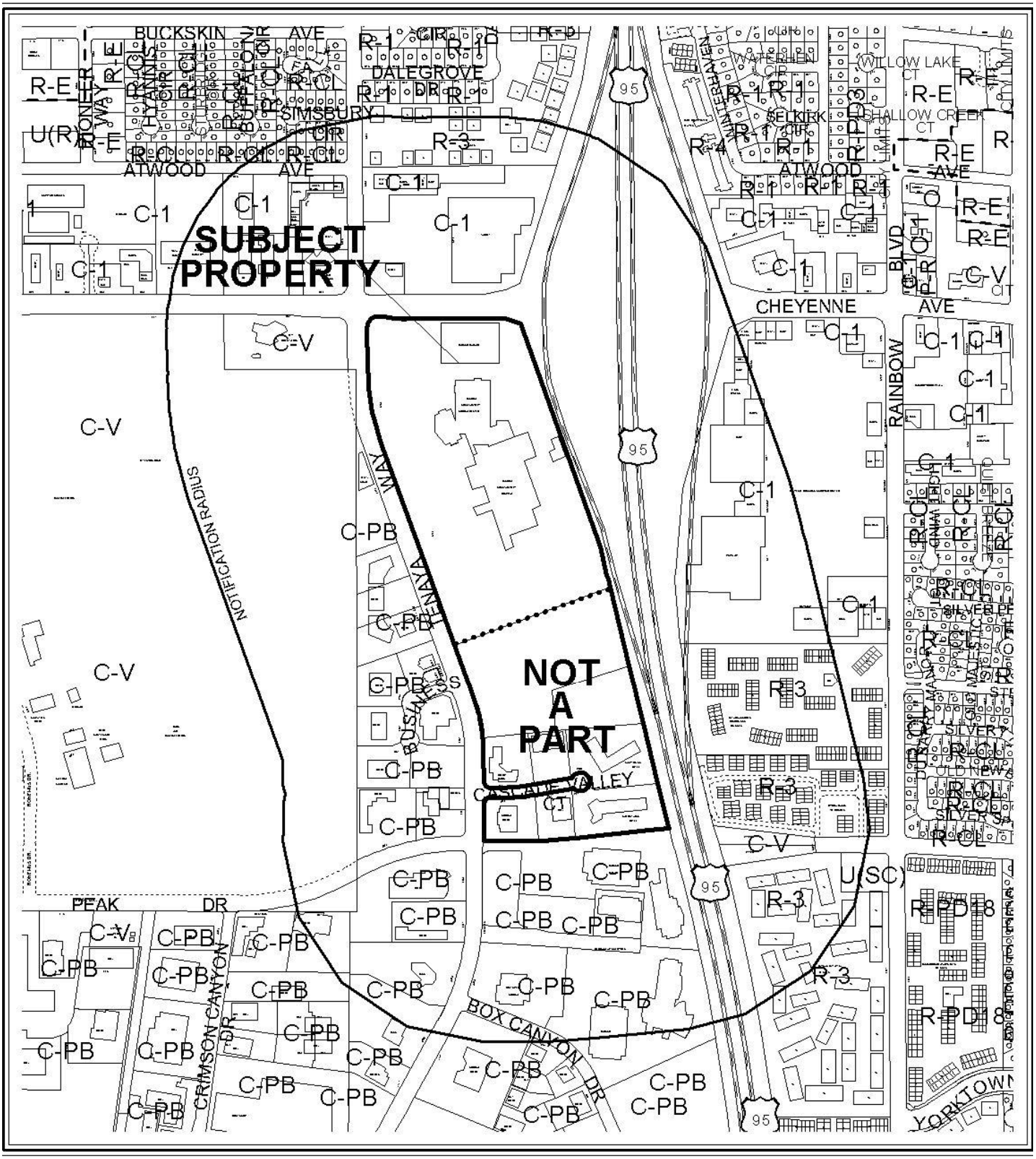
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-40552 - SPECIAL USE PERMIT – PUBLIC HEARING - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC. - Request for a Special Use Permit FOR A PROPOSED HELIPAD at 3100 North Tenaya Way (APN 138-15-510-005), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**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 - SUP-40552 and SDR-40551
2. Conditions and Staff Report - SUP-40552 and SDR-40551
3. Supporting Documentation
4. Photos - SUP-40552 and SDR-40551
5. Justification Letter - SUP-40552 and SDR-40551
6. Backup referenced from the February 8, 2011 Planning Commission Meeting Items SUP-40522 and SDR-40551



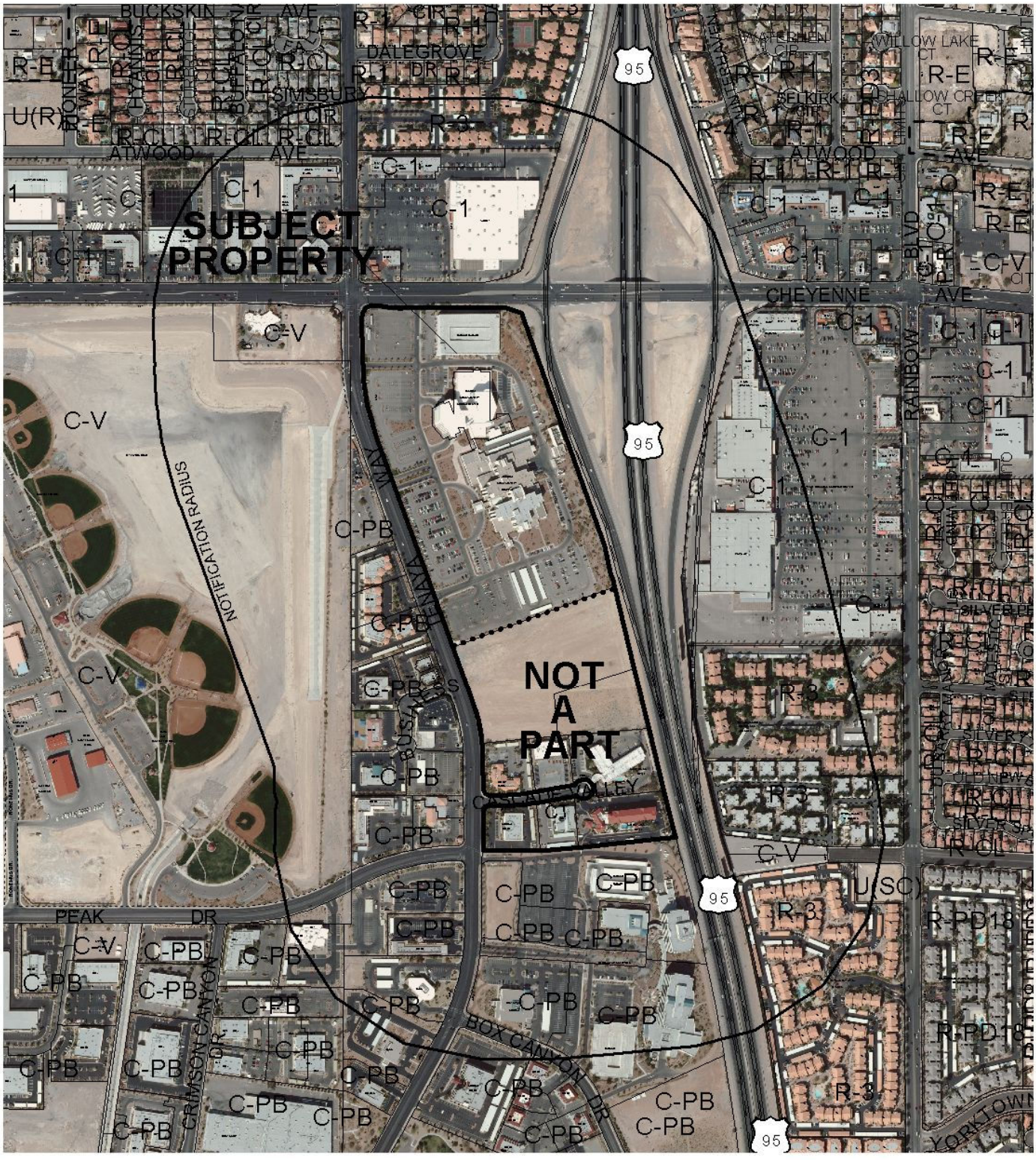
CASE: **SUP-40552 AND SDR-40551**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

0 400 800 Feet

N



0 400 800 Feet

CASE: **SUP-40552 AND SDR-40551**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-40552	Staff recommends APPROVAL, subject to conditions:	
SDR-40551	Staff recommends APPROVAL, subject to conditions:	SUP-40552

** CONDITIONS **

SUP-40552 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Helipad use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-40551) shall be required.

3. Conformance to the approved conditions for Rezoning (Z-0068-85), Site Development Plan Review [Z-0068-85(13)] and all subsequent actions.

4. 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.

5. Prior to occupancy, 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.

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. The applicant shall file a Federal Aviation Administration (FAA) Form 7480-1, "Notice of Landing Area Proposal" as required by federal regulations (14 CFR Part 157) prior to the issuance of building permits.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-40551 CONDITIONS

Planning and Development

1. This approval shall be void two years from the date of final approval unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/21/2010, except as amended by conditions herein.

3. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 12/21/2010. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

4. Prior to occupancy, 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.

5. Prior to the issuance of Building Permits, the applicant shall revise the Site Plans to reflect a five-foot wide loading zone on each side of a designated Handicapped parking space and at least one eight-foot wide loading zone for Van accessible Handicapped parking spaces where required, pursuant to Title 19.10.

6. An Exception from Title 19.10 is hereby approved to allow 16 parking lot landscape islands where 27 are required.

7. An Exception from Title 19.10 is hereby approved to allow no trees in the parking islands within 150-feet of the proposed Helipad and use only large aggregate (12-inch to 18-inch) ground cover.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Reconstruct the sidewalk ramps at the southerly most driveway to meet current ADA standards.

16. No trees or vegetation over three feet in height shall be allowed within the existing public sewer easement along the east property line.

17. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

18. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

19. Comply with all applicable previous conditions of approval for Z-68-85 and all other site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

This Site Development Plan Review request is for a proposed one-story, 33,717 square-foot expansion to an existing five-story, 309,663 square-foot Hospital complex. Included with this expansion is accommodation for a Helipad that will be used in conjunction with the proposed Emergency Room and Intensive Care Unit. The accompanying Special Use Permit is to allow the Helipad use within the C-PB (Planned Business Park) zoning district. This development is located at 3100 North Tenaya Way, on 28.10 acres, within the Las Vegas Technology Center. The proposed development is consistent in appearance and massing with the existing Hospital and has mitigated the impact of the Helipad use with a suitable location at the south end of the site. Staff recommends approval of the requested Site Development Plan Review for the proposed addition and the related request for a Special Use Permit for a Helipad use. If denied, the proposed expansion and Helipad use will not be allowed.

ISSUES

- The 33,717 square-foot, single-story expansion will provide twelve additional beds, an emergency room, and an intensive care unit along with a related Helipad for air ambulance service.
- The proposed Helipad use requires a Special Use Permit within the C-PB (Planned Business Park) zoning district.
- The applicant must submit proof of approval for the flight path for take-off and approach to the facility by the Clark County Department of Aviation prior to the issuance of a building permit for the Helipad.
- The applicant has received approval by the Las Vegas Technology Center Architectural Review Committee.
- An exception to the Title 19.10 Parking Lot Landscaping requirements has been sought to address the reduced landscaping within 150 feet of the Helipad as a matter of public safety.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/20/85	The City Council approved a Rezoning to C-PB (Planned Business Park) zoning for this site as part of a larger request (Z-0068-85). The Planning Commission recommended approval.

8/03/94	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-68-85(13)] of a proposed six-story medical office building on property located on the southeast corner of Cheyenne Avenue and Tenaya Way.
10/19/94	The City Council approved a Plot Plan and Building Elevation Review [Z-0068-85(15)] for the existing hospital on this site. The Planning Commission recommended approval.
11/22/94	The Board of Zoning Adjustment denied a request for a Variance (V-155-94) to allow a Heliport in conjunction with a proposed hospital, where such use is not allowed.
3/22/99	The City Council approved a request for a Site Development Plan Review [Z-68-85(50)] for an 89,301 square foot expansion to an existing 198,615 square foot Hospital on property located at 3100 North Tenaya Way. The Planning Commission recommended approval.
08/21/02	The City Council approved a Site Development Plan Review [Z-0068-85(64)] for a Parking Lot Addition and a reduction in the amount of perimeter and parking lot landscaping for the existing hospital. The Planning Commission recommended approval.
11/20/03	The Planning & Development Department approved a request for a Minor Site Development Plan Review (SDR-3200) to add a 5th floor with 36 beds to an existing Hospital on 28.1 acres at 3100 North Tenaya Way.
01/07/04	City Council approved a request for a Site Development Plan Review (SDR-3273) for a proposed 220,000 square-foot, four-story Parking Structure at 3100 North Tenaya Way.
02/08/11	The Planning Commission voted (7-0) to recommend APROVAL of companion items SUP-40552 and SDR-40551 (PC Agenda Items 24-25/mh).

Most Recent Change of Ownership	
05/19/95	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/11/95	A Building Permit (#95376708) was issued against Plan Check #C-170-94 for the onsite improvements for the construction of a Hospital. This permit expired on 11/30/96.
09/03/99	A Building Permit (#99017503) was issued against Plan Check #C-106-98 for the expansion of the existing Hospital. This permit received its final inspection on 08/08/00.
01/24/96	A Business License (#H04-00211) was issued for a Hospital at 3100 North Tenaya Way.
04/30/96	A Business License (#R09-00706) was issued for a Hospital at 3100 North Tenaya Way.

10/15/98	A Building Permit (#98020651) was issued against Plan Check #C-170-94 for the addition to an existing Hospital. This permit received its final inspection on 03/02/99.
09/03/99	A Building Permit (#99017503) was issued against Plan Check #C-106-98 for the expansion of the existing Hospital. This permit received its final inspection on 08/08/00.
02/05/09	A Certificate of Occupancy was issued for a 4,945 square-foot Pediatric Hospital against Building Permit #125739.
02/06/09	A Certificate of Occupancy was issued for a 1,456 square-foot Surgery Room against Building Permit #131646.
12/10/09	A Business License (#Q07-01765) was issued for a Medical Firm at 3100 North Tenaya Way.
02/24/05	A Certificate of Occupancy was issued for a 21,132 square-foot Fifth Floor Addition to an existing Hospital against Building Permit #04003878.
Pre-Application Meeting	
12/14/10	A pre-application meeting was held with staff to discuss the requirements for submitting a Special Use Permit to allow a Helipad use and a related approximate 30,000 square-foot expansion of an existing Hospital.

Neighborhood Meeting
A neighborhood meeting is not required for these types of requests nor was one held.

Field Check	
01/13/11	A field check was performed by staff with the following observations: • The site currently occupies the area of the proposed expansion with an active entrance and parking lot. • The proposed location of the Helipad is shielded from public view by the Hospital to the north, the landscaped parking lot located along the south and east, and elevated expressway (US-95) to the west. • The existing landscaping is well-kept and the site is clean.

Details of Application Request	
Site Area	
Net Acres	28.02

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Hospital	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
East	Right of Way (US-95)	Right of Way (US-95)	Right of Way (US-95)
West	Brew Pub/Tavern	LI/R (Light Industry/Research)	C-PB (Planned Business Park)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Las Vegas Technology Center	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District - 140 feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	*Required*	*Existing*	*Proposed*	*Compliance*
Min. Setbacks				
• Front	20 Feet	20 Feet	20 Feet	Y
• Side	10 Feet	173 Feet	173 Feet	Y
• Corner	20 Feet	280 Feet	280 Feet	Y
• Rear	15 Feet	420 Feet	325 Feet	Y
Min. Setbacks, Accessory Structures				
• Front	20 Feet	20 Feet	20 Feet	Y
• Side	8 Feet	29 Feet	29 Feet	Y
• Corner	20 Feet	20 Feet	20 Feet	Y
• Rear	8 Feet	10 Feet	10 Feet	Y

Max. Lot Coverage	50 %	22 %	25 %	Y
Max. Building Height	Six Stories/ 100 feet	76 Feet	16 Feet	Y
Mech. Equipment	Screened	Screened	Screened	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Existing Hospital	235 Beds	1.5 Spaces per Bed	353				
Existing Medical Office	198,064 SF	1:200 SF for first 2,000 SF w/ 1:175 SF thereafter	1,131				
Hospital (proposed)	12 Beds	1.5 Spaces per Bed	18				
TOTAL SPACES REQUIRED			1,502		2,061		Y
Regular and Handicap Spaces Required			1,471	31	1,944	117	Y

Exceptions		
Requirement	***Request***	***Staff Recommendation***
One five-foot wide landscape island for every six uncovered parking spaces.	To allow 16 parking lot landscape islands where 27 are required.	Approval
One 24-inch box tree per each landscape island, with four 5-gallon shrubs per tree.	To allow no trees from the parking islands within 150-feet of the proposed Helipad and replace with large aggregate (12-inch to 18-inch) ground cover.	Approval

ANALYSIS

The proposed 33,717 square-foot, single-story addition to an existing 309,663 square-foot Hospital complex would add a new intensive care unit, emergency room with ambulance drop-off, and helipad located at the existing southern entrance. The proposed expansion will add 12 beds to the 235 existing beds and provide a new canopy for ambulance drop-off and emergency patient drop-off adjacent to a proposed Helipad for air ambulance services. In addition to the Hospital expansion and Helipad use, the applicant will also be modifying the existing two-story mechanical area and installing an additional 12,000 gallon underground storage tank located at the east side . The proposed development is in Area 1 of the Las Vegas Technology Center, a planned business park, and received approval from the Las Vegas Technology Center Architectural Review Committee on 12/17/10.

The proposed Helipad use requires a Special Use Permit within the C-PB (Planned Business Park) zoning district. Per Title 19.04, the minimum requirements for the Helipad restrict the use only as an accessory use to a hospital, medical facility or medical office. Additionally, the operator of the use must 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. The Helipad will be located within the existing southern parking lot and a condition of approval has been placed requiring written approval of the proposed flight plan from the Clark County Department of Aviation.

The subject site provides 2,061 parking spaces where 1,502 spaces are required with the addition. The provided Handicapped parking detail does not comply with the City of Las Vegas Title 19.10 standard, which requires a five-foot wide loading area to be provided on both sides of the parking aisle, with one zone to be eight feet wide if the space is designated as a van accessible space. A condition of approval has been placed on the Site Development Plan Review requiring the correct handicapped parking standard to be shown at the time of building permit review. Staff supports this requested Site Development Plan Review as the Helipad has been suitably located to reduce the adverse visual and noise impacts and is an ancillary use to the emergency room services provided at this Hospital.

The applicant has proposed modifications to the existing parking lot landscaping and is requesting exceptions to reduce the number of parking islands and the required landscaping within these islands to accommodate air traffic safety. The remaining parking lot islands within 150 feet of the Helipad will be provided with a larger aggregate ground cover and no trees. The existing landscape buffers will remain unchanged, with the exception of additional trees and shrubbery being located at the southeast corner of the site.

Staff recommends approval of the requested Site Development Plan Review for the proposed addition and the relate request for a Special Use Permit for a Helipad use. If denied, the proposed expansion and Helipad use will not be allowed.

FINDINGS (SUP-40552)

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 Helipad use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. The applicant has made efforts to locate the Helipad at grade, and away from residential properties in order to minimize visual and noise disturbances.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   With approval of the accompany in Special Use Permit for the helipad use, the proposed development is consistent with the LI/R (Light Industry Research) General Plan designation, C-PB (Planned Business Park) Zoning requirements and landscape buffer standards. The submitted site plan has received approval from the Las Vegas Technology Center Architectural Review Committee. The proposed Handicapped Parking detail does not comply with the City of Las Vegas Standard Drawing; therefore, a condition has been included to revise the handicap accessible parking spaces to conform to Title 19.

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 multiple driveways along Stella Lane. The proposed Helipad use will generate only negligible amounts of additional traffic for adjacent roadways or neighborhood traffic, as there are not substantial modifications to the existing site.

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 will not compromise the public health, safety, and welfare because the use is ancillary to the established Hospital use and will operate in compliance with applicable business licensing codes.

5. **The use meets all of the applicable conditions per Title 19.04.**

Per Title 19.04, the Minimum Special Use Permit Requirements for the Helipad use mandate that the use be ancillary to an existing Hospital and that prior approval of the flight paths be garnered from the Clark County Department of Aviation. Approval of this application is based upon the demonstration of the ancillary use to an existing Hospital and the condition of approval requiring written proof from the Clark County Department of Aviation demonstrating approval of the proposed flight path.

FINDINGS (SDR-40551)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed single-story, 33,717 square-foot addition to the existing five-story Hospital and ancillary Helipad are compatible with the existing structures and surrounding area. The applicant has received approval from the Las Vegas Technology Center Architectural Review Committee.

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;**

   The proposed development and Helipad are consistent with the LI/R (Light Industry/Research) land use, the C-PB (Planned Business Park) zoning district development standards and the Las Vegas Technology Center Design and Development Standards. An exception to the Title 19.10 Parking Lot Landscaping requirements has been sought to address the reduced landscaping within 150 feet of the Helipad as a matter of public safety.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access is provided from multiple driveways along Stella Lane. The proposed addition will not change the existing site access.

4. **Building and landscape materials are appropriate for the area and for the City;**

There are no proposed changes to the existing perimeter landscape buffers, with the exception of additional landscaping located at the southeast corner of the site. The proposed landscape materials are native to the greater Las Vegas Valley or desert-appropriate species and are of sufficient size and quantity to satisfy Title 19 code requirements.

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;**

   The building materials depicted on the submitted elevation plans show a material finish and color scheme that is consistent in appearance with the existing buildings on-site.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The applicant is required to obtain all necessary building permits and inspections for the proposed addition as required by the Department of Building and Safety to ensure the public health, safety and general welfare are secured. An approved Building Permit and approval from the Federal Aviation Administration prior to initiating flight operations, is required for the proposed Helipad.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 218 (By City Clerk)

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-40552** APN: _____

Name of Property Owner: Sunrise Mountainview Hospital, Inc. dba MountainView Hospital

Name of Applicant: Sunrise Mountainview Hospital, Inc. dba MountainView Hospital

Name of Representative: Littlejohn Engineering Associates (Brad Lipsey)

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: Will Wagnon, CEO

Subscribed and sworn before me

This 17th day of December, 20 10

Chita C. Ugale

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CHITA C. UGALE
No: 03-82370-1
My Appointment Expires May 20, 2011

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PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Review / Special Use Permit

Project Address (Location) 2902 North Tenaya Way

Project Name MountainView Hospital ER/ICU Addition **Proposed Use** Hospital/Helipad

Assessor's Parcel #(s) 138-15-510-005 **Ward #** 1-Tarkanian

General Plan: existing LI/R proposed LI/R **Zoning:** existing C-PB proposed C-PB

Commercial Square Footage 550,939 **Floor Area Ratio** 0.45

Gross Acres 28.02+/- **Lots/Units** 1 **Density**

Additional Information

PROPERTY OWNER Sunrise Mountainview Hospital dba **Contact** J. D. Melchiode

Address 3100 N. Tenaya Way **Phone:** (702) 255-5065 **Fax:** (702) 255-5074

City Las Vegas **State** NV **Zip** 89128

E-mail Address joseph.melchiode@hcahealthcare.com

APPLICANT Sunrise Mountainview Hospital, Inc. dba **Contact** J.D. Melchiode

Address 3100 N. Tenaya Way **Phone:** (702) 255-5065 **Fax:** (702) 255-5074

City Las Vegas **State** NV **Zip** 89128

E-mail Address joseph.melchiode@hcahealtchare.com

REPRESENTATIVE Littlejohn Engineering Associates **Contact** Brad Lipsey

Address 1935 Twenty-First Avenue South **Phone:** (615) 385-4144 **Fax:** (615) 385-4020

City Nashville **State** TN **Zip** 37212

E-mail Address blipsey@leainc.com

Property Owner Signature* Will

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Will Wagnon, CEO

Subscribed and sworn before me

This 17th day of December, 20 10.

Chitta C. Ugale

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CHITTA C. UGALE
No: 03-82370-1
My Appointment Expires May 20, 2011

FOR DEPARTMENT USE ONLY

Case #	SUP-40552
Meeting Date:	2/8/11 PC
Total Fee:	$1,030
Date Received:*	12/21/10
Received By:	

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PLANNING

*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.

Revised 10/27/08

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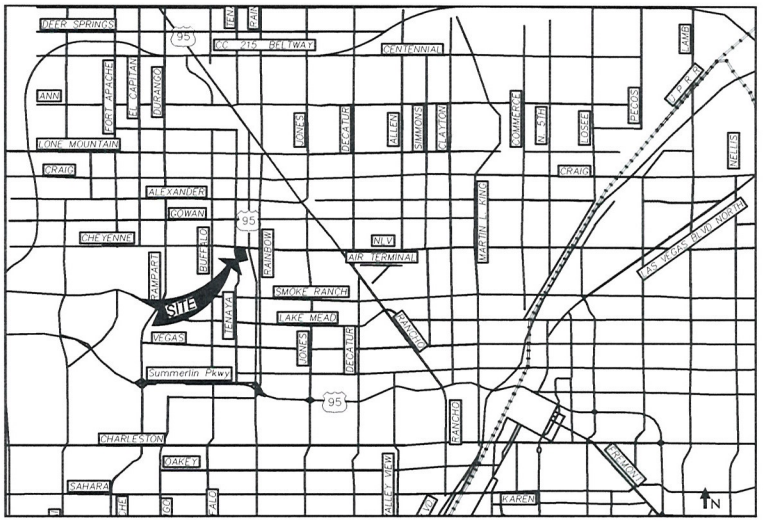
SITE PLAN SUBMITTAL
FOR

MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS

TO BE CONSTRUCTED AT

3100 N TENAYA WAY
LAS VEGAS, NEVADA

NOVEMBER 2010



VICINITY MAP
NOT TO SCALE

HCA REALTY
P.O. BOX 1504
NASHVILLE, TENNESSEE 37202

LITTLEJOHN ENGINEERING ASSOCIATES
1935 21ST AVENUE SOUTH, NASHVILLE, TENNESSEE 37212
T 615.385.4144 F 615.385.4020 WWW.LEAINC.COM

LEA PROJECT IDENTIFICATION #29187

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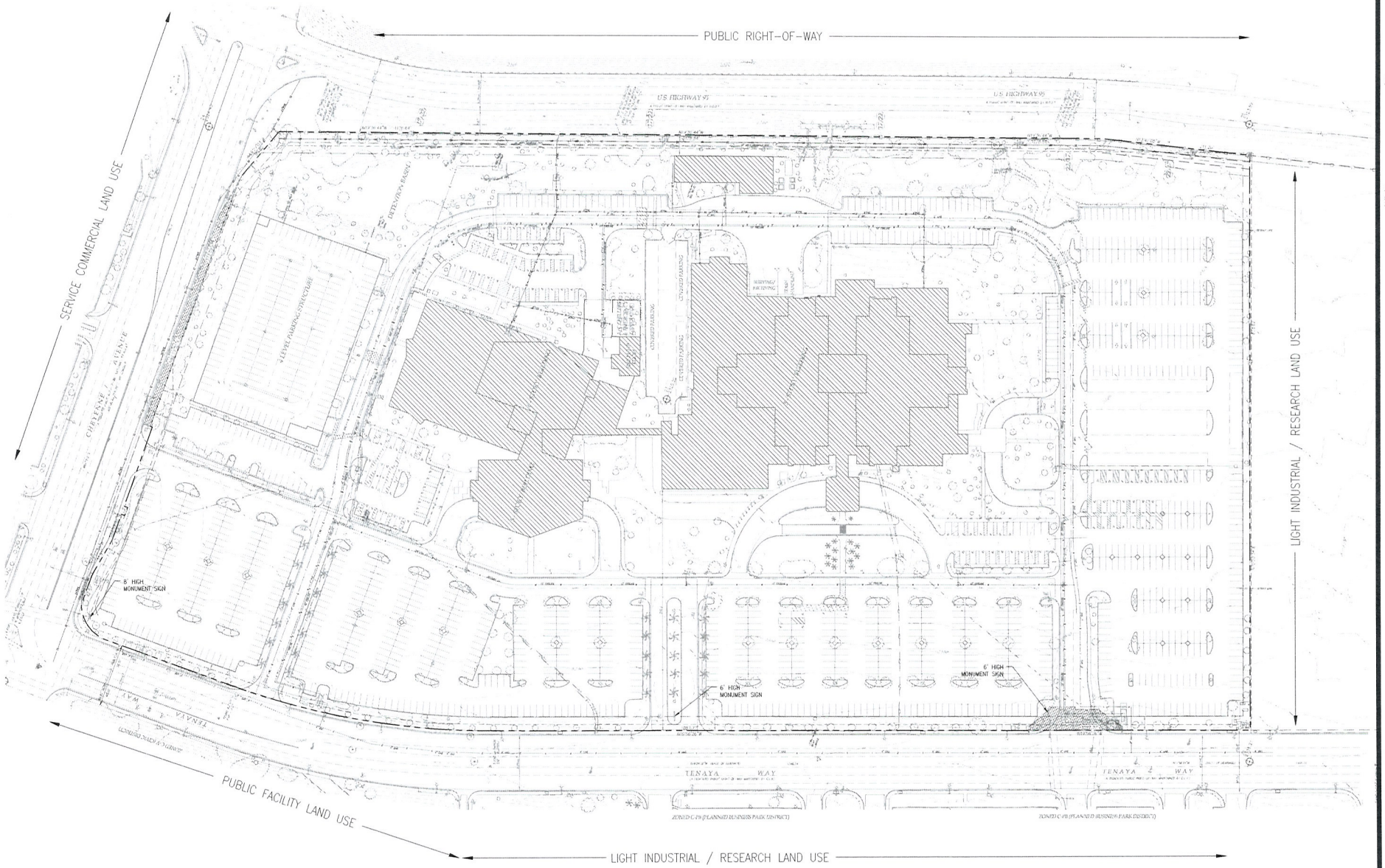
SUP-40552
SDR-40551



MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS
LAS VEGAS, NEVADA

EXISTING CONDITIONS

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT PACKAGE

LITTLEJOHN ENGINEERING ASSOCIATES

Job Number	XXXXXX
Drawn By	Author
Author	Reviewer
Reviewer	Checker
Date	12/09/2010

EXISTING CONDITIONS

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SDR-40551

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Sheet Number
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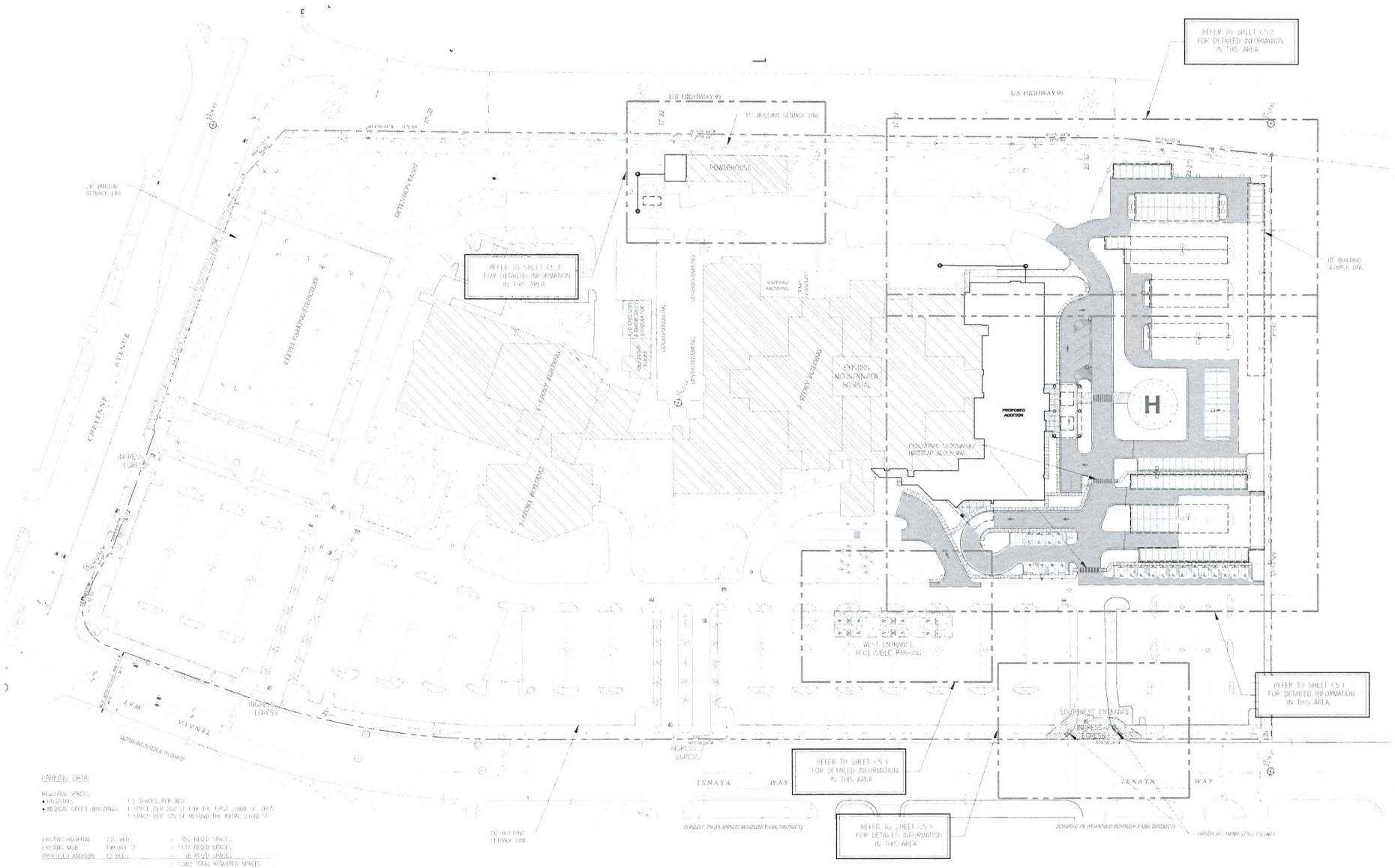

PARKING DATA

REQUIRED SPACES
- HOSPITALS 1.5 SPACES PER BED
- MEDICAL OFFICE BUILDINGS 1 SPACE PER 200 SF FOR THE FIRST 2,000 SF THEN 1 SPACE PER 175 SF BEYOND THE INITIAL 2,000 SF

EXISTING HOSPITAL	235 BEDS	= 353 REQ'D SPACES
EXISTING MOB	198,084 SF	= 1131 REQ'D SPACES
PROPOSED ADDITION	12 BEDS	= 18 REQ'D SPACES
		= 1,502 TOTAL REQUIRED SPACES

EXISTING PARKING

STANDARD	2,028	SPACES
ACCESSIBLE	133	SPACES
	= 2,161	TOTAL EXISTING SPACES

PROPOSED PARKING

STANDARD	1,944	SPACES
ACCESSIBLE	117	SPACES
	= 2,061	TOTAL PROPOSED SPACES

OVERALL SITE LAYOUT PLAN

GRAPHIC SCALE

Job Number XXXXXX
Drawn By
Author
Revisions
Date 12/06/2010
Checked By
Checker

MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS
LAS VEGAS, NEVADA

OVERALL SITE LAYOUT PLAN

NOT FOR CONSTRUCTION

LITTLEJOHN ENGINEERING ASSOCIATES
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Sheet Number C5.0

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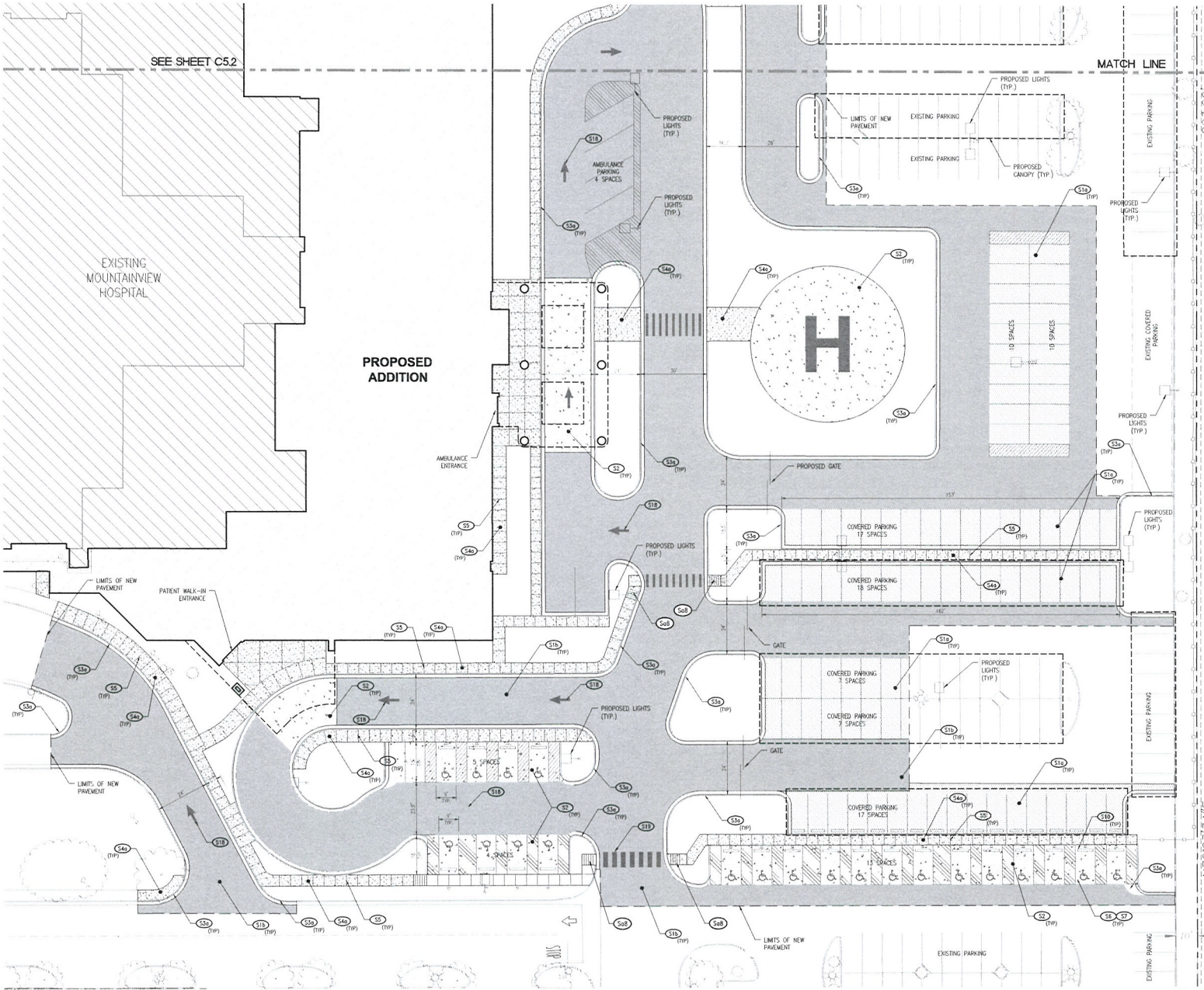

SITE LAYOUT PLAN

SITE LAYOUT KEY NOTE		
CODE	DESCRIPTION	DETAIL REF.
S1a	ASPHALT PAVEMENT LIGHT DUTY	1-C8.0
S1b	ASPHALT PAVEMENT HEAVY DUTY	1-C8.0
S2	CONCRETE PAVEMENT	1-C8.0
S3a	CONCRETE CURB & GUTTER	2-C8.0
S4a	CONCRETE SIDEWALK	6-C8.0
S5	SIDEWALK JOINTS	3-C8.0
S6	ACCESSIBLE SYMBOL	8-C8.0
S7	ACCESSIBLE PARKING AREA	7-C8.0
S8a	ACCESSIBLE RAMP	11-C8.0
S10	CONCRETE WHEEL STOP	5-C8.0
S14	CONCRETE BOLLARD	10-C8.0
S18	DIRECTIONAL ARROW	9-C8.0
S19	PEDESTRIAN CROSSWALK	4-C8.0
S20a	CHAIN LINK FENCE (SPECIFY HEIGHT)	
S23	24" PAINTED STOP BAR	

GENERAL NOTES

1. SEE SHEET 2.0 FOR NOTES.

PROPOSED FEATURES LEGEND:

- ACCESSIBLE PATH
- SETBACKS AND EASEMENTS
- WATER LINE
- HEAVY DUTY ASPHALT PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT

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SUP-40552
SDR-40551

MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS
LAS VEGAS, NEVADA
SITE LAYOUT PLAN

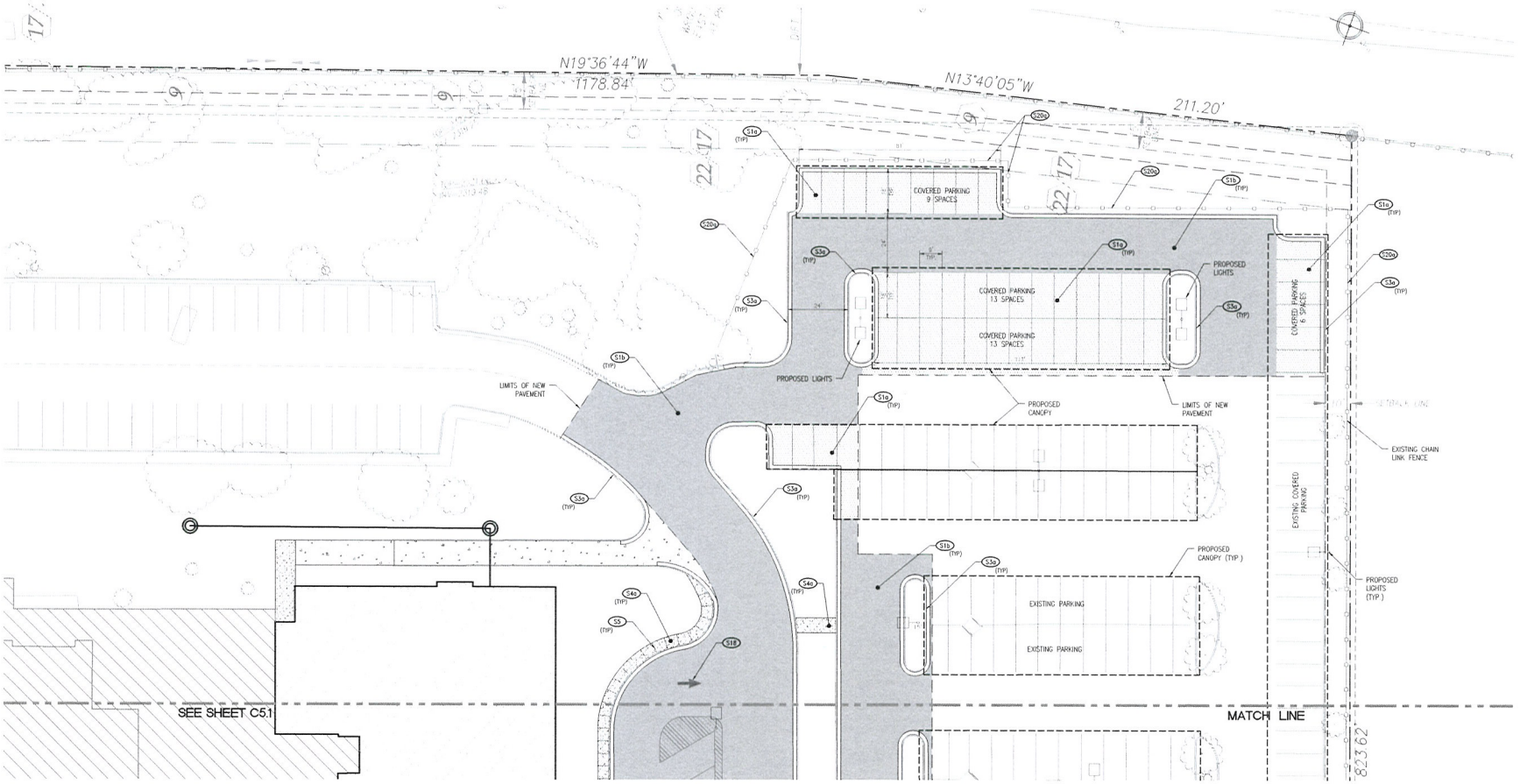
NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT PACKAGE

LITTLEJOHN ENGINEERING ASSOCIATES

Job Number XXXXXX
Drawn By
Author
Revisions
Date 12/09/2010
Checked By
Checker

Sheet Number C5.1



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- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT

GRAPHIC SCALE 0 5 10 15 20 40 60

SITE LAYOUT PLAN

SUP-40552
SDR-40551

RECEIVED
DEC 21 2010

Job Number XXXXXX
Date 12/09/2010
Drawn By Author
Checked By Checker
Revisions

MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS
LAS VEGAS, NEVADA

SITE LAYOUT PLAN

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT PACKAGE

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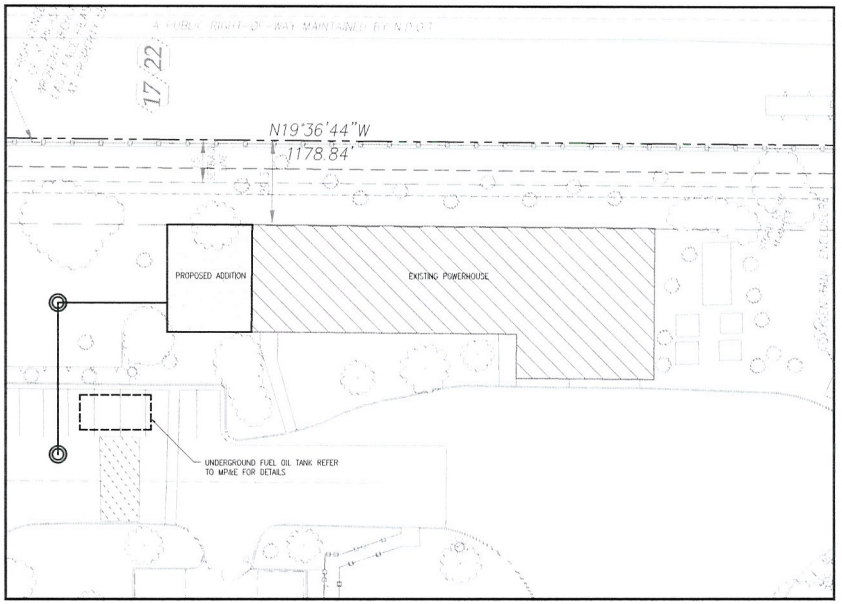
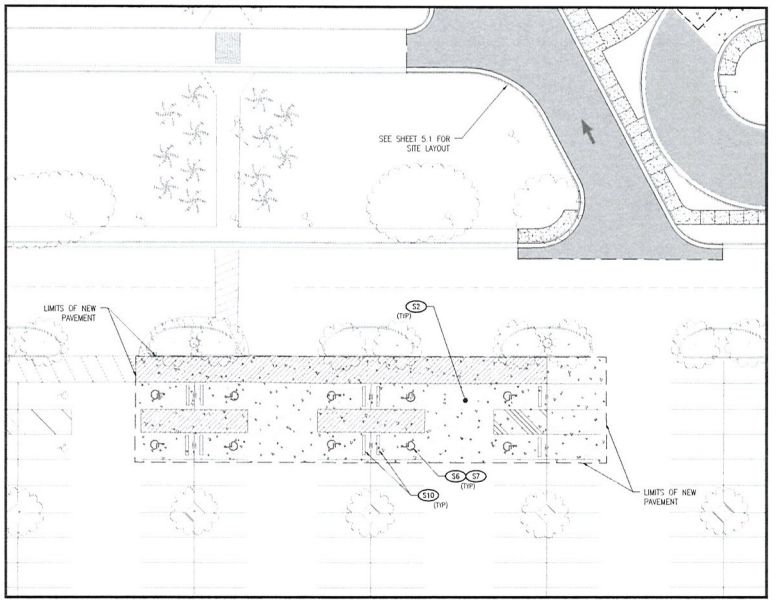
T 615.329.9555 F 615.329.9559 WWW.LJAINC.COM

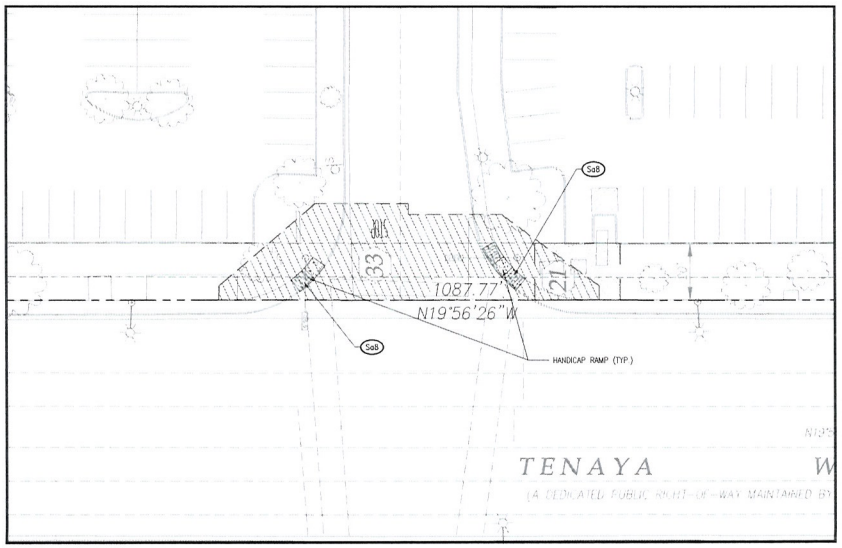
Sheet Number C5.2



POWER HOUSE



WEST ENTRANCE ACCESSIBLE PARKING



SOUTHWEST ENTRANCE

SITE LAYOUT KEY NOTE		
CODE	DESCRIPTION	DETAIL REF.
S1a	ASPHALT PAVEMENT LIGHT DUTY	1-C8.0
S1b	ASPHALT PAVEMENT HEAVY DUTY	1-C8.0
S2	CONCRETE PAVEMENT	1-C8.0
S3a	CONCRETE CURB & GUTTER	2-C8.0
S4a	CONCRETE SIDEWALK	6-C8.0
S5	SIDEWALK JOINTS	3-C8.0
S6	ACCESSIBLE SYMBOL	8-C8.0
S7	ACCESSIBLE PARKING AREA	7-C8.0
S8a	ACCESSIBLE RAMP	11-C8.0
S10	CONCRETE WHEEL STOP	5-C8.0
S14	CONCRETE BOLLARD	10-C8.0
S18	DIRECTIONAL ARROW	9-C8.0
S19	PEDESTRIAN CROSSWALK	4-C8.0
N20a	CHAIN LINK FENCE (SPECIFY HEIGHT)	
S23	24" PAINTED STOP BAR	

GENERAL NOTES

1. SEE SHEET 2.0 FOR NOTES

PROPOSED FEATURES LEGEND:

- ACCESSIBLE PATH
- SETBACKS AND EASEMENTS
- WATER LINE
- HEAVY DUTY ASPHALT PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT

0 5 10 15 20 40 60
GRAPHIC SCALE

SITE LAYOUT PLAN

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LAS VEGAS, NEVADA
SITE LAYOUT PLAN

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DESIGN DEVELOPMENT PACKAGE

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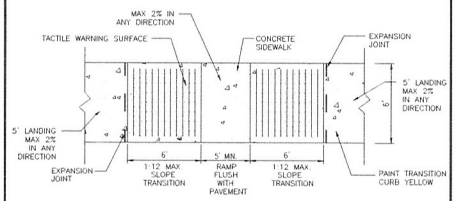
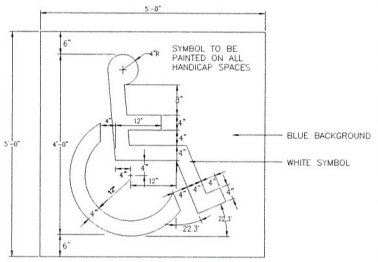


11 ACCESSIBLE RAMP
NOT TO SCALE



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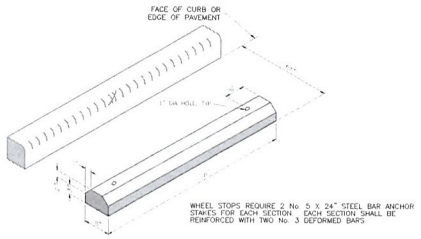

5 PRECAST CONCRETE WHEELSTOP
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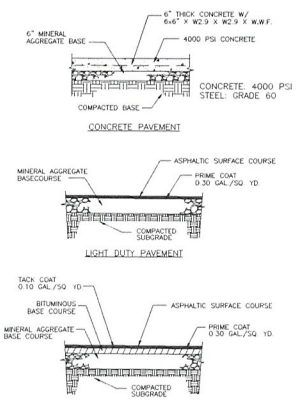

1 PAVEMENT SECTION
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12 RESERVED
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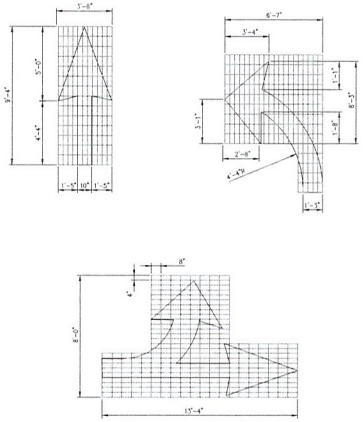

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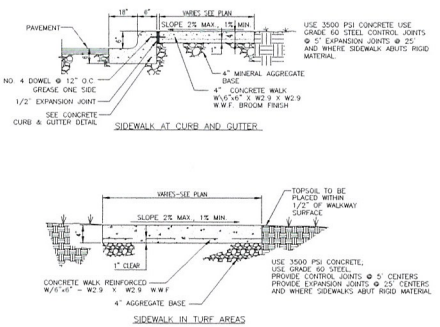

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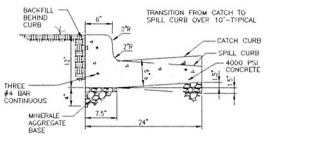
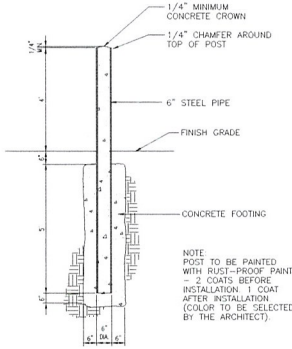


2 CONCRETE CURB AND GUTTER
NOT TO SCALE

13 RESERVED
NOT TO SCALE



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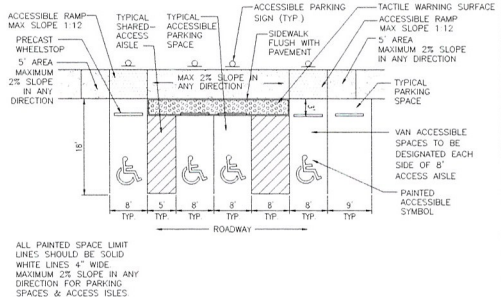

7 ACCESSIBLE PARKING DETAILS
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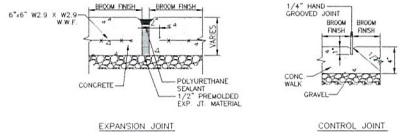

3 SIDEWALK JOINTS
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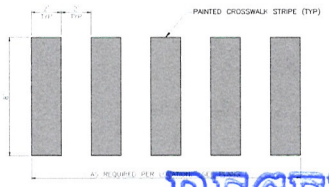

4 PAINTED PEDESTRIAN CROSSWALK
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Author
Checker
Revisions

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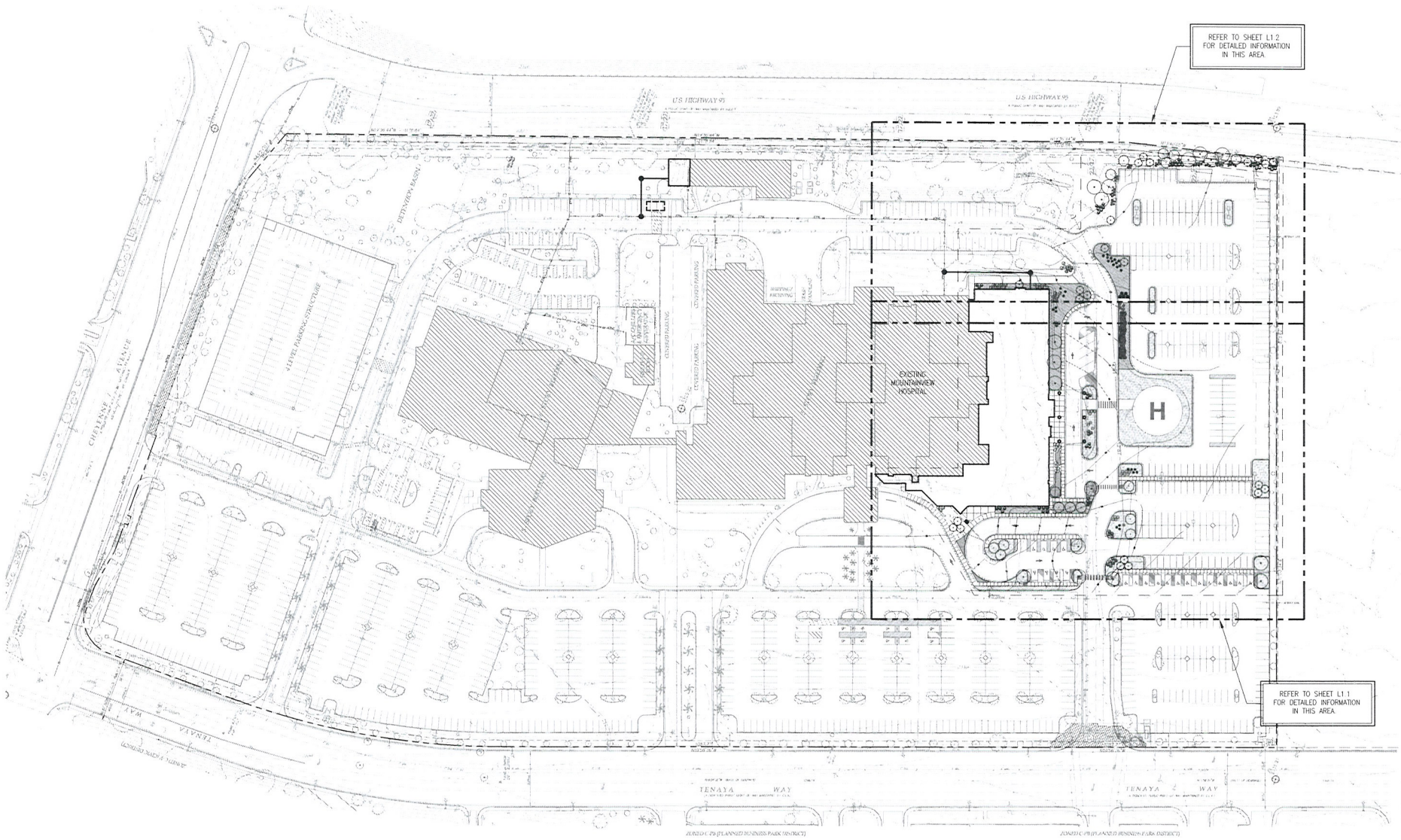

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LAS VEGAS, NEVADA

LANDSCAPE PLAN

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CIVIL
No. 13136

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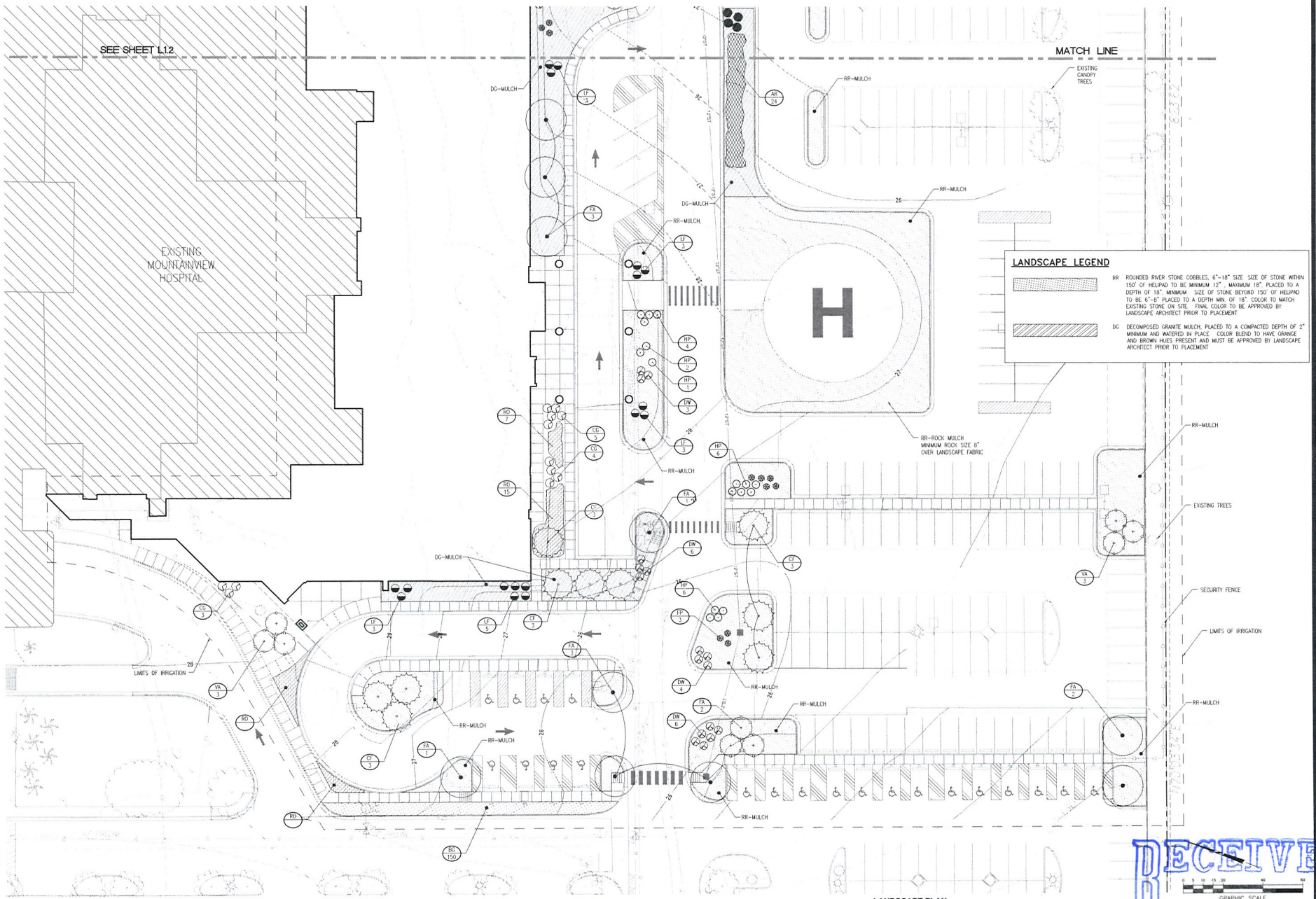

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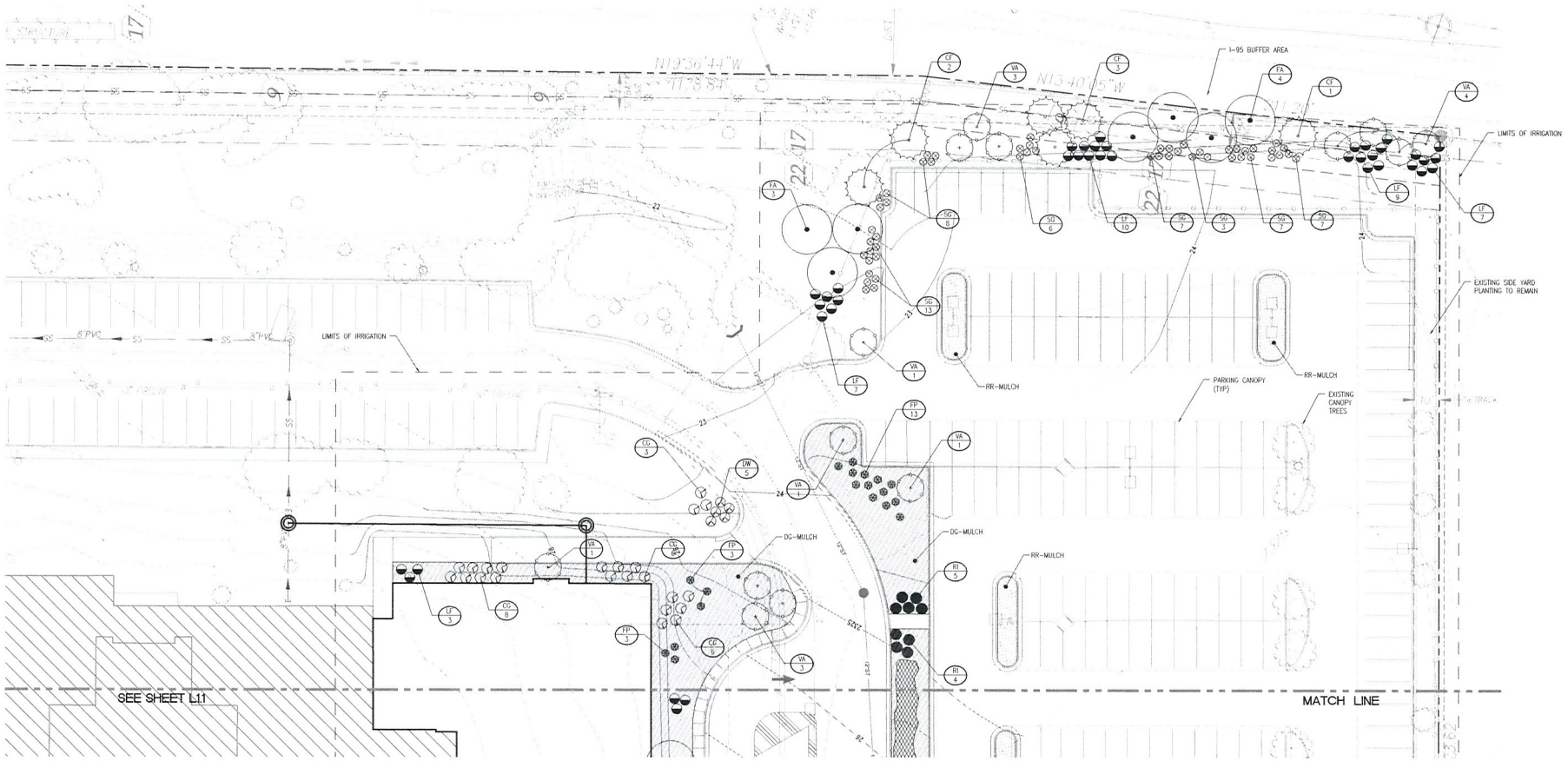

PLANT LIST

Abr	Qty	Unit	Botanical Name	Common Name	Caliper	Height	Spread	Cont. Size/ Ball Diam.	Spacing O.C.	Comments
			TREES							
CF	18		Cercidium floridum	Blue Palo Verde		10-12'		24' box		Full; Symmetrical branching
CG	35		Carnegiea gigantea	Saguaro		6'				
FA	19	ea.	Fraxinus velutina 'Modesto'	Arizona Ash		13-15'		24" box min.		Straight trunk to 6'; Matched; Full canopy
VA	20	ea.	Vitex angus-castus	Chaste Tree		7-8'		20-22"		Tree form; Multi-trunk, 1" min. cal/trunk
			SHRUBS							
SG	51		SALVIA GREGGI	AUTUMN SAGE		2'-6"		#7 CONT.		
DW	24		DASYLIRION WHEELERI	DESERT SPOON		2'-6"		#7 CONT.		
LF	53		LEUCOLPHYLLUM FRUT. "GREENCLOUD"	GREENCLOUD SAGE		2'-6"		#5 CONT.		
HP	19		HESPERALOE PARVIFLORA	RED YUCCA		2'-6"		#5 CONT.		
RI	9		RAPHIOLEPSIA INDICA	INDIAN HAWTHORNE				#5 CONT.		
AR	24		ACACIA REDOLENS	CREEPING ACACIA				#1 CONT.		
FP			FALLIGIA PARADOXA	APACHE PLUME		2'-0"		#7 CONT.	5'-0"	
RO			ROSEMARINUS OFFICIANALIS PROSTRATA	CREEPING ROSEMARY				#3 CONT.	3'-6"	
			ORNAMENTAL GRASSES							
BG			BOUTELOUA GRACILIS HATCHITA	BLUE GRAMA				#1 CONT.	1'-6"	

LANDSCAPE LEGEND

RR — ROUNDED RIVER STONE COBBLES, 8"-18" SIZE. SIZE OF STONE WITHIN 150' OF HELIPAD TO BE MINIMUM 12" , MAXIMUM 18", PLACED TO A DEPTH OF 18", MINIMUM. SIZE OF STONE BEYOND 150' OF HELIPAD TO BE 6"-12" STONE, PLACED TO A MIN. DEPTH OF 18" MIN. COLOR TO MATCH EXISTING STONE ON SITE. FINAL COLOR TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT

DG — DECOMPOSED GRANITE MULCH, PLACED TO A COMPACTED DEPTH OF 2" MINIMUM AND WATERED IN PLACE. COLOR BLEND TO HAVE ORANGE AND BROWN HUES PRESENT AND MUST BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT

IRRIGATION NOTES:

1. PROPOSED LANDSCAPE AREAS ARE TO UTILIZE EXISTING IRRIGATION SYSTEM.
2. SYSTEM TO BE MODIFIED TO PROVIDE ADEQUATE COVERAGE FOR ALL PLANT MATERIAL.
3. SPRAY NOZZLES TO BE POSITIONED SO AS NOT TO OVERSPRAY PEDESTRIAN AND VEHICLE AREAS.
4. ALL LANDSCAPING AREAS TO RECEIVE ROCK MULCH TO MATCH EXISTING.

I-95 BUFFER REQUIREMENT:
1 TREE PER 400 S.F. OF BUFFER
1 SHRUB PER 100 S.F. OF BUFFER

BUFFER AREA:	8400 S.F.
TREES PROVIDED:	21
SHRUBS PROVIDED:	85

GRAPHIC SCALE: 0 5 10 15 20 40 60

LANDSCAPE PLAN

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LAS VEGAS, NEVADA
LANDSCAPE PLAN

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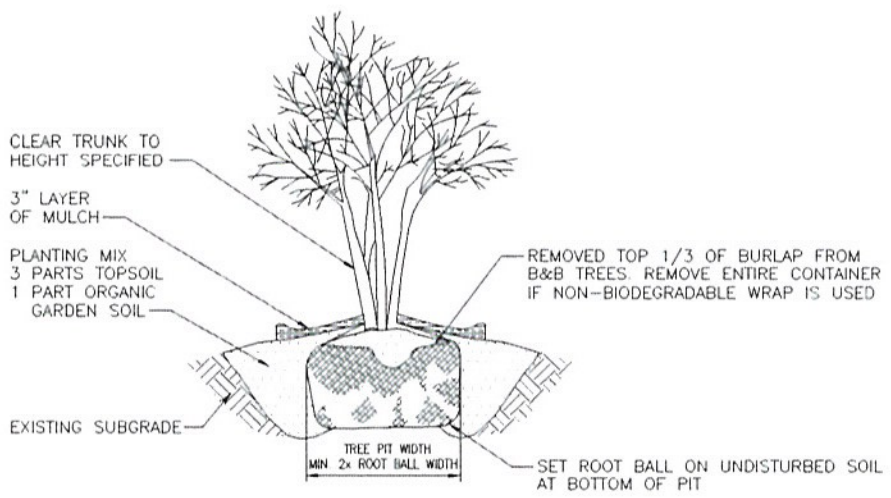


6

MULTI-TRUNK PLANTING

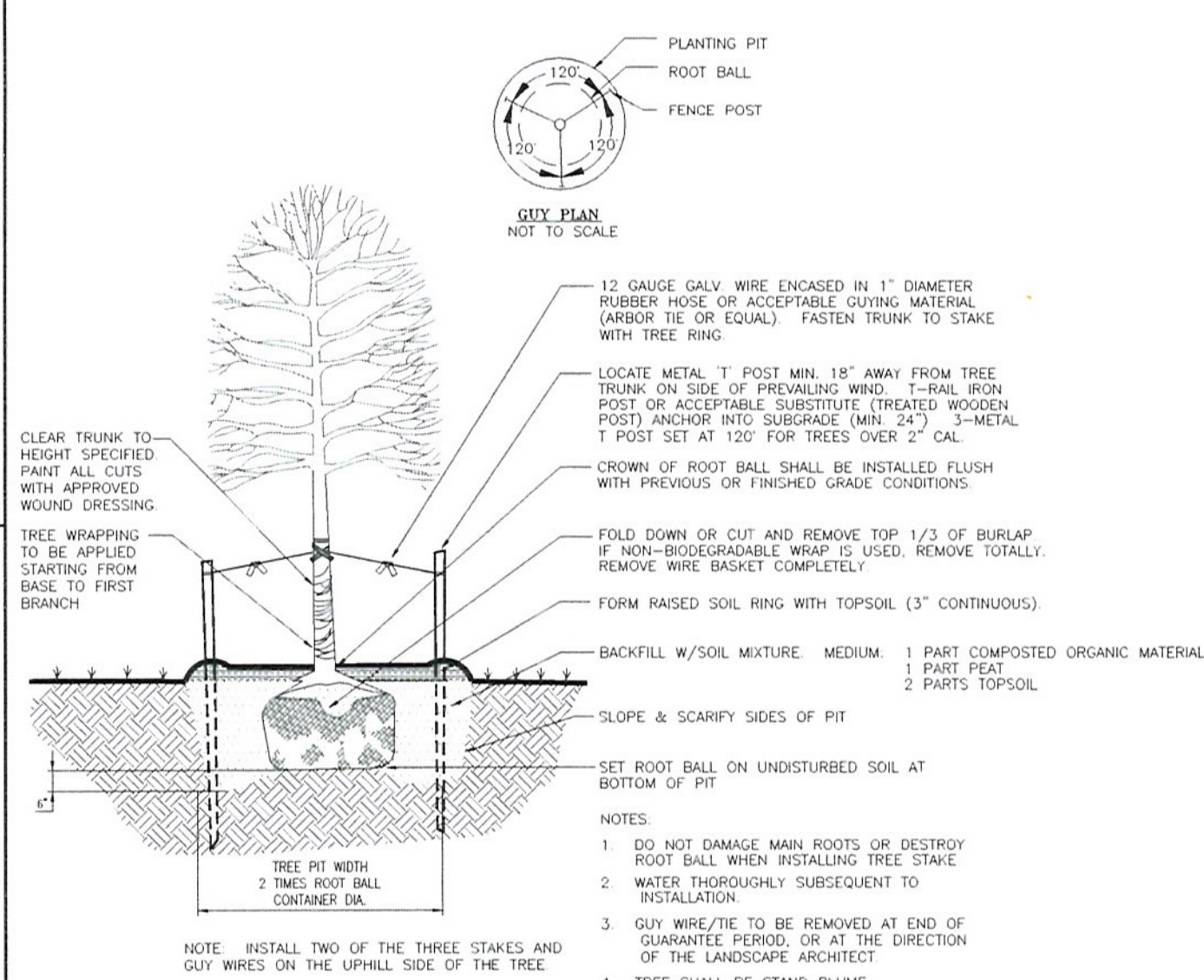
NOT TO SCALE

PLANTING NOTES

1. BASE INFORMATION WAS TAKEN FROM A SURVEY PREPARED BY L.R. NELSON CONSULTING ENGINEERS, INC. DATED NOVEMBER 15,2010. LITTLEJOHN ENGINEERING ASSOCIATES AND ANY OF THEIR CONSULTANTS SHALL NOT BE HELD RESPONSIBLE FOR THE ACCURACY AND/OR COMPLETENESS OF THAT INFORMATION SHOWN HEREON OR ANY ERRORS OR OMISSIONS RESULTING FROM SUCH.
2. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO CONFIRM ALL MATERIAL QUANTITIES. IN THE EVENT OF A DISCREPANCY, THE QUANTITIES SHOWN ON THE PLAN SHALL TAKE PRECEDENCE OVER THE MATERIAL SCHEDULE
3. NO SUBSTITUTIONS AS TO TYPE, SIZE, OR SPACING OF PLANT MATERIALS SPECIFIED ON THIS PLAN MAY BE MADE WITHOUT THE APPROVAL OF THE OWNER'S REPRESENTATIVE.
4. THE CONTRACTOR IS TO VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN, REPAIR ANY DAMAGE ACCORDING TO LOCAL STANDARDS AND AT CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY
5. ALL PLANTING BEDS TO RECEIVE STONE MULCH OR APPROVED EQUIVALENT. MULCH TO BE INSTALLED TO 3" DEPTH UNLESS OTHERWISE INDICATED ON THE PLANTING DETAILS.
6. NEW TREE PLANTINGS TO BE STAKED PER PLANTING DETAILS
7. DIMENSIONS LISTED FOR HEIGHTS, SPREAD AND TRUNK SPECIFICATIONS ON THE PLANT MATERIAL SCHEDULE ARE GENERAL GUIDE FOR THE MINIMUM REQUIRED SIZE OF EACH PLANT.
8. PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IMMEDIATELY PRIOR TO PLACEMENT OF MULCH FOR WEED CONTROL.
9. ALL DISTURBED AREAS OF THE SITE ARE TO BE SODDED IN ACCORDANCE WITH THE SPECIFICATIONS, UNLESS OTHERWISE NOTED.
10. NO EXCAVATION OR PLANTING PIT SHALL BE LEFT OPEN OVERNIGHT.
11. THE LANDSCAPE CONTRACTOR SHALL OBTAIN ANY NECESSARY PERMITS, LICENSES, ETC. AND SHALL GIVE ALL NOTICES AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, CODES, RULES AND REGULATIONS DURING THE COURSE OF THE INSTALLATION OF THIS PROJECT.
12. ALL PLANT MATERIALS TO BE NURSERY GROWN AND TO COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK FOR SIZE AND QUALITY.
13. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIAL OR ANY DEFECTIVE WORKMANSHIP.
14. ALL PLANTS SHALL HAVE A WELL-FORMED HEAD WITH MINIMUM CALIPER, HEIGHT AND SPREAD OF THE SIDE BRANCHES AS SHOWN ON THE PLANT LIST. TRUNKS SHALL BE UNDAMAGED AND SHAPE SHALL BE TYPICAL OF THE SPECIES.
15. MEASUREMENT OF CONIFER HEIGHT SHALL INCLUDE NOT MORE THAN FIFTY PERCENT (50%) OF THIS YEARS VERTICAL GROWTH (TOP CANDLE).
16. THE LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR STAKING AND LAYOUT OF PLANTINGS ON THIS PROJECT. THE LANDSCAPE ARCHITECT OR OWNER SHALL BE ADVISED WHEN STAKES ARE READY FOR INSPECTION ON VARIOUS PLANTING AREAS. ALL LAYOUT WORK SHALL BE INSPECTED AND APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER PRIOR TO OPENING ANY PLANT PITS.
17. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO VERIFY THAT EACH EXCAVATED TREE OR SHRUB PIT WILL PERCOLATE (DRAIN) PRIOR TO ADDING TOPSOIL AND INSTALLING TREES OR SHRUBS. THE CONTRACTOR SHALL FILL THE BOTTOM OF SELECTED HOLES WITH SIX INCHES OF WATER. THIS WATER SHOULD PERCOLATE OUT WITHIN A 24-HOUR PERIOD. THE OWNER OR LANDSCAPE ARCHITECT SHALL VERIFY ACCURACY AND EFFECT OF PERCOLATION TESTING. IF THE SOIL AT A GIVEN AREA DOES NOT DRAIN PROPERLY, A PVC DRAIN OR GRAVEL SUMP SHALL BE INSTALLED OR THE PLANTING RELOCATED.
18. SHOULD THE LANDSCAPE CONTRACTOR ENCOUNTER UNSATISFACTORY SURFACE OR OTHER SUBSURFACE DRAINAGE CONDITIONS, SOIL DEPTH, LATENT SOILS, HARD PAN, STEAM OF OTHER UTILITY LINES OR OTHER CONDITIONS THAT WILL JEOPARDIZE THE HEALTH AND VIGOR OF THE PLANTS, HE MUST ADVISE THE LANDSCAPE ARCHITECT IN WRITING OF THE CONDITIONS PRIOR TO INSTALLING THE PLANTS, OTHERWISE THE LANDSCAPE CONTRACTOR WARRANTS THAT THE PLANTING AREAS ARE SUITABLE PROPER GROWTH AND DEVELOPMENT OF THE PLANTS TO BE INSTALLED
19. NO MATERIAL SHALL BE PLANTED BEFORE FINISH GRADING HAS BEEN COMPLETED
20. EXISTING TREES TO BE PRESERVED ARE TO BE BARRICADED BEFORE BEGINNING CONSTRUCTION. IN ACCORDANCE WITH THE TREE PRESERVATION NOTES AND DETAILS ON THE LANDSCAPE PLAN.
21. SELECTIVE CLEARING CONSISTING OF REMOVAL OF VINES, SAPLINGS UNDER 1" DIAMETER AND UNDERBRUSH SHALL BE PERFORMED IN TREE PRESERVATION AREAS INTERNAL TO THE PROJECT AND NOTED ON PLANS.
22. ALL BEDS ARE TO BE TILLED TO A DEPTH OF 8" WITH THE ADDITION OF: (25#) 10-10-10 FERTILIZER PER 1000 SQ. FT. ALL ADDITIONS ARE TO BE SPREAD AND TILLED INTO THE SOIL UNIFORMLY.
23. CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT WHEN THE PLANT MATERIALS ARE AVAILABLE AT THE JOB SITE FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION

IRRIGATION NOTES

1. LANDSCAPE CONTRACTOR TO PROVIDE DRIP IRRIGATION SYSTEM ON A DESIGN/ BUILD ARRANGEMENT FOR AREAS NOTED ON THE PLAN. CONTRACTOR TO PREPARE DESIGN DRAWINGS IN ACCORDANCE WITH PERFORMANCE SPECIFICATIONS CONTAINED IN THE PROJECT MANUAL AND SUBMIT SAME FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO CONFIRM ADEQUATE PRESSURE EXISTS TO OPERATE SYSTEM PRIOR TO INSTALLATION
3. IRRIGATION SPRINKLER HEADS SHALL BE MANUFACTURED BY EITHER TORO OR RAINBIRD. IRRIGATION CONTROLLER SHALL BE TORO VISION II MODEL OR APPROVED EQUIVALENT.
4. MAIN LINE TO BE CLASS 200 PVC PIPE. LATERAL LINES TO BE CLASS 150 PVC.
5. IRRIGATION SYSTEM TO BE OPERATIONAL BEFORE PLANTING MATERIALS MAY BE INSTALLED IN PLANTING BEDS.
6. INSTALL SPRINKLER HEADS ACCORDING TO MANUFACTURERS SPECIFICATIONS. FLUSH ALL LINES BEFORE INSTALLING NOZZLES.
7. WIRE CONNECTIONS TO BE MADE BY USING RAINBIRD MODEL ST-103/PT-ST SNAP-TITE CONNECTIONS.
8. LEAVE 18 INCHES OF ADDITIONAL WIRE AT EACH VALVE LOCATION. ROLL WIRE INTO COIL AT EACH LOCATION.
9. ALL VALVES SHALL BE LOCATED IN AMATEX 10 INCH CIRCULAR VALVE BOXES WITH COVER, OR EQUAL.
10. IRRIGATION CONTRACTOR TO COORDINATE PLACEMENT OF REQUIRED SLEEVES WITH GENERAL CONTRACTOR PRIOR TO PAVING AND CONCRETE INSTALLATION BEING COMPLETED
11. CONTRACTOR SHALL ADJUST IRRIGATION SYSTEM TO DIRECT WATER AWAY FROM THE BUILDING



NOTE: INSTALL TWO OF THE THREE STAKES AND GUY WIRES ON THE UPHILL SIDE OF THE TREE.

NOTES:

1. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE STAKE
2. WATER THOROUGHLY SUBSEQUENT TO INSTALLATION.
3. GUY WIRE/TIE TO BE REMOVED AT END OF GUARANTEE PERIOD, OR AT THE DIRECTION OF THE LANDSCAPE ARCHITECT
4. TREE SHALL BE STAND PLUME.

4

TREE PLANTING

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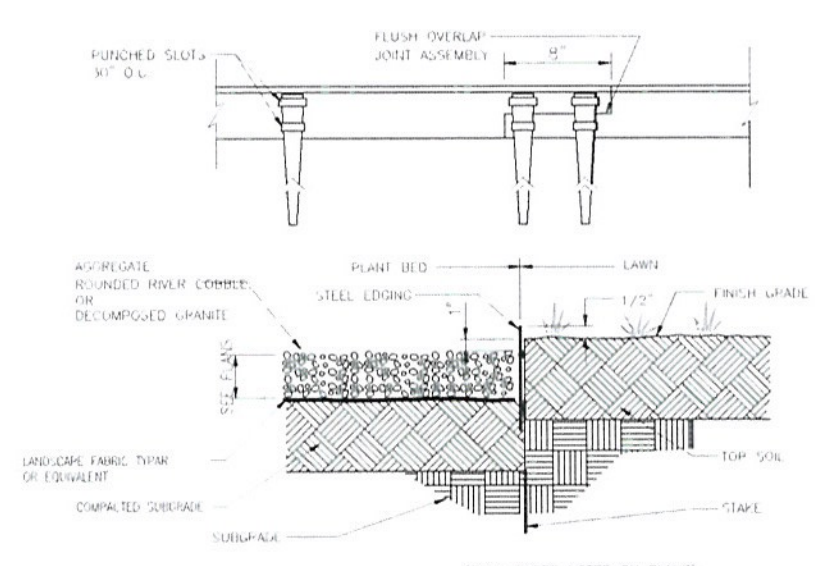


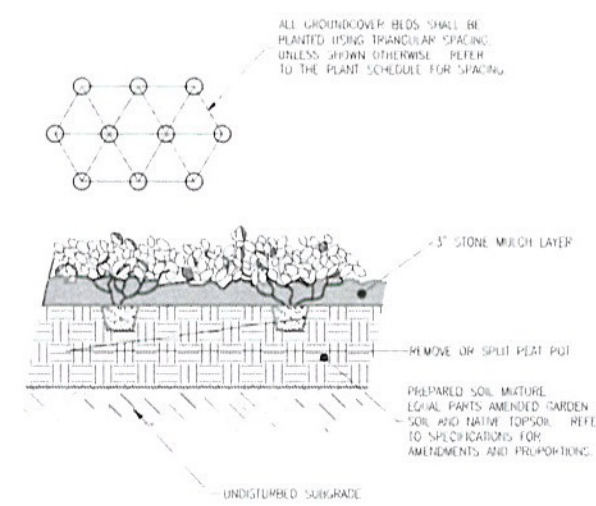
GRAVEL AREAS:

1. CONTRACTOR SHALL REMOVE AND ERADICATE ALL EXISTING GRASSES AND WEEDS IN ALL BED AREAS USING STATE APPROVED HERBICIDES AND METHODS
2. SUB-GRADES SHALL BE THOROUGHLY COMPACTED PRIOR TO APPLICATION
3. CONTRACTOR SHALL SUBMIT A SAMPLE OF THE SPECIFIED AGGREGATE TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION
4. GRAVEL SHALL BE SPREAD TO A MINIMUM DEPTH OF 4" THICK, RAKED, DAMPENED, ROLLED, AND BROOMED TO AN EVEN FINISH
5. AGGREGATE SHALL BE RINSED THOROUGHLY TO REMOVE DEBRIS
6. CONTRACTOR SHALL APPLY PRE-EMERGENT TO WEED-FREE GRAVEL AREAS.

5

RIVERSTONE BEDS AND STEEL BED EDGER

NOT TO SCALE



1

GROUNDCOVER PLANTING

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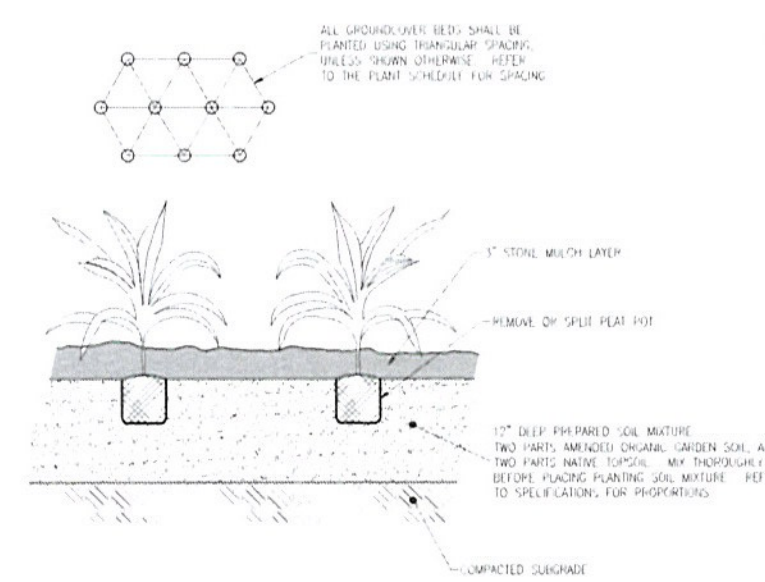
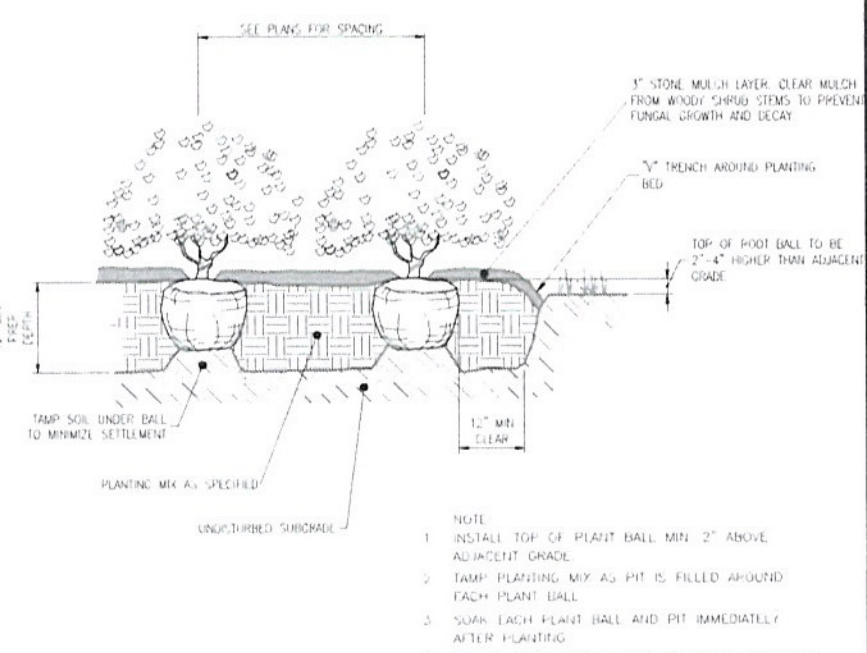


2

PERENNIAL PLANTING

NOT TO SCALE



NOTE:

1. INSTALL TOP OF PLANT BALL MIN. 2" ABOVE ADJACENT GRADE.
2. TAMP PLANTING MIX AS PIT IS FILLED AROUND EACH PLANT BALL
3. SOAK EACH PLANT BALL AND PIT IMMEDIATELY AFTER PLANTING
4. SCARIFY ROOT BALL IF ROOT-BOUND IN CONTAINER

3

SHRUB PLANTING

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Job Number XXXXXX
Drawn By Author
Checked By Checker
Date 12/06/2010
Revisions

MOUNTAIN VIEW HOSPITAL
ER/ICU ADDITION & RENOVATIONS

LAS VEGAS, NEVADA

LANDSCAPE DETAILS

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DESIGN DEVELOPMENT PACKAGE

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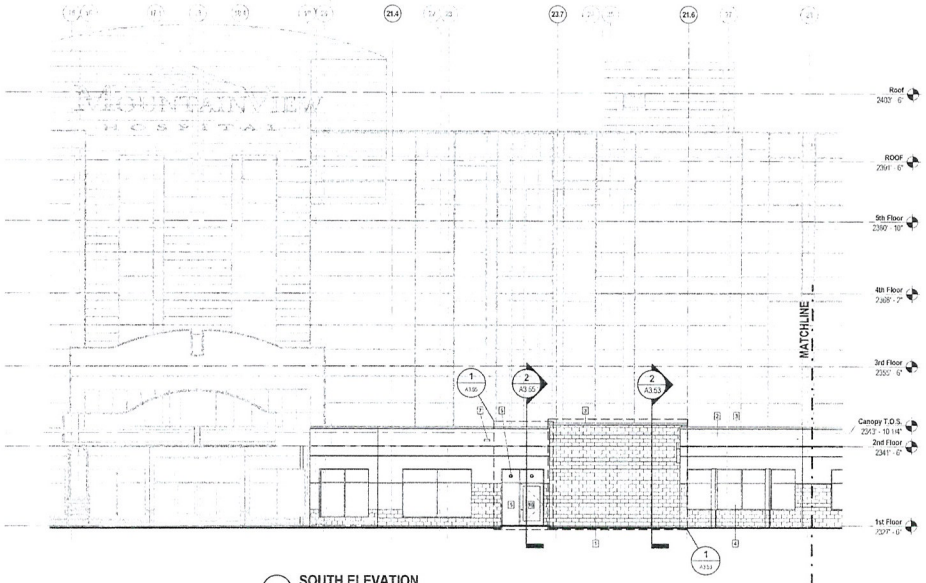
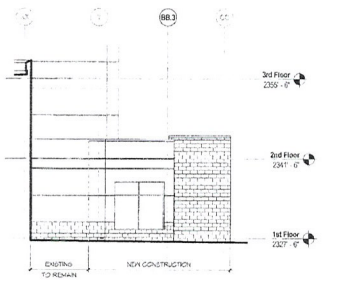


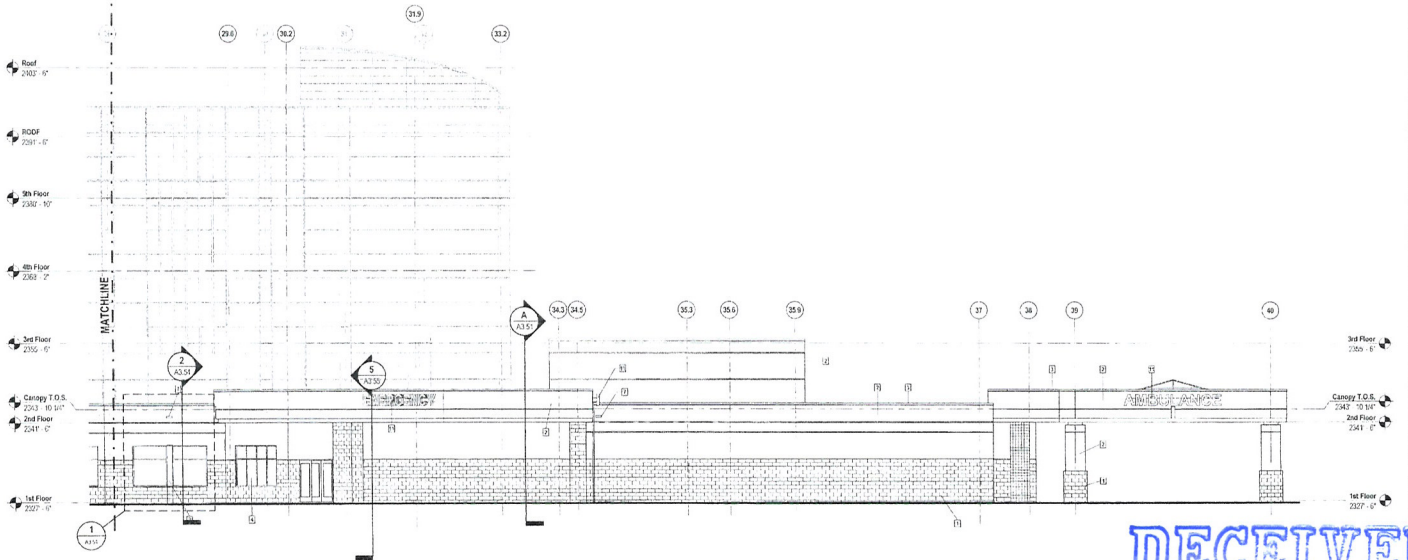
1 SOUTH ELEVATION



3 WEST ELEVATION

ELEVATION KEYNOTES

Key Value	Keynote Text
1	ARRISCRAFT STONE, - SEE DETAILS FOR SIZES AND PROFILES, COLOR TO MATCH EXISTING
2	E.I.F.S. - COLOR TO MATCH EXISTING
3	ALL SCREEN AND PARAPET WALLS ARE TO BE CAPPED WITH A CONTINUOUS METAL COPING REFER TO WALL SECTIONS AND DETAILS FOR LOCATIONS. COLOR IS TO BE SELECTED BY THE ARCHITECT
4	ALUMINUM STOREFRONT SYSTEM WITH INSULATED GLAZING, SEE WALL SECTIONS & SPECS.
5	ALUMINUM CURTAINWALL SYSTEM WITH INSULATED GLAZING, SEE WALL SECTIONS & SPECS.
6	SPANDREL GLAZING INDICATED WITH DOT AS SHOWN
7	FINAL LOCATION OF ROOF SCUPPER IS TO BE COORDINATED WITH EXTERIOR FINISH SYSTEM. REFER TO ROOF PLAN AND DETAILS FOR MORE DETAILED INFORMATION
9	ALL EXTERIOR HOLLOW METAL DOORS AND FRAMES ARE TO BE PAINTED TO MATCH THE FINISH COLOR OF THE ADJACENT EXTERIOR WALL UNLESS NOTED OTHERWISE
10	ALL EXTERIOR PACKAGE DOORS AND STOREFRONT DOORS ARE TO BE PREFINISHED TO MATCH THE COLOR OF ANY ADJACENT WINDOW SYSTEMS WHERE APPLICABLE. REFER TO DOOR SCHEDULE AND SPECIFICATIONS FOR MORE DETAILED INFORMATION REGARDING EXTERIOR DOORS
11	ALL EXTERIOR SIGNAGE SHOWN IN ELEVATION IS STRICTLY FOR REFERENCE PURPOSES ONLY. REFER TO SHEET F??? FOR MORE DETAILED INFORMATION REGARDING EXTERIOR SIGNAGE. CENTERLINE OF SIGNAGE ON CANOPIES SHALL ALIGN WITH CENTERLINE OF DRIVE PAVEMENT BELOW.



2 SOUTH ELEVATION

MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

EXTERIOR ELEVATIONS

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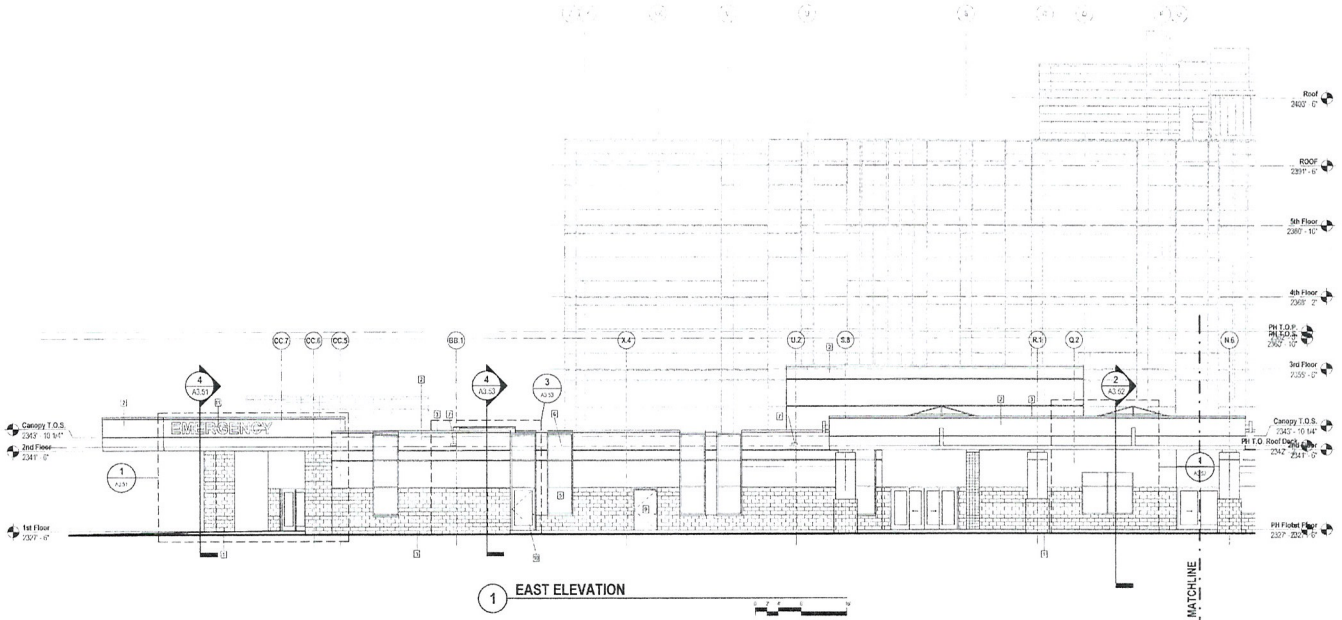
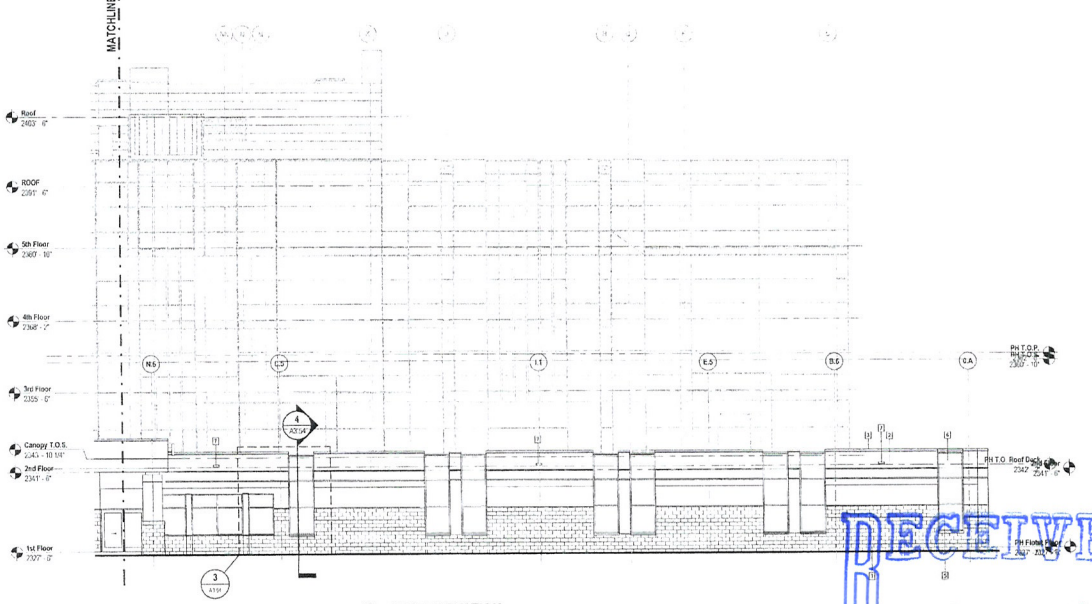


1 EAST ELEVATION



2 EAST ELEVATION

ELEVATION KEYNOTES

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CE SDT
Reviewed

Date
12-6-2010
Checked By
JB

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MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS
and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

EXTERIOR ELEVATIONS

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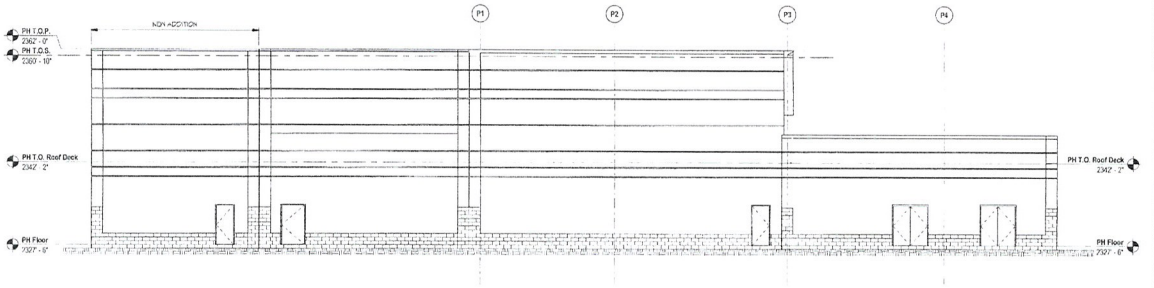
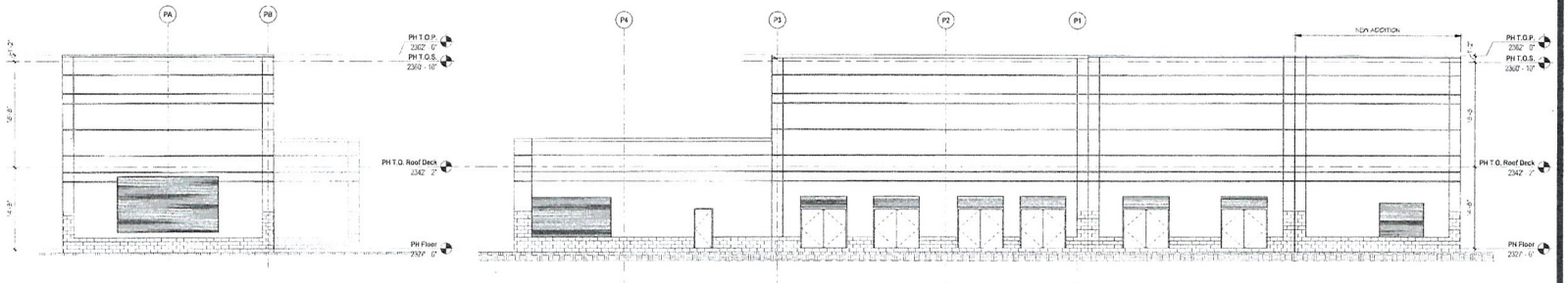


5 POWER HOUSE - SOUTH ELEVATION



3 POWER HOUSE - WEST ELEVATION

4 POWER HOUSE - NORTH ELEVATION

ELEVATION KEYNOTES

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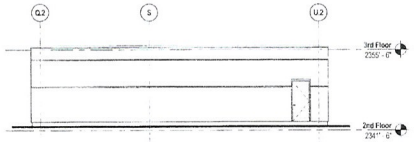

2 WEST ELEVATION - PENTHOUSE

1 NORTH ELEVATION

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and FOURTH FLOOR INTERIOR RENOVATIONS
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EXTERIOR ELEVATIONS

ESa Architects
Job Number 21131.00
Drawn By
Checked By
CB, SJ
Revisions
Date 12-6-2010
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WALL LEGEND

	EXISTING NON-RATED PARTITION TO DECK
	EXISTING SMOKE PARTITION TO DECK
	EXISTING 1 HOUR FIRE BARRIER
	EXISTING 1 HOUR FIRE + SMOKE BARRIER
	EXISTING 2 HOUR FIRE BARRIER
	EXISTING 2 HOUR FIRE + SMOKE BARRIER
	EXISTING 2-HOUR RATED SHAFT WALL BARRIER
	NON-RATED PARTITION TO 4" ABOVE CEILING
	NON-RATED PARTITION TO DECK
	SMOKE PARTITION TO DECK
	1 HOUR FIRE BARRIER
	1 HOUR FIRE + SMOKE BARRIER
	1 HOUR RATED SHAFT WALL BARRIER
	2 HOUR FIRE BARRIER
	2 HOUR FIRE + SMOKE BARRIER
	2 HOUR RATED SHAFT WALL BARRIER

CODE - Paths of Travel Distances

PATH OF TRAVEL NAME	PATH TYPE	DISTANCE
PATH OF TRAVEL TO EXIT 2(1)	Path of Travel to Exit	154'-8"
PATH OF TRAVEL TO EXIT 2(2)	Path of Travel to Exit	119'-0"
PATH OF TRAVEL TO EXIT 3	Path of Travel to Exit	157'-0"
PATH OF TRAVEL TO EXIT 4	Path of Travel to Exit	160'-0"
PATH OF TRAVEL TO EXIT 4(2)	Path of Travel to Exit	73'-0"
PATH OF TRAVEL TO EXIT 5	Path of Travel to Exit	154'-0"
PATH OF TRAVEL TO EXIT 11	Path of Travel to Exit	119'-0"
PATH OF TRAVEL TO HORIZONTAL EXIT	Path of Travel to Exit	104'-8"
SMOKE COMPARTMENT A TO B	Path of Travel to Smoke Compartment	104'-0"
SMOKE COMPARTMENT B TO A	Path of Travel to Smoke Compartment	144'-0"
SMOKE COMPARTMENT C TO D	Path of Travel to Smoke Compartment	119'-0"
SMOKE COMPARTMENT D TO C	Path of Travel to Smoke Compartment	109'-0"
SMOKE COMPARTMENT D TO E(2)	Path of Travel to Smoke Compartment	106'-6"

SMOKE COMPARTMENT DATA		BUILDING USE AND OCCUPANCY LOAD DATA						BUILDING EXIT CAPACITY DATA			
AREA NAME	AREA	CONSTRUCTION TYPE	OCCUPANCY CLASSIFICATION	USE CLASSIFICATION	OCCUPANT LOAD FACTOR	GROSS / NET	OCCUPANT LOAD	EGRESS COMPONENT TYPE	CAPACITY FACTOR (IN- PER OCCUPANT)	TOTAL EXIT WIDTH (IN.) REQUIRED	TOTAL EXIT WIDTH (IN.) PROVIDED
SMOKE COMPARTMENT 'A'	15,349 SF	TYPE I A	INSTITUTIONAL I-2	INSTITUTIONAL AREAS - INPATIENT TREATMENT AREAS	240 SF	GROSS	65	NON-STAIR	0.2	13	
SMOKE COMPARTMENT 'B'	14,653 SF	TYPE I A	INSTITUTIONAL I-2	INSTITUTIONAL AREAS - INPATIENT TREATMENT AREAS	240 SF	GROSS	62	NON-STAIR	0.2	13	
SMOKE COMPARTMENT 'C'	14,288 SF	TYPE I A	INSTITUTIONAL I-2	INSTITUTIONAL AREAS - SLEEPING AREAS	120 SF	GROSS	120	NON-STAIR	0.2	24	
SMOKE COMPARTMENT 'D'	16,246 SF	TYPE I A	INSTITUTIONAL I-2	INSTITUTIONAL AREAS - INPATIENT TREATMENT AREAS	240 SF	GROSS	77	NON-STAIR	0.2	16	
SMOKE COMPARTMENT 'E'	Not Placed	TYPE I A	INSTITUTIONAL I-2	INSTITUTIONAL AREAS - INPATIENT TREATMENT AREAS	240 SF	GROSS		NON-STAIR	0.2		
SMOKE COMPARTMENT 'E'	9,844 SF	(none)	(none)	(none)				(none)			
Grand total:	70,384 SF						323			81	0

LIFE SAFETY LEGEND

- EXIT WIDTH (IN INCHES) / HORIZONTAL EXIT / EXIT CAPACITY (IN # OF PERSONS)
- OCCUPANT LOAD OF ROOM OR AREA
- EXIT DISCHARGE
- XX'-XX" COMMON PATH OF TRAVEL DISTANCE
- XX'-XX" TRAVEL DISTANCE TO AN EXIT
- XX'-XX" TRAVEL DISTANCE TO A SMOKE COMPARTMENT
- SUITE AREA
- FHC FIRE HOSE CABINET
- FEC FIRE EXTINGUISHER CABINET
- FE FIRE EXTINGUISHER
- EXIT LIGHT & DIRECTIONAL ARROWS

EXIT 10
EXIT 7
EXIT 9
EXIT 8
EXIT 6
EXIT 5
EXIT 11
EXIT 12
EXIT 13
EXIT 14
EXIT 4
EXIT 3
EXIT 16
EXIT 17
EXIT 1
EXIT 2
EXIT 15

SMOKE COMPARTMENT "D" 16246 SF
SMOKE COMPARTMENT "C" 14288 SF
SMOKE COMPARTMENT "E" 15009 SF
SMOKE COMPARTMENT "A" 15009 SF
SMOKE COMPARTMENT "B" 14653 SF

SMOKE COMPARTMENT LEGEND

- SMOKE COMPARTMENT "A"
- SMOKE COMPARTMENT "B"
- SMOKE COMPARTMENT "C"
- SMOKE COMPARTMENT "D"
- SMOKE COMPARTMENT "E"

FIRST FLOOR LIFE SAFETY PLAN

Job Number: 3713100
Drawn By: CB, SM
Reviewed: JS

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EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR LIFE SAFETY PLAN

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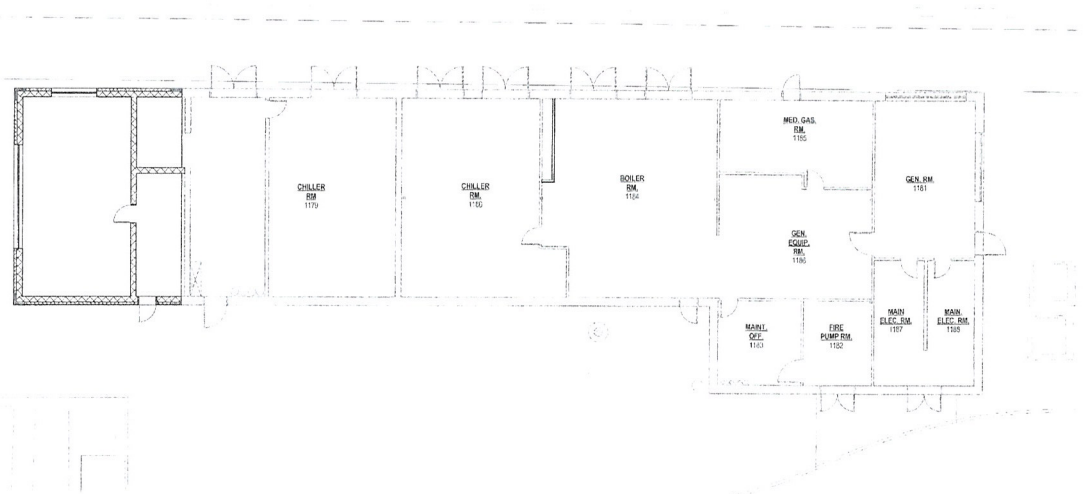


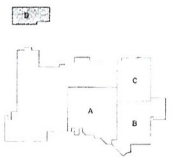
FIRST FLOOR LIFE SAFETY PLAN - PART D

WALL LEGEND

- EXISTING NON-RATED PARTITION TO DECK
- EXISTING SMOKE PARTITION TO DECK
- EXISTING 1-HOUR FIRE BARRIER
- EXISTING 1-HOUR FIRE - SMOKE BARRIER
- EXISTING 2 HOUR FIRE BARRIER
- EXISTING 2 HOUR FIRE + SMOKE BARRIER
- EXISTING 2 HOUR RATED SHAFT WALL BARRIER
- NON-RATED PARTITION TO 4" ABOVE CEILING
- NON-RATED PARTITION TO DECK
- SMOKE PARTITION TO DECK
- 1-HOUR FIRE BARRIER
- 1-HOUR FIRE - SMOKE BARRIER
- 1-HOUR RATED SHAFT WALL BARRIER
- 2-HOUR FIRE BARRIER
- 2-HOUR FIRE - SMOKE BARRIER
- 2 HOUR RATED SHAFT WALL BARRIER

LIFE SAFETY LEGEND

- EXIT WIDTH (IN INCHES)
- HORIZONTAL EXIT
- EXIT CAPACITY (IN # OF PERSONS)
- OCCUPANT LOAD OF ROOM OR AREA
- EXIT DISCHARGE
- XX'-XX" COMMON PATH OF TRAVEL DISTANCE
- XX'-XX" TRAVEL DISTANCE TO AN EXIT
- XX'-XX" TRAVEL DISTANCE TO A SMOKE COMPARTMENT
- SUITE AREA
- FIRE HOSE CABINET
- FIRE EXTINGUISHER CABINET
- FIRE EXTINGUISHER
- EXIT LIGHT \ DIRECTIONAL ARROWS



FIRST FLOOR KEY PLAN

Architectural Fire Safety Code Analysis

I. Applicable Codes:
State Health and Human Services-
A. 2006 NFPA 101 Life Safety Code (LSC)
B. 2005 NFPA 99 - Health Care Facilities
C. 2003 Uniform Plumbing Code
D. NRS 444.340 & 444.350
E. NAC 449 - Medical and Other Related Facilities, see list of adopted sections
F. 2006 AIA/AHHS "Guidelines for Hospitals and Health Care Facilities" as amended (see Technical Bulletin #BLC-07-12-1)

City -
A. 2006 International Building Code with amendments
B. 2006 Uniform Mechanical Code with amendments
C. 2006 Uniform Plumbing Code with amendments
D. 2005 National Electrical Code with amendments
E. 2006 International Energy Conservation Code with amendments
F. 2010 Southern Nevada Fire Code amendments to the International Fire Code and adopted NFPA Standards

CMS and The Joint Commission -
A. 2000 NFPA 101 Life Safety Code
B. 1999 NFTA 99 Health care facilities
C. 1999 NFPA 70 - National Electrical Code

II. Occupancy Types:
A. Group I-2, Institutional (IBC 308.3)
B. New Health Care - Hospital (LSC Ch. 18)

III. Construction Types:
A. Type I A (IBC 602)
B. Type I (332)(NFPA 220 & LSC 18.1.6.2)

IV. Structural Fire Ratings:

Columns	
- supporting floors	3-hour
- interior members supporting a roof only	2-hour
Floors -	
- structural frame beams	3-hour
- secondary members and deck	2-hour
Roof -	
- structural frame beams (exterior)	3-hour
- structural frame beams (interior)	2-hour
- secondary beams and deck	1-1/2 hour

V. Fire Suppression System:
Complete automatic sprinkler protection to be provided for addition and maintained in renovated areas

VI. Height and Area (addition):
1st Floor - 33,717 sq. ft.
Canopies - 5,118 sq. ft.
Penthouse - 2,280 sq. ft.

VII. Fire Safety Concept:
Construct an addition to an existing hospital of matching fire-resistive construction with unlimited height and area allowed (IBC Table 503).

Two existing stairs will have their discharges extended to the outside by exit passageways.

Elevator lobby separation per IBC 707.14.1 is provided for Elevator #5.

The addition is divided into smoke compartments by 1-hour smoke barriers as per IBC 407.4 and LSC 18.3.7.

VIII. Other Life Safety Considerations (most stringent of applicable codes is indicated):
For Occupant Load and Exit Capacity tabulations see the LS drawing series.

A. Corridor width (IBC 1017.2):

Patient areas with nonambulatory persons	8' minimum
Elsewhere without bed movement	44" minimum

B. Dead end (IBC 1017.3):
20' maximum

C. Travel distance (IBC 1016.1/1014.2.2 & LSC 18.2.6):

Point in sleeping room to exit access	50' maximum
Point in suite to exit access door	
- one intervening room	100' maximum
- two intervening rooms	50' maximum
Exit access to exit	150' maximum
Any point to an exit	200' maximum

D. Door width (IBC 1006.1.1 & LSC 18.2.3.5):
41.5" clear with no projections in areas with bed movement;
32" clear width minimum elsewhere

E. Interior finish (IBC 803.5):

Exits and corridors	75 maximum flame spread
Rooms	75 maximum flame spread; 200 maximum permitted in rooms with four person or less capacity Smoke production must be 450 or less under ASTM E-84.

F. Corridor construction (IBC 407.3):
Non-hourly-rated smoke partitions that extend to deck as per IBC 710

G. Corridor doors in smoke partitions (IBC 407.3.1):
Non-fire-rated with positive latch; doors must resist smoke passage

H. Hazardous area separation (IBC Table 508.2 & LSC 18.3.2.1):

Trash collection rooms	1-hour
Soiled linen holding rooms	1-hour
Storage rooms greater than 100 sq. ft. in area	1-hour
Storage rooms greater than 50 sq. ft. but not more than 100 sq. ft. in area	Smoke-resistant

I. Floor finish (IBC 804.4.1):
Exits and exit access corridors ..... Class II, 0.22 watts/sq. cm. minimum as per NFPA 253

J. Accessible means of egress (IBC 1007 & LSC 7.5.4.1):
Accessible outside doors can serve as accessible means of egress under the IBC.

LSC 7.5.4.1, Ex. #3 excepts fully sprinklered health care occupancies from accessible means of egress provisions.

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MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR LIFE SAFETY PLAN PART D & LIFE SAFETY ANALYSIS

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ESa Architects
Richard L. Miller, architect
2100 West End Avenue, Suite 1200
Nashville, Tennessee 37203

Sheet Number LS.01D

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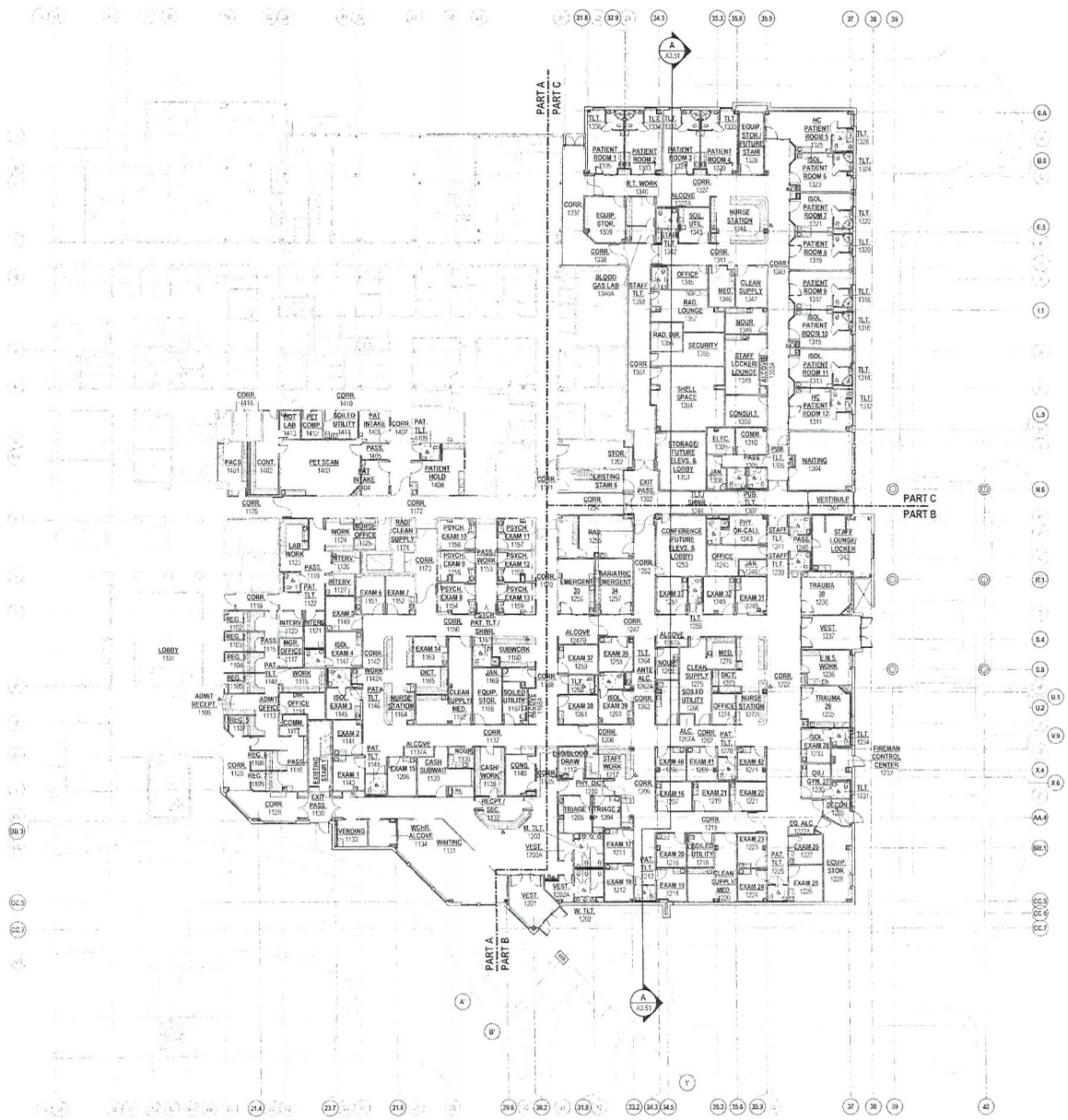

FIRST FLOOR ORIENTATION PLAN



FIRST FLOOR KEY PLAN

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richard l. miller architect
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MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS
and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR ORIENTATION PLAN

Job Number 0713100
Date 12-6-2010
Drawn By JB
Checked By JB
Revisions

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FIRST FLOOR PLAN - PART A - DIMENSIONED

WALL FRAMING NOTES & LEGEND

ALL WALLS TO BE CONSTRUCTED WITH 3 5/8" METAL STUDS AT INTERIOR WALLS AND 6" METAL STUDS AT EXTERIOR WALLS UNLESS NOTED OTHERWISE WITH TAGS BELOW.

ALL STANDARD DRYWALL PARTITIONS ARE DIMENSIONED TO THE CENTERLINE. CHASES AND SHAFTWALL ARE DIMENSIONED FROM FINISHED FACE TO FINISHED FACE. EXISTING WALLS ARE DIMENSIONED TO THE FINISHED FACE.

INTERIOR PARTITIONS NOT DIMENSIONED WHICH ARE ADJACENT TO OR PURPOSES AROUND COLUMNS ARE TYPICALLY TO BE INSTALLED 4 1/2" FROM STUD CENTERLINE TO COLUMN CENTERLINE (12" NOM. FROM FACE OF FINISHED DRYWALL TO COLUMN CENTERLINE) UNLESS NOTED OTHERWISE.

AT LOCATIONS WHERE SIZE OF STEEL COLUMNS REQUIRE A GREATER THAN 4 1/2" C/C DIMENSION, FRAMING SHALL BE INSTALLED TIGHT TO COLUMN FIREPROOFING, U.N.O.

1	1 1/2" METAL CHANNEL FURRING
2	2 1/2" METAL STUD
3	3 5/8" METAL STUD WALL FURROUT
3	6" METAL STUD
G	5/8" GYP. BD. APPLIED TO FACE OF EXISTING WALL FRAMING OR SHAFTWALL
L	LEAD LINED WALL, SEE PHYSICIST'S REPORT



FIRST FLOOR KEY PLAN

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SDR-40551

MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS
and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR PLAN - PART A - DIMENSIONED

NOT FOR CONSTRUCTION

ESa Architects
richard j. miller, architect
2100 West End Avenue, Suite 1200
Vanderbilt Plaza
Nashville, Tennessee 37203

DESIGN DEVELOPMENT PACKAGE

Job Number: 07131.00
Date: 12-6-2010
Drawn By: CB
Checked By: JB
Revisions:

Sheet Number: A1.01AD

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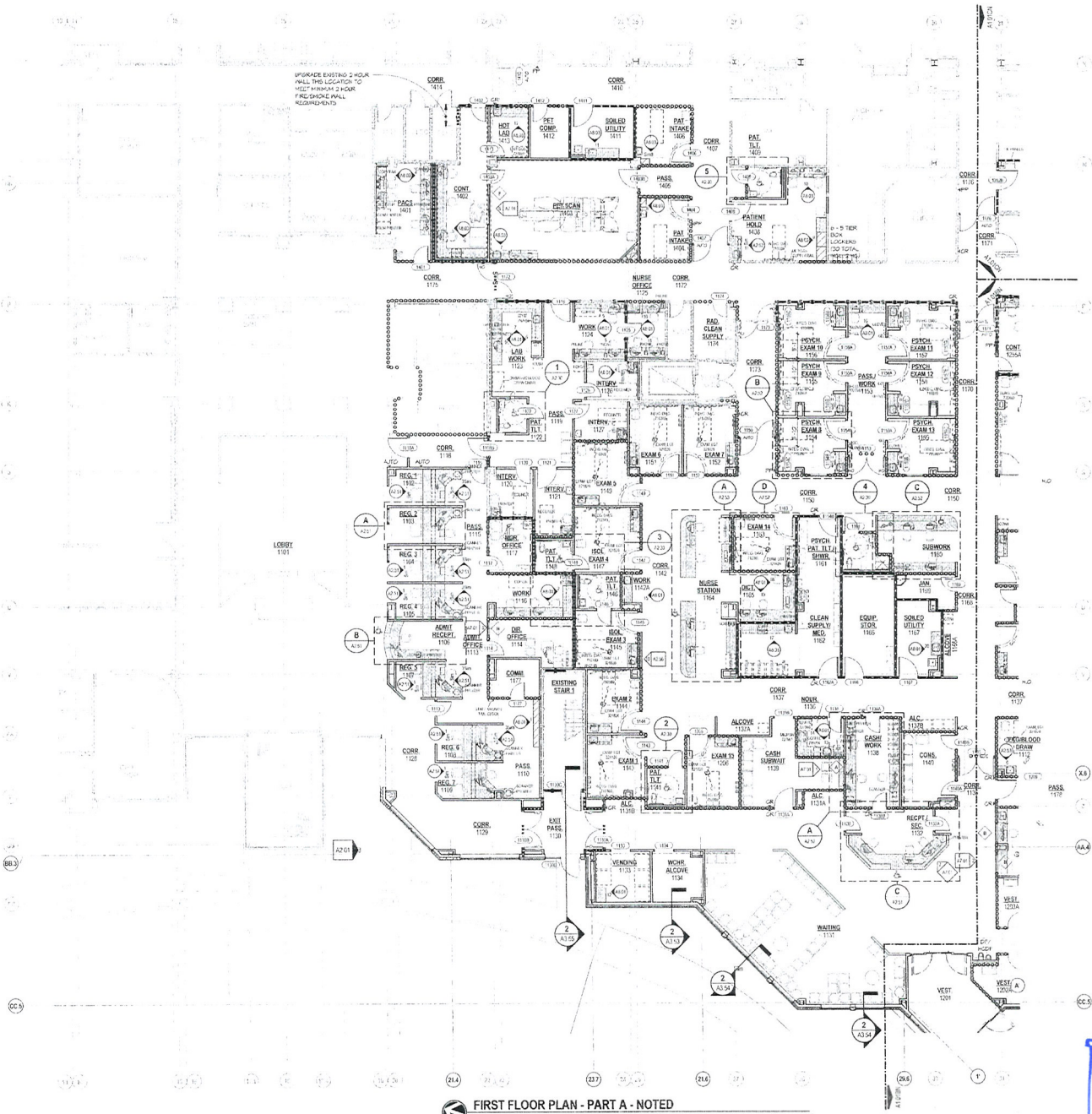

FIRST FLOOR PLAN - PART A - NOTED

GENERAL NOTES

1. SEE GENERAL NOTES ON COVER SHEET FOR MORE INFORMATION CONCERNING WORK NOT SHOWN ON DRAWINGS.
2. ALLOW A MINIMUM OF 18 INCHES LATCH-SIDE CLEARANCE ON THE PULL SIDE OF ALL DOORS WITH MANUAL CLOSERS AND A MINIMUM OF 12 INCHES LATCH-SIDE CLEARANCE ON THE PUSH SIDE OF ALL DOORS WITH MANUAL CLOSERS.
3. ALLOW A MINIMUM OF 1 INCH CLEARANCE FROM THE EDGE OF ALL WALLS AND THE OUTSIDE FACE OF CASEWORK; TYPICAL.
4. SEE ORIENTATION AND SOUND ATTENUATION PLAN FOR WALLS THAT REQUIRE SOUND ATTENUATION BLANKETS AND/OR SPECIFIC SOUND WALL CONSTRUCTIONS.
5. SEE THE OWNER FURNISHED EQUIPMENT BROCHURE FOR SPECIFIC INFORMATION ON EACH PIECE OF OWNER FURNISHED EQUIPMENT SHOWN ON THE PLANS. ALSO SEE VENDOR DRAWINGS PROVIDED FOR POSSIBLE WORK REQUIRED FOR EACH SPECIFIC VENDOR EQUIPMENT. CONFIRM WORK REQUIRED FOR EACH PIECE OF EQUIPMENT BUT ONLY COMPLETING CONSTRUCTION FOR THOSE SPACES.
6. (N) INDICATES VOA WINDOW REQUIREMENTS. SEE WINDOW ELEVATION FOR SIZES, GLAZING, ETC. REQUIRED.
7. (08.1100) INDICATES DOOR NUMBER. SEE DOOR SCHEDULE FOR SPECIFIC INFORMATION ON EACH DOOR.
8. SEE FINISH DRAWINGS FOR SPECIFIC FINISH AND SURFACE PREPARATION REQUIREMENTS FOR EACH SPACE.
9. SEE REFLECTED CEILING PLANS FOR SPECIFIC CEILING TYPES, HEIGHTS, DETAILS, LIGHTS, DIFFUSERS, ETC.
10. SEE CASEWORK DRAWINGS FOR SPECIFIC CASEWORK SIZES, FINISHES, AND OTHER REQUIREMENTS.
11. SEE STRUCTURAL DRAWINGS FOR ANY MISCELLANEOUS FRAMING MEMBERS THAT ARE WITHIN WALL CONSTRUCTION ABOVE FINISH CEILINGS. INDICATE REINFORCEMENT REQUIREMENTS FOR CONCRETE BLOCK WALLS, ETC.
12. ALL CORRIDOR WALLS ARE TO BE SEALED TO LIMIT THE TRANSFER OF SMOKE (SMOKE RESISTIVE) REGARDLESS OF THE FIRE RATING ASSOCIATED WITH THE WALL.
13. ALL EXPANSION JOINTS THROUGH RATED ASSEMBLIES SHALL HAVE THE SAME FIRE RATING AS THE ASSEMBLY.
14. MOUNT BOTTOM OF TV'S IN ALL ROOMS AT 80" A.F.F. MINIMUM.
15. PROVIDE BLOCKING FOR LOCKERS, MEDS CABINETS AND OTHER EQUIPMENT AS REQUIRED.
16. WINDOWS MARKED WITH AN ASTERISK (*) ARE SPANDREL GLASS PANELS WITH GIRTAIN WALL INSULATION. SEE ELEVATIONS FOR ADDITIONAL SPANDREL GLASS LOCATIONS.
17. PROVIDE 8" METAL STUDS AT WATER CLOSET PET WALLS AND ALL BACK-TO-BACK PATIENT HEADWALLS, TYPICAL UNLESS NOTED OTHERWISE (U.N.O.).
18. PATCH AND REPAIR ALL EXISTING FIRE RATED WALLS WITHIN LIMITS OF WORK, TO MAINTAIN EXISTING OR NEW REQUIRED FIRE RATINGS.
19. ALL CORRIDOR WALLS, EXAM ROOM HEADWALLS AND EQUIPMENT STORAGE ROOMS AND ALCOVES TO HAVE HEAVY DUTY (HIGH IMPACT RESISTANT) GYPSUM BOARD.
20. VERIFY RATING OF EXISTING PARTITIONS AND UPGRADE IF REQUIRED BY NEW CONSTRUCTION.
21. SYMBOL INDICATES SPACE OR FEATURE HAS ACCESSIBILITY REQUIREMENTS. SEE ACCESSIBILITY DRAWINGS.
22. THE OWNER SHALL PROVIDE AND THE CONTRACTOR SHALL INSTALL THE FOLLOWING:

   .1 AT EACH SINK/LAVATORY LOCATION, ONE SOAP DISPENSER U.N.O. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.

   .2 AT EACH PATIENT CARE, UTILITY AND WORK AREA, ONE GLOVES DISPOSAL UNIT, GLOVES DISPENSER, AND HAND GEL DISPENSER, AS DIRECTED BY OWNER. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.

FIRST FLOOR KEY PLAN

WALL LEGEND

	EXISTING NON-RATED PARTITION TO DECK
	EXISTING SMOKE PARTITION TO DECK
	EXISTING 1-HOUR FIRE BARRIER
	EXISTING 1-HOUR FIRE + SMOKE BARRIER
	EXISTING 2-HOUR FIRE BARRIER
	EXISTING 2-HOUR FIRE + SMOKE BARRIER
	EXISTING 2-HOUR RATED SHAFT WALL BARRIER
	NON-RATED PARTITION TO 4" ABOVE CEILING
	NON-RATED PARTITION TO DECK
	1-HOUR FIRE BARRIER
	1-HOUR FIRE + SMOKE BARRIER
	NON-RATED SHAFT WALL BARRIER
	2-HOUR FIRE BARRIER
	2-HOUR FIRE + SMOKE BARRIER
	2-HOUR RATED SHAFT WALL BARRIER

Job Number 07.131.00
Date 12.6.2010
Drawn By CB
Checked By JB
Revisions

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MountainView Hospital

EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS

LAS VEGAS, NEVADA

FIRST FLOOR PLAN - PART A - NOTED

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ESa Architects
project + life + process
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MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS

FIRST FLOOR PLAN - PART B - DIMENSIONED

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2002 61 m Architect
2002 61st Ave South, Suite 1200
Vanderbilt Plaza
Nashville Tennessee 37203

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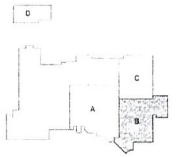
FIRST FLOOR PLAN - PART B - NOTED

GENERAL NOTES

1. SEE GENERAL NOTES ON COVER SHEET FOR MORE INFORMATION CONCERNING WORK NOT SHOWN ON DRAWINGS
2. ALLOW A MINIMUM OF 18 INCHES LATCH-SIDE CLEARANCE ON THE PULL SIDE OF ALL DOORS WITH MANUAL CLOSERS AND A MINIMUM OF 12 INCHES LATCH-SIDE CLEARANCE ON THE PUSH SIDE OF ALL DOORS WITH MANUAL CLOSERS.
3. ALLOW A MINIMUM OF 1 INCH CLEARANCE FROM THE EDGE OF ALL WALLS AND THE OUTSIDE FACE OF CASEWORK, TYPICAL.
4. SEE ORIENTATION AND SOUND ATTENUATION PLAN FOR WALLS THAT REQUIRE SOUND ATTENUATION BLANKETS, AND/OR SPECIFIC SOUND WALL CONSTRUCTIONS.
5. SEE THE OWNER FURNISHED EQUIPMENT BROCHURE FOR SPECIFIC INFORMATION ON EACH PIECE OF OWNER FURNISHED EQUIPMENT SHOWN ON THE PLANS. ALSO SEE VENDOR DRAWINGS PROVIDED FOR POSSIBLE WORK REQUIRED FOR EACH SPECIFIC VENDOR EQUIPMENT. CONFIRM WORK REQUIRED FOR EACH PIECE OF EQUIPMENT BEFORE COMPLETING CONSTRUCTION FOR THOSE SPACES.
6. (N) INDICATES VIEW WINDOW REQUIREMENTS. SEE WINDOW ELEVATION FOR SIZES, GLAZING, ETC. REQUIRED.
7. (201/1100) INDICATES DOOR NUMBER. SEE DOOR SCHEDULE FOR SPECIFIC INFORMATION ON EACH DOOR.
8. SEE FINISH DRAWINGS FOR SPECIFIC FINISH AND SURFACE PREPARATION REQUIREMENTS FOR EACH SPACE.
9. SEE REFLECTED CEILING PLANS FOR SPECIFIC CEILING TYPES, HEIGHTS, DETAILS, LIGHTS, DIFFUSERS, ETC.
10. SEE CASEWORK DRAWINGS FOR SPECIFIC CASEWORK SIZES, FINISHES AND OTHER REQUIREMENTS.
11. SEE STRUCTURAL DRAWINGS FOR ANY MISCELLANEOUS FRAMING MEMBERS THAT ARE PURLIN WALL CONSTRUCTION ABOVE FINISH CEILING. INDICATE REINFORCEMENT REQUIREMENTS FOR CONCRETE BLOCK WALLS, ETC.
12. ALL CORRIDOR WALLS ARE TO BE SEALED TO LIMIT THE TRANSFER OF SMOKE (SMOKE RESISTIVE) REGARDLESS OF THE FIRE RATING ASSOCIATED WITH THE WALL.
13. ALL EXPANSION JOINTS THROUGH RATED ASSEMBLIES SHALL HAVE THE SAME FIRE RATING AS THE ASSEMBLY.
14. MOUNT BOTTOM OF T.V.S. ALL ROOMS AT 30" A.F.F. MINIMUM.
15. PROVIDE BLOCKING FOR LOCKERS, TRIM, CABINETS, AND OTHER EQUIPMENT AS REQUIRED.
16. WINDOWS MARKED WITH AN ASTERISK (*) ARE SPANDREL GLASS PANELS WITH CURTAIN WALL INSULATION. SEE ELEVATIONS FOR ADDITIONAL SPANDREL GLASS LOCATIONS.
17. PROVIDE 6" METAL STUDS AT WATER CLOSET PET WALLS AND ALL BACK-TO-BACK PATIENT HEADWALLS, TYPICAL, UNLESS NOTED OTHERWISE (U.N.O.)
18. PATCH AND REPAIR ALL EXISTING FIRE RATED WALLS WITHIN LIMITS OF WORK, TO MAINTAIN EXISTING OR NEW REQUIRED FIRE RATINGS.
19. ALL CORRIDOR WALLS, EXAM ROOM HEADWALLS AND EQUIPMENT STORAGE ROOMS AND ALCOVES TO HAVE HEAVY DUTY (HIGH IMPACT RESISTANT) GYPSUM BOARD.
20. VERIFY RATING OF EXISTING PARTITIONS AND UPGRADE IF REQUIRED BY NEW CONSTRUCTION.
21. SYMBOL INDICATES SPACE OR FEATURE HAS ACCESSIBILITY REQUIREMENTS. SEE ACCESSIBILITY DRAWINGS.
22. THE OWNER SHALL PROVIDE AND THE CONTRACTOR SHALL INSTALL THE FOLLOWING:

   22.1 AT EACH SINK/LAVATORY LOCATION: ONE SOAP DISPENSER, U.N.O. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.

   22.2 AT EACH PATIENT CARE UTILITY AND WORK AREA: ONE SHARPS DISPOSAL UNIT, GLOVES DISPENSER, AND HAND GEL DISPENSER, AS DIRECTED BY OWNER. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.



FIRST FLOOR KEY PLAN

WALL LEGEND

	EXISTING NON-RATED PARTITION TO DECK
	EXISTING SMOKE PARTITION TO DECK
	EXISTING 1 HOUR FIRE BARRIER
	EXISTING 1 HOUR FIRE + SMOKE BARRIER
	EXISTING 2 HOUR FIRE BARRIER
	EXISTING 2 HOUR FIRE + SMOKE BARRIER
	EXISTING 2 HOUR RATED SHAFT WALL BARRIER
	NON-RATED PARTITION TO 4" ABOVE CEILING
	NON-RATED PARTITION TO DECK
	1 HOUR FIRE BARRIER
	1 HOUR FIRE + SMOKE BARRIER
	2 HOUR RATED SHAFT WALL BARRIER
	2 HOUR FIRE BARRIER
	2 HOUR FIRE + SMOKE BARRIER
	2 HOUR RATED SHAFT WALL BARRIER

MountainView Hospital

EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS

LAS VEGAS, NEVADA

FIRST FLOOR PLAN - PART B - NOTED

Date: 12-6-2010
Start By: CH/SK/JN
CE: AB
Revisions:

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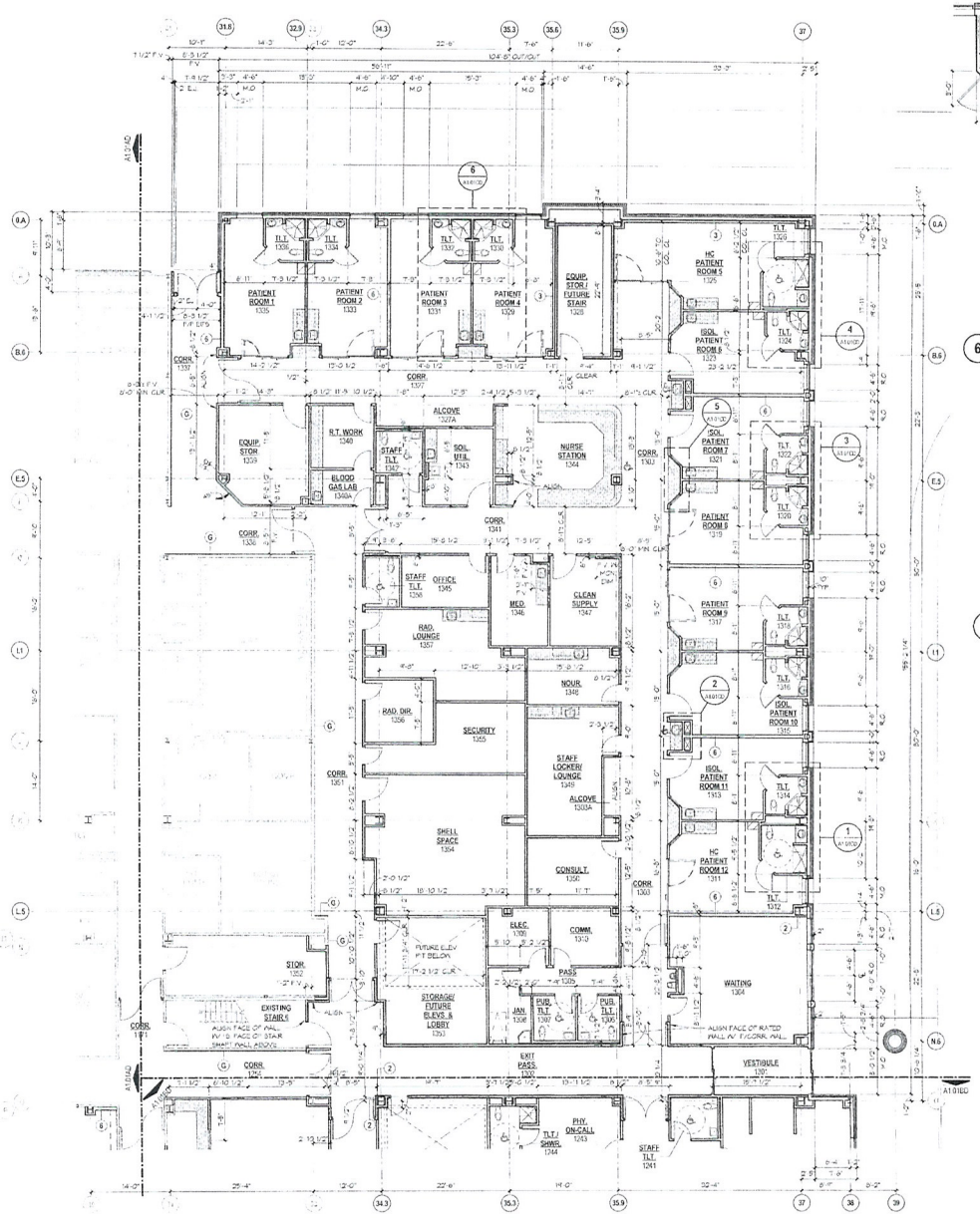
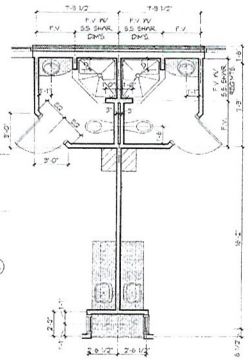
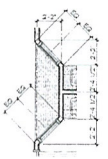


FIRST FLOOR PLAN - PART C - DIMENSIONED



6 ICU PATIENT TOILETS
TYPICAL FOR TOILETS 1329/1331 & 1333 & 1335



5 TYP. NURSE OBSERVATION COUNTER
TYPICAL AT 4 LOCATIONS

WALL FRAMING NOTES & LEGEND

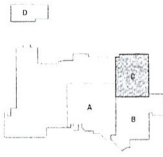
ALL WALLS TO BE CONSTRUCTED WITH 3 5/8" METAL STUDS AT INTERIOR WALLS AND 6" METAL STUDS AT EXTERIOR WALLS UNLESS NOTED OTHERWISE WITH TAGS BELOW.

ALL STANDARD DRYWALL PARTITIONS ARE DIMENSIONED TO THE CENTERLINE. GABES AND SHAFTWALL ARE DIMENSIONED FROM FINISHED FACE TO FINISHED FACE. EXISTING WALLS ARE DIMENSIONED TO THE FINISHED FACE.

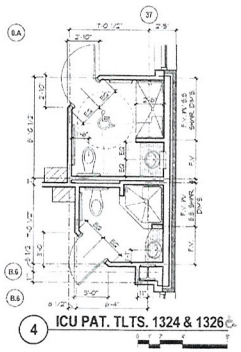
INTERIOR PARTIONS NOT DIMENSIONED WHICH ARE ADJACENT TO OR FURROUTS AROUND COLUMNS ARE TYPICALLY TO BE INSTALLED 1 1/2" FROM STUD CENTERLINE TO COLUMN CENTERLINE (1/2" NOM. FROM FACE OF FINISHED DRYWALL TO COLUMN CENTERLINE) UNLESS NOTED OTHERWISE.

AT LOCATIONS WHERE SIZE OF STEEL COLUMNS REQUIRE A GREATER THAN 6 1/2" O/C DIMENSION, FRAMING SHALL BE INSTALLED TIGHT TO COLUMN FIREPROOFING, U.N.O.

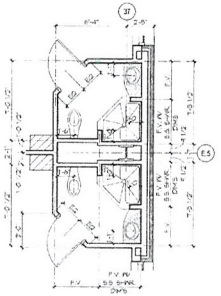
1 1 1/2" METAL CHANNEL FURRING
2 2 1/2" METAL STUD
3 3 5/8" METAL STUD WALL FURROUT
3 6" METAL STUD
G 5/8" GYP. BD. APPLIED TO FACE OF EXISTING WALL FRAMING OR SHAFTWALL
L LEAD LINED WALL. SEE PHYSICIST'S REPORT



FIRST FLOOR KEY PLAN



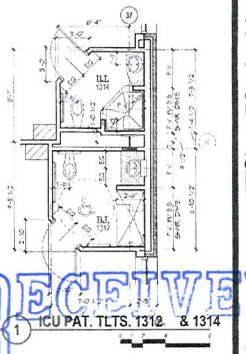
4 ICU PAT. TLTS. 1324 & 1326



3 ICU PATIENT TOILETS
TYPICAL FOR TOILETS 1310/1318 & 1320/1322



2 TYP. ISOL. HAND WASH COUNTER/LOW RETURN



1 ICU PAT. TLTS. 1312 & 1314

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EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR PLAN - PART C - DIMENSIONED

DESIGN DEVELOPMENT PACKAGE

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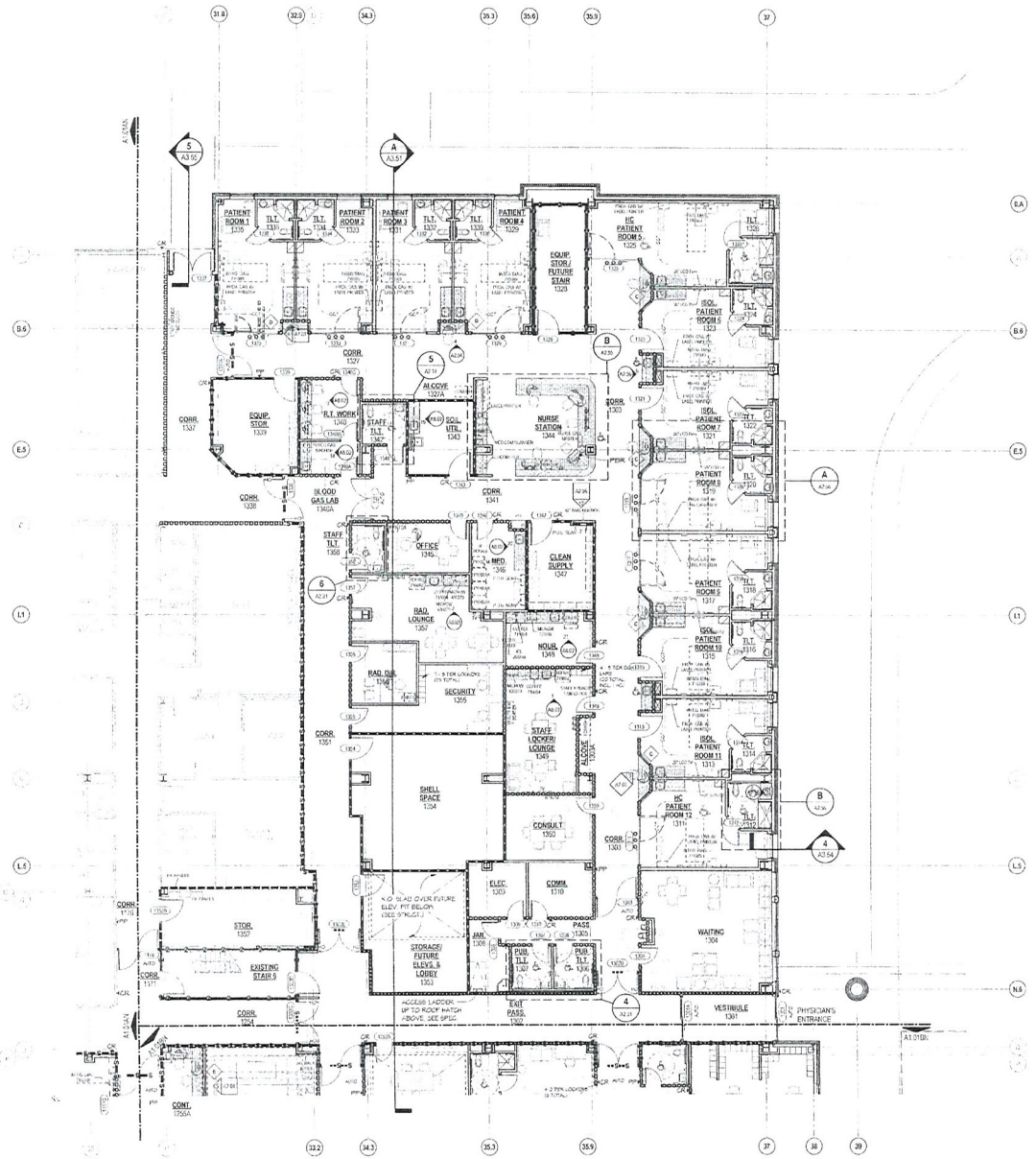
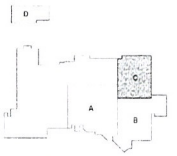


FIRST FLOOR PLAN - PART C - NOTED

GENERAL NOTES

1. SEE GENERAL NOTES ON COVER SHEET FOR MORE INFORMATION CONCERNING WORK NOT SHOWN ON DRAWINGS.
2. ALLOW A MINIMUM OF 18 INCHES LATCH SIDE CLEARANCE ON THE PULL SIDE OF ALL DOORS WITH MANUAL CLOSERS AND A MINIMUM OF 12 INCHES LATCH-SIDE CLEARANCE ON THE PUSH SIDE OF ALL DOORS WITH MANUAL CLOSERS.
3. ALLOW A MINIMUM OF 1 INCH CLEARANCE FROM THE EDGE OF ALL WALLS AND THE OUTSIDE FACE OF CASEWORK, TYPICAL.
4. SEE ORIENTATION AND SOUND ATTENUATION PLAN FOR WALLS THAT REQUIRE SOUND ATTENUATION BLANKETS AND/OR SPECIFIC SOUND WALL CONSTRUCTIONS.
5. SEE THE OWNER FURNISHED EQUIPMENT BROCHURE FOR SPECIFIC INFORMATION ON EACH PIECE OF OWNER FURNISHED EQUIPMENT SHOWN ON THE PLANS. ALSO SEE VENDOR DRAWINGS PROVIDED FOR POSSIBLE WORK REQUIRED FOR EACH SPECIFIC VENDOR EQUIPMENT. CONFIRM WORK REQUIRED FOR EACH PIECE OF EQUIPMENT BEFORE COMPLETING CONSTRUCTION FOR THOSE SPACES.
6. (W) INDICATES VIEW WINDOW REQUIREMENTS. SEE WINDOW ELEVATION FOR SIZES, GLAZING, ETC. REQUIRED.
7. (101B) INDICATES DOOR NUMBER. SEE DOOR SCHEDULE FOR SPECIFIC INFORMATION ON EACH DOOR.
8. SEE FINISH DRAWINGS FOR SPECIFIC FINISH AND SURFACE PREPARATION REQUIREMENTS FOR EACH SPACE.
9. SEE REFLECTED CEILING PLANS FOR SPECIFIC CEILING TYPES HEIGHTS, DETAILS, LIGHTS, DIFFUSERS, ETC.
10. SEE CASEWORK DRAWINGS FOR SPECIFIC CASEWORK SIZES, FINISHES, AND OTHER REQUIREMENTS.
11. SEE STRUCTURAL DRAWINGS FOR ANY MISCELLANEOUS FRAMING MEMBERS THAT ARE WITH WALL CONSTRUCTION ABOVE FINISH CEILING, INDICATE REINFORCEMENT REQUIREMENTS FOR CONCRETE BLOCK WALLS, ETC.
12. ALL CORRIDOR WALLS AND TO BE SEALED TO LIMIT THE TRANSFER OF SMOKE (SMOKE RESISTIVE) REGARDLESS OF THE FIRE RATING ASSOCIATED WITH THE WALL.
13. ALL EXPANSION JOINTS THROUGH RATED ASSEMBLIES SHALL HAVE THE SAME FIRE RATING AS THE ASSEMBLY.
14. MOUNT BOTTOM OF T.V.S IN ALL ROOMS AT 50" A.F.F. MINIMUM.
15. PROVIDE BLOCKING FOR LOCKERS, PROX. CABINETS, AND OTHER EQUIPMENT AS REQUIRED.
16. WINDOWS MARKED WITH AN ASTERISK (*) ARE SPANDREL GLASS PANELS WITH CONCEAL WALL INSULATION. SEE ELEVATIONS FOR ADDITIONAL SPANDRELL GLASS LOCATIONS.
17. PROVIDE 6" METAL STUDS AT WATER CLOSET WET WALLS AND ALL BACK TO BACK PATIENT HEADWALLS, TYPICAL UNLESS NOTED OTHERWISE (U.O.).
18. PATCH AND REPAIR ALL EXISTING FIRE RATED WALLS WITH LIMITS OF WORK. TO MAINTAIN EXISTING OR NEW REQUIRED FIRE RATINGS.
19. ALL CORRIDOR WALLS, EXAM ROOM HEADWALLS AND EQUIPMENT STORAGE ROOMS AND ALCOVES TO HAVE HEAVY DUTY HIGH IMPACT RESISTANT GYPSUM BOARD.
20. VERIFY RATING OF EXISTING PARTITIONS AND UPGRADE IF REQUIRED BY NEW CONSTRUCTION.
21. SYMBOL INDICATES SPACE OR FEATURE HAS ACCESSIBILITY REQUIREMENTS. SEE ACCESSIBILITY DRAWINGS.
22. THE OWNER SHALL PROVIDE AND THE CONTRACTOR SHALL INSTALL THE FOLLOWING:
    a.) AT EACH SINK/LAVATORY LOCATION, ONE SOAP DISPENSER U.N.O. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.
    b.) AT EACH PATIENT CARE, UTILITY AND WORK AREA, ONE SHARPS DISPOSAL UNIT, GLOVES DISPENSER, AND HAND GEL DISPENSER, AS DIRECTED BY OWNER. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.



FIRST FLOOR KEY PLAN

WALL LEGEND

	EXISTING NON-RATED PARTITION TO DECK
	EXISTING SMOKE PARTITION TO DECK
	EXISTING 1 HOUR FIRE BARRIER
	EXISTING 1 HOUR FIRE + SMOKE BARRIER
	EXISTING 2-HOUR FIRE BARRIER
	EXISTING 2-HOUR FIRE + SMOKE BARRIER
	NEW NON-RATED PARTITION TO DECK
	NEW PARTITION TO DECK
	NEW PARTITION TO DECK
	1 HOUR FIRE BARRIER
	1 HOUR RC + SMOKE BARRIER
	2 HOUR RATED 5/8" FIRE WALL BARRIER
	2 HOUR FIRE BARRIER
	2 HOUR FIRE + SMOKE BARRIER
	2 HOUR RATED SHAFT WALL BARRIER

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Job Number 07131.00
Date 12.6.2010
Drawn By CE
Checked By JB
Revisions

MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

FIRST FLOOR PLAN - PART C - NOTED

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT PACKAGE

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project / other projects
2100 West End Avenue Suite 1200
Nashville, Tennessee 37203

Sheet Number A1.01CN

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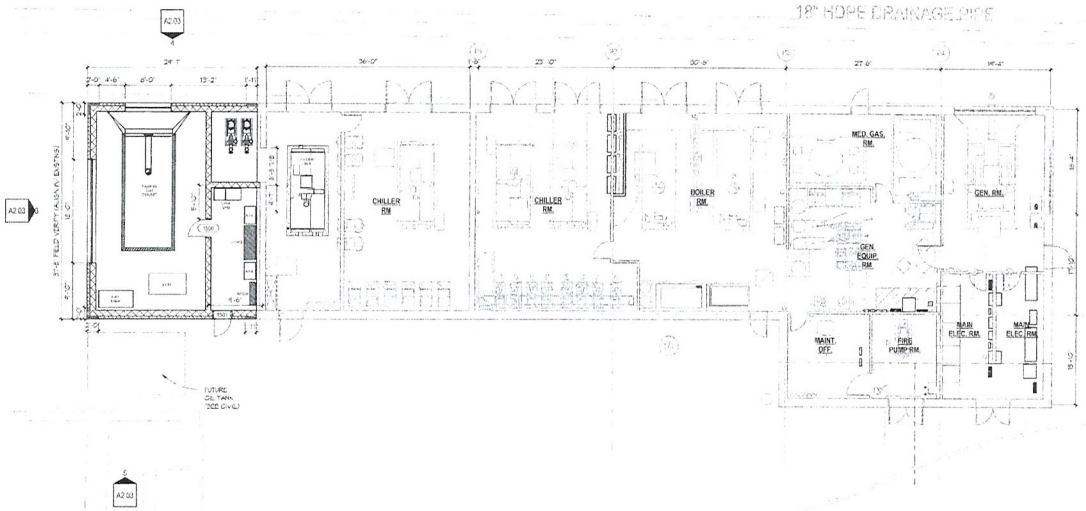
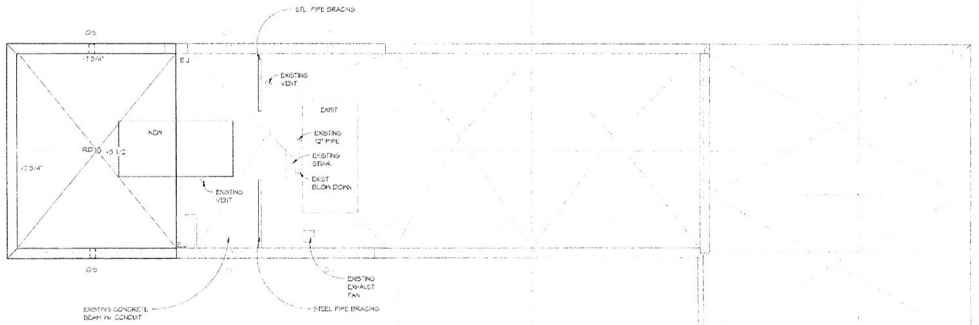


FIRST FLOOR PLAN PART D - NOTED & DIMENSIONED



FIRST FLOOR ROOF PLAN PART D

GENERAL NOTES

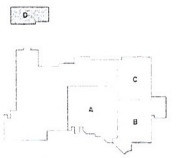
1. SEE GENERAL NOTES ON COVER SHEET FOR MORE INFORMATION CONCERNING WORK NOT SHOWN ON DRAWINGS.
2. ALLOW A MINIMUM OF 18 INCHES LATCH-SIDE CLEARANCE ON THE PULL SIDE OF ALL DOORS WITH MANUAL CLOSERS AND A MINIMUM OF 12 INCHES LATCH SIDE CLEARANCE ON THE PUSH SIDE OF ALL DOORS WITH MANUAL CLOSERS.
3. ALLOW A MINIMUM OF 1 INCH CLEARANCE FROM THE EDGE OF ALL WALLS AND THE OUTSIDE FACE OF CASEWORK, TYPICAL.
4. SEE ORIENTATION AND SOUND ATTENUATION PLAN FOR WALLS THAT REQUIRE SOUND ATTENUATION BLANKETS AND/OR SPECIFIC SOUND WALL CONSTRUCTIONS.
5. SEE THE OWNER FURNISHED EQUIPMENT BROCHURE FOR SPECIFIC INFORMATION ON EACH PIECE OF OWNER FURNISHED EQUIPMENT SHOWN ON THE PLANS. ALSO SEE VENDOR DRAWINGS PROVIDED FOR POSSIBLE WORK REQUIRED FOR EACH SPECIFIC VENDOR EQUIPMENT. CONFIRM WORK REQUIRED FOR EACH PIECE OF EQUIPMENT BEFORE COMPLETING CONSTRUCTION FOR THOSE SPACES.
6. (W) INDICATES VIEW WINDOW REQUIREMENTS. SEE WINDOW ELEVATION FOR SIZES, GLAZING, ETC. REQUIRED.
7. (101B) INDICATES DOOR NUMBER. SEE DOOR SCHEDULE FOR SPECIFIC INFORMATION ON EACH DOOR.
8. SEE FINISH DRAWINGS FOR SPECIFIC FINISH AND SURFACE PREPARATION REQUIREMENTS FOR EACH SPACE.
9. SEE REFLECTED CEILING PLANS FOR SPECIFIC CEILING TYPES, HEIGHTS, DETAILS, LIGHTS, DIFFUSERS, ETC.
10. SEE CASEWORK DRAWINGS FOR SPECIFIC CASEWORK SIZES, FINISHES, AND OTHER REQUIREMENTS.
11. SEE STRUCTURAL DRAWINGS FOR ANY MISCELLANEOUS FRAMING MEMBERS THAT ARE WITHIN WALL CONSTRUCTION ABOVE FINISH CEILINGS, INDICATE REINFORCEMENT REQUIREMENTS FOR CONCRETE BLOCK WALLS, ETC.
12. ALL CORRIDOR WALLS ARE TO BE SEALED TO LIMIT THE TRANSFER OF SMOKE (SMOKE RESISTIVE) REGARDLESS OF THE FIRE RATING ASSOCIATED WITH THE WALL.
13. ALL EXPANSION JOINTS THROUGH RATED ASSEMBLIES SHALL HAVE THE SAME FIRE RATING AS THE ASSEMBLY.
14. MOUNT BOTTOM OF T.V.S IN ALL ROOMS AT 80" A.F.F. MINIMUM.
15. PROVIDE BLOCKING FOR LOCKERS, PROX. CABINETS, AND OTHER EQUIPMENT AS REQUIRED.
16. WINDOWS MARKED WITH AN ASTERICK (*) ARE SPANDREL GLASS PANELS WITH CURTAIN WALL INSULATION. SEE ELEVATIONS FOR ADDITIONAL SPANDREL GLASS LOCATIONS.
17. PROVIDE 6" METAL STUDS AT TOILET WET WALLS AND ALL BACK-TO-BACK PATIENT HEADWALLS, TYPICAL UNLESS NOTED OTHERWISE (U.N.O.).
18. PATCH AND REPAIR ALL EXISTING FIRE RATED WALLS WITHIN LIMITS OF WORK. TO MAINTAIN EXISTING OR NON REQUIRED FIRE RATINGS.
19. ALL CORRIDOR WALLS, EXAM ROOM HEADWALLS AND EQUIPMENT STORAGE ROOMS AND ALCOVES TO HAVE HEAVY DUTY (HIGH IMPACT RESISTANT) GYPSUM BOARD.
20. VERIFY RATING OF EXISTING PARTITIONS AND UPGRADE IF REQUIRED BY NEW CONSTRUCTION.
21. SYMBOL INDICATES SPACE OR FEATURE HAS ACCESSIBILITY REQUIREMENTS. SEE ACCESSIBILITY DRAWINGS.
22. THE OWNER SHALL PROVIDE AND THE CONTRACTOR SHALL INSTALL THE FOLLOWING:

a.) AT EACH SINK/LAVATORY LOCATION: ONE SOAP DISPENSER U.N.O. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.

b.) AT EACH PATIENT CARE, UTILITY AND WORK AREA: ONE OMNIA'S DISPOSAL UNIT SLOVED DISPENSER, AND HAND GEL DISPENSER AS DIRECTED BY OWNER. VERIFY LOCATIONS WITH OWNER'S REPRESENTATIVE.

WALL LEGEND

	EXISTING NON-RATED PARTITION TO DECK
SMOKE PTN	EXISTING SMOKE PARTITION TO DECK
1HOUR RATED	EXISTING 1-HOUR FIRE BARRIER
1HR FIRE + SMOKE	EXISTING 1-HOUR FIRE + SMOKE BARRIER
2HOUR RATED	EXISTING 2 HOUR FIRE BARRIER
2HR FIRE + SMOKE	EXISTING 2 HOUR FIRE + SMOKE BARRIER
2HOUR RATED SHAFT WALL	EXISTING 2 HOUR RATED SHAFT WALL BARRIER
	NON RATED PARTITION TO 4" ABOVE CEILING
	NON-RATED PARTITION TO DECK
SMOKE PTN	SMOKE PARTITION TO DECK
1HOUR RATED	1 HOUR FIRE BARRIER
1HR FIRE + SMOKE	1HOUR FIRE + SMOKE BARRIER
1HOUR RATED SHAFT WALL	1 HOUR RATED SHAFT WALL BARRIER
2HOUR RATED	2 HOUR FIRE BARRIER
2HR FIRE + SMOKE	2 HOUR FIRE + SMOKE BARRIER
2HOUR RATED SHAFT WALL	2 HOUR RATED SHAFT WALL BARRIER



FIRST FLOOR KEY PLAN

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SUP-40552
SDR-40551

MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

Job Number: 07.131.00
Drawn By: CH/AC/EG
Date: 12.6.2010
Plotted: AS

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ESa Architects
Edward L. Stoller, Architect
2100 West End Avenue Suite 1200
Vanderbilt Plaza
Nashville, Tennessee 37203

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT PACKAGE

FIRST FLOOR PART D FLOOR & ROOF PLAN - NOTED & DIMENSIONED

Sheet Number: A1.01D

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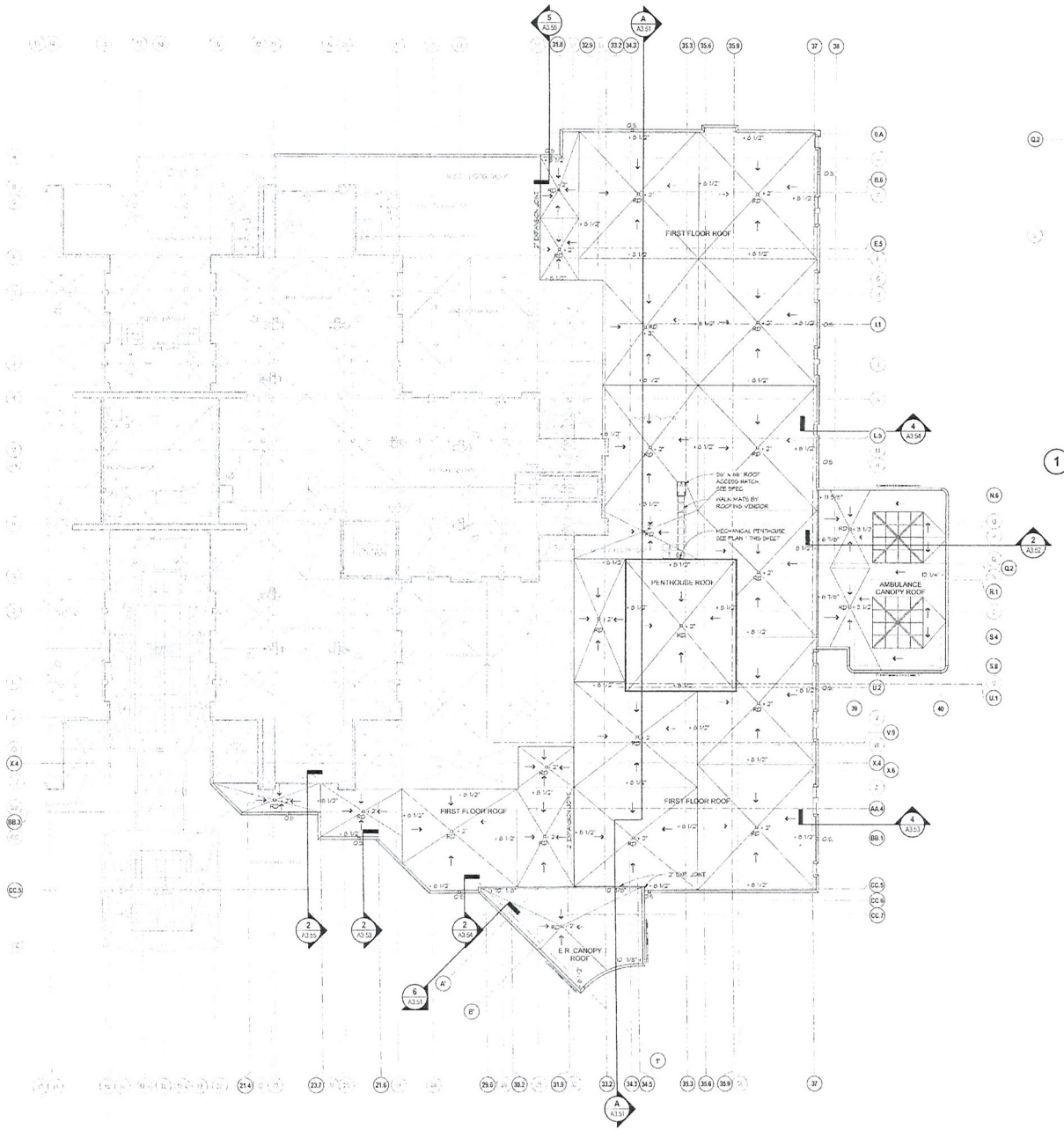
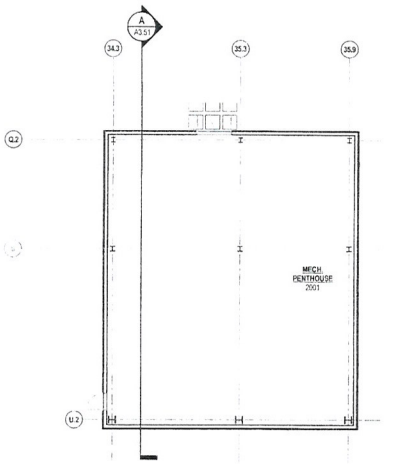


ROOF PLAN



1 MECHANICAL PENTHOUSE FLOOR PLAN

GENERAL ROOF PLAN NOTES

1. "RD" INDICATES ROOF DRAIN. "OD" INDICATES OVERFLOW DRAIN.
2. "SCUPPER" INDICATES OVERFLOW SCUPPER IN EITHER PARAPET WALL OR GRAVEL STOP. SEE PLANS FOR LOCATIONS.
3. ARROWS ON THE ROOF PLAN INDICATE WATER DRAINAGE DIRECTION. ROOF SLOPES SHALL BE A MINIMUM OF 1/4" PER FOOT OR AS PER MANUFACTURER'S RECOMMENDATIONS.
4. RIGID INSULATION BOARD & LIGHTWEIGHT INSULATING CONCRETE CRICKETS DIRECTING WATER TO ROOF DRAINS SHALL BE SLOPED TO DIRECT POSITIVE DRAINAGE TO THE ROOF DRAINS AT A MINIMUM OF 1/8" PER FOOT OR AS PER MANUFACTURER'S RECOMMENDATIONS.
5. THICKNESS INDICATED ON THE ROOF PLAN IS MINIMUM ALLOWED. THIS IS MEASURED FROM THE TOP OF STEEL TO THE TOP OF THE LIGHTWEIGHT INSULATING CONCRETE AT THE ROOF CONSTRUCTION OF THE J.L. P-821 OR D-416 ROOF UNLESS OTHERWISE NOTED.
   BUILD UP EDGES OF ROOF THE THICKNESSES SHOWN.
6. ROOF DRAINS SHALL NOT BE LOCATED LESS THAN 12" FROM ANY BEAM CENTERLINE.
7. ALL EXPOSED MECHANICAL EQUIPMENT SHALL BE PAINTED TO MATCH THE ARCHITECT'S SELECTION.
8. SEE ELECTRICAL SHEETS FOR INFORMATION ON LIGHTNING PROTECTION.
9. SEE PLUMBING PLANS FOR ROOF DRAIN SIZES.
10. SEE PLUMBING PLANS FOR ALL VENT PIPE LOCATIONS.
11. ROOFING CONTRACTOR IS TO INSTALL FLASHING AT ALL ROOF PENETRATIONS AS PER MANUFACTURER'S STANDARD DETAILS.
12. ALL VENTS THROUGH ROOF SHALL MAINTAIN THE FOLLOWING MINIMUM DISTANCES:
    A. MECHANICAL FRESH AIR INTAKE - 25'-0"
    B. EDGE OF BUILDING - 5'-0"
13. APPROXIMATE LOCATION OF ROOF ANCHORS FOR WINDOW WASHING EQUIPMENT ARE INDICATED USING "R.A." ANCHORS TO BE SECURED TO STRUCTURAL BUILDING STEEL. SEE STRUCTURAL FOR DETAIL.
14. ALL ROOF EDGE CONDITIONS ARE TO BE CONSIDERED PARAPET WALLS UNLESS OTHERWISE NOTED.



FIRST FLOOR KEY PLAN

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SUP-40552
SDR-40551

ESa Architects
richard l. miller, architect
2100 West End Avenue, Suite 1200
Vanderbilt Plaza
Nashville, Tennessee 37203

DESIGN DEVELOPMENT PACKAGE

NOT FOR CONSTRUCTION

MountainView Hospital
EMERGENCY & ICU DEPARTMENT ADDITIONS
and FOURTH FLOOR INTERIOR RENOVATIONS
LAS VEGAS, NEVADA

ROOF OVERALL PLAN

Job Number 07131.00
Drawn By CB
Date 12-6-2010
Checked By JB
Revisions

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Sheet Number A1.50



SUP-40552 AND SDR-40551 - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC.
3100 NORTH TENAYA WAY

01/13/11



SUP-40552 AND SDR-40551 - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC.
3100 NORTH TENAYA WAY

01/13/11



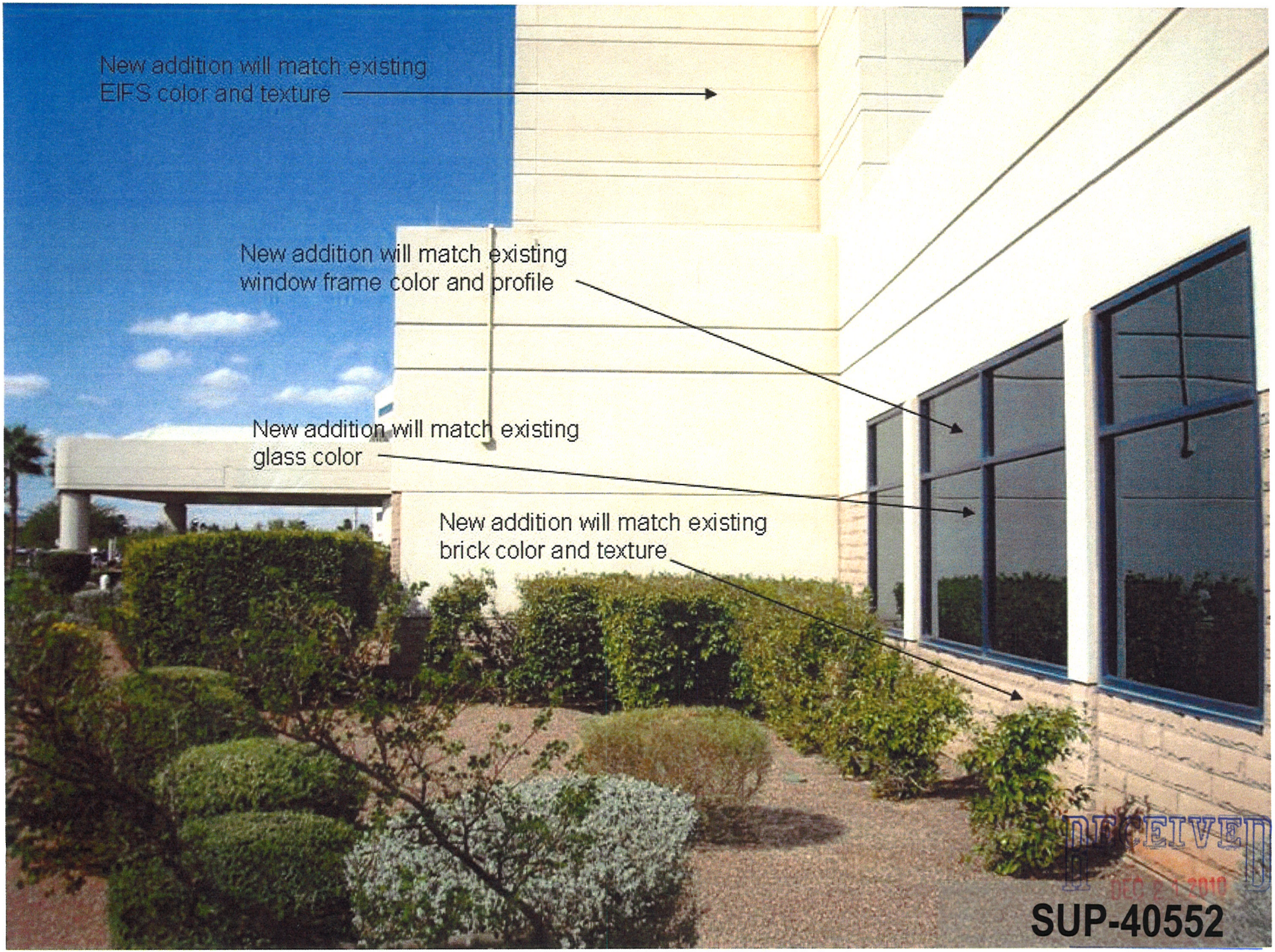
SUP-40552 AND SDR-40551 - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC.
3100 NORTH TENAYA WAY

01/13/11



SUP-40552 AND SDR-40551 - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC.
3100 NORTH TENAYA WAY

01/13/11



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SUP-40552

SDR-40551

LITTLEJOHN ENGINEERING ASSOCIATES

December 21, 2010

City of Las Vegas
Planning & Development
731 South Forth Street
Las Vegas, Nevada 89101

RE: Mountainview Hospital ER/ICU Addition & Renovations
Justification Letter

To Whom It May Concern:

Mountainview Hospital is an existing facility with 235 beds and approximately 198,000 square feet of medical office space. The proposed one story expansion of the hospital will add about 30,000 square feet and 12 new beds. Furthermore, this project will include the second story expansion of the facility's existing powerhouse, the installation of a new 12,000 gallon underground storage tank, and the construction of a new heliport to the southeast of the hospital. There will also be a new ambulance drive and drop-off canopy and a new emergency department patient drop-off canopy.

The proposed helipad will require the relocation of controlled access parking and will include all necessary lighted windsocks and building beacons in order to meet FAA guidelines for helipad operations.

We will respond to the comments form the pre-application meeting in the following manner:

1. The helipad will be permitted as an accessory use- Licensing requirements for the use of the helipad are required for the Air Ambulance service.
2. The operator will document the anticipated flight path for take-off and approach to the facility. these will be submitted to the FAA and to the Clark County Department of Aviation for review and approval prior to permitting of the project.
3. Parking counts and analysis are provided on the site plan confirming that there are in excess of 371 spaces provided for the hospital.
4. All NFPA guidelines will be adhered to relative to the Helipad.
5. a drainage summary has been included with the submittal confirming that the existing stormwater detention facilities are adequate to meet the requirements of the proposed expansion.
6. The accessible ramps at the southernmost driveway will be removed and reconstructed in compliance with current ADA standards.

We have received approval from the Technology Center Architectural review board and the approval letter has been included with this submittal.

1935 21ST AVENUE SOUTH, NASHVILLE, TENNESSEE 37212
T 615.385.4144 F 615.385.4020

Nashville | Chattanooga | Decatur | Tri-Cities

www.leainc.com

Engineering
Planning
Landscape Architecture
Land Surveying
Environmental Services
Health and Safety

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SUP-40552
SDR-40551

Please feel free to call (615-385-4144) or e-mail (blipsey@leainc.com) me should you have any questions or concerns.

Sincerely,

LITTLEJOHN ENGINEERING ASSOCIATES, INC.

Brad Lipsey

Brad Lipsey, Project Manager

SUP-40552
SDR-40551

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DEC 21 2010

SSA ARCHITECTURE
Small Studio Associates, LLC.
4630 South Arville Street, Suite A
Las Vegas, Nevada 89103-5341
702.8731718 702.8731726 fax
www.smallstudioassociates.com

12/17/2010

Brad Lipsey, ASLA
Littlejohn Engineering Associates
1935 21st Avenue South, Nashville, TN 37212
T: 615-385-4144 / D: 615-324-3952

Re: Mountainview Medical Center

Via: Email blipsey@leainc.com

Dear Mr. Lipsey,

The Architectural Review Committee of the LV Technology Center has discussed your proposed addition to the existing Mountainview Hospital site. The ARC board voted to support your project. We have attached the correspondence that you provided in order to attain that support. That information is a part of this support letter. You must include the attached pages with our support letter for the support letter to be valid. Those pages are a 5 page letter from Littlejohn Engineering dated 11/16/2010, sheet drawings identified as Exhibits 1, 2 & 3 and an exterior rendering. If your design changes materially from what is shown on those drawings then you must come back to the board for another review. At this time the board feels that this project, as shown, is in the best interest of the public and the property owners.

The support is for the construction excluding the signage which must be reviewed and approved under a separate application as you choose not to submit the signage at this time.

Thank you for your cooperation in this matter.

Representing the Board,

Ken Small AIA
CC: Donna Bishop & Board

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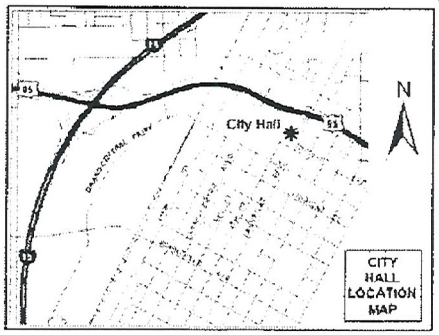
SUP-40552
SDR-40551

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
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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-40552 & SDR-40551

Planning Commission Meeting of 2/8/2011

Case: SUP-40552
13815611208
NESSE BRIAN S & SARA ANN GARVEY
P O BOX 2548
MORGAN HILL CA 95038--254

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108 KRDFN11 95038

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-40551 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-40552 – PUBLIC HEARING - APPLICANT/OWNER: SUNRISE MOUNTAINVIEW HOSPITAL, INC. - Request for a Site Development Plan Review FOR A PROPOSED 33,717 SQUARE-FOOT, 12-BED EXPANSION AND HELIPAD IN CONJUNCTION WITH AN EXISTING HOSPITAL on 28.10 acres at 3100 North Tenaya Way (APN 138-15-510-005), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**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. Consolidated Backup
2. Supporting Documentation
3. Las Vegas Technology Center Architectural Review Committee Approval Letter

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.

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-40551** APN: _____

Name of Property Owner: Sunrise Mountainview Hospital, Inc. dba MountainView Hospital

Name of Applicant: Sunrise Mountainview Hospital, Inc. dba MountainView Hospital

Name of Representative: Littlejohn Engineering Associates (Brad Lipsey)

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: _____ 12/17/2010

Print Name: Will Wagnon, CEO

Subscribed and sworn before me

This 17th day of December, 2010

Chita C. Ugale

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CHITA C. UGALE
No: 03-82370-1
My Appointment Expires May 20, 2011

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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Review / Special Use Permit

Project Address (Location) 2902 North Tenaya Way

Project Name Mountainview Hospital ER/ICU Addition **Proposed Use** Hospital/Helipad

Assessor's Parcel #(s) 138-15-510-005 **Ward #** 1-Tarkanian

General Plan: existing LI/R proposed LI/R **Zoning:** existing C-PB proposed C-PB

Commercial Square Footage 550,939 **Floor Area Ratio** 0.45

Gross Acres 28.02+/- **Lots/Units** 1 **Density**

Additional Information

PROPERTY OWNER Sunrise MountainView Hospital **Contact** J.D. Melchiode

Address 3100 N. Tenaya Way **Phone:** (702) 255-5065 **Fax:** (702) 255-5074

City Las Vegas **State** NV **Zip** 89128

E-mail Address joseph.melchiode@hcahealthcare.com

APPLICANT Sunrise MountainView Hospital, Inc. dba **Contact** J.D. Melchiode

Address 3100 N. Tenaya Way **Phone:** (702) 255-5065 **Fax:** (702) 255-5074

City Las Vegas **State** NV **Zip** 89128

E-mail Address joseph.melchiode@hcahealthcare.com

REPRESENTATIVE Littlejohn Engineering Associates **Contact** Brad Lipsey

Address 1935 Twenty-First Avenue South **Phone:** (615) 385-4144 **Fax:** (615) 385-4020

City Nashville **State** TN **Zip** 37212

E-mail Address blipsey@leainc.com

Property Owner Signature* 12/17/2010

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Will Wagnon

Subscribed and sworn before me

This 17th day of December, 2010.

Chita C. Ugale

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CHITA C. UGALE
No: 03-82370-1
My Appointment Expires May 20, 2011

FOR DEPARTMENT USE ONLY

Case #	SDR-40551
Meeting Date:	2/8/11 PC
Total Fee:	$ 1,030
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

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SSA ARCHITECTURE
Small Studio Associates, LLC.
4630 South Arville Street, Suite A
Las Vegas, Nevada 89103-5341
702.8731718 702.8731726 fax
www.smallstudioassociates.com

12/17/2010

Brad Lipsey, ASLA
Littlejohn Engineering Associates
1935 21st Avenue South, Nashville, TN 37212
T: 615-385-4144 / D: 615-324-3952

Re: Mountainview Medical Center

Via: Email blipsey@leainc.com

Dear Mr. Lipsey,

The Architectural Review Committee of the LV Technology Center has discussed your proposed addition to the existing Mountainview Hospital site. The ARC board voted to support your project. We have attached the correspondence that you provided in order to attain that support. That information is a part of this support letter. You must include the attached pages with our support letter for the support letter to be valid. Those pages are a 5 page letter from Littlejohn Engineering dated 11/16/2010, sheet drawings identified as Exhibits 1, 2 & 3 and an exterior rendering. If your design changes materially from what is shown on those drawings then you must come back to the board for another review. At this time the board feels that this project, as shown, is in the best interest of the public and the property owners.

The support is for the construction excluding the signage which must be reviewed and approved under a separate application as you choose not to submit the signage at this time.

Thank you for your cooperation in this matter.

Representing the Board,

Ken Small AIA
CC: Donna Bishop & Board

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JAN 10 2011

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SDR-40551

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 16, 2011

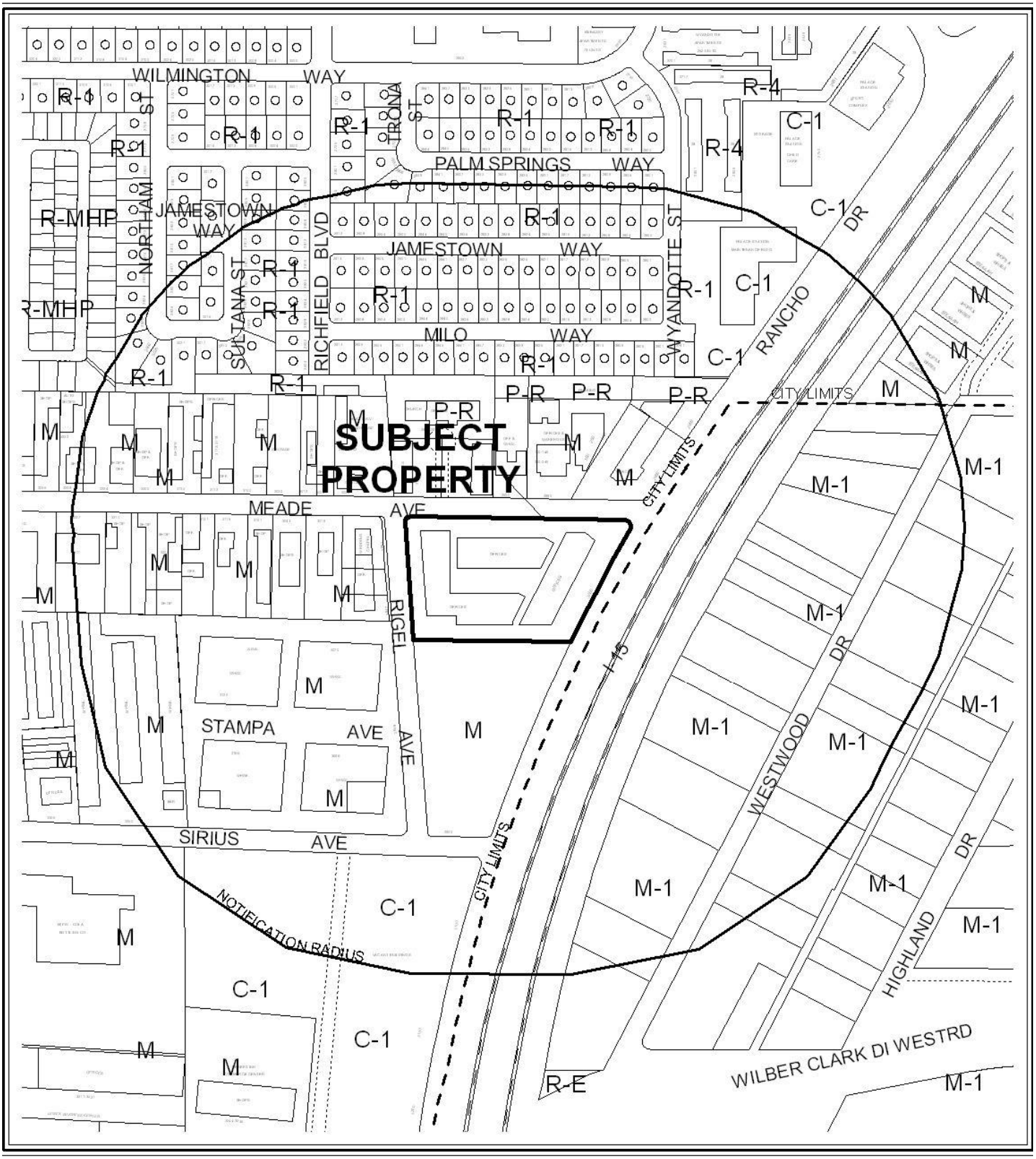
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG, Acting ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-40575 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC - Request for a Special Use Permit FOR A PROPOSED 15,669 SQUARE-FOOT SOCIAL SERVICE PROVIDER at 3000, 3010-3020 Rigel Avenue (APN 162-08-702-001), M (Industrial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**3**

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. Support Postcards



0 90180 Feet

CASE: **SUP-40575**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



0 90180 Feet

CASE: **SUP-40575**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-40575	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-40575 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Social Service Provider use.

2. Conformance to the approved conditions of Plot Plan Review (Z-0056-74).

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 or a non-work certificate of occupancy has been issued for the proposed suites. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Prior to occupancy, 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.

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.

Staff Report Page One
March 16, 2011 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 15,669 square-foot Social Service Provider use at 3000 Rigel Avenue. The proposed use will also occupy 3010, 3012, 3014, 3016 and 3020 Rigel Avenue. The subject parcel contains three buildings, which total 76,275 square feet. These buildings are part of the overall 90,730 square-foot Palms Business Center North development. The applicant proposes to provide employment assistance for the developmentally disabled. The proposed Social Service Provider use complies with all Title 19.04 requirements, which can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore, staff recommends approval. If the Special Use Permit request is denied, the proposed Social Service Provider use cannot be located within the subject site.

ISSUES

- A Social Service Provider use is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit.
- The applicant was originally classified as an Employment Agency, but has been reclassified as a Social Service Provider.
- A Project of Regional Significance Report is required and was submitted as part of the application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
10/08/96	The Planning Commission approved a request for a Plot Plan Review (Z-0056-74) for proposed retail/wholesale shops and offices on property located on the southwest corner of Rancho Drive and Meade Avenue. The Planning and Development staff recommended approval.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan Area and within the proposed Redevelopment Plan Expansion Area, which included the subject sites. The Planning Commission and staff recommended approval.

01/25/11	The Planning Commission will hear the application request for a Site Development Plan Review (SDR-40437) proposing to develop a 191,323 square-foot parcel into a Commercial Recreation/Amusement (Outdoor) use to operate heavy equipment for just-for-fun recreational diversion or team building games and activities. The applicant is leasing an office at 3012 North Rancho Drive. The Planning and Development Department staff recommends approval.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 29/jg).

Most Recent Change of Ownership	
12/15/05	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
C.1987	The retail/wholesale shops and office building at 3000 South Rancho Drive were constructed.
03/15/02	A building permit (02004680) was issued for a Non-work Certificate of Occupancy at 3000 Rigel Avenue. The permit was finaled on 04/05/02.
09/09/04	A business license (N31-00006) was issued for a Non-Profit Social Service Provider at 3014 Rigel Avenue, which includes 3012, 3016 and 3020 Rigel Avenue. The license is active.
09/28/04	A business license (N31-00177) was issued for a Non-Profit Social Service Provider at 3010 Rigel Avenue. The license is active.
12/04/08	A building permit (129445) was issued for a Non-work Certificate of Occupancy at 3010 Rigel Avenue. The permit was finaled on 04/02/09.
01/29/09	A building permit (132418) was issued for a Non-work Certificate of Occupancy at 3014 Rigel Avenue. The permit was finaled on 04/02/09.

Pre-Application Meeting	
10/20/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/13/11	During a site visit, staff noted a Retail, Wholesale and Office Park to be clean and free of debris.

Details of Application Request	
Site Area	
Net Acres	4.88

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Offices / Retail	C (Commercial)	M (Industrial)
North	Offices / Retail	C (Commercial)	M (Industrial)
South	Vacant	C (Commercial)	M (Industrial)
East	I-15	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Retail / Auto Repair Garage, Major	LI/R (Light Industry/Research)	M (Industrial)

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		Y
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		Y

DEVELOPMENT STANDARDS

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Street Width (Feet)***	***Compliance with Street Section***
Rancho Drive	Secondary Collector	Master Plan of Streets and Highways	80	Y
Rigel Avenue	N/A	N/A	60	N/A
Meade Avenue	N/A	N/A	60	N/A

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Office / Warehouse /Retail	74,039 SF	1/500 SF	154				
Office / Warehouse /Retail (To Be Removed)	(-15,669 SF)	1/500 SF	-32				
Proposed Social Service Provider	15,669 SF	1/300 SF	52				
General Personal Services	6,097 SF	1/250 SF	24				
Proposed Commercial Recreation / Amusement Facility (Outdoor)	40 People Maximum	1/3 persons	14				
TOTAL SPACES REQUIRED			212		263		Y
Regular and Handicap Spaces Required			205	7	259	4	Y*

* Handicapped spaces as approved by Plot Plan Review (Z-0056-74).

ANALYSIS

The applicant is proposing a 15,669 square-foot Social Service Provider at 3000 Rigel Avenue. The proposed use will also occupy 3010, 3012, 3014, 3016 and 3020 Rigel Avenue, which is located in the 90,730 square-foot Palms Business Center North development. The subject property is located within the Airport Overlay District and conforms to the 175-foot height requirement. A proposed on-street bike trail to be located on South Rancho Drive would not be negatively impacted by the proposed use.

A Social Service Provider use is defined by Title 19.20.02 as "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 or homeless shelter, or an adult day care center."

The applicant will use 3000 Rigel Avenue as a new corporate and accounting office, while 3010, 3012, 3014, 3016 and 3020 Rigel Avenue will be used as an Employment Agency for Disabled adults by assisting individuals with obtaining and maintaining community employment. The applicant's service has been in operation at this site since 2004, but a determination has been made that the use falls under a Social Service Provider use and that a Special Use Permit is required. The proposed Social Service Provider use complies with all Title 19.04 minimum Special Use Permit requirements and is compatible with development in the area; therefore, staff recommends approval of this request with conditions.

FINDINGS (SUP-40575)

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 will be located within an existing Commercial/Industrial Center. The proposed use can be conducted in a manner that is harmonious and compatible with the uses at the existing site and with the uses on adjacent properties.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site has ample area for on-site parking, which makes it physically suitable for the proposed Social Service Provider 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.**

   The site is accessed by Rigel Avenue, Meade Avenue and Rancho Drive. These streets are of sufficient size to accommodate the needs of the proposed Social Service Provider 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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use will be located within an existing Commercial/Industrial Center and complies with the minimum Special Use Permit Requirements for a Social Service Provider use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 434 (By City Clerk)

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-40575** APN: 162-08-702-001

Name of Property Owner: Fisher Brothers Las Vegas, LLC

Name of Applicant: Progressive Choices, Inc.

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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: WINSTON FISHER

Subscribed and sworn before me

This 8TH day of NOVEMBER, 2010

Donald Waldauer

Notary Public in and for said County and State

DONALD WALDAUER
Notary Public, State of New York
No. 01WA9502160
Qualified in New York County
Commission Expires June 30, 2014

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

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DEC 23 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Palms Business Center - Progressive Choices, Inc

Project Address (Location) 3000 ; 3010 – 3014 Rigel Ave

Project Name Special Use Permit **Proposed Use** Social Service

Assessor's Parcel #(s) 162-08-702-001 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 4.88 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Fisher Brothers Las Vegas LLC **Contact** Jamie Wingard

Address 299 Park Ave, 42nd Fl. **Phone:** 702-413-640 **Fax:** _____

City New York **State** NY **Zip** 10171

E-mail Address Jamie@Gatski Commercial.com

APPLICANT Progressive Choices, Inc **Contact** Kim Hogue-McCord

Address 3010 Rigel Ave **Phone:** 248-9484 **Fax:** 248-9447

City Las Vegas **State** NV **Zip** 89102

E-mail Address pci office@yahoo.com

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Winston Fisher

Subscribed and sworn before me

This 8TH day of NOVEMBER, 2010.

Donald Waldauer

Notary Public in and for said County and State

DONALD WALDAUER
Notary Public, State of New York
No. 01WA9502160
Qualified in New York County
Commission Expires June 30, 2014

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP-40575
Meeting Date:	2/8/11 PC
Total Fee:	$1,030
Date Received:*	12-23-10
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.

f:\depot\Application Packet\Application Form.pdf

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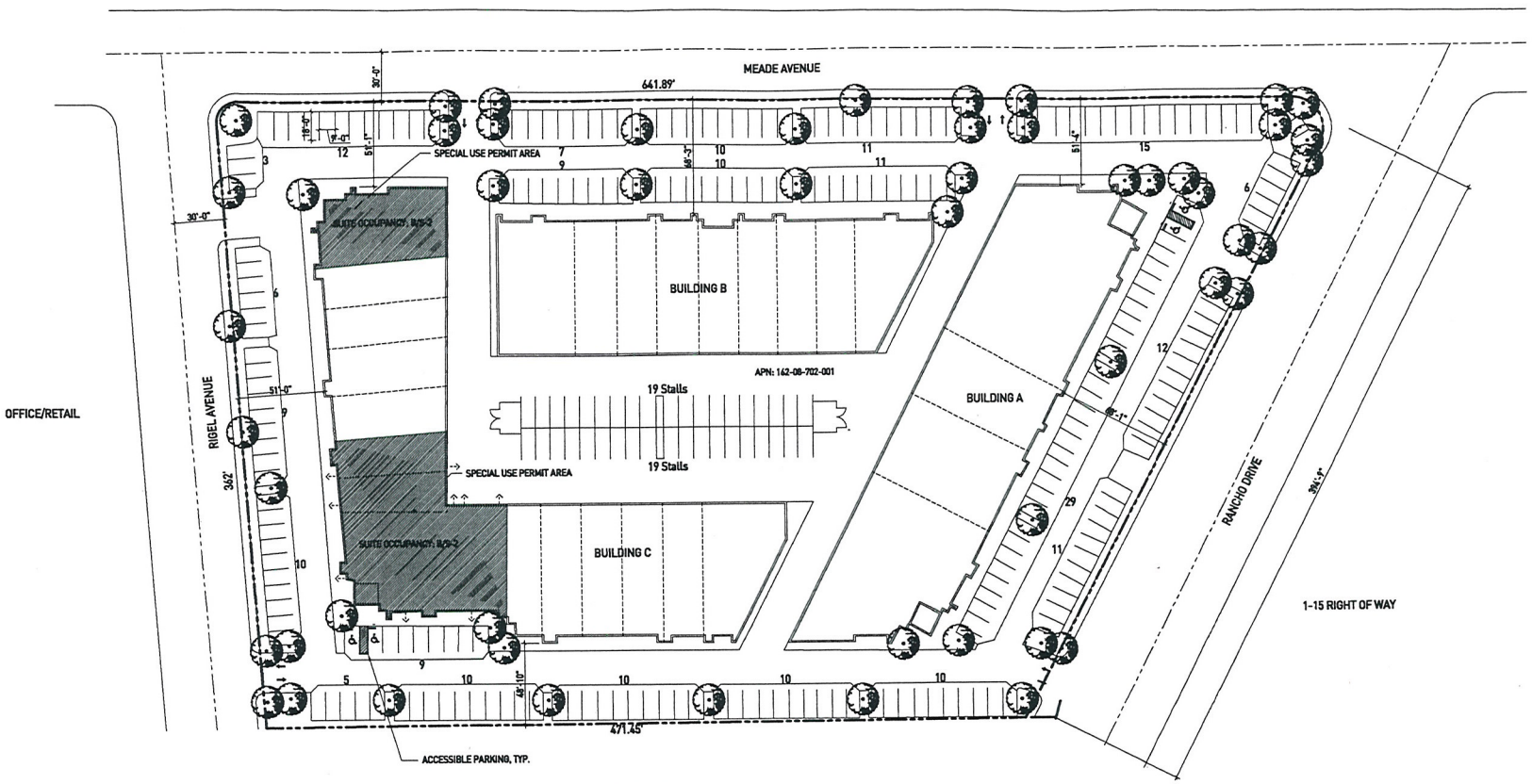
Nov 04 10 05:19p PROGRESSIVE CHOICES INC 7022489447 p.4

PARKING DATA

EXISTING STALLS:	BUILT & APPROVED STALLS @ 1:300 SF REQUIRED
BUILDING A	22,950 SF
BUILDING B	20,328 SF
BUILDING C	32,952 SF
TOTAL	74,230 SF

TOTAL REQUIRED STALLS - 254
TOTAL EXISTING REGULAR STALLS (263) + 4 EXISTING HANDICAP = 267 STALLS



NORTH

SCALE: 1"=32'

EXISTING SITE PLAN

PARKER SCAGGIARI
interior design | graphics
500 N Rainbow Blvd. • Suite 125 • Las Vegas, NV 89107
T 702.733.7759 F 702.733.9802 • www.psvegas.com

EXISTING SITE PLAN
SPECIAL USE PERMIT

PROGRESSIVE CHOICES INC
3010 & 3014 RIGEL AVE, LAS VEGAS, NV 89102

REVISIONS

1.0

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SUP-40575

PROJECT DATA

3010 RIGEL AVENUE FLOOR AREA: 5,248 SQ. FT.
BUSINESS OCCUPANT LOAD: 3,706 SF/100=38
WAREHOUSE OCCUPANT LOAD: 1,389 SF/500=3
TOILET ROOM OCCUPANT LOAD: 173 SF/0=0
TOTAL OCCUPANT LOAD: 41

EXITS REQUIRED:
ONE [3'-0"]

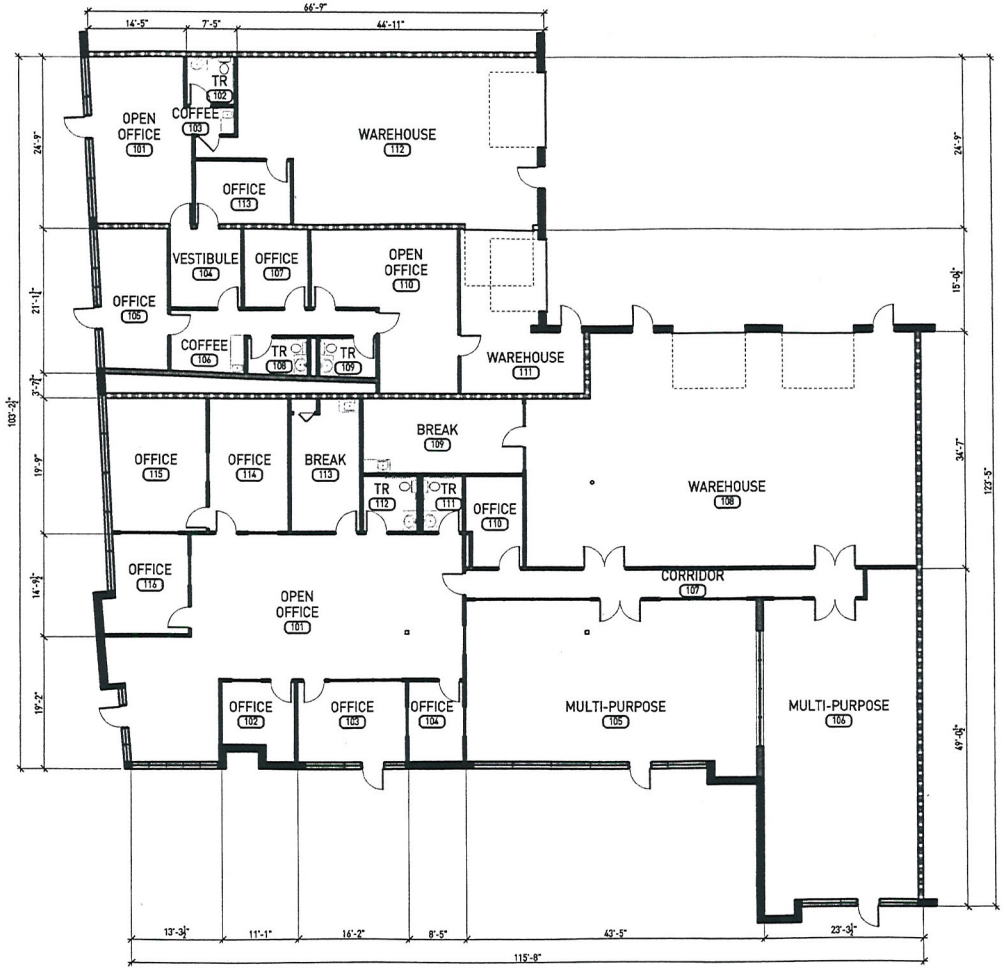
EXITS PROVIDED:
FOUR [3'-0"]

3014 RIGEL AVENUE FLOOR AREA: 7,243 SQ. FT.
BUSINESS OCCUPANT LOAD: 5,219 SF/100=53
WAREHOUSE OCCUPANT LOAD: 1,898 SF/500=4
TOILET ROOM OCCUPANT LOAD: 126 SF/0=0
TOTAL OCCUPANT LOAD: 57

EXITS REQUIRED:
TWO [3'-0"]

EXITS PROVIDED:
SIX [3'-0"]

CODE EDITIONS USED: 2006 IBC, 2006 IECC, 2006 UMC, 2006 UPC, 2003 ANSI: 117.1, 2005 NEC, & SO. NV. AMENDMENTS AND 2005 CLARK COUNTY FIRE CODE



NORTH

FLOOR PLAN

SCALE: 1/8" = 1'-0"

PARKER SCAGGIARI
interior design | graphics
500 N Rainbow Blvd. • Suite 125 • Las Vegas, NV 89107
T 702.733.7759 F 702.733.9802 • www.psvegas.com

FLOOR PLAN
FIRST FLOOR

PROGRESSIVE CHOICES INC
3010 & 3014 RIGEL AVE, LAS VEGAS, NV 89102

These drawings, including all details, specifications and designs, are the exclusive property of Parker and Scaggiari and are for the use of this specific project as shall not be used on any other work. Pursuant to the provisions of the AIA® B.

Job No. 0806
Date 10/14/10
Scale 1/8"=1'-0"
Drawn by JS/PK
Check by S.A.S.

REVISIONS

2.0

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DEC 13 2010

SUP-40575

PROJECT DATA

3000 RIGEL AVENUE FLOOR AREA: 3,158 SQ. FT.
BUSINESS OCCUPANT LOAD: 3,158 SF/100=38
TOTAL OCCUPANT LOAD: 32

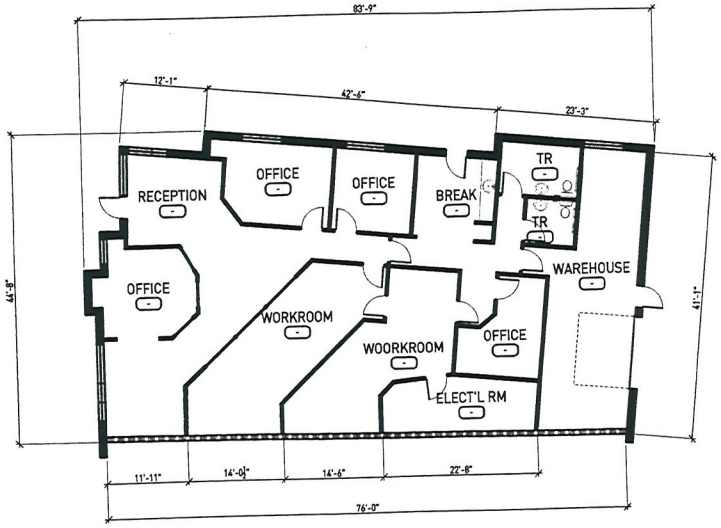
EXITS REQUIRED:
ONE [3'-0"]

EXITS PROVIDED:
FOUR [3'-0"]

EXITS REQUIRED:
TWO [3'-0"]

EXITS PROVIDED:
SIX [3'-0"]

CODE EDITIONS USED: 2006 IBC, 2006 IECC, 2006 UMC, 2006 UPC, 2003 ANSI: 117.1, 2005 NEC, & SO. NV. AMENDMENTS AND 2005 CLARK COUNTY FIRE CODE



NORTH

SCALE: 1/8" = 1'-0"

FLOOR PLAN SUITE 3000

PARKER SCAGGIARI
Interior design | graphics
500 N Rainbow Blvd. • Suite 125 • Las Vegas, NV 89107
T 702.733.7759 F 702.733.9802 • www.psvegas.com

DRAWING TITLE
FLOOR PLAN
FIRST FLOOR

PROJECT TITLE
PROGRESSIVE CHOICES INC
3000, 3010 & 3014 RIGEL AVE, LAS VEGAS, NV 89102

These drawings including all design, details, specifications and information, are the sole copyright of Parker and Scaggiari and are for the use of this specific project and shall not be used on any other work. Pursuant to the provisions of the 1998 IDS.

Job No. [illegible]
Scale 1/8"=1'-0"
Date 11/09/10
Drawn by J.E.W.
Checked by R.A.S.

REVISIONS

2.1

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DEC 23 2010

SUP-40575



SUP-40575- APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC
3000, 3010-3020 RIGEL AVENUE

01/13/11



SUP-40575- APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC
3000, 3010-3020 RIGEL AVENUE

01/13/11



SUP-40575- APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC
3000, 3010-3020 RIGEL AVENUE

01/13/11



SUP-40575- APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC
3000, 3010-3020 RIGEL AVENUE

01/13/11



SUP-40575- APPLICANT: PROGRESSIVE CHOICES, INC. - OWNER: FISHER BROTHERS LAS VEGAS, LLC
3000, 3010-3020 RIGEL AVENUE

01/13/11

Progressive Choices, Inc.

Corporate Offices (702) 248-9484 Fax (702) 248-9447
4760 Pahrump Valley Blvd., # 9, Pahrump, NV 89048 (775) 751-5221
2937 East Alexander Road, No. Las Vegas, NV 89030 (702) 644-5850
3010 Rigel Ave., Las Vegas, NV 89102 (702) 212-0294

December 13, 2010

City Of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Attn: Planning & Development Department

RE: N31-00006-G-118435 (Nature of Business)

Progressive Choices, Inc. has added **3000 Rigel Ave**. as our new corporate and accounting offices. We will require licensing for that location. Our Job Development Program Training Center **has been operating at the Palms Business Center since 2004.** The **"Training Center"** now occupying suites **3014-3018 Rigel Ave.** will be **adding the unit 3010 Rigel Ave. to our current location. It has come to our attention that we require a special use permit to operate at these locations.** Progressive Choices, Inc. is a professional non-profit organization developed in 1997 to provide on site and off site contracted work and supported employment specialists. We are licensed and vendored in the State of Nevada. The individuals that we service meet the State of Nevada's qualifications and are entitled to the services Progressive Choices, Inc. offers. The services we provide at our site location are referred to as contracted work delivered, pick up and paid for by outside contractors, our program participants are monitored by our trained paraprofessionals. Our trained professionals monitor the individuals that work outside our location, in the community. We do not provide psychological services nor any medical services. We do not focus on assistance or teach living skills nor conduct self-help groups. Our primary interest is to assist individuals with obtaining and maintaining community employment, documentation such as tracking skill levels, individual goals, and record monthly earnings. Our organization is funded through the State of Nevada.

If you need further information or have additional questions please contact one of the Owners (Bob Hogue, CFO, Kim Hogue-McCord, Vice President or Michelle Gerard, CEO @ (702) 248-9484.

Thank for your consideration.

Sincerely,

Kim Hogue-McCorrd

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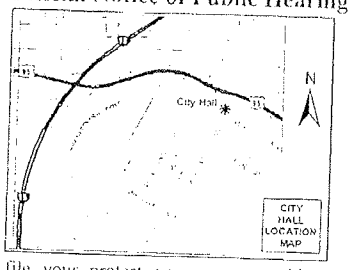
DEC 23 2010
SUP-40575

p.1
702-362-9913
Mar 05 11 11:06a John Himes

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

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.

SUP-40575

City Council Meeting of 3/16/2011

HIMES FAMILY TRUST
5620 DARBY AVE
LAS VEGAS NV 89146-7916

APN#16208301013

2011 MAR -7 A 7:50

CITY CLERK

56 LRDFN11 89146

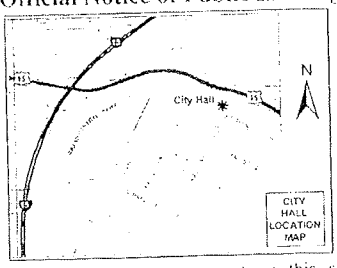
03/05/2011 SAT 11:07 [TX/RX NO 6019] 001

CITY CLERK

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

2011 MAR -7 A 7:02

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-40575

City Council Meeting of 3/16/2011

MARTIN ROBERT E & KAYE B
7045 LAREDO
LAS VEGAS NV 89117-3021

APN#16208303008

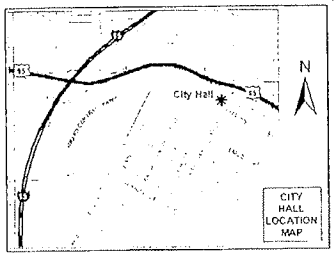
18 LRDFN11 89117

City of Las Vegas
Office Of The City Clerk
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89107

RECEIVED
CITY CLERK

2011 MAR -7 A 7:02

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-40575
City Council Meeting of 3/16/2011

MARTIN ROBERT E & KAYE
7045 LAREDO
LAS VEGAS NV 89117-3021

APN#16208301017

18 LRDFN11 89117

Mar 07 11 10:05a Robert Martin 702-873-4005 p.1

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 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

City of Las Vegas Agenda Item No.: **82.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 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.: **83.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 16, 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