

BILL NO. 2009-18

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE AND CORRECT VARIOUS PROVISIONS OF THE CITY'S ZONING REGULATIONS RELATIVE TO CERTAIN LAND USE CATEGORIES AND DEVELOPMENT STANDARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Updates and corrects various provisions of the City's zoning regulations relative to certain land use categories and development standards.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: 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 by amending the entry for the use "Animal Keeping & Husbandry," as found in the "Rural & Animal-Related" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Animal Keeping & Husbandry	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	C	C	C																		
Description: The raising, keeping and breeding of domestic animals, including without limitation dogs, cats, birds, <u>sheep, goats</u> 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 Planning and Development 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. <u>No more than 3 sheep or goats may be kept for each one-half acre of land included in the building site.</u> 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.																					

SECTION 2: 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 by amending the entry for the use "Pet Boarding," as found in the "Rural & Animal-Related" element of Table 2, to read as follows:

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USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Pet Boarding	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	[S] C	[S] C		C	C
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 per 250 square feet of gross floor area.																					

SECTION 3: 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 by amending the entry for the use "Senior Citizen Apartments" as found in the "Residential & Lodging" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Senior Citizen Apartments	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
								C	C	C						S					
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 façade 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.																					

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Senior Citizen Apartments (Continued)	Minimum Special Use Permit Requirements: (Continued) 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. <u>(C-1 only)</u> 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. <u>(C-1 only)</u> 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. <u>(C-1 only)</u> 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. <u>(C-1 only)</u> On-site Parking Requirement: .75 spaces per unit (.5 spaces per unit within the Downtown Overlay District).		

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 by amending the entry for the use "Church/House of Worship," as found in the "Institutional & Community Service" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Church/House of Worship	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
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 Chapter 19.18. 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 [feet] inches of bench or pew shall be considered one seat.																					

SECTION 5: 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 by amending the entry for the use “Public or Private School, Primary,” as found in the “Institutional & Community Service” element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Public or Private School, Primary	U	R-A	R-E	R-D	R-I	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	S	S	S	[C] S	[C] S	[C] S	[C] S
	Description: An institution that provides kindergarten through 8th grade education and is supported by a public, religious or private organization.																				
	[Conditional Use Regulations:] 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.																				

SECTION 6: 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 by amending the entry for the use “Public or Private School, Secondary,” as found in the “Institutional & Community Service” element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Public or Private School, Secondary	U	R-A	R-E	R-D	R-I	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	S	S	S	S	S	S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	[C] S	S	S	S	S	S	S	S
	Description: An institution that provides 9 th through 12 th grade education and is supported by a public, religious or private organization.																				
	[Conditional Use Regulations:] Minimum Special Use Permit Requirements: 1. Schools shall be located on a collector street or larger. On-site Parking Requirement: Nine spaces per classroom.																				

SECTION 7: 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 by adding to the “Institutional & Community Service” element of Table 2, at the appropriate location, a new entry for the use “Tutoring Center,” reading as follows:

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USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL			
Tutoring Center	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
													C		C		C	C	C	C	C	
	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-R 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.																						

SECTION 8: 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 by adding to the "Office & Professional" element of Table 2, at the appropriate location, a new entry for the use "Internet/Catalogue Sales Office," reading as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Internet/Catalogue Sales Office	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
													C	C	C	P	P	P	P	P	P
	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.																				

SECTION 9: 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 by amending the entry for the use "Liquor Establishment (Tavern)," as found in the "Retail & Personal Services" element of Table 2, to read as follows:

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USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Liquor Establishment (Tavern)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	S	S	S	S	S
	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 Table 2 and LVMC Chapter 19.10 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 the parcel on which the liquor establishment (tavern) will be located, execute and record an 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 Paragraph 19.04.050(A)(4), 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, <u>the Gaming Enterprise Overlay District</u>, or the Downtown Casino Overlay District;																				

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Liquor Establishment (Tavern) (Continued)	Minimum Special Use Permit Requirements: (Continued) 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; d. Will be located within a mixed-use development: i. That has been approved by means of Special Use Permit pursuant to Chapters 19.04 and 19.18; 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 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.		

SECTION 10: 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 by amending the entry for the use "Secondhand Dealer," as found in the "Retail & Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Secondhand Dealer	U	R-A	R-E	R-D	R-I	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-I	C-2	C-PB	C-M	M
																	S	S		C	C
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[,] <u>or used books</u> , 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.																					

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Secondhand Dealer (Continued)	On-site Parking Requirement: One space for each 250 square feet of gross floor area.		

SECTION 11: 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 by adding to the "Retail & Personal Services" element of Table 2, at the appropriate locations, new entries for the uses "Retail Bakery," "Internet Café" and "Martial Arts Studio," respectively reading as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Bakery, Retail	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
														P	A		P	P	S	P	P
	Description: An establishment which specializes in baked goods for retail sale but does not provide meals as found in a restaurant. On-site Parking Requirement: One space for each 100 square feet of gross floor area.																				

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Internet Café	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	C	C	C	C	C
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 cafés, cyber cafés, 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.																					

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Martial Arts Studio	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
														P		P	P	P	S	P	P
	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.																				

SECTION 12: 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 by adding to the "Commercial & Business Services" element of Table 2, at the appropriate location, a new entry for the use "Auction House," reading as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Auction House	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																		S		S	S
	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.																				

SECTION 13: 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 by deleting from the "Mixed Uses" element thereof the entry for the use "Mixed-Use."

SECTION 14: 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 by adding to the "Mixed Uses" element of Table 2 a new entry for the use "Mixed-Use," reading as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Mixed-Use	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
								S	S	S			S	C	S		C	C	C		
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: - Residential uses permitted as of right in the R-3, R-4 and R-5 Zoning Districts are permitted as conditional uses within an N-S, C-1, C-2, or C-PB Zoning District. - 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. - 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. - 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 19.10. 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: - Residential uses permitted as of right in the R-3, R-4 and R-5 Zoning Districts may be permitted by means of a Special Use Permit within a P-R or O Zoning District. - Nonresidential uses permitted as of right in the P-R, N-S, O and C-1 Zoning Districts may be permitted by means of a Special Use Permit within an R-3, R-4 or R-5 Zoning District. - 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. - 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. - 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 19.10. 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 any parking standards for mixed-use developments that are set forth in Chapter 19.10; or - Otherwise, on a case-by-case basis, depending on the requirements of the individual uses represented on the site.																					

SECTION 15: Title 19, Chapter 4, Section 70, Subsection (A), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(A) P-R District. All uses in the P-R District shall conform to the following:

- (1) No products shall be stored, displayed or sold on the premises[.], except for the sales

1 activities otherwise permitted for the internet/catalogue sales office use.

2 (2) No trucks, vans or other commercial vehicles shall be stored or parked on the property
3 overnight.

4 (3) No service shall be performed upon a client except those related to the service of the
5 medical profession including dentists, opticians, optometrists, chiropractors, etc.

6 (4) Services shall not include the production or repair of any goods except as an incidental
7 use to a permitted service.

8 (5) Instructional services [must be limited to a two to one pupil/instructor ratio provided,
9 however, in connection with instructional services to be provided at a physician's office,] at a
10 physician's office must be provided with a pupil/instructor ratio no greater than two to one; provided,
11 however, that the Director may approve a higher pupil/instructor ratio upon a showing that sufficient
12 off-street parking is available for the number of pupils anticipated. Equipment used for instructional
13 purposes must be stored within the building.

14 (6) There shall be no mixed residential and commercial use of any property and in the
15 event there is an existing residential use on a property, no commercial use of the property shall be
16 permitted until the residential use has permanently ceased.

17 (7) No use or business activity shall remain open to the public for business between the
18 hours of nine p.m. though seven a.m. All exterior lighting, except for security lighting, shall be turned
19 off.

20 SECTION 16: Title 19, Chapter 8, Section 30, Subsection (C), of the Municipal Code
21 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the text thereof reads as
22 follows:

23 (C) Building Heights [Along Streets Classified as Collector or Larger]

24 [Notwithstanding the maximum] Building heights shall not exceed the applicable maximum building
25 heights established in this Chapter,], allowable building heights shall be further restricted along street
26 classified as collector or larger, as designated in the Master Plan of Streets and Highways. Buildings
27 may be constructed up to thirty-five feet in height at the front yard setback line. Any portion of a
28 building over thirty-five feet in height shall be set back an additional one foot from each foot of height

in excess of thirty-five feet, see Figure 1 below. However, the preceding restriction shall not apply to buildings in the Downtown Overlay District or buildings located adjacent to freeways.]

SECTION 17: Title 19, Chapter 8, Section 30, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is further amended to delete therefrom Figure 1.

SECTION 18: Title 19, Chapter 8, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 2 that appears therein, in particular Note 5 to that Table, so that Note 5 reads as follows:

5. R-3 and R-4 Districts--The height limit for senior citizen apartment developments shall be three stories or forty feet, whichever is less, upon approval of a Site Development Plan Review application in accordance with Section 19.18.050. Senior citizen apartment developments that exceed the [permitted] height limit set forth in the preceding sentence may be permitted upon approval of a [Special Use Permit in accordance with Sections 19.04.050 and 19.18.060.] waiver of the height limit as part of the development's Site Development Plan Review.

SECTION 19: Title 19, Chapter 8, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 1 that appears therein, including the accompanying Notes, reads as follows:

Table 1. Commercial and Industrial District Development Standards

STANDARD	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M ^[7]
Min. Site Area to Rezone	NA	NA	NA	NA	NA	NA	20 Ac.	NA	NA
Min. Lot Width (ft.) ⁴	60	100	100	100	100	100	100	100	NA
Setbacks, Principal Structures									
Min. Front Yard Setback (ft.) ⁴	20	25	25	25	20	20	20	10	10 ²
Min. Side Yard Setback (ft.) ⁴	5	10	10	10	10	10	10	10	10 ²
Min. Corner Side Yard Setback (ft.) ⁴	15 ³	15	15	15	15	15	20	10	10 ²
Min. Rear Yard Setback (ft.) ^{1, 4}	15	25	15	25	20	20	15	20	0 ²
Setbacks, Accessory Structures									
Min. Front Yard Setback (ft.)	20	25	25	25	20	20	20	10	10
Min. Side Yard Setback (ft.)	5	8	8	8	8	8	8	8	0
Min. Corner Side Yard Setback (ft.)	15	15	15	15	15	15	20	10	10
Min. Rear Yard Setback (ft.)	8	8	8	8	8	8	8	8	0
Max. Lot Coverage ^{4, 8}	50%	30%	30%	30%	50% ⁶	50%	50%	NA	NA
Max. Building Height ^{1, 2, 4, 5}	Lesser of 2 stories or 35 feet				NA	NA	NA	NA	NA

1 Table 1 Notes:

2 1. Rear Yard Setbacks, Building Heights. Rear yard setbacks and building heights may be affected
3 by the residential adjacency standards set forth in LVMC 19.08.060.

4 2. Building Height.

5 a. Non-Residential Building Height When Adjacent to Residential. See Section 19.08.060(B).

6 b. P-R and O Districts. The maximum building height in the P-R and O Districts is two
7 stories or thirty-five feet, whichever is less.

8 c. C-D District. Unless otherwise approved by the City Council in a Site Development Plan,
9 building heights in the C-D District shall not exceed:

10 (1) One story or twenty feet, whichever is less, for parcels that front on Charleston
11 Boulevard between Rancho Drive and Valley View Boulevard;

12 (2) Two stories or thirty-five feet, whichever is less, for all other parcels.

13 d. C-1 and C-2 Districts. For parcels that are located within the C-1 and C-2 Districts, but are
14 outside the Neighborhood Revitalization Area, the maximum building height for mixed-use
15 development is ten stories, or one hundred fifty feet, whichever is less. For purposes of the foregoing,
16 the "Neighborhood Revitalization Area" means the area so designated in the Las Vegas 2020 Master
17 Plan adopted by Ordinance No. 5250, as the boundaries of that area may be amended from time to
18 time.

19 e. C-PB District. The maximum building height in the C-PB District is five stories or
20 eighty-five feet, whichever is less. For parcels of land located within a C-PB Zoning District that is
21 contiguous to, or within two hundred feet of, a freeway or expressway, the maximum building height
22 shall be six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of
23 permitted commercial and retail uses, the maximum building height shall be two stories or thirty-five
24 feet, whichever is less.

25 f. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs,
26 tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround
27 mounted mechanical equipment; skylights; and whip and mounted antennas and flag poles up to forty
28 feet in height may be erected above the required height limits. In no case shall structures above the

1 permitted height limit be constructed for the purpose of providing additional floor space.

2 [g. Height Along Certain Streets. For additional building height restrictions along streets
3 classified as collector or larger, see Section 19.08.030(C).]

4 3. P-R District. A development in the P-R District which is a conversion from an existing residential
5 structure may maintain the existing setbacks. Any additions may also be constructed to the existing
6 established corner setback.

7 4. Downtown Overlay District. All structures in the Downtown Overlay District are exempted from
8 the automatic application of the height limitations, required setbacks and lot coverage requirements
9 specified in this Chapter. However, the exemption does not prohibit the City Council from imposing
10 similar or equivalent limitations in connection with the approval of a Site Development Plan in
11 accordance with Section 19.06.060.

12 5. Gaming Enterprise Overlay District. All licensed gaming establishments within the Gaming
13 Enterprise District are exempted from the automatic application of any height limitations specified
14 in this Chapter. However, the exemption does not prohibit the City Council from imposing a similar
15 or equivalent height limitation in connection with the approval of a Site Development Plan.

16 6. C-1 District. Senior citizen apartments [and mixed-use developments] that exceed the permitted
17 lot coverage limitation may be permitted upon approval of a [Special Use Permit in accordance with
18 Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the
19 following requirements:

20 a. The mixed-use development must contain both residential and commercial uses in the same
21 structure;

22 b. Commercial uses shall be located at the front yard setback facing the public right-of-way;
23 and

24 c. The residential units shall be located at or above the second story of the mixed-use
25 structure.] Site Development Plan Review application in accordance with Section 19.18.050.

26 7. M District. Where a property in an M District is adjacent to, or across the street from, a residential
27 district, the minimum setback from the property line or the street right-of-way line shall be fifty feet.
28 The setback area shall be maintained free and clear of all buildings or industrial uses, except that this

1 area may be used for parking. Such parking use may include parking for industrial equipment and
2 vehicles if parking areas are completely screened from any residential view.

3 8. Mixed-Use Developments. Lot coverage for mixed-use developments may be increased up to a
4 maximum of 75% of the net lot area upon the approval of a Site Development Plan Review
5 application in accordance with Section 19.18.050.

6 SECTION 20: Title 19, Chapter 8, Section 60, Subsection (A), Paragraph (1), of the
7 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
8 follows:

9 (1) Except as otherwise provided in Paragraph (3) of this Subsection (A), development of the
10 following property shall conform to the residential adjacency standards set forth in this Section:

11 (a) All property to be developed for nonresidential use that is located adjacent to
12 [residential] property which is [either developed for sale or designated for such development in the
13 General Plan;] zoned R-A, R-E, R-D, R-1 or R-CL, unless such adjacent property is developed with
14 a nonresidential use; and

15 (b) All property to be developed for multi-family residential use that is located adjacent
16 to either single-family residential property or property which is designated for such development in
17 the General Plan.

18 SECTION 21: Title 19, Chapter 8, Section 60, Subsection (B), Paragraph (3), of the
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
20 follows:

21 3. Exceptions.

22 (a) The following structures may project a maximum of twelve feet above the Proximity
23 Slope:

- 24 (i) Chimney and vent stacks.
- 25 (ii) Roof structures for the use of Solar Panels units, elevators, stairs, tanks,
26 ventilation, and similar necessary mechanical equipment.
- 27 (iii) Visual screens which surround mounted mechanical equipment.
- 28 (iv) Skylights.

1 (v) Whip and mounted antennas.

2 (b) Church steeples, utility transmission lines and towers, wireless communication
3 facilities when attached to a utility transmission line pole or tower, and municipal utility facilities such
4 as water towers are exempt from the maximum height provisions.

5 SECTION 22: Title 19, Chapter 18, Section 50, Subsection (J), of the Municipal Code
6 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 (J) Expiration. [Except as otherwise specified in connection with its approval, a] A Site
8 Development Plan which is not exercised within [two years after the date of approval] the approval
9 period shall be void, unless an extension of time is granted upon a showing of good cause. An
10 extension of time may be granted only if application therefor is made prior to the expiration of the
11 [two-year period (or such other time period as was specified in the approval).] approval period. For
12 purposes of this Subsection (J):

13 (1) The “approval period” for a Site Development Plan is the time period specified in the
14 approval, if one is specified, and is two years, otherwise.

15 (2) [a] A Site Development Plan is exercised upon the issuance of a building permit for
16 the principal structure on the site.

17 SECTION 23: Title 19, Chapter 18, Section 60, Subsection (P), Paragraph (1), of the
18 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
19 follows:

20 (1) Failure to Exercise.

21 (a) A Special Use Permit which cannot be exercised except upon construction of
22 a new building, and which is not exercised within [two years after approval,] the approval period shall
23 be void, unless the City Council grants an extension of time upon a showing of good cause. An
24 extension of time may be granted only if application therefor is made prior to the expiration of the
25 [two-year] approval period. For purposes of this Subparagraph (a):

26 (i) The “approval period” for a Special Use Permit is the time period
27 specified in the approval, if one is specified, and is two years, otherwise.

28 (ii) [a] A Special Use Permit is exercised upon the issuance of a building

1 permit for the new construction.

2 (b) A Special Use Permit which does not require the construction of a new building
3 in order to be exercised, and which is not exercised within [one year after approval] the approval
4 period shall be void, unless the City Council grants an extension of time upon a showing of good
5 cause. An extension of time may be granted only if application therefor is made prior to the expiration
6 of the [one-year] approval period. For purposes of this Subparagraph (b):

7 (i) The “approval period” for a Special Use Permit is the time period
8 specified in the approval, if one is specified, and is one year, otherwise.

9 (ii) [, a] A Special Use Permit is exercised upon approval of a business
10 license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of
11 occupancy or approval of a final inspection.

12 SECTION 24: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Animal
14 Keeping and Husbandry” to read as follows:

15 “Animal Keeping and Husbandry” means the raising, keeping and breeding of domestic animals,
16 including without limitation dogs, cats, birds, sheep, goats and pot-bellied pigs. The use must be
17 ancillary to the principal use, but may be conducted for commercial purposes.

18 SECTION 25: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Mixed-
20 Use” to read as follows:

21 “Mixed-Use” means [a combination of certain residential and nonresidential uses on a single parcel,
22 or am ix of certain residential and nonresidential uses within an area that is zoned for either residential
23 or nonresidential use.] the vertical integration of residential uses and commercial or civic uses within
24 a single building or a single development, where the uses share pedestrian access, vehicular access,
25 parking functions, or any combination thereof.

26 SECTION 26: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term
28 “Secondhand Dealer” to read as follows:

1 “Secondhand dealer” means a specialty shop which deals solely in one kind of used commodity with
2 no new commodities, or a business in which the sale of secondhand or used articles is incidental to
3 the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or
4 used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing
5 apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery
6 or guns. The term includes the sale of jewelry (Class III type) and scrap precious metals as defined
7 in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of
8 used cars or the sale of other items which the City Council determines do not fit within the intent of
9 this term. The term does not include the buying and selling of foreign or domestic coins for
10 numismatic purposes[,] or used books, which shall be allowed where retail sales of new merchandise
11 is permitted. The term also does not include a thriftshop or nonprofit thriftshop.

12 SECTION 27: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
14 the following terms and their corresponding definitions:

15 “Auction House” means an enclosed establishment for the temporary storage and offering by an
16 auctioneer of qualified property which is offered or sold to the highest bidder by means of a request
17 or invitation for bids. For purposes of this definition, the term “qualified property” means property
18 of any kind belonging to another, but excluding animals, motor vehicles and business inventory to be
19 liquidated following or in connection with the closing of a business. The term “auction house” does
20 not include a secondhand dealer.

21 “Auctioneer” means a person who cries out or otherwise requests or solicits bids for purposes of
22 offering to sell property to the highest bidder.

23 “Bakery, Retail” means an establishment which specializes in baked goods for retail sale but does not
24 provide meals as found in a restaurant.

25 “Internet/Catalogue Sales Office” means an establishment which specializes in the sale of products
26 via the internet or by catalogue for delivery to a customer’s home or business. This use may include
27 in-person customer consultations at the establishment.

28 “Internet Café” means an establishment that provides for public use five or more computers or other

1 electronic devices:

2 (1) For purposes of accessing the internet, a local area network, e-mail programs or other
3 computer software programs; and

4 (2) The public use of which is in exchange for compensation of any kind and paid in any
5 manner, including but not limited to the payment of a membership fee.

6 This term will generally include establishments commonly known as PC cafés, cyber cafés, cyber
7 centers, and similar designations.

8 “Martial Arts Studio” means an establishment whose principal business activity is the instruction of
9 the martial arts as defined by LVMC 6.53.020(C). The term does not include any nonprofit
10 organization or entity that offers martial arts instruction only as an incidental service in its overall
11 program of activities.

12 “Tutoring Center” means an institution or place of education or instruction, other than a public or
13 private school (primary or secondary), business school, or trade school, that is owned and operated
14 privately for profit and that does not offer a complete educational curriculum. The term includes an
15 educational testing center.

16 SECTION 28: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
17 19.04.070, 19.08.030, 19.08.040, 19.08.050, 19.08.060, 19.18.050, 19.18.060, and 19.20.020 are
18 deemed to be subchapters rather than sections.

19 SECTION 29: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 . . .

28 . . .

1 SECTION 30: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, CMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steel 4-22-09
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk