

ORDINANCE NO. 1244

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3, SUBSECTION (B), PART A, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY PROVIDING A DEFINITION; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER, AND ORDINANCE NO. 1226; AMENDING TITLE XI, CHAPTER 1, SECTION 22, SUBSECTION D, PARAGRAPH 9, OF SAID MUNICIPAL CODE BY PROVIDING FOR AESTHETIC CONTROL OF LAND USES ADJACENT TO FREEWAYS AND HIGHWAYS; AMENDING TITLE XI, CHAPTER 1, SECTION 25, SUBSECTION (B), PARAGRAPH 9 OF SAID MUNICIPAL CODE, BY AMENDING PERPETUATION OF CONDITIONS IMPOSED BY A RESOLUTION OF INTENT; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 1, Section 3 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-3: DEFINITIONS: For the purpose of this Chapter, certain words and terms are defined as follows:

(A) Generally:

All words in the present tense include the future. All words in the singular number include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The word "lot" includes the word "plot" and the word "parcel." The word "shall" is mandatory and not directory. The word "person" includes a firm, corporation and municipal corporation. The word "map" shall mean the Zoning Map of the City of Las Vegas. The term "Governing Body" shall mean the Board of City Commissioners of the City of Las Vegas. The word "Commission" shall mean the Planning Commission of the City of Las Vegas. The word "City" shall mean the City of Las Vegas, a municipal corporation of the State of Nevada. The word "used" shall include the words "arranged," "designed" or "intended to be used." The word "occupied" shall include the words "arranged," "designed" or "intended to be occupied." The word "erected" shall include the words "construct," "reconstruct," "alter," "move in" or "move upon." The word "alter" shall include the word "enlarge."

(B) Specifically:

A

Advertising Sign: A display designed, used or intended to be used to advertise or promote the premises on which it is displayed; or goods, material or services sold or provided on these premises.

Alley: A minor public thoroughfare, other than a dedicated half street, which is less than thirty feet (30') wide and upon which the rear of land or building lots generally abut, and which affords a secondary means of vehicular access.

Alter: 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.

Animal Shelter: A building or premises upon which sick or injured animals are housed, confined, quartered, treated and cared for.

Apartment: A room, or suite of rooms, within an apartment house, which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

Apartment Hotel: A multiple dwelling under resident supervision, designed for or containing both individual guest rooms and suites of rooms and apartment units, which maintains an inner lobby through which all tenants must pass to gain access to an individual apartment.

Apartment House: A multiple dwelling designed for or occupied by three (3) or more families living independently of each other in separate apartments.

Automobile Court (Motel, Motor Lodge, Motor Hotel): A building or group of buildings attached, detached or semidetached, providing

guest accommodations for transients, in which there is exterior access independently to each individual room, unit or suite, and on which automobile storage space is provided at each unit.

Automobile Sales Area: An open area on privately owned property, used for the display, sale or rental of new or used automobiles, and no repair work is done except minor incidentals.

Automobile Service Station: Any building, structure or premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade, and not including general mechanical automobile repair, tire rebuilding, battery rebuilding or automatic automobile washing.

Automobile Laundries: Any mechanical or conveyor driven automatic car wash facility.

B

Basement (Cellar): A story having more than half of its height below the ground level of the adjoining ground.

Billboard: An advertising sign on which the advertising displayed thereon does not apply to the premises on which it is located.

Block: Property so designated on an officially recorded map of the City or part of the City, and bounded by streets and other natural or physical barriers which make it a unit.

Boarding House: A building or portion thereof, other than a hotel, with no more than four (4) guest rooms where, for compensation, lodging and meals are provided for no more than four (4) persons who are not members of the immediate family occupying such building.

Building: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels or goods.

Building Area: The space remaining on an individual lot after minimum open space requirements of this Chapter have been complied with.

Building, Accessory: A subordinate building, the use of which is incidental to that of the main building on the same lot, and which is used exclusively by the occupants of the main building.

Building, Height of: The vertical distance from the finished grade of the ground level to the ceiling of the top-most story.

Building Line: A line between which, and any public street line, no building or parts of buildings may be erected or maintained, except as specifically permitted by this Chapter.

Building, Main: A building devoted to the principal use of the lot on which it is situated. In any residential district, a dwelling shall be deemed to be the main building on the lot on which it is situated.

Building Site: Total area of the building together with all minimum open spaces adjacent thereto, as required by this Chapter.

C

Car Wash, Customer Operated: A car wash facility operated by the customer which does not utilize automobile conveyors.

Clinic: A building or institution of professional offices for the administration of professional medical or dental care to human beings, not including the housing of persons.

Condominium: Joint ownership of property through title to an undivided interest.

Convalescent Home: A building or structure designed, used or intended to be used to house and provide care for the sick, ill or infirm persons, which no surgical treatment is given. It is intended that this definition shall generally cover buildings, structures and institutions designed for the care of the chronically ill and infirm, who do not require the specialized treatment provided in a hospital. The word "Convalescent Home," as used in this Chapter, includes "nursing homes" and "rest homes."

D

District, Zoning: A portion of the incorporated territory of the City, designated on the Zoning Map, which is part of this Chapter, in which certain uses of land and buildings are permitted and certain other uses of land and buildings are not permitted, all as established by the provisions of this Chapter.

Domestic Animal: A dog, cat or horse, or a household pet, customarily housed in or immediately adjacent to the family living quarters.

Dump: A place used for the disposal by any means 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.

Dwelling: A building or portion thereof, designed for or occupied exclusively for residential purposes by one (1) or more families.

Dwelling, Group: Two (2) or more detached one-family, two-family or multiple 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, or transient living accommodations of any kind.

Dwelling, Multiple: A detached dwelling designed for or occupied by three (3) or more families, living independently of each other in separate

dwelling units.

Dwelling Unit: Two (2) or more rooms designed for and occupied by one (1) family and having only one (1) kitchen.

Dwelling, One-Family: A detached dwelling, designed for and occupied exclusively by one (1) family. All livable area in a single family dwelling must be contained within the common exterior walls and have a common roof, and all of the rooms thereof must have interior access to each other.

Dwelling, Two-Family: A detached dwelling, designed for and occupied exclusively by two (2) families living independently of each other in separate dwelling units.

E

F

Family: Two (2) or more persons customarily living together and occupying a dwelling unit.

G

Garage, Private: An accessory building or an attached portion of the main building, designed or used for the shelter and storage of automobiles or other self-propelled vehicles.

Garage, Public: Any building or premises used for the storage and shelter of automobiles, trucks and other self-propelled vehicles, in which said vehicles are mechanically repaired, rebuilt or reconstructed or kept for hire and sale. (A body and fender shop shall not be construed as a garage.)

Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises and having no kitchen facilities.

H

Home Occupation: Customarily an occupation of a general non-commercial nature, carried on by the occupant of a dwelling unit in a manner which is clearly incidental and secondary to the use of the unit for dwelling purposes, in connection with which there is no change in the character of the dwelling, and there is no display, no stock in trade nor commodity displayed or sold on the premises, nor assistants employed and no mechanical equipment used, except such as is necessary for normal use within a dwelling unit. Barber shops, beauty parlors, business offices, professional offices shall not be deemed home occupations.

Hospital: A building or structure designed, used or to be used to house and provide care for sick, ill, injured and infirm persons and provide medical and/or surgical treatment. The word hospital includes general hospital, emergency hospital, maternity hospital and other similar institutions, but specifically excludes institutions designed and/or used entirely for the care of mental patients, alcoholics and patients with contagious diseases. Emergency and/or out-patient treatment of the above ailments in general or emergency hospitals is not restricted.

Hotel: A building designed for a more or less temporary abiding place to individuals who are lodged with or without meals, in which there are guest rooms and in which no provision is made for cooking in any individual room or suite.

I

Industry: The manufacturing, fabrication or other processing or treatment of any article, substance or commodity in such a manner as to change the character thereof.

J

Junk Yard: The use of any lot or portion of a lot or tract, building or

G

Garage, Private: An accessory building or an attached portion of the main building, designed or used for the shelter and storage of automobiles or other self-propelled vehicles.

Garage, Public: Any building or premises used for the storage and shelter of automobiles, trucks and other self-propelled vehicles, in which said vehicles are mechanically repaired, rebuilt or reconstructed or kept for hire and sale. (A body and fender shop shall not be construed as a garage.)

Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises and having no kitchen facilities.

H

Home Occupation: Customarily an occupation of a general noncommercial nature, carried on by the occupant of a dwelling unit in a manner which is clearly incidental and secondary to the use of the unit for dwelling purposes, in connection with which there is no change in the character of the dwelling, and there is no display, no stock in trade nor commodity displayed or sold on the premises, nor assistants employed and no mechanical equipment used, except such as is necessary for normal use within a dwelling unit. Barber shops, beauty parlors, business offices, professional offices shall not be deemed home occupations.

Hospital: A building or structure designed, used or to be used to house and provide care for sick, ill, injured and infirm persons and provide medical and/or surgical treatment. The word hospital includes general hospital, emergency hospital, maternity hospital and other similar institutions, but specifically excludes institutions designed and/or used entirely for the care of mental patients, alcoholics and patients with contagious diseases. Emergency and/or out-patient treatment of the above ailments in general or emergency hospitals is not restricted.

Hotel: A building designed for a more or less temporary abiding place to individuals who are lodged with or without meals, in which there are guest rooms and in which no provision is made for cooking in any individual room or suite.

I

Industry: The manufacturing, fabrication or other processing or treatment of any article, substance or commodity in such a manner as to change the character thereof.

J

Junk Yard: The use of any lot or portion of a lot or tract, building or structure for the storage, salvage, sale, display, demolition, keeping or dismantling of scrap material which may or may not be wholly assembled into useful objects, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

K

Kennel: A building or premises in which well animals are housed, trained, bred, raised or handled as a business.

Kitchen: Any room in a dwelling, which is used, designed or intended to be used for the cooking and preparation of food, including the term "kitchenette".

L

Lot: A parcel of land occupied or designed so that it may be occupied by a building, dwelling, dwelling group, and permitted accessory buildings, including the open space which may be required by this Chapter. A lot may be a parcel of land recorded on a subdivision map or survey map of record, or may be a unit of land described by metes and bounds. All lots shall front on a public street. No minimum lot width is set forth for commercial and industrial lots, said lots shall be deemed to have frontage on a public street even though such frontage is collectively owned through an undivided interest to each lot owner.

Lot, Corner: A lot as described above, situated at the intersection of two (2) or more streets.

Lot, Front of: A front of a lot shall be considered to be that side of the lot which fronts on a public street. 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. In the case of a through lot, either side which abuts a public street may be considered the front, except in cases where deed restrictions or other public or private covenants prohibit access from one (1) street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel public streets.

M

N

Nonconforming Structure: A building or structure legally and properly located on a lot or parcel at the time of construction or erection of said building, which is subsequently not permitted to be constructed at that location due to a change, or amendment, to the provisions of this Chapter.

Nonconforming Use: The occupancy of a parcel of land, or lot, as defined, by a use not permitted in that particular district under the provisions of this Chapter.

O

cases where deed restrictions or other public or private covenants prohibit access from one (1) street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel public streets.

M

N

Nonconforming Structure: A building or structure legally and properly located on a lot or parcel at the time of construction or erection of said building, which is subsequently not permitted to be constructed at that location due to a change, or amendment, to the provisions of this Chapter.

Nonconforming Use: The occupancy of a parcel of land, or lot, as defined, by a use not permitted in that particular district under the provisions of this Chapter.

O

P

Parking Area: An open area other than a public right-of-way, used for the parking of automobiles.

Subordinate Definitions:

Parking Lot, Patron: As defined in 5-24-1 Code of Las Vegas.

Parking Lot, Public: As defined in 5-24-1 Code of Las Vegas.

Parking Lot, Semi-Public: As defined in 5-24-1 Code of Las Vegas.

Parking Space, Automobile: A space within a building, garage or parking area, as defined, for the temporary parking or storage of one (1) automobile, with the minimum dimensions of nine feet by twenty feet (9' x 20'), with continuous and unimpeded access to a public right-of-way.

Professional Office: A building of more or less residential but not commercial character and containing one (1) or more offices, in which or where there is no display of stock or wares in trade, nor

commodity sold, nor any commercial use conducted other than the professional services as herein defined. For the purpose of this Chapter, professional offices shall include the office of a doctor, dentist, lawyer, architect, engineer, minister of religion, insurance agent, realtor or similar professions or professional services, but shall not include barber shops, beauty parlors nor similar services or general business offices.

Q

R

S

Street: A dedicated public thoroughfare, having a minimum width of fifty-one feet (51'), providing for the movement of vehicular and pedestrian traffic. The term "street" shall include avenue, boulevard, lane, parkway, plaza, place and any other designation commonly given for a public right-of-way.

Street Line: The boundary between a street, as defined, and abutting properties.

Structure: That which is built or constructed; 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.

T

Thrift Shop: A shop operated by a charitable organization which sells donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

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 Park: Any lot or tract of land used, or intended to be used for the accommodation of two (2) or more auto trailers.

U

Use, Accessory: A use incidental or secondary to the principal use of a lot, building or structure, located on the same lot as the principal use.

Use, Principal: The purpose for which land, premises or building lot is designed, arranged or intended, or for which it may be occupied or maintained.

V

W

X

Y

Yard: An open space, other than a court, which is a portion of a lot which is required under the provisions of this Chapter to be unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein.

Yard, Front: An open and unobstructed space across the front of the lot between the side lot lines, and measured from the street line to the nearest line of the main building, or measured back the distance required to be maintained permanently open and unoccupied under the provisions of this Chapter, whichever is the lesser.

Yard, Rear: A yard extending across the rear of the building site between the side lines thereof, and measured from the rear lot line a distance required to be maintained open and unobstructed under the provisions of this Chapter, except as provided herein.

Yard, Side: An open and unobstructed space, extending from the front yard of the building site to the nearest line of the required rear yard,

and located between the side line of the lot and the nearest line of any building or enclosed or covered portion, or the extension of the latter line, provided, however, that the exterior side yard on corner lots shall extend for the full depth of the lot to the rear line thereof.

Z

SECTION 2. Title XI, Chapter 1, Section 20 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-20: C-2, General Commercial District Regulations:

(A) Uses Permitted:

1. Any use permitted in a C-C or C-1 Zone.
2. Automobile sales and service facilities, excluding body and fender shops. Subject use may include an outdoor used car sales lot, when operated by a franchised new car dealer and located directly adjacent to the new car sales and service facility and operated as an incidental use to the conduct of the new car sales and service facility.
3. Wedding chapels.
4. Advertising signs and billboards.
5. Public parking areas, when located and developed as required in Section 6 of this Chapter.
6. Uses customarily incidental to any of the above, when located on the same premises.
7. Other similar enterprises or businesses of the same general class which, in the opinion of the Planning Commission, as evidenced by resolution of record, are not more detrimental to the welfare and safety of the residents within the particular district than other classifications enumerated in this subsection.

8. Restaurants, cabarets, taverns, cocktail lounges or service bars.
9. Mortuaries and mausoleums.
10. Customer Operated Car Washes.
11. The following uses may be permitted upon securing a special Use Permit as provided in Section 24 of this Chapter:

- (a) Used car lots.
- (b) Trailer sales lots.
- (c) Boat sales and service facilities, including all floating craft.
- (d) Automotive parts exchanges - This shall not include public garages or salvage operations but shall be limited to the sale and installation of new or rebuilt major automotive parts.
- (e) Drive-In Theaters, Miniature Golf Courses, and other outdoor amusement centers.
- (f) Automobile Laundry.

(B) Yards Required: None, except that no building hereafter shall be erected so that the same will be closer to the right-of-way line of any street than the setback established by the Major Street Section of the Master Plan or any other official street plan.

(C) Uses Excluded:

1. Any use that is specifically permitted as a matter of right in an R-R, R-A, R-E, R-D, R-1, R-2, R-3, R-4, or R-T district.
2. Secondhand shops and stores, except for shops dealing exclusively in genuine antiques.

SECTION 3. Title XI, Chapter 1, Section 22 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-22: M. INDUSTRIAL DISTRICT REGULATIONS:

(A) Uses Permitted:

1. Any use permitted in the C-M Zone.
2. Any manufacturing, processing or assembling use, not otherwise prohibited by law, subject to the standards set forth in Subsection (D) of this Section.
3. Public and quasi-public uses.

(B) Uses Specifically Excluded: Any use specifically permitted in any district having a "R" prefix, except any residential use which is clearly a part of an incidental to the efficient operation of an industrial use.

(C) Uses Requiring a Special Use Permit: Any manufacturing, processing or assembling use which is unable to meet the letter of the standards listed under Subsection (D). Such use permit may be properly granted, provided the applicant can provide evidence to document a favorable conclusion on all of the following factors:

1. The proposed use can be operated substantially in conformity with the requirements of the standards listed under Subsection (D).
2. The use, as proposed, will not be materially detrimental to the uses of surrounding property.
3. The public interest will best be served by the granting of said permit.

(D) Performance Standards: Any use of property shall be substantially in compliance with the following performance standards:

1. Noise: At four (4) specified points of measurement, which shall be located on each of the directional boundaries of the lot or parcel in question, the maximum sound pressure level

radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the value for octave bands lying within the several frequency limits given in Table I after applying any corrections indicated in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer, conforming to standards prescribed by the American Standards Association, including any subsequent amendment or approved revision thereof.

TABLE I

<u>FREQUENCY RANGES CONTAINING STANDARD OCTAVE BANDS IN CYCLES PER SECOND</u>	<u>OCTAVE BAND SOUND PRESSURE LEVEL IN DECIBELS RE 0.0002</u>
20 - 300	60
300 - 2,400	40
above 2,400	30

TABLE II

<u>LOCATION OF OPERATION OR CHARACTER OF NOISE</u>	<u>CORRECTION IN DECIBELS</u>
1. Daytime operation only (between the hours of 7:00 A.M. and 6:00 P.M.)	+5
or	
2. Property is located more than 500 feet from any district with an "R" prefix	+5

2. Smoke:

(a) Processing: In any processing operation no fuel shall be used which will emit into the atmosphere any smoke which is defined as equal to Ringelman No. 2, or darker.

(b) Housekeeping: Any incineration of trash, rubbish or waste material shall conform to the above specification and in addition be governed strictly by the regulations administered by the Fire Prevention Bureau.

3. Odor: No permitted use shall be authorized which causes an odor nuisance. Any proposed use, which has traditionally been found to create an odor in the atmosphere, shall be permitted only when plans have been submitted, sufficiently detailed to prove conclusively that the odor will be controlled to the point where it will not be noticeable to humans beyond the boundaries of the property line.
4. Dust and Dirt:
 - (a) Processing: No manufacturing process shall be permitted to emit into the atmosphere any flying dust or dirt which is noticeable to humans.
 - (b) Accessory Uses: All off-street parking areas and outdoor storage areas shall be provided and maintained with a surface which precludes the raising of dirt and dust into the atmosphere.
5. Noxious Gases: Any industrial use which, by its nature, produces any noxious gas, shall provide chemical or mechanical facilities to eliminate the release of such gas into the atmosphere.
6. Fire Hazards: All property included within an industrial district shall be considered in Fire Zone No. 1, and meet all requirements and regulations of said Fire Zone, as administered by the Fire Prevention Bureau.
7. Wastes:
 - (a) Industrial Wastes: All industrial wastes of a fluid or semi-fluid nature shall be transmitted into the public sewage system of the City of Las Vegas under such specifications, as may be imposed by the Sewage Division of the Public Works Department, which may include a control of the oxygen content.
 - (b) Solid Wastes: Solid wastes shall be disposed of by means of hauling to a designated dump approved by the City of Las Vegas and/or County of Clark, at such maximum intervals as may be required by the Clark County Health Department.

8. Transportation and Traffic:

Off-Street Parking: Any industrial use permitted shall include adequate provisions for off-street parking for employees and visitors. The minimum number of off-street parking spaces provided shall be equal to one and one-half (1-1/2) times the maximum number of employees at any one time. All parking areas shall be developed and surfaced in accordance with the provisions of Section 6 of this Chapter. If any truck movement of materials in or out of the plant is anticipated, provisions shall be made for adequately developed and surfaced loading and unloading areas. In instances where the property is located adjacent to a district with an "R" or "C" prefix, said loading and unloading areas shall be located on the opposite side of the plant from the "R" or "C" Zoned District, unless there is a substantial showing that such location is impossible. All points of ingress or egress to the industrial use from a public street shall be approved by the Traffic Engineer and/or the Traffic and Parking Commission, as may be provided from time to time by other provisions of this Code.

9. Aesthetics: In all instances where a permitted use is authorized on property which is adjacent to or across a public street from property zoned in a district with an "R" or a "C" prefix, or property which is adjacent to or within 100 feet of an Interstate Freeway, Interstate Highway, or Major Street (applicable to both improved and unimproved right-of-way and proposed) the following additional requirements shall apply:

(a) The architecture, including building elevations and general site plan, shall be reviewed by the Planning Commission and may be approved by said Commission provided there is a finding that such architectural design and site

plan will not be detrimental to any surrounding properties and/or will not be aesthetically detrimental to the use of any such Interstate Freeway, Interstate Highway, or Major Street (existing or proposed).

(b) A minimum setback of fifty feet (50') from the property line adjacent to the "R" or "C" zoned district shall be maintained free and clear of all building or industrial uses. This fifty foot (50') setback area shall be landscaped in a manner which meets the approval of the Planning Commission.

SECTION 4. Title XI, Chapter 1, Section 25 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-25: AMENDMENTS AND RECLASSIFICATIONS:

- (A) Amendments to the Text: Whenever public necessity, safety, general welfare and convenience may require, the Board of Commissioners may, from time to time, upon recommendation by the Planning Commission, amend, supplement, modify, change or repeal any of the regulations contained in this Chapter, following at all times the procedures prescribed in the Charter of the City or any applicable State Statute.
- (B) Reclassifications (Changes in District Boundaries on the Zoning Map): Whenever the public health, welfare, safety or convenience shall require or subsequent growth and development factors in the community shall indicate the need, in pursuit of the objectives identified in the comprehensive general plan, the Board of Commissioners may, from time to time, upon recommendation by the Planning Commission, reclassify any parcel of land, area of the City or portion of any area of the City from one (1) zoning district to another by realignment of the zoning district boundary lines.

1. Initiation of Reclassifications: An application for a reclassification of a parcel or parcels of property may be initiated in either of the following ways:

- (a) By the Planning Commission upon its own motion.
- (b) By the Board of Commissioners upon its own motion.
- (c) By petition of one (1) or more of the owners of property within the area proposed for reclassification.

2. Application: A petition for the reclassification of property shall be made in the form of an application to be provided by the Planning Department. Said application shall be filed with the Secretary of the Planning Commission at the office of the Planning Department. Said application shall be signed and executed by a record owner or owners of property within the area sought to be reclassified. Upon receipt of a properly executed application, the Secretary of the Planning Commission shall maintain said application, together with all pertinent attachments and exhibits, in the permanent files of the Planning Department as public record.

3. Time of Filing: In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, an application for the reclassification of property must be filed with the Secretary of the Planning Commission a minimum of twenty-four (24) days prior to the date of the meeting of the Planning Commission, at which said application for reclassification is to be heard and considered.

4. Filing Fee: To partially defray the cost of making maps, sending out hearing notices and other incidental administrative and investigative expenses involved in any application for a reclassification of property, the Secretary of the Planning Commission is authorized to make a uniform charge, payable to the City and determined in the following manner:

- (a) Fifty dollars (\$50.00) for the first parcel or lot of record.

- (b) Five dollars (\$5.00) for each additional parcel or lot of record.

This charge shall be due and payable at the time of filing such application.

5. Public Hearing: The Planning Commission shall hold a public hearing upon any application for reclassification of property. A public hearing shall be held within six (6) months of the date of filing of an application, on such dates and under such conditions as may be determined from time to time by resolution of the Planning Commission and spread upon the minutes of the Commission. Notice of said hearing shall be given in the manner and procedure prescribed in Section 24 of this Chapter.

6. Conduct of the Public Hearing: The Planning Commission shall conduct all public hearings on applications for the reclassification of property in strict compliance with the rules and regulations officially adopted by the Planning Commission in such form as the members of said Commission may from time to time determine by majority vote of the entire Commission provided that:

- (a) Said rules and regulations shall in no way be in conflict with the provisions of this or any other ordinance of the City or related State Statutes.

- (b) Said rules and regulations shall be ratified by a majority vote of the Board of Commissioners.

Notwithstanding the above, 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 relative to reclassification of property. The right of any person to present

such evidence or fact shall not be denied for the reason that such person was not required by the provisions of this Chapter to be notified of the particular public hearing.

7. Revisions: In considering whether to recommend approval or denial of an application for the reclassification of property, the Planning Commission may, when it appears necessary or expedient, consider other adjacent property for reclassification in addition to the property described in the application, and may also consider the reclassification of only a portion of the land described in the application for reclassification.

8. Findings and Recommendation: Following the conduct of a public hearing, and in all instances within not to exceed thirty (30) days following the date of said hearing, the Planning Commission shall report its findings and recommendations on said application to the Board of Commissioners. Prior to the next subsequent meeting of the Board of Commissioners, the Secretary of the Planning Commission shall transmit a copy of said report and recommendation to the Clerk for inclusion on the agenda of the next regular meeting of the Board of Commissioners.

9. The Board of Commissioners shall consider the application for the reclassification of property and the report and recommendation of the Planning Commission thereon, at its next regular meeting following the receipt of said recommendation. If, from the facts presented and the findings in the report and recommendation of the Planning Commission, the Board of City Commissioners determines that the public health, safety, welfare and convenience will best be served by said reclassification or any portion thereof, the Board of Commissioners may indicate its general approval in principle of the reclassification by the

adoption of a "Resolution of Intent to Reclassify" said property.

Said resolution shall include any conditions, stipulations, requirements or limitations which the Board of Commissioners may feel necessary to require in the public interest as a requisite to final action. The fulfillment of all conditions, stipulations, requirements and limitations contained in said resolution on the part of the applicant shall make such resolution a binding commitment on the Board of Commissioners.

Upon compliance by the applicant, the Board of Commissioners shall by ordinance effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said resolution, including the time limit placed in the resolution, shall render said Resolution of Intent to Reclassify null and void, unless an extension of time is granted by the Board of Commissioners upon recommendation of the Planning Commission, and further providing that where substantial progress can be shown to the satisfaction of the City Commission within a six (6) months' period next succeeding the expiration date, the Resolution of Intent may be reinstated.

After the Resolution has been effected by ordinance, all conditions, stipulations, requirements or limitations, applicable to the resolution shall remain in effect and no changes, additions or eliminations may be made without approval of the Planning Commission or if appealed, by the Board of Commissioners. In the event a proposed change, addition or elimination involves a condition, stipulation, requirement or limitation originally imposed as the result of a public hearing, the Planning Commission shall require a new public hearing to be held and a new filing fee to be paid. The requirement of a public hearing shall not apply to minor changes, additions

or eliminations and the requirement of a public hearing shall be within the discretion of the Planning Commission.

In the event a reclassification is approved by the Board of Commissioners, but not on the basis of a "Resolution of Intent to Reclassify," the Board of Commissioners shall by ordinance effect such reclassification.

SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 6. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 1st day of June, 1966.

ATTEST:

Edwina M. Cole
City Clerk

APPROVED:

Reed Whipple
~~Mayor~~

REED WHIPPLE - MAYOR PRO TEM

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 20th day of April, 1966, and referred to the following committee composed of Commissioners Stewart and Fountain for recommendation; thereafter the said committee reported favorably on said ordinance on the 1st day of June, 1966, which was a Regular meeting of said Board; that at said Regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote:

VOTING "AYE": Commissioners Stewart, Mirabelli, Fountain and Whipple

VOTING "NAY": None ABSENT: Mayor Gragson (Excused)

APPROVED:

ATTEST:

Edwina M. Cole
City Clerk

Reed Whipple
~~Mayor~~
REED WHIPPLE - MAYOR PRO TEM

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

J **Charles M. Blair**

, being first duly sworn,

deposes and says: That he is **Foreman** of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of

2 times in 1 week

from **June 4, 1966** to **June 11, 1966**

inclusive, being the issues of said newspaper for the following dates, to-wit:

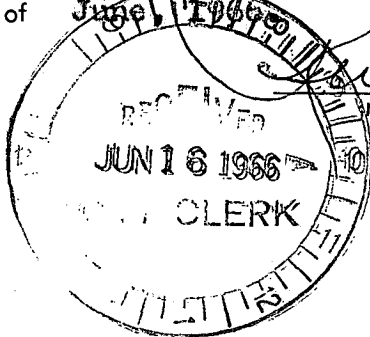
June 4, 11, 1966

That said newspaper was regularly issued and circulated on each of the dates
above named.

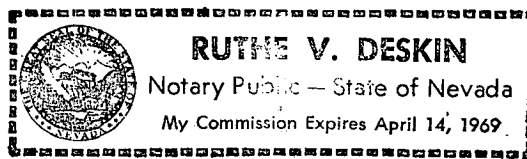
Signed

Charles M. Blair

Subscribed and sworn to before me this **13th**
day of **June, 1966**



Ruthe V. Deskin
Notary Public in and for Clark County, Nevada



**AMENDED
ORDINANCE NO. 1244**
AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 3, SUBSECTION (B), PART A, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY PROVIDING A DEFINITION; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER AND ORDINANCE NO. 1226; AMENDING TITLE XI, CHAPTER 1, SECTION 22, SUBSECTION D, PARAGRAPH 9, OF SAID MUNICIPAL CODE BY PROVIDING FOR AESTHETIC CONTROL OF LAND USES ADJACENT TO FREEWAYS AND HIGHWAYS; AMENDING TITLE XI, CHAPTER 1, SECTION 25, SUBSECTION (B), PARAGRAPH 9 OF SAID MUNICIPAL CODE, BY AMENDING PERPETUATION OF CONDITIONS IMPOSED BY A RESOLUTION OF INTENT; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 1, Section 3 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-3: DEFINITIONS: For the purpose of this Chapter, certain words and terms are defined as follows:

(A) Generally:

All words in the present tense include the future. All words in the singular number include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The word "lot" includes the word "plot" and the word "parcel." The word "shall" is mandatory and not directory. The word "person" includes a firm, corporation and municipal corporation. The word "map" shall mean the Zoning Map of the City of Las Vegas. The term "Governing Body" shall mean the Board of City Commissioners of the City of Las Vegas. The word "Commission" shall mean the Planning Commission of the City of Las Vegas. The word "City" shall mean the City of Las Vegas, a municipal corporation of the State of Nevada. The word "used" shall include the words "arranged," "designed" or "intended to be used." The word "occupied" shall include the words "arranged," "designed" or "intended to be occupied." The word "erected" shall include the words "construct," "reconstruct," "alter," "move in" or "move upon." The word "alter" shall include the word "enlarge."

(B) Specifically:

Advertising Sign: A display designed, used or intended to be used to advertise or promote the premises on which it is displayed; or goods, material or services sold or provided on these premises.

Alley: A minor public thoroughfare, other than a dedicated half street, which is less than thirty feet (30') wide and upon which the rear of land or building lots generally abut, and which affords a secondary means of vehicular access.

Alter: 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.

Animal Shelter: A building or premises upon which sick or injured animals are housed, confined, quartered, treated and cared for.

Apartment: A room, or suite of rooms, within an apartment house, which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

Apartment Hotel: A multiple dwelling under resident supervision, designed for or containing both individual guest rooms and suites of rooms and apartment units, which maintains an inner lobby through which all tenants must pass to gain access to an individual apartment.

Apartment House: A multiple dwelling designed for or occupied by three (3) or more families living independently of each other in separate apartments.

Automobile Court (Motel, Motor Lodge, Motor Hotel): A building or group of buildings attached, detached or semidetached, providing guest accommodations for transients, in which there is exterior access independently to each individual room, unit or suite, and on which automobile storage space is provided at each unit.

Automobile Sales Area: An open area on privately owned property, used for the display, sale or rental of new or used automobiles, and no repair work is done except minor incidentals.

Automobile Service Station: Any building, structure or premises used for the dispensing and sale of, fuels or oils and accessories for the motor vehicle trade, and not including general mechanical automobile repair, fire rebuilding, battery rebuilding or automatic automobile washing.

Automobile Laundries: Any mechanical or conveyor driven automatic car wash facility.

Basement (Cellar): A story having more than half of its height below the ground level of the adjoining ground.

Billboard: An advertising sign on which the advertising displayed thereon does not apply to the premises on which it is located.

Block: Property so designated on an officially recorded map of the City or part of the City, and bounded by streets and other natural or physical barriers which make it a unit.

Boarding House: A building or portion thereof, other than a hotel, with no more than four (4) guest rooms where, for compensation, lodging and meals are provided for no more than four (4) persons who are not members of the immediate family occupying such building.

Building: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chatties or goods.

Building Area: The space remaining on an individual lot after minimum open space requirements of this Chapter have been complied with.

Building, Accessory: A subordinate building, the use of which is incidental to that of the main building on the same lot, and which is used exclusively by the occupants of the main building.

Building, Height of: The vertical distance from the finished grade of the ground level to the ceiling of the top-most story.

Building Line: A line between which, and any public street line, no building or parts of buildings may be erected or maintained, except as specifically permitted by this Chapter.

Building, Main: A building devoted to the principal use of the lot on which it is situated. In any residential district, a dwelling shall be deemed to be the main building on the lot on which it is situated.

Building Site: Total area of the building together with all minimum open spaces adjacent thereto, as required by this Chapter.

Car Wash, Customer Operated: A car wash facility operated by the customer which does not utilize automobile conveyors.

Clinic: A building or institution of professional offices for the administration of professional medical or dental care to human beings, not including the housing of persons.

Condominium: Joint ownership of property through title to an undivided interest.

Convalescent Home: A building or structure designed, used or intended to be used to house and provide care for the sick, ill or infirm persons, which no surgical treatment is given. It is intended that this definition shall generally cover buildings, structures and institutions designed for the care of the chronically ill and infirm, who do not require the specialized treatment provided in a hospital. The word "Convalescent Home," as used in this Chapter, includes "nursing homes" and "rest homes."

District, Zoning: A portion of the incorporated territory of the City, designated on the Zoning Map, which is part of this Chapter, in which certain uses of land and buildings are permitted other uses of land and buildings are not permitted, all as established by the provisions of this Chapter.

Domestic Animal: A dog, cat or horse, or a household pet, customarily housed in or immediately adjacent to the family living quarters.

Dump: A place used for the disposal by any means 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.

Dwelling: A building or portion thereof, designed for or occupied exclusively for residential purposes by one (1) or more families.

Dwelling, Group: Two (2) or more detached one-family, two-family or multiple dwellings, occupying a parcel of land in one ownership, which may have a yard or porch in common, but not including automobile courts, as hereinafter defined, or transient living accommodations of any kind.

Dwelling, Multiple: A detached dwelling designed for or occupied by three (3) or more families, living independently of each other in separate dwelling units.

Dwelling Unit: Two (2) or more rooms designed for and occupied by one (1) family and having only one (1) kitchen.

Dwelling, One-Family: A detached dwelling, designed for and occupied exclusively by one (1) family. All livable area in a single family dwelling must be contained within the common exterior walls and have a common roof, and all of the rooms thereof must have interior access to each other.

Dwelling, Two-Family: A detached dwelling, designed for and occupied exclusively by two (2) families living independently of each other in separate dwelling units.

Family: Two (2) or more persons living together and occupying a dwelling unit.

Garage, Private: An accessory building or an attached portion of the main building, designed or used for the shelter and storage of automobiles or other self-propelled vehicles.

Garage, Public: Any building or premises used for the storage and shelter of automobiles, trucks and other self-propelled vehicles, in which said vehicles are mechanically repaired, rebuilt or reconstructed or kept for hire and sale. (A body and fender shop shall not be construed as a garage.)

Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises and having no kitchen facilities.

Home Occupation: Customarily an occupation of a general non-commercial nature, carried on by the occupant of a dwelling unit in a manner which is clearly incidental and secondary to the use of the unit for dwelling purposes, in connection with which there is no change in the character of the dwelling, and there is no display, no stock in trade nor commodity displayed or sold on the premises, nor assistants employed and no mechanical equipment used, except such as is necessary for normal use within a dwelling unit. Barber shops, beauty parlors, business offices, professional offices shall not be deemed home occupations.

Hospital: A building or structure designed, used or to be used to house and provide care for sick, ill, injured and infirm persons and provide medical and/or surgical treatment. The word hospital includes general hospital, emergency hospital, maternity hospital and other similar institutions, but specifically excludes institutions designed and/or used entirely for the care of mental patients, alcoholics and patients with contagious diseases. Emergency and/or out-patient treatment of the above ailments in general or emergency hospitals is not restricted.

Hotel: A building designed for a more or less temporary abiding place to individuals who are lodged with or without meals, in which there are guest rooms and in which no provision is made for cooking in any individual room or suite.

Industry: The manufacturing, fabrication or other processing or treatment of any article, substance or commodity in such a manner as to change the character thereof.

Junk Yard: The use of any lot or portion of a lot or tract, building or structure for the storage, salvage, sale, display, demolition, keeping or dismantling of scrap material which may or may not be wholly assembled into useful objects, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel: A building or premises in which well animals are housed, trained, bred, raised or handled as a business.

Kitchen: Any room in a dwelling, which is used, designed or intended to be used for the cooking and preparation of food, including the term "kitchenette."

Lot: A parcel of land occupied or designed so that it may be occupied by a building, dwelling, dwelling group, and permitted accessory buildings, including the open space which may be required by this Chapter. A lot may be a parcel of land recorded on a subdivision map or survey map of record, or may be a unit of land described by metes and bounds. All lots shall front on a public street. No minimum lot width is set forth for commercial and industrial lots; said lots shall be deemed to have frontage on a public street even though such frontage is collectively owned through an undivided interest to each lot owner, provided that the lot is part of a condominium cluster development in accordance with the provisions of Section VI, paragraph "O."

Lot, Corner: A lot as described above, situated at the intersection of two (2) or more streets.

Lot, Front of: A front of a lot shall be considered to be that side of the lot which fronts on a public street. 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. In the case of a through lot either side which abuts a public street may be considered the front, except in cases where deed restrictions or other public or private covenants prohibit access from one (1) street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel public streets.

Nonconforming Structure: A building or structure legally and properly located on a lot or parcel at the time of construction or erection of said building, which is subsequently not permitted to be constructed at that location due to a change, or amendment, to the provisions of this Chapter.

Nonconforming Use: The occupancy of a parcel of land, or lot, as defined, by a use not permitted in that particular district under the provisions of this Chapter.

Parking Area: An open area other than a public right-of-way, used for the parking of automobiles.

Subordinate Definitions:
Parking Lot, Private: As defined in 5-24-1 Code of Las Vegas.
Parking Lot, Public: As defined in 5-24-1 Code of Las Vegas.
Parking Lot, Semi-Public: As defined in 5-24-1 Code of Las Vegas.

Parking Space, Automobile: A space within a building, garage or parking area, as defined, for the temporary parking or storage of one (1) automobile, with the minimum dimensions of nine feet by twenty feet (9' x 20'), with continuous and unimpeded access to a public right-of-way.

Professional Office: A building of more or less residential but not commercial character and containing one (1) or more offices, in which or where there is no display of stock or wares in trade, nor commodity sold, nor any commercial use conducted other than the professional services as hereinafter defined. For the purpose of this Chapter, professional offices shall include the office of a doctor, dentist, lawyer, architect, engineer, minister of religion, insurance agent, realtor or similar professions or professional services, but shall not include barber shops, beauty parlors nor similar services or general business offices.

Street: A dedicated public thoroughfare, having a minimum width of fifty-one feet (51'), providing for the movement of vehicular and pedestrian traffic. The term "street" shall include avenue, boulevard, lane, parkway, plaza, place and any other designation commonly given for a public right-of-way.

Street Line: The boundary between a street, as defined, and abutting properties.

Structure: That which is built or constructed; 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.

Thrift Shop: A shop operated by a charitable organization which sells donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

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 Park: Any lot or tract of land used, or intended to be used for the accommodation of two (2) or more auto trailers.

Use, Accessory: A use incidental or secondary to the principal use of a lot, building or structure, located on the same lot as the principal use.

Use, Principal: The purpose for which land, premises or building lot is designed, arranged or intended, or for which it may be occupied or maintained.

Yard: An open space, other than a court, which is a portion of a lot which is required under the provisions of this Chapter to be unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein.

Yard, Front: An open and unobstructed space across the front of the lot between the side lot lines, and measured from the street line to the nearest line of the main building, or measured back the distance required to be maintained permanently open and unoccupied under the provisions of this Chapter, whichever is the lesser.

Yard, Rear: A yard extending across the rear of the building site between the side lines thereof, and measured from the rear lot line a distance required to be maintained open and unobstructed under the provisions of this Chapter, except as provided herein.

Yard, Side: An open and unobstructed space, extending from the front yard of the building site to the nearest line of the required rear yard, and located between the side line of the lot and the nearest line of any building or enclosed or covered portion, or the extension of the latter line, provided, however, that the exterior side yard on corner lots shall extend for the full depth of the lot to the rear line thereof.

-Z-

SECTION 2. Title XI, Chapter 1, Section 20 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-20: C-2, General Commercial District Regulations:

(A) Uses Permitted:

1. Any use permitted in a C-C or C-1 Zone.
2. Automobile sales and service facilities, excluding body and fender shops. Subject use may include an outdoor used car sales lot, when operated by a franchised new car dealer and located directly adjacent to the new car sales and service facility and operated as an incidental use to the conduct of the new car sales and service facility.
3. Wedding chapels.
4. Advertising signs and billboards.
5. Public parking areas, when located and developed as required in Section 6 of this Chapter.
6. Uses customarily incidental to any of the above, when located on the same premises.
7. Other similar enterprises or businesses of the same general class which, in the opinion of the Planning Commission, as evidenced by resolution of record, are not more detrimental to the welfare and safety of the residents within the particular district than other classifications enumerated in this subsection.
8. Restaurants, cabarets, taverns, cocktail lounges or service bars.
9. Mortuaries and mausoleums.
10. Customer Operated Car Washes.
11. The following uses may be permitted upon securing a special Use Permit as provided in Section 24 of this Chapter:
 - (a) Used car lots.
 - (b) Trailer sales lots.
 - (c) Boat sales and service facilities, including all floating craft.
 - (d) Automotive parts exchanges—This shall not include public garages or salvage operations but shall be limited to the sale and installation of new or rebuilt major automotive parts.
 - (e) Drive-In Theaters, Miniature Golf Courses, and other outdoor amusement centers.
 - (f) Automobile Laundry.

(B) Yards Required: None, except that no building hereafter shall be erected so that the same will be closer to the right-of-way line of any street than the setback established by the Major Street Section of the Master Plan or any other official street plan.

(C) Uses Excluded:

1. Any use that is specifically permitted as a matter of right in an R-R, R-A, R-E, R-D, R-1, R-2, R-3, R-4, or R-T district.
2. Secondhand shops and stores, except for shops dealing exclusively in genuine antiques.

SECTION 3. Title XI, Chapter 1, Section 22 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-22: M. INDUSTRIAL DISTRICT REGULATIONS:

(A) Uses Permitted:

1. Any use permitted in the C-M Zone.
2. Any manufacturing, processing or assembling use, not otherwise prohibited by law, subject to the standards set forth in Subsection (D) of this Section.
3. Public and quasi-public uses.

(B) Uses Specifically Excluded: Any use specifically permitted in any district having a "R" prefix, except any residential use which is clearly a part of an incidental to the efficient operation of an industrial use.

(C) Uses Requiring a Special Use Permit: Any manufacturing, processing or assembling use which is unable to meet the letter of the standards listed under Subsection (D). Such use permit may be properly granted, provided the applicant can provide evidence to document a favorable conclusion on all of the following factors:

1. The proposed use can be operated substantially in conformity with the requirements of the standards listed under Subsection (D).
2. The use, as proposed, will not be materially detrimental to the uses of surrounding property.
3. The public interest will best be served by the granting of said permit.

(D) Performance Standards: Any use of property shall be substantially in compliance with the following performance standards:

1. Noise: At four (4) specified points of measurement, which shall be located on each of the directional boundaries of the lot or parcel in question, the maximum sound pressure level radiated in each standard octave band by any

use or facility (other than transportation facilities or temporary construction work) shall not exceed the value for octave bands lying within the several frequency limits given in Table I after applying any corrections indicated in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer, conforming to standards prescribed by the American Standards Association, including any subsequent amendment or approved revision thereof.

TABLE I

Frequency Ranges	Octave Band
Containing Standard	Sound Pres-
Octave Bands in	sure Level in
Cycles Per Second	Decibels
20 — 300	RE 0.0002
300 — 2,400	60
above 2,400	30

TABLE II

Location of Operation or Character of Noise	Correc- tion in Decibels
1. Daytime operation only (between the hours of 7:00 A.M. and 6:00 P.M.)	+5
2. Property is located more than 500 feet from any district with an "R" prefix	+5
2. Smoke:	
(a) Processing: In any processing operation no fuel shall be used which will emit into the atmosphere any smoke which is defined as equal to Ringleman No. 2, or darker.	
(b) Housekeeping: Any incineration of trash, rubbish or waste material shall conform to the above specifications and in addition be governed strictly by the regulations administered by the Fire Prevention Bureau.	
3. Odor: No permitted use shall be authorized which causes an odor nuisance. Any proposed use which has traditionally been found to create an odor in the atmosphere, shall be permitted only when plans have been submitted sufficiently detailed to show conclusively that the odor will be controlled to the point where it will not be noticeable to humans beyond the boundaries of the property line.	
4. Dust and Dirt:	
(a) Processing: No manufacturing process shall be permitted to emit into the atmosphere any flying dust or dirt which is noticeable to humans.	
(b) Accessory Uses: All street parking areas and outdoor storage areas shall be provided and maintained with a surface which precludes the raising of dirt and dust into the atmosphere.	
5. Noxious Gases: Any industrial use which, by its nature, produces any noxious gas, shall provide chemical or mechanical facilities to eliminate the release of such gas into the atmosphere.	
6. Fire Hazards: All property included within an industrial district shall be considered in Fire Zone No. 1, and meet all requirements and regulations of said Fire Zone, as administered by the Fire Prevention Bureau.	
7. Wastes:	
(a) Industrial Wastes: All industrial wastes of a fluid or semi-fluid nature shall be transmitted into the public sewage system of the City of Las Vegas under such specifications, as may be imposed by the Sewage Division of the Public Works Department, which may include a control of the oxygen content.	
(b) Solid Wastes: Solid wastes shall be disposed of by means of hauling to a designated dump approved by the City of Las Vegas and/or County of Clark, at such maximum intervals as may be required by the Clark County Health Department.	

8. Transportation and Traffic: Off-Street Parking: Any industrial use permitted shall include adequate provisions for off-street parking for employees and visitors. The minimum number of off-street parking spaces provided shall be equal to one and one-half (1½) times the maximum number of employees at any one time. All parking areas shall be developed and surfaced in accordance with the provisions of Section 6 of this Chapter. If any truck movement of materials in or out of the plant is anticipated, provisions shall be made for adequately developed and surfaced loading and unloading areas. In instances where the property is located adjacent to a district with an "R" or "C" prefix, said loading and unloading on the opposite side of the plant from the "R" or "C" Zoned District, unless there is a substantial showing that such location is impossible. All points of ingress to the industrial use from a public street shall be approved by the Traffic Engineer and/or the Traffic and Parking Commission, as may be provided from time to time by other provisions of this Code.

9. Aesthetics: In all instances where a permitted use is authorized on property which is adjacent to or across a public street from property zoned in a district with an "R" or a "C" prefix, or property which is adjacent to or within 100 feet of an Interstate Freeway, Interstate Highway, or Major Street (applicable to both improved and unimproved right-of-way and proposed) the following additional requirements shall apply: (a) The architecture, including building elevations and general site plan, shall be reviewed by the Planning Commission and may be approved by said Commission provided there is a finding that such architectural design and site plan will not be detrimental to any surrounding properties and/or will not be aesthetically detrimental to the use of any such Interstate Freeway, Interstate Highway, or Major Street (existing or proposed).

(b) A minimum setback of fifty feet (50') from the property line adjacent to the "R" or "C" zoned district shall be maintained free and clear of all building or industrial uses. This fifty foot (50') setback area shall be landscaped in a manner which meets the approval of the Planning Commission.

SECTION 4, Title XI, Chapter 1, Section 25 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-25: AMENDMENTS AND RECLASSIFICATIONS:

(A) Amendments to the Text: Whenever public necessity, safety, general welfare and convenience may require, the Board of Commissioners may, from time to time, upon recommendation by the Planning Commission, amend, supplement, modify, change or repeal any of the regulations contained in this Chapter, following at all times the procedures prescribed in the Charter of the City or any applicable State Statute.

(B) Reclassifications (Changes in District Boundaries on the Zoning Map): Whenever the public health, welfare or convenience shall require or subsequent growth and development factors in the community shall indicate the need, in pursuit of the objectives identified in the comprehensive general plan, the Board of Commissioners may, from time to time, upon recommendation by the Planning Commission, reclassify any parcel of land, area of the City or portion of any area of the City from one (1) zoning district to another by realignment of the zoning district boundary lines.

1. Initiation of Reclassifications: An application for a reclassification of a parcel or parcels of property may be initiated in either of the following ways:

(a) By the Planning Commission upon its own motion.

(b) By the Board of Commissioners upon its own motion.

(c) By petition of one (1) or more of the owners of property within the area proposed for reclassification.

2. Application: A petition for the reclassification of property shall be made in the form of an application to be provided by the Planning Department. Said application shall be filed with the Secretary of the Planning Commission at the office of the Planning Department. Said application shall be signed and executed by a record owner or owners of property within the area sought to be reclassified. Upon receipt of a properly executed application, the Secretary of the Planning Commission shall maintain said application, together with all pertinent attachments and exhibits, in the permanent files of the Planning Department as public record.

3. Time of Filing: In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, an application for the reclassification of property must be filed with the Secretary of the Planning Commission a minimum of twenty-four (24) days prior to the date of the meeting of the Planning Commission, at which said application for reclassification is to be heard and considered.

4. Filing Fee: To partially defray the cost of making maps, sending out hearing notices and other incidental administrative and investigative expenses involved in any application for a reclassification of property, the Secretary of the Planning Commission is authorized to make a uniform charge, payable to the City and determined in the following manner:

(a) Fifty dollars (\$50.00) for the first parcel or lot of record.

(b) Five dollars (\$5.00) for each additional parcel or lot of record. This charge shall be due and payable at the time of filing such application.

5. Public Hearing: The Planning Commission shall hold a public hearing upon any application for reclassification of property. A public hearing shall be held within six (6) months of the date of filing of an application, on such dates and under such conditions as may be determined from time to time by resolution of the Planning Commission and spread upon the minutes of the Commission.

Notice of said hearing shall be given in the manner and procedure prescribed in Section 24 of this Chapter.

6. Conduct of the Public Hearing: The Planning Commission shall conduct all public hearings on applications for the reclassification of property in strict compliance with the rules and regulations officially adopted by the Planning Commission in such form as the members of said Commission may from time to time determine by majority vote of the entire Commission provided that:

(a) Said rules and regulations shall in no way be in conflict with the provisions of this or any other ordinance of the City or related State Statutes.

(b) Said rules and regulations shall be ratified by a majority vote of the Board of Commissioners.

Notwithstanding the above, 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 relative to reclassification of property. The right of any person to present such evidence or fact shall not be denied for the reason that such person was not required by the provisions of this Chapter to be notified of the particular public hearing.

7. Revisions: In considering whether to recommend approval or denial of an application for the reclassification of property, the Planning Commission may, when it appears necessary or expedient, consider other adjacent property for reclassification in addition to the property described in the application, and may also consider the reclassification of only a portion of the land described in the application for reclassification.

8. Findings and Recommendation: Following the conduct of a public hearing, and in all instances within not to exceed thirty (30) days following the date of said hearing, the Planning Commission shall report its findings and recommendations on said application to the Board of Commissioners. Prior to the next subsequent meeting of the Board of Commissioners, the Secretary of the Planning Commission shall transmit a copy of said report and recommendation to the Clerk for inclusion on the agenda of the next regular meeting of the Board of Commissioners.

9. The Board of Commissioners shall consider the application for the reclassification of property and the report and recommendation of the Planning Commission thereon, at its next regular meeting following the receipt of said recommendation. If, from the facts presented and the findings in the report and recommendation of the Planning Commission, the Board of City Commissioners determines that the public health, safety, welfare and convenience will best be served by said reclassification or any portion thereof, the Board of Commissioners may indicate its general approval in principle of the reclassification by the adoption of a "Resolution of Intent to Reclassify" said property.

Said resolution shall include any conditions, stipulations, requirements or limitations which the Board of Commissioners may feel necessary to require in the public interest as a requisite to final action. The fulfillment of all conditions, stipulations, requirements and limitations contained in said resolution on the part of the applicant shall make such resolution a binding commitment on the Board of Commissioners.

Upon compliance by the applicant, the Board of Commissioners shall by ordinance effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said resolution, including the time limit placed in the resolution, shall render said Resolution of Intent to Reclassify null and void, unless an extension of time is granted by the Board of Commissioners upon recommendation of the Planning Commission, and further providing that where substantial progress can be shown to the satisfaction of the City Commission within a six (6) months' period next succeeding the expiration date, the Resolution of Intent may be reinstated.

After the Resolution has been effected by ordinance, all conditions, stipulations, requirements or limitations, applicable to the resolution shall remain in effect and no changes, additions or eliminations may be made without approval of the Planning Commission or if appealed, by the Board of Commissioners. In the event a proposed change, addition or elimination involves a condition, stipulation, requirement or limitation originally imposed as the result of a public hearing, the Planning Commission shall require a new public hearing to be held and a new filing fee to be paid. The requirement of a public hearing shall not apply to minor changes, additions or eliminations and the requirement of a public hearing shall be within the discretion of the Planning Commission.

In the event a reclassification is approved by the Board of Commissioners, but not on the basis of a "Resolution of Intent to Reclassify," the Board of Commissioners shall by ordinance effect such reclassification.

SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.000 and/or imprisonment in the City Jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 6. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 1st day of June, 1966.

APPROVED:

/s/ REED WHIPPLE,
Mayor Pro Tem

ATTEST:

/s/ Edwina M. Cole
City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 20th day of April, 1966, and referred to the following committee composed of Commissioners Stewart and Fountain for recommendation; thereafter the said committee reported favorably on said ordinance on the 1st day of June, 1966, which was a Regular meeting of said Board; that at said Regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote.

VOTING "AYE": Commissioners
Stewart, Mirabelli, Fountain and
Whipple

VOTING "NAY": None

ABSENT: Mayor Gragson (excused)

APPROVED:

/s/ REED WHIPPLE,
Mayor Pro Tem

ATTEST:

/s/ Edwina M. Cole
City Clerk

Pub. June 4, 11, 1966