FIRST AMENDMENT

BILL NO. 2008-45

ORDINANCE NO. 6008

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

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Updates 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: Title 19, Chapter 2, Section 40, Subsection (D), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(4) T-D Traditional Development District. The purpose of the T-D District is to provide for the development of comprehensively-planned mixed-use communities, with a minimum of [eighty] <u>forty</u> contiguous acres of land under one ownership or control, which can provide a balanced mix of residential, commercial and civic uses. For purposes of the preceding sentence, acreage is "contiguous" if it shares a common boundary with other commonly-owned property, or is acreage that is separated from other commonly-owned property only by a public right-of-way whose dedication or acquisition caused the separation. Developments planned under the T-D zoning regulations will feature pedestrian-oriented neighborhoods, an interconnected hierarchy of streets, and demonstrate an appropriate relationship between street type, building type, and use. Communities within the T-D District are intended to feature civic amenities, and retain and incorporate existing natural features where feasible as organizational and recreational elements of the community.

SECTION 2: Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 1 that appears therein to read as follows:

. . .

. . .

Table 1

Interpretation of Land Use Table (Table 2)

Symbol	Meaning
P	The use is permitted as a principal use in that zoning district as a matter of right.
A	The use is permitted as an accessory use to a main use in that zoning district. The listing of an accessory use does not exclude other land uses which are generally considered accessory to the primary use.
C	The use is permitted, but only in accordance with the conditions specified in the table for conditional uses.
S	The principal use is permitted in that zoning district only after first obtaining a Special Use Permit (SUP) as set forth in Section 19.18.060. Base standards may apply to an SUP approval, as specified in the table for special uses.
H	The use is permitted by means of a Home Occupation Permit.
T	The use is permitted by means of a Temporary Commercial Permit [in accordance with Section 19.18.100.] unless otherwise specified in this Title.
	A blank square indicates that the use is not allowed in that zoning district as a principal use.

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 deleting from the "Institutional and Community Service" element thereof the entry for the use "Psychiatric Hospital."

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 "Gaming Establishment, Non-Restricted," as found in the "Recreation, Entertainment and Amusement" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Gaming Establishment, Non-restricted	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
	Description: An establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required pursuant to LVMC Title 6. For informational purposes, this description refers to an establishment whose gaming operations consist of 16 or more slot machines, or any number of slot machines together with any other game, gaming device, race book or sports pool at that establishment. When operated in conjunction with a hotel having more than 200 rooms, this use includes any number of ancillary alcoholic beverage-related uses with an on-sale component, without regard to the requirements of LVMC Chapter 19.04, but only to the extent such uses conform to the applicable requirements of LVMC Chapters 6.40 and 6.50.																				

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Gaming Establishment, Non-restricted (Continued)	**Minimum Special Use Permit Requirements:** *1. Except as otherwise exempted by State law, non-restricted gaming establishments must be located within the Gaming Enterprise Overlay District described in Section 19.06.070. *2. A Special Use Permit is required for: a. Any new non-restricted gaming establishment. b. Any increase in the amount, variety or magnitude of gaming to be offered within an existing non-restricted gaming establishment whether or not the existing gaming was approved by means of a Special Use Permit. *3. The Special Use Permit requirement in Paragraph (2) above: a. Applies to all property in the City, wherever located and whether or not it is located in the Gaming Enterprise Overlay District; b. Applies to existing non-restricted gaming establishments whether or not they have applied for an increase in the amount, variety or magnitude of gaming to be offered; c. Applies to any property or establishment irrespective of any rights or purported rights established by prior adjudication, to the extent such rights have not become vested by the exercise thereof; and d. Supersedes and prevails over every other provision of the Municipal Code to the contrary, or that might be deemed to be interpreted to the contrary.		
	On-site Parking Requirement: One space for each 90 square feet of gross floor area.		

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 adding to the "Retail and Personal Services" element thereof an entry for the use "Convenience Store," reading as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Convenience Store	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	A		C	C	S	C	C
	Description: A facility, limited in size and scope, that is primarily used for the retail sale to the public of merchandise for off-site consumption, including prepackaged food products, sundries, household items and similar consumer items. The term does not include a retail business licensed as a "drugstore" pursuant to LVMC Title 6.																				
	Conditional Use Regulations: 1. The building or portion thereof that is dedicated to the use shall have a minimum size of 1200 square feet, and shall be designed to have no more than 5000 square feet of floor space, exclusive of warehouse and office areas, devoted to the display of merchandise. 2. All loading areas shall be screened from view from adjacent residential properties. 3. In the N-S District, the following are not permitted: a. The sale or dispensing of gasoline or other automotive fuels. b. The sale of alcoholic beverages for off-premise consumption.																				
	On-site Parking Requirement: One space per 175 square feet of gross floor area.																				

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 "General Retail Store, Other Than Listed (3500 Square Feet or More)," as found in the "Retail and Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
General Retail Store, Other Than Listed (3500 Square Feet or More)	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	S	P	P
	Description: A facility (with 3500 square feet or more) for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. This use does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in Chapter 19.20.																				
	On-site Parking Requirement: 1. If less than 25,000 square feet, one space per 175 square feet of gross floor area. 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.																				

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 amending the entry for the use "General Retail Store, Other Than Listed (Less Than 3500 Square Feet)," as found in the "Retail and Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
General Retail Store, Other Than Listed (Less than 3500 Square Feet)	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	A	C	P	P	S	P	P
	Description: A facility (with less than 3500 square feet) for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. This use does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in Chapter 19.20.																				
	On-site Parking Requirement: One space [for each] per 175 square feet of gross floor area.																				

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 "Retail and Personal Services" element thereof an entry for the use "Grocery Store," reading as follows:

. . .

. . .

. . .

. . .

. . .

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Grocery Store	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	S	P	P
	Description: A facility, over 5000 square feet in size, that is primarily used for the retail sale of household foodstuffs for offsite consumption, including any combination of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. This use may include the sale of other household supplies and products, but only if secondary to the primary purpose of food sales.																				
	On-site Parking Requirement: 1. If less than 25,000 square feet, one space per 175 square feet of gross floor area. 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.																				

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 "Hotel Lounge Bar," as found in the "Retail and Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Hotel Lounge Bar	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 bar located in a lounge area of a hotel which has a minimum of 150 rooms, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms, wherein: 1. Alcoholic beverages are served and consumed only at tables and booths located within the lounge bar area of the hotel, within a pool area, or within hotel rooms as incident to room service; 2. Persons are not permitted to purchase or obtain alcoholic beverages directly from such lounge bar; 3. No other business, trade, profession or entertainment that requires a license under Title 6 is conducted or performed in the lounge bar area; and 4. The maximum available customer seating in the lounge bar area does not exceed 75 seats. <u>The use does not include a bar that is ancillary to a "Non-Restricted Gaming Establishment," as defined in this Title.</u>																				
	Minimum Special Use Permit Requirements: 1. No hotel lounge bar business use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park. 2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed hotel lounge bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed hotel lounge bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of: a. Any leasehold parcel; or b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1. 3. In the case of a proposed hotel lounge bar located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the hotel lounge bar will be located, without regard to intervening obstacles.																				

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Hotel Lounge Bar (Continued)	**Minimum Special Use Permit Requirements** (Continued) 4. When considering a Special Use Permit application for a hotel lounge bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision. 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992. *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.		
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.		

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 "Retail Establishment with Accessory Package Liquor Off-Sale," as found in the "Retail and Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Retail Establishment with Accessory Package Liquor Off-Sale	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MNP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	P	P		S	S
	Description: A retail establishment: 1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and 2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.																				
	Minimum Special Use Permit Requirements: *1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park. *2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of: a. Any leasehold parcel; or b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1. *3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line: a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or																				

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Retail Establishment with Accessory Package Liquor Off-Sale (Continued)	**Minimum Special Use Permit Requirements** (Continued) b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles. 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision. 5. The minimum distance requirements in Requirement 1 do not apply to: a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or b. A proposed establishment having more than 50,000 square feet of retail floor space. *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. 7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of Section 19.040.050(A)(4), may be waived: a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District; b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; [or] c. <u>In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space; or</u> [c.] <u>d.</u> In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.		
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.		

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 "Utilities, Communication and Transportation" element thereof an entry for the use "Solar Panel," reading as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Solar Panel	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	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: A small-scale unit that is designed and used, on an incidental or accessory basis, to generate power or heat (or both) to be supplied to the principal use on the site. This use: 1. Does not include an "electric generating plant" or any other utility facility that is specifically defined in Chapter 19.20; and 2. Shall not be deemed an accessory structure for purposes of the standards of this Title that govern accessory structures.																				

USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Solar Panel (Continued)	**Conditional Use Regulations:** 1. When visible from a public right-of-way, solar panels shall be installed so that they project no more than 40 inches from the roof surface. 2. When mounted on a sloped roof, the enclosure cladding and support structure of solar panels (excepting the solar collection cells) shall match the roof in color and appearance. 3. Roof-mounted hot water storage systems shall not be visible from neighboring properties or public rights-of-way. 4. Within an area designated as an Historic District, the location of the proposed unit must first be reviewed and approved pursuant to LVMC 19.06.090.		
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.		

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 amending the entry for the use "Seasonal Outdoor Sales," as found in the "Temporary Uses" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Seasonal Outdoor Sales	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
													T*	T*			T*	T*	T*	T*	T*
	*No Temporary Commercial Permit required if the sales operation: – Takes place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site: and – Conforms with all applicable City ordinances and standards.																				
	Description: The temporary outdoor sale and display of the following (and only the following) holiday goods in connection with the corresponding holidays: 1. Christmas trees; 2. Halloween pumpkins; 3. Valentine's Day flowers; and 4. Mother's Day flowers. This use does not include fireworks sales, which are governed by LVMC Chapter 9.28 and are subject to the requirements of the Department of Fire and Rescue.																				
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																				

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 amending the entry for the use "Temporary Contractor's Construction Yard," as found in the "Temporary Uses" element of Table 2, to read as follows:

. . .

. . .

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Temporary Contractor's Construction Yard	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
	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*
	*No Temporary Commercial Permit required if the use is located on the same site as the approved development and is operated in conformance with all applicable City ordinances and standards.																				
	Description: An on-site or off-site facility for the storage of construction materials and equipment intended for use in conjunction with a specific development, to be removed at the time the development is completed. This use may include a temporary batch plant.																				
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																				

SECTION 14: Title 19, Chapter 4, Section 50, Subsection (A), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(A) General. Except as otherwise provided in this Subsection (A), [Any] any use that is marked with the letter "S" in the Land Use Tables for a particular zoning district may be permitted only by means of a Special Use Permit. A Special Use Permit may also be required by other provisions of law for other activities that are not listed as a use in the Land Use Tables. Notwithstanding the provisions of the first sentence of this Subsection (A), alcoholic beverage-related uses with an on-sale component that are ancillary to a non-restricted gaming establishment operated in conjunction with a hotel having more than two hundred rooms are deemed to be part of that use and are allowed without regard to the requirements of Chapter 19.04, provided that each such use otherwise conforms to the provisions of this Title and LVMC Chapters 6.40 and 6.50.

SECTION 15: Title 19, Chapter 6, Section 80, Subsection (A), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

A. Establishment

(1) There is hereby established an Airport Overlay District which consists of those certain areas that are delineated on the following maps:

(a) The McCarran International Airport Official Airspace Zoning Map, sheet number three, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "McCarran Airport Overlay Map" and;

(b) The North Las Vegas Air Terminal Official Airspace Zoning Map, consisting

of one sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "North Las Vegas Airport Overlay Map."

(2) An area which is identified on more than one airport map is considered to be only in the map with the more restrictive height limitations.

(3) Copies of the "McCarran Airport Overlay Map" and the "North Las Vegas Airport Overlay Map," are maintained in the Department of Planning and Development.

(4) Although not included as part of the Airport Overlay District, consideration shall be given to the protection of the Nellis Air Force Base airspace.

SECTION 16: Title 19, Chapter 6, Section 160, Subsection (D), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(D) Minimum Site Area for Rezoning. The minimum site area that is eligible for rezoning to the T-D District is [eighty] forty acres, which is the minimum area deemed necessary to accommodate a balanced mix of housing, commercial, and civic uses. Any additional tract which contains less than the minimum site area and which is contiguous to property previously zoned T-D may also be zoned T-D by the City Council if it otherwise qualifies for the T-D zoning designation and, at the time of such rezoning, is owned by or is under the control of the same property owner (including its successors and assigns) that applied for and obtained T-D zoning on the original property so zoned. The rezoning of any such additional property shall be made subject to the approved Development Standards and Design Guidelines applicable to that property.

SECTION 17: 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 1 that appears therein (exclusive of the accompanying notes) to read as follows:

Table 1. Single-Family Residential District Development Standards

STANDARD	U	R-A	R-E	R-D	R-1	R-CL	R-MH	R-MHP
Min. Lot Size (s.f.)	20,000	40,000	20,000	11,000	6,500	3,500 [2]	6,500	4,000
Dwelling Units per Lot	1	1	1	1	1	1	1	1
Min. Lot Width (ft.)	100 [6]	100 [6]	100 [6]	90 [6]	65 [6]	35 [3, 6]	65 [6]	45 [6]
Min. Front Yard Setback (ft.)	50 [1]	50 [1]	50 [1]	25	20	14 [4]	15	5
Min. Side Yard Setback (ft.)	10 [7]	10 [7]	10 [7]	10 [7]	5 [7]	10 [5, 7]	5 [7]	5 [7]

STANDARD	U	R-A	R-E	R-D	R-1	R-CL	R-MH	R-MHP
Min. Corner Side Yard Setback (ft.)	15 [7]	15 [7]	15 [7]	15 [7]	15 [7]	10 [7]	10 [7]	5 [7]
Min. Rear Yard Setback (ft.)	35 [7]	35 [7]	35 [7]	30 [7]	15 [7]	10 [7]	10 [7]	5 [7]
Max. Lot Coverage	NA	NA	NA	NA	50%	50%	50%	NA
Max. Building Height (ft.)	2 stories or 35 feet, whichever is less [8]							

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 1 that appears therein to include a new note accompanying the table, designated as Note 8, reading as follows:

8. All Districts -- Roof-mounted solar panel units that are permitted as a conditional use pursuant to Table 2 of the Land Use Tables set forth in Section 19.04.010 shall not be considered as a part of the building height for purposes of this Table.

SECTION 19: 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 (exclusive of the accompanying notes) to read as follows:

Table 2. Residential District Development Standards, Other than Single-Family

STANDARD	R-2	R-3	R-4	R-5
Minimum Lot Size (s.f.)	6,500	6,500	6,500	7,000
Dwelling Units per Gross Acre	6-12	13-25	26-50	unlimited [1]
Min. Lot Width (ft.)	NA	NA	NA	NA
Min. Front Yard Setback (ft.) [3]	20	20	10	10
Min. Side Yard Setback (ft.) [3]	5 [4]	5 [4]	5 [4]	5 [4]
Min. Corner Side Yard Setback (ft.) [3]	5 [4]	5 [4]	5 [4]	5 [4]
Min. Rear Yard Setback (ft.) [3]	20 [4]	20 [4]	20 [4]	20 [2, 4]
Max. Lot Coverage [3]	NA	NA	NA	NA
Max. Building Height (ft.) [3]	2 stories or 35 feet, whichever is less [6]			5 stories or 55 feet, whichever is less [6]

SECTION 20: 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 to include a new note accompanying the table, designated as Note 6, reading as follows:

6. All Districts -- Roof-mounted solar panel units that are permitted as a conditional use pursuant to

Table 2 of the Land Use Tables set forth in Section 19.04.010 shall not be considered as a part of the building height for purposes of this Table.

SECTION 21: Title 19, Chapter 8, Section 50, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Note 2 that accompanies Table 2 appearing therein. In particular, Paragraph (f) of Note 2 is amended to read as follows:

f. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs, tanks, ventilation, solar panels, and similar necessary mechanical equipment; visual screens which surround mounted mechanical equipment; skylights; and whip and mounted antennas and flag poles up to forty feet in height may be erected above the required height limits. In no case shall structures above the permitted height limit be constructed for the purpose of providing additional floor space.

SECTION 22: Title 19, Chapter 8, Section 50, Subsection (E), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the introductory paragraph (only) to read as follows:

(4) Screening and Lighting. The following uses and equipment shall be screened from public view from all rights-of-way, pedestrian areas, and parking lots: Trash and refuse collection areas; mechanical equipment such as air conditioners, pumps and motors; propane tanks and other storage tanks; electrical equipment such as switching equipment and transformers; emergency generators; valves; vents; utility meters; satellite dishes; [solar collectors;] grouped mailboxes; and any commercial project which abuts a residential property. Screening includes, without limitation, solid walls and landscaping of a density sufficient to screen the use.

SECTION 23: Title 19, Chapter 8, Section 50, Subsection (E), Paragraph (4), Subparagraph (c), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(c) Mechanical and Electrical Equipment. In the initial design stage of a development project, mechanical and electrical equipment should be incorporated into the architectural form and layout of the proposed building to reduce the need for screening (See Figure 28).

(i) Mechanical and electrical equipment, [solar collectors,] satellite dishes and any other

communications equipment, excluding communications towers and antennas, shall be concealed from view of public rights-of-way and neighboring properties from street level within one hundred feet of the property boundary. Communication antennas shall be of a design, and installed in such a manner, as to blend in with the architecture and design of the building on which they are mounted. Where reasonable height parapet or screen walls are insufficient to provide screening, all equipment shall be painted in a neutral color to blend with roofing materials (See Figure 29).

(ii) Ground and wall mounted mechanical and electrical service equipment, such as utility boxes, valves, gas and electric meters, shall be screened from public view with materials architecturally compatible with the finishes and character of the principal structures within the development or through the use of shrubs and landscaping, and shall be screened to the height of the tallest equipment, integrated with the building design, or both (See Figure 30).

SECTION 24: Title 19, Chapter 8, Section 50, Subsection (E), Paragraph (4), Subparagraph (d), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(d) Mechanical Equipment on Sloped Roofs.

[(i) With the exception of solar panel equipment,] <u>Except as otherwise specifically provided in this Title,</u> no mechanical equipment shall be mounted on or attached to any sloped roof.

[(ii) When mounted on sloped roofs, solar panel equipment, with the exception of the solar collection cells, shall match the roof in color and appearance. Panels shall be mounted directly to the roof plane and be integral to the roof design. Roof mounted hot water storage systems shall not be visible from neighboring properties or public rights-of-way.]

SECTION 25: Title 19, Chapter 8, Section 60, Subsection (B), Paragraph (3), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(3) Exceptions.

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

(i) Chimney and vent stacks.

(ii) Roof structures for the use of solar panel units, elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.

(iii) Visual screens which surround mounted mechanical equipment.

(iv) Skylights.

(v) Whip and mounted antennas.

(b) Church steeples, utility transmission lines and towers, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

SECTION 26: Title 19, Chapter 12, Section 40, Subsection (B), Paragraph (1), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table appearing therein, including the accompanying notes, to read as follows:

Table 2 Perimeter Landscape Buffer – Spacing of Trees

STANDARD	RESIDENTIAL (MULTIFAMILY)	COMMERCIAL	INDUSTRIAL	RESIDENTIAL (SINGLE-FAMILY)
Minimum Trees (24" box minimum)	1 per 20 linear feet 1 per 30 linear feet [3]	1 per 20 linear feet[1] 1 per 30 linear feet[2,3]	1 per 20 linear feet[1] 1 per 30 linear feet[2,3]	1 per 30 linear feet

1. Where adjacent to any residential use.

2. Where adjacent to any commercial or industrial use.

3. Where adjacent to any right-of-way classified as a freeway.

SECTION 27: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the term "Psychiatric Hospital" and its corresponding definition.

SECTION 28: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Gaming Establishment, Non-Restricted" to read as follows:

"Gaming Establishment, Non-restricted" means an establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required pursuant to LVMC Title 6. [of the Las Vegas Municipal Code.] For informational purposes, the term refers to an establishment whose gaming operations consist of sixteen or more slot machines, or any number of

slot machines together with any other game, gaming device, race book or sports pool at that establishment. When operated in conjunction with a hotel having more than two hundred rooms, the use includes any number of ancillary alcoholic beverage-related uses with an on-sale component, without regard to the requirements of LVMC Chapter 19.04, but only to the extent such uses conform to the applicable requirements of LVMC Chapters 6.40 and 6.50.

SECTION 29: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "General Retail Store, Other Than Listed" to read as follows:

"General Retail Store, Other Than Listed" means a facility for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. The term does not include a "grocery store," "convenience store," or other retail facility that is specifically defined in this Chapter.

SECTION 30: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations, the following terms and their corresponding definitions:

"Convenience Store" means a facility, limited in size and scope, that is primarily used for the retail sale to the public of merchandise for off-site consumption, including prepackaged food products, sundries, household items and similar consumer items. The term does not include a retail business licensed as a "drugstore" pursuant to LVMC Title 6.

"Grocery Store" means a facility, over five thousand square feet in size, that is primarily used for the retail sale of household foodstuffs for offsite consumption, including any combination of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. A "grocery store" may include the sale of other household supplies and products, but only if secondary to the primary purpose of food sales.

"Solar Panel" means a small-scale unit that is designed and used, on an incidental or accessory basis, to generate power or heat (or both) to be supplied to the principal use on the site. A "solar panel":

(1) Does not include an "electric generating plant" or any other utility facility that is specifically defined in Chapter 19.20; and

(2) Shall not be deemed an accessory structure for purposes of the standards of this Title

that govern accessory structures.

SECTION 31: For purposes of Section 2.100(3) of the City Charter, LVMC 19.02.040, 19.04.010, 19.04.050, 19.06.080, 19.06.160, 19.08.040, 19.08.050, 19.08.060, 19.12.040, and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 32: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 33: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 15th day of OCTOBER, 2008.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
~~BEVERLY K. BRIDGES, CMC~~ VICKY DARLING, CMC
~~City Clerk~~ ACTING CITY CLERK

APPROVED AS TO FORM:

_____ 10-1-08
Date