

This is a certified true and correct copy of  
original Zoning Ordinance

**UPDATED**

**ZONING**  
**ORDINANCE**  
**(2008)**

**ZONING ORDINANCE  
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**ARTICLE I**

**TITLE, PURPOSE, AUTHORITY**

12-1-1	Title
12-1-2	Purpose
12-1-3	Authority for Ordinance
12-1-4	Continuation of Existing Regulations
12-1-5	Existing Uses

**12-1-1 TITLE** This Ordinance shall be known, and may be cited and referred to, as the Comprehensive Zoning Ordinance of the City of Las Vegas.

**12-1-2 PURPOSE** An official zoning plan for the City of Las Vegas is hereby established and adopted to serve the public health, safety, and general welfare of the community and to provide the economic and social advantage resulting from an orderly, planned use of land resources.

**12-1-3 \*AUTHORITY FOR ORDINANCE** This ordinance is adopted pursuant to the provisions of an Act of the State Legislature known as Chapter 300, Laws of 1965, and Chapter 279, Section 20, Laws of 1977, (being Sections 3-21-1 through 3-21-26, N. M. S. A., 1978). The provisions of this ordinance are adopted in acceptance of and accordance with said Act. **\*Amended by Ord. No. 75-33, adopted 2/26/87**

**12-1-4 CONTINUATION OF EXISTING REGULATIONS** The provisions of this Ordinance, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. The re-enactment of these provisions shall not constitute validation of any use not conforming to the zone in which it located.

**12-1-5 EXISTING USES** The existing use or uses of all buildings, improvements, and premises not in conformity with the standards or requirements of the zoning district in which they are located, in accordance with the provisions of this Ordinance, and which uses are legal, or for which permits or variances were granted under previous ordinances, may continue as NON-CONFORMING USES or VARIANCES as hereinafter defined, and subject to the provisions regulating such uses.

## **ARTICLE II DEFINITIONS**

- 12-2-1      General
- 12-2-2      Specific

**12-2-1 GENERAL** For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural.

“Person” includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

“Design Review Board”\* shall mean a seven member board created by Chapter 20, of the Las Vegas Municipal Ordinances and as specifically outlined in Section 20-1-4, of said ordinance.

“Used” or “Occupied” include the words intended, designed or arranged to be used or occupied.

“Lot” includes the word “plot” or “parcel.” The term “shall” is mandatory; and the term “may” is permissive.

“City” shall mean the City of Las Vegas.

“Council” shall mean the City Council of the City of Las Vegas.

“Commission” shall mean the Planning & Zoning Commission of the City of Las Vegas.

“Board” shall mean the Board of Adjustment as provided for in Article 7 of this Ordinance.

### **12-2-2 SPECIFIC**

**ABUTTING** – Touching along a common border.

**ACCESS** – A means of vehicular approach or entry to or exit from property.

**ACCESSORY USE OR STRUCTURE** – A use or structure incidental to the principal use of a building or land.

**ACRE** – Forty three thousand five hundred and sixty (43,560) square feet.

**ALLEY** – A public or private way, at the rear or side of property permanently reserved as a means of secondary access to abutting property.

**ALTERATION** – Any change in the supporting members of a building, such as bearing walls, beams, girders, joists, foundations, pilings, or retaining walls.

**APARTMENT HOUSE** – A building or portion thereof designed pursuant to the terms of this ordinance.

**APPEAL** – A means for obtaining review of a decision pursuant to the terms of this ordinance.

BASEMENT – A story in any building having less than one-half its average height above grade.

BLOCK – A contiguous set of lots bounded and enclosed by streets.

BOARD OF ADJUSTMENT-A Board established to hear and decide appeals, variances, special and or conditional use permits. **Amended by Ord. No. 03-03, 3/19/03**

BUFFER – An area of land with landscaping placed thereon to eliminate or minimize conflicts between land uses abutting the landscaping area.

BUILDING – Any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF – The vertical distance from the grade to the highest point of a flat roof, the jack line of a mansard roof, or the average height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING, MAIN – The building occupied by the primary use.

CARPORT – A permanently roofed accessory structure open on three (3) sides and attached to the side of a dwelling, and established for the convenient loading and unloading of passengers from an automobile.

CELLAR – A story having one-half or more of its average height below grade.

CHILD CARE CENTERS – A facility that provides care, services, and supervision for less than 24-hours a day to any number of children. A Child Care Center is a non-residential setting and meets the applicable state and local building and safety codes. **Amended by Ord. No. 03-03, 3/19/03**

CLINIC – A place for group medical services not involving overnight housing of patients.

COMMUNITY ADULT RESIDENCES (STATE LICENSED OR STATE OPERATED) Residences for the mentally ill or developmentally disabled serving ten or fewer persons is considered a residential use of property for purposes of zoning and may be a permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings, includes all other disabilities cited in the Fair Housing Act. Section 3-21-1 C. NMSA 1978. **Amended by Ord. No. 03-03, 3/19/03**

COMMUNITY DEVELOPMENT DEPARTMENT-A City of Las Vegas Department as designated under Article III Section 7 of the City's Charter, which includes the divisions but not limited to Planning & Zoning, Code Enforcement, Licensing, Building Permits and Economic Development. **Amended by Ord. No, 03-03, 3/19/03**

DEVELOPMENT REVIEW TEAM (DRT)-An interagency established pursuant to the City of Las Vegas Master Plan to review development projects within the City of Las Vegas and Extra-territorial zoning, platting and planning jurisdiction. **Amended by Ord. No. 03-03, 3/19/03**

DUPLEX – Building designed and/or used exclusively for the occupancy of two (2) families living independently of each other.

DWELLING – A building used entirely for residential purposes.

DWELLING, SINGLE FAMILY- A detached structure, including prefabricated structures, designed for and used by one family only for living purposes, but excluding trailers.

DWELLING, MULTI-FAMILY\* – One or more, one, two, three, or four-story multi-family structures containing three or more dwelling units. **\*Amended by Ord. No. 03-03**

FAMILY – An individual or two or more persons related by blood, marriage, or adoption or a group of not more than five persons, excluding servants, who are not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling.

FAMILY CHILD CARE HOME\*-A private dwelling that provides care, services and supervision for a period of less than 24 hours of any day for at least 5 but not more than 12 nonresidential children. The licensee will be the primary care giver in the home. The home shall be required to be licensed under the Child Care Licensing and Certification Bureau of the Prevention and Intervention Division of the New Mexico Children, Youth, and Families Department and the City of Las Vegas. **\*Amended by Ord. No.03-03, 3/19/03**

FINISHED GROUND LEVEL – The height of the mid-point of the line formed by the intersection of a wall and the ground when all finish grading is completed.

FRATERNAL ORGANIZATION CLUBS\*-A Group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements. **\*Amended by Ord. No.03-03, 3/19/03**

GRADE\*-Is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property.**\*Amended by Ord. No. 04-09**

GARAGE, PRIVATE – An accessory building housing one or more vehicles owned and used by occupants of the main building.

GROSS DENSITY\*- Includes all the area within the boundaries of the particular area, excluding nothing. **\*Amended by Ord. No. 03, 3/19/03**

HARD SURFACE - shall mean any compacted or rolled, smooth surface allowing resistance to penetration of moisture which may include but not be limited to gravel, engineered fill, asphalt and concrete.

HEIGHT\*-The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. **\*Amended by Ord. 04-09**

HOME OCCUPATION – Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part.

HOTEL – A building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which there are six or more guest rooms, but not including institutions in which humans are housed or detained under legal restraints.

LOT\* - (1) A parcel of land abutting on one or more public streets with a separate and distinct number or other designation shown on a plat or record of survey recorded in the

office of the County Clerk; or (2) A parcel of real property shown on the records of the County Assessor as held under separate ownership from adjacent property prior to the effective date of this Ordinance. **\*Amended by Ord. No. 75-63, 2/26/97**

**LOT FRONTAGE** – The front of a lot shall be construed to be that portion of a lot nearest the street.

**LOT DEPTH** – The horizontal distance between the front and rear lot lines measured in the main direction of the side lot lines.

**LOT WIDTH** – The horizontal distance between the side lot lines measured at right angles to the lot depth at the building lines.

**LOT, CORNER** – A lot situated at the intersection of two or more streets.

**LOT, REVERSED CORNER** – A corner lot, the side street line of which is substantially a continuation of the front line of the lot upon which it rears.

**LOT, THROUGH-A** lot having frontage on two parallel or approximately parallel streets.

**MANUFACTURED HOUSING\*** - A manufactured or modular home that is a single family dwelling with a heated area of at least thirty-six (36) by twenty-four (24) feet and at least eight hundred sixty-four square feet, constructed in factory to the standards of the U. S. Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seg.) and UBC, as amended to the date of the units construction, installed consistent with the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) and with the regulations made pursuant thereto relating to ground level installation. This type of housing is allowed in any residential zone in which site built single-family housing is permitted. **\*Amended by Ord. 76-19, 1988**

**MOTEL** – A group of attached or detached buildings containing individual sleeping or dwelling units with garage attached or parking space conveniently located to each unit, all for temporary use by automobile tourists or transients; includes auto courts, motor hotels, motor lodges, and auto camps.

**NON-CONFORMING BUILDING-** A building or portion thereof lawfully existing at the time this Ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the district in which it is located, or which does not comply with all the height and area regulations of the district in which it is located.

**NON-CONFORMING USE** – A use of a building or land existing at the time of adoption of this Ordinance, which does not conform to the regulations for the district in which it is located as, set forth in this Ordinance.

**PARKING SPACE, AUTOMOBILE** – Space within a building or public or public parking area for the temporary parking or storage of one automobile consisting of a minimum area of nine feet wide by twenty feet long, exclusive of street, alleys, driveways, aisles, and the area of egress and ingress, and having access at all times to a public street or alley.

**PRE-FABRICATED STRUCTURE** – Any structure that is manufactured wholly or in

part at a location other than the lot where it is currently located, that at no time had provision for being towed by any vehicle incorporated as a permanent part of its structure. A pre-fabricated structure cannot have been part of any vehicle designed to provide temporary or permanent human habitation and any pre-fabricated structure must meet the building codes for the use to which it is put in any zone.

**REST HOMES – NURSING HOMES** – A building where lodging and meals, and nursing, dietary, or other personal services are rendered to one or more convalescents, invalids, or aged persons for compensation, but excluding cases of contagious or communicable diseases, surgery, or primary treatment customarily provided in sanitariums or hospitals.

**SIGN** – Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**STORY** – That portion of a building included between the surface of a floor and the ceiling next above it.

**STREET** – Any public or private way which affords principal means of access to abutting properties.

**STRUCTURE** – Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite matter, which required location in the ground or is attached to something having a location on ground.

**TRAILER, MOBILE HOME\*** - A vehicle without motive power designed to be towed by a motor vehicle or to be used for the carrying of persons or property or as a temporary or a permanent human habitation including trailer coach, trailer home, mobile home, cargo trailer, semi-trailer, and house trailer, box car, passenger car, caboose, whether with or without wheels and whether attached to or incorporated in a structure and that part of any self-propelled vehicle which is designed for the purposes of human habitation whether temporary or permanent or a trailer (mobile home) does not include any manufactured or modular home which by definition is considered “manufactured housing” pursuant to Senate Bill 354, 1987 legislative session removed therefrom whether attached to or incorporated in a structure. **\*Amended by Ord. No. 75-33 & 76-19**

**TRAILER COURT, TRAILER PARK, & MOBILE HOME PARKS** – Any area or tract of land where space is rented or held for rent to owners or users of auto trailers, trailer coaches, mobile homes, or trailers for human habitation.

**USE** – The purpose, for which land or buildings are arranged, designed or intended or for which either is or may be occupied or maintained.

**YARD** – A required open space unoccupied and unobstructed by any structure from thirty inches above the general ground level of the graded lot upward, provided however that fences and walls may be permitted in any yard subject to the height limitation indicated herein.

**YARD, FRONT** – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR-A yard contiguous to the rear line of a lot, but not contiguous to a side yard.

YARD, SIDE – A yard between the main building and the side lot line, extending from the front yard to the rear yard, or a yard contiguous to the rear line of a lot and a side yard.

All other words, terms, and phrases used in the Ordinance shall have the meanings generally ascribed to them or as defined or used in the New Mexico State Statutes related to planning.

**ARTICLE III  
ESTABLISHMENT OF ZONES**

- 12-3-1 Names of Zones
- 12-3-2 Establishment of Zone Boundaries by Map
- 12-3-3 Uncertainty of Zone Boundaries
- 12-3-4 Official Zoning Map on File with the City Clerk
- 12-3-5 Amendments to the Official Zoning Map
- 12-3-6 New Construction and New Uses
- 12-3-7 Uses Permitted in the Zone
- 12-3-8 Uses Not Listed
- 12-3-9 Separate Yard Required
- 12-3-10\* Annexation: Petition by Owners of Contiguous Territory: Designation of Zones in Areas Annexed: Application Filing Fee Table

**12-3-1 NAMES OF ZONES\*** For the purpose related to the orderly development of the City of Las Vegas, New Mexico, and in order to carry out the provisions of the Ordinance, the City is hereby divided into fourteen (14) zones, known as follows:

**\*Amended by Ord. No. 75-33, 2/26/87**

- RA Residential Agricultural
- RR Restricted Residential Zone
- R-1 Single Family Residential Zone
- R-2 Multi-Family Residential Zone
- R-3 Mixed Residential Zone
- C-1 Neighborhood Commercial Zone
- C-2 Central Business District
- C-3 General Commercial Zone
- O-1 Office Zone
- M-1 Light Manufacturing Zone
- M-2 Heavy Industrial Zone
- M-3 Special Environment Zone
- PC Planned Community Zone
- CH Cultural Historical Zone

**12-3-2 ESTABLISHMENT OF ZONE BOUNDARIES BY MAP**-The location and boundaries of the various zones as hereafter determined shall be shown and delineated on the “Official Zoning Map” of the City which shall upon its final adoption, be made a part of this Ordinance, and said map and all notations and information shown thereon shall thereafter be as much a part of this ordinance as if all matters and information set forth on said map were fully described herein. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the official zoning map referred to in 12-3-2 of the Ordinance of the City of Las Vegas, New Mexico 1972 Codification together with the date of adoption of this Ordinance.”

**12-3-3 UNCERTAINTY OF ZONE BOUNDARIES** Where uncertainty exists as to the boundaries of any zone shown on the “Official Zoning Map,” the following rules shall apply:

- (a) Where such boundaries are indicated as approximately following the street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- (b) In the case of un-subdivided property, and where a zone boundary divides a lot or parcel, the location of such boundaries, unless precisely indicated on the Official Zoning Map by dimensions, shall be determined by the use of the scale appearing on said Zoning Map.
- (c) In the event that a public street, alley, or right-of-way, or any easement is vacated or abandoned, the area comprising such vacated street or alley shall acquire the same zone classification on the property to which it reverts.
- (d) Should dispute arise or uncertainty exist as to the boundaries between the various zones, the Commission shall, by written decision, determine the location of the zone boundaries.

**12-3-4 OFFICIAL ZONING MAP ON FILE WITH THE CITY CLERK** The original of said Official Zoning Map shall be kept on file in the office of the City Clerk and shall constitute the original record. A copy of said map shall also be filed with the City Manager.

**12-3-5 AMENDMENTS TO THE OFFICIAL ZONING MAP\*** All amendments to and changes in the Official Zoning Map shall be recorded by the City Clerk not later than twenty-four (24) hours after such amendment becomes effective. All amendments to and changes in the Official Zoning Map shall be recorded at the end of each fiscal year upon a new copy of the Official Zoning Map. No changes shall be made upon the Official Zoning Map that has not been made in regular form by the City Council of the City of Las Vegas. (See 12-3-2). \*Amended on 9/19/84, Ord. No. 73-5

**12-3-6 NEW CONSTRUCTION AND NEW USES** All new construction, building, improvements, alterations, enlargements, or building movement undertaking after the effective date of this ordinance; and all new uses or occupancy of premises within the City shall conform with the requirements, character, and conditions as to use, height, area, and yard requirements laid down for each of these several zones as described in the following sections of this ordinance. It shall be unlawful for any person to design, erect, construct, establish, move into, alter, enlarge, or use, or to cause or permit to be executed, constructed, established, moved into, altered, enlarged or used, any building, structure, improvement or use of premises located in any zoning district described in this ordinance contrary to the provisions of this ordinance.

**12-3-7 USES PERMITTED IN THE ZONES** All zones established in this ordinance shall be only for those uses prescribed in the section dealing with said zones, and for such other uses as the City Council, after review by the Planning Commission, may determine to be similar.

**12-3-8 USES NOT LISTED** When a use is not specifically listed in the section devoted to “USES PERMITTED,” or “CONDITIONAL USES” it shall be assumed that such uses are hereby expressly prohibited unless a written recommendation from the Planning Commission to the City Council is approved by the Council, said recommendation being one which states that said use is similar to and not more objectionable than the uses already listed.

**12-3-9 SEPARATE YARDS REQUIRED** Except as hereafter in this ordinance provided, no yard or other open space provided about any building or structure for the purpose of complying with these regulations shall be considered as providing a yard or open space for any other building or structure on the same property or on contiguous properties.

**12-3-10 \*ANNEXATION: PETITION BY OWNERS OF CONTIGUOUS TERRITORY: DESIGNATION OF ZONES IN AREAS ANNEXED: APPLICATION FILING FEE AND TABLE** \*Amended by Ord. No. 04-13, 8/18/04

- A. Whenever owners seeking the annexation of territory contiguous to the City file a petition with the City, such request shall be in accordance with Section 3-7-17 NMSA 1978.
- B. All lands that may hereafter be annexed into the City shall be automatically classified as lying in the RA Zone.
- C. An application-filing fee as shown on table below shall be paid to the City upon the filing of such petition. Said fee shall be for purposes of defraying costs associated to the proceedings of application.
- D. Table:

Area being annexed	Fee
5000 square feet to 1.00 acre	\$120.00
1 – 10 acres	\$180.00 first 5 acres + \$15.00 each additional acre
10+ - 25 acres	\$300.000 first 10 acres + \$6.00 each additional acre
25+ – acres and over	\$600.00 first 25 acres + \$1.50 each additional acre
Annexations will require additional recording fees, to be determined by the San Miguel County Clerk and also fees applicable to zone change requirements as required by Section 12-10-3 (a)	

**12-3-11      COMPLETION OF CONSTRUCTION** Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a valid building permit has heretofore been issued and upon which actual construction has begun at the effective date of this Ordinance, or any amendment thereof, provided that such construction, and/or proposed use of such building is not on said date in violation of any other ordinance or law and further provided that such building or structure is completed within one year of such date. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated such excavation shall be deemed to be actual construction, or where demolition or removal of an existing structure has commenced preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

**ARTICLE IV**

**Article IV, deleted in its entirety on 9/19/94, Ord. No. 73-5.**

**ARTICLE V**  
**GENERAL, PROVISIONS, CONDITIONS, AND EXCEPTIONS**

- 12-5-1 Regulations Subject to the Section
- 12-5-2 Limitation of Land Use
- 12-5-3 Clarification of Ambiguity
- 12-5-4 Public Utility Lines
- 12-5-5 Non-Conforming Uses – Intent
- 12-5-6 Non-Conforming Structures
- 12-5-7 Non-Conforming Use of Land
- 12-5-8 Non-Conforming Use of Conforming Land
- 12-5-9 Non-Conforming Use of a Non-Conforming Building
- 12-5-10 Non-Conforming Uses and Non-Conforming Building Resulting from  
Reclassification
- 12-5-11 Accessory Uses
- 12-5-12 Temporary Uses
- 12-5-13 Amortization, General
- 12-5-14 Extension of Amortization Period
- 12-5-15 (This section omitted by adoption of Ord. No. 76-15, 10/15/87, see 12-5-11)
- 12-5-16 (This section omitted by adoption of Ord. No. 76-15, 10/15/87, see 12-5-12)
- 12-5-17 Required Off-Street Parking
- 12-5-18 Area Requirements Deemed Met
- 12-5-19 Height of Buildings
- 12-5-20 Additional Story Permitted
- 12-5-21 Structures in Excess of Height Limit Permitted
- 12-5-22 Yard Regulations
- 12-5-23 Yards Required On Corner Lots
- 12-5-24 Through Lots to Have Two Front Yards
- 12-5-25 Front Yard Requirements
- 12-5-26 Front Yards of Improved Lots Control
- 12-5-27 Set-Back Lines
- 12-5-28 Irregularly Shaped Lots
- 12-5-29 Permissible Reduction of Side or Rear Yard
- 12-5-30 Commission May Establish Modification Formula for Yard Requirements
- 12-5-31 Permissible Coverage of Required Rear Yard
- 12-5-32 Structures Permitted to Intrude Into Required Yards
- 12-5-33 Modification of Required Front Yard
- 12-5-34 Wall, Fence, or Hedge Will be Maintained
- 12-5-35 Alley May Apply to Depth of Rear Yard in Certain Cases
- 12-5-36 Lot Area Not to Be Reduced
- 12-5-37 Lots Not to be reduced in Size Below Minimum Area
- 12-5-38 Area for Public Buildings and Utility Buildings May be Reduced
- 12-5-39 Location of Accessory Buildings
- 12-5-40 Signs

**12-5-1 REGULATIONS SUBJECT TO THE SECTION** All regulations contained in this ordinance is subject to general provisions, conditions and exceptions contained in this Section.

**12-5-2 LIMITATION OF LAND USE** Except as provided in this section, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the same zone in which such building is located.

**12-5-3 CLARIFICATION OF AMBIGUITY** If ambiguity arises concerning the appropriate clarification of a particular use with the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by formal resolution set forth its findings and interpretations, and such resolution shall be forwarded to the City Council, and if approved by the City Council, such interpretation shall thereafter govern.

**12-5-4 PUBLIC UTILITY LINES** The provisions of this ordinance shall not be construed to limit or interfere with the installation, maintenance and operation of any public utility lines providing water, sewage disposal, electric, gas, television, telephone, or telegraph services to the public provided such lines are installed, maintained, and/or operated in accordance with all other applicable laws.

**12-5-5 NON-CONFORMING USES – INTENT\*** Within the zones established by this Ordinance there exists lots, structures and uses of land or structures, or both, which were in existence prior to the adoption of this Ordinance, but which are prohibited, regulated, or restricted by this Ordinance. It is the intent of this ordinance to eliminate non-conforming uses at the earliest possible time. However, acknowledgement of the vast number of existing, non-conforming properties (lots and structures) currently in use, make it necessary to permit these existing non-conformities to continue until they are removed. \*Ord. No. 76-15, adopted 10/15/87

**12-5-6 NON-CONFORMING STRUCTURES\***

A. Changes to the interior of an existing non-conforming structure may be made provided that a building permit be obtained.

B. Expansion or improvement to the exterior of an existing non-conforming structure, either horizontally or vertically, addition of a new structure on the same site or restoration of a damaged structure, shall be permitted provided that a building permit first be obtained and:

1. When such expansion or improvement is contiguous and sharing a common wall with the original structure or is an accessory structure the

building official may approve said expansion or improvements if criteria for approval of a site development plan are met.

2. The criteria for approval shall consist of the following:

**a.** Site development plan – a detailed site development plan shall be submitted showing a plot plan of the lot with existing structures and proposed improvements, utility line locations, and easements, adjacent right-of-ways and giving appropriate distances for each. Adjacent properties that will be affected by the proposed expansion or improvements should also be shown.

**b.** Notarized statement of consent, signed by each adjacent property owner, shall be submitted when expansion or improvements intrude into required yard areas. The statement will certify that the adjacent property owners do not object to the expansion or improvements. If consent of adjacent property owners is not obtainable, a variance must be obtained from the Planning & Zoning Commission.

**c.** Approval from City of Las Vegas Fire Department. (Note: Without exception, permission for expansion or improvement to an existing non-conforming structure will not be granted unless approval from the fire department is obtained).

**C.** Removal of non-conforming structures. In the even that a non-conforming structure is entirely destroyed or removed, new construction shall be in accordance with the provisions of this Ordinance. If a structure is partially removed or destroyed, the provisions of subsection 12-5-6, A, B, and C shall apply. \*Ord. No. 76-15, adopted 10/15/87

**12-5-7 NON-CONFORMING USE OF LAND\*** The non-conforming use of land, where no main buildings are involved may be continued subject to the following conditions:

**a.** No such non-conforming use of land shall be expanded or extended in any way either on the same or adjoining property.

**b.** Where such non-conforming use of land is discounted for a period of six (6) months, any future use of land shall be in conformity with the provisions of this ordinance.

**c.** These provisions do not apply to land used for agricultural purposes.

d. When the non-conforming use of land is for trailers, no additional trailers may be brought onto the lot; but a non-conforming trailer may be replaced if the following criteria are met:

1. Site development plan – a detailed site development plan shall be submitted showing a plot plan of the lot with existing structures and proposed improvements, utility line locations, and easements, adjacent right-of-ways and giving appropriate distances for each. Adjacent properties that will be affected by the proposed expansion or improvements should also be shown.

2. Notarized statement of consent, signed by each adjacent property owner, shall be submitted when expansion or improvements intrude into required yard areas. The statement will certify that adjacent property owners do not object to the expansion or improvements. If consent of adjacent property owners is not obtainable, a variance must be obtained from the Planning & Zoning Commission. \*Ord. No. 76-15, adopted 10/15/87

**12-5-8 NON-CONFORMING USE OF CONFORMING BUILDING\*** When a non-conforming use of a conforming building exists at the time the provisions of this ordinance became applicable to such building so as to make the use of thereof non-conforming, such non-conforming use may be continued and such non-conforming use may be expanded or extended throughout such building, provided any structural alterations necessary to be in conformance with the City of Las Vegas building codes. If such non-conforming use is discontinued for a period of six (6) months, any future use of such building shall conform to the provisions of this ordinance. Amended by Ord. No. 76-15, 10/15/87

**12-5-9 NON-CONFORMING USE OF A NON-CONFORMING BUILDING\*** The non-conforming use of a non-conforming building may be continued and may be expanded or extended throughout such building provided any structural alterations necessary be approved by the Community Development Department, and a building permit be obtained. If such non-conforming use is discontinued, any future use of such building shall conform to the provisions of this ordinance. Amended by Ord. No. 76-15, 10/15/87

**12-5-10 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS RESULTING FROM RECLASSIFICATION\*** The foregoing provisions of this Section (12-5-1 – 12-5-13) shall apply to buildings, structures, land and uses which hereafter become non-conforming due to any reclassification of zones or land under this ordinance. Amended by Ord. No. 76-15, 10/15/87

**12-5-11 ACCESSORY USES\*** Any use customarily incidental and not specifically prohibited to the principal use of a lot or a building permitted in the respective zones may be permitted including private garages, but not contrary to specific prohibited uses. Amended by Ord. No. 76-15, 10/15/87

## **Section 12-5-12 TEMPORARY USES**

**A.** Temporary uses are permitted only as expressly provided in this Section and shall comply with the requirements of Article XI.

**B.** No temporary use shall be established unless a certification of compliance with the provisions of this section and other applicable provisions of this ordinance shall have first been issued by the Community Development Department.

**C.** The following are temporary uses, which are subject to the following specific regulations and standards, and subject to the issuance of a “public events or temporary use permit,” in addition to other requirements specified in this ordinance.

### **1. Carnival or Circus**

- a.** Permitted in any district;
- b.** Requires a City business license/registration;
- c.** Maximum length of use shall be five (5) days;
- d.** No structure or equipment within one hundred feet (100’) of any residential structure;
- e.** A safety certification of all rides and equipment is required;
- f.** Requires registration/licensure by the State of New Mexico;
- g.** Permitting fees shall be imposed at the rate of \$250 per day;
- h.** Must be inspected and approved by the Fire Department;

### **2. Christmas Tree Sales**

- a.** Permitted in any district;
- b.** Requires a business license/registration;
- c.** Maximum length of use for display and open lot sales shall be forty-five (45) days;
- d.** Must be inspected and approved by the Fire Department

### **3. Contractor’s Office and Construction Equipment Sheds**

- a.** Permitted in any district where use is incidental to a construction project;
- b.** Maximum length of permit shall be for the term of the project;
- c.** Office or shed shall be removed upon completion of construction;
- d.** Must be inspected and approved by the Fire Department

### **4. Events of Public Interest**

- a.** Are permitted in any district with approval by the Community

- Development Department;
- b. Events of public interest include but are not limited to outdoor concerts, bazaars, auctions, and historic celebrations and are further defined as functions, which advertise to and call for public participation;
  - c. Require a business license/registration; and
  - d. All parade processions, including homecoming parades associated with New Mexico Highlands University, Las Vegas City Schools, and West Las Vegas City Schools shall comply with all requirements as set forth in the following Section 12-5-12 C.5 of the City of Las Vegas Zoning Ordinance
  - e. Must be inspected and/or approved by the Fire Department

## **5. Parades**

In lieu of other requirements for events of public interest, event sponsors of homecoming parades for West Las Vegas, Las Vegas City Schools and New Mexico Highlands University, shall submit a permit application to the Community Development Department at least 2 weeks in advance of the parade to allow coordination of the event by the City.

- a. The event shall include an anti-litter message or effort that is to be proposed and approved in the permit application
- b. A \$200.00 non-refundable sanitation fee shall be imposed
- c. Must be inspected and approved by the Fire Department

## **6. Real Estate Sales Office**

- a. Permitted in any district for any new subdivision approved in accordance with subdivision regulations. The office may not contain sleeping or cooking accommodations unless a model home is used as a temporary sales office;
- b. Offices other than model homes shall be removed upon completion of the development of the subdivision;
- c. Permitting fees shall be imposed at the rate of twenty-five dollars (\$25.00) per office per year
- d. Must be inspected and approved by the Fire Department

## **7. Religious Tent Meetings**

- a.** Permitted in any district; with approval by the Community Development Department;
- b.** Maximum length of use shall be fifteen (15) days;
- c.** Permitting fees shall be imposed at the rate of twenty-five dollars (\$25.00) per office per year;
- d.** Must be inspected and approved by the Fire Department

## **8. Major Movie, Video and Similar Recording Productions**

- a.** Permitted in any district with approval by the Community Development Department
- b.** Maximum length of use shall be determined by application;
- c.** Arrangement for specific City services such as police, barricading, sanitation and utilities will be based on current costs and determined by application;
- d.** Permitting fees shall be imposed at the rate of two hundred and fifty dollars (\$250.00) for all commercial feature or television projects with a crew size of 11 people or more and or a budget of \$50,000 or more;
- e.** There is no fee for documentaries, educational films, still photo shoots or any production with a crew of 10 people or less;
- f.** Must be inspected and approved by the Fire Department;
- g.** All applications for major Movie, Video, and similar recording productions shall be made on forms published and provided by the City and shall be filed with the Community Development Department. Each applicant shall follow all procedures specified in the application, shall complete all questions, and pay all assessed fees, and provide requested material contained within the application form.

**D.** The Community Development Department shall be charged with enforcing all regulations, pertaining to this Ordinance, for events of public interest. Additional regulations for carnivals or circuses, religious tent meetings and events of public interest are as follows:

**1.** Event sponsors shall provide documentation from the New Mexico Environmental Improvement Division that adequate arrangements have been made for:

- a.** Temporary sanitary facilities; and
- b.** Food service

**2. No permanent or temporary lighting shall be installed unless:**

**a.** An electric inspection has been conducted by the State Electrical Inspector and approval has been obtained from the Las Vegas Fire Department; and

**b.** If the event is to be held on City property, proper arrangements have been made with the City and/or PNM for payment of electrical charges.

**3.** If LP gas is to be used, event sponsors shall provide documentation that the State Liquid Petroleum Gas Inspector has conducted an LP Gas Inspection and approval has been obtained from the Las Vegas Fire Department.

**4.** All uses shall be confirmed to dates and hours of operation specified and approved by the Community Development Department in the permit application.

**5.** A security deposit shall be posted with the City to insure that the premises will be cleared of debris and other waste materials during and after the event and that any damage to the public right-of-way will be repaired. The minimum-security deposit will be two hundred dollars (\$200.00).

**6.** Events scheduled on private property shall be required to provide off-street parking in an amount sufficient for the event.

**a.** The amount of required parking will determined by the City's Community Development Department and shall be based on the type of event, the anticipated public response, the number of advance ticket sales and other similar factors.

**b.** Events scheduled on public property shall be required to obtain advance clearance from the City for provisions of parking.

**7.** Event sponsors shall coordinate all arrangements for traffic control and security with the Las Vegas Police Department

**a.** The Police Department may require that private security and traffic control be provided.

**b.** The Police Department will retain the right to require that additional private security be provided, if the event

should prove to be a larger problem than originally anticipated and, with the consent of the Mayor, to close down an event if in their opinion the event is a threat to public welfare, health or safety.

c. If the event occurs next to or impacts a public thoroughfare under the jurisdiction of the New Mexico Highway and Transportation Department, written approval must be obtained from the District Office.

**8.** No alcoholic beverages shall be served unless the New Mexico Department of Alcohol Beverage Control grants a permit and such serving of alcoholic beverages would not violate any applicable City ordinance.

**9.** Games at carnivals will not be permitted which are classified as games of chance or which violate New Mexico gambling laws.

**10.** No person shall operate a carnival ride without policy insurance in an amount of not less than three million dollars (\$3,000,000) against liability for injury to persons arising out of the operation of the carnival ride.

a. Either a copy of the policy furnished to the insured or a certificate stating to the effect that the insurance required is in effect shall be included with the permit application.

b. The policy shall contain a schedule listing by name and serial number each carnival ride insured by the policy. In the event of additions or deletions of carnival rides during the policy terms, such changes shall be shown on a change endorsement, a copy of which shall be included with the permit application.

c. In the event of cancellation by either the insured owner or operator or the insurance company, the insured shall furnish notice of cancellation to the City.

**11.** Applications for public events regulated by this Ordinance will be required to include an insurance policy naming the City of Las Vegas as additional insured for a minimum of one million fifty thousand dollars (\$1,050,000). \*Amended by Ord. No. 99-39, 6/14/01

**12-5-13 AMORTIZATION GENERAL\*** Every non-conforming use shall be completely removed or shall be altered in such a manner that will be in conformity with the uses permitted in the zone in which said non-conforming use is located and every

non-conforming building shall be completely removed from the land within the time limit set forth below:

(a) Type I and Type II Buildings (fire resistive) as defined in the Uniform Building Code – 50 years.

(b) Type III Buildings (heavy timber construction) as defined in the Uniform Building Code – 40 years.

(c) Type IV and Type V Buildings (light wood frame and incombustible frame) as defined in the Uniform Building Code – 35 years.

(d) Trailers – less than 1,000 square feet in area and not conforming to building code requirements for residence – 2 years.

(e) Sign – 10 years.

(f) Non-conforming use of land – 5 years.

**12-5-14 EXTENSION OF AMORTIZATION PERIOD** – Non-residential uses in a district may be allowed to remain beyond the established amortization period defined in 12-5-13 of this section, provided that a petition requesting such a time extension be signed by a majority of the residents in the area whose properties are within five hundred (500) feet of the external boundaries of the subject use, and that the City Council after a public hearing held in conformance with the above petition and its verification adopts a resolution granting an extension for a specific period of time and with such conditions as may be deemed proper and necessary to protect surrounding properties.

**12-5-15 (This section omitted by approval of Ord. No. 76-15, 10/15/87, see section 12-5-11).**

**12-5-16 (This section omitted by approval of Ord. No. 76-15, 10/15/87, see section 12-5-12).**

**12-5-17 REQUIRED OFF-STREET PARKING\***

A. Every building, or portion of a building, hereafter erected shall be provided with permanently maintained parking space as provided in this Section, and such parking space shall be made permanently available and permanently maintained for parking purposes; provided, however, that any alterations, remodeling, reconstruction of existing building or addition providing less than five hundred (500) square feet of additional floor space shall be exempted from this requirement. Provided, further, that when an addition is made to an existing building, only the square feet in the addition need to be used in computing the required off-street parking.

**B.** The number of off-street parking spaces required shall be no less than as set forth in the table below, plus an adequate number of spaces to accommodate the maximum number of employees which the particular use can employ. The number will be determined at the time a building permit is issued by the Zoning Administrator. \*Amended by Ord. No. 73-5, adopted 9/19/84

**USE**

**PARKING SPACES REQUIRED**

1. Automobile Courts (Motels)	One (1) space per sleeping unit or dwelling unit
2. Banks	One (1) space per four hundred (400) square feet of gross floor area
3. Bowling alleys	Four (4) spaces per lane
4. Churches	One (1) space per each six (6) seats or if there are no fixed seats, then one (1) space per one hundred (100) square feet of floor space used for assembly purposes
5. Dwellings	One (1) space per dwelling unit
6. Establishments for the sale and consumption of food and beverages	One (1) space per three (3)-patron seat or one (1) space per hundred (100) of square feet of gross floor area
7. Furniture and appliances stores hardware household equipment, service shops clothing or shoe repair or personal service shop	One (1) space per six hundred (600) square feet of gross floor area
8. Hospitals	Two (2) spaces per three (3) patient beds.
9. Hotels	One (1) space per room or suite, plus one (1) space per three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty (50%) percent of the spaces otherwise required for accessory uses, (e.g., restaurants and bars).
10. Industrial	One (1) space per 500 square feet of net lease able area.

<b>11. Libraries and Museums</b>	One (1) space per two hundred fifty (250) square feet of gross floor area
<b>12. Medical and Dental Clinics</b>	One (1) space per two hundred (200) square feet of lease able space
<b>13. Motor vehicle, machinery sales or wholesale stores</b>	One (1) space per fifteen hundred (1500) square feet of gross floor area
<b>14. Offices</b>	One (1) space per two hundred fifty (250) square feet of gross floor area
<b>15. Recreation or community center</b>	One (1) space per two hundred fifty (250) square feet of gross floor area, or one (1) space per four (4) patrons to the maximum capacity
<b>16. Recreational Uses</b>	One (1) space per four (4) patrons to the maximum capacity of the facility
<b>17. Retail stores, except as otherwise specified</b>	One (1) space for each three hundred (300) square feet of gross floor area up to five thousand (5,000) square feet of gross floor area, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of five thousand (5,000) square feet, plus one (1) space for each one hundred (100) square feet of gross floor area in excess of twenty thousand (20,000) square feet
<b>18. Rooming houses, lodging homes, clubs, and fraternity and sorority houses having sleeping rooms</b>	One (1) space per sleeping room
<b>19. Sanitariums, children's homes, homes for the aged, asylums, and nursing homes</b>	One (1) space per six (6) patient beds
<b>20. Schools:</b>	
<b>a. Elementary and Junior High</b>	One (1) space for each classroom, workshop, laboratory or office plus one (1) space per 200 square feet of auditorium, gymnasium and cafeteria.

- b. Senior High School Four (4) spaces for each classroom, workshop, laboratory or office plus one (1) space per two hundred (200) square feet of auditorium, gymnasium, and cafeteria
- 21. Stadiums, sports arena, auditorium, (including school auditoriums) and other places of public assembly and clubs, and lodges having no sleeping quarters One (1) space for each two (2) seats and/or one (1) space for each one hundred (100) square feet of gross floor area used for assembly and not containing fixed assets
- 22. Swimming Pools One (1) space per seventy five (75) square feet of gross water area
- 23. Theaters One (1) space per three (3) persons based on maximum capacity
- 24. Transportation terminal facilities Adequate number of spaces to be determined by the Zoning Administrator
- 25. Handicapped Parking One (1) space shall be designated for disabled persons in any area of fifteen (15) or more spaces of off- street parking and shall be located so as to provide the most convenient access to entrance -ways or curb cuts. Minimum spaces required are as follows:

<u>Total Spaces In Area</u>	<u>Minimum Designated For Disabled</u>
0 - 14	0
15 - 25	1
26 - 35	2
36 - 50	3
51 - 100	4
100 or more	4, plus 1 per each additional 100

C. **Parking Requirements for use Not Specified.** Where the parking requirements for a use are not specifically defined herein, the Planning Commission shall determine the parking requirements for such use and such determination shall be based upon the requirements for most comparable use specified herein.

**D. Parking Provisions May be Waived by Commission.** The Commission may, by resolution, waive or modify the provisions herein set forth establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards, or other uses of a similar or like nature requiring a very limited number of persons.

1) **Location.** In the event permanently maintained off-street parking facilities of a non-contiguous parcel are to be provided by private parties, said facilities shall be located as hereinafter specified. Where a distance is specified, such as distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

(a) For all dwellings, parking facilities shall be located on the same or a contiguous lot or building site as the buildings they are required to serve.

(b) For hospitals, sanitariums, homes for the ages, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses not more than one hundred fifty (150) feet from the buildings they are required to serve; and

(c) For uses other than those specified above, not over three hundred (300) feet from the building they are required to serve.

2) **Mixed Occupancies in a Building.** In the case of mixed uses in a building or a lot, the total requirements for off street parking facilities shall be the same of the requirements for the various uses computed separately. Off-street parking facilities for one shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

3) **Joint Use.** The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(a) Up to fifty percent (50%) of the parking facilities required by this Section for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; provided such reciprocal such parking area shall be subject to conditions set forth in paragraph (c) below.

(b) The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar

uses. The following uses are typical of nighttime and/or Sunday uses: Auditorium incidental to a public or parochial school, churches, dance halls, theaters and bars.

(c) Conditions required for joint use:

(1) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred fifty (150) feet of such parking facilities.

(2) The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.

(3) Parties concerned in the joint use shall file a proper legal instrument approved by the City Attorney as to form and content. Such instrument when approved as conforming to the provisions of this Ordinance shall be recorded in the Office of the County Recorder and copies thereof filed with the City Manager and the Planning Commission.

4) **Common Facilities.** Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business sites to be served, provided the total of such off-street spaces, when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirements as specified herein for each of two or more participating buildings or uses may be reduced not more than fifteen percent (15%) upon approval of development plans by the Planning Commission.

5) **Plans.** The plan of the proposed parking area shall be submitted to the City Engineer at the time of application for the building permit for the building permit for the building to which the parking area is necessary. The plans shall be drawn to scale and shall clearly indicate the proposed development, including location, size and shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. (See "Minimum Design Standard" below). All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking area is located.

**E. Comprehensive Planned Parking Districts.** Areas may be exempted from the parking requirements as otherwise set forth in this Section, provided:

- 1) Such area shall be accurately defined by the Planning Commission after processing in the same manner required for an amendment to the Zoning Ordinance.
- 2) Before such defined district shall be exempt as provided in this section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities, which will reasonably serve the entire district.

**F. Required Improvement and Maintenance of Parking Area.** Every lot used as a public or private parking area shall be developed and maintained in the following manner:

1) **Minimum Design Standards:**

**\*Size of Parking Spaces and Aisle.** Parking stalls and aisles shall be provided according to the following requirements in all districts:

Parking Angle	Stall Width	Stall Base	Stall Depth	Width of Aisle	
				1-Way Traffic	2-Way Traffic
30°	9'	20'	18.2'	11'	24'
45°	9'	14'	20.5'	13'	24'
60°	9'	11.5'	21.5'	18'	24'
90°	9'	9'	19'	27'	27'
Parallel Parking	9'	9'	22'	12'	24'

(a) Ingress to and egress from required off-street parking areas shall be so designed as to eliminate any necessity of backing from said parking area onto any public right-of-way.

(b) Circulation aisles within required off-street parking areas shall be so designed as to eliminate any necessity of vehicles entering a public right-of-way when passing from one aisle to another.

(c) In the case of required off-street parking areas on interior lots having access to but one public right-of-way and having such narrow width as to permit only one aisle for both ingress and egress, said aisle shall be made not less than twenty feet (20') in width and shall be terminated on the side of the parking area furthest from the "ingress-egress" point by turning area having a minimum radius of twenty-five (25'). **\*Amended by Ord. No. 71-22, adopted 1/19/83**

(d) Uni-directional entrances and exit shall have a minimum width of fourteen feet (14') and combined entrance-exits shall have a minimum width of twenty-six feet (26').

(e) All entrances, exits and parking stalls shall be clearly marked and in all aisles.

**2) Surfacing.** Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks. Material used for surfacing parking areas shall be subject to approval by the City Engineer.

**3) Border, Barricades, Screening and Landscaping.** In addition to requirements 1 and 2 above, every parking lot, either public or private, having a capacity of five or more vehicles shall be developed and maintained as follows:

(a) Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six inches (6") in height, located not less than two feet (2') from such street or alley property lines and such curb or barrier shall be required across any driveway or entrance to such parking areas.

(b) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge six feet (6') in height measured from the grade of the finished surface of such parking lot closest to the contiguous "R" zone property provided that along the required front yard the fence,

wall, or hedge shall not forty-eight inches (48") in height. No such wall, fence, or hedge need to be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six feet (6') or more below the elevation of such "R" zone property along the common property line.

(c) Any lights provided to illuminate any public parking area, semi-public area, or used car sales area, permitted by this Ordinance shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

**4) Entrances and Exits.** The location of all entrances and exits shall be subject to the approval of the City Engineer, provided no entrance or exit other than on or from an alley shall be closer than five feet (5') to any lot located in an "R" zone.

**(See attached Appendices A, B, C)**





**12-5-18 AREA REQUIREMENTS DEEMED MET** Any lot or building site shall be deemed to meet the minimum area requirements of the zone in which it is located when:

(a) It existed as an entire lot, or as an entire parcel, for which either a deed was on record in the Office of the County Recorder or a bona fide contract of sale was in full force and effect prior to the effective date of this ordinance or previous ordinances.

(b) The owner thereof owns no adjoining land, and

(c) It is not the result of a division of land in violation of any state land law or City Ordinance prior to subsequent to the effective date of this Ordinance or its predecessor.

**12-5-19 HEIGHT OF BUILDINGS** Except as provided in this Section, no building or structure shall be erected, reconstructed, or structurally altered to exceed the height limit established by this Ordinance for the zone in which such building or structure is located.

**12-5-20 ADDITIONAL STORY PERMITTED** Where the average slope of a lot is greater than one foot (1') rise or fall in five feet (5') of horizontal distance, an additional story will be permitted on the downhill side of any building, but not in excess of the height requirements for that zone.

**12-5-21 STRUCTURES IN EXCESS OF HEIGHT LIMIT PERMITTED** Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, church steeples, roof signs, flagpoles, chimneys, smoke stacks, silos, water tanks, windmills, windbreaks, wireless masts, or other similar structures may be erected above the height limits established for the various zones in which such structures are located, provided, however, that no structures in excess of the allowable building height shall be used for sleeping or eating quarters, nor shall such structure exceeding the allowable building heights be allowed for the purpose of providing additional floor space.

**12-5-22 YARD REGULATIONS** Except as provided in this Section, every required front, side, and rear yard shall be open and unobstructed from the ground to the sky, provided, however, that when the common boundary line separating two (2) or more contiguous lots is covered or partially covered by a building or permitted as a single building site, such lots shall constitute a single building site, such lots shall constitute a single building site and the yard spaces as required by this Ordinance shall then not apply to such common boundary line.

**12-5-23 YARDS REQUIRED ON CORNER LOTS** In any residential zone as defined in this Ordinance, in case of a corner lot abutting upon two (2) streets, all buildings shall have a minimum setback of ten feet (10') from the side lot line adjacent to the side street.

**12-5-24 THROUGH LOTS TO HAVE TWO FRONT YARDS** A though lot shall maintain a front yard adjacent to each street upon which it fronts.

**12-5-25 FRONT YARD REQUIREMENTS DEEMED MET** Any front yard requirement shall be deemed to be met when the depth of the front yard provided at least equals the average of that established by existing buildings, which occupy fifty percent (50%) or more of the lots within the same block or zone.

**12-5-26 FRONT YARDS OF IMPROVED LOTS CONTROL** The depth of front yards on unimproved lots in any block where all existing main buildings have front yards with a depth greater than required by the provisions of this Ordinance for the particular zone shall be not less than the minimum depth of such existing front yards, but need not be more than ten feet (10') in excess of that required by said provisions in any case. Buildings, which are totally confined to the rear half of the lot shall not be considered in interpreting and applying the provisions of this article.

**12-5-27 SET-BACK LINES MEASURED FROM PROPERTY LINES** In all zones which required front, side, and/or rear yards, the required depth of said yards shall be measured from the property line along a line perpendicular to the property line.

**12-5-28 IRREGULARLY SHAPED LOTS** In the case of lots having more than four (4) lot lines or lots which vary considerably from a trapezoidal shape, the rear lot line shall be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts. In the case of triangular or gore-shaped lots, the rear lot line shall be considered a straight line fifteen feet (15') in length which:

- (a) is parallel to the front lot line or its chord, and;
- (b) intersect the two side lot lines at points most distant from the front lot line.

**12-5-29 PERMISSIBLE REDUCTION OF SIDE OR REAR YARD\*** Permissible reduction of side and rear yards may be granted by the Community Development Department, in cases where improvements to a lot would cause structures or accessory buildings to intrude into required side or rear yards, when the location of the proposed improvement at least equals the average of that established by existing buildings which occupy fifty percent (50%) or more of the lots within the same block or zone, subject to the conditions as set forth in section 12-5-6 (2) (a,b,c). \*Amended by Ord. No. 76-15, 10/15/87

**12-5-30 COMMISSION MAY ESTABLISH MODIFICATION FORMULA FOR YARD REQUIREMENTS** The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required front, side, and rear yard depths or widths in all zones if geometric shape, dimensions and/or topography are such as to make impractical the literal application of yard requirements contained in this Ordinance. Following adoption of such formula or standard practices, and approval thereof by the City Council, they shall be applied as an administrative act.

**12-5-31 PERMISSIBLE COVERAGE OF REQUIRED REAR YARD** Canopies or roofs in any combination and the accessory buildings in a required rear yard shall in no case occupy more than fifty (50%) of the required rear yard area.

**12-5-32 STRUCTURES PERMITTED TO INTRUDE INTO REQUIRED YARDS**

The following structures may intrude into any required yard which is five feet (5') or greater in width or depth, provided however, that no structure shall intrude into the required yards distance greater than is permitted in this article.

(a) Cornices, eaves, belt courses, sills buttresses, or other similar architectural features, one and one-half feet (1 1/2');

(b) Fireplace structures not wider than eight feet (8') measured in the general direction of the wall of which it is a part, two feet (2');

(c) Open stairways, balconies, and fire escapes, two and one-half feet (2 1/2');

(d) Uncovered porches and platforms, which do not extend above the floor level of the first floor, two and one-half feet (2 1/2') into required side and rear yards and six feet (6') into required front yards.

(e) Planting boxes or masonry planters not exceeding forty-two inches (42") in height, two feet (2');

(f) Guard railings for safety protection around depressed ramps, two and one-half feet (2 1/2').

**12-5-33 MODIFICATION OF REQUIRED FRONT YARD** The depth of required front yards may be modified on unimproved lots intervening between lots having non-conforming front yards of a depth less than required by this Ordinance. Such modification shall permit the unimproved lot to have a front yard depth equal to the average depth of the front yards on the two adjacent lots, provided, however, that no such modification shall permit a front yard depth of less than fifteen feet (15').

**12-5-34 WALL, FENCE, OR HEDGE WILL BE MAINTAINED\*** No fence, wall, or hedge shall be permitted which exceeds the following height limits above the existing ground:

**A. Residentially Used Property** - Fences shall not exceed four feet (4') except that fences in rear yards may be six feet (6').

**B. Commercially and Industrially Used Properties** - Fences shall not exceed six feet (6') except permission may be sought from the Zoning Administrator to have higher fences, if necessary, for security reasons upon a showing that the higher fence height will not constitute a nuisance to abutting property owners.

**C. Recreationally Used Properties** - Fences or structures over six feet (6') will be allowed if composed of wire mesh or steel mesh capable of admitting ninety percent (90%) light. \*Amended by Ord. No. 73-5, adopted 9/19/84

**12-5-35 ALLEY MAY APPLY TO DEPTH OF REAR YARD IN CERTAIN CASES** Where a rear yard opens onto a public alley, one-half (1/2) of the width of such alley may be considered as applying to the depth of the rear yard to the extent of not more than fifty percent (50%) of the depth of the required yard.

**12-5-36 LOT AREA NOT TO BE REDUCED** No lot or building site area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance.

**12-5-37 LOTS NOT TO BE REDUCED IN SIZE BELOW MINIMUM REQUIRED AREA** No lot shall be reduced in size so that the area thereof is less than the minimum required area for a lot in the zone in which such lot is located except when such reduction results from partial acquisition for public use.

**12-5-38 AREA FOR PUBLIC BUILDINGS AND UTILITY BUILDINGS MAY BE REDUCED** Where a lot or building site is devoted exclusively to public buildings and uses, and said lot or building site is owned by a city, county, city and county, or other political subdivision or by a public utility company, and no living quarters are located on such lot or building site, a special use permit may be issued authorizing a reduction in the minimum required area for such lot or building site.

**12-5-39 LOCATION OF ACCESSORY BUILDINGS** Detached accessory buildings or non-residential or commercial trailers in any residential zone shall conform to the following regulations as to their location on the lot or building site:

(a) They may be constructed anywhere the main building would be permitted.

(b) They shall not be closer than ten feet (10') to the main building or to any other accessory building except that private garages and carports may be closer to the main building than ten feet (10') if adjoined to the main building by an enclosed walkway or an open breezeway.

(c) They may be constructed in a required rear yard provided they occupy not more than fifty percent (50%) of the required rear yard area, but not within seven feet (7') of the rear property line if that is the side property line of an adjoining lot.

**12-4-40 SIGNS** In addition to the signs permitted in any zone, on each lot or parcel there may be one sign not larger than four square feet (4') in size specifying that the property is "For Sale" and by whom, the zoning classification of the property, the uses of such property authorized by this Ordinance and/or the fact that a special permit has been granted for the use of the property.

**ARTICLE VI  
BOARD OF ADJUSTMENT**

- 12-6-1 Establishment of Board
- 12-6-2 Procedures: General
- 12-6-3 Powers and Duties
- 12-6-4 Appeals from Board Action

**12-6-1 ESTABLISHMENT OF BOARD\*** A Board of Adjustment is hereby established. Said Board shall consist of five (5) members to be appointed by the Mayor with the approval of the City Council. One (1) member shall be a member of the City Planning Commission. Other members can be members of this body. The term of office of board members shall be for staggered terms of two (2) years each. \*Amended by Ord. No. 70-22, adopted 5/19/82

**12-6-2 PROCEDURES: GENERAL** The Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, such fact shall be indicated. The Board shall keep a record of all of its official actions, said record to be filed in the office of the Board as a public record and in the City Clerk's Office.

**12-6-3 POWERS AND DUTIES** The Board of Adjustment shall have the following powers and duties:

- (a) **Administrative Review** - To hear and decided appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative officials in the enforcement of this Ordinance, and may reverse, affirm, or modify any administrative action related thereto.
- (b) **Variances** - To authorize in specified cases such variance from the terms of this Ordinance as will not be contrary to the public interest. The conduct of hearings on variances shall be conformance with the provisions of Article 8, 9, and 10 of this Ordinance.
- (c) **Use Permits: Special, Public and Conditional** - To hear and decide on only such special and public use permits as the Board is specifically authorized to pass on by the terms of this Ordinance. Board action on said special and public use permits shall be in conformance to the provisions of Article 8, 9, and 10.

**12-6-4 APPEALS FROM BOARD ACTION** Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may file a written notice of appeal to the City Council in the manner specified in Article 10 of this Ordinance. \*A fee of fifty (\$50.00) dollars shall be paid to the City of Las Vegas through the Community Development Department upon the filing of the written appeal to defray the cost of advertising. \*Amended by Ord. No. 04-13 8/18/04

**ARTICLE VII  
VARIANCES**

12-7-1	Variances May Be Granted
12-7-2	Purposes of Variance
12-7-3	Variances Not To Constitute Ordinance Amendment
12-7-4	Required Showing for Variance
12-7-5	Variances May Include Conditions
12-7-6	Variances Involving Minor Deviations
12-7-7	Voiding of Variances

**12-7-1 VARIANCES MAY BE GRANTED** When practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this Ordinance occur by reason of the strict interpretation and enforcement of any of its provisions, the Board of Adjustment, upon its own motion may, or upon the application of any interested person shall, initiate proceedings for consideration of the granting of a variance from the provisions of this Ordinance under such conditions as may be deemed necessary to assure that the intent and purpose of this Ordinance will be observed and that the health, safety, and welfare of the community be secured, and that substantial justice be done, not only to the applicant, but to the persons other than the applicant, who might be affected by such variance but subject to the other provisions of this Ordinance, particularly paragraph 12-7-3, below.

**12-7-2 PURPOSE OF VARIANCE** The sole purpose of any variance shall be the modification of the specific regulations of this Ordinance and shall be for the purpose of assuring that no property, because of unique circumstances applicable to it, shall be deprived of any privileges commonly enjoyed by other properties in the same vicinity and zone. Variances are hereby declared to be administrative acts, and the authority to approve, conditionally approve, or disapprove a petition for a variance is hereby vested in the Board of Adjustment, subject to the provision noted in 12-9-5 titled "SETTING HEARINGS". Self-imposed hardships shall not be justification for granting a variance.

**12-7-3 VARIANCES NOT TO CONSTITUTE ORDINANCE AMENDMENT** A variance shall not be construed to be an amendment to this Ordinance or cause the maps which are part of this Ordinance to be changed, nor shall a variance be used as a procedure to change or be permission to alter the use of land and/or structures not permitted within the district in which an application for a variance is made.

**12-7-4 REQUIRED SHOWING FOR VARIANCE** Before any variance may be granted, it shall be shown:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property
- (b) That such variance is necessary for the preservation and enjoyment of

a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.

(c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property of improvements in the vicinity.

(d) No non-conforming use of neighboring lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.

**12-7-5 VARIANCES MAY INCLUDE CONDITIONS** Variances may be granted upon such conditions and limitations and for such periods of time as the Board of Adjustment or the City Council shall deem to be reasonable and necessary or advisable under the circumstances so that the objective of this Ordinance shall be achieved.

**12-7-6 VARIANCES INVOLVING MINOR DEVIATIONS** When in the public interest by action taken at a regular meeting, without publishing or posting of notice, the Board of Adjustment may consider and render decisions on variance cases involving slight modifications in the provisions of this Ordinance, limited to the following:

(a) Area requirements may be reduced by not more than ten percent (10%) of that required in the zone.

(b) Yard requirements may be reduced by permitting portion of a building to extend into and occupy not more than twenty percent (20%) of the area of a required yard adjacent to the main structure.

**12-7-7 VOIDING OF VARIANCES** Each variance granted under provisions of this Ordinance shall become null and void unless:

(a) The construction of use authorized by said variance shall have been commenced within six (6) months after the granting of said variance and pursued diligently to completion.

(b) All conditions under which said variance was granted are complied with their entirety.

(c) In the event that circumstances beyond the control of the developer arise which prevents completion of the project within the specified six (6) months time limit, the Board of Adjustment may, upon the request of the developer, extend the time limit for completion for a maximum time of an additional six (6) months period.

**ARTICLE VIII**  
**\* SPECIAL USE PERMITS**

- 12-8-1 Special Use Permit Defined
  - 12-8-2 Purpose
  - 12-8-3 Failure to Obtain Special Use Permit
  - 12-8-4 Board of Adjustment Review of Special Use Permit; Findings, Considerations
  - 12-8-5 Application forms; Filing of Application; Plans Required
  - 12-8-6 Procedure and Public Hearing Requirements
  - 12-8-7 Responsibility
  - 12-8-8 Issuance of Special Use Permit
  - 12-8-9 Amendments
  - 12-8-10 Expiration of Special Use Permit
  - 12-8-11 Extension of Time
  - 12-8-12 Reapplication Following Denial
- \*Amended by Ord. No. 03-01, 3/19/03**

**12-8-1 SPECIAL USE PERMITS DEFINED** As used in this article, “special use permit” means a permit as a prerequisite to the establishment of certain uses in certain zoning districts. Uses requiring a special use permit are specified by the zoning district in this ordinance. Special uses are uses of land that have the potential to be incompatible with the surrounding neighborhood. These uses have different characteristics than the surrounding neighborhood including the potential to increase, traffic, noise or lighting glare, and may not be suitable for all areas.

**12-8-2 PURPOSE** The Purpose of the article is to promote the public health, safety and general welfare by providing for special safeguards in the location and design of certain uses in certain districts, and by allowing for minor adjustments to regulation standards, as specifically provided elsewhere in this ordinance.

**12-8-3 FAILURE TO OBTAIN A SPECIAL USE PERMIT** It is unlawful for any person to establish or conduct a use requiring a special use permit without first obtaining the required permit as provided in this ordinance.

**12-8-4 BOARD OF ADJUSTMENT REVIEW OF SPECIAL USE PERMIT APPLICATIONS: FINDINGS, CONSIDERATION**

- A. The Board of Adjustment shall hear and make final action on special use permit applications. In taking final action it may:
  - 1. Grant the Special Use Permit, which may be subject to conditions as provided in subsection C;
  - 2. Deny the Special Use permit, with or without prejudice;
  - 3. Continue or table the application.

- B. If the Special Use Permit is granted, the Board of Adjustment must make findings that the proposed special use permit will be compatible with the existing or permitted uses of adjacent properties and is consistent with the City of Las Vegas Master Plan. The Board of Adjustment must take into account:
1. The potential impact on natural resources and on the total population which the available natural resources will support.
  2. The potential impact on the immediate neighborhood.
  3. The availability of and need for affordable housing that is accessible to persons with disabilities.
  4. Economic conditions and benefit or detriment to the community that would be the effect of granting the special use permit.
- C. The Board of Adjustment may impose conditions as part of the approval in order to assure that appropriate mitigation measures are taken and that these measures safeguard the public health, safety, morals and general welfare of the neighborhood and community. Such conditions may address, but are not limited to, compatibility, site design, architecture, landscaping, building materials, access, internal circulation (traffic) lighting, signage, parking, buffers, walls, fences, noise, vibration, odor, maintenance thereof, operation of use.
- D. Special Use Permits may be granted for such period of time and with limitations as may be deemed appropriate and necessary by the Board of Adjustment. Permit holders who are granted a Special Use Permit with time limitations, may submit a renewal application at the conclusion of such time allotted. The renewal application shall be reviewed to assure that such use is or has been in full compliance with the ordinance herein or any conditions previously imposed, otherwise, the Special Use Permit shall be deemed expired.
- E. The application shall demonstrate that the considerations listed below have been addressed. If the applicant is denied, the Board shall specify in its findings which of these considerations, if any were not adequately addressed:
1. Circulation: Number and location of access points to the property and the proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire.
  2. Parking and loading: Location of street parking and loading areas.
  3. Effect on adjacent or neighboring property: Effects of the proposed use on nearby property, including, but not limited to the effects of noise, glare, odor and traffic.
  4. Service entrances and areas; Locations of refuse and service areas with particular reference to ingress of service vehicles.
  5. Utilities: Location and availability of utilities.
  6. Screening and landscaping: installation of screening and fencing where necessary to protect adjacent property.

7. Signs and Lighting: Locations of exterior lighting and signs with reference to glare, traffic safety, economic effect and compatibility with other properties in the area.
  8. Open Space: Location of required yards and other open spaces and preservation of existing trees and other natural features.
  9. Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
  10. Any other review factors which the Board of Adjustment considers to be appropriate to the property in question.
- F. Violation of any conditions shall be treated in the same manner as other violations of this ordinance.

**12-8-5 APPLICATION FORMS: FILING OF APPLICATIONS: PLAN REQUIRED:** Applications for Special Use Permits shall be made on forms published and provided by the city and shall be filed with the Community Development Department. Each applicant shall complete all questions and submit requested material contained within the application form.

**12-8-6 PROCEDURE AND PUBLIC HEARING REQUIREMENTS:** Application procedure and conduct of hearings on Special Use Permit shall be in accordance with the provisions of Article IX.

**12-8-7 RESPONSIBILITY:** Compliance with and maintenance of the conditions of approval of a Special Use Permit for a particular use on a particular piece of property becomes the responsibility of the property owner. A Special Use Permit runs with the land, subject to conditions and termination in accordance with the provisions set forth in this ordinance.

**12-8-8 ISSUANCE OF SPECIAL USE PERMIT AND RESCISSION OF APPROVAL:** Following final approval of a Special Use Permit, the Community Development Department shall issue the permit after conditions of approval, except for continuing conditions have been satisfied. If such conditions of approval have not been satisfied within one year after final approval was taken, or within such other time limit specified the permit is null and void. The document constituting the “Special Use Permit” will include: Bold letters noting that it is a Special Use Permit, applicants name, address or location for which permit is issued, date indicating when the Board of Adjustment or the Governing Body of the City of Las Vegas issued the permit, expiration date, if appropriate and conditions under which permit was issued, signature of authorized, administrative City official.

**12-8-9 AMENDMENTS:**

- A. A Special Use Permit must be amended when it appears that:
  1. One or more of the conditions of approval cannot be met.

2. There are substantial material changes to the development for which the permit was issued.
  3. In the opinion of the Community Development Department, proposed changes to a development for which the permit was issued will materially impact surrounding properties.
- B. Amendments to a Special Use Permit are to be considered new applications and must follow the procedure for new applications, including, but not limited to the application fee, application forms and supporting documents as required by Article IX.

**12-8-10 EXPIRATION OF SPECIAL USE PERMIT:** Once a Special Use Permit has been approved, the applicant has one year from the date of the approval to establish the permitted use. If the permitted use has not been established, or construction to accommodate that use has not begun within one year from the date of approval, and diligently pursued, it shall become null and void. Once a permitted use has been established in accordance, with the conditions of approval of the Special Use Permit, and the Special Use Permit has been issued by the Community Development Department, the permit will be permanently valid, unless the permit has a specified expiration date or is revoked. If the use for which the Special Use Permit was issued ceases operation for six (6) or more months, the Special Use Permit becomes null and void. A Special Use Permit may be revoked by the body which approved it for any of the following reasons:

1. The permit holder violates one or more conditions of the permit.
2. The permitted use jeopardizes the public health, safety and general welfare of the community.
3. The permit was granted on the basis of false statements or a fraudulent application.
4. If the Community Development Department has reason to believe that a Special Use Permit is subject to revocation, the Department may investigate and institute proceedings to revoke the permit. Before revoking any Special Use permit, the body which approved it must hold a public hearing as provided in Section IX.

**12-8-12 EXTENSION OF TIME:** If the permit holder is unable to establish the permitted use or begin construction to accommodate such use within one year, or the time specified in the Special Use Permit, the body which approved it may extend the expiration date of the Special Use Permit for a maximum of one year beyond the original expiration date. To obtain such an extension, a written request must be submitted through the Community Development Department to that body by the permit holder before the permit expires and shall be subject to the same procedure required by Article IX, including, but not limited to the application fee, application forms and supporting documents.

**12-8-12 REAPPLICATION FOLLOWING DENIAL:** If the Board of Adjustment denies an application for a Special Use Permit, a new application for a substantially similar permit may not be submitted for at least six months following the denial.

**ARTICLE IX  
GENERAL, PROCEDURE PROVISIONS VARIANCES AND PERMITS**

12-9-1	Form of Application Blanks and Type of Required Information
12-9-2	Petitioners Statement of Justification
12-9-3	Supplementary Information
12-9-4	Filing Fee for Variance and Special Use Permit
12-9-5	Setting Hearings
12-9-6	Notices
12-9-7	Investigations
12-9-8	Hearings May be Continued Without Recourse to Public Notice
12-9-9	Board to Act on Variance or Special Use Permits
12-9-10	Files Shall Include Testimony
12-9-11	Notice of Decision
12-9-12	Effective Date - Time for Appeal
12-9-13	Transmission of Records to Council
12-9-14	Council to Hold Public Hearing
12-9-15	Council Resolution on Findings and Decisions
12-9-16	Decision of Council to be Final
12-9-17	Notice of Council Decision
12-9-18	Re-Application

**12-9-1 FORM OF APPLICATION BLANKS AND TYPES OF REQUIRED INFORMATION** The Board of Adjustment shall prescribe the form in which application shall be made for Variances, Conditional Use Permits or Special Use Permits. It may prepare and provide blanks for such purpose and may prescribe the type of information to be submitted in the application by the applicant. No application shall be accepted unless it complies with such requirements.

**12-9-2 PETITIONERS STATEMENT OF JUSTIFICATION** Each application for a Variance shall be accompanied by a written statement of facts by the petitioner showing why, in the opinion of the petitioner, the granting of said Variance is necessary in order that the provisions of 12-7-4 of this Ordinance may be met. In cases where the Board of Adjustment considers the conditions set forth in this statement as not falling within the scope of the Variance procedure, the applicant shall be so informed, whereupon, if the application is filed, it shall be signed by the petitioner to the effect that he has been so informed. Filing of an application shall not constitute any indication of approval.

**12-9-3 SUPPLEMENTARY INFORMATION** An application for a Variance, Conditional Use or Special Use Permit, as provided herein shall be also accompanied by:

(a) Two (2) sets of description of the property involved and plans for the proposed use. Said plans shall be drawn to scale and shall show the general location of structures and other features proposed for development on the site.

(b) Evidence, satisfactory to the Board of Adjustment, of the ability and intention

of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the Variance or Special Use Permit.

**12-9-4 FILING FEE FOR VARIANCE AND SPECIAL USE PERMIT** A fee of one hundred and twenty five (\$125.00) shall be paid to the City of Las Vegas through the Community Development Department upon the filing of such application for a Variance or Special Use Permit as provided for this Ordinance. Said fee shall be for the purpose of defraying the expense of postage, posting, advertising, and other costs incidental to the proceedings prescribed herein. Payment of the filing fee shall not be construed in any way to be approval of the proposed Variance or Special Use Permit. No refund of any filing fee shall be granted if processing of the application has been started. \*Amended by Ord. No. 04-13, 8/18/04

**12-9-5 SETTING HEARINGS** All applications for Variances, Conditional Use or Special Use Permits, as provided in this Ordinance, shall be set by the City Manager, or his delegate for public hearing. The date of the first hearings shall be not less than fifteen (15) days or more than forty (40) days from the time of the filing of the application.

**12-9-6 NOTICES** Notice of time and place of public hearings shall be given in the following manner:

(a) By publication of a notice of such hearing at least once in a newspaper having a general circulation in the City, such notice to be published not less than fifteen (15) days prior to such hearing; and

(b) By posting of signs on the subject property within twenty (20) feet of adjacent public right-of-way and in a frequency of not less than one sign every three (300) hundred feet.

Signs are not required along property lines of subject property that are not adjacent to public right-of-way. Said signs shall be posted not less than fifteen (15) days prior to the first public hearing before the Board of Adjustment and shall contain the following information:

(1) The hearing of said signs shall read: “NOTICE OF PROPOSED VARIANCE” or “NOTICE OF PROPOSED SPECIAL USE PERMIT” or “NOTICE OF PROPOSED CONDITIONAL USE PERMIT” whichever the case may be, and said heading shall be in type at least one (1) inch in height. Said notice shall also contain information setting forth the location of the property under consideration, the nature of the proposed use to which the property will be put and the time and place at which the public hearing or hearings on the matter will be held by the Board of Adjustment.

(c) By first class mail to the owners, as shown by the records of the County Assessor, of lots or land within the area proposed to be changed by the Zoning Regulation within one hundred (100) feet, excluding public right-of-way or the area proposed to be changed by the Zoning Regulation.

**12-9-7 INVESTIGATIONS** The Board of Adjustment shall cause to be made by its own members, or members of its staff, such investigation of fact bearing upon an application set for hearing, including an analysis of precedent cases as will serve to provide the necessary information to assure action on each case consistent with the purpose of this Ordinance and with previous amendments and Variances.

**12-9-8 HEARINGS MAY BE CONTINUED WITHOUT RECOURSE TO PUBLIC NOTICE** If, for any reason, testimony on any matter set forth for public hearing cannot be completed on the day set for such hearing, the Board Member presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice shall be required.

**12-9-9 BOARD TO ACT ON VARIANCE OR SPECIAL USE PERMIT\*** Not more than forty (40) days following completion of its investigation and hearing on the application for a variance, conditional use or special use permit, the Board of Adjustment shall, by majority vote:

1. Grant or deny the Variance or Special Use Permit subject to specified conditions; and
2. Adopt written findings which specify all facts relied upon by the Board in rendering its decision, set forth wherein these facts fulfill or fail to fulfill the requirements of this Ordinance, and state the reasons for any conditions imposed by the Board; all of which will be reflected in the minutes of the Board's meeting.

Failure of the Board to act on any Variance or Special Use Permit application within forty (40) days after filing of the application shall be deemed to be approval of the application by the Board. \*Amended by Ord. No. 77-41, adopted 3/16/89

**12-9-10 FILES SHALL INCLUDE TESTIMONY** A summary of all pertinent testimony offered at public hearings in connection with an application filed pursuant to provisions of this Ordinance, and the names and addresses of person testifying at all public hearings before the Board of Adjustment shall be recorded and made a part of the permanent files of the case.

**12-9-11 NOTICE OF DECISION\*** Not later than ten (10) days following the rendering of a decision that a Variance, Conditional Use Permit or Special Use Permit be granted or denied, a notice of the decision shall be mailed to the applicant at the address shown on the application filed with the Board of Adjustment. \*Amended by Ord. No. 77-41, adopted 3/16/89

**12-9-12 EFFECTIVE DATE – TIME FOR APPEAL\*** The order of the Board of Adjustment in granting or denying a Variance or Special Use Permit shall become final and effective ten (10) days after the rendering of its decision granting or denying the Variance or Special Use Permit, unless within such ten (10) days period an appeal in writing is filed with the City Council by either an applicant or an opponent. The filing of

such an appeal within such time limit shall stay the effective date of the order of the Board until such time as the Council has acted on the appeal as hereinafter set forth in this Article. \*Amended by Ord. No. 77-41, adopted 3/16/89

**12-9-13 TRANSMISSION OF RECORDS TO COUNCIL** Upon filing of a written appeal to the City Council as provided herein, the City Manager shall forthwith cause to be transmitted to the City Council, certified copies of all material in the Board of Adjustment files which are pertinent to the matter in question.

**12-9-14 COUNCIL TO HOLD PUBLIC HEARING** Within thirty (30) days following the receipt of the written appeal the Council shall conduct a duly advertised public hearing, public notice of which shall be given in the same manner as provided in 12-9-5 of this article. The hearing before the Council shall be a hearing de novo and all interested persons may appear and present evidence.

**12-9-15 COUNCIL RESOLUTION ON FINDINGS AND DECISION** The City Council shall announce its findings and decision by resolution not more than twenty (20) days following the hearing, and said resolution shall state, among other things, the facts and reasons which, in the opinion of the Council, make the granting or denial of the Variance, Conditional Use, or Special Use Permit necessary to carry out the general purpose of this Ordinance.

**12-9-16 DECISION OF COUNCIL TO BE FINAL** The decision of the City Council shall be final and conclusive on such appeal, provided however that in cases where the Board of Adjustment's action has been a denial of a Variance, Conditional Use or Special Use Permit, the City Council shall not grant a Variance, Conditional Use or Special Use Permit nor eliminate or modify any condition imposed by the Board except upon order of the Council passed not less than two-thirds vote of all members thereof.

**12-9-17 NOTICE OF COUNCIL DECISION** Not later than ten (10) days following the adoption of a resolution ordering that a Variance, Conditional Use or Special Use Permit be granted or denied, a copy of said resolution shall be mailed to the applicant or opponent or to both if they be different parties, and one copy shall be transmitted to the Board of Adjustment for filing in its permanent record on the case.

**12-9-18 RE-APPLICATION** No re-application for a Variance, Conditional Use or Special Use Permit, which has been denied, shall be filed earlier than six (6) months after the date of such denial unless specific authority to do so has been granted by the Board of Adjustment or by the City Council. Any re-application for a Variance or Special Use Permit shall be considered as a new application and shall be treated as such, including payment of a new filing fee.

**ARTICLE X  
AMENDMENTS**

12-10-1	Ordinance May be Amended
12-10-2	Initiation of Amendment
12-10-3	Application for Amendment – Filing Fee
12-10-4	Site Development Plan
12-10-5	Commission to Hold Hearings
12-10-6	Setting Hearings
12-10-7	Notices
12-10-8	Investigations
12-10-9	Commission Establishes Own Rules
12-10-10	Hearings May be Continued
12-10-11	Commission Shall Announce Findings
12-10-12	Adoption of Zone Change Requires – Minimum Affirmative Vote
12-10-13	Notice of Commission’s Decision – When Approving
12-10-14	Notice of Decision of Commission – When Denying Applications
12-10-15	Appeal of Planning and Zoning Commission Denial of Application
12-10-16	Transmission of Commission’s Record to City Council
12-10-17	City Council to Hold Public Hearings on Commission’s Recommendations of Proposed Amendments
12-10-18	Council Review of Commission’s Decision
12-10-19	Protest of Zone Change
12-10-20	Site Plan Modifications
12-10-21	Violation of Zone Change Conditions

**12-10-1 ORDINANCE MAY BE AMENDED\*** Boundaries of zones established by this Ordinance or the classification of property used herein, may be amended whenever public necessity, convenience or general welfare require. \*Amended by Ord. No. adopted 2/26/87

**12-10-2 INITIATION OF AMENDEMENT\*** Amendments to the boundaries of the zones established by this Ordinance or the classification of property used herein, may be initiated by: \*Amended by Ord. No. , adopted 2/26/87

- (a) The verified application of one or more owners of property proposed to be changed or reclassified
- (b) Resolution of intention of the City Council
- (c) Resolution of intention of the Planning Commission

**12-10-3 APPLICATION FOR AMENDMENT – FILING FEE**

(a) Whenever the owner of any land or building desires an amendment, supplement to or change of the regulation prescribed for this property, he shall file with the Planning Zoning and Commission an application therefore, verified by him, requesting such recommendation of amendment, said application shall be submitted to the Community Development Department in duplicate and shall be on forms prescribed and approved by the Planning and Zoning Commission. An application-filing fee shall be submitted for all zone change requests, such fees shall be determined by the application fee table below. Said fee shall be payable to the City of Las Vegas through the Community Development Department. Payment of the filing fee shall not be construed in any way to be approval of the requested amendment. No refund of any filing fee shall be granted. \*Amended by Ord. No. 04-13, 2/18/04

**Application fee Table**

ZONE CHANGE	FEE
To a R-1 Zone	\$100.00 per parcel (minimum of 6,000 square feet) plus \$10.00 per each parcel thereafter
To a R-2 Zone	\$200.00 per parcel (minimum of 7,000 square feet) plus \$10.00 per each parcel thereafter
To a R-3 Zone	\$100.00 per parcel (minimum of 5,000 square feet) plus \$10.00 per each parcel thereafter
Commercial Re-Zoning	\$300.00 plus \$20.00 per acre over 1.00 acre
Manufacturing Re-Zoning	\$400.00 plus \$20.00 per acre over 1.00 acre
Commercial to residential	\$100.00 plus \$10.00 applicable to residential change requested

(b) Re-application - No re-application for a proposed amendment to the Official Zoning Map, which has been denied, shall be filed earlier than one (1) year after the date of such denial unless specific authority to do so has been granted by the Planning and Zoning Commission or by the City Council. Any re-application for a proposed amendment to the Official Zoning Map shall be treated as such, including the payment of a new filing fee.

(c) Mobile Home Deposit Requirements for Development Standards\* - A refundable deposit in the amount of \$200.00 shall be required upon approval of zone change by the Planning and Zoning Commission and City Council. Said deposit will be required when granting of zone change to a R-3 Mixed Residential Zone, and shall be required only when specific “use” is for the placing of a mobile home. The deposit shall consist of a \$100.00 fee for skirting requirements and a \$100.00 fee for landscaping requirements. Said deposit shall be paid to the City to

insure that conditions pursuant to Section 12-11-14 (E) (8) (9) are adhered to. The exact deposit amount and conditions shall be required upon arrival of a Special Use Permit within a C-3 General Commercial Zone, when intended “use” of mobile homes is for the sole purpose of a caretaker dwelling, pursuant to Ordinance No. 77-6, Section 12-11-7 (C) (3) (b). Upon fulfillment of the conditions set by the Council, the applicant shall contact the City’s Zoning Department requesting staff conduct an on-site inspection for confirmation of compliance. If inspection reveals applicant has complied with condition, the deposit shall be refunded. If applicant fails to comply with conditions and deposit is held in excess of six (6) months beyond the limits set by the Ordinance, said deposit shall be forfeited to the City’s general fund. \*Ord. No. 83-6, 10/27/94.

**12-10-4 SITE DEVELOPMENT PLAN\*** Each application for amendment to the boundaries of zones established or the classification of property herein by this Zoning Ordinance will require a site development plan to include the following: \*Ord. No. 75-33, 2/26/87

- (a) Name and address of persons or agents proposing the rezoning of land
- (b) Scale and north arrow
- (c) Benchmark locations (unless property is within an existing platted subdivision)
- (d) Boundary lines: Bearings in degrees, minutes, and seconds; (unless property is within an existing platted subdivision); in any case, distances should be indicated in feet and hundredths.
- (e) Existing conditions of the site and its environs shall include the following:
  - 1. Easements on site: Location, width, and purpose;
  - 2. Public right-of-way on the site;
  - 3. Utilities on and adjacent to the site;
  - 4. Ground elevation on the site based on mean area level datum (unless property is within an existing platted subdivision) as estimated by the Geological Survey (USGS);
  - 5. A statement of ownership, signed by the owner.
- (f) Location map showing location of the site in relation to City boundaries.
- (g) Design of off-street parking (if required).

- (h) Exact location of structures on site, including signs.
- (i) Storm drainage plan (unless property is within an existing platted subdivision). The plan shall include a detailed scheme for controlling the increased run-off for a 100 year frequency storm such as catch basin or ponding area for controlled entry of water into natural drainage ways or storm sewers to insure that the increase does not overload the system, or cause damage to property and areas at lower elevations.
- (j) Front, side and rear setbacks measured in feet and hundredths.

**12-10-5 COMMISSION TO HOLD HEARINGS** Upon the filing of a proper application for an amendment, or on order of the Planning Commission or the City Council, the Planning Commission shall hold a public hearing thereon, and notice thereof shall be given as prescribed herein.

**12-10-6 SETTING HEARINGS** All applications for amendments to zone boundaries or classification of property uses within such zones as are defined by this Ordinance shall be set by the City Manager for public hearing when such hearings are to be held before the Planning Commission and by the City Clerk for hearings to be held before the City Council. The date of the first of these hearings shall not be less than fifteen (15) days nor more than forty (40) days from the time of the filing of the application or the adoption of the order upon which such hearing is predicated.

**12-10-7 NOTICES\*** Notice of time and place of public hearings shall be given in the following manner:

- (a) By publication of a notice of such hearing at least once in a newspaper having a general circulation in the City, such notice to be published not less than fifteen (15) days prior to such hearing; and
- (b) By posting of signs on the subject property within twenty (20) feet of adjacent public right-of-way and in a frequency of not less than one sign every three (300) hundred feet.

Signs are not required along property lines of subject property that are not adjacent to public right-of-way. Said signs shall be posted not less than fifteen (15) days prior to the first public hearing before the Board of Adjustment and shall contain the following information:

- (1) The heading of said signs shall read: “NOTICE OF HEARING TO REZONE PROPERTY” and shall be in type no less than one (1) inch in height.
- (2) The sign shall also contain a brief description of the property involved, the zone changes which are requested and the time and place at which a public hearing before the Planning and Zoning

Commission will be held.

(c) Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be by certified mail, return receipt requested, to the owners, as shown by the records of the County Treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet (100'), excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the County Treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet (100'), excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owners is returned undelivered, the Community Development Department shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. \*Ord. No. 75-33, adopted 2/26/87

**12-10-8 INVESTIGATIONS** The Planning Commission shall cause to be made by its own members or members of its staff, such investigation of facts bearing upon an application set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purpose of this Ordinance and with previous amendments or variances.

**12-10-9 COMMISSION ESTABLISHES OWN RULES** The Planning Commission may establish its own rules for the conduct of public hearings. The person acting as Chairman of the Planning Commission is hereby empowered to administer oaths to all persons testifying at a hearing before the Planning Commission.

**12-10-10 HEARINGS MAY BE CONTINUED** If, for any reason, testimony on any matter set for public hearing cannot be completed on the days set for such hearings, the commissioner presiding at such public hearings may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice shall be required.

**12-10-11 COMMISSION SHALL ANNOUNCE FINDINGS\*** The Planning Commission shall announce its findings by formal decision not more than forty (40) days following the conclusion of the final hearing on any application for a change of zone, and said decisions shall recite, among other things, the facts and reasons which in the opinion of the Commission, make the approval or denial of the application necessary to carry out the general purposes of this Ordinance, and shall recommend to the City Council that an amendment to this Ordinance be adopted, or that the application be denied. \*Ord. No. 77-41, adopted 3/16/89.

**12-10-12 ADOPTION OF ZONE CHANGE REQUIRES MINIMUM AFFIRMATIVE VOTE\*** In the event the Planning Commission recommends to the City Council that a proposed change of zone be approved, said decision shall be adopted not less than a two-thirds (2/3) affirmative vote of the total voting membership of the Commission. \*Ord. No. 77-41, adopted 3/16/89.

**12-10-13 NOTICE OF COMMISSION'S DECISION WHEN APPROVING\*** When the Commission's action is to recommend the adoption of an amendment to this Ordinance, the Commission shall, within seven (7) days from the date of such action, notify the applicant by forwarding a notice of the decision to the applicant at the address shown on the application and shall forward to the City Council a copy of said notice of decision together with the complete file in the case. \*Ord. No. 77-41, adopted 3/16/89.

**12-10-14 NOTICE OF DECISION BY COMMISSION WHEN DENYING APPLICATION\*** When the action of the Commission is to deny an application, the Commission shall, within seven (7) days from the date of the adoption of its decision, notify the applicant by forwarding a notice of the decision to the address show upon the application. \*Ord. No. 77-41, adopted 3/16/89.

**12-10-15 APPEAL OF PLANNING AND ZONING COMMISSION DENIAL OF APPLICATION\*** The action of the Planning and Zoning Commission in denying an application for amendment to the boundaries of a zone or classification of property used herein shall be final and conclusive unless, within twenty (20) days following the date of decision of said Commission, an appeal in writing is filled with the City Council by the applicant. A fee of fifty (\$50.00) dollars shall be paid to the City of Las Vegas through the Community Development Department upon the filing of the written appeal to defray the cost of advertising \*Ord. No. 75-33, adopted 2/26/87 and Ord. 04-13

**12-10-16 TRANSMISSION OF COMMISSION'S RECORD TO CITY COUNCIL** Upon receipt of a written appeal filed with the City Council by the applicant, as provided in this Section, the Clerk of the City Council shall advise the Secretary of the Planning Commission who shall transmit to said Clerk of the City Council, the Planning Commission's complete record of the case.

**12-10-17 CITY COUNCIL TO HOLD PUBLIC HEARINGS ON COMMISSION'S RECOMMENDATION OF PROPOSED AMENDMENT\*** Within the forty (40) days following receipt of the notice of decision from the Planning Commission recommending the adoption of the amendment or the filing of a written appeal from an order of the Commission denying an application for the amendment of this Ordinance as provided in this section, the City Council shall conduct a duly advertised public hearing on the matter, public notice of which shall be published in a newspaper of general circulation in the City not less than fifteen (15) days prior to said hearing. \*Ord. No. 75-33, adopted 2/26/87.

**12-10-18 COUNCIL REVIEW OF COMMISSION'S DECISION\*** Unless otherwise indicated, if the vote of the City Council is in any way contrary to the decision of the Planning and Zoning Commission and the vote of the Council is by  $\frac{3}{4}$ 's majority of all

members or more, the Council's decision shall be final. If such adverse Council decision is by less than a ¾'s majority of all members, the Council shall refer their findings back to the Planning and Zoning Commission and request a further report. Thereafter, the Planning and Zoning Commission shall have 40 days to report back to the Council with a further recommendation. If a further report is issued, Council shall have an additional 40 days to reconsider the matter. Action by a simple majority of the Council is final at this point. If no further action is taken by the Council, the original decision of Council shall be final at the end of this second 40-day period. If no further report is issued by the Planning and Zoning Commission, the original decision of the Council shall be final after the Planning and Zoning's 40-day reporting period lapses. **\*Ord. No. 75-33, adopted 2/26/87.**

**12-10-19 PROTEST OF ZONE CHANGE\*** Notwithstanding other provisions of this ordinance, if the owners of twenty percent (20%) or more of the area of the lots of land included in the area proposed to be changed by a zoning regulation, or within one hundred feet (100'), excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority of all the members of the City Council. **\*Ord. No. 75-33, adopted 2/26/87.**

**12-10-20 SITE PLAN MODIFICATION\*** If a site development plan has been presented and approved, modifications which are consistent with the provisions of this ordinance may be approved by the Community Development Director or his designee. If modifications are not consistent with the provisions of this ordinance, such modifications may only be approved by the Planning and Zoning Commission. **\*Ord. No. 75-33, adopted 2/26/87.**

**12-10-21 VIOLATION OF ZONE CHANGE CONDITIONS\*** When a zone change is approved by the Planning and Zoning Commission and the City Council and conditions are placed on the zone change, a failure to comply with the condition set by ordinance shall constitute a violation of this zoning ordinance. Each day that the conditions are not complied with shall constitute a separate offense. **\*Ord. No. 75-47, adopted 3/19/87.**

## ARTICLE XI

### LIMITATIONS OF LAND USES IN THE VARIOUS ZONES

- 12-11-1 R-A – Residential Agricultural Zone
- 12-11-2 RR – Restricted Residential Zone
- 12-11-3 R-1 – Single Family Residential Zone
- 12-11-4 R-2 – Multi-Family Residential Zone
- 12-11-5 C-1 – Neighborhood Commercial Zone
- 12-11-6 C-2 – Central Business District
- 12-11-7 C-3 – General Commercial Zone
- 12-11-8 M-1 – Light Manufacturing Zone
- 12-11-9 M-2 – Heavy Manufacturing Zone
- 12-11-10 PC – Planned Community Zone
- 12-11-11 CH – Cultural Historic Overlay Zone
- 12-11-12 \*Development Review Impact Requirements
- 12-11-13 (Reserved)
- 12-11-14 R-3 – Mixed Residential Zone
- 12-11-15 (Reserved)
- 12-11-16 O-1 – Office Zone
- 12-11-17 M-3 – Special Environment Zone
- 12-11-18 Junk and Used Appliance Yards

\*Adopted by Ord. No. 03-03, 3/19/03

## **12-11-1 RA – RESIDENTIAL AGRICULTURAL ZONE**

**A. PURPOSE** – This zone is intended for general light agricultural purposes, with appropriate single-family residences and accessory buildings, to be placed in areas where the demand for urban development has, as yet, not been made. The following regulations shall apply in the “RA” Residential Agricultural Zone.

**B. PERMITTED USES IN THE RA DISTRICT** – A building or premises on a lot in the RA zone shall be used for the following purposes only:

1. Farm or Ranch
2. \*Public Parks, open space, playgrounds, playfields.
3. Home occupations provided the following conditions are complied with:
  - a. No person outside the immediate family occupying the premises shall be employed.
  - b. No stock in trade shall be displayed on the premises at any time.
  - c. Only one (1) occupation shall be permitted on the premises at any one time.
  - d. \*All activities shall be conducted entirely within the dwelling. Family Child Care Home or Community Adult Residences shall require an entirely fenced yard.
  - e. One and only one (1) unlighted sign having a maximum area of two (2) square feet and identifying the occupant and home occupation shall be permitted on the premises.
  - f. There shall be no external evidence of the activity such as commercial vehicles, outside storage of stock or materials, and no noise, odor, dust, fumes, or other nuisance shall be emitted from the premises.
  - g. Each home occupation shall be fire inspected.
4. \*One single-family dwelling per acre, including manufactured housing.
5. Plant nursery and green house.

\* amended by Ord. No. 03-03 3/19/03

6. \*Agricultural and horticultural uses except the raising of hogs, pigs or other livestock fed from garbage or offal or any uses which produce noxious odors.
7. Roadside stand offering for sale only farm products, which are produced upon the premises, provided such stands shall be removed during any period when they are not in use.
8. \*Mobile homes, and storage only of recreational vehicles, travel trailers, truck campers, camping trailers, and self propelled motor homes and/or such are not used for human habitation nor shall they be connected to any public or private utility system such as water, gas, electricity, or sewage disposal.
9. Accessory uses and building customarily incidental to any of the above users, when located on the same lot or parcel and not involving the conduct of business.
10. \*Bed and Breakfast
11. \*Family Child Care Home with a minimum of five and not more than twelve (12) non-resident children.
12. \*Community Adult Residences-state licensed or state operated serving ten (10) or fewer persons.

**C. USES REQUIRING SPECIAL USE PERMITS \* Permissible by the Board of Adjustment after a public hearing and subject to appropriate conditions and safeguards in accordance with the provisions contained in Article VIII. Special Uses shall be subject to Development Impact review Requirements pursuant to Section 12-11-12.**

1. \*Kennels, shelters, veterinary hospitals, but not nearer than six hundred (600) feet from any residential dwellings and such uses shall occupy with provisions of the City's Animal Control Ordinance.
2. Hospitals
3. \*Golf courses provided land area comprises at least 100 acres of land.
- 4.\* Fraternal Organization Clubs
5. Privately owned schools, public schools and colleges
6. Public utility structures

7. Radio and television broadcasting stations
8. ~~Public buildings~~ (**Repealed by Ord. 08-05, 4/16/08**)
9. Churches
10. Rodeo Grounds
11. \*Art Galleries and accessories
12. Child Care Centers
13. Community Adult Residences-State licensed or State operated serving eleven (11) or more persons
14. Cemeteries

**D. USES EXPRESSELY PROHIBITED**

- 1.\* Multi-family dwellings, per definition
2. Commercial Uses (except for those uses specifically listed as Special Uses or allowed under a Home Occupation.)
3. Industrial Use
4. \*Slaughter house for livestock
5. More than one dwelling per acre
6. \*Livestock Auction
7. Junk yard or automobile wrecking yards
8. Electric Generating stations
9. \*Uses similar in character to any of the above uses, as determined by the Community Development Department

**G. DEVELOPMENT STANDARDS**

The following minimum required conditions shall apply:

1. **Lot Area** – Each lot or parcel shall have a minimum of one (1) acre.

**2. Population Density** – There shall be a minimum of one (1) acre of lot area for each dwelling unit.

**3. Yards** – All principal permitted use structures shall have the following minimum yard spaces.

**a. Front Yard** – Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, said yard to have a depth not less than thirty (30') feet as measured at right angles from the property line.

**b. Side Yard** – There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, said yard to be open from the ground to the sky, and said yard shall not be less than fifteen (15') feet in width.

**c. Rear Yard** – There shall be a rear yard on each lot or parcel extending across the full width of the property, said rear yard to have a depth of not less than thirty (30') feet.

**5. Height Limitations** – The height of the buildings or structures in the RA zone shall not exceed two (2) stories of thirty (30') feet, whichever is less, except as provided in Section 12-5-19 of this ordinance.

**6. Off-Street Parking** – See Section 12-5-17 of this ordinance.

**12-11-2 RR-RESTRICTED RESIDENTIAL ZONE\***

**A. PURPOSE** – This zone is intended to promote and encourage a suitable environment for single family residential on large parcels of land near the periphery of the City where a low density of population is desired.

**B. PERMITTED USES IN THE RR DISTRICT** – Buildings and premises on any lot in the RR zone shall be used for the following purposes only:

1. One single family dwelling only
2. Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products on the premises.
3. Guest house not containing any cooking facilities, and not rented or otherwise conducted as a business.
4. Home occupation provided the same conditions as listed in the RA zone are met.
5. Accessory uses customarily incidental to the uses listed above.
6. One and only one (1) unlighted sign not to exceed one (1) square foot in area and containing only the name and address of the occupants of the premises.
7. Storage of sports trailers and campers subject to the same conditions specified in the RA zone.

**C. USES REQUIRING SPECIAL USE PERMITS**

1. Hospitals
2. Private and country clubs
3. Privately owned schools
4. Public Utilities Structures
5. Radio and Television Transmitters
6. ~~Public Buildings~~—(Repealed by Ord. 08-05, 4/16/08)
7. Churches
8. Public Schools and Colleges

9. Libraries
10. Museums
11. Public Parks and Playgrounds
12. Rent of rooms/table board, not to exceed two (2) paying guests

**D. USES EXPREELY PROHIBITED**

1. Multi-Family Uses
2. Commercial Uses
3. Industrial Uses
4. Use of trailers with or without wheels attached except as provided in 12-11-2 B-7 for storage of sports trailers and campers or similar in character
5. More than one dwelling per lot

**E. DEVELOPMENT STANDARDS** – The following minimum required conditions shall apply:

1. **Lot area** – Each lot or parcel shall have a minimum of one-half (1/2) acre
2. **Lot dimensions** – Each lot shall have a minimum width of seventy-five (75') feet. Each lot shall have a minimum depth of two hundred (200') feet.
3. **Population Density** – There shall be a minimum of one-half (1/2) acre of lot area for each dwelling unit.
4. **Yards** – All principal permitted use structures shall have the following minimum yard spaces:
  - Front Yard** – Each lot or parcel of land shall have a front yards extending across the full width of the lot or parcel, said yard to have a minimum depth of thirty (30') feet as measured at right angles from the front property line.
  - Side Yard** – There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, said yard to

be open from the ground to the sky, and said yard shall not be less than ten (10') feet in width.

**Rear Yard** – There shall be a rear yard on each lot or parcel extending across the full width of the lot, said yard to have a minimum depth of not less than thirty (30') feet.

**5. Height Limitation** – The height of buildings or structures in the RR shall not exceed two (2) stories or thirty (30') feet, whichever is less, except as provided in 12-5-19 of this Ordinance.

**6. Off-Street Parking** – See 12-5-17 of this Ordinance.

**12-11-3 R-1 SINGLE FAMILY RESIDENTIAL ZONE\***

**A. PURPOSE** – This zone promotes low density residential developments. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the city’s facilities.

**B. PERMITTED USES IN THE R-1 DISTRICT**– A building and premises on any lot in the R-1 zone shall be used for the following purposes only:

1. Single family dwelling
2. Home occupation provided the same conditions as are listed in the RA zone are met
3. Accessory uses customarily incidental to the uses listed above.
4. Public parks and playgrounds
5. Bed and Breakfast
6. Storage of recreation vehicles, travel trailers truck campers, camping trailers, and self propelled motor homes subject to the conditions specified in the RA Zone.
7. Family Child Care Home (with a minimum of five but not more than twelve non-residential children.
8. Community Adult Residences –state licensed or state operated serving ten (10) or fewer persons.
9. Manufactured Housing-consistent with Section 3-21-A-3 NMSA 1978

**C. USES REQUIRING SPECIAL USE PERMITS: Permissible by the Board of Adjustment after a public hearing and subject to appropriate conditions and safe-guards in accordance with provisions contained in Article VIII. Special Uses are subject to Site Plan Development Requirement criteria pursuant to Section 12-11-12.**

1. Hospitals
2. Fraternal Organization Club
3. Public Schools, Colleges and privately owned schools

4. Public Utilities Structures, excluding electric generating stations
5. ~~Public Buildings~~ (Repealed by Ord. 08-05, 4/16/08)
6. Churches
7. Art Galleries and accessories
8. Child Care Center
9. Community Adult Residences –state licensed or state operated serving eleven (11) or fewer persons

**D. USES EXPRESSLY PROHIBITED**

1. Multi-Family Uses
2. Commercial Uses, except for those uses specifically listed as Special Uses.
3. Industrial Uses
4. Parking or storage of truck tractors, semi-trailers, trailers, school buses but not limited to other large commercial vehicles over 10,000 gross weight.
5. More than one dwelling per lot

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** – Each lot in the R-1 zone shall contain a minimum area of not less than six thousand (6,000) square feet.
2. **Lot Dimensions** – Each lot in the R-1 zone shall have a minimum width of sixty (60’) feet each lot in the R-1 zone shall have a minimum depth of one hundred (100’) feet.
3. **Population Density** – There shall be a minimum of six thousand (6,000) square feet of lot area for each dwelling unit in the R-1 zone.
4. **Yards** – All principal permitted use structures shall have the following minimum yard spaces:

**Front Yard** – Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, said yard to

have a minimum depth of fifteen (15') feet as measured at right angles from the front property line.

**Side Yard** – There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, said yard to be open from the ground to the sky, and said yard shall not be less than seven (7') feet in width.

**Rear Yard** – There shall be a rear yard on each lot or parcel extending across the full width of the lot, said yard to have a minimum depth of not less than twenty (20') feet.

**5. Height Limitation** – The height of buildings or structures in the R-1 shall not exceed two (2) stories or thirty (30') feet, whichever is less, except as provided in 12-5-19 of this Ordinance.

**6. Off-Street Parking** – See 12-5-17 of this Ordinance.

**12-11-4 R-2 MULTI-FAMILY RESIDENTIAL ZONE\***

**A. PURPOSE** – The R-2 Zone District is composed of medium-density concentrations of residential uses and open spaces where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to protect and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore limited from low to medium concentrations.

**B. PERMITTED USES IN THE R-2 DISTRICT** – A building and premises on any lot in the R-2 zone shall be used for the following purposes only:

1. Single Family Dwelling
2. Duplex
3. Bed and Breakfast
4. Fraternity and sorority houses
5. Home occupations, subject to the same conditions specified in the RA zone
6. Storage of recreational vehicles, travel trailers, truck campers, camping trailers, and self propelled motor homes, subject to the same conditions specified in the RA zone
7. Accessory uses customarily incidental to the uses listed above.
8. Townhouse type attached single-family residences shall be permitted on small lots provided the following conditions are complied with and are subject to Chapter XV Article I, Land Subdivision Regulations
  - a. The minimum lot size being 2,400 square feet.
  - b. The minimum lot width for attached family residences being twenty (20') feet.
  - c. The minimum front yard set back shall be fifteen (15') feet except the set back for a garage or carport shall be not less than twenty (20') feet.
  - d. Minimum set back on sides abutting other zones shall be fifteen (15') feet.

- e. Minimum rear yard set back shall be twenty (20') feet.
  - f. There shall be a side set back of seven (7') feet from existing dwellings.
  - g. There shall be a minimum of 750 square feet of usable open space per unit.
  - h. Where an aggregate of five (5) or more units is constructed on any given lot, the development shall include landscaping of the ground level usable open space according to a landscaping plan approved by the City's Community Development Department.
  - i. That no storage or structures shall be permitted between the front property line of the unit and the front building line;
  - j. That there exists in the deeds for each unit a covenant for the maintaining of the landscaping and for allowing entrance onto adjacent property for the maintenance for each unit.
9. Condominium units subject to the provisions as outlined in the "Condominium Act" which is cited as 47-7A-1 to 47-7D-20 NMSA 1978.
  10. Public Parks and playgrounds
  11. Family Child Care Homes serving a minimum of five but not more than twelve nonresidential children and state licensed.
  12. Community Adult Residences-State licensed or State operated serving ten or fewer persons.
  13. Manufactured Housing, consistent with Section 3-21A-3 NMSA 1978

**C. USES REQUIRING SPECIAL USE PERMITS Permissible by the Board of Adjustment after a public hearing and subject to appropriate conditions and safeguards in accordance with the provisions contained in Article VIII, Special Uses shall be subject to Site Development Plan Requirements pursuant to Section 12-11-12.**

1. Hospitals
2. Fraternal Organization Clubs
3. Public Schools, Colleges and privately owned schools

4. Public Utilities Structures, except electrical generating stations.
5. ~~Public Buildings~~ (**Repealed by Ord. 08-05, 4/16/08**)
6. Churches
7. Dwelling, Multi-family including triplexes, apartment houses, garden apartments or other types of multi-family dwellings but not including motels or hotels. (see appendix "A")
8. Art Galleries and accessories
9. Child Care Center
10. Community Adult Residences-state licensed or state operated serving eleven or more persons.

**D. USES EXPRESSLY PROHIBITED**

1. Commercial Uses, except for those uses specifically listed as Special Uses or allowed under a home occupation.
2. Industrial Uses
3. Parking or storage of tractor trailers, semi-trailers, trailers, school buses, but not limited to other or larger commercial vehicles over 10,000 pounds gross weight.
4. Mobile Homes

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** – Each lot in the R-2 zone shall contain a minimum area of not less than seven thousand (7,000) square feet.
2. **Lot Dimensions** – Each lot in the R-2 zone shall have a minimum width of not less than seventy (70') feet. Each lot or parcel of land shall have a minimum depth of one hundred (100') feet.
3. **Population Density** – There shall be a minimum of twelve hundred (1,200) square feet for each family unit.
4. **Gross Density** - There shall be up to sixteen (16) dwelling units per gross acre

**5. Yards** – All principal permitted use structures shall have the following minimum yard spaces:

**Front Yard** – Each lot or parcel of land shall have a front yards extending across the full width of the lot or parcel, said yard to have a minimum depth of fifteen (15’) feet as measured at right angles from the front property line.

**Side Yard** – There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, said yard to be open from the ground to the sky, and said yard shall not be less than seven (7’) feet in width.

**Rear Yard** – There shall be a rear yard on each lot or parcel extending across the full width of the lot, said yard to have a minimum depth of not less than fifteen (15’) feet.

**6. Height Limitation** – No buildings or structures in the R-2 zone shall have a height of more than four (4) stories or sixty (60’) feet, whichever is less.

**7. Off-Street Parking** – See 12-5-17 of this Ordinance.

**8. Solid Waste Collection** – Every commercial use shall adhere to the Solid Waste Ordinance.

**12-11-5 C-1 NEIGHBORHOOD COMMERCIAL ZONE\***

**A. PURPOSE** – This zone is intended to provide for the development of limited commercial enterprises in the neighborhood areas in which they are situated in order to supply convenience goods and services to the residents of these neighborhood areas. \*Amended by Ord. No. 72-5, adopted 8/17/83

**B. PERMITTED USES IN THE C-1 DISTRICT**

1. Apartments are allowable in Multi-Story Buildings

2. Institutions:

a. Church or other place of worship, including incidental recreation and educational facilities.

b. Museums and libraries

c. Public buildings and – uses operated for public purposes provided such buildings are designed and constructed in such a manner that the character of the area is not altered.

d. Schools and colleges, together with the necessary facilities and equipment to insure their proper operation.

3. Offices, business, and professional

4. Public utilities or utilities operated by mutual agencies consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto, but not including distribution mains, provided any buildings necessary to such utilities are similar in design and structure to other buildings in the area of the proposed use.

5. Retail sales of the following goods:

a. Art or antique shops provided that all activities shall be conducted within a completely enclosed building and no outdoor storage shall be permitted.

b. Bakery goods shop or confectionery store wherein a majority of the products are sold on premises and at retail.

c. Books, magazines, newspapers, stationary stores.

d. Clothing, shoes, dry goods.

- e. Cosmetic, notions, hobby supplies.
- f. Drugs medical supply.
- g. Flowers and Plants
- h. Food and drink for consumption on premises, but not drive-in restaurant
- i. Gasoline, oil, liquefied petroleum gas for vehicular sales
- j. Convenience grocery stores
- k. Sporting goods

**6. Services**

- a. Bicycle, and motorized bicycle repairing
- b. Banking or financial institutions
- c. Barber shops, beauty shop, shoeshine stand, or other such personal service establishment
- d. Day Care Center
- e. Dry Cleaning, laundry, clothes pressing provided:
  - 1) Inflammable or combustible materials shall not be used in any cleaning process.
  - 2) All activities shall be conducted within a completely enclosed building and no outdoor storage shall be permitted.
  - 3) Such agency or establishment shall be operated principally as a retail business.
  - 4) That portion of the building in which any cleaning process shall be done shall be at least fifty (50') feet from any R-1, R-2, RA or RR zone.
- f. Medical or dental clinics
- g. Photography studio

**h.** Repair of shoes, household equipment

**i.** Service station for automobiles provided it complies with the following requirements:

**1)** Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building.

**2)** There shall be no outside storage of any kind.

**3)** If any lubricating or washing is done outside a building, a solid wall or fence or a compact evergreen hedge at least six (6') feet high shall be maintained between such activity and any abutting or contiguous R-1, R-2, RA or RR zone.

**j.** Tailoring and dressmaking

**k.** Pet Grooming Parlors, Pet Shops, all business service or processing shall be conducted wholly within a completely enclosed building. \*Amended by Ord. No. 99-37, 2/13/01

**l.** Veterinary Hospitals, all business service or processing shall be conducted wholly within a completely enclosed building. Of which uses described in k. and l. shall comply with the Animal Control Ordinance standards. \*Amended by Ord. No. 99-37, 2/13/01

**7.** Signs for advertising, identification or direction pertaining to a use conducted within a building provided:

**a.** The sign is located entirely on private property and no part of which shall extend over a sidewalk or property line.

**b.** The sign is so located as not to reflect into any RR, RA, R-1, R-2 or any residential portion of PC, RH1, or CH1 zones.

**c.** A freestanding sign does not exceed twenty five (25) square feet.

**d.** A sign attached to a building or wall does not protrude more than four and one-half (4 ½') feet from the wall of the building and no point of which is lower than eight (8') feet from the ground and does not extend beyond the property line or over the sidewalk.

### **C. USES REQUIRING SPECIAL USE PERMIT**

**1.** Automobile sales and services, new and used.

2. Games, electronic and pinball provided:
  - a. They are within a completely enclosed building;
  - b. If the games are within 100 feet of a residential zone and there shall be nor more than four game machines per business.
3. One single family dwelling on any lot or parcel of land in the C-1 zone may be permitted, provided that said dwelling shall be used only by the owner or lessee of the lot or parcel on which said dwelling is erected or is to be erected, or by an employee of said owner or lessee, said dwelling to be used only in conjunction with any commercial use permitted under the terms of this section.
4. Private clubs and country clubs.

**D. USES EXPRESSELY PROHIBITED**

1. Agricultural
2. Industrial
3. Residential

**E. DEVELOPMENT STANDARDS** – The following minimum required conditions shall apply:

1. **Business in Enclosed Buildings** – All business, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, and fluids at service stations.
2. **Production for Sale at Retail** – All products produced on the premises whether primary or incidental, shall be sold at retail on the premises where produced.
3. **New Merchandise** – Goods for sale shall consist primarily of new merchandise, except for goods customary to art, antique, or rare bookstores.
4. **Height Regulations** – No principal structure shall exceed two stories or thirty feet in height, whichever is less.
5. **Lot Area** – None required, except that any lot or parcel in the C-1 zone, which is proposed to be developed to multi-family dwellings, shall have a minimum area of seven thousand (7,000) feet.

**6. Lot Dimensions** – Width 60 feet minimum  
Depth 100 feet minimum

**7. Population Density** – When lots or parcels in a C-1 zone are to be developed to multi-family dwellings, each lot or parcel shall have sufficient area to provide twelve hundred (1,200) square feet of area for each family unit proposed to be erected.

**8. Yards** – Front Yard - 25 feet minimum

Side Yard - 5 feet minimum, except when adjoining R-District.

In cases where the height of a proposed structure on such lot in the less restricted district abutting an R-District is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

**Rear Yard** – 20 feet

**Corner Lot** – Corner lots shall have the same minimum front yard requirements on each street side of the lot.

The Board of Adjustment may grant a ten (10%) percent variance of the area, yard and width requirements as long as building code regulations are met.

**9. Landscaping Required when Adjacent to R-District**

Uses adjacent or backing on a Residential District shall erect within five (5') feet of the adjacent property line a six-foot high fence. Live shrubbery three feet high, either within or outside of the fence and, after that, to be maintained at the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be accomplished, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions in Article XII.

**10. Off-Street Parking** – See 12-5-17 of this Ordinance.

**11. Loading** – Every commercial building hereafter erected or established in a C-1 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing service to the commercial use so established.

**12. Lighting** – When a lighting system is provided to illuminate parking areas, open storage areas, buildings, or other areas, such lighting system shall be installed in a manner that any glare from the system shall be reflected downward and away from any adjacent or nearby residential areas.

**13. Solid Waste Collection** – Every commercial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstructions such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alleyways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six (6”) inches of base course and four (4”) inches of asphalt, if asphalt is to be utilized. Utilization of concrete will require six (6”) inches of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half (6 ½ ‘) feet in width, five (5’) feet in height and five (5’) feet in depth. Actual size should not be determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

**d.** The City will not be liable for damage to either the route way or loading pad as a result of the basic service routine.

## **12-11-6 C-2 CENTRAL BUSINESS DISTRICT**

**A. PURPOSE** – This zone is intended to permit the development of unlimited commercial uses and services and to serve as a central trading area for the City. The facilities provided for here are those that should not be dispersed into smaller and more intimate shopping areas. \*Amended by Ord. No. 72-5, adopted 8/17/83

### **B. PERMITTED USES IN THE C-2 DISTRICT**

1. Any use permitted in the C-1 District, including second story apartments above commercial or office front building, provided the Uniform Building Code and all Local and State Adopted Fire Codes are met. \*Amended by Ord. No. 99-11, 8/16/00
2. Auction houses, not including animal auctions.
3. Eating and drinking places including bars, restaurants, and cocktail lounges.
4. Entertainment, but not within seventy five (75') feet of any R-District:
  - a. Billiards parlors and pool halls
  - b. Dance halls
  - c. Games, electronics and pinball
  - d. Night clubs
  - e. Theatres
5. Hotels and Motels
6. Institutions:
  - a. Churches or other places of worship, including incidental recreation and educational facilities.
  - b. Hospitals
  - c. Museums and Libraries
  - d. Private Clubs
  - e. Schools and Colleges, together with necessary facilities and equipment to insure their proper operation.

**7. Mortuaries**

**8. Offices, business and professional**

**9. Public utilities or utilities operated by mutual agencies consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary building, apparatus or appurtenances incident thereto, but not including distribution mains, provided any buildings necessary to such utilities are similar in design and structure to other buildings in the area of proposed use.**

**10. Radio or television studio or station.**

**11. Retail Sales**

**a. Appliance stores, household**

**b. Automobile, truck and trailer sales and rental agencies**

**c. Automobile supply stores, new and used**

**d. Bicycle, scooter and similar vehicle sales and rentals**

**e. Boat and other marine sales**

**f. Building material dealers**

**g. Clothing stores including:**

**1. Leather Goods**

**2. Military Shops**

**3. Shoe Stores**

**h. Department Stores**

**i. Dry Good Stores**

**j. Feed and grain stores**

**k. Furniture stores**

**l. Hardware stores**

**m.** Newsstands

**n.** Paint and Wallpaper stores

**o.** Plumbing shops, but not plumbing contractors' yards

**p.** Second hand stores

**q.** Specialty Shops

**1.** Florist Shops

**2.** Gift Shops

**3.** Hobby supply shops

**4.** Jewelry stores

**5.** Locksmith shops

**6.** Music stores

**7.** Pet shops, pet supply stores

**8.** Sporting Goods stores

**9.** Tobacco shops

**10.** Typewriter sales

**11.** Supermarkets

**12.** Services

**a.** Automobile laundry, car wash

**b.** Bookbinding

**c.** Cleaning and dyeing agencies, including incidental spotting, sponging, pressing and repairs.

**d.** Employment agencies

**e.** Interior decorating shops

**f.** Laundries, self-service

**g.** Laundry agencies

**h.** Services station for automobiles provided it complies with the following requirements:

**1.** Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building.

**2.** There shall be no outside storage of any kind.

**3.** If any lubricating or washing is done outside the building, a solid wall, fence, or a compact evergreen hedge at least six (6') feet high shall be maintained between such activity and any abutting or contiguous R-1, R-2, RA or RR zone.

**i.** Shoe repair shops

**j.** Tailor shops

**k.** Typewriter repair shops

**13.** Signs for advertising, identification or direction pertaining to a use conducted within a building provided:

**a.** The sign is located entirely on private property and no part of which shall extend over a sidewalk or property line.

**b.** The sign is so located as not to reflect into any RR, RA, R-1, R-2 or any residential portion of PC, RH1, or CH1 zones.

**c.** A freestanding sign does not exceed twenty five (25) square feet.

**d.** A sign attached to a building or wall does not protrude more than four and one-half (4 ½') feet from the wall of the building and no point of which is lower than eight (8') feet from the ground and does not extend beyond the property line or over the sidewalk.

**14.** Stations, bus, railroad, and taxi

**15.** Transfer companies for furniture and household goods

## **C. USES REQUIRING SPECIAL USE PERMIT**

1. Apartments will be allowed as a secondary usage to a commercial use in a building when an adequate, separate access is provided to the secondary usage. **Repealed by Ord No. 99-11**

2. Armories

3. Day Care or boarding of children

4. One single family dwelling on any lot or parcel of land in the C-2 zone may be permitted provided that said dwelling shall be used only by the owner or lessee of the lot or parcel on which said dwelling is erected or is to be erected, or by an employee of said owner or lessee, said dwelling to be used only in conjunction with any commercial use permitted under the terms of this section. Mobile homes will not be included as dwelling units in the C-2 district.

5. The renting of rooms and/or the providing of table board, not to exceed six (6) paying guests.

**6. Automobile Off-Site Sales** or other wise known as supplement lots for the sale of automobiles by a hosting dealer or organization. Such off-site sales shall be permitted under a Special Use Permit provided compliance with the following requirements:

- a. All persons, firms, corporations or associations of any character requesting an Automobile Off-Site Sales License to engage in the sale of more than four (4) motor vehicles shall be licensed as a dealer, as defined by the State of New Mexico Vehicle Code (66-1-1 NMSA 1978).
- b. Off-Site sales are permitted in C-2 or C-3 zones by first obtaining a Special Use Permit from the City of Las Vegas Board of Adjustment.
- c. Maximum length of time of event is not to exceed three (3) days.
- d. Hosting dealers, organizations or others, as defined herein, shall provide a full detailed letter of intent requesting approval for automobile off-site sales. The letter shall include location, number of vehicles held for sale, specific dates of event, proposed hours of operation. This information shall also be provided on the City's application form for this purpose. All

requests must be submitted thirty (30) days prior to the hearing by the Board of Adjustment.

- e.** All vehicle dealers, other than motorcycles dealers, within the City of Las Vegas will be solicited by the hosting dealer, and provided the opportunity to offer vehicles for sale at the proposed location, participant dealer fees shall not be greater than a fair share of actual expenses incurred by the host dealer. Such requests shall be in the form of certified mail. Copies of all said letters and return receipts shall be provided to the City of Las Vegas Community Development Department staff fourteen (14) days prior to the Board of Adjustment hearing.
- f.** A complete listing and current dealer licenses for all dealers accepting an invitation to participate shall be provided to the City, fourteen (14) days prior to the hearing.
- g.** Provided the Special Use Permit is granted by the Board of Adjustment, the host dealer shall obtain a City of Las Vegas Business Registration/License indicating site inspection and approval by the Las Vegas Fire Department and zoning approval by the Community Development Department.
- h.** The entire site and facilities that are being utilized must be ADA compliant, to include indoor ADA compliant bathroom facilities. Mobile Offices must meet building code required by the Uniform Building Code.
- i.** The host dealer shall provide a copy of the lease agreement with the current, legal owner of the property or a copy of the deed showing proof of ownership for the off-site location.
- j.** A copy of the liability insurance policy for every participating dealership, including the host dealer, covering the off-site location and the specific dates of the off-site sales event.
- k.** A rider to the bond for every participating dealer covering the off-site location and specific sales dates.
- l.** Automobile Off-Site Sales business regulation fees shall be one hundred ten dollars \$110.00 per day, shall be paid upon the issuance of a business registration.
- m.** All other State of New Mexico Vehicle requirements, including permits and licenses, shall be furnished to the City of Las Vegas prior to the sale event.

- n. The City of Las Vegas may, when any person, firm or corporation holding a Special Use Permit under the provision hereof has been adjudged guilty of violating any City ordinance in relation hereto by any court of competent jurisdiction, revoke the license after due notice and hearing and is further subject to penalties and fines as defined by City ordinance.

**D. USES EXPRESSELY PROHIBITED**

- 1. Agricultural
- 2. Industrial
- 3. Residential

**E. DEVELOPMENT STANDARDS** – The following minimum required conditions shall apply:

- 1. **Business in Enclosed Buildings** – All business, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, and fluids at service stations, and such other outdoor display or storage of vehicles, materials and equipment as herein before specifically authorized or as may be authorized by the Board.
- 2. **Production for Sale at Retail** – All products produced on the premises whether primary or incidental, shall be sold at retail on the premises where produced.
- 3. **Use Must be Non-Objectionable** – Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.
- 4. **New Merchandise** – Goods for sale shall consist primarily of new merchandise, except for goods customary to art, antique, or rare bookstores.
- 5. **Lot Area** – No minimum required.
- 6. **Lot Dimensions** – No minimum required

**7. Population Density** – None, residential development not permitted in this zone.

**8. Yards** – None required except where a lot or parcel in the C-2 zone is adjacent to a residential zone, the required yards in the residential zone shall prevail on the adjacent commercial lot or parcel.

**9. Off-Street Parking** – See 12-5-17 of this Ordinance

**10. Loading** – Every commercial building hereafter erected or established in a C-2 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing service to the commercial use so established.

**11. Lighting** – See same as the C-1 zone.

**12. Height Regulation** – No principal structure shall exceed three (3) stories or 45' feet in height, unless otherwise permitted by the Commission and or the Design Review Board, if applicable. These regulations shall not apply to structures cited in Section 12-5-21.

**13. Solid Waste Collection** – Every commercial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstructions such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alleyways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six (6") inches of base course and four (4") inches of asphalt, if asphalt is to be utilized. Utilization of concrete will require six (6") inches of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half (6 ½ ') feet in width, five (5') feet in height and five (5') feet in depth. Actual size should not be

determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

d. The City will not be liable for damage to either the route way of loading pad as a result of the basic service routine.

**14. Landscaping Required when Adjacent to R-District**

Uses adjacent or backing on a Residential District shall erect within five (5') feet of the adjacent property line a six-foot high fence. Live shrubbery three feet high, either within or outside of the fence and, after that, to be maintained at the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be accomplished, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions in Article XII.

## **12-11-7 C-3 GENERAL COMMERCIAL ZONE**

**A. PURPOSE** - This zone is intended to provide for those retail businesses and services which require a location other than the Central Business District, being either highway oriented or requiring larger tracts of land not normally available in the Central Business District.

### **B. PERMITTED USES IN THE C-3 DISTRICT**

1. Any use permitted in C-1
2. Auction Houses
3. Eating and drinking places including bars, drive-in restaurants, and cocktail lounges
4. Entertainment, but not within seventy five feet (75') of any R-District:
  - a. Billiard Parlors and Pool Halls
  - b. Dance Halls
  - c. Drive-in Theaters
  - d. Games, electronic and pinball
  - e. Night Clubs
  - f. Recreation Activities:
    1. Baseball Fields
    2. Swimming Pools
    3. Skating Rinks
    4. Other open air facilities
5. Hotels and Motels
6. Institutions
  - a. Nursing Homes or Rest Homes
  - b. Private Clubs

**\*7. Mobile Home Parks**

**\*a.** Three copies of an overall development plan shall be submitted to the Community Development Department showing proposed land uses for the entire area defined in the mobile home park. Additionally, this plan shall show the numerical designation or street name and number of each mobile home site in the park. Said plan shall also include a utilities certification block which shall contain signatures for all utilities indicating that provisions for utility easements are adequate for the mobile home park and said plan shall include a City acceptance block signed by the City Manager and Community Development Director indicating that the plan is approved and accepted by the City of Las Vegas. **\*Ord. No. 75-33, adopted 2/26/87**

**b.** The minimum area for any such development shall not be less than one (1) acre.

**c.** The mobile home park shall provide spaces that are well defined and delineated. Minimum lot size per mobile home unit shall be determined by the developer and must meet requirements outlined above.

**d.** Spacing between trailers shall not be less than fifteen feet (15') whether such trailers are placed side by side or end to end to side.

**e.** The distance between any trailer and the front or rear property line of the trailer park shall be a minimum of ten feet (10'). There needs to be any setback from the rear property line when adjacent to an alley.

**f.** The distance between any trailer and the side property lines of the trailer park shall be a minimum of seven feet (7').

**g.** The distance between any trailer and any building within the trailer park limits shall be a minimum of twenty feet (20').

**h.** There shall be at least one (1) off-street parking space for each trailer on or abutting the lot on which the trailer is placed.

**i.** The mobile home park shall be located on a well drained site and graded to ensure proper drainage of the site. The park shall be graded to control the increased run-off for a one-hundred (100) year frequency storm and may include catch basins or ponding areas for controlled entry of water into natural drainage ways or storm sewers to insure that the increase does not overload the system, or cause damage to property and areas at lower elevations.

**j.** Within the mobile home park, all private local streets shall have a minimum graveled roadway of twenty four feet (24'). Private collector streets shall have a minimum of thirty feet (30'). All public streets shall observe right-of-way requirements and subdivision design standards set forth in Article 6, Chapter 15 of the Las Vegas Municipal Code.

**k.** All mobile home parks shall have direct access into a paved, dedicated public street. If temporary recreational vehicle parking is permitted within the mobile home park, there shall be direct access into a state or federal highway.

**l.** All driveways and walkways within the mobile home park shall be hard-surfaced and shall be lighted during hours of darkness.

**m.** All mobile home parks shall be accessible to water, sewerage, solid waste disposal, electricity and natural gas systems or the provision of such services if existing systems are not available.

**n.** Water supplies shall be adequate to permit the operation of at least two (2) one and one-half inch (1 1/2") hose streams on any fire in a mobile home park. The water supply may be derived from hydrants connected to any underground water supply system, a reservoir or water supply source of not less than 3,000 gallons, or a fire department apparatus equipped with a water tank(s). Hydrants shall be located within five hundred feet (500') of all mobile home sites.

**o.** All mobile homes shall be skirted with materials compatible with the siding of the trailer unless the unit is situated at ground level.

**p.** The perimeter of the park shall be landscaped within six (6) months.

**q.** A Development Agreement ("Agreement") between the mobile home park developer and the City shall be signed and executed before any construction begins. The Agreement shall set forth a schedule of improvements listing the required improvements and a time schedule for installation of these improvements. A security shall be posted as a suitable guarantee to insure compliance with City development standards. If a cash security is offered, it shall be placed in an interest bearing account and refunded upon completion and City acceptance of scheduled improvements. If a property bond is offered, a deed to the City shall be executed

before any construction begins. No trailers shall be moved into the mobile home park until the following improvements are completed and formally accepted by the City: \*Ord. No. 77-33, adopted 1/19/89

1. All drainage improvements
2. All utility improvements
3. All road improvements
4. All concrete surface improvements

**8. Mortuaries**

**9. Offices, business and professional**

**10. Public utilities or utilities operated by mutual agencies consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto, but not including distribution mains, providing any such utilities are similar in design and structure to other buildings in the area of proposed use.**

**11. Retail Sales**

- a. Automotive sales including automobiles, trucks, farm implements dealers
- b. Bicycle, scooter and similar vehicles sales
- c. Boat and other marine sales
- d. Building material dealers
- e. Clothing stores
- f. Department stores
- g. Mobile home sales
- h. Supermarkets

**12. Services**

- a. Automobile laundry, car wash

**b. Auto repairs**

**c. Building trades or equipment yards providing no assembly, construction, millwork, or concrete manufacture is done on the premises:**

**d. Laundries, self service**

**e. Service stations for automobiles provided it complies with the following requirements:**

- 1. Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building.**
- 2. There shall be no outside storage of any kind**
- 3. If any lubricating or washing is done outside a building, a solid wall or fence at least six feet (6') high shall be maintained between such activity and any abutting or contiguous R-1, R-2, RA or RR zone.**

**f. Truck Stops**

**g. Recycling centers, for the receiving of aluminum's, glass, brass, copper, and non-ferrous metals. One per location provided it complies with the following requirements:**

- 1. Business must be conducted within a wholly enclosed building of solid body trailer, semi-trailer, or similar type of storage unit. (Pick-up trucks will not be considered acceptable for this type of use).**
- 2. There shall be no outside storage of any kind.**
- 3. If any aspect of the business need to be conducted outside, all materials collected shall be immediately placed in the enclosed building, or storage unit at the site.**
- 4. If not wholly conducted within an enclosed building, or solid body semi-trailer, equipment, materials, and storage unit must be removed from the site at the end of each day of operation, and the site must be thoroughly cleaned, and free of any evidence of operation.**

5. Permitted locations shall include flea markets, shopping centers, or existing businesses provided that they meet the requirements listed herein.

6. A separate business license and fee of \$60.00 required.

7. There shall be no encroachment upon any public right-of-way

8. If the licensee is given notice of violation of any of the provisions of this ordinance, a warning citation shall be issued and compliance must follow within the 48 hour period as stated herein, the City reserves the right to immediately revoke the business license of the licensee, and to require all operations of the licenses to cease.

**\*13.** Signs for advertising, identification or direction pertaining to a use conducted within a building provided:

**\*a.** The sign shall be located entirely on private property with a ten foot (10') minimum setback from the property line. **\*Ord. No. 77-31, adopted 1/19/89**

**b.** The sign is so located as to not reflect into any RR, RA, R-1, R-2, R-3 or any residential portion of a PC, RH1, or CH1 zone.

**\*c.** A free standing sign does not exceed one-hundred square feet (100'). **Ord. No. 77-31, adopted 1/19/89**

**d.** A sign attached to a building or wall does not protrude more than four and one half feet (4 1/2') from the wall of the building and no point of which is lower than eight feet (8') from the ground and does not extend beyond the property line or over the sidewalk.

**14.** Stations, bus or taxi

**15.** Trade or Business Schools provided that machinery which is used for instruction is not objectionable due to noise, fumes, smoke, odor, or vibration.

**\*16.** Animal hospitals provided that any enclosures or buildings in which the animals are kept shall be at least one hundred feet (100') from any R-District (other than an R-A District) and exercise runs shall be enclosed on four sides by a fence or wall at least five feet (5') in height. **\*Ord. No. 75-33, adopted 2/26/87**

## **C. USES REQUIRING SPECIAL USE PERMITS**

### **1. Armories**

### **2. Bottling Plant**

**\*3a.** One single family dwelling on any lot or parcel land in the C-3 zone may be permitted provided that said dwelling shall be used only by the owner or lessees of the lot or parcel on which said dwelling is erected or is to be erected, or by an employee of said owner or lessee, said dwelling to be used only in conjunction with any commercial use permitted under the term of this section. Ord. No. 77-6, adopted 8/18/88

**\*3b.** A trailer (except recreational vehicles, sports trailers and campers) may be permitted as a caretaker dwelling if at least 50% of the existing surrounding area in a one-fourth mile radius have trailers in this capacity, or the location is in an undeveloped area. Under no circumstances will this type of use be allowed in already developed heavy commercial areas where no trailers are being used in this capacity. \*Ord. No. 77-6, adopted 8/18/88

### **4. Rodeo Grounds**

### **5. Sewage disposal plants**

### **6. Flea markets provided that the following requirements are met:**

**a.** Any sanitary facilities necessary for the safe, healthy operation of the activity are approved by the NM Environmental Improvement Division.

**b.** All electrical usage by the applicant or his tenants will require an electrical inspection and permit.

**c.** The site shall be kept clear of all debris.

**d.** Public parking for the exclusive use of the facility shall be provided. The parking area shall be hard surfaced and maintained to provide one parking space per issued space. It shall be the responsibility of the applicant to guide patrons to these areas and to prevent unlawful parking.

**e.** A cash bond for a minimum of twenty five dollars (\$25.00) will be posted by the applicant to insure the repair of any damage to public right-of-way as a result of the use.

**f.** Serving of alcoholic beverages will not be permitted.

**g.** Flea markets shall not be allowed to make available their premises for the sale of domestic farm animals.

**7. Automobile Off-Site Sales** or otherwise known as supplement lots for the sale of automobiles by a hosting dealer or organization. Such off-site sales shall be permitted under a Special Use Permit provided compliance with the following requirements.

**a.** All persons, firms, corporations or associations of any character requesting an Automobile Off-Site Sales license to engage in the sale of more than four (4) motor vehicles shall be licensed as dealer, as defined by the State of New Mexico Vehicle Code (66-1-1NMSA 1978).

**b.** Off-Site sales are permitted in C-2 or C-3 zones by first obtaining a Special Use Permit from the City of Las Vegas Board of Adjustment.

**c.** Maximum length of time of event is not to exceed (3) days.

**d.** Hosting dealers, organizations or others, as defined herein, shall provide a full, detailed letter of intent requesting approval for automobile off-site sales. The letter shall include location, number of vehicles held for sale, specific dates of event, proposed hours of operation. This information shall also be provided on the City's application form for this purpose. All requests must be submitted thirty (30) days prior to the hearing by the Board of Adjustment.

**e.** All dealers, other than motorcycle dealers, within the City of Las Vegas will be solicited by the hosting dealer, and provided the opportunity to offer vehicles for sale at the proposed location, participant dealer fees shall not be greater than a fair share of actual expenses incurred by the host dealer. Such requests shall be in the form of certified mail. Copies of all said letters and return receipts shall be provided to the City of Las Vegas Community Development Department staff fourteen (14) days prior to the Board of Adjustment hearing.

**f.** A complete listing and current dealer licenses for all local dealers accepting an invitation to participate shall be provided to the City, fourteen (14) days prior to hearing.

- g.** Provided the Special Use Permit is granted by the Board of Adjustment, the host dealer shall obtain a City of Las Vegas Business Registration/License indicating site inspection and approval by the Las Vegas Fire Department and zoning approval by the Community Development Department.
- h.** The entire site and facilities that are being utilized must be ADA compliant, to include indoor ADA compliant bathroom facilities. Mobile Offices must meet the building code required by the Uniform Building Code.
- i.** The host dealer shall provide a copy of the lease agreement with the current, legal owner of the property or a copy of the deed showing proof of ownership for the off-site location.
- j.** A copy of the liability insurance policy for every participating dealership, including the host dealer, covering the off-site location and the specific dates of the off-site sales event.
- k.** A rider to the bond for every participating dealer covering the off-site location and specific sales dates.
- l.** Automobile Off-Site Sales business regulation fees shall be one hundred ten dollars \$110.00 per day and shall be paid upon the issuance of a business registration.
- m.** All other State of New Mexico Motor Vehicle requirements, including permits and licenses, shall be furnished to the City of Las Vegas prior to the sale event.
- n.** The City of Las Vegas may, when any person, firm or corporation holding a Special Use Permit under the provisions hereof has been adjudged guilty of violating any City ordinance in relation hereto by any court of competent jurisdiction, revoke the license after due notice and hearing and is further subject to penalties and fines as defined by City ordinances.

**C. USES EXPRESSLY PROHIBITED**

- 1. Agricultural
- 2. Industrial
- 3. Residential

**E. DEVELOPMENT STANDARDS** - The following required conditions shall apply:

**1. Business in enclosed buildings** - All business, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, and such other outdoor display or storage of vehicles, materials and equipment as herein before specifically authorized or as may be authorized by the Commission.

**2. Production for Sale at Retail** - All products produced on the premises whether primary or incidental, shall be sold at retail on the premises where produced.

**3. Use must be Non-Objectionable** - Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.

**4. New Merchandise** - Goods for sale shall consist primarily of new merchandise.

**5. Height Regulations** - No principal structure shall exceed three stories or 45 feet in height, unless otherwise permitted by the Commission. (These regulations shall not apply to structures cited in Section 12-5-21).

**6. Lot Area** - None required

**7. Lot Dimensions** - Width and Depth - none required

**8. Population Density** - When lots or parcels in a C-3 zone are to be developed as mobile home parks, each space shall be not less than fifteen hundred square feet (1,500') with a minimum width of thirty feet (30').

**9. Yards**

**Front Yards:** Twenty-five feet (25')

**Side Yard:** None, except when adjoining an R-District then fifteen feet (15').

**Rear Yard:** Twenty-five feet (25') where a rear lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

**10. Corner Lots** - Corner lots shall have the same minimum front yard requirement on each street side of the lot.

**11. Off-Street Parking** - See 12-5-17 of this Ordinance

**12. Loading** - Every commercial building hereafter erected or established in the C-3 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing services to the commercial use so established.

**13. Lighting** - Same as the C-1 zone.

**14.** The Board of Adjustment may grant a five percent (5%) variance to the area, yard and width requirements, as long as building codes are met.

**15. Landscaping Required when Adjacent to R-District** - Uses adjacent or backing on a Residential District shall erect within five feet (5') of the adjacent property line a six foot high fence. Live shrubbery three feet (3') high, either within or outside of the fence, is to be allowed to grow to the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be permitted, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions of Article XII.

**16. Solid Waste Collections** - Every commercial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstruction such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alley ways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six inches (6") of base course and four inches (4") of asphalt, if asphalt is to be utilized. Utilization of concrete will require six inches (6") of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one, three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half feet (6 1/2') in width, five feet (5') in height and five feet (5') in depth. Actual size should not be determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

**d.** The City shall be liable for damage to either the route way or loading pad as a result of the basic services routine.

## **12-11-8 M-1 LIGHT MANUFACTURING ZONE**

**A. PURPOSE** - The Light Manufacturing Zone is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembling or processing of materials that are in a processed form and which do not in their maintenance, assembly, manufacture, or plant operating, create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be termed obnoxious or offensive to persons residing in or conducting business in either this or any other zoning district to the City.

### **B. PERMITTED USES IN THE M-1 DISTRICT**

1. Animal hospitals, veterinarian's offices, kennels and animal shelters, and which use shall comply with standards set forth in the City's Animal Control Ordinance. \*Amended by Ord. No. 99-37, 2/13/01

2. Automotive assembly, rebuilding or reconditioning

\*2a. Recycling Receiving Centers, for the receiving of aluminum's, glass, brass, copper, and non-ferrous metals. One per location provided it complies with the following requirements: \*Amended by Ord. No. 77-33, adopted 1/19/89

1. Business must be conducted within a wholly enclosed building of solid body trailer, semi-trailer, or similarly type of storage unit. (Pick-up trucks will not be considered acceptable for this type of use).

2. There shall be no outside storage of any kind.

3. If any aspect of the business need be conducted outside, all materials collected shall be immediately placed in the enclosed building, or storage unit at the site.

4. If not wholly conducted within an enclosed building, or solid body semi-trailer, equipment, materials, and storage unit must be removed from the site at the end of each day of operation, and the site must be thoroughly cleaned, and free of any evidence of operation.

5. Permitted locations shall include flea markets, shopping centers, or existing businesses provided that they meet the requirements listed herein.

6. A separate business license and fee of \$60.00 required.

7. There shall be no encroachment upon any public right-of-way.

**8.** If the licensee is given notice of violation of any of the provisions of this ordinance, a warning citation shall be issued and compliance must follow within the 48 hour period as stated herein, the City reserves the right to immediately revoke the business license of the licensee, and to require all operations of the licensee to cease.

- 3.** Automatic screw machines
- 4.** Bakery goods
- 5.** Battery manufacturing
- 6.** Blacksmith shops
- 7.** Body and fender shops
- 8.** Bottling plants
- 9.** Building materials storage yards
- 10.** Cabinet and carpenter shops
- 11.** Candy manufacturing
- 12.** Dairy products manufacturing and processing
- 13.** Food products processing (excluding fish and meat products, sauerkraut, vinegar, and rendering of fats and oils).
- 14.** Feed and fuel yards
- 15.** Garment manufacturing
- 16.** Lumber yards, but not including planning mills
- 17.** Machine and metal shops excluding stamping plants
- 18.** Plumbing contractor yards
- 19.** Repair garages for automobiles, trucks, boats, etc.
- 20.** Rubber and metal stamp manufacturing

21. Shoe manufacturing
22. Stone monument work
23. Service industries such as carpet and rug cleaning plants, cleaning and dyeing plants, laundries, etc.
24. Transportation and equipment yard and storage space for transit
25. Tire re-treading, recapping, and rebuilding
26. Trailer sales, rentals, service, repair, and storage provided:
  - a. Paving shall be maintained level and serviceable
  - b. A solid wall or fence at least six feet (6') high shall be erected on sides, which abut residentially zoned land
27. Railroad tracks and yards
28. Signs and subject to same conditions as specified in the C-3 zone
- \*29. Transfer station - An intermediate destination structure and operation designed for the purpose of receiving refuse, separating recyclable's and preparing the refuse for shipment and disposal at a New Mexico permitted landfill site. \*Ord. No. 98-16, adopted 11/18/98

### **C. USES REQUIRING SPECIAL USE PERMIT**

1. Borrow pits and quarries
2. Heliports
3. Nursery (Plants)
4. Open air theaters
5. Private schools
6. Public buildings

7. Public utilities
8. Radio and television transmitter
9. Shooting range
10. Single Family dwelling, one per parcel to be used by owner or leases or by an employee of owner or lessee
- \*11. Mobile Home, one per lot or parcel to be used by owner, lessee or an employee of owner or lessee as a caretaker dwelling. \*Ord. No. 76-28, adopted 3/17/88

**D. USES EXPRESSLY PROHIBITED**

1. Agricultural uses
2. Residential uses except as provided in paragraph C, of this section
3. Commercial uses
- \*4. Use of trailers with or without wheels. \*12-11-8 D. 4. is hereby repealed, Ord. No. 76-28
5. Junk and Used Appliance Yards

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** - No minimum required
2. **Lot Dimension** - No minimum required
3. **Population Density** - None, residential uses not permitted in this zone except as a Special Use.
4. **Yards** - All principal permitted use structures shall have the following minimum yard spaces:

**Front Yard** - There shall be a front yard of not less than twenty-five feet (25') extending across the full width of the parcel. Said front yard may be used for off-street parking except where a portion of a block frontage is used for residential purposes, in which case such front yard, within fifty feet (50') of the residential use, shall be landscaped with appropriate plant material.

**Side Yard** - None, except where a portion is abutting a residential district in which case a side yard of twenty-five feet (25') shall be provided.

**Rear Yard** - None, except where a portion is abutting a residential district in which case a rear yard of twenty-five feet (25') shall be provided.

**5. Height Limits** - No building in the M-2 District shall exceed fifty feet (50') in height unless otherwise permitted by the Board of Adjustment.

**6. Off-Street Parking** - See 11-5-17 of this Ordinance.

**7. Loading** - Every industrial building or use hereafter erected or established in the M-1 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing services to the industrial use so established.

**8. Lighting** - Same as C-1 zone.

**9. Solid Waste Collections** - Every industrial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstruction such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alleyways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six inches (6") of base course and four inches (4") of asphalt, if asphalt is to be utilized. Utilization of concrete will require six inches (6") of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one, three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half feet (6 1/2') in width, five feet (5') in height and five feet (5') in depth. Actual size should not be determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

d. The City shall be liable for damage to either the route way or loading pad as a result of the basic services routine.

**10. Landscaping Required when Adjacent to R-District** - Uses adjacent or backing on a Residential District shall erect within five feet (5') of the adjacent property line, a six foot (6') high fence. Live shrubbery three feet (3') high, either within or outside the fence, and after that to be permanently maintained at the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be accomplished, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions in Article XII.

## **12-11-9 M-2 HEAVY MANUFACTURING ZONE\***

**A. PURPOSE** - The Heavy Manufacturing Zone is intended to provide for the establishment of various industrial uses considered by the City Council to be essential to the development of a balanced economic base for the City. \*Amended by Ord. No. 72-27, adopted 3/19/84

### **B. PERMITTED USES IN THE M-2 DISTRICT**

1. Any use permitted in the M-1 District
2. Automobiles wrecking yards provided the area shall be enclosed by a solid wall or fence of at least six feet (6') high, and shall be at least one hundred and fifty feet (150') from any residential or commercial zone. No material shall be stacked to a height exceeding the height of the wall or fence surrounding it.
3. Livestock auction yards
4. Concrete, asphalt batching plant
5. Rock crushing plants
6. Salvage yards
7. Stamping plants
8. Railroad tracks and yards
9. Signs subject to the same conditions as in the C-3 zone

### **C. USES REQUIRING SPECIAL USE PERMIT**

1. Borrow pits and quarries
2. Heliports
3. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bond, cloth, fiber, glass, hair, horns, leather, metal, paper, plastics, textiles, wood or yarn.
4. Public buildings
5. Public utilities

6. Radio or television transmitter
7. Shooting range
8. Single family dwelling, one per parcel to be used by owner or lessee, or by an employee of owner or lessee.
9. Refuse or garbage dump
10. Sewage disposal plant

**D. USES EXPRESSLY PROHIBITED**

1. Agricultural uses
2. Residential uses, except as provided in paragraph C of this section
3. Commercial uses
4. Uses of trailers with or without wheels

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** - No minimum required
2. **Lot Dimension** - No minimum required
3. **Population Density** - None, residential uses not permitted in this zone except as a Special Use.
4. **Yards** - All principal permitted use structures shall have the following minimum yard spaces:

**Front Yard** - There shall be a front yard of not less than twenty-five feet (25') extending across the full width of the parcel. Said front yard may be used for off-street parking except where a portion of a block frontage is used for residential purposes, in which case such front yard, within fifty feet (50') of the residential use, shall be landscaped with appropriate plant material.

**Side Yard** - None, except where a portion is abutting a residential district in which case a side yard of twenty-five feet (25') shall be provided.

**Rear Yard** - None, except where a portion is abutting a residential district in which case a rear yard of twenty-five feet (25') shall be provided.

**5. Height Limits** - No building in the M-2 District shall exceed fifty feet (50') in height unless otherwise permitted by the Board of Adjustment.

**6. Off-Street Parking** - See 11-5-17 of this Ordinance.

**7. Loading** - Every industrial building or use hereafter erected or established in the M-2 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing services to the industrial use so established.

**8. Lighting** - Same as C-1 zone.

**9. Solid Waste Collections** - Every industrial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstruction such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alley ways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six inches (6") of base course and four inches (4") of asphalt, if asphalt is to be utilized. Utilization of concrete will require six inches (6") of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one, three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half feet (6 1/2') in width, five feet (5') in height and five feet (5') in depth. Actual size should not be determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

**d.** The City shall be liable for damage to either the route way or loading pad as a result of the basic services routine.

**10. Landscaping Required when Adjacent to R-District** - Uses adjacent or backing on a Residential District shall erect within five feet (5') of the adjacent property line, a six-foot (6') high fence. Live shrubbery three feet (3') high, either within or outside the fence, and after that to be permanently maintained at the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be accomplished, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions in Article XII.

## **12-11-10 PC - PLANNED COMMUNITY ZONE\***

**A. PURPOSE** - This zone is intended to permit the development of large parcels of undeveloped land to residential, commercial, and recreational uses in an orderly manner to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density and a reduction in lot dimensions, yards, building set backs and area requirements. The City will accept a greater population density that that reflected by present zoning provided the developer can demonstrate that increased densities will be compensated for by private amenities and public benefits to be maintained by the developer. \*Amended by Ord. No. 73-1, adopted 7/18/84

**B. MINIMUM PROJECT AREA** - An application for development as a Planned Community must contain a minimum of five (5) contiguous acres.

### **C. INFORMATION REQUIRED:**

**1. Pre-Application Conference** - Prior to filing an application as a Planned Community, the applicant is required to confer with the Community Development Department in order to review the general character of the plan, and to obtain information on submittal procedures and required data.

**2. Development Plan** - A development plan will be submitted by the applicant for a Planned Community with the Community Development Department. The development plan shall be prepared by an architect, landscape architect, engineer or planning consultant and contain the following information:

- a. A general location map;
- b. Existing topographic conditions with intervals at no more than two (2') feet;
- c. Existing and proposed land uses and the location of all buildings and structures;
- d. Location of existing and proposed streets, utilities, and easements;
- e. Proposed grading, drainage facilities, and landscaped areas;
- f. Areas subject to inundation and proposed method of treatment or correction of flooding problems;
- g. A legal description of the subject property;

**h.** The location and use of existing proposed public, semi-public or community facilities such as schools, parks, and open areas. This will include areas proposed to be dedicated to the community for public use;

**i.** Scale and north arrow;

**j.** Surveyed boundaries of the area proposed to be developed;

**k.** Parking areas with arrangement of stalls, number of cars parked, location of entrance and exit driveways, and their relation to existing and proposed streets;

**l.** All utilities shall be underground; and,

**m.** Other information as may be required by the Planning and Zoning Commission.

**3. Written Statements** - A written statement is required to be submitted by the developer, which shall include the following:

**a.** A statement of the present ownership of all land within the proposed development;

**b.** An explanation of the character of the proposed development, including a summary of acres, dwelling units, and gross density of type of land use. The statement shall include minimum standards for lot size, yard and spacing requirements;

**c.** Agreements, provisions, and covenants, which govern the use, maintenance, and protection of the development and any common or open areas.

#### **D. PERMITTED USES IN THE PC DISTRICT**

1. Single family detached dwellings

2. Single family attached dwellings (townhouses, duplex, condominiums, or similar types) provided that they contain no more than six (6) units in a building

3. Multi-family dwellings representing no more than twenty (20%) percent of the total dwelling units within the proposed development

4. Churches, schools, community or club buildings, recreation areas, and similar public or semi-public facilities representing no more than ten (10%) percent of the proposed development.

5. Commercial or retail use, including offices and clinics provided they do not exceed five (5%) percent of the total area of the proposed development

6. Accessory uses to the above

**E. DEVELOPMENT STANDARDS** - A planned community shall be considered a separate zoning district in which the development plan, when approved, establishes the restrictions and regulations according to which development shall occur.

**F. REVIEW APPROVAL**

1. The Planning and Zoning Commission, after determining that all requirements of this Ordinance have been met, may recommend to City Council that the development plan be approved, disapproved, or approved with modifications. The Planning and Zoning Commission may recommend the establishment of the Planned Community provided that they find the materials submitted with the development plan demonstrate:

a. The proposed uses will not be detrimental to present surrounding uses, but will not have a beneficial effect, which could not be achieved under the current zoning districts;

b. Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan;

c. Existing and proposed streets are suitable and adequate to carry anticipated traffic;

d. Existing and proposed utility services are adequate for the proposed development; and,

e. The proposed development contains the required parking spaces, landscape and utility areas necessary for sustaining a desirable environment.

2. The City Council will consider an application for approval of a Planned Community administratively as a petition for rezoning, and will follow the procedures as established in Article X of the Zoning Ordinance.

## **12-11-11 CH - CULTURAL HISTORIC OVERLAY ZONE\***

**A. Purpose** - The purpose of this zone is to provide for the protection of those sections of the City that are deemed worth preserving because of historical interest, cultural interest or artistic interest.

**B. Permitted Uses in the CH Overlay District** - Refer to uses permitted in respective zones.

**C. Uses Requiring Special Use Permit** - Refer to uses permitted by special use in the respective zone.

**D. Development Standards** - Refer to development standards in the respective zone. In addition the following minimum required conditions shall apply:

**1. Exterior Appearance** - An application for a permit which would authorize, erection, construction, modification, moving or demolition which could affect the exterior appearance of any structure or any sign must first be approved by the Design Review Board.

**2. New Structures** - New structures may be built in this zone provided they adhere to the development standards outlined for the underlying zone and that the exterior appearance is approved by the Design Review Board.

**\*Amended by Ord. No. 73-1, adopted 7/18/84**

**12-11-12 DEVELOPMENT IMPACT REVIEW REQUIREMENTS:**

**PURPOSE:** The purpose of development impact review requirements is to provide for a detailed analysis of certain land uses which, because of their scale of intensity of use, have the potential for significant impact on the health, safety or general welfare of the City or Extra-territorial zoning area residents, including negative effects on the environment, abutting property values, demand for the city services and infrastructure, and traffic safety.

**A. APPLICATION** : The provision of this section shall apply to the following;

1. All Commercial and Industrial Development as permitted by the respective zone districts which require administrative reviews and approval by the Development Review Team (DRT) or similar process.
2. All building development applications and or conversions requiring approval and review by the Planning and Zoning Commission/Board of Adjustment related to a Special Use Permit application under the provisions of Article VI and VIII, Ordinance 03-01.
3. All subdivision, townhouse and condominium project applications. (These projects shall also adhere to all requirements pursuant to Chapter XV, Article I of the Land Subdivision Regulations.)

**B. REQUIREMENTS:** Applications for development with the scope of this section shall comply with the following:

1. Impact Statement: The applicant shall submit to the City an impact statement prepared by qualified parties, which will evaluate the potential impact of the development upon.
2. Municipal utilities and services, including water supply, sewage disposal, drainage, storm drains, police, fire protection, emergency services, schools and other city services.
3. The physical and ecological characteristics of the site and the surrounding.

**12-11-13 RESERVED**

(This section was eliminated by Ordinance No. 73-19, adopted 11/21/84)

## **12-11-14 R-3 MIXED RESIDENTIAL ZONE**

**A. PURPOSE** - This zone is intended to provide for the development of single family homes, duplexes, and mobile homes where all public utilities are immediately available or can be readily obtained.

### **B. PERMITTED USES IN THE R-3 Zone:**

1. Single family dwellings
2. Public parks and playgrounds
3. Duplexes - Triplexes when they are conversions of older single family residences
4. Mobile homes
5. Storage of recreational vehicles, travel trailers, truck campers, camping trailers, and self propelled motor homes subject to the conditions in the R-A zone.
6. Accessory uses customarily incidental to the uses listed above
7. Home Occupations, provided the same conditions are as listed in the R-A zone are met.
8. Bed and Breakfast
9. Family Child Care Home with a minimum of five but not more than twelve non-residential children.
10. Community Adult Residences- state licensed or state operated serving ten or fewer persons.

**C. USES REQUIRING SPECIAL USE PERMITS: Permissible by the Board of Adjustment after a public hearing and subject to appropriate conditions and safe guards in accordance with the provisions contained in Article VIII. Special Uses subject to Site Plan Development Requirement criteria pursuant to Section 12-11-12.**

1. Hospitals
2. Fraternal Organization Clubs
3. Public, private schools or colleges

4. ~~Public buildings~~ **(Repealed by Ord. 08-05, 4/16/08)**
5. Public utilities
6. Churches
7. Dwellings, multi-family including triplexes, apartment houses, garden apartments or other types of multi-family, but not including motels or hotels.
8. Art Galleries and accessories
9. Child Care Center
10. Community Adult Residences-state licensed or state operated serving eleven or more persons.
11. Mobile Home Parks: provided the standards outlined below are followed: **\*Amended by Ord. No.03-03, 3/19/03**

**a.** Three copies of an overall development plan shall be submitted to the Community Development Department showing proposed land uses for the entire area defined in the mobile home park. Additionally, this plan shall show the numerical designation or street name and number of each mobile home site in the park. Said plan shall also include utilities certification block which shall contain signatures for all utilities indicating that provisions for utility easements are adequate for the mobile home park and said plan shall include a City acceptance block signed by the City Manager and Community Development Director indicating that the plan is approved and accepted by the City of Las Vegas. **\*\*Ord. No. 75-33, 2/26/87**

**b.** The minimum area for any such development shall not be less than one (1) acre.

**c.** The mobile home park shall provide spaces that are well defined and delineated. Minimum lot size per mobile home unit shall be determined by the developer and must meet requirements outlined above.

**d.** Spacing between trailers shall not be less than fifteen feet (15') whether such trailers are placed side by side or end to end to side.

**e.** The distance between any trailer and the front or rear property line of the trailer park shall be minimum of ten feet (10'). There need not be any set back from the rear property line when adjacent to an alley.

**f.** The distance between any trailer and the side property lines of the trailer park shall be a minimum of seven feet (7').

**g.** The distance between any trailer and any building within the trailer park limits shall be a minimum of twenty feet (20').

**h.** There shall be at least one (1) off-street parking space for each trailer on or abutting the lot on which the trailer is placed.

**i.** The mobile home park shall be located on a well drained site and graded to ensure proper drainage of the site. The park shall be graded to control the increased run-off for a one-hundred (100) per year frequency storm and may include catch basins or ponding areas for controlled entry of water into natural drainage ways or storm sewers to insure that the increase does not overload the system, or cause damage to property and areas at lower elevations.

**j.** Within the mobile home park, all private local streets shall have a minimum graveled roadway of twenty four feet (24'). Private collector streets shall have a minimum of thirty feet (30'). All public streets shall observe right-of-way requirements and subdivision design standards set forth in Article 6, Chapter 15 of the Las Vegas Municipal Code.

**k.** All mobile home parks shall have direct access into a paved, dedicated public street.

**l.** All driveways and walkways within the mobile home park shall be hard-surfaced and shall be lighted during the hours of darkness.

**m.** All mobile home parks shall be accessible to water, sewage, solid waste disposal, electricity and natural gas systems or the provisions of such services if existing systems are not available.

**n.** Water supplies shall be adequate to permit the operation of at least two (2), one and one-half inch (1 1/2") hose streams on any fire in a mobile home park. The water supply may be derived from hydrants connected to an underground water supply system, a reservoir or water supply source of not less than 3, 000 gallons, or fire department apparatus equipped with a water tank(s). Hydrants

shall be located along park streets or public ways and located within five hundred feet (500') of all mobile home sites.

**o.** All mobile homes shall be skirted with materials compatible with the siding of the trailer unless the unit is situated at ground level.

**p.** The perimeter of the park shall be landscaped within six (6) months.

**\*q.** A development agreement ("Agreement") between the mobile home park developer and the City shall be signed and executed before any construction begins. The Agreement shall set forth a schedule of improvements listing the required improvements and a time schedule for installation of those improvements. A security shall be posted as a suitable guarantee to insure compliance with City development standards. If a cash security is offered, it shall be placed in an interest bearing account and refunded upon completion and City acceptance of scheduled improvements. If a property bond is offered, a deed to the City shall be executed before any construction begins. No trailers shall be moved into the mobile home park until the following improvements are completed and formally accepted by the City:

1. All drainage improvements
2. All utility improvements
3. All road improvements
4. All concrete surface improvements **\*Ord. No. 76-19, adopted 1/21/88**

**D. USES EXPRESSLY PROHIBITED:**

1. Commercial Uses, except for those uses specifically listed as Special Uses or as allowed under home occupation.
2. Industrial Uses
3. Parking or storage of tractor trailers, semi-trailers, trailers, school buses but not limited to large commercial vehicles over 10,000 pounds gross weight.

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

**1. Lot Area** – The minimum a lot area for each dwelling unit thereon shall be five thousand (5,000) square feet.

**2. Lot Dimension** - Each lot shall have a minimum width of fifty feet (50'). Each lot shall have a minimum depth of one hundred feet (100').

**3. Population Density** - There shall be a minimum of five thousand (5,000) square feet of lot area for each single-family dwelling.

**4. Gross Density:** There shall be up to 16 dwelling units per gross acre

**5. Yards**

**Front Yard** - Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, said yard to have a minimum depth of fifteen feet (15') as measured at right angles from the property line.

**Side Yard** - There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, said yard to be open from the ground to the sky, and said yard shall not be less than five feet (5') in width.

**Rear Yard** - There shall be a rear yard on each lot or parcel extending across the full width of the lot, said yard to have a minimum depth of not less than fifteen feet (15') except as provided for in Section 12-5-35.

**6 Height Limitations** - The height of the buildings or structures in the R-3 zone shall not exceed two (2) stories or thirty feet (30'), whichever is less. except as provided in 12-5-19 of this Ordinance.

**7. Off-Street Parking** - See 12-5-17 of this Ordinance.

**8.** Mobile homes shall be skirted with materials acceptable with the siding of the mobile home within six (6) months unless the unit is situated at ground level.

**9.** When applying for a building permit in this district a landscaping plan shall be submitted to and approved by the Community Development Department indicating:

- a.** All land areas, which are to be unpaved or not covered, by buildings;
- b.** Ground cover materials including shrubs, turf, or native grass, or other appropriate ground cover and trees shall be included as part of each landscaping plan;
- c.** Visual screening materials shall be planted in a five foot (5') wide buffer strip along property lines where conflicting land uses such as conventionally built homes and mobile homes are on adjacent properties. This buffer strip shall be maintained at a height of no more than six feet (6') by the property owner.
- d.** The location, size, and type of all above ground and underground utilities and structures with proper notation of any safety hazards to avoid during landscaping installation.
- e.** All plant material shall be healthy and in place prior to issuance of a building permit. A temporary permit may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.

**12-11-15 (RESERVED)**

**12-11-16 0-1 - OFFICE ZONE\***

**A. PURPOSE** - This zone permits offices, services and institutional non-residential use.

**B. PERMITTED USES IN THE 0-1 DISTRICT** - A building and premises on any lot in the 0-1 zone shall be used for the following purposes only:

1. Clinic or medical and dental offices including incidental uses, such as prescription drugs and supply shop, physiotherapy office or shop for fabricating and fitting prosthetic or correcting devices, or medical and dental laboratory.
2. One dwelling unit within a commercial structure where the total area of the dwelling does not exceed forty percent (40%) of the total floor area of the structure.
3. Office within a structure or office building, including incidental uses such as news, cigar or candy stand, restaurant or cafeteria, personal service shop and the like provided the incidental uses comply with the following:
  - a. The use is intended primarily for the occupants of the structures;
  - b. At least 10,000 square feet (92.9 square meters) of floor area are contained in the structure;
  - c. The use is limited to a maximum of ten percent (10%) of the total floor area;
  - d. The use is so situated within the structure that it is not directly accessible from a public way;
  - e. A sign or window display relating to the use is not discernable from a public way.
4. Parking lot or structures for automobiles;
5. Photocopy or photography studio;
6. Artist studios or workshops;
7. Signs subject to the same conditions specified in the C-1 zone.

**C. USES REQUIRING SPECIAL USE PERMIT**

1. Single family dwelling
2. Duplex
3. Multi-family dwelling, including triplexes, apartment houses, garden apartments, etc. but not including motel, hotels, or other types of multi-family dwellings generally associated with a commercial enterprise.
4. Fraternity or sorority house
5. Home occupations subject to the same conditions specified in the RA zone.
6. Storage of sports trailers and campers subject to the same conditions specified in the RA zone.

7. Townhouse type attached single family residences shall be permitted on smaller lots provided the following conditions are compelled with:
  - a. The minimum lot size being 2400 square feet;
  - b. The minimum lot width for attached family residences being twenty feet (20');
  - c. The minimum front yard setback shall be fifteen feet (15') except the setback for a garage or carport shall be not less than twenty feet (20');
  - d. Minimum setbacks on sides abutting other zones shall be fifteen feet (15');
  - e. Minimum rear yard setback shall be twenty feet (20');
  - f. There shall be a side setback of seven feet (7') from existing dwellings;
  - g. There shall be a minimum of 750 square feet of usable open space per unit;
  - h. Where an aggregate of five (5) or more units is constructed on any given lot, the development shall include landscaping of the ground level usable open space according to a landscaping plan approved by the Planning and Zoning Commission;
  - i. That no storage or structures shall be permitted between the front property line of the unit and the front building line;
  - j. That there exists in the deeds for each unit a covenant for the maintaining of the landscaping for the entrance onto adjacent property for the maintenance of each unit.
8. Studios for instruction of music or dance
9. Churches
10. Public buildings
11. Radio or television transmitter
12. Public utilities structures \*Amended Ord. No. 72-39, adopted 5/16/84

**D. USES EXPRESSELY PROHIBITED**

1. Agricultural
2. Industrial

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** - Each lot or parcel shall have not less than 7,000 square feet.
2. **Lot Dimension** - Each lot or parcel of land shall have a minimum width of not less than seventy feet (70'). Each lot or parcel shall have a minimum depth of not less than one hundred feet (100').
3. **Population Density** - When lots or parcels are to be developed to single family residential, each dwelling unit shall have a minimum of 7,000 square feet of lot area. When lots or parcels are to be developed to multi-

family dwellings, each lot or parcel shall have sufficient area to provide 1,200 square feet of area for each family unit proposed to be developed.

**4. Yards** – Same as adjoining zones, otherwise as follows:

**Front** – Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, said yard to have a minimum depth of 20 feet as measured at right angles from the property line.

**Side Yard** -There shall be a side yard on each side of the lot or parcel extending from the front yard to the rear yard, yard to be open from the ground to the sky, said yard shall not be less than 7 feet in width.

**Rear Yard** – There shall be a rear yard on each lot or parcel extending across the full width of the lot, said yard to have a minimum depth of not less than 20 feet.

**5. Height Limitations** – No building or structure in the O-1 zone shall have a height of more than (4) stories or sixty (60) feet, whichever is less.

**6. Loading** – Every commercial building hereafter erected or established must have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing services to the commercial use so established.

**7. Lighting**-When a lighting system is provided to illuminate parking areas, open storage areas, buildings, or other areas, such lighting system shall be installed in a manner that any glare from the system shall be reflected downwards and away from any adjacent or nearby residential areas.

**8. Off-street Parking** – See 12-5-17 of this Ordinance.

**9. Solid Waste Collection** – Every commercial activity hereafter established must include in their plans specific location of waste receptacles established service route and a designed loading pad within the boundaries of the lot or parcel of land.

a. The location for placement of city-owned receptacles shall be free of obstructions such as poles, low hanging wires, curbs, walls, etc.

b. The service route shall be established if alleyways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include 6 inches of base course and 4 inches of asphalt, if asphalt is to be utilized. Utilization of concrete will require 6 inches of reinforced, 3000 psi concrete.

c. The loading pad shall be constructed where alleys are not available. The pad will be enclosed on 3 sides with blocked walls. The minimum size shall accommodate on 3 cubic yard container. Minimum measurements of the enclosure should be 6 ½ feet in width, 5 feet in height and 5 feet in depth. Actual size should not be determined prior to consulting with City Solid Waste officials, since size will depend primarily on service required.

b. The City will not be liable for damage to either the route way of loading pad as a result of the basic service routine.

**12-11-17 M-3 SPECIAL ENVIRONMENT ZONE\***

**A. PURPOSE** - The M-3, Special Environment Zone is intended for the operation of special processes or manufacturing considered by the City Council to be essential to the development of a balanced economy or the necessary operation of the City, but which processes or manufacturing, in the opinion of the City Council, involve a severe fire hazard or a possible threat to the environment in a portion of the City by reason of solid, liquid, or gaseous effluent including but not limited to smoke, vapor, smog, fog, soot, dust, odor, and organic solvent, an aqueous solution, corrosive liquid, or the like. \*Amended by Ord. No. 72-27, adopted 3/19/84

**B. PERMITTED USES IN THE M-3 DISTRICT** - Buildings or premises in the M-3 zone shall be used for the following purpose only:

1. Any use permitted in M-1 and M-2 zones
2. Brick manufacturing plant
3. Fired ceramic products manufacturing
4. Foundry
5. Paint manufacturing
6. Rendering plant
7. Meat packing plant
8. Railroad tracks and yards
9. Signs subject to the same conditions as in the C-3 zone

**C. USES REQUIRING SPECIAL USE PERMIT**

1. Borrow pits and quarries
2. Heliports
3. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bond, cloth, fiber, glass, hair, horns, leather, metal, paper, plastics, textiles, wood, or yarn
4. Public buildings
5. Public utilities

6. Radio or television transmitter
7. Shooting range
8. Single family dwelling, one per parcel to be used by owner or lessee, or by an employee of owner or lessee
9. Refuse or garbage dump
10. Sewage disposal plant

**D. USES EXPRESSLY PROHIBITED**

1. Agricultural uses
2. Residential uses, except as provided in paragraph C of this section
3. Commercial uses
4. Use of trailers with or without wheels

**E. DEVELOPMENT STANDARDS** - The following minimum required conditions shall apply:

1. **Lot Area** - No minimum required
2. **Lot Dimension** - No minimum required
3. **Population Density** - None, residential uses not permitted in this zone except as a Special Use.
4. **Yards** - All principal permitted use structures shall have the following minimum yard spaces:

**Front Yard** - There shall be a front yard of not less than twenty-five feet (25') extending across the full width of the parcel. Said front yard may be used for off-street parking except where a portion of a block frontage is used for residential purposes, in which case such front yard, within fifty feet (50') of the residential use, shall be landscaped with appropriate plant material.

**Side Yard** - None, except where a portion is abutting a residential district in which case a side yard of twenty-five feet (25') shall be provided.

**Rear Yard** - None, except where a portion is abutting a residential district in which case a rear yard of twenty-five feet (25') shall be provided.

**5. Height Limits** - No building in the M-3 District shall exceed fifty feet (50') in height unless otherwise permitted by the Board of Adjustments.

**6. Off-Street Parking** - See 11-5-17 of this Ordinance.

**7. Loading** - Every industrial building or use hereafter erected or established in the M-3 zone shall have and maintain an off-street loading and unloading area for the convenience of motor vehicles providing services to the industrial use so established.

**8. Lighting** - Same as C-1 zone.

**9. Solid Waste Collection** - Every industrial activity hereafter established must include in their plans a specific location of waste receptacle(s), established service route and a designated loading pad within the boundaries of the lot or parcel of land.

**a.** The location for placement of city-owned receptacles shall be free of obstruction such as poles, low hanging wires, curbs, walls, etc.

**b.** The service route shall be established if alley ways are not available. The route shall be designed in a way so that ingress and egress of the collection vehicle is accomplished without having to operate in reverse. Construction of the route way including the loading pad should include six inches (6") of base course and four inches (4") of asphalt, if asphalt is to be utilized. Utilization of concrete will require six inches (6") of reinforced, 3000 psi concrete.

**c.** The loading pad shall be constructed where alleys are not available. The loading pad will be enclosed on three (3) sides with blocked walls. The minimum size shall accommodate one, three (3) cubic yard containers. Minimum measurements of the enclosure should be six and one-half feet (6 1/2') in width, five feet (5') in height and five feet (5') in depth. Actual size should not be determined prior to consulting with City Solid Waste Officials, since size will depend primarily on service required.

**d.** The City shall be liable for damage to either the route way or loading pad as a result of the basic services routine.

**10. Landscaping Required when Adjacent to R-District** - Uses adjacent or backing on a Residential District shall erect within five feet (5') of the adjacent property line, a six-foot (6') high fence. Live shrubbery three feet (3') high, either within or outside the fence, and after that to be permanently maintained at the height of the fence. Prior to the issuance of a building permit, the builder shall provide evidence that the landscaping shall be accomplished, and the permit shall be made contingent upon the landscaping. Failure to complete these requirements shall be cause for the property or builder to be subject to the provisions in Article XII.

## **12-11-18 JUNK AND USED APPLIANCE YARDS\***

**A. GENERAL REQUIREMENTS** - No junk or used appliance yard as defined in the terms below shall be established in an M-2 or M-3 zone without a Conditional Use Permit granted by the Board of Adjustment. Existing such uses in other zoning districts shall fall into a non-conforming status. However, both conforming and non-conforming uses shall meet the requirements listed below, which are considered necessary to provide for public health, safety, and for the protection of adjacent property values.

**B. DEFINITIONS** - For the purpose of this Ordinance, the following definitions shall apply:

**1. Junk or Used Appliance Yard** - Any lot or tract of land whereon three (3) or more junked items or used appliances as defined herein are located temporarily or permanently, for whatever purpose, except where all such appliances are located within an enclosed building. The terms are located within an enclosed building. The terms "junk and/or used appliance yard" shall be synonymous.

**2. Junk** - Shall be synonymous with the term "appliance" and shall include scrapped glass, rags, paper, metals and other materials can be converted into able stock.

**3. Appliance** - Shall be synonymous with the term "junk" and shall mean a household or business apparatus, machine or device which utilizes an electrical, gas, or other power supply including but not limited to automobiles, automobile parts, stoves, refrigerators, air conditioners, washing machines, clothes dryers, dishwashers, coolers, freezers and other similar items.

**4. Used** - Appliances which have been previously owned by someone other than the manufacturer or dealer whose business it is to sell such appliances to the public. It shall also mean any appliance, which is proposed for sale or resale for a purpose or use not intended by the manufacturer or for which the appliance was not designed.

**5. Solid** - Constructed and maintained so that the outer surface thereof is continuous and without intersplices, gaps, spaces or holes.

**\*Amended by Ord. No. 72-14, adopted 11/16/83**

**C. FENCE REQUIREMENTS** - Junk and/or used appliance yards shall be enclosed by a solid fence or wall at least six feet (6') in height and be constructed and maintained as follows:

1. A building permit approving the proposed design, materials and construction specifications of any fence erected pursuant to this section shall be obtained from the Community Development Department prior to start of construction.
2. All fences shall be constructed of wood, brick, stone, cement, metal or a combination thereof; provided, however, that any one side of a junk and/or used appliance yard shall be bounded by a fence or wall constructed of only one of the above materials.
3. All fences shall be painted. The type of paint used shall be appropriate for the materials to be painted. The color used to paint such fences should blend with and be compatible with the surrounding environment.
4. All fences or walls shall extend downward to within three inches (3") of the ground and shall test plumb and square at all times, unless otherwise dictated by the City building code.
5. Where fences or walls are immediately adjacent to residences, the first row of stacks of junk and/or used appliances shall be set back from such wall or fence a minimum distance that is equal to the height of the stack.
6. Fences or walls on property lines that front on arterial streets shall be set back twenty feet (20') from the property line, or, shall be set back from the property line a distance equal to the average set back from the property line a distance equal to the average set back of the buildings on adjoining properties.
7. Any part of a fence or wall required by subsection (2) of this subsection may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on such premises, if such wall or door meets all construction requirements herein above set forth.
8. Openings in the prescribed enclosures which are necessary to permit reasonable access to junk and/or used appliance yards shall be equipped with a gate, constructed and maintained in accordance with the requirements for a fence or wall herein above set forth. Such gates shall be closed and securely locked at all times except during normal business hours.
9. No material shall be stacked to a height exceeding the height of the wall or fence surrounding it.

**D. EXEMPTION TO FENCE REQUIREMENTS** - Those existing establishments whose operations rely upon the processing for the transportation of

its products shall be exempted from the fencing requirements as listed in this subsection, but shall meet the fencing requirements listed below:

1. Fences or walls shall be required only on the side of the property facing existing residences.
2. Where fences or walls are immediately adjacent to residences, the first row of stacks of junk and/or used appliances shall be set back from said wall or fence a minimum distance that is equal to the height of the stack.
3. Fences or walls shall not be required on the sides of those businesses facing rail lines which the business utilizes for the transportation of its products.
4. The construction of all fences or walls shall meet the permitting and construction requirements of other provisions of this ordinance.

**E. DISPLAY AND STORAGE OUTSIDE REQUIRED FENCE OR WALL -**

It shall be unlawful for any owner or operator, the agents or employees of any owner or operator, to display, store, or work on any appliance or the parts, accessories of junk therefrom outside of the herein required fence or wall.

**F. ACCESS AND INSPECTION** - All used appliances, parts or other materials located in or on the premises of any Junk and/or Used Appliance Yard in the City shall be so arranged as to allow reasonable access to an inspection of, the premises by authorized fire, health, police and building officials of the City of Las Vegas. Latches and/or doors shall be removed from all refrigerators and freezers located within said yard. Oil, gasoline, and other flammable liquids shall be drained from wrecked vehicles.

**G. COMPLIANCE OF EXISTING USES** - All junk and/or Used Appliance Yards existing on the date of passage of this Ordinance shall commence construction to comply with all requirements set out in the provisions of this Ordinance within one hundred twenty (120) days after the passage thereof and be completed within one (1) year.

**H. EXEMPTION - SEVERE HARDSHIP** - If any non-conforming junk or used appliance yard owner affected by this section believes that these requirements constitute a severe economic hardship, that owner may present an alternative plan to the Board, which may approve or disapprove the petition. The alternative plan shall be presented to the Board within one hundred and twenty (120) days of the date of this Ordinance.

## ARTICLE XII

### ENFORCEMENT, INTERPRETATION, PENALTIES, REPEALS, SEVERABILITY EFFECTIVE DATE

12-12-1	Responsibility for Enforcement
12-12-2	Violation a Public Nuisance
12-12-3	Duty of City Attorney
12-12-4	Penalty for Violation of Zoning Ordinance
12-12-5	Each Day a Separate Offense
12-12-6	Interpretation
12-12-7	Applicability
12-12-8	Severability

**12-12-1 RESPONSIBILITY FOR ENFORCEMENT** All departments, officials, and employees of the City of Las Vegas vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate, or license for uses, buildings or premises in conflict with the provisions of this Ordinance, and any such permit, certificate or license issued in conflict with the provisions of this Ordinance shall be null and void. It shall be the duty of the City Manager or his duly authorized representative to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, alteration, or addition to any building or structure.

**12-12-2 VIOLATION A PUBLIC NUISANCE** Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of the Ordinance shall be, and the same is hereby declared to be unlawful and a public nuisance.

**12-12-3 DUTY OF CITY ATTORNEY** The City Attorney of the City shall, upon order by the City Council immediately commence action or proceedings for the abatement and removal and enjoinder of any violation of this Ordinance in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using property contrary to the provisions of this Ordinance.

**12-12-4 PENALTY FOR VIOLATION OF ZONING ORDINANCE\*** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise violating or causing a violation of any of the provisions of this ordinance shall upon conviction thereof be punished by a fine not exceeding three hundred dollars (\$300.00) per violation, or by imprisonment not exceeding ninety (90) days per violation or by both fine and punishment. \*Ord. No. 75-47 adopted 3/19/87

**12-12-5 EACH DAY A SEPARATE OFFENSE** Each day during any portion of which any violation of this Ordinance is committed or continued by such person, firm, or corporation, shall constitute a separate offense and shall be punishable as provided herein.

**12-12-6 INTERPRETATION** In their interpretation and application, provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

**12-12-7 APPLICABILITY** The provisions of this Ordinance are applicable not only to persons, firms, agencies, and organizations, but also to all public agencies and organizations to the full extent that they may now or hereafter be enforceable in connection with the activities of any such public agency or organization.

**12-12-8 SEVERABILITY** If any section, subsection, sentence, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction, to be invalid, such a decision shall affect the validity of the remaining portion of this Ordinance. The City Council of the City of Las Vegas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clause, or phrase be declared invalid.