

**Title 11**  
**ZONING AND SUBDIVISIONS**

**Chapter 1**  
**PURPOSE; DEFINITIONS**

**11-1-1: PURPOSE OF ORDINANCE:**

The zoning regulations and zones as set forth herein have been established in accordance with the Comprehensive Plan and are intended to guide the development of land in a manner consistent with the community goals, policies and objectives as set forth in the Comprehensive Plan, and are designed to:

- A. Lessen congestion in the streets.
- B. Secure safety from fire, panic and other dangers.
- C. Provide adequate light and air.
- D. Prevent the overcrowding of land and otherwise protect natural resources from impairment.
- E. Protect life and property in areas subject to floods, landslides and other natural disasters.
- F. Conserve the value of the buildings and structures.
- G. Protect property and promote the health, safety and general welfare.

These regulations are made with reasonable consideration, among other things, to the character of the zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-1-2: SHORT TITLE:**

This Title shall be known as *THE ZONING ORDINANCE OF BOULDER CITY*. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-1-3: DEFINITIONS:**

A. General Terminology: For the purpose of carrying out the intent of this Title, the following words, phrases and terms shall have the meaning ascribed to them in this Section:

- 1. Words used in the present tense include the future.
- 2. Words in the singular number include the plural.
- 3. Words in the plural number include the singular.

4. The word "shall" is mandatory.

5. The term "may" is permissive.

B. Specific Definitions:

**ADULT BOOKSTORE:** An establishment which:

1. Will or does derive fifty one percent (51%) or more of its annual gross sales from the sale, rental or distribution of books, leaflets, pamphlets, magazines, booklets, pictures, drawings, photographs, films, negatives, slides, motion pictures, figures, objects, articles, novelty devices, recordings, transcriptions, phonograph records or tape recordings, video tapes or video discs, with or without music, or other similar items, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or

2. Has as one of its principal business purposes the sale, rental or distribution of such items or materials; or

3. Has an area, segment or section thereof devoted primarily to the sale, rental or distribution of such items or materials.

**ADULT ENTERTAINMENT CABARET:** A public or private establishment which may be licensed to serve food and/or alcoholic or nonalcoholic beverages, which features topless dancers, strippers, male or female impersonators, exhibitions or contests wherein t-shirts, blouses, shorts or similar garments worn by participants are saturated with liquid so as to result in the exposure, highlighting or outlining of the participant's breasts or genitals, or similar entertainment.

**ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than fifty (50) persons used regularly and routinely for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein, including closed circuit television viewings. "Motion picture", as used in this definition, includes television viewing regardless of whether picture or presentation originated with closed circuit, live broadcast or cassette, or other recording.

**ADULT MOTION PICTURE THEATER:** An establishment (enclosed or open air) with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation, by patrons therein. "Motion picture", as used in this definition, includes television viewing regardless of whether picture or presentation originated with closed circuit, live broadcast or cassette or other recording.

**ADULT PICTURE ARCADE THEATER:** Any premises where there is maintained one or more machines or contrivances to show still or motion pictures or

television sets designated for viewing by one or more customers or patrons used regularly and routinely for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for which any charge, consideration or payment is required, including peep shows which exhibit motion pictures by means of coin-operated projection machines. "Motion picture", as used in this definition, includes television viewing regardless of whether picture or presentation originated with closed circuit, live broadcast or cassette, or other recording.

**ADULT USES AND BUSINESSES:** All adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult entertainment cabarets, adult picture arcade theaters, commercial nude establishments and sex novelty shops.

**AIRPORT:** A landing area used regularly by aircraft for receiving or discharging passengers or cargo.

**Helipad:** An area or an airport or heliport established for the landing or take-off of helicopters.

**Heliport:** A landing area solely for the use of helicopters. A heliport may include more than one helipad.

**Landing:** Any locality, including airports and landing fields, which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

**Landing Area:** Any locality, including airports and landing fields, which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

**ALLEY:** A public way, primarily for vehicular use, which affords a secondary means of access to abutting properties and is not intended for general traffic circulation.

**ALLEY LINE:** The boundary line between an alley and abutting lot or parcel.

**AMENDMENT:** A change in the wording, context or substance of this title, or a change in the zone boundaries or use classification upon the zoning map, when adopted by ordinance of the city council in the manner prescribed by law and this title.

**ANIMAL HOSPITAL:** A place where animals or pets are given care and/or surgical treatment, including the boarding of animals or pets for remuneration only as an incidental use to the animal hospital.

**ARCADE:** Any establishment which maintains six (6) or more coin operated amusement machines.

**AREA OF JURISDICTION:** The area within the corporate limits of the city.

**AUTOMOBILE BODY AND FENDER SHOP:** A building or lot, or portion thereof, held out or used for storage and repair of the nonmechanical parts of vehicles.

**AUTOMOBILE REPAIR GARAGE:** A building, or portion thereof, held out or used for the housing, servicing and repairing of motor vehicles, but not including the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

**AUTOMOBILE SERVICE STATION:** A building or lot, or portion thereof, having storage tanks and pumps at which fuels, oils or motor vehicle accessories are dispensed, sold or offered for sale, together with such incidental uses as car washes, grease racks and the like, but not including body and fender work and major mechanical repair as carried on in automobile repair garages, or automobile wrecking.

**AUTOMOBILE WRECKING YARD:** A building or lot, or portion thereof, used for the dismantling or wrecking of used motor vehicles, trailers or boats, or the storage, sale or dumping of dismantled, obsolete or wrecked motor vehicles, trailers or boats, or their parts.

**BASEMENT:** That portion of a building that is partly or completely below grade plane (see also definition of Story Above Grade Plane). A basement shall be considered as a story above grade plane where the unfinished surface of the floor above the basement is:

1. More than six feet (6') (1,829 mm) above the grade plane;
2. More than six feet (6') (1,829 mm) above the finished ground level for more than fifty percent (50%) of the total building perimeter; or
3. More than twelve feet (12') (3,658 mm) above the finished ground level at any point.

**BOARD OF APPEALS:** The appointed members of the planning commission or other body as is established by charter or ordinance.

**BOARDING OR ROOMING HOUSE:** A building, or portion thereof, in which lodging, meals or both for three (3) or more persons are provided for compensation, but shall not include rest homes, hotels or motels.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, ACCESSORY:** Any building, the use of which is subordinate to and/or incidental to the use of the principal building, and which is on the same lot.

**BUILDING HEIGHT:** The vertical distance from grade plane to the average height of the highest roof surface.

**BUILDING OFFICIAL:** The building official of Boulder City, Nevada.

**BUILDING SITE:** The ground area occupied by a building, or group of buildings, together with all open spaces as required by this title.

**BUSINESS OR COMMERCE:** Any activity or use of land which involves the buying, selling, processing or improving of things not produced on said land and having financial gain or livelihood as the primary aim of the activity or use, whether or not such activity or use be for hire or on account of the buyer, seller, processor or improver.

**CABANA:** A roofed structure, attached or immediately adjacent to a mobile home, having two (2) sides completely unobstructed.

**CARETAKER'S RESIDENCE:** A residence of the family of the owner, caretaker or manager of a business which is accessory to the primary use of the property.

**CARPOR:** A building with not more than two (2) completely enclosed sides which is used for automobile shelter or storage.

**CENTRAL BUSINESS DISTRICT OR CBD:** A supplemental special zoning district for parking purposes which overlays a portion of one or more zoning districts downtown as per the adopted zoning map.

**CHILDCARE CENTER:** Any facility in which the licensee provides day or night care for more than twelve (12) children.

**CITY:** Boulder City, Clark County, Nevada.

**CITY ATTORNEY:** The city attorney of Boulder City, Nevada.

**CITY CLERK:** The city clerk of Boulder City, Nevada.

**CITY COUNCIL OR COUNCIL:** The legislative body of Boulder City, Clark County, Nevada.

**CITY ENGINEER:** The city engineer of Boulder City, Nevada.

**CITY MANAGER:** The city manager of Boulder City, Nevada.

**CITY PLANNING COMMISSION, PLANNING COMMISSION OR COMMISSION:** The city planning commission of Boulder City, Clark County, Nevada.

**COMMERCIAL NUDE ESTABLISHMENT:** Any commercial business that has on the premises persons performing services, or otherwise visible to the public, displaying or failing to cover specified anatomical areas.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water or combination of land and water within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the

residents or owners of the development.

**COMMUNITY DEVELOPMENT DIRECTOR:** The community development director of Boulder City, Clark County, Nevada.

**COMMUNITY RESIDENCE:** A residential living arrangement for six (6) or more unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which provides habilitative or rehabilitative services related to the disabilities of the residents. A community residence seeks to achieve normalization and community integration of its residents. Its primary purpose is to provide shelter in a family like environment; treatment is incidental as in any home. Interrelationships between residents are an essential component. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. The term does not include "facilities for the treatment of alcohol and drug abuse", "modified medical detoxification facilities", "transitional living facilities for released offenders", "facilities for treatment with narcotics", or "community triage centers" as each of these terms is defined within chapter 449 of the Nevada Revised Statutes. The term also does not include an "institution", "hospital", "boarding house", "lodging house", "fraternity", "sorority", "dormitory", or any other group living arrangement for unrelated individuals who are not disabled. The term "community residence" includes the following two (2) categories:

1. **Family Community Residence:** A relatively permanent living arrangement for six (6) or more unrelated persons with disabilities including, but not limited to, "residential facilities for groups" of six (6) or more residents as defined by Nevada Revised Statutes 449.017. The length of tenancy is one year or greater.
2. **Transitional Community Residence:** A temporary living arrangement, with a limit on length of tenancy to less than one year, for six (6) or more unrelated persons with disabilities, including, but not limited to, "halfway house for recovering alcohol and drug abusers" for six (6) or more residents as defined by Nevada Revised Statutes 449.008.

**CONDITIONAL USE:** A use of land for which a conditional use permit is required.

**CONDOMINIUM:** An estate in real property consisting of an undivided interest in common portions of a parcel of real property, together with:

1. A separate interest in space in a residential, industrial or commercial building or industrial and commercial building on such real property, such as, but not restricted to, an apartment, office or store; or
2. A separate interest in airspace only, without any building or structure, to be used for a mobile home. A condominium may include in addition a separate interest in other portions of such real property.

**DISABILITY:** A physical or mental impairment that substantially limits one or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include drug addicts or alcoholics when they are using alcohol, illegal drugs, or using legal drugs to which they are addicted.

**DWELLING:** A building, or portion thereof, designed or intended to be used exclusively for residential purposes, including one-family, two-family and multiple-family, but not including boarding or rooming houses, hotels, motels, rest homes or any other commercial uses.

**DWELLING GROUP:** A group of two (2) or more detached buildings designed or intended to be used as one-family, two-family or multiple-family dwellings located on a single lot, together with all open spaces as required by this title, but not including boarding or rooming houses, hotels, motels, rest homes or any other commercial uses.

**DWELLING, MULTIPLE-FAMILY:** A building, or portion thereof, designed or intended to be used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A building designed or intended to be used for occupancy by one family and containing one dwelling unit.

**DWELLING, TWO-FAMILY:** A building designed or intended to be used for occupancy by not more than two (2) families living independently of each other and containing two (2) dwelling units.

**DWELLING UNIT:** A building or portion of a building planned, designed or used as a residence for one family only, living independently of other families or persons, and having only one kitchen and its own sanitary facilities included in the unit.

**EDUCATIONAL INSTITUTION:** A school, college or university, either public or private, giving general academic instruction as prescribed by state laws.

**FAMILY:** One or more persons related by blood, marriage or other legal bond, or a group of not more than five (5) persons (excluding servants) not necessarily related by blood, marriage or other legal bond, living together as a single, nonprofit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or rooming house, club, fraternity, sorority, hotel or motel.

**FAMILY CHILDCARE HOME:** Any facility in which the licensee regularly provides daycare, without the presence of parents, for at least five (5) and not more than six (6) children.

**FAMILY COMMUNITY RESIDENCE:** See definition of Community Residence.

**FIRE WALL:** A fire resistance rated wall having protected openings, which

restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

**GARAGE, PRIVATE:** An accessory building, or portion of the principal building, used for the shelter or storage of vehicles of the occupants of the principal building.

**GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, used for the care, maintenance, storage or equipping of vehicles, or where vehicles are kept for remuneration, hire or sale.

**GRADE PLANE:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (6') (1829 mm) from the building, between the building and a point six feet (6') (1829 mm) from the building.

**GROUP CHILDCARE HOME:** Any facility in which the licensee regularly provides daycare for no less than seven (7) and no more than twelve (12) children.

**HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS:** See definition of Community Residence, specifically Transitional Community Residence.

**HOME OCCUPATION:** An occupation carried on by the occupants of a dwelling which is clearly incidental and secondary to the use of the building for dwelling purposes and which does not change the character thereof; does not adversely affect the uses permitted in the zone of which it is a part; where no signs are displayed except as permitted in the zone of which it is a part, and no persons are employed other than domestic help.

**HOSPITAL:** A building, or portion thereof, used for the accommodation and medical care of sick, injured or infirm persons, including sanatoriums, alcoholic sanatoriums, institutions for the care of chronic drug addicts and mental patients, but not including rest homes.

**HOTEL:** A building or portion thereof, in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all guestrooms are made through an inside lobby or office.

**INSTITUTION:** A nonprofit establishment maintained and operated by a person, society, foundation or public agency for the purpose of providing charitable, social, educational or similar service to persons or public groups.

**JUNK:** Any worn out, wrecked, castoff or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or

unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**JUNKYARD:** Any land or structure, or portion thereof, used for the abandonment, storage, keeping, collecting or salvaging of junk.

**KENNEL:** Any establishment at which dogs and cats are bred or raised for sale, or boarded, cared for, commercially or on a not for profit basis, exclusive of dental, medical or surgical care, or for quarantine purposes.

**KITCHEN:** A room or portion thereof, used for the preparation and cooking of food.

**LOADING SPACE:** An off street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**LOT:** Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this title, including the yards, open spaces and parking spaces required by this title, and having its principal frontage upon a street or upon an officially approved place.

**LOT AREA:** The total horizontal area included within the boundaries of a lot.

**LOT, CORNER:** A lot which has an interior angle of one hundred thirty five degrees (135°) or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty five degrees (135°) or less.

**LOT COVERAGE:** The percentage of the area of a lot which is occupied by all buildings or other covered structures, excluding the following:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features; fire escapes; stairways and balconies; uncovered porches and platforms (as set forth in subsections 11-20-3B through E of this title), provided, that they do not extend or project into a side, front or rear yard more than permitted in subsections 11-20-3B through E of this title, respectively.
2. Covered porches and platforms, pool covers, gazebos and other similar structures.
3. Open sun screens.
4. Carports.

**LOT DEPTH:** For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the

midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet (10').

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY: A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE: Any line bounding a lot.

LOT LINE, FRONT: A boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the street.

LOT LINE, REAR: The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet (10').

LOT LINE, SIDE: The boundary of a lot which is not a front lot line or a rear lot line.

LOT, THROUGH: A lot having a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot. On such lot, both lot lines are front lot lines.

LOT WIDTH: The average horizontal distance between the side lot lines, measured at right angles to the lot depth.

MANUFACTURED HOME: A structure which is built on a permanent chassis, designed to be used with or without a permanent foundation as a dwelling, transportable, eight feet (8') or more in body width or forty feet (40') or more in body length when transported, and contains three hundred twenty (320) square feet or more when erected on site, and complies with standards established under the national manufactured housing construction and safety standards act.

MANUFACTURING: A use engaged in the making of products or parts thereof, including processing, fabrication, assembly, handling, packaging, incidental storage, sales, and distribution, but excluding basic industrial processing.

MEDICAL MARIJUANA ESTABLISHMENTS: An establishment as defined by Nevada Revised Statutes chapter 453A, shall include, but not be limited to:

1. An independent marijuana testing laboratory;
2. A marijuana cultivation facility;

3. A facility for the production of edible marijuana products or marijuana infused products;
4. A marijuana dispensary; or
5. A business registered with the division of public and behavioral health and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3, and 4 of this definition.

**MOBILE HOME:** A structure which is built on a permanent chassis; designed to be used with or without a permanent foundation, and transportable in one or more sections. "Mobile home" does not include a recreational vehicle, travel trailer, or manufactured home.

**MOBILE HOME PARK:** Any parcel of land upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.

**MOBILE HOME SPACE:** A plot of ground within a mobile home park designed for the accommodation of one mobile home, together with its accessory structures, including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.

**MOBILE HOME SUBDIVISION:** A subdivision designed and intended for residential use where residence is in a mobile home exclusively.

**MOTEL:** A building or group of buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

**NONADULT THEATER:** An open air or enclosed business establishment with a seating capacity of more than twenty five (25) persons or parking capacity of more than twenty five (25) vehicles used regularly and routinely for presenting material which is not relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**NONCONFORMING BUILDING OR STRUCTURE:** A lawfully constructed building or structure existing at the time this title, or amendments thereto, became effective which does not conform with the regulations for the zone in which it is located.

**NONCONFORMING LOT:** A legally established lot or parcel existing at the time this title, or amendments thereto, became effective which does not conform with the minimum lot area, width or depth requirements for the zone in which it is located.

**NONCONFORMING USE:** The lawful use of any building or land existing at the time this title, or amendments thereto, became effective which does not

conform with the use regulations for the zone in which it is located.

**OPEN SUN SCREEN:** A latticed or louvered assemblage, open on at least three (3) sides, used for partial shade providing no weather protection, and not influencing ventilation or the amount of impervious surface coverage of the lot.

**ORGANIC MATERIAL PROCESSING:** An establishment that receives organic materials for human consumption, conducts onsite processing and distributes to local/regional markets for sale.

**PARKING SPACE:** An area, other than a street or alley, reserved for the parking of vehicles, adjacent to such additional area as is necessary to afford adequate and unimpaired ingress and egress, and is legally and permanently available for such use.

**PLANNED UNIT DEVELOPMENT:** An area of land controlled by a property owner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both, within proportions of residential uses to nonresidential uses specified in this title.

**PLANNED UNIT RESIDENTIAL DEVELOPMENT:** An area of land controlled by a property owner, which is to be developed as a single entity for number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential zone created, from time to time, under the provisions of this title.

**PROBABLE ADVERSE ENVIRONMENTAL IMPACTS:** Those impacts which are reasonably likely to occur and could degrade the environmental quality of adjacent properties or the community.

**PUBLIC USE:** A use operated exclusively by a public body; said use having the purpose of serving the public health, safety or general welfare; and including uses such as public schools, parks, hospitals, administrative and service facilities.

**QUASI-PUBLIC USE:** A use operated by a private educational, religious, recreational, charitable or medical institution; said use having the primary purpose of serving the general public and including uses such as churches, private schools and universities, recreational facilities, private hospitals and like uses. **R ZONE:** A residential zone as established by this title and/or as shown; and delineated on the zoning map. An R zone includes the R1, R3, MP, ME and RV zones.

**RECREATION, PRIVATE, NONCOMMERCIAL:** Clubs or recreational facilities operated by a nonprofit organization and open only to bona fide members and their guests of such nonprofit organization.

**RECREATIONAL, COMMERCIAL:** A recreational facility operated as a business and open to the general public for a fee.

**RECREATIONAL VEHICLE:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are: travel trailer, camping trailer, truck camper and motor home.

**RECREATIONAL VEHICLE PARK:** A parcel of land upon which recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECREATIONAL VEHICLE PARK CONVENIENCE STORE:** An establishment providing food and sundry items intended for sale to the occupants of the recreational vehicle park.

**RECREATIONAL VEHICLE SITE:** A plot of ground within a recreational vehicle park to be used for the accommodation of not more than one recreational vehicle.

**RESEARCH AND DEVELOPMENT:** A use intended to accommodate scientific research and development establishments, including limited processing and prototype manufacturing, except for those activities which could endanger or become detrimental to persons or property.

**RESIDENTIAL FACILITY FOR GROUPS:** See definition of Community Residence, specifically Family Community Residence.

**REST HOME:** A building where lodging and meals, nursing, dietary and other personal services are rendered to convalescents, invalids or aged persons for compensation, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatments such as are customarily provided in sanatoriums and hospitals. For the purposes of this title, "rest home" includes nursing home, residential custodial care facility, supervisory care facility and ambulatory health care center.

**SELF-SERVICE STORAGE FACILITY:** A structure containing separate storage spaces of varying sizes leased, rented or sold as individual leases or sales and permitting personal, private access to tenants for the purpose of storing personal property. No business activity is permitted from any individual space.

**SEX NOVELTY SHOP:** An establishment selling sex articles, materials, items or devices designed, rented or sold for the stimulation of human genital organs or sexual gratification, including, but not limited to, dildos, vibrators and artificial vaginas.

**SIGN:** All the definitions as set forth in section 11-24-6 of this title.

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a

discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see also definition of Basement). It is measured as the vertical distance from the top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joints or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE:** Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than six feet (6') (1829 mm) above the grade plane;
2. More than six feet (6') (1829 mm) above the finished ground level for more than fifty percent (50%) of the total building perimeter; or
3. More than twelve feet (12') (3658 mm) above the finished ground level at any point.

**STREET:** A public thoroughfare, which affords the principal means of access to abutting property, other than an alley or walk.

**STREET LINE:** The boundary line between a street and the abutting lot or parcel.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

**STRUCTURE:** Anything constructed or erected which requires location on the ground or which is attached to something having a location on the ground, but not including tents, vehicles, travel trailers or mobile homes.

**TRANSITIONAL COMMUNITY RESIDENCE:** See definition of Community Residence.

**TRAVEL TRAILER:** A portable structure mounted on wheels, consisting of a vehicular chassis primarily designed as temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle, and designated by the manufacturer as a travel trailer. A vehicle is not a travel trailer if, when equipped for highway use, it is more than eight feet (8') wide.

**USE:** The purpose for which land or a building is arranged, designed or

intended or for which either land or building is, or may be, occupied or maintained.

USE, ACCESSORY: Any use which is subordinate to and/or incidental to the use of the land and/or building or structure thereon.

WIND ENERGY SYSTEM, ACCESSORY USE: A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, intended primarily to reduce on site consumption of utility power for a principal use. The use is deemed an accessory use in all zoning districts and does not include utility scale wind energy systems as a principal use.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: An open and unobstructed space between a building and the front lot line, being parallel to and along the front lot line, to be measured horizontally from the nearest line of any building, or enclosed or covered portion or the extension of the latter line, to the nearest point of the front lot line. In cases where the majority of lots located on one side of a street between two (2) intersecting streets have been occupied by buildings having a front building line different from the one stipulated in this title, any building or addition to an existing building hereafter erected shall conform to the line previously established by these buildings.

YARD, REAR: An open and unobstructed space between a building and the rear lot line, being parallel to and along the rear lot line, to be measured horizontally from the nearest line of any building, or enclosed or covered portion of the extension of the latter line, to the nearest point of the rear lot line.

YARD, REQUIRED: A minimum open space as specified by the regulations of this title for front, rear and side yards, as distinguished from any yard area in excess of the minimum required.

YARD, SIDE: An open and unobstructed space between a building and the side lot line, being parallel to and along the side lot line, to be measured horizontally from the nearest line of any building, or enclosed or covered portion or the extension of the latter line, to the nearest point of the side lot line.

ZONE: The various land use zones as established by this title and/or as shown and delineated on the zoning map. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990; Ord. 905, 5-12-1992, eff. 6-3-1992; Ord. 926, 7-23-1993, eff. 9-1-1993; Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 1083, 4-27-1999, eff. 5-26-1999; Ord. 1117, 6-27-2000, eff. 7-19-2000; Ord. 1248, 5-24-2005, eff. 6-15-2005; Ord. 1422, 11-9-2010, eff. 12-2-2010; Ord. 1450, 8-23-2011, eff. 9-15-2011; Ord. 1469, 11-22-2011, eff. 12-16-2011; Ord. 1519, 2-25-2014, eff. 3-20-2014; Ord. 1526, 9-23-2014, eff. 10-16-2014; Ord. 1596, 10-24-2017, eff. 11-16-2017)

## **Chapter 2 ZONES AND BOUNDARIES THEREOF**

### **11-2-1: ZONES ESTABLISHED:**

For the purpose and provisions of this title, the City is hereby divided into the following zones:

R1	Single-Family Residential Zone
R2	Two-Family Residential Zone
R3	Multiple-Family Residential Zone
MP	Mobile Home Park Zone
ME	Mobile Home Estate Zone
RV	Recreational Vehicle Zone
SR	Special Recreation Zone
C1	Neighborhood Commercial Zone
C2	General Commercial Zone
CBD	Central Business District (zoning overlay)
BC	Business Center Zone
CM	Commercial Manufacturing Zone
A1	Special Agricultural Zone
H	Hospital Zone
G	Government Zone
CO	Corral Zone
S	Interim Study Zone
ER	Energy Resource Zone
AP	Airport Zone (zoning overlay)
PUD	Planned Unit Development (zoning overlay)
SH	Senior Housing Zone
RD	Research and Development Zone

(Ord. 1593, 8-22-2017, eff. 9-14-2017)

### **11-2-2: ZONING MAP:**

The zones listed above and the boundaries of said zones are shown on the "Boulder City, Nevada zoning map" dated February 23, 2016 (including the Eldorado Valley zoning map), and as adopted by the ordinance codified herein, hereby by reference made an integral part of this title. All the notations, references and other information shown on the maps shall be as much a part of this title as if the matters and information were fully described herein, and all amendments and additions thereto are hereby adopted by reference. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

### **11-2-3: CHANGES IN BOUNDARIES:**

Changes in the boundaries of the zones shall be made by ordinance, adopting an amended zoning map or part of said zoning map or unit of a part of said zoning map, as provided in chapter 33 of this title. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

### **11-2-4: ZONE BOUNDARIES AND UNCERTAINTIES:**

As to the boundaries of any zone shown on the zoning map, the following

rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley centerlines or lot lines, such lines shall be construed to be such boundaries. Relative to past or future map exhibits, where lot lines abut streets and alleys, the zoning boundary extends to the center of the street and/or alley.

B. In unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries shall be determined by use of the scale appearing on said zoning map, unless other City records are more specific.

C. Where a public street or alley, or any portions of a public street or alley are vacated or abandoned, the zone and regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

D. Where any uncertainty exists, the Community Development Director shall determine the location of boundaries. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

**11-2-5: ZONE BOUNDARIES AND REGULATIONS ADOPTED:**

The boundaries of the zones shown upon the zoning map are hereby adopted, and the specific regulations as hereinafter set forth for each zone and the general regulations applicable therein are hereby established and declared to be in effect upon all lands included within the boundaries of each and every zone as shown on said zoning map. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

**11-2-6: CONFORMITY REQUIRED:**

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone as shown upon the zoning map, except in accordance with the regulations established by this title. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

**11-2-7: PUBLIC UTILITY FACILITIES:**

Any public utility facilities (including, but not limited to, electric, water, sewer, gas, telephone and cable television) may be erected, constructed, enlarged, altered, moved or used in any zone as shown upon the zoning map in accordance with regulations established by this Code and City standards and specifications. (Ord. 1566, 2-23-2016, eff. 3-17-2016)

**11-2-8: MEDICAL AND OTHER MARIJUANA ESTABLISHMENTS:**

Notwithstanding any other provision of this Code, medical and other marijuana establishments are not allowed, and shall be unlawful as a permitted use, conditional use, special use or accessory use in any zone throughout the incorporated boundaries of the City of Boulder City. This prohibition is not intended to interfere with the individual rights of persons to the use of marijuana as permitted by Nevada law. (Ord. 1588, 5-23-2017, eff.

6-15-2017)

### **Chapter 3**

## **R1 SINGLE-FAMILY RESIDENTIAL ZONE**

### **11-3-1: SCOPE:**

The following regulations shall apply to the R1 single-family residential zones, unless otherwise provided for in this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-3-2: PURPOSE:**

The R1 single-family residential zones are intended to create, stabilize and protect the residential character of single-family areas for urban family living; to eliminate those uses which would be noncompatible or detrimental to the zones; to guide the development of land and limit the population density in a manner consistent with the general community objectives as set forth in the master plan.

The R1-20, R1-40 and R1-80 zoning districts are provided for suburban single-family homes and agricultural uses. These zones are intended to further the following more specific purposes:

- A. To preserve, in low density residential uses, lands which by location and character are particularly suited for such use.
- B. To permit the more liberal use of land for limited agricultural purposes in combination with single-family residences than is appropriate on smaller lots. (Ord. 973, 11-14-1995, eff. 12-6-1995)

### **11-3-3: PERMITTED USES:**

- A. One-family dwelling of a permanent character in a permanent location.
- B. Accessory uses and structures customarily incidental to any permitted residential use, such as garages, greenhouses or workshops; provided, that none shall be rented or occupied for gain, and that no accessory buildings shall be inhabited. Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this title.
- C. The incidental keeping of nontransient boarders or lodgers by a residential family, but not more than two (2) boarders and/or lodgers in addition to members of the family occupying a one-family residence. (Ord. 841, 2-23-1988, eff. 3-23-1988)
- D. Cats, dogs and other common household pets, not to exceed the keeping of a total of three (3) cats, dogs, and/or other common household pets, but excluding kittens or puppies under six (6) months of age. See section 7-3-4 of this code for the applicable rules and regulations for the keeping of exotic, nondangerous pets. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993; Ord. 973, 11-14-1995, eff. 12-6-1995)

E. Home occupations in accordance with procedures as set forth in chapter 29 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

F. Temporary subdivision tract offices, if located on the same property as the subdivision. Such use shall be required to comply with all applicable state and local laws and regulations, including, but not limited to, the following: (Ord. 973, 11-14-1995, eff. 12-6-1995)

1. The office may be located in a "model" structure or a commercial coach (trailer/mobile office) approved by the state and the city. (Ord. 1117, 6-27-2000, eff. 7-19-2000)

2. The unit shall be connected to all available utilities, including, but not limited to, public water, sewer and electricity.

3. The site of the temporary use shall be landscaped in accordance with the provisions of chapter 25 of this title.

4. Off street parking shall be provided in accordance with the provisions of chapter 23 of this title.

5. a. The use shall be approved for one year from the date of issuance of a state safety certificate for mobile home installation by the building official or until the lot upon which the unit is placed, is sold or developed, or the remainder of the lots in the subdivision are sold, whichever is sooner.

b. No more than two (2) extensions of the time period may be granted by the building official. Any additional applications for extensions of the time period shall be considered and acted upon by the planning commission under the provisions of subsection 11-3-4D of this chapter as a conditional use. (Ord. 973, 11-14-1995, eff. 12-6-1995)

G. Other uses allowed only in the R1-20, R1-40 and R1-80 zones:

1. Agricultural uses are permitted, except for the raising of fowl for commercial purposes and the sale of any products at retail on the premises other than those produced thereon. All fowl must be confined to the premises. See also section 7-3-4 of this code.

2. The grazing, raising or training of animals, excluding swine, dairies, feedlots, riding stables and academies; provided, that not more than a total of two (2) permitted animals may be kept on any lot with an area of twenty thousand (20,000) square feet; and that one additional permitted animal may be kept for each additional twenty thousand (20,000) square feet on any such lot. Permitted animals include horses, mules, ponies, goats, sheep, cows and animals of a general like character. (Ord. 973, 11-14-1995, eff. 12-6-1995; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

H. Childcare for not more than four (4) children as a business within the home. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1060, 11-24-1998, eff. 12-16-1998)

I. Family childcare home facility as a business within the home and as defined and regulated by the state of Nevada, department of human resources. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

J. Manufactured homes in accordance with the provisions of section 11-20-8 of this title. (Ord. 1117, 6-27-2000, eff. 7-19-2000)

K. Family community residences for people with disabilities provided: 1) they are located more than six hundred sixty (660) linear feet from the closest existing community residence as measured from front door to front door and 2) the operator or applicant is licensed or certified by the state of Nevada to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by congress to operate the proposed type of community residence. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

L. The keeping of domestic chickens under the following conditions:

1. No more than ten (10) chicken hens shall be allowed for each single-family property.

2. No roosters shall be permitted.

3. Chicken hens are restricted to the rear yard of any lot. They shall not be permitted in any front or side yard.

4. Chicken hens shall be kept as pets and for personal use only. No person shall sell eggs or meat or engage in breeding or fertilizer production for commercial or hobby purposes.

a. Exception: Eggs may be sold on the premises if the property is located in the R1-20, R1-40 or R1-80 zones as per subsection G of this section.

5. All coops or cages housing such chicken hens shall be set back at least five feet (5') from all property lines.

6. Chicken hens shall be kept within a coop and/or fenced outdoor enclosure at all times.

7. This section does not exempt the property from other nuisance ordinances, such as smell, offal, rubbish, animal waste or noise restrictions.

8. The keeping of chicken hens is limited to properties zoned R1. It shall not be permitted in R2 or R3 zoning districts, nor any other zone by reference unless explicitly listed as a permitted use in that zone. (Ord. 1528, 11-12-2014, eff. 12-4-2014)

#### **11-3-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit as provided in chapter 30 of this title:

- A. Public and quasi-public buildings and uses.
- B. Private schools.
- C. Uses of an educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards, warehouses or vocational schools that require mechanical operations.
- D. Temporary subdivision tract offices, if not located on the same property as the subdivision for which the office is requested, or if more than two (2) extensions of the time period have been granted by the building official pursuant to the provisions of subsection 11-3-3F of this chapter as a permitted use.
- E. Public and private recreational areas and facilities, such as country clubs, golf courses and swimming pools. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)
- F. Group childcare home facility as a business within the home and as defined and regulated by the state of Nevada, department of human resources.
- G. Family community residences for people with disabilities proposed to be located within six hundred sixty (660) linear feet of the closest existing community residence as measured from front door to front door.
- H. Family community residences for people with disabilities for which a license or certification by the state of Nevada is not required, for which certification from an appropriate national accrediting agency is not required, or which has not been recognized nor sanctioned by congress.
- I. Transitional community residences for people with disabilities. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-3-5: SPACE REQUIREMENTS:**

- A. Lot Area, Width, Dwelling Unit Size And Lot Coverage:

District	Minimum				Maximum
	Lot Area (Square Feet)	Width, Interior Lot (Feet)	Width, Corner Lot (Feet)	Dwelling Unit Size <sup>1</sup> (Square Feet)	Lot Coverage (Percent)
R1-5	5,000	50	55	800	45
R1-7	7,000	70	75	1,000	40
R1-8	8,000	80	85	1,200	40
R1-10	10,000	80	85	1,500	40
R1-15	15,000	100	105	1,500	35
R1-20	20,000	100	105	1,500	30
R1-40	40,000	120	125	1,500	25
R1-80	80,000	150	155	1,500	20
Note:					

1. Exclusive of garages, porches, eaves or similar features.

B. Yards, Structure Height, Number Of Stories:

		(In feet, except as otherwise noted below)
Front yards, minimum		R1-5: 14 to dwelling or porch; 20 to garage or carport
		All other R1 districts: 20 <sup>1</sup>
Side yards, R1-5 district, minimum:		
	Interior lot	First story: 5 each side
		Second story: 5 on 1 side; 15 for both sides combined
	Corner lot, interior side yard	5
	Corner lot, street side yard	14 to dwelling or porch; 20 to garage or carport
Side yards, all other R1 districts, minimum:		Also see exceptions for certain older lots, in subsection C of this section
	Interior lot	5 on 1 side; 20 for both sides combined
	Corner lot, interior side yard	5
	Corner lot, street side yard	20
Rear yards, minimum		R1-5: 15
		All other R1 districts: 20
		Also see exceptions for certain older lots, in subsection C of this section
Structure height, maximum		25
Number of stories, maximum		2 stories

Note:

1. Exception: In cases where the majority of lots located on 1 side of a street between 2 intersecting streets have been occupied by buildings having a front building line different from the one stipulated in this section, any building or addition to an existing building hereafter erected shall conform to the line previously established by these buildings.

C. Exceptions For Lots Created Under Prior Zoning Codes:

For lots recorded prior to the effective date of ordinance 841 (March 23, 1988) and which are not substandard in area, width or depth, minimum setbacks (in feet) shall be:		
Rear yards		15
For lots recorded prior to the effective date of ordinance 625 (May 3, 1978) and which are not substandard in area, width or depth, minimum setbacks (in feet) shall be:		
Side yards:		
	Interior lot	5 on 1 side; 15 for both sides combined
	Corner lot, interior side yard	5
	Corner lot, street side yard	20
Rear yards		15
For lots recorded prior to the effective date of ordinance 185 (October 12, 1964) and which are not substandard in area, width or depth, minimum setbacks (in feet) shall be:		
Side yards:		
	Interior lot	5 on 1 side; 15 for both sides combined
	Corner lot, interior side yard	5
	Corner lot, street side yard	R1-7: 15
		All other R1 districts: 20
Rear yards:		
	Lots which abut an alley to the rear	0
	Lots which do not abut an alley to the rear	15

D. Additional Information: Additional setback information relating to accessory buildings, attached porches, patio covers, carports, etc.: Subject to the provisions as set forth in chapter 20 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-3-6: VEHICLE PARKING:**

Off street parking spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-3-7: SIGNS:**

Subject to the provisions as set forth in chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-3-8: GENERAL PROVISIONS RELATING TO USES; YARD REGULATIONS; WALLS, FENCES AND HEDGES; VISION, CORNER LOTS; LOT AREA REDUCTION; AND STRUCTURES PERMITTED ABOVE HEIGHT LIMIT:**

Subject to the provisions as set forth in chapter 20 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-3-9: SUBSTANDARD LOTS OF RECORD:**

When a lot has an area, width or depth less than required by this title, and when said lot was held under separate ownership or was of record at the time this title became effective, such lot may be occupied by any use permitted in the zone, subject to the regulations as set forth in chapter 21 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-3-10: GATED COMMUNITIES PROHIBITED:**

Residential developments of more than one lot or unit shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

**Chapter 4  
R2 TWO-FAMILY RESIDENTIAL ZONE**

**11-4-1: SCOPE:**

The following regulations shall apply to the R2 two-family residential zone. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-2: PURPOSE:**

The R2 district is intended to provide for the development of low density multiple-family residential structures, primarily in the form of duplexes; to create a suitable environment for urban family living in areas which, by their location and characteristics, are particularly suited for such use; to guide the development of land and limit the population density in a manner consistent with the general community objectives as set forth in the master plan. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-3: PERMITTED USES:**

- A. Any use permitted in the R1 single-family residential zone.
- B. Two-family dwellings. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit, as provided for in chapter 30 of this title:

- A. Any conditional use permitted in the R1 single-family residential zone, except group childcare home facilities as a business within the home. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-5: SPACE REQUIREMENTS:**

- A. Lot Area, Width, Dwelling Unit Size And Lot Coverage:

Dwelling Type	Minimum				Maximum
	Lot Area (Square Feet)	Width, Interior Lot (Feet)	Width, Corner Lot (Feet)	Dwelling Unit Size, Each <sup>1</sup> (Square Feet)	Lot Coverage (Percent)
One-family detached	7,000	70	75	1,000	40
One-family attached	4,000	40	45	800	50
Two-family attached	8,000	80	85	800	50

Note:

- 1. Exclusive of garages, porches, eaves or similar features.

B. Area Exceeds Minimum Required: Where the area of a lot in an R2 zone exceeds the minimum required lot area, there may be one additional dwelling unit for each four thousand (4,000) square feet of lot area in excess of the required minimum of eight thousand (8,000) square feet, provided that the maximum number of dwelling units shall be two (2) per building.

- C. Yards, Structure Height, Number Of Stories, Distance Between Buildings:

	(In feet, except as otherwise noted below)
Front yards, minimum	20 <sup>1,2</sup>
Side yards, minimum:	Also see exception for certain older lots, in subsection D of

		this section
	Interior lot, for one-family detached or two-family attached dwellings	5 on 1 side, 20 for both sides combined
	Interior lot, for one-family attached dwelling	15 on 1 side
	Corner lot, interior side yard	5 for a detached unit and 0 for an attached unit
	Corner lot, street side yard	20
	Rear yards, minimum	20
		Also see exception for certain older lots, in subsection D of this section
	Structure height, maximum	25
	Number of stories, maximum	2 stories
	Distance between buildings used for residential purposes, minimum	10

Notes:

1. This minimum setback also applies to private streets and shall be measured from the back of curb or edge of roadway.
2. Exception: In cases where the majority of lots located on 1 side of a street between 2 intersecting streets have been occupied by buildings having a front building line different from the one stipulated in this section, any building or addition to an existing building hereafter erected shall conform to the line previously established by these buildings.

**D. Exceptions For Lots Created Under Prior Zoning Codes:**

For lots recorded prior to the effective date of ordinance 625 (May 3, 1978) and which are not substandard in area, width or depth, minimum setbacks (in feet) shall be:		
Side yards:		
	Interior lot, for one-family detached or two-family attached dwellings	5 on 1 side, 15 for both sides combined
	Interior lot, for one-family attached dwelling	10 on 1 side
	Corner lot, interior side yard	5 for a detached unit and 0 for an attached unit
	Corner lot, street side yard	15
Rear yards:		
	Lots which abut an alley to the rear	0
	Lots which do not abut an alley to the rear	15

**E. Additional Information:** Additional setback information relating to accessory buildings, uncovered porches, attached patio covers, carports, etc.: Subject to the provisions as set forth in chapter 20 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-6: VEHICLE PARKING:**

Off street parking spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-7: SIGNS:**

Subject to the provisions as set forth in chapter 24 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-8: LANDSCAPING:**

Subject to the provisions as set forth in chapter 25 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-9: GENERAL PROVISIONS RELATING TO USES; YARD REGULATIONS; WALLS, FENCES AND HEDGES; VISION, CORNER LOTS; LOT AREA REDUCTION; AND STRUCTURES PERMITTED ABOVE HEIGHT LIMIT:**

Subject to the provisions as set forth in chapter 20 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-10: SUBSTANDARD LOTS OF RECORD:**

When a lot has an area, width or depth less than required by this title, and when said lot was held under separate ownership or was of record at the time this title became effective, such lot may be occupied by any use permitted in the zone, subject to the regulations as set forth in chapter 21 of this title. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**11-4-11: GATED COMMUNITIES PROHIBITED:**

Residential developments of more than one lot or unit shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1548, 6-23-2015, eff. 7-16-2015)

**Chapter 5  
R3 MULTIPLE-FAMILY RESIDENTIAL ZONE**

**11-5-1: SCOPE:**

The following regulations shall apply in the R3 multiple-family residential zone. (Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-5-2: PURPOSE:**

The R3 district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate, by location and character, for occupancy by low or high density, multi-family dwellings. (Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-5-3: PERMITTED USES:**

- A. Any use permitted in the R1 single-family residential zone.
- B. Two-family dwellings. (Ord. 841, 2-23-1988, eff. 3-23-1988)
- C. Multiple-family dwellings when the proposed density is less than eleven (11) units per net acre (excluding areas within overhead utility easements). (Ord. 874, 8-28-1990, eff. 9-19-1990)

D. Dwelling groups. (Ord. 841, 2-23-1988, eff. 3-23-1988)

E. Temporary subdivision tract offices, if located on the same property as the subdivision. Such use shall be required to comply with all applicable state and local laws and regulations, including, but not limited to, the following:

1. The unit must be a commercial coach approved by the state and the city.
2. The unit shall be connected to all available utilities, including, but not limited to, public water, sewer and electricity.
3. The site of the temporary use shall be landscaped in accordance with the provisions of chapter 25 of this title.
4. Off street parking shall be provided in accordance with the provisions of chapter 23 of this title.
5. a. The use shall be approved for one year from the date of issuance of a state safety certificate for mobile home installation by the building official or until the lot upon which the unit is placed is sold or developed, or the remainder of the lots in the subdivision are sold, whichever is sooner.

b. No more than two (2) extensions of the time period may be granted by the building official. Any additional applications for extensions of the time period shall be considered and acted upon by the planning commission under the provisions of subsection 11-5-41 of this chapter as a conditional use.

F. Accessory uses and structures customarily incidental to any permitted residential use. Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this title. (Ord. 973, 11-14-1995, eff. 12-6-1995)

G. Community residences for people with disabilities provided: 1) they are located more than six hundred sixty (660) linear feet from the closest existing community residence as measured from front door to front door and 2) the operator or applicant is licensed or certified by the state of Nevada to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by congress to operate the proposed community residence. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-5-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit, as provided in chapter 30 of this title:

- A. Public and quasi-public buildings and uses.
- B. Private schools.
- C. Uses of an educational, religious, cultural or public service type, but not

including corporation yards, storage or repair yards, warehouses or vocational schools that require mechanical operations. (Ord. 973, 11-14-1995, eff. 12-6-1995)

D. Public and private recreational areas and facilities, such as country clubs, golf courses and swimming pools.

E. Social halls, lodges, fraternal organizations and clubs, except those operated for a profit.

F. Rest homes.

G. Boarding or rooming houses.

H. Multiple-family dwellings with neighborhood type service facilities designed for the use of the inhabitants and not the general public. (Ord. 874, 8-28-1990, eff. 9-19-1990)

I. Temporary subdivision tract offices, if not located on the same property as the subdivision for which the office is requested, or if more than two (2) extensions of the time period have been granted by the building official pursuant to the provisions of subsection 11-5-3E of this chapter as a permitted use. (Ord. 973, 11-14-1995, eff. 12-6-1995)

J. Multiple-family dwellings when the proposed density is eleven (11) units or greater per net acre (excluding areas within overhead utility easements). (Ord. 874, 8-28-1990, eff. 9-19-1990)

K. Community residences for people with disabilities proposed to be located within six hundred sixty (660) linear feet of the closest existing community residence as measured from front door to front door.

L. Community residences for people with disabilities for which a license or certification by the state of Nevada is not required, for which certification from an appropriate national accrediting agency is not required, or which has not been recognized nor sanctioned by congress. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-5-5: MINIMUM LOT SPACE REQUIREMENTS:**

A. Lot area:

1. Single-family dwellings: Seven thousand (7,000) square feet.
2. Two-family dwellings: Eight thousand (8,000) square feet.
3. Other permitted uses: Ten thousand (10,000) square feet.

B. Lot width:

1. Interior lot: Seventy feet (70').

2. Corner Lot: Seventy five feet (75').

C. Lot depth: None shall be less than one hundred feet (100'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-5-6: MINIMUM LOT AREA PER DWELLING UNIT:**

A. The minimum lot area for each single-family dwelling shall be seven thousand (7,000) square feet.

B. The minimum lot area for each dwelling unit in a two-family dwelling shall be four thousand (4,000) square feet.

C. The minimum lot area for each dwelling unit in a multiple-family dwelling or dwelling group shall be two thousand five hundred (2,500) square feet, excluding that area within any overhead utility easement. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-5-7: MINIMUM DWELLING UNIT SIZE:**

A. One thousand (1,000) square feet for each single-family dwelling, exclusive of garages, porches, eaves or similar features.

B. Eight hundred (800) square feet for each dwelling unit in a two-family dwelling, exclusive of garages, porches, eaves or similar features.

C. Six hundred (600) square feet for each dwelling unit in a multiple-family dwelling or dwelling group, exclusive of garages, porches, eaves or similar features. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-5-8: MINIMUM YARD SPACE REQUIREMENTS:**

A. Front Yard: The minimum front yard shall be fifteen feet (15'). This requirement shall also apply to private streets and shall be measured from the back of the curb or edge of the roadway. (Ord. 973, 11-14-1995, eff. 12-6-1995)

B. Side Yard:

1. Interior lots: There shall be two (2) side yards totaling twenty feet (20') with a six foot (6') minimum on one side. (Ord. 841, 2-23-1988, eff. 3-23-1988)

2. Corner lot:

a. Side yard abutting the street: Fifteen feet (15'). (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

b. Interior side yard: Six feet (6'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

3. Exceptions: On any residential lot recorded prior to the effective date of ordinance 841 (March 23, 1988), the minimum side yard setbacks are

reduced to the following:

a. Interior lot: There shall be two (2) side yards totaling twenty feet (20') with a five foot (5') minimum on one side. (Ord. 841, 2-23-1988, eff. 3-23-1988)

b. Corner lot:

(1) Side yard abutting the street: Fifteen feet (15'). (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

(2) Interior side yard: Five feet (5'). (Ord. 912, 1-26-1993, eff. 2-17-1993)

c. Rear Yard: Twenty feet (20'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

D. Additional Setback Information: Additional setback information relating to accessory buildings, uncovered porches, attached patio covers, carports, etc., subject to the provisions as set forth in chapter 20 of this title. (Ord. 973, 11-14-1995, eff. 12-6-1995)

#### **11-5-9: HEIGHT AND BULK REQUIREMENTS:**

A. Structure Height: The height of a structure shall not exceed twenty five feet (25').

B. Number Of Stories: The number of stories in a building shall not exceed two (2) stories.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Distance Between Buildings: The minimum distance between buildings on the same lot shall be twelve feet (12'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-5-10: VEHICLE PARKING:**

Off street parking spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, 12-6-1995)

#### **11-5-11: SIGNS:**

Subject to the provisions as set forth in chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, 12-6-1995)

#### **11-5-12: LANDSCAPING:**

Subject to the provisions as set forth in chapter 25 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-5-13: GENERAL PROVISIONS RELATING TO USES; YARD REGULATIONS; WALLS, FENCES AND HEDGES; VISION, CORNER LOTS; LOT AREA REDUCTION:**

Subject to the provisions as set forth in chapter 20 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-5-14: SUBSTANDARD LOTS OF RECORD:**

When a lot has an area, width or depth less than required by this title, and when said lot was held under separate ownership or was of record at the time this title became effective, such lot may be occupied by any use permitted in the zone, subject to the regulations as set forth in chapter 21 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 991, 11-16-1996, eff. 12-18-1996)

**11-5-15: GATED COMMUNITIES PROHIBITED:**

Residential developments of more than one lot or unit shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

**Chapter 6  
MP MOBILE HOME PARK ZONE**

**11-6-1: SCOPE:**

The following regulations shall apply to the MP mobile home park zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-6-2: PURPOSE:**

The purpose of the MP mobile home park zone is to provide for a medium density residential development for mobile homes. The zone regulations provide certain minimum development standards to provide a suitable environment for the residents within the park. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-6-3: PERMITTED USES:**

A. Mobile homes for living purposes with the customary accessory uses, such as carports, porches and patios.

B. Incidental uses related to the convenience and recreational needs of the mobile home residents; provided, however, that said uses shall not include commercial and other nonresidential uses. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993)

C. Caretaker's residence, whether a permanently constructed residence or

mobile home, for the sole use of the owner or manager of the mobile home park. (Ord. 1083, 4-27-1999, eff. 5-26-1999)

D. Accessory buildings, such as storage, greenhouse or workshop; provided, that no accessory building shall be inhabited. Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993)

E. Cats, dogs and other common household pets, not to exceed the keeping of a total of three (3) cats, dogs, and/or other common household pets but excluding kittens or puppies under six (6) months of age. See section 7-3-4 of this code for the applicable rules and regulations for the keeping of exotic, nondangerous pets. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993; Ord. 973, 11-14-1995, eff. 12-6-1995)

F. Childcare for not more than four (4) children as a business within the home. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1060, 11-24-1998, eff. 12-16-1998)

G. Family childcare home facility as a business within the home and as defined and regulated by the state of Nevada, department of human resources.

H. Family community residences for people with disabilities provided: 1) they are located more than six hundred sixty (660) linear feet from the closest existing community residence as measured from front door to front door and 2) the operator or applicant is licensed or certified by the state of Nevada to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by congress to operate the proposed type of community residence. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

I. Home occupations in accordance with the procedures as set forth in chapter 29 of this title. (Ord. 1511, 8-27-2013, eff. 9-19-2013)

#### **11-6-4: CONDITIONAL USES:**

A. Family community residences for people with disabilities proposed to be located within six hundred sixty (660) linear feet of the closest existing community residence as measured from front door to front door.

B. Family community residences for people with disabilities for which a license or certification by the state of Nevada is not required, for which certification from an appropriate national accrediting agency is not required, or which has not been recognized nor sanctioned by congress.

C. Transitional community residences for people with disabilities. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

#### **11-6-5: ESTABLISHMENT OF MOBILE HOME PARKS:**

A. It shall be unlawful to establish, enlarge, convert, construct or maintain a mobile home park upon any property, except in the MP mobile home park zone. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 1422, 11-9-2010, eff. 12-2-2010)

B. All persons desiring to establish or enlarge a mobile home park shall first obtain approval of a site plan by the planning commission. The site plan shall show all details of the proposed development and its facilities, including the pattern of internal circulation; the location of all buildings and structures; the location and dimensions of all mobile home park sites, parking facilities, drainage plan, landscaping and other such information and engineering data as may be necessary to permit the planning commission to properly evaluate the proposed development. A copy of the proposed park rules and regulations shall be filed with the site plan.

C. The planning commission, upon receipt of the request and site plan, shall make the necessary inspection and review of the proposed development in order to determine that the provisions of this title are being complied with.

D. Any persons desiring to alter, change, modify or vary a mobile home park, which was in existence at the time the land use zoning ordinance of Boulder City was adopted or established under the provisions of this title, shall comply with the provisions of subsection B of this section.

1. The provisions of subsection B of this section may be waived by the planning commission if such alteration, change, modification or variation is only for the purpose of adjusting mobile home sites or the division of a mobile home site as long as it does not result in the creation of a mobile home site area which does not conform to the minimum area requirements of this title.

2. In all cases, a site plan shall be filed with the city engineer to show the full and complete details of the proposed alteration, change, modification or variation, including the dimensions of the mobile home park sites, parking facilities, and such other information and engineering data as may be necessary to permit the city engineer to properly evaluate the proposed alteration, change, modification or variation. A drainage study is required for any new mobile home park.

E. In the event the developer is dissatisfied with the decision made by the planning commission, an appeal may be made to the city council in accordance with the provisions of chapter 34 of this title.

F. The provisions of chapter 40 of this title shall apply to the establishment of a mobile home park in the MP mobile home park zone. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

#### **11-6-6: STANDARDS FOR MOBILE HOME PARKS:**

A. Development Standards: The standards set forth herein are supplemental to the minimum standards for construction of mobile home parks under Nevada Revised Statutes 461A. (Ord. 912, 1-26-1993, eff. 2-17-1993; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

B. Area, Wall And Access Requirements:

1. Area: The minimum site area for a mobile home park shall be ten (10) acres.
2. Walls: A six foot (6') high masonry wall shall be constructed and maintained as a screen adjoining all perimeter public streets and property lines.
3. Access: Developments in the MP zone shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

C. Mobile Home Sites:

1. The minimum area per mobile home site shall be six thousand (6,000) square feet. (Ord. 1406, 4-27-2010, eff. 5-20-2010; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)
2. The minimum width of a mobile home site shall be not less than sixty feet (60').
3. Side yards:
  - a. Dimensions: Each mobile home shall have two (2) side yards; one shall be not less than five feet (5'); the other shall not be less than ten feet (10').
  - b. Corner lot:
    - (1) Side yard abutting the street: Ten feet (10').
    - (2) Interior side yard: Five feet (5').
  - c. Exceptions: On any mobile home park recorded prior to the effective date of ordinance 841 (March 23, 1988), the minimum side yard setbacks are reduced to the following:
    - (1) Each mobile home shall have two (2) side yards; one shall be not less than three feet (3'); the other shall not be less than ten feet (10').
    - (2) Corner lot:
      - (A) Side yard abutting the street: Eight feet (8').
      - (B) Interior side yard: Three feet (3').
4. No mobile home shall be placed closer than ten feet (10') to the front and rear boundaries of the mobile home site.

a. Exceptions: On any mobile home park recorded prior to the effective date of ordinance 841 (March 23, 1988), the minimum front or rear yard setbacks are reduced to the following:

(1) No mobile home shall be placed closer than eight feet (8') to the front or rear boundary of the mobile home site. (Ord. 973, 11-14-1995, eff. 12-6-1995; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

5. The mobile home park shall have off street parking spaces in accordance with the provisions of chapter 23 of this title.

6. No individual mobile home site shall front or have access directly onto a public street. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

7. Fences and hedges subject to the provisions of sections 11-20-4 and 11-20-5 of this title. Walls are prohibited on any mobile home site, excluding the boundary wall required by subsection B2 of this section, and retaining walls. (Ord. 973, 11-14-1995, eff. 12-6-1995; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

8. No more than one mobile home shall be permitted on a mobile home site. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

9. No mobile home shall be closer than thirteen feet (13') to another mobile home.

10. Additional setback information relating to accessory buildings, uncovered porches, attached patio covers, carports, etc., subject to the provisions as set forth in chapter 20 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, 12-6-1995; Ord. 1422, 11-9-2010, eff. 12-2-2010)

#### D. Mobile Home Park Roadways:

1. Mobile home park roadways shall be a minimum forty feet (40') right of way.

2. The maximum length of a cul-de-sac shall be five hundred feet (500'), and shall terminate in a circle or other turning pattern approved by the city engineer.

3. Roadways and entrances shall be designed to ensure good circulation, and shall be paved, for their full width, to city standards.

4. Roll curbs are permitted.

5. Grades shall be in compliance with provisions as set forth in chapter 39 of this title.

6. Street lighting shall comply with adopted city standard drawings.

E. Utilities:

1. Electrical service shall be installed underground to the electrical pedestals at each mobile home site and shall be individually metered. There shall be no master metering of mobile home parks.

2. Water service to the mobile home park shall be master metered. Water service shall be provided to each mobile home site as set forth in the construction standards of Nevada Revised Statutes 461A and city standard drawings.

3. Sewer service shall be provided to each mobile home site as set forth in the construction standards of Nevada Revised Statutes 461A. Sewage disposal system shall be installed as set forth in the city standard drawings.

4. Gas service shall be provided to each mobile home site as set forth in the construction standards of Nevada Revised Statutes 461A. Gas shall be individually metered at each mobile home site.

F. Fire Protection: Fire hydrants shall be installed as set forth in chapter 39 of this title and the city standard drawings.

G. Garbage And Refuse: Collection and disposal shall comply with the provisions of title 8, chapter 3 of this code. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

H. Structure Height: The height of a structure shall not exceed twenty feet (20').

I. Number Of Stories: The number of stories in a building shall not exceed one story. (Ord. 1406, 4-27-2010, eff. 5-20-2010; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-6-7: INSTALLATION AND INSPECTION OF MOBILE HOMES:**

A. No mobile home shall be placed upon a site until all necessary permits have been issued by the building division.

B. The mobile home shall be installed in accordance with the state mobile home regulations.

C. No mobile home shall be occupied until completion of the state inspection and the state inspection seal is affixed to the mobile home. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-6-8: SIGNS:**

Signs in accordance with provisions of chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

### **11-6-9: LANDSCAPING:**

Landscaping in accordance with provisions of chapter 25 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1422, 11-9-2010, eff. 12-2-2010)

## **Chapter 7 ME MOBILE HOME ESTATE ZONE**

### **11-7-1: SCOPE:**

The following regulations shall apply to the ME Mobile Home Estate Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-7-2: PURPOSE:**

To create a zone which is intended to allow the use of mobile homes for residential purposes on individually-owned lots, and to provide certain minimum standards of development in order to ensure a suitable environment for the residents and families of mobile home subdivision dwellers within the ME Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993)

### **11-7-3: PERMITTED USES:**

A. Single-family mobile homes on an individually-owned lot for residential use, together with the customary accessory uses, such as cabanas, patio slabs, carport or garage and storage buildings. In no event shall more than one mobile home be permitted on a lot. Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this Title. (Ord. 973, 11-14-1995, eff. 12-6-1995)

B. Community recreation facilities for the use of individual lot owners within the subdivision. The maintenance of the community recreation and service areas shall be assured by provisions in the deeds, such as covenants running with the land, providing for participation by the individual lot owners in the responsibility and cost thereof. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993)

C. Cats, dogs and other common household pets, not to exceed the keeping of a total of three (3) cats, dogs, and/or other common household pets but excluding kittens or puppies under six (6) months of age. See Section 7-3-4 of this Code for the applicable rules and regulations for the keeping of exotic, nondangerous pets. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 928, 10-26-1993, eff. 11-17-1993; Ord. 973, 11-14-1995, eff. 12-6-1995)

D. Home occupations in accordance with the procedures as set forth in Chapter 29 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

E. Temporary subdivision tract offices, if located on the same property as the subdivision. Such use shall be required to comply with all applicable State and local laws and regulations, including, but not limited to, the following:

1. The unit must be a commercial coach approved by the State and the City.
2. The unit shall be connected to all available utilities, including, but not limited to, public water, sewer and electricity.
3. The site of the temporary use shall be landscaped in accordance with the provisions of Chapter 25 of this Title.
4. Off-street parking shall be provided in accordance with the provisions of Chapter 23 of this Title.
5.
  - a. The use shall be approved for one year from the date of issuance of a State safety certificate for mobile home installation by the Building Official or until the lot upon which the unit is placed is sold or developed, or the remainder of the lots in the subdivision are sold, whichever is sooner.
  - b. No more than two (2) extensions of the time period may be granted by the Building Official. Any additional applications for extensions of the time period shall be considered and acted upon by the planning commission under the provisions of subsection 11-7-4A of this chapter as a conditional use. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 1001, 3-25-1997, eff. 4-16-1997)
- F. Childcare for not more than four (4) children as a business within the home. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1060, 11-24-1998, eff. 12-16-1998)
- G. Family childcare home facility as a business within the home and as defined and regulated by the state of Nevada, department of human resources.
- H. Family community residences for people with disabilities provided: 1) they are located more than six hundred sixty (660) linear feet from the closest existing community residence as measured from front door to front door and 2) the operator or applicant is licensed or certified by the state of Nevada to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by congress to operate the proposed type of community residence. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

#### **11-7-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit as provided by chapter 30 of this title:

- A. Temporary subdivision tract offices, if not located on the same property as the subdivision for which the office is requested or if more than two (2) extensions of the time period have been requested pursuant to the provisions of subsection 11-7-3E of this chapter as a permitted use. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, 12-6-1995; Ord. 1060, 11-24-1998, eff. 12-16-1998)

B. Family community residences for people with disabilities proposed to be located within six hundred sixty (660) linear feet of the closest existing community residence as measured from front door to front door.

C. Family community residences for people with disabilities for which a license or certification by the state of Nevada is not required, for which certification from an appropriate national accrediting agency is not required, or which has not been recognized nor sanctioned by congress.

D. Transitional community residences for people with disabilities. (Ord. 1422, 11-9-2010, eff. 12-2-2010)

**11-7-5: DEVELOPMENT STANDARDS:**

The mobile home estate shall be developed to the standards of subdivision regulations of chapter 39 of this title.

A. Site: Minimum site area for each ME subdivision shall be fifteen (15) acres. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-7-6: MINIMUM SPACE REQUIREMENTS:**

A. Lot Area: Minimum six thousand (6,000) square feet.

B. Lot Width: Minimum sixty feet (60').

C. Lot Depth: Minimum ninety feet (90').

D. Front Yard: Ten feet (10').

E. Side Yard:

1. Interior lot: There shall be two (2) side yards totaling fifteen feet (15') with a five foot (5') minimum on one side.

2. Corner lot:

a. Side yard abutting the street: Ten feet (10').

b. Interior side yard: Five feet (5'). (Ord. 1406, 4-27-2010, eff. 5-20-2010)

F. Rear Yard: Ten feet (10').

1. Exception: On any residential lot recorded prior to the effective date of ordinance 841 (March 23, 1988), the minimum rear yard setback is reduced to eight feet (8'). (Ord. 912, 1-26-1993, eff. 2-17-1993)

G. Dwelling Unit Size: Minimum nine hundred (900) square feet.

H. Lot Coverage: Maximum lot coverage shall be fifty percent (50%) of the lot area.

I. Structure Height: The height of a structure shall not exceed twenty feet (20').

J. Number Of Stories: The number of stories in a building shall not exceed one story. (Ord. 841, 2-23-1988, eff 3-23-1988)

K. Additional Setback Information: Additional setback information relating to accessory buildings, uncovered porches, attached patio covers, carports, etc., subject to the provisions as set forth in chapter 20 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-7-7: OTHER REQUIREMENTS:**

A. Vehicle Parking: Off street parking spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 841, 2-23-1995, 12-6-1995)

B. Walls, Fences, Hedges And Access:

1. Perimeter Wall: A six foot (6') high masonry wall shall be constructed and maintained as a screen adjoining all perimeter public streets and property lines.

2. Other Walls, Fences And Hedges: All other walls, fences and hedges are subject to the provisions of sections 11-20-4 and 11-20-5 of this title.

3. Access: Developments in the ME zone shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

C. Signs:

1. Subject to the provisions as set forth in chapter 24 of this title.

D. Landscaping: Subject to the provisions as set forth in chapter 25 of this title.

E. General Provisions Relating To Uses; Yard Regulations; Walls, Fences And Hedges; Vision, Corner Lots; Lot Area Reduction; And Structures Permitted Above Height Limit: Subject to the provisions as set forth in chapter 20 of this title.

F. Substandard Lots Of Record: When a lot has an area, width or depth less than required by this title, and when said lot was held under separate ownership or was of record at the time this title became effective, such lot may be occupied by any use permitted in the zone, subject to the regulations as set forth in chapter 21 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

### **11-7-8: INSTALLATION AND INSPECTION OF MOBILE HOMES:**

A. Permits: No mobile home shall be placed upon a site until all necessary permits have been issued by the building division.

B. Installation: The mobile home shall be installed in accordance with the state mobile home regulations.

C. Inspection: No mobile home shall be occupied until completion of the state inspection and the state inspection seal is affixed to the mobile home.

D. Foundations:

1. Plans Required: A mobile home may be located on a foundation, or otherwise permanently attached to the ground; provided, that plans for such location are approved by the community development department and the public works department. The following items shall be submitted in conjunction with any such plans:

a. A deed to the property and document or deed showing easements and rights of way.

b. Two (2) copies of a plot and grading plan prepared by a Nevada civil engineer or land surveyor showing legal description, lot dimensions, property lines, elevation and location of building pad, drainage, right of way and easements.

c. Two (2) copies of the foundation plan in conformance with requirements of the building division. Plans shall be submitted to the building division for staffing and review. Upon approval and verification of the plans, a building permit will be issued. (Ord. 841, 2-23-1988, eff. 3-23-1988)

2. Restricted Use: The provisions of this subsection D shall be permitted only in ME mobile homes estates zoning. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 1-14-1995, eff. 12-6-1995)

## **Chapter 8 RV RECREATIONAL VEHICLE ZONE**

### **11-8-1: SCOPE:**

The following regulations shall apply in the RV recreational vehicle zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-8-2: PURPOSE:**

The purpose of the RV recreational vehicle zone is to create a zone for accommodation of short term recreational vehicles. In addition, it is to provide certain minimum standards in order to ensure and provide a suitable environment for the tourist using the facilities and the management thereof. A recreational vehicle park is not for long term occupancy, and requires

convenient access to major traffic routes and nearby commercial facilities, which serve the needs of the traveling public. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-3: ESTABLISHMENT OF RECREATIONAL VEHICLE PARKS:**

A. It shall be unlawful for any person to establish, enlarge, convert, construct or maintain a recreational vehicle park upon any property, owned or controlled by that person, except in an RV recreational vehicle zone so established by this chapter.

B. Any person desiring to establish or enlarge an existing recreational vehicle park shall first obtain approval of a site plan by the planning commission. The site plan shall show all details of the proposed development and its facilities, including the pattern of internal circulation; the location and dimensions of all permanent buildings and structures, recreational vehicle sites, parking facilities, landscaping, drainage plan and other such information and engineering data as may be necessary to properly evaluate the proposed development.

C. The planning commission, upon receipt of a request and site plan, shall make the necessary review of the proposed development in order to determine that the provisions of this chapter are being complied with.

D. In the event the developer is dissatisfied with the decision made by the planning commission, an appeal may be made to the city council in accordance with provisions of chapter 34 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-4: PERMITTED USES:**

A. RV For Short Term Living: Recreational vehicles for short term living purposes. (Ord. 841, 2-23-1988, eff. 3-23-1988)

B. Caretaker's Residence:

1. For an RV park with lots that are rented, one caretaker's residence is permitted, whether a permanently constructed residence or mobile home, for the sole use of the full time manager of the recreational vehicle park.

2. For an RV park with lots that are individually owned and where there was one and only one caretaker's residence within the RV park, whether a permanently constructed residence or mobile home, in existence prior to July 1, 2015, the permanent residence may continue and be occupied regardless of whether or not there is a designated caretaker for the recreational vehicle park. (Ord. 1552, 8-11-2015, eff. 9-3-2015)

C. Complementary Uses: Recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures complementary to the normal operation of a recreational vehicle park. In addition, a recreational vehicle park convenience store may be permitted subject to the following criteria:

1. Such complementary uses primarily related to the RV park operations shall not occupy more than four percent (4%) of the gross area of the RV park.
2. The convenience store and any other complementary uses shall present no visible evidence from any street outside of the park of its commercial character which would attract customers other than occupants of the park.
3. The convenience store and any other complementary uses shall not be directly accessible from any public street, but shall be accessible only from a street within the park. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-5: MANAGEMENT OPERATION:**

A. Each recreational vehicle park, while in operation, shall have in attendance at all times, one who shall be responsible with the license and/or owner for the compliance with the provisions of this Chapter and who shall maintain the park in a clean and sanitary condition.

B. The attendant shall keep at all times a register of all vehicles staying in the park, which register shall, at all times, be open to the officers of the City. The register shall record the name and home address of each vehicle operator staying in the recreational vehicle park, date of arrival, date of departure, the license number and state of all motor vehicles and the make and model of all motor vehicles and the recreational site in the park on which each is located. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-6: PERMANENT OCCUPANCY PROHIBITED:**

A. Occupancy Limited:

1. No recreational vehicle shall be used as a permanent dwelling, or business, or for an indefinite period of time. Continuous occupancy shall not extend more than one hundred eighty (180) days in any three hundred sixty (360) day period.

2. An exception to the occupancy limitation shall be for one assistant manager.

B. Wheel Removal: Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair, or to attach the vehicle to the ground for stabilizing purposes, is hereby prohibited. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-7: DEVELOPMENT STANDARDS:**

A. Development Standards: The standards as herein set forth are supplemental to the minimum standards for all construction and sanitation facilities and other necessary facilities for the safety, health and welfare of the occupants; said standards shall be in accordance with adopted City and applicable State standards.

B. Park Size And Density:

1. Site Area: The minimum site area per recreational vehicle park development shall be ten (10) acres.

2. Density: The overall maximum density per recreational vehicle park acre shall be fifteen (15) recreational vehicle sites.

3. Recreational Vehicle Site Size: The minimum size of a recreational vehicle site shall be one thousand five hundred (1,500) square feet.

4. Required Separation Between Recreational Vehicles: A minimum setback of five feet (5') shall be maintained between any vehicle on the site and any site line of the recreational vehicle space and/or internal street. Any attachment to the recreational vehicle shall be considered a part of such vehicle when determining the clearance between recreational vehicles.

5. Setbacks:

a. Minimum front setback, twenty five feet (25').

b. Minimum side setback, when abutting residential zones, the side setback shall be fifty feet (50'); when abutting any other zone or a dedicated public right of way, the side setback shall be twenty five feet (25'). If the rear boundary abuts a residential zone, the minimum rear setback shall be fifty feet (50') or if any other zone, twenty five feet (25').

c. Screening; Landscaping:

(1) Every recreational vehicle park shall be enclosed by a six foot (6') high solid masonry wall along all exterior property lines.

(2) Along any exterior property line that adjoins a residential zone, the masonry wall shall be set back a minimum of ten feet (10') with landscaping provided between the residential zone and wall.

(3) Additionally, landscaping shall be provided at the office and recreational building areas and at each recreational vehicle site.

6. Open Space And Recreational Areas: A minimum of eight percent (8%) of the gross area for the recreational vehicle park, exclusive of individual recreational vehicle sites, roadways, complementary uses and parking areas, shall be set aside for open space and recreational facilities. Setback areas may be considered in determining this percentage requirement.

7. Recreational Vehicle Park Streets: Streets in recreational vehicle parks shall be private, but shall be constructed with an asphalt or concrete roadway approved by the city engineer. Roadway widths shall meet the following minimum requirements:

One-way, no parking	14 feet
---------------------	---------

Two-way, no parking	26 feet
---------------------	---------

(Ord. 841, 2-23-1988, eff. 3-23-1988)

8. Access To Recreational Vehicle Park:

a. Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view.

b. Developments in the RV zone shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of other recreational vehicles (e.g., boats) and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

9. Parking:

a. All sites shall be paved with asphalt, concrete or compacted chat for the area that the recreational vehicle occupies, with a twelve foot (12') minimum width. Also, one off street parking space, as set forth in subsection 11-23-5A of this title, shall be provided at each site and shall be paved as stated herein.

b. There shall be provided a centrally located parking area paved with asphalt, concrete or compacted chat for additional occupant vehicle and visitor parking at a rate of one space for every four (4) recreational vehicle sites.

10. Recreational Vehicle Park Lighting: The parks shall be kept adequately lighted at all times so that the grounds shall be safe for occupants and visitors.

11. Service Buildings:

a. All service buildings shall be of permanent construction and shall conform to applicable provisions of current codes as adopted by ordinance.

b. All service buildings shall be within five hundred feet (500') from the RV vehicle sites which it serves.

c. Separate rooms containing required plumbing fixtures shall be provided for each sex and distinctly marked and isolated by sound resistant walls. The rooms shall be screened by means of a vestibule or wall to prevent direct view of the interior when the exterior doors are open.

d. Service buildings shall have the following minimum plumbing facilities for up to fifty (50) RV sites served:

	Men	Women
Toilets	4	4
Urinals	1	
Lavatories	4	4
Showers	2	2

For each additional twenty five (25) RV sites served within the five hundred feet (500'), one additional toilet, lavatory and shower shall be provided for each sex.

12. **Underground Utilities:** Each recreational vehicle site shall be provided with water, sewer and electrical hookup. Facilities shall be placed underground in accordance with adopted city codes and any applicable state standards.

13. **Fire Protection:** Every recreational vehicle park shall provide adequate fire protection as required by title 6, chapter 1 of this code, fire prevention code.

14. **Refuse Areas:** Every recreational vehicle park shall provide an adequate number of refuse receptacles located within a centralized refuse area. The centralized refuse area shall be screened from public view.

15. **Bulk Fuel Storage:** There shall be no bulk storage of fuels on the premises.

16. **Placement Of Recreational Vehicles:** Each recreational vehicle must be located on a recreational vehicle site. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-8: SIGNS:**

A. A sign advertising recreational vehicle park may be established on the premises; provided, that the maximum area shall be limited to thirty two (32) square feet.

B. Signs in accordance with provisions of chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-8-9: LANDSCAPING:**

Landscaping in accordance with provisions of chapter 25 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**Chapter 9  
SR SPECIAL RECREATION ZONE**

**11-9-1: SCOPE:**

The following regulations shall apply to the SR special recreation zone. (Ord. 1268, 9-27-2005, eff. 10-19-2005)

**11-9-2: PURPOSE:**

This zone is intended to serve the growing demand for a wide range of commercial recreational activities not generally provided by a city. The goal of the SR special recreation zone is to create zoning subdistricts that will permit a wide range of similarly classified commercial recreational uses to operate. (Ord. 1268, 9-27-2005, eff. 10-19-2005)

**11-9-3: DESIGNATION OF SUBDISTRICTS:**

The various subdistricts within the SR special recreation zone shall be designated as follows:

A. SR-G Special Recreation - Golf Course Subdistrict: Purpose of this subdistrict is to permit publicly owned and operated golf courses, and privately owned and operated golf courses, including relating recreational and commercial use such as outdoor/indoor pavilion, ancillary restaurants, golf pro shops, golf instruction and related commercial activities.

B. SR-M Special Recreation - Motorized Vehicles Subdistrict: Purpose of this subdistrict is to permit the operation of motorized vehicle recreational activities. Examples of uses to be permitted within this district include a motorcycle motocross facility, go-cart racing facility, closed circuit roadway facility, etc. Other related motorized activities that are included in this use category include model airplane fields, and off road vehicle courses.

C. SR-P Special Recreation - Passive Activity Subdistrict: Purpose of this subdistrict is to provide locations within the community for nonmotorized recreational activities.

D. SR-OS Special Recreation - Outdoor Sports Subdistrict: Purpose of this subdistrict is to provide locations within the community for privately operated large scale outdoor and indoor recreation facilities. Included uses are soccer, softball and baseball fields, indoor and outdoor basketball courts, weight rooms, and ancillary commercial activities related to the primary use of the property. (Ord. 1268, 9-27-2005, eff. 10-19-2005)

**11-9-4: PERMITTED USES:**

Uses permitted within the SR zone subdistricts are as follows:

A. SR-G:

1. Publicly or privately owned golf courses, along with accessory uses that may include driving ranges, food and beverage service, pro shop, golf school, banquet facility, caretaker's residence, clubhouse and other uses normally associated with golf courses.

2. Pedestrian/bicycle trails, outdoor theaters and public utility facilities as

required to serve the golf courses.

3. All other nonrecreational uses, including residential, are prohibited.

B. SR-M:

1. Motorized vehicle recreation facilities, i.e., motocross track, closed circuit driving range, off road vehicle range.

2. Observation facilities ancillary to the primary use of the property, i.e., outdoor seating (covered/uncovered), observation towers.

3. Ancillary commercial activities related to the primary use of the property, i.e., gift shop, on site parts supply (not for general sale but for users of the facility), concession stand.

C. SR-P:

1. Nonmotorized recreational activities, including self-propelled activities (bicycle) or gravity/wind propelled activities (downhill movement, hang glider, etc.).

2. Observation facilities ancillary to the primary use of the facility.

3. Ancillary commercial activities related to the primary use of the property, i.e., gift shop, concession stand.

D. SR-OS:

1. Outdoor recreation facilities, including soccer, basketball, swimming pool, baseball and softball facilities.

2. Indoor recreation facilities, including basketball, handball, racquetball courts, weight rooms, aerobic exercise rooms, indoor swimming pools.

3. Ancillary commercial activities related to the primary recreational use of the property, i.e., sporting equipment sales, gift shop, concession stand, small restaurant. (Ord. 1268, 9-27-2005, eff. 10-19-2005)

**11-9-5: DEVELOPMENT STANDARDS:**

The requirements listed below are supplemental to the minimum standards for construction, utilities, health, safety and welfare as listed in the city codes and state laws:

A. Development Agreement: Final approval of any private development within the SR zone will be contingent upon city council approval of a development agreement. Said agreement will include a description of the land involved, proposed uses and operations within the development, financial resources, ownership and management of the company and other relevant information as may be requested by the city council.

B. Vehicle Parking:

1. Golf: Eight (8) off street parking spaces for each golf hole shall be provided for publicly owned and operated courses, and parking for private courses shall be in accordance with the provisions of the development agreement.

2. All other parking requirements as specified elsewhere in this title.

C. Landscaping And Lighting: Landscaping and lighting plans for the total private development shall be approved by the city.

D. Minimum Land Area: Development within the SR zone shall have:

1. Golf: A minimum site area of one hundred (100) acres.

2. All other developments: A minimum site area of ten (10) acres.

E. Height Restrictions: Maximum height of twenty five feet (25'), or as set forth in the development agreement.

F. Signs: All signs for private facilities shall be in accordance with provisions set forth in the development agreement. Sign plans for publicly owned and operated facilities shall be approved by the city. All signs within the SR zone shall be located on the premises and be subject to applicable regulations contained within chapter 24 of this title.

G. Setbacks: No structure, except approved signs and decorative entrance features, shall be located within one hundred feet (100') from a perimeter property line. (Ord. 1268, 9-27-2005, eff. 10-19-2005)

## **Chapter 10**

### **C1 NEIGHBORHOOD COMMERCIAL ZONE**

#### **11-10-1: SCOPE:**

The following regulations shall apply in the C1 neighborhood commercial zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-10-2: PURPOSE:**

This zone is intended to serve a neighborhood area and to provide for the necessary neighborhood needs of limited goods and services.

The zone is intended to provide the necessary commercial space which will fit into the residential pattern of development and to minimize or eliminate either architectural or traffic conflicts. The uses and regulations as herein set forth are intended to protect the residential environment and character of the neighborhood area. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-10-3: PERMITTED USES:**

A. Business And Professional: Not exceeding three thousand (3,000) square feet in floor area.

1. Business and professional offices.

B. Retail Sales: Not exceeding three thousand (3,000) square feet in floor area.

1. Bakeries.

2. Book, stationery or gift stores.

3. Camera stores.

4. Candy shops, excluding the making of candy.

5. Clothing stores.

6. Delicatessens.

7. Drugstores.

8. Furniture and/or antique stores.

9. Grocery stores.

10. Other similar retail sales.

C. Services: Not exceeding three thousand (3,000) square feet in floor area.

1. Banks.

2. Barber and beauty shops.

3. Dry cleaning agencies or pressing establishments, provided there is no cleaning of clothes on the premises.

4. Private kindergartens.

5. Self-service laundries.

6. Group childcare home facility and childcare centers as a business within the home and as defined and regulated by the state department of human resources.

7. Other similar service businesses.

D. Caretaker's Residence: The purpose of this subsection is to permit limited residential uses within this zone for the purpose of providing security to a development, but to discourage the proliferation of rental apartments within this zone unless specifically authorized by other portions of this code. Caretakers' residences shall be subject to the following conditions:

1. No more than one caretaker's residence shall be permitted per individually owned commercial building.

2. The residence shall be located within one of the main buildings on the same premises as the business or development, and shall be constructed to the commercial occupancy standards of the city building code. For the purposes of this subsection, mobile homes, travel trailers and recreational vehicles are prohibited.

3. The residence shall not exceed the floor area of the associated business.

4. The residence shall be provided with one on site parking space, in addition to the parking spaces required for the business.

E. Government: Government uses and facilities.

F. Other:

1. Accessory Buildings And Uses: Accessory buildings shall be subject to the provisions of subsection 11-20-2B of this title.

2. Customary Incidental Uses: Any use customarily incidental to a permitted use. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 1083, 4-27-1999, eff. 5-26-1999; Ord. 1422, 11-9-2010, eff. 12-2-2010; Ord. 1500, 5-14-2013, eff. 6-6-2013)

#### **11-10-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit as provided for in chapter 30 of this title:

A. 1. Public and quasi-public buildings and uses;

2. Private schools;

3. Uses of an educational, religious, cultural or public service type. (Ord. 973, 11-14-1995, eff. 12-6-1995)

B. Public and private recreational areas and facilities such as country clubs, golf courses and swimming pools.

C. Restaurants and cafes, but not including those having dancing or entertainment, or drive-through car service.

D. Residential uses, subject to all the provisions specified by the R3 regulations for such residential uses.

E. Social halls, lodges, fraternal organizations and clubs. (Ord. 841, 2-23-1988, eff. 3-23-1988)

F. Business and professional offices, retail sales and services, greater than

three thousand (3,000) square feet, exclusive of storage. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

#### **11-10-5: LIMITATIONS:**

Every use in the C1 zone shall be subject to the following conditions and limitations:

A. All uses shall be conducted wholly within a building except parking lots and similar uses which are customarily conducted in the open. (Ord. 841, 2-23-1988, eff. 3-23-1988)

B. Products produced, incident to a permitted use, shall be sold only at retail on the premises. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1500, 5-14-2013, eff. 6-6-2013)

C. When a lot in the C1 zone is developed and when said lot is adjacent to any R, MP or ME zone, there shall be a minimum six foot (6') solid block wall erected and maintained along the lot lines adjacent to the R, MP or ME zone. However, such wall shall be only four feet (4') high within the required front or street side setback area of said R, MP or ME zone. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995; Ord. 1500, 5-14-2013, eff. 6-6-2013)

#### **11-10-6: HEIGHT, BULK AND SPACE REQUIREMENTS:**

A. Structure Height: The vertical height at any point of the structure shall not exceed by more than fifteen feet (15') the horizontal distance between that point in the structure and the front lot line, but in no case shall the height of any structure exceed twenty five feet (25'). The structure height shall conform with the criteria shown on chart 1 as follows:  
<graphic></graphic>

B. Number Of Stories: The number of stories in a building shall not exceed two (2) stories. (Ord. 841, 2-23-1988, eff. 3-23-1988)

C. Front Yard: No front yard is required unless a block is partly in the C1 zone, and partly in an R, MP or ME zone, in which event the front yard requirements of the R, MP or ME zone shall apply; or unless required to meet the landscaping requirements of subsection 11-25-6C of this title.

D. Side Yard: No side yard is required except where the side of the lot is adjacent to an R, MP or ME zone, in which event the side yard requirements of the R, MP or ME zone shall apply, whether or not separated therefrom by an alley; or unless required to meet the landscaping requirements of subsection 11-25-6C of this title. This requirement also applies to the street side yard of a corner lot.

E. Rear Yard: No rear yard is required except where the rear of the lot abuts an R, MP or ME zone, in which event the rear yard requirements of the R, MP or ME zone shall apply, whether or not separated therefrom by an alley; or unless required to meet the landscaping requirements of subsection

11-25-6C of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-10-7: VEHICLE PARKING AND LOADING:**

Off street parking and loading spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-10-8: SIGNS:**

Subject to the provisions as set forth chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-10-9: LANDSCAPING:**

Subject to the provisions as set forth in chapter 25 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**Chapter 11**

**C2 GENERAL COMMERCIAL ZONE**

**11-11-1: SCOPE:**

The following regulations shall apply in the C2 General Commercial Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-11-2: PURPOSE:**

The purpose of the C2 General Commercial Zone is to provide for the orderly development of the business district which is intended to serve as the central trading area for the City. The development of this district shall be carried out in accordance with the principles stated herein and in the Comprehensive Plan. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-11-3: PERMITTED USES:**

A. Business And Professional:

1. Blueprinting, printing, lithograph, publishing and photostating establishments.
2. Business or professional offices.
3. Business schools.
4. Organic material processing with associated retail sales.
5. Museums and libraries.
6. Music conservatories and music instruction.

7. Radio and television stations.
8. Schools, private, operated as a commercial enterprise. (Ord. 1596, 10-24-2017, eff. 11-16-2017)

B. Retail Sales:

1. Retail sales permitted in the C1 Zone.
2. Antique stores.
3. Automobile sales, including display room, provided all activities are conducted within a completely enclosed building.
4. Automobile service stations, provided all incidental repair work is conducted wholly within a completely enclosed building.
5. Bars and cocktail lounges. (Ord. 841, 2-23-1988, eff. 3-23-1988)
6. Candy shops, including the making of candy for retail sales on the premises. (Ord. 885, 3-26-1991, eff. 4-17-1991)
7. Craft shops conducted in conjunction with retail business which includes ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
8. Electrical supply and repair stores.
9. Florists.
10. Furniture stores.
11. Hardware stores.
12. Household appliance stores.
13. Jewelry stores.
14. Key and gun shop, including incidental repair work.
15. Paint and wallpaper store, including decorating and paperhanging shops.
16. Pet shop, not involving the treatment or boarding of cats or dogs.
17. Pawnshops.
18. Radio and television stores.
19. Other similar retail sales.

C. Service:

1. Service establishments permitted in the C1 Zone.
2. Appliance repair shops, including repair and servicing of office and other household equipment.
3. Automobile rentals.
4. Automobile repair garages, provided all operations are conducted within a completely enclosed building.
5. Banks.
6. Bowling alleys or pool rooms.
7. Beauty and barber shops.
8. Broadcasting stations and studios, radio or television, but not including sending or receiving tower.
9. Catering establishments.
10. Clock and watch repair shops.
11. Clothing and costume shops, including dressmaker, tailor or millinery shops.
12. Day nurseries, nursery schools and private kindergartens.
13. Gymnasium or physical fitness establishments.
14. Hotels and motels.
15. Precision and musical instrument repair shops, including optical repair.
16. Radio and television repair shops.
17. Restaurants and cafes, including drive-in car service.
18. Shoe stores and shoe repair shops.
19. Swimming pool sales offices, including display pools only; but excluding construction equipment storage yard.
20. Theaters, but not including drive-in theater.

D. Caretaker's Residence: The purpose of this subsection is to permit limited residential uses within this Zone for the purpose of providing security to a development, but to discourage the proliferation of rental apartments within this Zone unless specifically authorized by other portions of this Code. Caretakers' residences shall be subject to the following conditions:

1. No more than one caretaker's residence shall be permitted per individually-owned commercial building.

2. The residence shall be located within one of the main buildings on the same premises as the business or development, and shall be constructed to the commercial occupancy standards of the City building code. For the purposes of this subsection, mobile homes, travel trailers and recreational vehicles are prohibited.

3. The residence shall not exceed the floor area of the associated business.

4. The residence shall be provided with one on-site parking space, in addition to the parking spaces required for the business.

E. CBD Central Business District: Caretaker's residences in the CBD Central Business District, subject to the following conditions:

1. The residence shall be located within one of the main buildings on the same premises as the business or development, and shall be constructed to the commercial occupancy standards of the City building code. For the purposes of this subsection, mobile homes, travel trailers and recreational vehicles are prohibited.

2. The residence shall not exceed the floor area of the associated business. (Ord. 1083, 4-27-1999, eff. 5-26-1999)

F. Other: Accessory buildings and uses. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-11-4: CONDITIONAL USES:**

The following are subject to a conditional use permit as provided for in chapter 30 of this title:

A. All conditional uses permitted in the C1 zone (section 11-10-4 of this title), unless listed as a permitted use in this zone.

B. Animal hospitals and veterinary clinics.

C. Arcades.

D. Automobile laundries, except self-service; provided, that any steam cleaning shall be confined to a completely enclosed building.

E. Clothes cleaning agencies, pressing establishments, laundry agencies, self-service laundries, and self-service coin operated cleaning; provided, in the case of self-service coin operated cleaning, that no one cleaning machine on the premises shall carry a load of greater than twenty (20) pounds; and provided further, that all solvents and other agents shall be of chlorinated solvent type and noncombustible and nonexplosive.

- F. Drive in theaters.
- G. Funeral parlors or undertaking establishments.
- H. Golf courses, miniature and driving ranges.
- I. Ministorage facilities.
- J. Outdoor sales display areas, including new and used automobile sales.
- K. Recreational establishments of a commercial nature, which will generate large assemblages of people and vehicular traffic.
- L. Residential uses, subject to all the provisions specified by the R3 regulations for such residential uses.
- M. Storage yards for construction equipment, including incidental vehicle repair. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1167, 2-26-2002, eff. 3-20-2002)

**11-11-5: HEIGHT, BULK AND SPACE REQUIREMENTS:**

A. Structure Height: The vertical height at any point of the structure shall not exceed by more than fifteen feet (15'), the horizontal distance between that point in the structure and the front lot line, and in no case shall the height of any structure exceed twenty five feet (25'). The structure height shall conform with the criteria shown on chart II as follows:

<graphic></graphic>

B. Number Of Stories: The number of stories in a building shall not exceed two (2) stories.

C. Front Yard: No front yard is required unless a block is partly in the C2 zone and partly in an R zone, in which event the front yard requirements of the R zone shall apply; or unless required to meet the landscaping requirements of subsection 11-25-6C of this title.

D. Side Yard: No side yard is required except where the side of the lot is adjacent to an R zone, in which event the side yard requirements of the R zone shall apply, whether or not separated therefrom by an alley; or unless required to meet the landscaping requirements of subsection 11-25-6C of this title.

E. Rear Yard: No rear yard is required except where the rear of the lot abuts an R zone, in which event the rear yard requirements of the R zone shall apply, whether or not separated therefrom by an alley.

F. Other Requirements: When a lot in the C2 zone is developed and said lot is adjacent to any R residential zone, there shall be a minimum six foot (6') high solid masonry wall erected and maintained along the lot lines adjacent to the R zone. However, such walls shall be only four feet (4') high within the required front or street side setback area of said R zone. (Ord. 841,

2-23-1988, eff. 3-23-1988)

**11-11-6: VEHICLE PARKING AND LOADING:**

Off street parking and loading spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-11-7: SIGNS:**

Signs in accordance with provisions of chapter 24 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-11-8: LANDSCAPING:**

Landscaping in accordance with provisions of chapter 25 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**Chapter 12  
BC BUSINESS CENTER ZONE**

**11-12-1: SCOPE:**

The following regulations shall apply in the BC Business Center Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-2: PURPOSE:**

The purpose of the BC Business Center Zone is to provide sufficient space in appropriate locations for certain types of business in industrial uses in landscaped buildings, to make available more attractive locations for these uses and to provide opportunities for employment closer to residence with corresponding reduction of travel time from home to work. It is intended that the BC Business Center Zone will be laid out and developed according to an approved plan so that the purpose of the Zone may be accomplished. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-3: PERMITTED USES:**

A. Business, Manufacturing, Industrial: Business or light manufacturing or industrial uses may be permitted, provided such use complies with all of the following regulations of this Zone. Generally, those business, office, laboratory, manufacturing and industrial uses which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, generate a minimum of truck traffic. (Ord. 841, 2-23-1988, eff. 3-23-1988)

B. Caretaker's Residence: The purpose of this subsection is to permit limited residential uses within this Zone for the purpose of providing security to a development, but to discourage the proliferation of rental apartments within

this Zone unless specifically authorized by other portions of this Code. Caretakers' residences shall be subject to the following conditions:

1. No more than one caretaker's residence shall be permitted per individually-owned commercial building.
2. The residence shall be located within one of the main buildings on the same premises as the business or development, and shall be constructed to the commercial occupancy standards of the City building code. For the purposes of this subsection, mobile homes, travel trailers and recreational vehicles are prohibited.
3. The residence shall not exceed the floor area of the associated business.
4. The residence shall be provided with one on-site parking space, in addition to the parking spaces required for the business. (Ord. 1083, 4-27-1999, eff. 5-26-1999)

C. Accessory Buildings Or Uses: Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-12-4: PROCEDURAL REGULATIONS:**

The BC Zone may be established and made a part of the Zoning Map prior to approving a plan of development. However, before building permits are issued, a plan of development shall be submitted and approved by the Director of Community Development in accordance with the following procedures:

A. The owner or bona fide agents of all or part of the land in the BC Zone shall submit, prior to the issuance of a building permit, a plan of development to the Community Development Director showing the location and arrangement of buildings, structures, on-site drainage and other improvements upon the land, including, but not limited to, walks, roadways, interior and boundary streets, signs, lighting and landscaping. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-12-5: LIMITATIONS:**

Every use permitted in the BC Zone shall be established, maintained or conducted so as not to cause any:

A. Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted, or, with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.

B. Discharge of any liquid or solid wastes containing grease, flammable wastes, sand, solids, acid, alkaline, or any other chemical or ingredient harmful to the sanitary sewer system and detrimental to the sewage treatment system without being processed through an approved interceptor

or separator in accordance with EPA or State standards, whichever are more restrictive. No new connection shall be made to the City sewer system unless the connection is properly designed and constructed, and the inflow sources shall conform with the requirements of Section 9-9-4 of this Code.

C. Objectionable noise beyond the boundaries of the immediate site of the use.

D. Discharge of any waste material whatsoever into any water course or ditch.

E. Dissemination of glare or vibration beyond the immediate site of the use.

F. Physical hazard by reason of fire, explosion, radioactive or any similar cause to property in the same or an adjacent zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-12-6: MINIMUM LOT SPACE REQUIREMENTS:**

A. Lot Area: One-half (½) acre.

B. Lot Width:

1. Interior Lot: One hundred twenty feet (120').

2. Corner Lot: One hundred fifty feet (150').

C. Lot Depth: One hundred fifty feet (150'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-12-7: MINIMUM YARD SPACE REQUIREMENTS:**

A. Front Yard: The minimum front yard shall be not less than twenty feet (20').

B. Side Yard:

1. Interior Lot: There shall be two (2) side yards each having a width of not less than fifteen feet (15').

2. Corner Lot: The side yard abutting the street shall be not less than twenty feet (20'); the interior side yard shall not be less than fifteen feet (15').

C. Rear Yard: The minimum rear yard shall not be less than fifteen feet (15'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-12-8: HEIGHT, BULK AND SPACE REQUIREMENTS:**

A. Structure Height: The height of a structure shall not exceed twenty five feet (25').

B. Number Of Stories: The number of stories in a building shall not exceed

two (2) stories.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-9: VEHICLE PARKING AND LOADING:**

Off-street parking and loading spaces shall be provided in accordance with the provisions of Chapter 23 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-10: SIGNS:**

Signs in accordance with provisions of Chapter 24 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-11: LANDSCAPING:**

Landscaping in accordance with provisions of Chapter 25 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-12: OTHER REQUIREMENTS:**

A. Loading Areas: No loading docks or areas shall be allowed from building fronts. Side loading areas shall not occupy any part of the clear vision triangle and shall be screened from adjacent streets.

B. Storage Areas: All outdoor storage areas shall be visually screened from access and adjacent streets. Said screening shall be in the form of a masonry wall not less than six feet (6') in height. Outdoor storage shall include, but is not limited to, the following: All equipment, including vehicles other than passenger vehicles, boxes, building supplies (e.g., lumber, cinder blocks, pipe), and similar materials and/or equipment.

C. Refuse Collection Areas: All outdoor refuse collection areas shall be visually screened from access streets and adjacent property by a masonry wall not less than six feet (6') high.

D. Maintenance: Each lot owner or occupant shall at all times keep his premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances and regulations pertaining to health and safety. Each lot owner or occupant shall provide for the removal of trash and rubbish from his premises. Undeveloped areas on the premises shall be maintained in a weed-free condition. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-12-13: APPEAL:**

Any person dissatisfied with any order, requirements, permit, decision or determination made by the City Manager, or his authorized representative, in the administration or enforcement of this Chapter may appeal to the Planning Commission as provided in Chapter 34 of this Title. (Ord. 841, 2-23-1988, eff.

3-23-1988)

## **Chapter 13 CM COMMERCIAL MANUFACTURING ZONE**

### **11-13-1: SCOPE:**

The following regulations shall apply in the CM commercial manufacturing zone. (Ord. 876, 9-17-1990, eff. 10-10-1990)

### **11-13-2: PURPOSE:**

The CM commercial manufacturing zone is designed to provide a protective zone for light manufacturing uses based on the performance of the use as well as the type of use. This zone and its regulations are designed to provide an operating environment for such uses, to protect such uses from encroachment of incompatible uses and to lessen the impact of such uses on surrounding nonmanufacturing uses. This zone is further designed to allow commercial uses which may include manufacturing of articles or materials; wholesaling, research and development; and light manufacturing. It is not the intent of this zone to permit manufacturing uses which generate noise, light, odor or emissions which may have probably adverse environmental impacts on adjacent properties or the community. (Ord. 876, 9-17-1990, eff. 10-10-1990)

### **11-13-3: PERMITTED USES:**

#### **A. Business And Professional:**

1. Business and professional uses permitted in the C2 zone.
2. Research and development office and facility.
3. Medical or dental laboratory.
4. Other uses similar to and consistent with the stated purpose of this zone.

#### **B. Retail Sales:**

1. Retail sales permitted in the C2 zone.
2. Automobile and truck sales and rental, new and/or used.
3. Automobile service stations, including incidental repair work.
4. Boat sales, including service and repair.
5. Other uses similar to and consistent with the stated purpose of this zone. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **C. Wholesale Sales:**

1. Automobile and truck sales and rental, new and/or used.
2. Self-service storage facilities.
3. Storage yards for construction equipment.
4. Wholesale and jobbing establishments.
5. Other uses similar to and consistent with the stated purpose of this zone. (Ord. 1167, 2-26-2002, eff. 3-20-2002)

D. Services:

1. Service establishments permitted in the C2 zone, except hotels and motels.
2. Body and fender shops.
3. Automobile, RV and truck washes.
4. Plumbing, electrical and welding shops.
5. Repair garages and shops, including truck and/or tractor repair.
6. Sheet metal shops.
7. General and precision machine and instrument shops and other metal work shops.
8. Product fabrication and/or assembly.
9. Cabinet and carpenter shops.
10. Building material supply, retail and wholesale, including mill and sash work as an accessory use.
11. Other uses similar to and consistent with the stated purpose of this zone. (Ord. 876, 9-17-1990, eff. 10-10-1990)

E. Caretaker's Residence: The purpose of this subsection is to permit limited residential uses within this zone for the purpose of providing security to a development, but to discourage the proliferation of rental apartments within this zone unless specifically authorized by other portions of this code. Caretaker's residences shall be subject to the following conditions:

1. No more than one caretaker's residence shall be permitted per individually owned commercial building.
2. The residence shall be located within one of the main buildings on the same premises as the business or development, and shall be constructed to the commercial occupancy standards of the city building code. For the purposes of this subsection, mobile homes, travel trailers and recreational

vehicles are prohibited.

3. The residence shall not exceed the floor area of the associated business.

4. The residence shall be provided with one on site parking space, in addition to the parking spaces required for the business. (Ord. 1083, 4-27-1999, eff. 5-26-1999)

F. Government: Government uses and facilities.

G. Other:

1. Accessory Building And Uses: Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this title.

2. Any use customarily incidental to a permitted use. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-4: CONDITIONAL USES:**

The following are subject to a conditional use permit as provided for in chapter 30 of this title:

A. All conditional uses permitted in the C2 zone unless listed as a permitted use in this zone.

B. Asphalt and concrete and gravel and sand mixing.

C. Automobile wrecking yards.

D. Beverage production, processing, packaging or bottling.

E. Canine and/or feline boarding places and kennels. All exercise areas shall be on site.

F. Cold storage plant.

G. Dry cleaning establishments not including commercial laundry, steam or wet.

H. Freighting or trucking yard or terminal.

I. Hospitals for animals which may include boarding and lodging; provided, that there shall be no open kennels maintained; and provided, that all facilities shall be in soundproof buildings and all exercise areas shall be on site.

J. Public utility service or storage yards. (Ord. 876, 9-17-1990, eff. 10-10-1990)

K. All adult uses and businesses. The provisions of chapter 30 of this title shall apply, except that the planning commission or city council cannot use

the public interest or the health, safety, morals or the general welfare as set forth in section 11-30-3 of this title as determining factors for adult uses. These uses are further subject to the following conditions:

1. Separations:

a. No adult use shall be allowed within a one thousand foot (1,000') radius of another existing adult use.

b. No adult use shall be located within a one thousand foot (1,000') radius of any residential, mobile home or recreational vehicle zoning district.

c. No adult use shall be located within a one thousand foot (1,000') radius of a pre-existing public school, daycare facility, hospital, public building, public park, public library or place of worship.

d. The above distance limitations shall be determined by measurement from each and every customer entrance of the adult use to the nearest property boundary in a residential zone or to the nearest corner of the listed building or use. The measurement is to be conducted in a radius fashion, one thousand feet (1,000') in all directions from the adult use. Where another existing adult use, a zoning district which is zoned for the residential use or a pre-existing public school, daycare facility, hospital, public building, public park, public library or place of worship is located within a one thousand foot (1,000') radius of the proposed adult use, the applicant for zoning approval of the adult use shall provide evidence certified by a professional land surveyor licensed pursuant to Nevada Revised Statutes chapter 625 that the proposed adult use is in conformity with the distance requirements of this Chapter.

2. Signs: All adult uses and businesses shall comply with the provisions of Chapter 24 of this Title. Further, signs for adult uses and businesses shall not contain any emphasis, either by movement, picture or otherwise, on matter relating to "specified sexual activities" or "specified anatomical areas", as defined in this Title.

L. Other uses similar to and consistent with the stated purpose of this Zone. (Ord. 926, 7-27-1993, eff. 9-1-1993)

**11-13-5: LIMITATIONS:**

Every use in the CM Zone shall be subject to the following conditions and limitations:

A. All uses shall be established, maintained or conducted in compliance with the following limitations:

1. All atmospheric emissions (including, but not limited to, smoke, gas, dust, odor, or any other atmospheric pollutant) without respect to whether the emissions are created outside the building in which the use is conducted, or within a completely enclosed building, shall be regulated by the Clark County Health Department, Air Pollution Control Division and/or by any conditions imposed on an approved conditional use permit, whichever is more

restrictive. The City may require air pollution control devices to be installed as required by the lowest achievable emission rate standards as adopted by the Clark County Health Department, Air Pollution Control Division to ensure that the air quality is not adversely affected.

2. All liquids or solid wastes containing grease, flammable wastes, sand, solids, acid, alkaline, or any other chemical or ingredient harmful to the sanitary sewer system and/or detrimental to the sewage treatment system shall be regulated by, and shall conform with the requirements of Section 9-9-4 of this Code. No new connection shall be made to the City sewer system unless the connection is properly designed and constructed, and the inflow sources shall conform with the requirements of Section 9-9-4 of this Code.

3. No discharge of any waste material whatsoever into any water course or ditch.

4. No use shall create a hazard that would affect the health, safety or general welfare of abutting properties or the community.

5. No physical hazard by reason of fire, explosion, radioactive, or any similar cause to property in the same or an adjacent zone.

B. Outdoor storage shall be screened from public view by a solid masonry block wall or chainlink fence with slats at least six feet (6') in height. The solid masonry block wall or chainlink fence with slats is required along any side(s) of the storage area facing a public street(s) or public land. Maintenance and replacement of the solid masonry wall or chainlink fence and/or slats shall be the responsibility of the property owner to continually provide a visual barrier to effectively screen the outside storage area. Goods and/or products which are displayed for sale as a normal and standard business practice, such as auto sales or rental; temporary parking of vehicles awaiting mechanical repair or body work; nursery stock; and the like; and vehicle and/or pedestrian gates, are exempt from this provision.

C. Required yards adjacent to any street shall not be occupied by any use or structures except landscaping, off-street parking, drives and roadways, signs, and lighting as permitted by this Title.

D. Any lighting shall be placed so as to reflect the light away from any adjoining R Zone. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-6: HEIGHT, BULK AND SPACE REQUIREMENTS:**

A. Structure Height: The height of a structure shall not exceed twenty five feet (25').

B. Number Of Stories: The number of stories in a building shall not exceed two (2) stories.

C. Front Yard: There shall be a front yard having a depth of not less than twenty feet (20'). Also see subsection 11-20-1B of this Title.

D. Side Yard: No side yard is required except where the side of the lot is adjacent to an R Zone, in which event the side yard requirements of the R Zone shall apply, whether or not separated therefrom by an alley.

E. Rear Yard: No rear yard is required except where the rear of the lot abuts an R Zone, in which event the rear yard requirements of the R Zone shall apply, whether or not separated therefrom by an alley.

F. Other Requirements: When a lot in the CM Zone is developed and said lot is adjacent to any R Residential Zone, there shall be a minimum six foot (6') high solid masonry block wall erected and maintained along the lot lines adjacent to the R Zone. However, such walls shall be only four feet (4') high within the required front or street side setback area of said R Zone. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-7: VEHICLE PARKING AND LOADING:**

Off-street parking and loading spaces shall be provided in accordance with the provisions of Chapter 23 of this Title. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-8: SIGNS:**

Signs in accordance with provisions of Chapter 24 of this Title. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-9: LANDSCAPING:**

Landscaping in accordance with provisions of Chapter 25 of this Title. (Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-13-10: APPEAL:**

Any person dissatisfied with any other requirements, permit, decision or determination made by the City Manager, or his authorized representative, in the administration and enforcement of this Chapter may appeal to the Planning Commission as provided in Chapter 34 of this Title. (Ord. 876, 9-17-1990, eff. 10-10-1990)

### **Chapter 14**

#### **A1 SPECIAL AGRICULTURAL ZONE**

##### **11-14-1: SCOPE:**

The following regulations shall apply to the A1 Special Agricultural Zone. (Ord. 993, 11-16-1996, eff. 12-18-1996)

##### **11-14-2: PURPOSE:**

The A1 Special Agricultural Zone is intended to permit the raising of plants, crops and other related agricultural activities in controlled environments for

wholesale agricultural commercial purposes and to guide the development of land in a manner consistent with the general community objectives as set forth in the master plan. Other uses which would be considered compatible with agricultural uses may also be permitted. This zone is not intended for any use which would be incompatible with or detrimental to the uses listed herein. (Ord. 1133, 10-24-2000, eff. 11-15-2000)

### **11-14-3: PERMITTED USES:**

In the A1 Special Agricultural Zone, land may be used and buildings and structures may be erected, maintained and used for commercial purposes if they are arranged, intended or designed for the following uses:

A. The growing and wholesaling of crops and other related agricultural and horticultural activities such as flower and vegetable gardens, herb, berry and bush crops, and tree crops and orchards, if such crops are grown and harvested within an enclosed, environmentally-controlled structure, such as a greenhouse or other similar building, and are grown without the use of any pesticides, herbicides or other chemicals sprayed or applied to the crops, other than natural nutrients.

B. One single-family dwelling of a permanent nature as a watchman's residence.

1. The dwelling may be a mobile home, provided it is attached to a permanent foundation and is located not less than fifty feet (50') from any other building or structure used for commercial purposes.

2. The dwelling shall be located on a property a minimum of four (4) acres in size, and there shall not be more than two (2) dwellings for every fifty (50) acres within the A1 zone.

3. The dwelling shall require a residential allotment as provided for in chapter 41 of this title.

C. Accessory uses, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use. (Ord. 993, 11-16-1996, eff. 12-18-1996)

### **11-14-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit as provided for in chapter 30 of this title:

A. Retail sales of crops and other related agricultural and horticultural activities.

B. The use of pesticides, herbicides or other chemicals sprayed or applied to crops.

C. The growing of crops and other related agricultural and horticultural activities outside an enclosed, environmentally-controlled structure, such as

a greenhouse or other similar building.

D. The processing of crops and other related agricultural and horticultural activities into a manufactured product of any kind. (Ord. 993, 11-16-1996, eff. 12-18-1996)

E. Public and private recreational uses and facilities. (Ord. 1133, 10-24-2000, eff. 11-15-2000)

#### **11-14-5: DEVELOPMENT STANDARDS:**

A. Minimum Lot Size: Four (4) acres.

B. Structure Height: The height of a structure shall not exceed twenty five feet (25').

C. Number Of Stories: The number of stories in a building shall not exceed two (2) stories.

D. Front Yard: There shall be a front yard having a depth of not less than twenty feet (20').

E. Side Yard: No side yard is required except where the side of the lot is adjacent to an R, ME or MP zone, in which event the side yard requirements of the R, ME or MP zone shall apply, whether or not separated therefrom by an alley or street.

F. Rear Yard: No rear yard is required except where the rear of the lot is adjacent to an R, ME or MP zone, in which event the rear yard requirements of the R, ME or MP zone shall apply, whether or not separated therefrom by an alley or street.

G. Other Requirements: When a lot in the A1 zone is developed and said lot is adjacent to any R, ME or MP zone, there shall be a minimum six foot (6') high solid masonry block wall erected and maintained along the lot lines adjacent to the R, ME or MP zone. However, such walls shall be only four feet (4') high within the required front or street side setback area of said R, ME or MP zone. (Ord. 993, 11-16-1996, eff. 12-18-1996)

#### **11-14-6: VEHICLE PARKING AND LOADING:**

Off-street parking and loading spaces shall be provided in accordance with the provisions of chapter 23 of this title. (Ord. 993, 11-16-1996, eff. 12-18-1996)

#### **11-14-7: SIGNS:**

Signs shall be provided in accordance with the provisions of chapter 24 of this title. (Ord. 993, 11-16-1996, eff. 12-18-1996)

### **Chapter 15 H HOSPITAL ZONE**

**11-15-1: SCOPE:**

The following regulations shall apply in the H Hospital Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-15-2: PURPOSE:**

The purpose of the H Hospital Zone is to foster and perpetuate the development of commercial and professional office centers for efficient human health care, maintenance and supervision, together with related and compatible commercial activities. The H Hospital Zone must be for the general benefit and welfare of the total community. (Ord. 919, 3-23-1993, eff. retroactive to 3-14-1993)

**11-15-3: PERMITTED USES:**

A. Medical And Health Care:

1. Hospitals with less than forty (40) beds.
2. Convalescent hospitals.
3. Home health care agencies.
4. Hospices.
5. Medical, dental and other human health care offices or clinics.
6. Nursing homes.
7. Outpatient centers.
8. Pharmacies.
9. Rest homes.
10. Multi-unit housing, solely for use by senior citizens, elderly or handicapped, subject to all the provisions specified by the R3 regulations for residential uses.
11. Accessory buildings and uses.
12. Other uses similar to and consistent with the stated purpose of this Zone.

B. Other:

1. Accessory Buildings And Uses: Accessory buildings shall be subject to the provisions as set forth in subsection 11-20-2B of this Title.
2. Complementary Uses: Complementary uses, such as gift shops,

cafeterias and other uses customarily incidental to the permitted uses, subject to the following:

- a. Complementary uses shall be subordinate to the hospital or permitted use.
- b. Each individual complementary use which requires a building must use less than ten percent (10%) of the gross square feet of floor area of the permitted use building and all of the complementary uses together which require a building must use less than twenty percent (20%) of the gross square feet of floor area of the building for that permitted use.
- c. Any complementary use must feature the hospital or permitted use more prominently than the commercial use through placement of the buildings and signage.
- d. The complementary use must be housed in a permanent commercial building, or be on the premises for less than a period of two (2) weeks per calendar year.
- e. There shall be no manufacturing, compounding, processing or treatment of products other than those which are clearly incidental and essential to the hospital or permitted use, and where all such products are sold on the premises.
- f. Such use, operation or production must not be objectionable due to odor, dust, smoke, noise, vibration or other similar cause. The provisions of subsection 11-13-5A of this title shall apply. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

#### **11-15-4: CONDITIONAL USES:**

The following uses are subject to a conditional use permit as provided in chapter 30 of this title:

- A. Hospitals with forty (40) beds or more.
- B. Ambulance and transportation services, not including service and repairs.
- C. Durable medical equipment supply centers.
- D. Heliports, used in conjunction with medical facilities and in concert with the purposes and intent of this zone.
- E. Sanatoriums.
- F. Any related and compatible facility or activity not specifically listed but in conformance with this zone.
- G. Complementary uses in conjunction with a principal conditional use, subject to the provisions in subsection 11-15-3B2 of this chapter. (Ord. 841,

2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-15-5: HEIGHT, BULK AND SPACE REQUIREMENTS:**

A. Structure Height: The height of a structure shall not exceed twenty five feet (25').

B. Number Of Stories: The number of stories in a building shall not exceed two (2) stories.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Minimum Site Area: The minimum site area for an H hospital zone shall not be less than twenty (20) acres.

E. Minimum Yard Space Requirements: All buildings shall be set back a minimum of twenty feet (20') from all perimeter property lines. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-15-6: SIGNS:**

Subject to the provisions as set forth in chapter 24 of this title. (Ord. 1516, 12-10-2013, eff. 1-2-2014)

**11-15-7: VEHICLE PARKING AND LOADING:**

Subject to the provisions as set forth chapter 23 of this title. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1995, eff. 12-6-1995)

**11-15-8: LANDSCAPING:**

Subject to the provisions as set forth in chapter 25 of this title. Multi-unit housing shall comply with the provisions of subsection 11-25-6A of this title for the R3 zone, and all other uses shall comply with the provisions of subsection 11-25-6C of this title for the C2 zone (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 973, 11-14-1985, eff. 12-6-1995)

**Chapter 16**

**G GOVERNMENT ZONE**

**11-16-1: PURPOSE:**

To permit control over areas needed for public or quasi-public uses and to preserve open space real property. (Ord. 1531, 12-9-2014, eff. 1-1-2015)

**11-16-2: USES:**

The uses in the G zone shall be limited to public purposes, including, but not necessarily limited to, the following: electrical distribution facilities, water system facilities, new municipal facilities for police, fire and other functions as needed, drainage control, scenic drives, dedicated and/or designated park

areas, recreational uses, and similar related uses. (Ord. 1531, 12-9-2014, eff. 1-1-2015)

### **11-16-3: DESIGNATION OF USE ZONES:**

The various uses allowed in the G government zone shall be designated as follows:

- A. GP: All dedicated and/or designated park and recreational areas.
- B. GM: Areas reserved for municipal electrical distribution facilities, water system facilities, new facilities for police, fire and other functions as needed, schools and similar related governmental uses.
- C. GFC: Areas that should not be included for land sale because they are or will be needed by the city for drainage channels or areas needed to provide for drainage controls.
- D. GO: Areas which should not be included for land sale because they are or will be needed by the city for public or quasi-public uses and to preserve open space real property.
- E. GWC: Areas reserved for wildlife conservation purposes adjacent to the Eldorado Ridge area in the vicinity of the I-11 corridor where there shall be no development of any kind other than for the highway and energy transmission. The prohibition is for all other development, including for park or recreation purposes. The purpose of this zone is to preserve the area as part of a wildlife corridor as per the record of decision for FHWA-NV-EIS-00-02-F and the final environmental impact study (FEIS) for the construction of the Boulder City/U.S. 93 Corridor, a.k.a. Interstate 11. (Ord. 1531, 12-9-2014, eff. 1-1-2015)

## **Chapter 17 CO CORRAL ZONE**

### **11-17-1: SCOPE:**

The following regulations shall apply in the CO Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-17-2: PURPOSE:**

The CO Corral Zone is a zone intended for the keeping, raising and training of certain animals, but not including riding stables or academies or the raising of any animals for commercial use, and appropriate incidental uses related to the convenience or recreational needs of the Boulder City Horsemen's Association members and their guests, and further subject to the restriction as set forth in that certain quit claim deed between the City and the Boulder City Horsemen's Association, recorded as instrument number 577482, book 718, official records, Clark County, Nevada and the articles of incorporation of the Boulder City Horsemen's Association. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-17-3: USES:**

A. Corral lots for horses, colts, burros, ponies and other equine animals, steers, goats, sheep, cows, calves or animals of a general like character, excluding swine. Dairies and feed lots shall be prohibited. The 4-H and other educational projects are permitted if sponsored, certified or approved by the Board of Directors of the Boulder City Horsemen's Association.

B. Dwelling quarters for the sole use and occupancy of two (2) watchmen or caretakers as designated by the Boulder City Horsemen's Association. Such occupancies shall otherwise conform to all other City Code requirements.

C. The incidental keeping of cats, dogs, fowl and animals of a general like character, providing such animals are not a public nuisance. All such animals shall be kept within the member's corral area and shall be the sole responsibility of the member. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-17-4: MINIMUM LOT SPACE REQUIREMENTS:**

A. Not more than a total of six (6) or a total combination of any six (6) horses, colts, burros, ponies and other equine animals, steers, goats, sheep, cows, calves or animals of a general like character may be kept on any lot with an area of four thousand (4,000) square feet. No more than two (2) of the foregoing animals may be other than horses.

B. All corral lots shall meet the requirements stipulated in the bylaws of the Boulder City Horsemen's Association. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-17-5: OTHER REQUIREMENTS:**

A. It shall be unlawful for any person to establish, enlarge, convert, construct or maintain any CO Zone lot owned or controlled by him except in the CO Zone established by this Chapter.

B. When the Boulder City Horsemen's Association desires to enlarge its site in the CO Zone, it shall first obtain approval by the Planning Commission. A request for approval shall be made to the Community Development Director on forms provided by the City and shall be accompanied by a site plan. The site plan shall show all the details of the proposed development and its facilities, including streets, water and electrical systems, structures and any other information as may be necessary for the Planning Commission to evaluate the proposed development.

C. The planning commission, upon receipt of an application and site plan, shall make the necessary inspection and review of the proposed development in order to determine that the provisions of this chapter as well as other applicable ordinances and laws are being complied with. The planning commission, in granting approval, may establish reasonable conditions and such evidence and guarantees as it deems necessary to ensure that the conditions will be complied with, which in the opinion of the planning commission shall assure the intent and purpose of this chapter.

D. It shall be unlawful for any person to operate any motor bike or motorcycle within the CO zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-17-6: DEVELOPMENT STANDARDS:**

The standards as herein set forth are supplemental to the minimum standards for all construction, sanitation facilities and other utilities and necessary facilities for the safety, health and welfare of the occupants. Said standards shall be in accordance with the city codes and standards and applicable state laws. All existing improvements except the underground electrical system shall be in compliance with the foregoing requirements not later than two (2) years from the effective date hereof or within a reasonable length of time after the water and sewer utilities are made available to the CO zone.

A. Area Requirements: The site and lot requirement shall meet the requirements set forth in the Boulder City Horsemen's Association bylaws, as approved by the planning commission and the city council.

B. Roadways:

1. CO zone roadways shall be a minimum of thirty feet (30') in width. All roadways shall be kept clear except for temporary parking.

2. Where exceptional conditions will not logically permit roadways of thirty feet (30') in width, the planning commission may allow a deviation from said standards; providing, that adequate parking areas are provided. Such designs shall be subject to the approval of the planning commission.

C. Buildings And Facilities:

1. Definitions:

**AGRICULTURAL BUILDINGS:** A building located on the property and used to shelter farm implements, hay, grain, poultry, livestock or other farm products in which there is no human habitation and which is not used by the public.

**SERVICE BUILDINGS:** A building located on the property and used for public convenience and necessity, and shall include, but not be limited to, grandstands, judging stands, concessionaire stands and buildings, and buildings of a similar nature.

2. Requirements:

a. All service buildings and facilities shall be located a minimum of forty feet (40') from any corral or agricultural building and shall be maintained in a safe, clean condition, and shall be constructed in accordance with all applicable codes or any other law or ordinance.

b. Toilet facilities shall be provided for both women and men. Toilets may be of the outdoor type constructed to standards approved by the community

development director. Additional portable facilities shall be provided for all public events. (Ord. 841, 2-23-1988, eff. 3-23-1988)

D. Upon receipt of a complete application and applicable fees, the community development director shall cause notices to be given in accordance with the procedures and requirements set forth in section 11-35-3 of this title. (Ord. 883, 2-26-1991, eff. 3-20-1991)

**11-17-7: RESPONSIBILITY OF BOULDER CITY HORSEMEN'S ASSOCIATION:**

A. The Boulder City Horsemen's Association shall be responsible for compliance with the provisions of this chapter relating to the CO zone.

B. The Boulder City Horsemen's Association shall be responsible for providing the portable toilet facilities for all public events and for the proper disposal from these units.

C. The Boulder City Horsemen's Association shall pay all costs in connection with the collection and removal of garbage, waste material, and for the disposal of all dead animals to an area designated by the City.

D. The Boulder City Horsemen's Association shall be solely responsible for the installation and maintenance of all utilities within the CO Zone, including, but not limited to, upgrading the present utility systems to comply with City codes and standards and applicable State laws, except that the existing corral area shall not be required to install an underground electrical system until such time as ordered to do so by the concurrent action of the Engineering Department, the Planning Commission and the City Council. This determination shall be based upon the development in the surrounding area, and in the event the Horsemen's Association is required to install an underground electrical system in the existing CO Zone, they shall be given at least eighteen (18) months in which to complete the work. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-17-8: SIGNS:**

Signs and advertising structures may be permitted subject to the following conditions:

A. A nameplate shall be permitted not exceeding two (2) square feet for each corral lot to indicate the name and address of the occupant.

B. Signs and advertising structures not exceeding thirty two (32) square feet may be permitted in other areas in the CO Zone, providing the Boulder City Horsemen's Association assumes full responsibility for the erection, maintenance and safety of said signs and structures.

C. All signs and advertising structures shall be subject to the general sign provisions as set forth in Chapter 24 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-17-9: CONFLICTING PROVISIONS:**

In the event the requirements of the Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County Area, Nevada or any other ordinance, standard or specification, as they now exist or may hereafter be amended or adopted, are in conflict with the provisions of this Chapter, such specific requirements are hereby repealed to the extent of such conflict but not further, and the provisions of this Chapter shall prevail. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **Chapter 18 S INTERIM STUDY ZONE**

### **11-18-1: PURPOSE:**

To permit some control in those areas which are at present premature for urban development, and where future land uses are undeterminable at the present time. The S zone is intended primarily as a "holding" zone, and further intended to permit those controls which would prevent any changes in the existing land uses which may be inconsistent with the comprehensive plan. (Ord. 1407, 4-27-2010, eff. 5-20-2010)

### **11-18-2: USES:**

A. The uses in the S zone shall be limited to temporary, open air type uses which require no permanent structures or buildings. All proposed uses shall be treated as conditional uses and shall be subject to review by the planning commission in accordance with the provisions of chapter 30, "Conditional Uses", of this title, excluding recreational, civic or other temporary uses as may be approved by the special events review board.

B. Nothing in this section shall preclude the existence or installation of utility facility infrastructure (roads, pipes, water tanks, overhead lines, towers, etc.), which is not treated as a conditional use. New utility facility buildings over two hundred fifty (250) square feet in size, however, shall require either the issuance of a conditional use permit or a rezoning, as determined by the city based on the size and scope of the project. (Ord. 1407, 4-27-2010, eff. 5-20-2010)

## **Chapter 19 ER ENERGY RESOURCE ZONE**

### **11-19-1: SCOPE:**

To allow and promote, through public and/or private ownership, the development of solar energy generation facilities, gas fired electric generation facilities, and other municipal uses as needed. (Ord. 1014, 6-24-1997, eff. 7-16-1997)

### **11-19-2: PERMITTED USES:**

In the ER energy resource zone, land may be used and buildings and

structures may be erected and maintained if they are arranged, intended and designed for the following uses:

A. The development of private and/or public solar electric generation facilities, electrical transmission and distribution facilities, ancillary facilities, and other similar uses.

B. The development of private and/or public natural gas fired electric generation facilities, electrical transmission and distribution facilities, ancillary facilities, and similar related uses.

C. The development of municipal facilities for water, sewer and/or drainage systems, police, fire and other functions as needed. (Ord. 1014, 6-24-1997, eff. 7-16-1997)

### **11-19-3: DEVELOPMENT AGREEMENTS:**

All permitted uses by entities other than the city of Boulder City shall be subject to development agreements with the city. (Ord. 1537, 2-24-2015, eff. 3-19-2015)

## **Chapter 20 GENERAL USES; CONDITIONS; EXCEPTIONS**

### **11-20-1: SCOPE:**

The regulations specified in this title shall be subject to the following general provisions. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

### **11-20-2: GENERAL PROVISIONS RELATING TO USES:**

A. Uses Not Listed: The community development director may make a determination as to whether any use not listed in this title would be a permitted or conditional use in a particular zone. Any determination as to a use not listed is subject to appeal to the planning commission. If appealed, the planning commission, after holding public hearing in accordance with the conditional review procedures of chapter 30 of this title, may allow certain uses not enumerated for the various zones if the commission makes the following findings:

1. That the use will be in accord with the purpose of the zone in which the use is proposed.

2. That the use will be appropriate in that it has the same basic characteristics as the uses enumerated for the zone in which the use is proposed.

3. That the use will not adversely affect the character of any zone in which it is proposed to be permitted.

4. That the use will not create more vehicular traffic than the volume normally created by similar type uses enumerated for the zone.

5. That the use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, electrical disturbance, unsightliness or any other objectionable influence than the amount normally created by similar type uses enumerated for the zone in which the use is proposed.

6. That the use will otherwise comply with all of the requirements and provisions applicable to the particular zone. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

B. Location Of Accessory Buildings And Structures:

1. Yards:

a. Rear Yards: An accessory building or structure may occupy any portion of a rear yard, except that it may only occupy a maximum of thirty five percent (35%) of a required rear yard. For the purposes of this subsection, covered porches and platforms, pool covers, gazebos, open sun screens and carports are exempt from this requirement. For the purposes of this subsection, rear yards which abut alleys or streets are also exempt from this requirement.

b. Side Yards:

(1) An accessory building or structure may occupy any portion of a side yard if all of the following conditions are met:

(A) Maximum Height: If the building or structure is located five feet (5') or more from the side lot line, the maximum height of the building or structure shall be sixteen feet (16'); or If the building or structure is located less than five feet (5') from the side lot line, the maximum height of the building or structure shall be eight feet (8'). If there is a solid masonry wall, retaining wall or sight obscuring fence adjacent to the side lot line, the maximum height of the building or structure shall be eight feet (8'), or equal to the height of the retaining wall/fence, whichever is greater, but not to exceed sixteen feet (16'); and

(B) Access Area: An unobstructed access area of at least five feet (5') in width is maintained along both sides of the property. For the purposes of this subsection, carports that are open on three (3) sides constitute an unobstructed access area.

(2) In addition to the above requirements, an accessory building or structure may occupy any portion of a street side yard of a corner lot if the abutting lot to the rear along the street side is not a key lot and there is no vehicle access to the street.

c. Front Yards: An accessory building or structure shall not be located in a front yard. (Ord. 1176, 8-27-2002, eff. 9-18-2002)

2. Property Line: An accessory building or structure shall be located at least five feet (5') from any property line, except that if fire resistance rated construction is used as per the building code, an accessory building or

structure may abut the property line subject to recorded easements. When the rear lot line abuts an alley, the accessory building or structure may be located on the rear property line. Exception: In the R1-20, R1-40 and R1-80 zones, accessory buildings and structures over one thousand (1,000) square feet in size shall be located at least ten feet (10') from any property line. (Ord. 1394, 9-22-2009, eff. 10-14-2009)

3. Gross Floor Area: In aggregate, the gross floor area of all accessory buildings and structures shall not exceed the following sums. In certain zones as listed below, greater areas are permitted for a new detached building if it is of similar material and color to the primary dwelling on site, or, if an addition to an accessory building, it is of similar material and color to the existing accessory building:

<b>Zone</b>	<b>Area (Square Feet)</b>	<b>Area Of Building, If Similar</b>
R1-7	700	1,000
R1-8	800	1,000
R1-10	1,000	1,250
R1-15	1,000	1,500
R1-20	2,000	n/a
R1-40	2,000	n/a
R1-80	3,000	n/a
R2	800	n/a
ME	600	n/a
MP	600	n/a

Basements of accessory buildings shall not be counted toward the aggregate area if the basement is completely below grade. (Ord. 1451, 8-23-2011, eff. 9-15-2011)

4. Height: The height of any accessory building or structure shall not exceed one story or exceed sixteen feet (16') in height.

5. Detached Carports: Detached carports in the CM commercial manufacturing zone may be located in a required front yard and are not limited to the square footage requirements of this section.

6. Distance Required: There shall be maintained between all buildings and structures on site a distance as per the requirements of the latest edition of the building code, as adopted by the city.

7. Garages And Carports: Garages and carports which open onto the street side yard of a corner lot shall have a minimum setback from the street side property line equivalent to the front yard setback for the zone in which the structure is located. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

8. Wind Energy Systems: Wind energy systems as regulated under section 11-20-9 of this chapter. (Ord. 1469, 11-22-2011, eff. 12-16-2011)

C. Maintenance: Each lot owner and/or occupant shall at all times keep the premises, buildings, improvements and appurtenances in a safe, clean, neat

and sanitary condition and shall comply with all laws, ordinances and regulations pertaining to health and safety. Each lot owner and/or occupant shall provide for the removal of trash and rubbish from the premises. Undeveloped areas on the premises shall be maintained in a weed free condition. This provision shall apply to all zones. (Ord. 1497, 4-23-2013, eff. 5-16-2013)

### **11-20-3: YARD REGULATIONS:**

#### **A. Front, Side And Rear Yards:**

1. Except as provided in this chapter, every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

2. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building site whereon a building is to be erected. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

3. When the common boundary line separating two (2) contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site and the yard spaces as required by this title shall then not apply to such common boundary line. A parcel map or reversionary map shall be required to merge such lots into a single parcel. (Ord. 1176, 8-27-2002, eff. 9-18-2002)

B. Cornices, Eaves: Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may extend or project into a required side, front or rear yard not more than three feet (3').

C. Fire Escapes: A fire escape may extend or project into any required front, side or rear yard not more than four feet (4').

D. Stairways And Balconies: An open and unenclosed stairway or balcony, covered or uncovered, may extend or project into a required rear yard not more than four feet (4') and into a required front or side yard not more than three feet (3'). The space under the roof, stairway and/or balcony shall remain open on at least three (3) sides. If an uncovered balcony encroaches into a required rear yard and also serves as a covered patio for the floor below, the encroachment provisions of subsection F of this section for rear yards shall apply. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

E. Uncovered Porches And Platforms: An attached uncovered porch, platform or landing place which does not extend above the level of the first floor of the building may extend or project into any required front yard not more than six feet (6'), and may extend any distance into a required side yard, and up to fifty percent (50%) of the distance into a required rear yard. (Ord. 1176, 8-27-2002, eff. 9-18-2002)

F. Attached Carports, Covered Patios And Porches In The R1, R2, ME And MP

## Zones:

### 1. Carports And Patio Covers Encroaching Into A Required Side Yard:

a. Carports and patio covers which are attached to a main structure may have a side setback of zero feet (0'), provided that the space under the carport or patio cover remains completely open at the front and rear. Gates may be permitted at the front and/or rear of the carport or patio cover, provided they do not exceed six feet (6') in height. Carports and patio covers which are located within five feet (5') of a property line shall utilize fire resistance rated construction, unless the building code allows for exceptions to this requirement.

b. The height of an attached carport or patio cover shall not exceed sixteen feet (16').

c. Carports attached to a main structure which open onto the street side yard of a corner lot shall have a minimum setback from the street side property line equivalent to the front yard setback for the zone in which the structure is located. (Ord. 1394, 9-22-2009, eff. 10-14-2009)

### 2. Carports And Patio Covers Encroaching Into A Required Rear Yard:

a. In the R1 and R2 zones, carports and patio covers which are attached to a main structure may have a rear setback of ten feet (10'), provided that the space under the carport or patio cover remains completely open at the rear and on at least one side. For lots recorded prior to the effective date of ordinance 841 (March 23, 1988), a rear setback of seven feet six inches (7'6") is permitted. For lots which abut an alley to the rear, a rear setback of zero feet (0') is permitted.

b. In the ME and MP zones, carports and patio covers which are attached to a main structure may have a rear setback of five feet (5'), provided that the space under the carport or patio cover remains completely open at the rear and on at least one side. For lots recorded prior to the effective date of ordinance 841 (March 23, 1988), a rear setback of four feet (4') is permitted.

c. The height of an attached carport or patio cover shall not exceed sixteen feet (16'). (Ord. 1536, 1-27-2015, eff. retroactive to 1-19-2015)

### 3. Patio And Porch Covers Encroaching Into A Required Front Yard In The R1 And R2 Zones:

a. Patio and porch covers which are attached to a main structure may have a front setback of fourteen feet (14'), provided that the space under the patio or porch cover remains unenclosed. Any deck or balcony above shall be limited to the encroachment provisions of subsection D of this section.

b. The height of an attached patio or porch cover shall not exceed the height of the roof of the house, or sixteen feet (16'), whichever is less.

c. Carports are not permitted to encroach into a required front yard. (Ord.

1370,11-12-2008, eff. 12-4-2008)

G. Covered Patios In The R3 Zone: In the R3 zone, and for approved R3 residential uses as permitted by conditional use in the C1, C2, CM and H zones, or within an approved planned unit development, covered patios attached to a main structure may extend into the required rear yard, provided that:

1. The required rear yard is not reduced to less than five feet (5');
2. The rear yard abuts common open space under the ownership and control of the homeowners' association or is an exclusive use yard area associated with the main structure; and
3. The space under the patio cover remains open on three (3) sides. (Ord. 1176, 8-27-2002, eff. 9-18-2002)

**11-20-4: WALLS, FENCES AND HEDGES:**

A. Measurement Of Height:

1. Front Yard: Walls, fences or hedges which occupy any portion of a required front yard, except within the sight visibility zone as provided for in section 11-20-5 of this chapter, shall be measured either:

- a. Above the finished grade along the fence line; or
- b. Above the curb grade; or
- c. Above the nearest edge of the street pavement in the absence of a curb structure along the street right of way line; or
- d. Above the finished lot grade along the side property line.

2. Other Yards: Walls, hedges or fences in other yards shall be measured from the finished grade from the side of the wall, fence or hedge with least vertical exposure.

3. Retaining Walls: Retaining walls are not included in the measurement of wall height as noted above, except as per the provisions of subsection B3 of this section.

B. Maximum Height:

1. Front Yard: A wall, fence or hedge may occupy any portion of a required front yard, except within the sight visibility zone as provided for in section 11-20-5 of this chapter, provided that such walls, fences or hedges do not exceed the following heights:

District	Maximum Height
R1-20, R1-40, R1-80	6 feet

All other R districts	4 feet
Perimeter subdivision walls	6 feet
Nonresidential districts	6 feet

2. Other Yards: A wall, fence or hedge may occupy any portion of a front, side or rear yard, except within the required front yard and except within the sight visibility zone as provided for in section 11-20-5 of this chapter, provided that such walls, fences or hedges do not exceed the following heights:

District	Maximum Height
C2, BC, CM	8 feet
All other districts	6 feet

3. Facing Public Streets: Solid walls and/or fences which face public streets shall not exceed six feet (6') in height on the public street side. Multiple retaining fence/walls shall be permitted, provided no single solid wall exceeds six feet (6') in height on the public street side. All walls within the sight visibility zone shall comply with the requirements as per section 11-20-5 of this chapter.

4. Exceptions For Residential Districts:

a. Decorative Features: An additional one foot (1') in height for decorative features such as lights or finials shall be allowed on top of columns within a required front yard and street side yard.

b. Tennis/Sports Courts:

(1) Tennis/sports courts utilizing nonmetallic netting may be permitted in a rear or side yard, and the maximum height for netting and posts shall be six feet (6'). If the yard is enclosed with retaining walls and solid walls or sight obscuring fencing in excess of six feet (6') in height, the netting and posts for tennis/sports courts shall not exceed that height. Requests which exceed the height of the yard's walls/fencing are subject to public hearing and planning commission approval in accordance with the conditional use review procedures of chapter 30 of this title. Said netting and posts shall be removed if the tennis/sport court is removed.

(2) Within the R1-20 and R1-40 zones, in addition to the requirements noted in subsection B4b(1) of this section, tennis/sports courts may also be permitted within a front yard, but not within a required front yard. A conditional use permit is not required for netting and posts up to six feet (6') in height within a front yard or up to ten feet (10') in height within a rear or side yard.

(3) Within the R1-80 zone, in addition to the requirements noted in subsection B4b (1) of this section, tennis/sports courts may also be permitted within a front yard, but not within a required front yard, and a conditional use permit is not required for netting and posts up to ten feet (10')

in height.

c. Residential Walls And/Or Fences: The building official may approve residential walls and/or fences in excess of the limitations set forth in subsections B1, B2 and B3 of this section, subject to the criteria for an administrative variance pursuant to section 11-32-13 of this title. All other requests for variances would be subject to public hearing and planning commission approval as per chapter 32 of this title.

C. Obstructions: Planted hedges, shrubs or trees shall not obstruct any public way. (Ord. 1191, 2-25-2003, eff. 3-19-2003)

D. Minimum Rear Yard Access: When fencing or walls are proposed which would block access from the front yard to the rear yard, a gate or some other means of access for emergency purposes shall be provided within the fence or wall on at least one side of the property. The gate or access should be at least four feet (4') in width, unless it is not practical to provide a gate or access of this width, in which case the gate or access shall be as wide as possible. (Ord. 1497, 4-23-2013, eff. 5-16-2013)

#### **11-20-5: SIGHT VISIBILITY ZONES:**

Sight visibility zones shall apply as per the provisions of the uniform standard drawings for public works construction, off site improvements, Clark County area, Nevada, drawing number 201.2, with the exception that:

A. The maximum height for objects within the sight visibility zone shall be three feet (3'), measured above the top of curb as it exists or would exist. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

#### **11-20-6: LOT AREA REDUCTION:**

No lot area shall, by deed, dedication, grant or by any other means whatsoever, be so reduced or diminished that the lot area, width, yard or other open spaces of such lot or any lot formed therefrom shall be smaller than prescribed by this title. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

#### **11-20-7: STRUCTURES PERMITTED ABOVE HEIGHT LIMIT:**

A. Chimneys, church steeples, radio/television transmission or receiving towers/antennas and flagpoles may be erected to a height exceeding the height limit otherwise permitted in the zone in which the structure is located, but in no case shall such structure exceed the height limit by more than ten feet (10') unless approved by the Planning Commission in accordance with the conditional use review procedures of chapter 30 of this title. No portion of an antenna array shall extend beyond the property line or into any front yard area in any residential zone.

B. Refrigeration coolers or ventilating fans, elevator bulkheads, fire towers and mechanical appurtenances necessary to operate and maintain the building, shall not exceed the height limit permitted in the zone in which the structure is located, unless approved by the Planning Commission in

accordance with the conditional use review procedures of chapter 30 of this title.

C. In no case shall structures so exceeding the permitted height limit be allowed for the purpose of providing additional floor space.

D. Antenna structures for Federal Communications Commission (FCC) licensed amateur radio stations may be erected to a total height not to exceed seventy feet (70') above finished grade, and are subject to the following provisions:

1. A conditional use permit shall be required in accordance with the procedures of chapter 30 of this title.

2. No person shall erect an antenna structure without first obtaining the necessary building, electrical or any other permit or license required by other provisions of this Code.

3. All antenna structures shall be maintained in compliance with the manufacturer's specifications and all applicable provisions of this Code.

4. Antenna structures shall be limited to rear yards of properties. (Ord. 1028, 11-25-1997, eff. 12-16-1997)

#### **11-20-8: MANUFACTURED HOMES:**

A. Manufactured homes are allowed in residential (R) zones provided such use complies with all of the following:

1. Must be permanently affixed to a residential lot. (Ord. 1117, 6-27-2000, eff. 7-19-2000)

2. Must have been manufactured within six (6) years preceding the date on which it is affixed to the residential lot. (Ord. 1593, 8-22-2017, eff. 9-14-2017)

3. Must have exterior siding and roofing similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity.

4. Must consist of more than one section and comply with minimum living area and setbacks required within the zone.

5. Must have at least five (5) sides to the building. This does not include architectural intrusions.

6. Must architecturally mask elevated foundations and anchoring systems.

7. If other homes in the immediate vicinity have garages or carports, then a garage or carport will be required of the manufactured home to match the architectural design of the neighborhood.

B. This section shall not apply in historic districts, and shall not void recorded restrictive covenants. (Ord. 1117, 6-27-2000, eff. 7-19-2000)

**11-20-9: WIND ENERGY SYSTEMS, ACCESSORY USE:**

A. Accessory Use: Wind energy systems, as defined in this title, are permitted as an accessory use in all zoning districts.

B. Type And Location:

1. In any zone, a wind energy system may be directly mounted on or attached to the principal structure on the site, or may be mounted on a freestanding monopole. In commercial zones, systems may be attached to advertising structure signs or integrated onto light poles provided structural engineering requirements are met as per city requirements. Systems which utilize lattice towers, guywires or other support structures shall require issuance of a conditional use permit as set forth in chapter 30 of this title.

2. Wind energy systems may be located anywhere on a property provided setback requirements are met, except that on residentially zoned property, wind energy systems shall not be located in the front yard between the principal structure and the public right of way, or within a street side yard of a corner lot if the yard is not enclosed by a six foot (6') tall wall or fence.

3. Wind energy systems shall not be located within or over drainage, utility or other established easements.

C. Setbacks:

1. In all zones, no part of the wind energy system structure, including guywire anchors, shall be located within five feet (5') of adjacent property lines or ten feet (10') of other structures.

2. All parts of a wind energy system shall be set back from adjacent property lines a minimum distance equal to 1.1 times the total extended height of the system. The setback may be reduced if the applicant provides a registered engineer's certification that the wind energy system structure is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system and within the subject property.

D. Height: Wind energy system structures shall not exceed the following total extended heights, as measured from grade to the highest point of the structure or of the arc of the blades, whichever is higher:

1. Thirty five feet (35') in all base zoning districts.

2. Exception: Twenty five feet (25') within the "AP" airport overlay zone.

E. Quantity: One wind energy system structure may be permitted per property when all setback and other requirements of this section can be met. Requests for additional wind energy system structures shall require issuance of a conditional use permit as set forth in chapter 30 of this title.

F. Noise Limits:

1. A wind energy system shall be constructed and maintained so that noise levels do not exceed sixty (60) decibels during the day or forty five (45) decibels during the night, as measured by a sound level meter at the closest property line.
2. Measurement of sound levels shall not be adjusted for, or averaged with, nonoperating periods. Any system exceeding these levels shall immediately cease operation upon notification by the city and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by the city.

G. Clearance: The blade tip or vane of any wind energy system shall have a minimum ground clearance of ten feet (10') as measured at the lowest point of the arc of the blades, as well as a clearance of ten feet (10') from the edge of the blade to any utility line. No blades shall extend over parking areas, driveways or sidewalks.

H. Appearance:

1. Systems shall be painted a nonreflective, nonobtrusive neutral color. Galvanized steel or metal is acceptable for the support structures.
2. When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.
3. Any painting or coating shall be kept in good repair.
4. Signs are prohibited on a wind energy system, except for manufacturer or installer identification and/or warning signs.

I. Lighting:

1. Illumination Prohibited: No illumination of the turbine or tower shall be allowed unless required by the federal aviation administration (FAA). If lighting is required by the FAA, the lighting shall be the minimum amount and type required by that agency.
2. Exception: In commercial zones, low level illumination of a wind energy system is permitted. The ground or building mounted light fixture shall not flash or move.

J. Access: If the wind energy system is not within an enclosed yard, any climbing foot pegs or rungs below twelve feet (12') of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.

K. Compliance:

1. The wind energy system shall comply with all applicable federal, state and city codes and the installation of a wind energy system shall require the issuance of a building permit.

2. If the wind energy system is connected to a public utility electricity distribution system, the customer shall comply with any requirements imposed by that utility.

L. Maintenance, Abandonment And Removal:

1. Wind energy systems shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards, and shall be free from rust.

2. Any wind energy system found to be unsafe by an official of the Boulder City building division shall immediately cease operation upon notification by the city and shall be repaired by the owner to meet federal, state and local safety standards or be removed within six (6) months.

3. Wind energy systems that are not operated for a continuous period of twelve (12) months shall be removed by the owner. If the owner fails to remove the system, the city may pursue legal action to have the system removed at the owner's expense.

4. When a system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or supports for the system shall also be removed. For purposes of this section, nonoperation shall be deemed to include, but shall not be limited to, the blades of the system remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the system is no longer connected to the public utility electricity distribution system or an alternate storage system such as batteries, etc.

M. Deviation: Deviations from these standards shall require issuance of a conditional use permit as set forth in chapter 30 of this title. (Ord. 1469, 11-22-2011, eff. 12-16-2011)

**Chapter 21**  
**SUBSTANDARD LOTS OF RECORD**

**11-21-1: PURPOSE:**

The intent of this chapter is to allow the use of existing recorded substandard lots which, because of their existing area, width and depth, full compliance with certain regulations of the zone would create undue hardship and render many such lots unusable. It has been deemed desirable to establish minimum modified space regulations, which would apply only to those areas with existing substandard lots, in order to ensure the continued or future use of said lots and to preserve the property rights of their owners. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **11-21-2: EXCEPTIONS:**

When a lot has an area, width or depth less than that required by this title, and when said lot was held under separate ownership or was of record at the time this title became effective, such lot may be occupied by any use permitted in the zone, subject to the following regulations:

A. R1 Single-Family Residential And R2 Two-Family Residential Zones: All the regulations of the zone in which the lot is located shall apply to all substandard lots of record, except as follows:

### 1. Minimum Yard Requirements:

a. Front Yard: Twenty percent (20%) of lot depth, but need not exceed twenty feet (20').

b. Rear Yard: Twenty percent (20%) of lot depth, but need not exceed fifteen feet (15'). For lots recorded prior to the effective date of ordinance 625 (May 3, 1978) and which abut an alley to the rear, a zero foot (0') rear yard is permitted.

c. Side Yard: Ten percent (10%) of lot width in each side yard, but shall not be less than three feet (3') and need not exceed five feet (5'). (Ord. 1536, 1-27-2015, eff. retroactive to 1-19-2015)

d. Street Side Yard In The R1-7 Zone: Twenty percent (20%) of lot depth, but need not exceed twenty feet (20'). For lots recorded prior to the effective date of ordinance 185 (October 12, 1964) the minimum street side yard need not exceed fifteen feet (15'). (Ord. 1593, 8-22-2017, eff. 9-14-2017)

e. Street Side Yard In Other R1 Zones And The R2 Zone: Twenty percent (20%) of lot depth, but need not exceed twenty feet (20'). For lots recorded prior to the effective date of ordinance 176 (May 18, 1964) the minimum street side yard need not exceed fifteen feet (15'). (Ord. 1536, 1-27-2015, eff. retroactive to 1-19-2015)

### 2. Minimum Dwelling Unit Size:

a. Single-Family Dwellings: Each dwelling unit shall have an area of not less than eight hundred (800) square feet, exclusive of garages, porches, eaves or similar features.

b. Two-Family Dwellings: Each dwelling unit shall have an area of not less than six hundred fifty (650) square feet, exclusive of garages, porches, eaves or similar features.

3. Lot Coverage: The maximum lot coverage shall be forty five percent (45%) of the lot area for all R1 Zones and fifty five percent (55%) of the lot area for all R2 Zones.

B. R3 Multiple-Family Residential Zone: All the regulations of the zone in which the lot is located shall apply to all substandard lots of record, except as

follows:

1. Minimum Yard Requirements:

a. Front Yard: Fifteen percent (15%) of lot depth, but need not exceed fifteen feet (15').

b. Rear Yard: Fifteen percent (15%) of lot depth, but need not exceed fifteen feet (15').

c. Side Yard: Ten percent (10%) of lot width in each side yard, but shall not be less than three feet (3') and need not exceed five feet (5').

d. Street Side Yard: Fifteen percent (15%) of lot depth, but need not exceed fifteen feet (15').

2. Minimum Side Yard: The minimum side yard requirements shall be increased by two feet (2') for each story above the first story.

3. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area for all R3 Zones.

C. ME Mobile Home Estate Zone: All the regulations of the zone in which the lot is located shall apply to all substandard lots of record, except as follows:

1. Minimum Yard Requirements:

a. Front Yard: Ten percent (10%) of lot depth, but need not exceed ten feet (10').

b. Rear Yard: Eight feet (8').

c. Side Yard: Ten percent (10%) of lot width in each side yard, but shall not be less than three feet (3') and need not exceed five feet (5').

d. Street Side Yard: Ten percent (10%) of lot depth, but need not exceed ten feet (10').

2. Minimum Dwelling Unit Size: Each dwelling unit shall have an area of not less than eight hundred (800) square feet, exclusive of garages, porches, eaves or similar features.

3. Lot Coverage: The maximum lot coverage shall be fifty five percent (55%) of the lot area for the ME Zone.

D. All Other Zones: All the requirements of the zone in which the lot is located shall apply. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 905, 5-12-1992, eff. 6-3-1992; Ord. 1001, 3-25-1997, eff. 4-16-1997; Ord. 1406, 4-27-2010, eff. 5-20-2010)

**11-21-3: REDUCTION OF LOT AREA:**

No lot or parcel which was of record at the time this title became effective and which has an area, width or depth below the minimum required for the zoning district, shall be reduced in area, unless such reduction is for the purpose of minor adjustments in area, width or depth by the two (2) adjacent property owners. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-21-4: LOCATION OF ACCESSORY BUILDINGS:**

Subject to the provisions as set forth in chapter 20 of this title. (Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-21-5: VEHICLE PARKING:**

For residential zones the provisions of section 11-23-7 of this title shall apply. (Ord. 1497, 4-23-2013, eff. 5-16-2013)

**Chapter 22  
AP AIRPORT ZONE**

**11-22-1: PURPOSE:**

The purpose of this zone is to prevent the creation or establishment of hazards or obstructions in the proximity of the city airport that may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft thus tending to impair the utility of the airport. (Ord. 852, 12-13-1988, eff. 1-6-1989)

**11-22-2: APPLICABILITY:**

The AP airport zone is a supplemental special zone which, when superimposed over any other zone, subjects all structures located therein to the specific structural limitations of this chapter. The regulations of the underlying zone shall otherwise apply. (Ord. 852, 12-13-1988, eff. 1-6-1989)

**11-22-3: STRUCTURAL LIMITATIONS:**

A. The height of a structure outside the boundaries of the airport property shall not exceed twenty five feet (25'). For structures within the airport boundary, the height may be increased up to forty five feet (45'), upon receipt of a conditional use permit from the planning commission. For purposes of reviewing conditional use permits, the planning commission shall use the following guidelines:

1. Private Aircraft Hangars: Intent is that private airport hangars should be no higher than thirty feet (30'). Taller structures may be appropriate south of runway 27L/9R and/or west of runway 15/33, up to a maximum height of forty five feet (45') in those locations.

2. Commercial Facilities: Commercial hangars, maintenance facilities and/or terminal/office space shall be limited to forty five feet (45') in height. The planning commission should consider the location of the facility and impact on the viewshed and nearby residential development when reviewing

height increases. A negative impact on viewshed shall not be the determining factor in a denial of application, but can be used to apply mitigation measures to lessen impacts, if any.

Regardless of any conditional use permit that may be issued, all development within the airport boundaries shall comply with the guidelines and restrictions as set forth by the federal aviation administration for building construction upon airports.

Exception: No structure, other than the airport terminal building, shall exceed the twenty five foot (25') height limit within the first two hundred feet (200') of airport property adjacent to the north and east boundaries of the airport as adjacent to Veterans Memorial Drive and the Boulder Creek golf course. (Ord. 1222, 9-14-2004, eff. 10-6-2004)

B. No structure shall be used in such a manner as to create electrical or lighting interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

C. The provisions of section 11-20-7, "Structures Permitted Above Height Limits", of this title, shall not apply to any structure located within the AP zone.

D. Any owner or bona fide agent for the owner of the property involved, desiring to erect or increase the height of any structure not in accordance with the regulations prescribed in this chapter, may apply for a variance from such regulations under chapter 32 of this title. The application for variance shall be accompanied by a determination from the federal aviation administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. (Ord. 852, 12-13-1988, eff. 1-6-1989)

## **Chapter 23**

### **OFF STREET PARKING AND LOADING REQUIREMENTS**

#### **11-23-1: PURPOSE:**

In order to progressively alleviate or prevent traffic congestion and shortage of curb spaces, off street parking and loading facilities are required to be provided incidental to new land uses, and to major alterations and enlargements of existing uses. The number of parking spaces and loading berths, as herein prescribed, are in proportion to the needs of such facilities as are created by the particular type of land use. Off street parking and loading areas are to be laid out in a manner which will ensure their usefulness; protect the public safety; and where necessary, be required to provide the necessary setbacks, landscaping and walls, in order to protect and insulate the surrounding land uses from their impact. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-23-2: OFF STREET PARKING FACILITIES REQUIRED:**

A. Prior to the construction of a structure, or a major alteration or enlargement of a site or structure, there shall be provided plans for off street parking facilities in accordance with the regulations as herein prescribed. A "major alteration or enlargement" is any change of use, or an addition which would increase the number of parking spaces required by not less than ten percent (10%) of the total number.

B. "Gross floor area" is the floor area assigned to a use of each floor, mezzanine and basement within the surrounding exterior walls of the building, excluding elevator shafts, stairwells, mechanical equipment rooms, restrooms and courtyards.

C. "Fractional measurements" involving parking spaces shall result in the requirement of one additional off street parking space. (Ord. 841, 2-23-1988, eff. 3-23-1988)

D. The number of off street parking spaces required for each use shall be as follows:

Use	Required Parking Spaces
Adult bookstores and sex novelty shops	2 spaces for each 300 square feet of gross floor area, but in no case less than 3 spaces per business
Adult entertainment cabarets	2 spaces for each 100 square feet of gross floor area
Adult motion picture theaters, adult mini-motion picture theaters and adult picture arcade theaters	2 spaces for each 90 square feet of gross floor area, but in no case less than 15 spaces per business
Arcade	1 space for each 5 coin operated amusement machines
Automobile, mobile home, boat, machinery, or like sales lot	1 space for each 2,000 square feet of lot area
Banks	1 space for each 200 square feet of gross floor area
Bowling alleys	5 spaces for each alley
Churches	1 space for each 150 square feet of gross floor area
Dance halls and assembly halls without fixed seats	1 space for each 100 square feet of gross floor area
Dwellings, multiple and residential condominiums	2 spaces per dwelling unit plus an additional 20 percent of such parking spaces to be developed and set aside for the parking and storage of recreational vehicles and boat trailers; such additional spaces to have a width of not less than 10 feet and a length of not less than 24 feet
Dwellings, senior housing	1 space per unit
Dwellings, single-family, two-family and mobile home estates	3 spaces for each dwelling unit, including garage and/or carport
Funeral homes, mortuaries	1 space for each 100 square feet of gross floor area
Golf courses, private	As per the development agreement referenced in subsection 11-9-4A of this title
Golf courses, public	8 spaces for each golf hole

Greenhouses, commercial	1 space for each 2,000 square feet of covered area
Hospitals	1.5 spaces for each patient bed
Hotels and motels	1 space for each sleeping or living unit plus an additional 20 percent of such parking spaces to be developed and set aside for the parking and storage of recreational vehicles and boat trailers; such additional spaces to have a width of not less than 10 feet and a length of not less than 24 feet
Libraries and museums	1 space for each 300 square feet of gross floor area
Lodging and rooming houses	1 space for each rental unit
Manufacturing or industrial uses, research or testing laboratories, warehouses, wholesaling	1 space for each 1,000 square feet of gross warehouse space, 1 space per 600 square feet of gross manufacturing space and 1 space per 300 square feet of gross office space
Medical and dental clinics	1 space for each 200 square feet of gross floor area
Ministorage facilities	1 space for each 300 square feet of gross floor area in the central leasing office and a minimum aisle width of 30 feet between ministorage buildings
Mobile home parks	2 spaces per site, plus 1 guest parking space for each 5 mobile home sites, plus an additional 20 percent of such site parking spaces to be developed and set aside for the parking and storage of recreational vehicles and boat trailers; such additional spaces to have a width of not less than 10 feet and a length of not less than 24 feet
Office uses	1 space for each 300 square feet of gross floor area
Recreational vehicle parks	1 space for each RV site, plus 1 space for each 4 RV sites for additional occupant and visitor parking; also reference subsection 11-8-7B9 of this title
Restaurants, lounges, cafes, nightclubs or taverns	1 space for each 2 seats with a certificate of occupancy to be issued for seating not to exceed that allowed by the parking requirement
Retail stores, shops, etc., (excluding supermarkets, restaurants, lounges, cafes, nightclubs or taverns)	1 space for each 300 square feet of gross floor area, but in no case shall less than 3 spaces be provided for each establishment
Sanitariums, convalescent homes, rest homes, homes for the aged, and similar uses	1 space for each 4 patient beds
Schools	3 spaces for each instructional room, or 1 space for each 3 seats in the auditorium, whichever is greater
Service garages and service stations	3 spaces for each 400 square feet of gross floor area
Sports arenas, stadiums and theaters	1 space for each 3 seats
Supermarkets	1 space for each 300 square feet of gross floor area

(Ord. 1182, 11-26-2002, eff. 12-18-2002)

**11-23-3: PARKING REQUIREMENTS FOR USES NOT SPECIFIED:**

Where parking requirements for any use are not specifically defined herein or stipulated elsewhere in this title, such parking requirements shall be

determined by the planning commission, and shall be based upon the requirements for the most comparable use specified herein, or in proportion to the need of such facilities as is created by the particular type of land use. (Ord. 841, 2-23-1988, eff. 3-23-1988)

A. Upon receipt of a complete application and applicable fees, the Community Development Director shall cause notices to be given in accordance with the procedures and requirements set forth in Section 11-35-2 of this Code. (Ord. 883, 2-26-1991, eff. 3-20-1991)

#### **11-23-4: GENERAL PARKING AND LOADING PROVISIONS:**

A. Access: Each off-street parking space shall be provided with adequate ingress and egress, with sufficient room for turning and maneuvering on the site; provided, however, in any R1 (Single-Family Residential), ME (Mobile Home Estates) or MP (Mobile Home Park) Zone, each space need not have individual ingress and egress. An adjoining alley may be considered as part of the site in determining the adequacy of the space required for the turning and maneuvering of vehicles, but in no case shall an adjoining street be considered for such purpose. The location and design of all entrances and exits shall be subject to the approval of the City Engineer.

B. Location:

1. The off-street parking requirements as herein set forth shall be located on the same lot or parcel or on an adjoining lot or parcel as the structure or use they are intended to serve. The Commission may allow the establishment of the off-street parking area to be located within five hundred feet (500') of the premises to which the parking requirements pertain, and may be located in a residential zone if the land lies adjacent to any building or use being established in a commercial zone.

2. Space for required off-street parking and loading shall not occupy any part of the clear vision triangle, but may be included as part of a required open space for a rear or side yard.

C. Mixed Occupancies: In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities provided for one use shall not be considered as providing required parking facilities for any other use.

D. Reduction In Area: No off-street parking area shall be encroached upon by buildings, vehicle storage or any other use, nor shall such space be reduced in area except by recommendation of the Planning Commission and approval by the City Council; and then only after proof that, by reason of reduction in floor area, seating area or other factors controlling the regulation of such parking facilities, the proposed reduction in off-street parking is reasonable. Application for such reduction or encroachment shall be made in accordance with the provisions of Chapter 30 of this Title, Conditional Uses.

E. Off-Street Loading Spaces Required: In any district in connection with

every building or part thereof, hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied for any office, commercial, manufacturing or industrial purpose or for any other purpose similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space not less than twelve feet in width, thirty five feet in length and fourteen feet clearance in height (12' x 35' x 14'), plus one additional such loading space for each additional twenty thousand (20,000) square feet of floor area. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-23-5: IMPROVEMENTS REQUIRED:**

A. Parking Plan: A plan of any proposed parking area shall be submitted to the Community Development Director or Building Official, at the time of filing an application for a building permit for the building to which the parking area is accessory. No building permit shall be issued unless the parking plan has been approved by the Community Development Director or Building Official. The parking plan shall clearly indicate the proposed development, including location, size, shape, design, entrances and exits, curb cuts, lighting, landscaping, screening, paving specifications, including bumper curbs and such other data features and appurtenances as the Community Development Director or Building Official may deem pertinent. If any parking requirements are based on a use, such as restaurants, lounges, cafes, where seating is the criteria, a seating plan shall be submitted with the construction drawings.

A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire development as proposed on the parking plan when, in the judgment of the Building Official, the delay in the completion of the improvements are due to circumstances beyond the control of the owner.

1. Minimum Design Standards: The parking plan shall conform to the minimum design standards contained in table I which follows:

Table I				
MINIMUM PARKING DESIGN STANDARDS				
Angle Of Parking (A)	Width (B) <sup>2</sup>	Depth (C)	Curb Length Per Car (D)	Aisle Width (E)
90°	9'	19'-0"	9'-0"	24'-0"
70°	9'	21'-0"	9'-7"	<sup>1</sup> 21'-0"
60°	9'	21'-0"	10'-5"	<sup>1</sup> 18'-0"
45°	9'	19'-6"	12'-9"	<sup>1</sup> 13'-0"
30°	9'	17'-0"	18'-0"	<sup>1</sup> 11'-0"
0°	9'	24'-0"	24'-0"	<sup>1</sup> 12'-0"
1. Aisles shall be of one-way operation if single width; two-way operation permitted only if aisle is double width shown.				
2. Parking spaces specifically reserved for people who use wheelchairs or walking aids shall be at least 13 feet wide.				

<graphic> </graphic>

2. Handicapped Drivers: Every parking lot designed for use by the general public in whole or in part shall be provided with parking spaces for the

exclusive use of handicapped drivers. Parking spaces so received and designated for handicapped parking shall be located within the parking lot in those areas that are most accessible to the use the parking lot is accessory to. The number of parking spaces provided for handicapped drivers shall be as follows:

Total Number Of Spaces In The Parking Facility	Number Of Parking Spaces Designated For Handicapped Drivers
1 - 25	Minimum of 1 designated space (Exception: No space need be designated for the handicapped driver in off street parking facilities with 12 or fewer spaces, which is required for residential uses, including mobile home estates and residential condominiums, hotels and motels.)
26 - 50	Minimum of 2 designated spaces
51 - 75	Minimum of 3 designated spaces
76 - 100	Minimum of 4 designated spaces
Over 100	Minimum of 4 designated spaces, plus 2 spaces for each 100 parking spaces over 100, in the off street parking facility

3. Marking And Signs: All parking stalls shall be marked on the pavement for each vehicle to be parked. Operational restrictions such as one-way aisles shall be clearly indicated with appropriate signs or pavement markings.

a. Handicapped parking spaces shall be marked in blue. The international symbol of accessibility shall be painted in each handicapped space.

b. Handicapped parking spaces shall have a sign identifying "Handicapped Parking" and the penalty fine as required by Nevada Revised Statutes 484.408.

4. Entrances And Exits: Each parking lot shall have not more than two (2) entrances and one common exit for each street frontage. Construction of driveways shall comply with the Boulder City uniform standard drawings.

5. Deviation Or Modification: Any deviation or modification of the parking requirements as herein set forth must be approved by the planning commission. No final inspection or occupancy permit shall be issued by the building official until all the improvements as shown on the parking plan have been properly installed.

6. Granting Of Minor Plan Modifications: Notwithstanding any other provisions of this chapter, the community development director may allow for certain minor parking plan modifications without public hearing as required by chapter 32, "Variances", of this title subject to the following limitations:

a. Permit minor modifications as may be necessary to achieve an appropriate design in the proposed parking area.

b. Permit minor modifications in the minimum parking design standards where, in the particular instance, such modification will not be inconsistent with the purpose of this chapter.

c. For the purpose of this section, minor modifications shall be construed to be modifications amounting to ten percent (10%) or less of any requirements for achieving the minimum parking design standards. (Ord. 841, 2-23-1988, eff. 3-23-1988)

B. Pavement And Treatment Of Public Or Private Parking, Outdoor Sales Or Display Areas:

1. All off street parking areas shall be surfaced or paved with asphaltic concrete pavement, concrete pavement or other similarly durable hardened improved surface, contained by perimeter curbing material, all subject to the approval of the building official and shall be so graded and drained as to dispose of all surface water in a manner that will not cause erosion or damage outside of the parking area.

a. Exception For Temporary Uses: Every parcel of land hereafter used for temporary private or public parking, sales or display (temporary meaning 30 continuous days or less as approved by the city) shall be surfaced or paved with asphaltic concrete pavement, concrete pavement, or with a two inch (2") deep gravel base with a defined edge that is treated as needed to eliminate dust, subject to approval by the building official, and shall be maintained in good condition during the duration of the temporary parking, sales or display.

b. Exception For Special Events: Standards for temporary parking for special events as per title 4, chapter 1 of this code shall be as established by the city's special events review board.

2. Persons operating parking lots shall maintain such lots to provide a smooth and durable surface, adequately drained and free from dust.

3. Display for the purpose of sale of any motor vehicle or other merchandise upon any vacant lot, private parking lot, or unimproved portion of a public right of way is not permitted without a business license under the provisions of title 4 of this code.

4. Where such areas adjoin residential zones, unless otherwise separated by a public street, they shall be separated therefrom by a solid masonry wall or similar sight obscuring fence six feet (6') in height, provided that said wall shall not exceed four feet (4') in height where it is in the front yard area of an abutting zone which requires a front setback area. (Ord. 1497, 4-23-2013, eff. 5-16-2013)

C. Border Barricades:

1. Every parking area that is not separated by a wall from any street or alley upon which it abuts shall be provided with bumper curbs, said curb installation shall be as per city standards.

2. Every parking area located in a zone other than R1 abutting property located in R1 zones shall be separated from such property by a solid masonry wall six feet (6') in height, measured from the finished surface grade of such

parking area closest to the contiguous R1 zoned property; provided, that the masonry wall shall not exceed four feet (4') in height within fifteen feet (15') of any street line.

D. Landscaping And Screening: The landscaping requirements for off street parking areas are established to set aside ample open spaces to integrate landscaping, lighting and pedestrian design features into the site plan to create an off street parking area aesthetically complementary to the urban environment.

Innovative designs and flexibility in the application and structuring of landscaping and screening of parking areas are to be encouraged.

In the event of practical difficulties and hardships resulting from strict enforcement of the following standards due to existing buildings or an irregularly shaped parcel, an administrative variance by the community development director may be given for standards not to exceed ten percent (10%).

1. The standards for areas to be landscaped will be as in section 11-25-5 of this title.

2. All vehicular parking and loading zones will be screened from public streets with a ten foot (10') planter bed which may include the parkway, permanently landscaped with trees at a minimum of one per thirty (30) linear feet except as required for visual clearance pursuant to section 11-20-5 of this title.

3. A screening wall, three feet (3') high, masonry wall, berm or other suitable material (i.e., dense shrub plantings) will separate the parking area from the peripheral planter bed, excepting ingress and egress lanes.

4. Six inch (6") curbs and gutters within the parking area shall be installed at a minimum of four feet (4') from the faces of exterior walls, berms, hedges, fences, buildings or other structures, except areas of ingress or egress and pedestrian walkways. Concrete bumper stops or other acceptable material may be used with approval of the city engineer if no drainage problems exist. This four foot (4') area inside all peripheral walls, fences or hedges facing public streets or buildings will be fully landscaped as per section 11-25-5 of this title.

5. Planter islands will be created within the parking area, one for every ten (10) spaces. The following minimum design standards apply:

a. Size: A minimum width of four feet (4') at any point and total square footage of twenty four (24) square feet (not including the curbing).

b. Number: The island shall contain at least one shade tree and two (2) shrubs, and be designed to accommodate the ultimate size of the tree. To facilitate maintenance, the ground can be left bare around the plantings.

c. Types: Types of trees utilized in such planter islands should have deep

rooting and minimum leaf shedding characteristics.

d. Curbing: The island shall be surrounded by curbing as noted in subsection D4 of this section.

e. Square Footage: In the aggregate, the square footage of planter islands will be no less than two percent (2%) of the parking and aisle space.

6. Parking lots of less than four thousand (4,000) square feet of paving are excluded from the requirements of subsections D4 and D5 of this section if it is the sole off street parking facility for a residential or commercial entity. A parking lot designed to serve multiple and contiguous businesses, such as shopping centers, will be treated as a single entity for the purposes of this chapter regardless of fragmented ownership.

E. Lighting:

1. Where all night parking is permitted, parking lots shall be lighted from sunset to sunrise. Where parking is customarily permitted for some lesser portion of the hours of darkness, parking lots shall be lighted for those hours the parking is customarily permitted. The lights shall be so arranged as to reflect the light away from adjoining lots and shall provide a distribution of light which is ample to distinguish silhouettes.

2. Any lights provided to illuminate any parking area shall be arranged so as to reflect the light away from any premises upon which a dwelling unit is located. Open bulbs shall not be permitted. Proper shades shall be used to control such installations to prevent glare and light from infringing upon adjoining properties.

F. Fire Access: All vehicles shall be so stored that they may be reached readily in case of fire or other emergency.

G. Conflicting Provisions: In the event the requirements of the uniform standard specifications for public works construction off site improvements, Clark County area, Nevada, or any other chapter, standards and specification, as they now exist or may hereafter be amended or adopted, are in conflict with the provisions of this chapter, such specific requirements are hereby repealed to the extent of such conflict but no further, and the provisions of this chapter shall prevail. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-23-6: OFF STREET PARKING AND LOADING REQUIREMENTS IN THE CBD CENTRAL BUSINESS DISTRICT:**

The CBD central business district is a supplemental special district which, when superimposed over any zone downtown as per the adopted zoning map, exempts the uses located therein from the provisions of subsection 11-23-2D, sections 11-23-3 and 11 -23-4 of this chapter, and subjects such users to the following off street parking and loading requirements. The purpose for this supplemental district is to encourage traditional downtown business and development in the historic commercial center of the city where public parking lots are in existence and where on street parking is permitted by the

city in designated areas.

A. No additional parking spaces are required on site for existing buildings, additions to existing buildings, or new buildings.

B. There shall be no reduction of existing parking or loading spaces on a developed lot. (Ord. 1526, 9-23-2014, eff. 10-16-2014)

**11-23-7: RESIDENTIAL PARKING STANDARDS FOR INDIVIDUAL SINGLE-FAMILY LOTS OR MOBILE HOME SITES:**

A. Off Street Parking Required: Sufficient off street parking shall be provided and maintained for all vehicles. The minimum required number of parking spaces to be provided shall be as specified in section 11-23-2 of this chapter, except for lots that are substandard in area. When parking is provided, the parking area shall comply with the other requirements of this chapter.

B. Driveways And Parking Areas Must Be A Hard Surface: All areas utilized for the parking of vehicles shall be paved with a hard surface such as concrete pavement, asphaltic concrete pavement, brick, or other similarly durable hardened improved surface with a defined edge, subject to approval by the building official. The parking pad shall be of sufficient size to include the entire vehicle. Individual pavers placed under tires shall not be deemed compliant with this section. This includes the front yard, side yard and rear yard of the home. It shall be prohibited to park or drive vehicles upon nonpaved areas of the property.

C. Allowable Parking Area Within Front Yards In The R1-7, R1-8, R1-10, R1-15, ME And MP Zones:

1. Front Yard Defined: For the purposes of this section, the front yard is the required front setback area for the zone. There are no paving limits beyond the required front yard area.

2. Maximum Coverage: The maximum coverage for parking in any front yard area shall not exceed fifty percent (50%) of the front yard area.

3. Exception: All dwellings shall be permitted a minimum driveway width of twelve feet (12') and minimum driveway area of four hundred (400) square feet within the front yard.

4. Standards For Semicircular Driveways:

a. If the width of the semicircular driveway does not exceed twelve feet (12'), the total parking area may exceed fifty percent (50%) of the front yard. A greater width may be permitted as long as the total parking area does not exceed fifty percent (50%) of the front yard.

b. There shall be no more than two (2) access points on the premises for the semicircular drive.

5. New Access Points: Any new access point to a public right of way requires approval of the city engineer prior to construction.

D. Front Yard Parking And Driveways Prohibited In Certain Areas Of The Historic District:

1. Prohibited On Certain Streets: New driveways and parking areas shall be prohibited within residential front yards along the following streets within the boundaries of the Boulder City historic district: Arizona, Ash, Birch, Cherry, Colorado, Denver, Park and Utah Streets, and the portion of Avenue B north of Arizona Street.

2. Exception: Any lot which does not have direct vehicular access to an alley or side street shall be permitted to have a driveway within the front yard meeting the other requirements of this section.

E. Parking Actions Prohibited:

1. It shall be prohibited to park or store vehicles or any other objects or structures on vacant lots within residential zones. The reference to vehicles includes, but is not limited to, trailers, boats, equipment or machinery, whether operable or licensed or not.

2. Parking on public property (including sidewalks and the area between the sidewalk and the street) shall be regulated as per the provisions of title 10, chapter 6 of this code.

F. Carports: Carports attached to a dwelling are regulated as per subsection 11-20-3F of this title. Detached carports are regulated as per subsection 11-20-2B of this title as an accessory structure. (Ord. 1497, 4-23-2013, eff. 5-16-2013)

## **Chapter 24 SIGNS AND ADVERTISING STRUCTURES**

### **11-24-1: TITLE:**

This chapter shall be known as the *SIGN ORDINANCE OF BOULDER CITY, NEVADA*. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

### **11-24-2: AUTHORITY:**

This chapter is enacted by the city council of Boulder City under the authority of Nevada Revised Statutes 278.020 et seq. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

### **11-24-3: REGULATORY SCOPE:**

This chapter regulates signs located on or attached to private property, and signs located on or attached to public property which is owned or controlled by public entities other than Boulder City and over which the city holds zoning or land use regulatory authority. Policies for signs located on or attached to

property owned or controlled by the city are stated in chapter 24A. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

#### **11-24-4: PURPOSES AND INTERESTS SERVED:**

By enacting this chapter, the city intends to serve the following purposes and interests: to promote and protect the public health, welfare and safety; to prevent unreasonable distraction of operators of motor vehicles, confusion with traffic lights, signs or signals and other interference with the effectiveness of traffic regulations; to make the city physically and visually attractive to residents, tourists, and businesses; to promote the economic well being of the city and surrounding areas; to protect the public and private investment in land improvements; to preserve and enhance the natural scenic beauty and aesthetic features of the city, its streets and highways and adjacent areas; and to encourage the orderly expression of messages, debate, and information by way of display of signs. For these purposes, the city by this chapter regulates signs by size, height, physical design, construction, illumination, maintenance, and relationship to land uses. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

#### **11-24-5: BASIC POLICIES:**

The policies and principles stated in this section apply to all signs within the regulatory scope of this chapter, and to all procedures set forth in, or invoked by, this chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

A. Enforcement Authority: The director is authorized and directed to enforce and administrate the provisions of this chapter.

B. Permit Requirement: Unless expressly exempted by a provision of this chapter, or by other applicable law, signs within the regulatory scope of this chapter may be displayed only pursuant to a permit issued by the city.

C. Message Neutrality: It is the city's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

D. Regulatory Interpretations: All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the building code, then the director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

E. Substitution Of Messages: Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution

of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, lot or use; does not affect the requirement that a sign structure or mounting device be properly permitted; and does not allow the substitution of an off site commercial message in place of an on site commercial message.

F. Rules For Noncommunicative Aspects Of Signs: All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

G. Billboard Policy: The city completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the city will take immediate abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the city council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this chapter. The city council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards.

H. Situs Of Noncommercial Message Signs: All signs displaying noncommercial speech messages are deemed to be "on site", regardless of location.

I. Multiple Use Zones: In any zone where both residential and nonresidential uses are allowed, the sign related rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential zone where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

J. Property Owner's Consent: No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

K. Legal Nature Of Signage Rights And Duties: As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on

which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

L. Sign Programs: Sign programs, voluntarily proposed for specific developments, as well as special sign districts or special sign overlay zone, when approved by the planning commission may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other noncommunicative aspects of signs, but may not override or modify any of the basic policies stated in this section. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

M. Variances: When a deviation from the rules stated in this chapter is sought by variance, the variance must be approved by the planning commission following a duly noticed public hearing. In considering variance requests, the planning commission shall not consider the graphic design or message of the sign display face, and may not approve a variance which would allow a sign to be used for the display of off site commercial messages. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

N. Severance: If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid portion. In adopting this chapter, the city council affirmatively declares that it would have approved and adopted this chapter even without any portion which may be held invalid or unenforceable. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

#### **11-24-6: DEFINITIONS:**

For the purpose of applying the provisions of this chapter, the following terms are defined:

All the definitions as set forth in section 11-1-3 of this title.

**ADVERTISING SIGN:** A sign attached to or placed on the outside of a building upon which any poster, bill, printing, painting, device or advertising of any kind may be placed, posted, fastened or affixed.

**ADVERTISING STRUCTURE:** Any freestanding outdoor structure or device erected for advertising purposes, or to attract the attention of the public, and which is visible from any public street or alley or public place. See also definition of Freestanding Or Pole Sign.

**AWNING:** A permanent or retractable roofed structure constructed of fabric or metal placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building. This does

not include cantilevers. See also definition of Canopy.

<graphic> </graphic>

### *Awning*

**BANNER SIGN:** A temporary advertising device made of lightweight fabric or similar material, containing copy, graphics, logos, or symbols for advertising purposes, that is mounted to a pole, building, or other structure.

<graphic> </graphic>

### *Banner*

**BILLBOARD:** A permanent structure with a display face greater than twelve (12) square feet which is used for the display of off site commercial messages or advertising for hire or general advertising. (See Fifth Avenue Coach v. New York City, 221 U.S. 467 (1911).) A billboard may be freestanding or attached to another structure.

**BUSINESS DAY:** A day on which the Boulder City Hall offices are open to the public.

**CABINET SIGN:** A sign that contains all the text and/or logo symbols within a single enclosed case. Cabinet signs are classified into distinct categories: A single cabinet with four (4) straight sides in the form of a square or rectangle; or a single cabinet with one or more sides that follow the form of the message/logo within the cabinet.

**CANOPY:** A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings and supported by the building and supports extending to the ground directly under the canopy.

<graphic> </graphic>

### *Canopy*

**CANOPY SIGN:** A sign attached to or constructed in a canopy.

<graphic> </graphic>

### *Canopy Sign*

**CHANGE PANEL:** Any advertising sign or advertising structure designed to permit immediate change of copy.

**CHANNEL LETTERS/SIGN:** Channel letters are individually illuminated letters and graphics.

<graphic> </graphic>

### *Channel Letter Sign*

**COMMERCIAL MASCOT:** Humans or animals used as commercial advertising devices, typically by the holding or wearing of insignia, masks or costumes associated with the commercial establishment. Includes sign twirlers, sign

clowns, "sandwich board" signs, etc.

**COMMERCIAL MESSAGE:** A message that concerns primarily the commercial or economic interests of the sign sponsor or the sign viewer. Includes any sign, wording, logo, picture, transparency, mechanical device or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

**COMMUNITY SIGN:** Temporary, on or off premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung in a vertical fashion from light poles or on buildings, of solely a decorative, festive, and/or informative nature announcing activities, promotions, events, seasonal or traditional themes having broad community interest, and which are sponsored or supported by Boulder City, or a local community based nonprofit organization (i.e., Damboree, holidays/seasons, etc.).  
<graphic></graphic>

#### *Community Sign*

**CONSTRUCTION SIGN:** A sign displayed on the site of a real property development project during the time commencing with the issuance of all necessary permits and approvals, and ending with approval of the final inspection.

**DIRECTIONAL SIGN:** An on site noncommercial message sign exclusively limited to guiding the circulation of motorists or pedestrians onto or within a site (e.g., direction to parking lots, restroom locations, exits, entrances, etc.).  
<graphic></graphic>

#### *Directional Signs*

**DIRECTOR:** The city manager or designee.

**FLASHING SIGN:** A sign or parts thereof which is periodically illuminated or which revolves in such a manner as to create the illusion of being visible or not, with the exclusion of time and temperature signs.

**FREESTANDING OR POLE SIGN:** A sign supported by a fixed permanent form(s) or support(s) in the ground. See also definition of Advertising Structure.  
<graphic></graphic>

#### *Freestanding Sign*

**GENERAL ADVERTISING:** The business of renting or otherwise providing display space to commercial advertisers whose place of business is at some location other than the site of the display. Also known as "off site advertising".

**GROUND SIGN OR MONUMENT SIGN:** A low sign where the extent of the sign

surface is attached to the ground or a foundation in the ground, and where there are no poles, braces, or other visible means of support other than attachment to the ground.

<graphic></graphic>

### *Monument Sign*

**HAZARDOUS SIGN:** A sign constituting a hazard to public safety because it no longer meets the lateral and/or vertical load requirements as specified in the city adopted building code, or no longer meets the wiring and installation standards of the city adopted electrical code.

**INDIRECT LIGHTING:** A source of external illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the freestanding characters are mounted, but wherein the source of illumination is not visible.

**INFLATABLE SIGN:** Any advertising or attention getting device which is supported by heated or forced air or lighter than air gases including hot or cold air balloons.

<graphic></graphic>

### *Inflatable Signs*

**INTERNAL LIGHTING:** A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible.

**MARQUEE:** A permanent roofed structure which bears an advertisement and extends outward over the entrance to a building, often a theater or cinema, and supported entirely by the building.

<graphic></graphic>

### *Marquee*

**MOBILE SIGN:** A sign constructed on wheels or designed so as to allow the sign to be moved by vehicles. This includes any truck, trailer, or other vehicle conspicuously, or regularly parked on or off premises with an advertising message or logo displayed to attract attention to a business, product or promotion.

<graphic></graphic>

### *Mobile Signs*

**MONUMENT SIGN:** See definition of Ground Sign Or Monument Sign.

**NAMEPLATE:** A sign indicating the name of the occupant(s) of a land use.

**NEIGHBORHOOD ENTRY SIGN:** A sign placed at or near a street entrance to a neighborhood, subdivision, mobile home park, apartment building or condominium project.

**NONCOMMERCIAL MESSAGE:** A message related to (by way of example and not limitation) opinions on matters of religion, politics, social policy, etc.

**NONCONFORMING SIGN:** A lawfully constructed sign existing at the time this chapter, or a predecessor version of the same effect, or amendments thereto, becomes effective, which does not conform with the sign regulation for the zone in which the sign is located.

**OFF SITE SIGN:** A commercial message sign not located on the site of the establishment or entity indicated or advertised by the sign; also, a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates or is provided at a location other than where the sign is maintained. The on site/off site distinction applies only to commercial message signs.

**ON SITE SIGN:** A commercial message sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on site/off site distinction applies only to commercial message signs. For a shopping center, each establishment located in the shopping center is "on site" as to the shopping center's advertising structure displaying tenants within the center.

**PERMANENT SIGN:** Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. This definition applies to the physical structure of the sign, not to the message displayed thereon.

**POLE SIGN:** See definition of Freestanding Or Pole Sign.

**PORTABLE SIGN:** A sign that is not attached to a structure or the ground and is movable such as A-frame or T-frame signs.

**PROJECTING SIGN:** A sign attached to a building and extending in whole or in part more than eighteen inches (18") beyond any wall of the building.

<graphic> </graphic>

#### *Projecting Sign*

**REAL ESTATE DEVELOPMENT SIGN:** A sign displayed on the premises of a real estate development for which all necessary development approvals have been issued and actual construction has begun.

**ROOF SIGN:** A temporary or permanent sign erected partly or wholly freestanding on the roof of a building and/or extending above the roofline of a building. This shall include signs located on top of canopies, colonnades, and covered walks, but not marquee signs.

<graphic> </graphic>

#### *Roof Signs*

**ROOFLINE:** The highest point of the main roof structure or highest point on a parapet, but not including cupolas, pylons, projections or minor raised portions of the roof.

**SHOPPING CENTER:** An integrated shopping complex comprised of two (2) or more retail stores.

**SHOPPING CENTER ADVERTISING STRUCTURE:** Any freestanding outdoor structure or device erected for advertising purposes on the site of a shopping center.

**SIGN:** Any device visible from any portion of the public right of way which is used for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing the subject thereof to the attention of the public; however, the following are not within this definition:

A. Interior signs: Signs which are visible only from the interior of enclosed structures, or to persons located within such structures; signs on the interior of sports stadiums and similar unroofed but enclosed structures are within this exclusion;

B. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts); symbols embedded in architecture: symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;

C. Personal appearance: Items or devices of personal apparel, decoration or appearance, including clothing, tattoos, makeup, costumes and masks; however, commercial mascots are not within this exclusion;

D. Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

E. Floor mats and doormats;

F. Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

G. Certain insignia on vehicles and vessels: On street legal vehicles and properly licensed watercraft: painting schemes, license plates, license plate frames, registration insignia, stickers displaying noncommercial messages, indications that the vehicle or vessel is for sale; however, commercial messages are not within this exclusion;

H. Gravestones and grave markers;

I. Newsracks and newsstands;

J. Traffic signals and signs giving notice of traffic rules;

K. Any notice which is required by another body of law to be posted within public view;

L. Signs within windows and on doors (however signs on overhead or rollup doors are not exempt);

M. Historical markers.

**STREETSCAPE:** The combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian.

**SUSPENDED SIGN:** A sign which is hung from a roof, pole, canopy or other similar structure.

**TEMPORARY SIGN:** A sign which by virtue of its construction of lightweight, flimsy or nondurable materials (i.e., plywood, fabric, etc.) or is mobile, is not intended or suitable for use for permanent display; or, any sign for which the display right is tied to a temporary land use or activity (such as a construction project, festival, etc.).

**WALL SIGN:** A sign that is mounted to or painted on a building wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

**WAYFINDING SIGN:** A government maintained sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation.

**WIND SIGN:** Any propeller or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including, official flags or banners.

<graphic> </graphic>

#### *Wind Signs*

**WINDOW SIGN:** A sign either attached to a window or door or located within a building so as to be visible through a window or door from outside of the building.

<graphic> </graphic>

#### *Window Sign*

(Ord. 1272, 11-8-2005, eff. 11-30-2005; amd. Ord. 1322, 3-27-2007, eff. 4-18-2007; Ord. 1560, 10-27-2015, eff. 11-19-2015)

### **11-24-7: MEASUREMENT OF SIGNS:**

Sign area is measured as follows:

A. Sign Area: For sign copy mounted or painted on the background panel or area distinctively painted, textured or constructed as a background for the sign copy, the sign area is measured as that area contained within the outside dimensions of the background panel or surface.

<graphic> </graphic>

*Sign Message On A Panel*

1. For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the sign area is measured as the area enclosed by the smallest single rectangle that will enclose all the sign copy.

2. For sign copy mounted or printed on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element which contains the sign copy, shall be counted as a sign.

B. Number Of Sign Faces:

1. Single Face: The sign area is the area of the single face only.

2. Two Faces: The sign area of any two (2) faced sign with parallel faces; or V-type signs having an interior angle of forty five degrees (45°) or less, is the area of the single face; if the angle between the two (2) sign faces is greater than forty five degrees (45°), the sign area is the sum of the areas of the two (2) faces.

3. Three Or More Faces: The sign area is the sum of the areas of the three (3) or more faces.

4. Spherical, Freeform, Sculptural Or Other Nonplanar Signs: The sign area is the sum of the areas of the smallest six (6) sided solid form that will encompass the sign structure.

5. Signs With More Than One Component: For a sign having more than one component, the sign area is the smallest rectangle that will encompass the several components of the sign.

C. Pole Or Pylon Signs: The regulated area of a freestanding sign shall include all parts of the sign or structure that contain identification (words or symbols) and information. The height of a freestanding sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Architectural features or enhancements to the sign supports are excluded.

<graphic> </graphic>

*Freestanding Or Pylon Sign*

D. Ground Or Monument Signs: The regulated area of a ground or monument sign shall include all parts of the sign or structure that contain identification (words or symbols) and information. The height of a ground sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk. Architectural features or enhancements to the sign supports are excluded.

<graphic></graphic>

*Ground Or Monument Sign*

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

#### **11-24-8: PHYSICAL STRUCTURE, SAFETY AND LOCATION RULES FOR SIGNS; ALL ZONES:**

A. General Requirements: Unless otherwise explicitly provided, the regulations stated in this section apply to all signs in all zones.

1. Height/Dimensions: Maximum advertising sign height shall be twenty feet (20') above grade, unless a different height is specified elsewhere in this chapter for a specific sign district or zone. Note: Height restriction does not apply to signs attached directly to a wall. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

2. Attachment: Signs erected or attached to the wall of a building shall have the exposed face of the sign in a plane parallel to the face of the wall and shall not project above cornice or roofline.

3. Roof Placement: No advertising structures are permitted on a building roof, top or mansard, parapet or marquee. This provision applies to new sign installation. Existing signs within the historic business district may retain such signs upon receipt of a special use permit.

4. Roof Surface: Signs shall not be attached or painted on a roof surface. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

5. Encroachment: New signs are not allowed in the public right of way except in the historic business sign district as discussed herein. Existing signs where the base and/or structure is located in or overhangs the public right of way are subject to the requirements of an encroachment permit. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

6. Rotating, Flashing, Moving Or Audible: No sign or advertising structure shall be installed so as to rotate, gyrate, blink, flash, move or be audible in any animated fashion.

7. Code Compliance: All signs, including the frames, braces or supports thereof, shall be adequately built and erected in compliance with the building, electrical and other applicable safety codes of the city.

8. Licensed Contractor Required: No sign, fixture or device involving electrical wiring or connections shall be erected or installed in Boulder City

except by a licensed and bonded sign or electrical contractor. Includes the appropriate Boulder City business license, and the correct state of Nevada contractor license for the work to be performed.

9. Engineering Required: All sign permit applications shall be engineered to demonstrate conformance with the applicable provisions of the international building code and, where required by the building official, shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the state of Nevada, attesting to the adequacy of the proposed construction of the sign and its supports. Exception: Signs painted directly upon a wall surface are not required to obtain engineering.

10. Durability: All permanent signs must be built of durable and permanent materials (e.g., no part of a sign, nor its supports shall be made of wood).

11. Power Source: Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached and comply with all provisions of the national electric code.

12. Foundations: All ground signs must be mounted on foundations and footings which conform to the international building code as adopted by Boulder City.

13. Sign Company Tag: All permanent signs must have a sign builder's identification tag or signature. The tag or signature must be made of durable weatherproof material and must be affixed to the sign so as to be visible from the sidewalk or nearest convenient location by city inspectors.

14. Small Portable Signs: A-frame and similar portable freestanding signs are not allowed.

15. Commercial Mascots: Commercial mascots are prohibited.

16. Elevation: No signs or portion thereof shall occupy any area at an elevation less than eight feet six inches (8'6") above the finished or proposed grade of any pedestrian walk.

17. Lighting, Color: The lighting and color of signs shall not imitate or resemble official traffic control devices, railroad signs or signals.

18. Illumination: All illuminated signs must use either indirect lighting or internal lighting. Illumination of any sign shall be of such nature that when light so generated extends into any residential zone, such extended illumination shall not exceed one foot-candle maintained at any point on a vertical plane extended from each property line separating the light source from adjacent residential zones.

B. Landscaping: All permanent freestanding or monument signs installed in Boulder City must be incorporated into a landscape design or planter box. The landscaped area in which any sign is placed shall be kept free from weeds,

garbage, and debris. To deviate from this requirement, the applicant must obtain a variance upon public hearing before the planning commission. Note: To obtain a variance, the applicant must demonstrate to the planning commission to their satisfaction that the applicant has satisfied the minimum requirements to qualify for a variance as specified in section 11-32-4 of this title.

C. Location And Setback Requirements: The following shall apply:

1. General Location: No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

2. Traffic Safety: No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal. No sign or advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. No sign shall have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

3. Public Rights Of Way: No sign shall be located on publicly owned land or inside street rights of way, except signs owned and/or erected by permission of an authorized public agency. For the purposes of this chapter, the area between the sidewalk and property line of the adjacent property owner is considered to be part of the overall development and qualifies for display of "on site" commercial message signs. Off site signs shall not be permitted at any time within the right of way. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

4. Side Setbacks: High profile (freestanding) and low profile (ground or monument) signs shall be located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of nature. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

5. Front Setbacks: The following shall apply:

a. High profile (freestanding pylon or pole) and low profile (ground or monument) signs shall be set back at least three feet (3') from the back of sidewalk or public right of way whichever is greater and from all driveways.

b. Banners or other temporary signs allowed herein shall be set back at least seven feet (7') from the public right of way. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

6. Sight Visibility Zone: No sign may be mounted or displayed within the sight visibility zone as per the "Uniform Standard Drawings For Public Works Construction Off-Site Improvements", volume 1, Clark County area, Nevada, drawing no. 201.2. Please refer to section 11-24-17 of this chapter for drawings in effect as of August 2005.

7. Vertical Setback: In addition to the height restrictions contained herein, no sign shall be erected or maintained which has less horizontal or vertical

clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Nevada, its agencies, or appropriate utility company.

8. Nearness To High Voltage Conductors: No sign shall be erected in such a manner that any part will be closer to high voltage conductors than the following table allows:

Voltage	Horizontal Proximity	Vertical Proximity
Up to 6,600	6 feet	8 feet
6,600 to 15,000	8 feet	9 feet
15,000 to 50,000	10 feet	10 feet
Over 50,000	10 feet plus ½ inch per kV over 50,000	10 feet plus ½ inch per kV over 50,000

The electrical distribution division shall determine the line voltage for any given location.

D. Maintenance: All signs shall be maintained in a safe, presentable and good condition including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

**11-24-9: SIGNS NOT SUBJECT TO PERMIT REQUIREMENT:**

In addition to the signage rights and rules which are defined by zone, the following signs are allowed in any zone, without a permit, subject to the conditions stated:

A. Official Notices: Signs used to provide official notices issued by any public officer in the performance of a public duty, or by any person in giving legal notice.

B. Functional Information: Signs providing direction, warning and functional information, when installed and maintained by an official body. (Ord. 1322, 3-27-2007, eff. 4-18-2007)

C. Noncommercial Messages: Signs displaying noncommercial messages, such as (by way of example, and not limitation), opinions on matters of religion, politics, social policy, etc., may be displayed at any time and in any zone, subject to:

1. Commercial And Industrial Zones: In commercial and industrial zones, as allowed under the message substitution policy.

2. Residential Zones: In residential zones, per residential unit, at all times:

Maximum area	6 square feet per sign
Maximum height (if freestanding)	4 feet

Illumination	Not allowed
--------------	-------------

If the sign structure is permanent in physical nature, then all applicable building and safety code requirements shall be met.

3. Temporary Increase In Noncommercial Message Signs Area: During the period beginning sixty (60) days before any primary, special or general election, and ending five (5) days thereafter, the amount of sign area used for noncommercial speech messages may be increased as follows:

a. In commercial and industrial zones: An additional eighteen (18) square feet of sign area;

b. In residential zones: An additional fourteen (14) square feet of sign area per sign. (Ord. 1435, 6-14-2011, eff. 7-7-2011)

D. Government Flags:

1. In residential zones, maximum one pole per dwelling unit, not to exceed twenty five feet (25') in height; maximum flag area (measured 1 side only), twenty four (24) square feet.

2. In commercial, industrial and agricultural zones, maximum of three (3) poles per building, not to exceed the maximum height allowed for buildings within that zone; maximum aggregate flag area (measured 1 side only) of sixty four (64) square feet, with no single flag larger than forty eight (48) square feet. (Ord. 1322, 3-27-2007, eff. 4-18-2007)

**11-24-10: SIGNS ASSOCIATED WITH DEVELOPMENT PROJECTS:**

In addition to the signage rights and rules which are defined by zone, the following signs shall be permitted in any zone where the associated land use is allowed:

A. Temporary Nonresidential Real Estate Development Signs: Temporary nonresidential real estate development signs are allowed on site in any zoning district, subject to:

1. Display Time: The display time begins when all necessary development approvals have been obtained and actual physical construction has begun, and ends at the later of the issuance of a certificate of completion or certificate of occupancy or a final inspection approval, or their functional equivalent, has been issued, or when the last unit of the development has been sold by the developer.

2. Structural Rules:

Maximum number of individual signs	1 per street frontage
Maximum size of any single sign	64 square feet
Maximum height of any sign	12 feet
Illumination	Not allowed

B. Temporary Residential Real Estate Development: One sign may be placed on the site of a subdivision development under construction; provided, that it does not exceed sixty four (64) square feet in area or twelve feet (12') in height, and is not illuminated. Such sign must be removed at the earliest of: 1) three (3) years after the permit is issued; 2) when the last unit is sold by the developer.

1. In addition, a maximum of four (4) small temporary real estate development signs, which must be located on site, subject to:

Maximum size	16 square feet in area
Maximum height	4 feet
Illumination	Not allowed

2. All real estate development signs shall be removed at the earlier of ten (10) calendar days after the on site sales office is closed, or three (3) years after the permit was issued.

C. Construction Signs: Construction signs are allowed in all zones, subject to: The sign must be displayed on the same parcel or lot as the actual construction project, and only while physical construction is actually underway. Structural rules:

Number of signs	1 per street frontage
Maximum size of any 1 sign	64 square feet

(Ord. 1322, 3-27-2007, eff. 4-18-2007)

**11-24-11: SIGN REGULATIONS RELATING TO ZONES:**

In addition to the standard zoning district classifications, there are composite districts that share similar signage needs, design criteria, and prohibitions. These sign districts are described as follows: historic business district, motel district, Nevada highway district, and the industrial district. The specific sign requirements or restrictions for each sign district are in addition to the standard sign regulations as outlined by each zoning district. Specifically, the sign district requirements are: (Ord. 1272, 11-8-2005, eff. 11-30-2005)

A. Historic Business Sign District:

1. Location Of Historic Business Sign District: This signage district is primarily the original commercial core of Boulder City. The following map inset specifies the boundaries of this signage district: (Ord. 1560, 10-27-2015, eff. 11-19-2015)

<graphic> </graphic>

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

2. Purpose Of Historic Business Sign District: The historic business district represents the original commercial core of Boulder City. The city desires to retain the original and cultural feel and appearance of the downtown area, including the preservation and reuse of original signs (both roof and pylon), and to encourage businesses to utilize suspended signs under walkway canopies, and projecting wall signs over uncovered walkways, all to be used to enhance the architecture of the downtown core. Signs attached to buildings may project into or over (but not beyond) the sidewalk portion of the public right of way a maximum of twelve inches (12"), with a clearance of at least eight feet six inches (8'6"). Projections which exceed these limits are subject to the requirements of an encroachment permit.

3. Permissible Sign Types: The following sign types are permissible for use in the historic business sign district:

- a. Suspended signs.
- b. Projecting wall signs.
- c. Ground or monument signs, no taller than six feet (6') above sidewalk.
- d. Individual lettered signs (including channel letter or flat letter).
- e. Flat wall signs (including painted wall signs).
- f. Awning and/or canopy signs.
- g. Cabinet signs, molded or freeform (rectangular or square cabinets prohibited).
- h. Restoration of existing pylon signs on the same private property (not within a right of way).
- i. Restoration of existing roof signs, on the same building.

4. Permissible Sign Types With A Special Use Permit: The following sign types are permissible for use in the historic business sign district upon receipt of a special use permit:

- a. Combination sign displays. Increase the permitted square footage to permit suspended signs in combination with traditional wall signs.

5. Nonpermissible Sign Types: The following sign types are not permissible for use in the historic business sign district without approval of a variance:

- a. Pole or pylon signs (new installation or expansion of existing).
- b. Cabinet signs (rectangular or square).
- c. Roof signs, new installations.

B. Motel Sign District:

1. Location Of Motel Sign District: This signage district is primarily the original transient core of Boulder City. The following map inset specifies the boundaries of this signage district:  
<graphic></graphic>

2. Purpose Of Motel Sign District: The motel district is characterized by the predominant presence of transient lodging facilities, the majority constructed during the tourist boom during the 1950s through 1970. Unique sign styles and designs, often mimicking that of old Las Vegas, are common in this location. The city desires to retain the original and cultural feel and appearance of the motel area, including the preservation and reuse of original signs (both roof and pylon), and to encourage businesses to rehabilitate their buildings and sites to take advantage of this unique cultural resource.

3. Permissible Sign Types: The following sign types are permissible for use in the motel sign district:

- a. Ground or monument signs.
- b. Wall mounted individual lettered signs (including channel letter or flat letter).
- c. Flat wall signs (including painted wall signs).
- d. Awning and/or canopy signs.
- e. Cabinet signs, molded or freeform (rectangular or square cabinets prohibited).
- f. Restoration of existing pylon signs on the same private property (not within a right of way).
- g. Restoration of existing roof signs, on the same building.

4. Nonpermissible Sign Types: The following sign types are not permissible for use in the motel sign district without approval of a variance:

- a. Pole or pylon signs (new installation or expansion of existing).
- b. Cabinet signs (rectangular or square).
- c. Roof signs, new installations.

C. Nevada Highway Sign District:

1. Location Of Nevada Highway Sign District: This signage district is primarily the current tourist commercial core of Boulder City. The following map inset specifies the boundaries of this signage district:  
<graphic></graphic>

2. Purpose Of Nevada Highway Sign District: The Nevada highway sign district represents the new commercial area of Boulder City catering primarily to highway traffic, and in a limited fashion, the tourist traveler. The city desires to provide ample opportunity for businesses within this commercial area to adequately advertise their business, yet also reflect the traditional appearance of small town Boulder City. To achieve this goal, pylon signs and larger wall signs are permitted.

3. Permissible Sign Types: The following sign types are permissible for use in the Nevada highway sign district:

- a. Ground or monument signs.
- b. Pylon or pole signs.
- c. Individual lettered signs (including channel letter or flat letter).
- d. Flat wall signs (including painted wall signs).
- e. Awning and/or canopy signs.
- f. Cabinet signs.

4. Permissible Sign Types With A Special Use Permit: The following sign types are permissible for use in the Nevada highway sign district upon receipt of a special use permit:

- a. Restoration of existing roof signs, on the same building.

5. Nonpermissible Sign Types: The following sign types are not permissible for use in the Nevada highway sign district without approval of a variance:

- a. Roof signs, new installations.

#### D. Industrial Sign District:

1. Location Of Industrial Sign District: This signage district is primarily the current light industrial and manufacturing core of Boulder City. The following map inset specifies the boundaries of this signage district: (Ord. 1560, 10-27-2015, eff. 11-19-2015)  
<graphic></graphic>

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

2. Purpose Of Industrial Sign District: The industrial sign district represents the industrial core of Boulder City. The intent of signage for this area is to identify business locations with minimal visual intrusion. Signage is limited to wall signs, and where physically able, ground or monument signs.

3. Permissible Sign Types: The following sign types are permissible for use in the industrial sign district:

- a. Ground or monument signs.
- b. Individual lettered signs (including channel letter or flat letter).
- c. Flat wall signs (including painted wall signs).
- d. Awning and/or canopy signs.
- e. Cabinet signs.
- f. Pole signs that are fifteen feet (15') or less in height.

4. Permissible Sign Types With A Special Use Permit: The following sign types are permissible for use in the industrial sign district upon receipt of a special use permit:

- a. Restoration of existing roof signs, on the same building.

5. Nonpermissible Sign Types: The following sign types are not permissible for use in the industrial sign district without approval of a variance:

- a. Pylon or pole signs exceeding fifteen feet (15') in height.
- b. Roof signs, new installations. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

E. Additional Sign Restrictions And Requirements By Individual Zoning Designation: In addition to the signage criteria listed above, each individual zoning district is governed by sign size, lighting, location, setback and height.

1. R1, R2, R3, MP And ME Zones:

- a. Nameplate: One nameplate is allowed without permit, not exceeding two (2) square feet in area, for such dwelling unit, to indicate the name of the occupant. This provision does not allow commercial messages, other than real estate signs, on residential uses. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

- b. House Numbers And Street Address Indicators: House numbers and street address indicators shall be permitted as per chapter 44 of this title.

- c. Neighborhood Entrance: One permanent wall mounted real estate entry sign shall be permitted at the primary entrances of a subdivision, not to exceed sixty four (64) square feet in area. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

- d. Legal Nonresidential Uses: Legal nonresidential uses (public and quasi-public buildings and uses, private schools, public and private recreational areas and facilities, and noncommercial establishments) shall be permitted sign area as follows:

- (1) A maximum of one advertising structure.

(2) A maximum of two (2) advertising signs.

(3) In aggregate, the sign area for the advertising structure and the advertising sign (s) shall not exceed thirty two (32) square feet.

e. Condominium Or Apartment Building: For each condominium or apartment building, one sign not exceeding twelve (12) square feet shall be permitted; however, such sign may not be used for off site commercial messages.

f. Mobile Home Park: A sign not exceeding thirty two (32) square feet and located on the premises of a mobile home park shall be permitted. (Ord. 1272, 11-8-2005, ff. 11-30-2005)

2. CC Zone:

a. On Site Commercial: See subsection F of this section for wall sign requirements and restrictions. However, if the sign is used for a commercial message, it must qualify as on site.

b. Advertising Structure: A maximum of one advertising structure. Maximum sign area shall not exceed thirty two (32) square feet. Maximum height shall not exceed six feet (6').

3. C2 And CM Zones:

a. Uses And Occupancies Not Located In Shopping Centers: Each use or occupancy shall be permitted signs as follows:

(1) Advertising Structures; Maximum Number: One per street frontage. Only one advertising structure may be placed along each street frontage. For those properties with more than one street frontage that desire to install one advertising structure along each street frontage, the structures shall be separated by at least one hundred feet (100'). Maximum area for regulated portion of advertising structure: One hundred (100) square feet.

(2) Wall Signs: See subsection F of this section for wall sign requirements and restrictions. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

b. Shopping Centers: Shopping centers and the establishments located within them shall be permitted signs as described in this subsection:

(1) Advertising Structures:

(A) Only one advertising structure per shopping center. Maximum sign area shall not exceed one hundred (100) square feet.

(B) All advertising structures shall be maintained in good condition.

(C) An advertising structure may not display off site commercial messages; for purposes of this rule, each establishment located in the shopping center is "on site" as to the shopping center's advertising structure

displaying tenants within the center.

(2) Change Panel: Only one change panel sign per establishment is permitted.

(3) Individual Establishments: See subsection F of this section for wall sign requirements and restrictions.

c. R3 Developments Permitted By Conditional Use Permit: For R3 developments permitted by conditional use permit in a C2 zone, the sign provisions of the R3 zone shall apply.

4. BC Zone: Establishments located in the BC zone shall be permitted signs as stated in this subsection.

a. Signs in the BC zone shall not display off site commercial messages.

b. All signs attached to the building shall be flush mounted. Signs painted directly on the surface of the wall shall not be permitted.

c. Only one advertising structure shall be permitted per street frontage.

d. No sign or combination of signs shall exceed one square foot in area for each six hundred (600) square feet of total site area. However, no individual sign shall exceed one hundred (100) square feet in area per face.

e. The bottom edge of an advertising structure shall not be more than four feet (4') above grade. An advertising structure in excess of sixty four (64) square feet in area may be erected in the setback area, providing it is no closer than ten feet (10') from the front or side property line.

5. S Zone: No new signs are allowed in the S zone. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

6. H Zone: Signs and advertising structures located in the H zone shall be permitted as stated in this subsection.

a. Advertising structures shall be permitted as follows:

(1) For properties at least ten (10) acres in size:

(A) One principal advertising structure per street frontage, not to exceed forty eight (48) square feet in area and six feet (6') in height above grade or nine feet (9') in height above the nearest curb.

(B) Internal noncommercial message directional signs within the property shall not exceed thirty two (32) square feet each in area and four feet (4') in height above grade.

(2) For properties less than ten (10) acres in size: One advertising structure per street frontage, not to exceed thirty two (32) square feet in area and six feet (6') in height above grade or nine feet (9') in height above

the nearest curb.

(3) For the purposes of this section, a private street or multiple access driveway that provides internal access to more than one property within this zone qualifies as a street frontage for sign purposes.

(4) For the multiple properties within this zone, each property located in the zone is "on site" as to the location of directional advertising structures.

b. Wall signs shall be permitted as outlined in this chapter. (Ord. 1516, 12-10-2013, eff. 1-2-2014)

7. CO Zone: Signs and advertising structures located in the CO zone shall be permitted as stated in this subsection.

a. A nameplate sign, not exceeding two (2) square feet for each corral lot.

b. No new signs may be permitted in the CO zone.

8. A1 And RV Zones: As to each development: one advertising structure or advertising sign shall be permitted, not to exceed thirty two (32) square feet. Such sign shall not be used to display off site commercial messages. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

F. Wall Signs: The following criteria shall be met for wall signs in the C1, C2, CM and H zones:

1. Signs shall not cover architectural features on buildings. Businesses are encouraged to utilize multiple materials and lettering styles, such as exposed neon, different type styles, and logos in conjunction with the lettering for their signs.

2. The square footage of signage allowed on a wall shall be based on the dimensions of the vertical wall (see figure 1 of this section) to which a sign is attached and according to the following guidelines. Signage which utilizes molded logos and individual letters may occupy up to fifteen percent (15%) or six hundred (600) square feet, whichever is less, of a primary wall, and five percent (5%) of a secondary wall. Signage which utilizes square or rectangular box signs may not occupy more than five percent (5%) or fifty (50) square feet, whichever is less, of any wall. For a combination of these signs on a primary wall, signs may occupy up to fifteen percent (15%) of the primary wall, of which no more than five percent (5%) can be square or rectangular box signs on the primary wall. Regardless of sign style, all businesses shall be permitted to utilize fifty (50) square feet for signage upon the primary wall. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

<graphic>**Figure 1**</graphic>

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

a. The primary wall shall be the wall facing the public street frontage. In the case of a shopping center where most tenants do not enjoy street frontage, the wall facing the principal parking lot shall be the primary wall. All other

walls are secondary walls.

b. For corner lots, only one wall shall be classified as a primary wall at the discretion of the business operator. All other walls are secondary walls.

c. The maximum size for any one individual sign upon any wall shall be two hundred (200) square feet. The sign shall not exceed the maximum allowable square footage permitted for the designated wall. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

#### **11-24-12: SIGN PERMITS:**

A. Permits Generally Required: Unless a particular type of sign is specifically exempted from the permit requirement, by a provision of this chapter or other applicable law, no person shall erect, change or replace any sign allowed by the provisions of this chapter without first having obtained the necessary permits.

B. Permit Process: The application for a sign permit shall be made in writing on a form provided by the director and shall be accompanied by any fee established by city council resolution. The director shall create a standard form to be used as an application for a sign permit; when approved, the application shall constitute the permit. A single application may be used for multiple signs proposed for the same lot, parcel or use; however, decisions and conditions may pertain to individual signs. Such application may call for any of the following information:

1. The street address, assessor's parcel number, and name and contact information for the legal owner of record of the property;

2. Proof of the consent of the property owner or other person in control or possession of the property. For example, if the subject property is leased and the applicant is the lessee, the lessee must demonstrate that the sign complies with all provisions of the lease related to signage, or submit a written landlord's consent;

3. If a business license has been issued for the property, or an application for a business license is pending, a copy (or the number) of the business license or the application therefor;

4. If the property is subject to a conditional use permit, either a copy of such permit or the number of such;

5. Any pending zoning or code enforcement matters concerning the property or an establishment thereon;

6. Whether the parcel or use is the subject of any outstanding orders for removal, repair, or other corrective action regarding any sign;

7. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and the relationship to any

building or structure to which the sign is proposed to be attached or mounted;

8. The name, address, phone number and license number of the sign contractor who will construct the sign;

9. A site plan, including all dimensions, drawn to scale, indicating the location of the sign relative to property lines, rights of way, streets, sidewalks, vehicular access points and existing buildings or structures and off street parking areas located on the premises;

10. The number, size, type and location of all existing signs on the same building, site or premises; however, temporary signs need not be shown;

11. Whether the proposed sign will be used to display off site commercial messages;

12. Any structural information and plans necessary to ensure compliance with current adopted building standards and safety codes;

13. The name, address and state contractor's license number of the professional sign company or contractor, such contractor's name and contact information, along with licensing and bonding information, and the estimated time for construction and installation of the sign following all necessary permits and approvals;

14. Information regarding interruptions to normal traffic or pedestrian traffic which may be caused by the construction;

15. Whether the sign or any portion thereof will encroach into or over the public right of way or any property owned by the city;

16. Such information as needed to determine if the proposed sign complies with any applicable sign plan, sign program, or redevelopment plan;

17. The application need not show the proposed graphic design or message content of the display face, but such information may be provided at the applicant's option.

C. Conditions Of Approval: A sign permit application may be approved subject to any of the following conditions, as applicable:

1. Compliance: Compliance with other applicable approvals and permits, including encroachment, building, electrical, plumbing, demolition, mechanical, etc. Alternatively, the director may require the applicant to receive approval of the building and other safety code permits prior to processing the sign permit application.

2. Remedy For Compliance Issues: No sign permit shall be issued nor sign installed upon property where exists an outstanding issue as to compliance with the city's zoning law. The sign permit shall only be issued upon

verification that the subject property is in compliance with all applicable ordinances governing land use as specified in this title.

D. Permits Issued In Error: In the event that a sign permit is issued, and the issuance is found to be in error at any time before substantial physical work on actual construction has been accomplished, then the permit may be summarily revoked by the city simply by giving notice to the permittee. In such event, the applicant may reapply within thirty (30) calendar days for a new permit, without paying a new application fee.

E. Processing Of Permit Applications: All sign permit applications shall be initially reviewed as administrative matters by the director. When a permit application complies with this chapter and all other application laws, the application shall be granted. An application may be approved subject to such conditions as are necessary for full compliance with this chapter and all other applicable law.

1. If the proposed sign can be approved only with a variance or other discretionary approval, then the director shall prepare a report and recommendation, and refer the matter to the planning commission.

2. The director shall initially review a sign permit application for completeness. If the application is not complete, the director shall give written notice of the deficiencies within fifteen (15) business days following submission of the application; if no notice of incompleteness is given within such time, then the application shall be deemed complete as of the last day on which notice of completeness could have been given. If a notice of incompleteness is given, the applicant shall have fifteen (15) business days thereafter to file a corrected and complete application.

F. Time For Decision: Unless time is waived by the applicant, the director shall issue a written decision on a sign permit application within forty five (45) calendar days of when the application is deemed complete. Failure to issue such a decision in a timely manner shall be deemed a denial of the application, and create an immediate right of appeal to the planning commission. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

### **11-24-13: TEMPORARY SIGNS:**

A. Standards For Temporary Signs: Temporary signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. They shall not be attached to utility poles, fences, or trees. They must be secured to the building, interior parking lot light pole or ground. Temporary signs may be attached to existing permanent signs.

B. Examples Of Typical Temporary Sign Types: It is intended that the following images will serve to illustrate the terms being used within this section and not to be comprehensive. The following images do not represent appropriate or permitted temporary sign types. Any sign not expressly allowed by this chapter is prohibited. (Ord. 1322, 3-27-2007, eff. 4-18-2007)

<b>Automotive Goods</b>	<graphic></graphic>
<b>Banners</b>	<graphic></graphic>
<b>Inflatables</b>	<graphic></graphic>
<b>Mobile Signs</b>	<graphic></graphic>
<b>Portable Signs</b>	<graphic></graphic>
<b>Real Estate Signs</b>	<graphic></graphic>

<b>Snipe Signs</b>	<graphic></graphic>
<b>Wind Signs</b>	<graphic></graphic>

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

C. Temporary Signs Allowed Without A Permit In Nonresidential Zones:

1. Business Identification: Upon application for permanent signage, one banner, attached to the building/lease space is allowed until permanent signage can be installed. Upon installation of permanent sign, temporary signage shall be removed.

2. Road Construction Periods: Businesses with frontage immediately adjacent to a road right of way construction zone may have one banner not to exceed thirty two (32) square feet nor five feet (5') in height during periods of construction within the road right of way. The signs shall be located on site and may be in landscape areas abutting the right of way. They must be removed immediately upon restoration of traffic flow on the affected rights of way.

3. Temporary Freestanding Business (e.g., Christmas Tree Lot): Temporary freestanding businesses are allowed only two (2) temporary signs under the following conditions:

a. The two (2) signs may only be banners and/or portable signs (e.g., A-frame or T-frame).

b. Banners may not exceed thirty two (32) square feet and portable signs (A-frames or T-frames) must comply with the size and area requirements for portable signs allowed without a permit.

c. The temporary signs must be immediately adjacent to the temporary business, i.e., they are not permitted to be located at the far end of a parking lot, sidewalk, right of way, etc.

4. Holiday Promotional Periods: A business may display additional commercial temporary signage during the following holiday periods without a permit. Only one banner sign, not to exceed thirty two (32) square feet, is allowed during these periods. Such must be secured to the building and removed by the end of the first working day after the associated holiday.

Holiday Period	Permitted Display Time
Presidents' Day and Valentine's Day - February	5 days including the holiday
Easter - March or April	5 days including the holiday
Memorial Day - May	5 days including the holiday
July 4th	5 days including the holiday

Labor Day - September	5 days including the holiday
Nevada Day - October 31	5 days including the holiday
Thanksgiving - November	7 days including the holiday
Hanukkah, Christmas, New Year's	23 days starting December 10 and ending January 2

D. Temporary Signs Requiring A Permit In Nonresidential Zones: The following promotional periods require a Boulder City issued temporary sign permit, and may not be prolonged by those above periods allowed without a permit. (Ord. 1322, 3-27-2007, eff. 4-18-2007)

1. Grand Opening Period: Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed within the first year of operations for a period not to exceed forty five (45) calendar days. A combination of up to three (3) temporary signs consisting of banners, wind signs, inflatables, portable and mobile signs may be used. The signs must be removed at the end of the forty five (45) day period. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

2. Special Promotions Periods: A business may apply for three (3) special promotion periods during the calendar year. Each period may not exceed seven (7) days in length. A single banner, not to exceed thirty two (32) square feet, is allowed during this period. It must be attached to the business structure/lease space. One banner is allowed per elevation facing a public street. These periods may run consecutively.

3. Going Out Of Business/Bankruptcy Period: A business may apply for a special permit in order to facilitate the liquidation of inventory for a failing business for a period not to exceed ninety (90) calendar days. This permit is allowed only once for any business license. A single banner or portable sign is allowed during this period. (Ord. 1322, 3-27-2007, eff. 4-18-2007)

E. Temporary Signs For Real Estate Transactions:

1. On Site: Signs relating to a proposed real estate transaction may be placed on private property, on site, subject to:

Maximum display face area	6 square feet per sign
Maximum height	4 feet
Illumination	Not allowed

The maximum number of such signs which may be displayed at any one time on any one parcel is two (2).

2. Off Site: Signs relating to a proposed real estate transaction may be placed on private property, off site, subject to:

Maximum display face area	12 square feet per sign
Maximum height	4 feet
Display time	6:00 A.M. to 10:00 P.M.
Illumination	Not allowed

The maximum number of such signs which may be displayed at any one time on any one parcel is three (3). (Ord. 1560, 10-27-2015, 11-19-2015)

**11-24-14: PLANNING COMMISSION REVIEW; APPEALS, SPECIAL USE PERMITS AND VARIANCES:**

A. Appeals: Any official decision or action on a sign related matter may be appealed first to the planning commission, and then to the city council, and then to judicial review. Any resident of the city, or any person owning or operating an establishment located within the city may appeal any sign related decision. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

1. Notice Of Appeal: An appeal is perfected by filing a written notice of appeal with the city clerk within seven (7) business days after the decision is announced, delivered, or posted. The notice of appeal shall identify the appellant, the decision appealed from, and the grounds for the appeal. (Ord. 1560, 10-27-2015, eff. 11-19-2015)

2. Status Pending Appeal: While an appeal of a sign related decision is pending, the status quo shall be maintained, unless the subject sign poses an immediate threat to the public health and safety by virtue of the physical condition of its structure, in which case the sign may be summarily abated to the least degree necessary to protect the public health and safety.

3. Consideration Factors On Appeal: On appeal of a sign related decision, the appellate body shall not consider the message content of any noncommercial speech, and as to commercial speech, may consider only whether the message is on site or off site, whether the sign conforms to the provisions of this chapter, other applicable law, and any applicable sign program or redevelopment plan, and other noncommunicative aspects of the sign.

4. Time For Appellate Decision: Following receipt by the city clerk of an appeal of a sign related decision, the matter shall be placed on the agenda for the next meeting of the appellate body (planning commission or city council) for which the notice and agenda requirements may be met, but in no event more than forty five (45) calendar days after the city clerk receives notice of the appeal. Unless all appellants waive time, the appellate body shall hear and decide the appeal not later than sixty (60) calendar days after the city clerk receives the written notice of appeal. A decision by the appellate body shall be in writing and shall set forth findings, based on evidence presented at the public hearing, which supports the decision.

5. Judicial Review: After exhaustion of all internal appeal procedures, an appellant may seek judicial review of any sign related decision in any court of competent subject matter jurisdiction which also has personal jurisdiction over the city and its officers. An action seeking such judicial review must be filed with the court and served on the city not more than sixty (60) days after the final decision is reached by the city's internal review procedures.

B. Special Use Permits: Within each sign district, certain sign types require a special use permit for continued use, relocation or installation. It is the intent and purpose of this section to outline the process and review criteria for the planning commission to utilize during the review of the special use permit. The goal of the permit process is to be fair, comprehensive, and enforceable while allowing Boulder City to create and maintain safe and aesthetically pleasing building elevations and streetscapes. These special use permit review criteria serve to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising for land uses. Special use permits shall follow the process used for notification for hearings for a conditional use permit, and shall be conducted as a public hearing.

1. Review Criteria For A Special Use Permit:

- a. The sign shall be determined to be of significant historical interest.
- b. The proposed reuse of the sign shall be determined to eliminate the blighting effects of an otherwise dilapidated sign if properly restored or reused.
- c. The sign shall be determined to not create a vehicular or pedestrian traffic hazard.
- d. The sign shall preserve (if applicable) the historic appearance of the property, including maintaining the original sign exterior shell and lighting method.

2. Items To Not Be Included In Review Of Special Use Permit: The planning commission shall not consider the following:

- a. The commercial or noncommercial message content of the sign.
- b. The coloring of a company logo (registered trademark or logo).

C. Variances: All other requests to vary from the standards of this chapter, with the exception of off site commercial messages as per subsection 11-24-5M of this chapter, require the issuance of a variance as per the provisions of chapter 32 of this title. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

**11-24-15: NONCONFORMING SIGNS:**

A. Previously Conforming: Any sign which fully complied with all applicable law at the time of its construction, may be continued in use, but is subject to the standard procedures for abatement of nuisance if it is found to be unsafe because the structure creates an immediate hazard to persons or property.

B. Maintenance: Reasonable repairs and alterations may be made to nonconforming signs, provided that there is no expansion of any nonconformity with current requirements.

C. Repair: In the event any previously conforming sign is damaged, by any cause other than intentional vandalism, and repair of the damage would exceed fifty percent (50%) of the reproduction cost, according to appraisal thereof by competent appraisers, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this chapter. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

**11-24-16: ENFORCEMENT:**

The director may enforce the provisions of this chapter by appropriate orders and directives. Such orders and directives may include, but are not limited to, orders to remove, repair, upgrade, repaint, replace or relocate any sign. All such orders and directives are subject to appeal as provided in this chapter. Any failure to follow a valid order or directive issued by the director shall be deemed a violation of this chapter which may be remedied in the same manner as any violation of this title (zoning).

A. Responsible Parties: Sign related rights, duties and responsibilities are joint and several as to the owner of the property, the owner of any business or other establishment located on the property, and the owner of the sign.

B. Abandoned Signs: Any on site commercial sign associated with a business which has ceased operations for ninety (90) days may be deemed an abandoned sign, and may be ordered removed within ten (10) business days. The removal duty falls jointly and severally upon the party which used the sign as part of the business and the owner of the land on which the sign is mounted or displayed.

C. Remedy By City: In the event that a valid directive or order of the director is not followed, and is not timely appealed, then the director may give a ten (10) calendar day written notice to the responsible parties that the city shall take corrective action and assess the cost of doing so as a lien against the property, using such procedures as are required by state or local law. The director may grant a reasonable extension of time, not to exceed one hundred twenty (120) calendar days to effect the required correction, if the owner or occupant of the premises has made proper application for a new sign which would accomplish the same result. (Ord. 1272, 11-8-2005, eff. 11-30-2005)

**11-24-17: STANDARD DRAWING OF SIGHT TRIANGLE:**

<graphic></graphic>  
<graphic></graphic>  
<graphic></graphic>  
<graphic></graphic>

(Ord. 1272, 11-8-2005, eff. 11-30-2005)

**Chapter 24A  
REGULATIONS FOR PUBLIC SIGNS**

**11-24A-1: REGULATORY SCOPE:**

This chapter regulates signs for governmental purposes located on or attached to private and public property, as well as signs located on or attached to public property which is owned or controlled by public entities other than Boulder City and over which the city holds zoning or land use regulatory authority. Regulations and policies for signs other than governmental purpose signs are stated in chapter 24 of this title. (Ord. 1379, 3-24-2009, eff. 4-15-2009)

#### **11-24A-2: BASIC POLICIES:**

The policies and principles stated in this section apply to all governmental purpose signs within the city of Boulder City.

A. Situs Of Signs: These policies apply to all governmental purpose signs located on or attached to private and public property which is owned or controlled by public entities. "Controlled" includes lands upon which the public entity enjoys a usage easement or other contractual arrangement for the placement of the sign device.

B. Sign Placement, Installation And Maintenance: Each governmental agency shall be responsible for determining the appropriate location of each sign, as well as for the installation and maintenance of each sign.

C. Sign Content: Each governmental agency shall be responsible for determining the message content for each sign. (Ord. 1379, 3-24-2009, eff. 4-15-2009)

#### **11-24A-3: PERMITTED SIGN TYPES:**

Each governmental agency unit is permitted to use its discretion when determining the sign type, size, method of display, method of lighting, color, and location necessary for the proper conveyance of the message. (Ord. 1379, 3-24-2009, eff. 4-15-2009)

### **Chapter 25 LANDSCAPING**

#### **11-25-1: PURPOSE:**

The purpose of this chapter is to promote the public health, safety and general welfare of the people of the City by generally controlling the placement, amount and type of landscaping material installed at development projects within the City in order to:

A. Enhance the aesthetics of the community;

B. Conserve natural and energy resources; and

C. Provide environmental controls such as, but not limited to, the reduction of noise, dust and erosion. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

## **11-25-2: DEFINITIONS:**

As used in this chapter, unless the context requires otherwise, the words and terms defined in this chapter shall have the meanings ascribed to them herein:

**DEVELOPMENT PROJECT:** The use of land, buildings and structures on any property in the City subject to this title, except single-family dwellings and two-family dwellings.

**LANDSCAPING MATERIAL:** Any of the following material:

A. Living material, including, but not limited to, grass, ground covers, shrubs, vines, hedges or trees.

B. Nonliving material, including, but not limited to, rocks, gravel, sand, tile, bricks and wood.

**PARKING AREA:** Those portions of a site area designated for motor vehicle use including parking stalls, parking spaces, driveway aisles and loading zones.

**PARKWAY:** Public right-of-way and/or easements.

**SITE AREA:** The total surface area of a development project, including those unimproved portions of adjoining public rights-of-way. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

## **11-25-3: LANDSCAPE PLAN; FILING AND PROCESSING:**

A. Except as otherwise provided in this chapter, a landscape plan and filing fee for any development project in the City shall be filed as follows:

1. Landscape plans for public streets as required by chapter 39 of this title shall be filed in conjunction with a final map.

2. All other landscape plans shall be filed in conjunction with building permit applications.

3. For the purposes of a conditional use permit application for new construction on a property, submittal of a conceptual landscape plan shall be permitted. Complete landscape plans conforming with this chapter shall be filed in conjunction with the building permit application. (Ord. 1593, 8-22-2017, eff. 9-14-2017)

B. The landscape plan shall be prepared at a suitable scale so that all information required thereon is clear and legible. The landscape plan shall include the following information:

1. Identification and location of irrigation and drainage system components; automatic watering systems with electric clock times will be used throughout.

2. Construction details, including the specific identification, location, height and architectural elevation of all landscaping material.

3. A complete planting list, outlining the botanical and common name of all living landscaping material and soil treatment needed.

4. The choice of live landscaping material to be used is discretionary, based on due regard for climatic conditions and watering requirements. However, Public Works Department will have authority to direct types of plantings to be used in parkways or any area where the plantings might impact overhead or underground utilities.

5. Other relevant information as may be required to provide an accurate description of the work to be performed.

C. The landscape plan shall be processed concurrently with a tentative subdivision map, conditional use permit or site development plan and shall be subject to site plan review in accordance with the provisions contained in this chapter by a landscape architect registered in the State on contract with the City. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-25-4: MAINTENANCE:**

A. Each owner, operator or other person in control of a development project shall be required at all times to keep all landscaping materials in good repair and maintenance. This shall include:

1. All planting areas to be kept free of weeds and debris.

2. Lawn and ground covers to be kept trimmed and/or mowed regularly.

3. All planting to be kept in a healthy and growing condition. Fertilizations, cultivation and tree pruning are to be carried out as a part of regular maintenance.

4. Irrigation systems are to be kept in working condition. Adjustment and cleaning of systems should be a part of regular maintenance.

5. Stakes, guys and ties on trees should be checked regularly for correct function; ties to be adjusted to avoid creating abrasions or girdling to the stems. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

#### **11-25-5: SPECIFIC STANDARDS:**

These specific standards for areas to be permanently landscaped shall apply to all zones except R1, CBD, CO, RV and S.

A. Materials: All landscaping materials shall be aesthetically and environmentally compatible with the site area.

B. Minimum Site Area Standards: Of those areas established as minimum site area to be permanently landscaped:

1. Nonliving Materials: No more than sixty percent (60%) of the initial landscaping points can be nonliving material.

2. Bare Areas: No bare areas, undisturbed or not, shall be included.

3. Slopes: Slopes of greater than one to four (1:4) shall be terraced or replaced by a retaining wall if higher than three feet (3') and landscaped.

4. Unacceptable Living Landscaping: Living landscaping with thorns, spines, poisonous fruit or berries are not to be used in parkways and commercial areas frequented by the public.

5. Point System: A point system, based on one point per square foot of site area to be permanently landscaped (excepting those sites physically within a "parking area", as defined in subsection 11-23-5D of this Title), is established to allow flexibility of design and a mix of planting types. Specific points allowed for each category and suggested list of live landscaping as adopted by resolution of the City Council, shall be available from the Community Development Department. Points shall be awarded in the following categories:

a. Trees.

b. Cacti and yucca.

c. Shrubs.

d. Ground cover and grass.

e. Colored rock and organic cover, i.e., bark chips.

f. Gravel and chat.

g. Large rock displays, waterfalls, ornamental stone and metal sculpture may be evaluated by the landscape architect registered in the State on contract with the City.

6. Minimum Requirements:

a. The aggregate point award for all the above categories shall be in the aggregate at least equal to the total number of square feet to be permanently landscaped.

b. There shall be evergreen or deciduous trees in the amount of:

(1) One tree per three hundred (300) square feet of site to be permanently landscaped.

(2) Trees shall be of one and one-half inch (1½") caliper width at time of planting.

(3) Palms shall measure six feet (6'), crown to base, to qualify as a tree.

(4) If over six (6) trees are required, there shall be a mix of types in equal numbers. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

### **11-25-6: REQUIREMENTS; SPECIFIC ZONES:**

#### **A. R3 Zone:**

1. All of the site exclusive of any buildings, parking, walkways and other permanently paved areas is to be landscaped up to two thousand five hundred (2,500) square feet of the site area per unit. Beyond this amount of area, the remainder of the site may be left in a natural, undisturbed state. A landscape plan as required in Section 11-25-3 of this Chapter will be filed. Automatic sprinklers and electric clock timers are not required.

2. For apartments, there shall be no less than thirty percent (30%) of landscaped site area in grass.

3. The minimum front yard of fifteen feet (15') shall be fully landscaped and if vehicle parking is to be provided behind the front yard in front units, the screening requirements of subsection 11-23-5D3 of this Title shall also apply.

4. If an R3 development has exterior block walls or fencing, a four and one-half foot (4½') permanently landscaped planter strip, which may include the parkway or easement, containing one tree per thirty (30) lineal feet, shall be maintained between the exterior walls of the development and all public streets.

**B. MP And ME Zones:** A ten foot (10') planter strip, permanently landscaped, which may include the parkway, containing a minimum of one tree per thirty (30) lineal feet, shall be created between the exterior wall of the development and all public streets.

**C. C1 And C2 Zones:** All permitted and conditional uses within these zones will comply with the following requirements, with the exception of drive-in theaters, which will comply with subsection D of this Section, CM Zone:

1. All of the site to be developed shall be permanently landscaped except for buildings and hard surface areas.

2. A planter strip of ten feet (10') minimum, containing a minimum of one tree per thirty (30) lineal feet, which may include the parkway, shall be fully landscaped along all public street frontage; if vehicle parking is to be provided behind this planter strip in front of the building(s), the screening requirements of subsection 11-23-5D3 of this Title shall also apply.

3. The minimum portion of the developed site to be permanently

landscaped will be not less than ten percent (10%).

4. Razing of structures on a presently nonconforming site, or a major renovation within buildings of greater than twenty five percent (25%) of the building valuation, will require that the site be brought into conformity with the provisions of this Chapter.

D. CM And GM Zones: All permitted and conditional uses within these zones shall comply with the following requirements, with the exception of uses identified in subsections 11-13-3A, B1, D1 and 11-13-4A of this Title, which will comply with subsection C of this Section:

1. A planter area ten feet (10') wide, which may include the parkway, shall be provided along all public street frontages, permanently landscaped and shall have a minimum of one tree per thirty (30) lineal feet.

2. If vehicular parking is placed in front of the building and behind the planter area, the parking spaces shall be screened with a three foot (3') high solid masonry wall or dense planting of shrubs of similar height, but the other landscaping provisions for parking areas (subsection 11-23-5D of this Title) need not apply. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 876, 9-17-1990, eff. 10-10-1990)

## **Chapter 26 PLANNED UNIT DEVELOPMENTS**

### **11-26-1: PURPOSE:**

In certain instances, the purpose of the zoning regulations and zones, as set forth in this Title, may be achieved by the development of planned units which do not conform in all respects with the use patterns designated on the Zoning Map or with the zoning regulations prescribed therefor. A planned unit development may include a combination of different dwelling types and/or a variety of land uses, including public, quasi-public, commercial or industrial uses, as separate or combined developments, which compliment each other and harmonize with existing and proposed land uses in the vicinity. In order to provide for the locations of well-planned developments which conform with the purpose of this Title, although they may deviate in certain respects from the zoning regulations otherwise applicable to the site, the Planning Commission may recommend and the City Council may approve planned unit developments as overlay zones. Such developments shall meet the objectives of the community development expressed in the Comprehensive Plan of the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-26-2: ZONES:**

A. The establishment of a planned unit development for only residential purposes may be accomplished in an R or ME Zone and not in any other zone.

B. The establishment of a planned unit development for residential purposes that includes public, quasi-public and/or commercial areas may be accomplished in any combination of R, ME, C1 or G Zones, as required to

permit the proposed uses and not in any other zone.

C. The establishment of a planned unit development for only commercial or industrial purposes, or for combined commercial/industrial purposes may be accomplished in any combination of C2 or CM Zones as required to permit the proposed uses and not in any other zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-3: PERMITTED USES:**

The use regulations for the underlying zone or zones shall determine the uses permitted in a planned unit development. The proposed uses shall be located in the zone in which they are specifically permitted, except that uses listed as conditional uses need not be subject to procedures set forth in Chapter 30 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-4: MINIMUM SITE AREA:**

A planned unit development shall contain an area of not less than forty (40) acres. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-5: STANDARDS AND CONDITIONS:**

A. Standards of lot area and dimensions, minimum dwelling unit size, site density, yard spaces, height of buildings and structures, number of stories in a building and distances between buildings shall, in the aggregate, be at least equivalent to the requirements prescribed by the regulations for the underlying zone.

B. Common open spaces shall be provided in an amount equivalent to not less than fifteen percent (15%) of any area designated for residential purposes. The location of the common open space shall be such that it may be incorporated as an integral part of the design concept of the residential area it is intended to serve. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development. "Common open space" shall not include:

1. Areas reserved for the exclusive use of benefit of an individual owner or tenant; nor

2. Street, alley easements, drainage easements, overhead utility easements or other public right of way; nor

3. Vehicular drives, parking, loading and storage areas.

C. The amount of areas designated for commercial, industrial or other nonresidential uses shall, in the aggregate, not exceed ten percent (10%) of the area designated for residential purposes.

D. Off-street parking shall be provided in an amount as specified for individual uses in Chapter 23 of this Title. The conversion of a private garage

accessory to any dwelling or dwelling group shall not be permitted.

E. All buildings shall set back at least twenty feet (20') from the perimeter property lines. The minimum distance between buildings shall be twelve feet (12').

F. The design standards of the planned unit development, including all streets, shall conform with the subdivision design standards set forth in Section 11-39-7 of this Title. All private streets shall be designed and built to City standards.

G. No use shall be permitted and no process, equipment or materials shall be employed which are found to be objectionable by reason of odor, dust, smoke, noise, vibration, illumination, glare or unsightliness.

H. The planned unit development and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to other supervisory lease or ownership control as may be necessary to carry out the purpose of regulations relating to the planned unit development. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-6: CONCEPT MAP:**

A. A property owner or agent thereof may first submit a concept map for review by the Planning Commission, together with preliminary plans showing exterior elevations; the use or uses and the location of proposed buildings and structures; areas to be reserved for vehicular and pedestrian circulation; parking, public and quasi-public uses; architectural sketches depicting the design, bulk and character of the proposed structures and uses, and their physical relationship. Such other pertinent information shall be included as may be necessary to determine that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title.

B. The Community Development Director shall refer the contemplated planned unit development to the various departments deemed advisable, requesting their findings and recommendations.

C. The submission and review of a concept map and the other plans shall in no way be interpreted as official approval and shall in no way be interpreted to mean that such review satisfied the requirements of a tentative map submission or approval. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-7: APPLICATION FOR TENTATIVE APPROVAL:**

The application for tentative approval of the planned unit development shall include a tentative map prepared pursuant to Section 11-39-4 of this Title and a fee in the amount established by resolution of the City Council, and such other information as is reasonably necessary to disclose the following:

A. The location and size of the site and the nature of the property owner's

interest in the land proposed to be developed.

B. The density of land use to be allocated to parts of the site to be developed.

C. The location and size of any common open space, including the landscaping thereof, the proposed recreation areas and facilities, and the form of organization proposed to own and maintain any common open space.

D. The organization for maintaining the common open space, the procedures for collecting fees to maintain the common open space and assessing liens to enforce collection of the maintenance fees, and in the event that the organization fails to maintain the common open space, the procedures for the City to undertake the maintenance and assess the properties for the costs.

E. The use and approximate height, bulk and location of buildings and other structures.

F. The ratio of residential to nonresidential use.

G. The proposed grading and drainage pattern.

H. The proposed method of water supply and proposals for the disposition of sanitary waste and storm water.

I. The substance of conditions, covenants, grants or easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities. The conditions, covenants and restrictions (CC&R's) shall restrict the repair, dismantling or servicing of vehicles; require that privately-owned areas as well as designated "common open space" be maintained in good condition, free of weeds, dust, trash and debris; and provide that any private streets and other paved areas be maintained in good condition free of all holes or other defects, trash or dangerous materials.

J. The provisions for parking of vehicles and the location and width of proposed streets and public ways, including the status of street ownership and extra parking for recreational vehicles, and the location of any bicycle pathways and pedestrian walkways.

K. The relationship of the proposed development to the surrounding area and Comprehensive Plan, and the required modifications in the zoning regulations otherwise applicable to the subject property.

L. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-8: PUBLIC HEARING FOR TENTATIVE APPROVAL:**

After it has been determined that an application for tentative approval of the planned unit development has been filed in the manner prescribed in Section 11-26-7 of this Chapter, the Planning Commission shall hold public hearing thereon in accordance with public hearing procedures as set forth in Chapter 35 of this Title. The Planning Commission may continue the public hearing from time to time, but the public hearing shall be concluded within sixty (60) days after the initial hearing date unless the property owner or agent thereof consents in writing to an extension of the time within which the public hearing shall be concluded.

Following conclusion of the public hearing, the Planning Commission may recommend tentative approval of the plan as submitted; recommend tentative approval subject to specified conditions not included in the plan as submitted; or recommend denial of tentative approval of the plan. The tentative approval or denial recommendation shall set forth the reasons therefor, including what respects the plan would or would not be in the public interest and findings on the following:

A. In what respects the plan is or is not consistent with the statement of objectives of the planned unit development.

B. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the site, including, but not limited to, density, bulk and use and the reasons why these departures are or are not deemed to be in the public interest.

C. The ratio of residential to nonresidential use in the planned unit development.

D. The purpose, location and amount of common open space in the planned unit development, the reliability of the proposals from maintenance and conservation of the common open space, and adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

E. The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

F. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

G. In the case of a plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public residents and owners of the planned unit development in the integrity of the plan.

After conclusion of public hearing, and a recommendation of tentative approval by the Planning Commission, the application for tentative approval and accompanying tentative map, shall be transmitted, via the Citizens Development Allotment Evaluation Committee when applicable, to the City

Council for review and action. The City Council shall sustain, modify, reject or overrule any recommendation of the Planning Commission and may make such additional findings that are consistent with this Title. If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the City Council shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-26-9: APPLICATION FOR FINAL APPROVAL:**

An application for final approval may be for all the area included in a planned unit development or to the extent set forth in the tentative approval for a section thereof. Such application shall be accompanied by a final map prepared pursuant to Section 11-39-5 of this Title, and a fee in the amount established by resolution of the City Council.

An application or applications for final approval shall be submitted in accordance with the time schedule approved in granting tentative approval. The accompanying information shall include the drawings, specifications, covenants, easements, conditions and form of performance bond as was set forth by the City Council in granting tentative approval of the planned unit development.

A public hearing on the application for final approval of the planned unit development, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval. The plan submitted for final approval is in substantial compliance with the plan previously given approval, if any modification of the final plan does not:

- A. Vary the proposed gross residential density or intensity of use;
- B. Vary the proposed ratio of residential to nonresidential use;
- C. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
- D. Substantially increase the floor area proposed for nonresidential use;
- E. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings;
- F. Substantially modify the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

The application for final approval, and accompanying plan, shall be considered by the Planning Commission to determine if the plan substantially complies with the plan given tentative approval. Having made its determination based upon a finding of facts, the Planning Commission shall make a recommendation to the City Council.

The City Council shall approve an application for final approval of the planned unit development, if after a finding of facts, it is found that the plan is in substantial compliance with the plan given tentative approval. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-10: FINAL PLAN NOT IN SUBSTANTIAL COMPLIANCE:**

If the plan, as submitted for final approval, is not in compliance with the plan given tentative approval, the City Clerk shall, within thirty (30) days of the date of the filing of application for the final approval, notify the property owner or agent thereof in writing, setting forth the reasons why the final plan is not in substantial compliance. The property owner or agent thereof may:

- A. Consider such notification as a denial of final approval;
- B. Refile the final plan in a form which is in substantial compliance with the plan as tentatively approved; or
- C. File in writing with the City Clerk a request that the City Council hold a public hearing on the application for final approval.

If a property owner or agent thereof elects to refile the final plan or request public hearing, he may do so on or before the last day of the time within which he was authorized by the granting tentative approval to file for final approval, or thirty (30) days from the date of receipt of such refusal, whichever is the later. The public hearing shall be held within thirty (30) days after the request for public hearing is made by the property owner or agent thereof, and notice thereof shall be given and public hearing shall be conducted in the manner prescribed for the initially submitted application in Chapter 35 of this Title. Within twenty (20) days after conclusion of the public hearing, the City Council shall either grant final approval or deny final approval of the plan. The decision shall be based upon a finding of facts as set forth in Section 11-26-8 of this Chapter. An approved planned unit development shall be identified on the land use Zoning Map in addition to the underlying zone or zones. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-11: CHANGE IN THE UNDERLYING ZONE:**

Any planned unit development that includes uses requiring a change in the underlying zone or zones shall be accompanied by an application to amend the land use Zoning Map. The two (2) applications may be reviewed and heard concurrently and no additional fee need be charged for the Zoning Map amendment application. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-12: SUBSTANTIAL PLAN CHANGE:**

Any request or application for a substantial plan change as described in Section 11-26-9 of this Chapter, shall be processed in the same manner as the initial application and the plan to develop the site as a planned unit development. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-26-13: ABANDONMENT OR FAILURE TO CARRY OUT**

## **APPROVED PLAN:**

No further development may take place on the site included in the planned unit development until after the site is resubdivided as prescribed in Chapter 39 of this Title, and is reclassified by an enactment of an amendment to the land use Zoning Map as prescribed in Chapter 33 of this Title, if:

A. The planned unit development, or a section thereof, is given approval and thereafter, the property owner or agent thereof abandons the plan or the section thereof as finally approved; or

B. The property owner or agent thereof, fails to carry out the planned unit development within the specified period of time after final approval has been granted. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **11-26-14: TIME LIMIT OF CONSTRUCTION:**

Upon approving a planned unit development, construction shall proceed as soon as practicable, and if reasonable progress is not being made within a period of one year ending after the date of such approval by the City Council, the Planning Commission may have the owners/developers of the planned unit development explain the delay, and if reasonable progress is not being made within a period of two (2) years ending after the date of said approval, the Planning Commission may initiate proceedings to rezone the area of the planned unit development to the zone or zones in existence prior to the adoption of the planned unit development, or to such other zone or zones as it may deem suitable and appropriate. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **Chapter 27 HISTORIC RESOURCES**

### **11-27-1: PURPOSE:**

The purpose of this chapter is to provide regulations for those areas, districts, sites, and buildings which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of Boulder City, the State of Nevada, or the Nation. (Ord. 1369, 11-12-2008, eff. 12-4-2008; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

### **11-27-2: DUTIES OF COMMUNITY DEVELOPMENT DEPARTMENT AND HISTORIC PRESERVATION COMMITTEE:**

A. Community Development Department: The Community Development Department of Boulder City is hereby charged with the administration and enforcement of the provisions of this chapter. The Community Development Department shall prepare and maintain the Boulder City Historic Registry, which shall be a list of all properties included as part of a historic area or district, or designated as a landmark site or building of historic significance pursuant to this chapter. All properties already listed as part of the Boulder City Historic District on the National Register of Historic Places are automatically included on the Boulder City Historic Registry.

B. Boulder City Historic Preservation Committee: The Boulder City Historic Preservation Committee, hereinafter Historic Committee, shall be established to advise the Planning Commission and City Council and to aid property owners in maintaining and enhancing the worthwhile historical resources of Boulder City. The duties of the Historic Committee are as follows:

1. To advise the Planning Commission and the City Council on the designation of historic areas, districts, landmark sites and buildings of historic significance;

2. To advise the Planning Commission and City Council on matters pertaining to historic resources;

3. To recommend to the Planning Commission and City Council the adoption of historic development guidelines for rehabilitation and new construction pertaining to historic resources;

4. To aid property owners by providing information about maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines; and

5. To advise the Planning Commission and City Council on matters pertaining to the drafting of new ordinances for implementation within the established historic districts of the City. Does not include ordinances applicable communitywide or of a nonzoning nature.

C. Committee Membership: The Historic Committee shall consist of no more than five (5) persons. Committee members shall be Boulder City residents, and shall not serve on any other City committees or commissions, nor hold any City office.

D. Length Of Term For Committee Members: Term of service shall be limited to three (3) years, with no more than two (2) members having a term expire in any given year. Original appointments to the committee shall have staggered terms assigned to new members with one (1) member serving for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years. All subsequent terms shall be for three (3) years. Vacancies shall be filled by the City Council, with the replacement member to serve out the remaining term.

E. Meetings: The Historic Committee shall meet on a monthly basis as needed through the calendar year. (Ord. 1369, 11-12-2008, eff. 12-4-2008; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

### **11-27-3: DESIGNATION OF HISTORIC RESOURCES:**

A. Qualification For Designation: An area, neighborhood, or district may be designated as a historic area or historic district; and any site, natural feature, structure, or building may be designated as a landmark site or building of historic significance, if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of Boulder City, the

State of Nevada, or the Nation; and if it falls into one (1) or more of the following categories:

1. Historical Significance:

- a. It is the location of, or is associated in a significant way with, a historic event which had a significant effect upon the City, State, or Nation; or
- b. It is associated in a significant way with the life of a person important in the history of the City, State, or Nation; or
- c. It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the community, City, State or Nation.

2. Architectural Significance:

- a. It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction; or
- b. It is an outstanding work of a designer or builder; or
- c. It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship; or
- d. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.

3. Historic Area Significance: Because of its prominent location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of the City, and contributed to the distinctive quality or identity of the City.

B. Procedure For Designation:

1. Any person, group, or association may nominate a prospective area, district, site or building for formal designation and inclusion in the Boulder City Historic Registry.
2. The Historic Committee shall review the nomination and make recommendations to the City Council. Any nomination regarding the creation of a historic area or district shall also require a review and recommendation by the Planning Commission.
3. Prior to an action by the City Council, a public hearing shall be held, notice of which shall be mailed to owners of the property proposed to be so designated (at least 5, but not more than 15 days), prior to the date of the hearing.
4. Following a determination of formal designation by the City Council, notice of the determination shall be mailed to the owners of property affected by the designation, together with a copy of this chapter and any pertinent development guidelines. Such designation shall also be entered in the

Boulder City Historic Registry. (Ord. 1369, 11-12-2008, eff. 12-4-2008; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

#### **11-27-4: DESCRIPTION OF HISTORIC RESOURCES:**

A. Historic districts are relatively large areas which are generally distinguished by, but not limited to, a common development, heritage or cultural characteristic. Likely, they are synonymous with a particular neighborhood. A historic district may contain one (1) or more historic areas within its boundaries, and will likely contain several landmark sites and buildings of historic significance. Those areas within Boulder City which have been designated as historic districts are as follows:

1. Boulder City Historic District:

a. Boundaries: The Boulder City Historic District is that area which was listed on the National Register of Historic Places in 1983. It contains all or portions of the following streets: Denver, Lodge, Hillside, Park, Utah, Colorado, Arizona, Railroad, Ash, Date, Cherry, Birch, Nevada, Avenue A, Avenue B, Avenue C, Avenue D, California, Avenue F, Wyoming, New Mexico, Fifth, Hotel Plaza, Avenue G, Avenue H, Avenue I, Avenue K, and Avenue L as depicted on the map herein.

MAP OF BOULDER CITY HISTORIC DISTRICT

<graphic> </graphic>

(Ord. 1470, 11-22-2011, eff. 12-16-2011; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

b. Purpose: The Boulder City Historic District encompasses the major part of the original townsite of Boulder City and contains a significant inventory of older and unique architectural styles. Lot and block sizes in this area are also characteristic of 1930s Nevada townsites, with historic and other older dwellings which often do not conform to current development standards. The purpose of any design guidelines which may be adopted pertaining to the Boulder City Historic District is to:

(1) Encourage the preservation of buildings and related structures of historic and architectural significance;

(2) Allow improvements to existing structures or new construction to be conducted without conflict and without eroding the scale and historic character of the neighborhood; and

(3) Encourage the preservation and enhancement of entryways into the historic Boulder City neighborhood through design and streetscape standards, where appropriate.

B. Historic areas are generally smaller and more distinctive than historic districts. Historic areas will likely contain several landmark sites and buildings of historic significance. Those areas within Boulder City which have been designated as historic areas are as follows:

1. No historic areas are currently designated.

C. Landmark sites and buildings of historic significance are distinctive individual sites. Designated sites and buildings are as listed in the Boulder City Historic Registry. (Ord. 1369, 11-12-2008, eff. 12-4-2008; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

#### **11-27-5: HISTORIC DEVELOPMENT GUIDELINES:**

A. Establishment Of Guidelines: Guidelines for exterior design criteria may be developed by the Historic Committee, and shall be reviewed for recommendation and forwarded by the Planning Commission to the City Council for adoption. The purpose of guidelines would be to aid applicants in formulating plans for development or redevelopment relating to designated historic resources.

When guidelines are adopted by the City Council, the Council may specify in its resolution of approval any conditions relative to the applicability of the guidelines (for example, that there would be no delay of a building permit for an addition to a historic building that is not visible to a public street).

B. Application Of Guidelines: The guidelines may apply to the following instances:

1. All rehabilitation, restoration, or reconstruction of, or addition to, the exterior of any building or improvement which constitutes all or part of a historic area, historic district, landmark site or a building of historic significance;

2. A demolition or relocation of any improvement which is all or part of a building within a historic area, historic district, landmark site or a building of historic significance;

3. New construction within a historic area or district, upon any landmark site or on the property associated with a building of historic significance;

4. Any signs placed on any building within a historic area or district, upon any landmark site, or on the property associated with any building of historic significance;

5. Any fences, walls, and major landscaping elements within a historic area or district, on a landmark site, or on the property associated with a building of historic significance.

C. Compliance With Guidelines: Compliance with the adopted guidelines by any property owner shall be voluntary. However, proposed demolition or rehabilitation of affected structures may be delayed as per the provisions of this chapter. (Ord. 1470, 11-22-2011, eff. 12-16-2011; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

#### **11-27-6: DEMOLITION OF DESIGNATED HISTORIC RESOURCES:**

A. When any application is made for a demolition permit for a building, or part of a building, within a historic area or district, or for a building of historical significance, the Community Development Department shall delay approval of the demolition for a period of up to forty five (45) days, in order to:

1. Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
2. Review the condition of the building to determine the impact of the demolition to the neighborhood, and the technical feasibility of preservation of the structure.
3. Allow the Historic Committee to consider and make recommendations regarding the application.
4. Make the owner aware of economic incentives available to rehabilitate historic resources.
5. Encourage the property owner not to demolish the building until an attempt can be made to locate either suitable tenants to make the building economically viable again or to find a purchaser who is willing to acquire and rehabilitate the structure.

B. The requirement for delay of a demolition permit shall not apply to accessory buildings, except with regard to the historic detached garages at the rear of the residential lots on Ash, Birch and Cherry Streets.

C. The requirement for delay of a demolition permit shall not apply to buildings which are less than fifty (50) years old at the time the demolition permit is requested. (Ord. 1470, 11-22-2011, eff. 12-16-2011; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

#### **11-27-7: RENOVATION/REHABILITATION OF DESIGNATED HISTORIC RESOURCES:**

A. When any application is made for a renovation or rehabilitation permit for a building, or part of a building, within a historic area or district, or for a building of historical significance, for which historic development guidelines have been adopted pursuant to this chapter, the Community Development Department shall delay approval of the renovation or rehabilitation for a period of up to forty five (45) days. Said delay shall only be relative to any proposed renovation or rehabilitation which requires a building permit from the City, and which does not conform to the intent of the adopted guidelines, in order to:

1. Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
2. Review the condition of the building to determine the impact of the renovation/rehabilitation to the neighborhood, and the technical feasibility of preservation of the structure.

3. Allow the Historic Committee to consider and make recommendations regarding the application.

4. Make the owner aware of economic incentives available to rehabilitate historic resources. (Ord. 1369, 11-12-2008, eff. 12-4-2008; amd. Ord. 1572, 9-27-2016, eff. 10-20-2016)

## **Chapter 28 RESERVED**

## **Chapter 29 HOME OCCUPATIONS**

### **11-29-1: PURPOSE:**

The sole purpose of any home occupation permit shall be to allow a person or persons to conduct a business in an area zoned for residential uses. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing in any way the appearance or condition of the residence. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes. (Ord. 1494, 3-26-2013, eff. 4-18-2013)

### **11-29-2: PERMITTED HOME OCCUPATIONS:**

#### **A. Permitted Uses:**

1. Home occupations shall be a permitted use in the R1, R2, R3, MP and ME zones. Permitted home occupations include all uses which meet the criteria of section 11-29-5 of this chapter, except for those uses listed as prohibited in section 11-29-3 of this chapter.

2. Music, dance or other private instruction of up to two (2) students at a time is a permitted use. Such instruction does not require the issuance of a home occupation permit under this chapter or a business license under title 4 of this code.

**B. Conditional Uses:** The following uses may be permitted only in the R1 zones, and shall also require the issuance of a conditional use permit as set forth in chapter 30 of this title:

1. Music, dance or other private school instruction of three (3) or more students at a time. (Ord. 1511, 8-27-2013, eff. 9-19-2013)

### **11-29-3: USES THAT ARE PROHIBITED:**

The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations, or create disturbances to neighboring properties, and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be

permitted as home occupations:

- A. Auto repair, minor or major;
- B. Barber or beauty shops;
- C. Carpentry work;
- D. Dental offices or medical offices, excluding the office of a licensed massage technician where no customers or clients come to the premises (see also title 4, "Business Regulations", of this code);
- E. Lawyer's offices, excluding the business office of a legal professional where no customers or clients come to the premises;
- F. Painting of vehicles, trailers or boats;
- G. Photo developing involving chemicals;
- H. Radio repair or television repair;
- I. Upholstering;
- J. Adult uses and businesses;
- K. Businesses utilizing explosives, gunpowder, ammunition or weapons, except businesses for the training in the use of weapons at an approved off site facility;
- L. Commercial food preparation, excluding a cottage food operation as permitted per Nevada Revised Statutes chapter 446;
- M. Live broadcasting via internet;
- N. Other businesses dissimilar to and inconsistent with the stated purpose of this chapter. (Ord. 1511, 8-27-2013, eff. 9-19-2013; amd. Ord. 1522, 8-26-2014, eff. 9-18-2014)

**11-29-4: APPLICATION PROCEDURE:**

A. Application:

1. Application for a home occupation permit shall be made to the community development department in writing on a form prescribed by the community development department. The application shall be reviewed by the community development department to determine if the application is for a permitted use and within the scope of the home occupation criteria.
2. If the applicant is not the recorded owner of the property, the applicant shall submit a written statement from the recorded owner indicating approval of the proposed home occupation permit.

B. Approval: If the application is for a permitted use and in conformance with the home occupation criteria, it shall be approved by the community development director or his/her designee. The applicant shall also obtain a business license as per section 11-29-10 of this chapter.

C. Denial: If an application for a home occupation permit is not approved by the community development director or his/her designee, the applicant shall be notified in writing as to the reason(s) for the denial. The applicant shall have the right to resubmit the application with additional or corrected information so the application may be reconsidered, or the applicant may appeal the decision of community development department staff pursuant to the provisions of chapter 34, "Appeals", of this title. (Ord. 1522, 8-26-2014, eff. 9-18-2014)

**11-29-5: CRITERIA:**

Before a home occupation permit is approved, the applicant shall show that the following conditions will be met:

A. Any visitation by clients or customers to the premises shall be by appointment only.

B. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.

C. The home occupation shall be carried on without tangible evidence of same being apparent to the particular neighborhood.

D. The home occupation shall not be detrimental in any way to public health, safety and welfare or injurious to the neighborhood in which the property in question is located. The home occupation shall not create excessive noise, dust, light, glare, vibration, gas, fumes, toxic/hazardous materials, smoke, electrical interference or other hazards or nuisances, or cause a change in the fire safety or occupancy classification of the dwelling unit. No compressed gases, flammable/combustible liquids, and/or toxic/hazardous materials (paints, chemicals, etc.) related to the home occupation shall be located and/or stored on the premises except for normal amounts used for residential purposes.

E. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition shall also apply to independent contractors.

F. The home occupation shall not involve the use of more than one truck or vehicle, or any vehicle over ten thousand (10,000) pounds' gross unloaded weight, coming to or being parked or stored on the premises.

G. The home occupation shall only be conducted in one room of the house or accessory building. There shall be no outdoor storage of any kind related to the home occupation.

H. There shall be no advertising on the premises.

I. The home occupation shall increase vehicular traffic flow and parking by no more than one additional vehicle at a time. Traffic from delivery vehicles shall not be significantly in excess of the normal amount associated with residential uses in the area. (Ord. 1511, 8-27-2013, eff. 9-19-2013)

**11-29-6: DECISION BY COMMUNITY DEVELOPMENT DIRECTOR:**

The decision of the director or his/her designee shall be final unless an appeal therefrom is taken to the planning commission as provided for in chapter 34 of this title. (Ord. 1494, 3-26-2013, eff. 4-18-2013)

**11-29-7: EXCEPTIONS:**

A. Exceptions from the criteria as listed under section 11-29-5 of this chapter shall require the issuance of a conditional use permit as set forth in chapter 30 of this title.

B. Exceptions from the uses that are listed as prohibited under section 11-29-3 of this chapter are not permitted. (Ord. 1522, 8-26-2014, eff. 9-18-2014)

**11-29-8: TIME LIMIT FOR EXPIRATION OF HOME OCCUPATIONS; CHANGES:**

A. An approved home occupation permit shall run concurrently with the approved business license. The permit shall expire when the business license expires or is otherwise not renewed.

B. The home occupation permit shall be specific to the person(s) and address for which it is approved, and changes to either shall require submittal of a new application. (Ord. 1494, 3-26-2013, eff. 4-18-2013)

**11-29-9: INSPECTION; VOIDING OF PERMIT:**

Home occupations may be subject to inspection to determine compliance with the provisions herein or any conditions established under permit approval. The community development director may void any home occupation permit for noncompliance with the conditions set forth in approving the permit. (Ord. 1494, 3-26-2013, eff. 4-18-2013)

**11-29-10: BUSINESS LICENSE:**

Any applicant receiving approval of a home occupation permit shall make application for and receive a business license as provided in title 4 of this code before commencing with the approved home occupation. (Ord. 1494, 3-26-2013, eff. 4-18-2013)

**Chapter 30  
CONDITIONAL USES**

**11-30-1: PURPOSE:**

In certain zones, conditional uses are permitted in order to give the zone use regulations of this title the flexibility necessary to achieve the objectives of this title. Conditional uses are specific types of uses that may be allowed to locate in a zoning district; provided, that it complies with established preconditions. Because of their unusual characteristics, conditional uses require special consideration by the planning commission so that they may be properly integrated into the community of uses which may be suitable only in specific locations in a zone, or only if such uses are designed or laid out in a particular manner on the site. Conditional use shall ordinarily be construed as to mean the allowing of an activity as opposed to a variance, which is construed to refer to a physical variation. (Ord. 1001, 3-25-1997, eff. 4-16-1997)

#### **11-30-2: PLANNING COMMISSION TO GRANT CONDITIONAL USE PERMITS:**

The appointed members of the planning commission may grant conditional use permits in accordance with the procedures as set forth in this title. (Ord. 1001, 3-25-1997, eff. 4-16-1997)

#### **11-30-3: CONSIDERATION BY COMMISSION:**

In considering an application for a conditional use, the appointed members of the planning commission shall consider the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as deemed necessary with respect to location, construction, maintenance and operation of the use, in addition to those expressly provided in this title for the particular use, as may be necessary for the protection of adjacent properties and which are in the public interest. Before approving or conditionally approving a conditional use permit, the commission shall determine that the establishment, maintenance and operation of a proposed conditional use will not be detrimental to the health, safety, morals or the general welfare of the city.

A. In determining whether the application meets the requirements above, the commission shall, as a minimum, find that satisfactory provisions and arrangements have been made for the following, where applicable:

1. That the use will be in substantial conformance with the master plan and future land use map, and any applicable area master plan.
2. That the use will be designed, constructed, and operated so as to be compatible with adjacent uses of land, the existing or planned character of the general vicinity, and the natural environment.
3. That the building layout, including building height and bulk, lighting, landscaping and screening, on site or off site parking, ingress and egress, loading facilities, and waste disposal shall be designed to not be materially detrimental to uses and property in the immediate area.
4. That the development shall be located and designed to avoid undue noise,

odor, traffic or other nuisances and dangers to abutting property owners.

5. That the use will be served by adequate essential public facilities and services including, but not limited to, streets, fire and police protection, electrical, water, storm and sanitary sewer service.

B. When acting on a conditional use permit, the planning commission shall make written findings which shall specify facts relied upon by the commission in rendering its decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section, which shall be included in the minutes of the meeting. (Ord. 1001, 3-35-1997, eff. 4-16-1997)

#### **11-30-4: PUBLIC HEARING:**

Upon receipt of the necessary fee and a complete application, the community development director shall set the time and place for the public hearing before the planning commission. The procedures for filing of application, filing fee, investigation, notices, public hearings, findings and decisions, appeals, conditions, voidance, revocation and extension of time shall be in accordance with the procedures and requirements as set forth in chapter 35 of this title. (Ord. 1001, 3-25-1997, eff. 4-16-1997)

#### **11-30-5: TRANSFER OF CONDITIONAL USE PERMITS:**

A conditional use permit is a purely personal privilege, not running with the land. A conditional use permit may be transferred to a new owner or operator provided the new owner or operator conducts the use in accordance with the information submitted with the original conditional use permit application, any subsequent amendments, and any applicable conditions imposed by the planning commission and/or city council. If it is determined by the community development director that the use, under the new owner or operator, has the potential to create a negative impact on neighboring properties by reason of increased traffic, noise or other matters of concern, a new conditional use permit application will be necessary. For any conditional use permit in a residential zone, a new conditional use permit application will be necessary relative to a change in the owner or operator of the use. (Ord. 1547, 6-23-2015, eff. 7-16-2015)

### **Chapter 31**

#### **NONCONFORMING BUILDINGS AND USES**

##### **11-31-1: REGULATIONS GOVERNING NONCONFORMING BUILDINGS AND USES:**

The lawful use of land or buildings existing at the time of the adoption of this Title may continue although such use does not conform to the regulations set forth by this Title for the district in which such land or building is located, subject to the following conditions and specifications:

A. A nonconforming use of land shall not be enlarged or increased to occupy a greater area of land than was occupied previous to the date of this Title. No

additional structures not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

B. No nonconforming use of land or use of buildings shall be changed to another nonconforming use. Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of this Title.

C. Any nonconforming structure or building which has been destroyed or damaged by fire, explosion, act of God or in another manner to the extent of fifty percent (50%) or more of its assessed valuation shall thereafter conform to the provisions of this Title. Where more than fifty percent (50%) of the assessed value of the building remains after such damage such structure may be restored only to the same nonconforming structure or building as existed before such damage.

D. Nonconforming structures or buildings may not be enlarged or structurally altered in a way that increases the nonconformity without a "variance" therefor, as defined in this Title, but any structure or portion thereof may be altered or enlarged if the work conforms to the regulations herein. This provision does not apply to a nonconforming use of a building.

E. The foregoing provisions shall also apply to nonconforming building, structures and uses of land and buildings in zones hereafter changed by amendment to this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **Chapter 32 VARIANCES**

### **11-32-1: PURPOSE:**

The purpose of the variance is to establish a procedure which would lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of these zoning regulations as would result from a strict or literal interpretation and enforcement of certain of the regulations prescribed by this title. A practical difficulty or unnecessary physical hardship relating to property may result from its size, shape or dimensions, or the location of existing structures thereon, from geographic, topographic or other physical conditions on the property or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

### **11-32-2: PLANNING COMMISSION TO GRANT OR DENY VARIANCES, PERMITS:**

The appointed members of the planning commission shall have the authority, as an administrative or judicial act, subject to the provisions of this title, to grant or deny, upon such conditions as it may determine, such variances and permits as herein set forth from the provisions of this title as may be in harmony with its general purpose and intent, so that the spirit of this title shall be observed, public safety and welfare secured and substantial justice done. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-3: LIMITATIONS ON VARIANCES:**

A. In no case shall a variance be granted to permit a use other than a use permitted in that zoning district.

B. No variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone, or which is contrary to the public interest. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-4: REQUIRED CONDITIONS FOR VARIANCES:**

Before a variance is granted, it shall be shown that:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to the other property or classes of use in the same vicinity and zone.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity and zone, but which is denied to the property in question.

C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

D. The granting of such variance will not adversely affect, or be contrary to, the comprehensive plan.

E. The conditions or situations of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation of such conditions or situations. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-5: PUBLIC HEARING:**

Upon receipt of the necessary fee and a complete and verified application, the community development director shall set the time and place for the public hearing. Notices and hearing shall be held in accordance with the procedures and requirements as set forth in chapter 35 of this title, except as otherwise provided in section 11-32-13 of this chapter. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-6: PLANNING COMMISSION ACTION, FINDINGS, DECISIONS:**

A. The appointed members of the planning commission may cause to be made such investigation of facts bearing on the application as will provide the necessary information to assure that the action on each such application is consistent with the intent and purpose of this title.

B. Within thirty (30) days from the date of hearing on such application, the planning commission shall, unless it adopts a motion for another public hearing or continuance thereon, make its findings and determination.

C. A written report of the decision of the planning commission shall be forwarded to the applicant and filed with the city council within five (5) days after the commission has reached a decision. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-7: CONDITIONS:**

Subject to the provisions as set forth in chapter 35 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-8: EFFECTIVE DATE:**

Subject to the provisions as set forth in chapter 35 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-9: APPEALS:**

Subject to the provisions as set forth in chapter 34 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-10: VOIDING OF VARIANCE AND PERMITS:**

Subject to the provisions as set forth in chapter 35 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-11: EXTENSION OF TIME FOR VARIANCE OR PERMIT:**

Subject to the provisions as set forth in chapter 35 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-12: REVOCATION OF VARIANCE AND PERMIT:**

Subject to the provisions as set forth in chapter 35 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-32-13: ADMINISTRATIVE VARIANCES:**

Notwithstanding any other provision of this chapter, the building official may administratively act on the following:

A. Buildings:

1. Variance: Permit administrative variances, not to exceed ten percent (10%) of the original requirements as to height, area, width and depth, for an encroachment into the side yard or rear yard for an improvement to a building which was constructed at least two (2) years prior to the date of the administrative variance application.

2. Conditions: The administrative variance shall be permitted provided the requested adjustment eliminates an unnecessary inconvenience to the applicant relative to the existing configuration of the building or to the shape or topography of the property, and will have no appreciable adverse impact on the health, safety or general welfare of the surrounding property owners or the general public.

**B. Residential Fences And Walls:**

1. Variance: Permit administrative variances, not to exceed six feet (6') in overall height within required front yards, or eight feet (8') in overall height within other yards, inclusive of decorative features such as lights or finials. These overall heights include retaining walls where such walls are adjacent to a public street. Walls or fences above retaining walls within a required front yard shall have the top two feet (2') at least fifty percent (50%) open. All fences and walls shall also comply with section 11-20-5, "Sight Visibility Zones", of this title.

2. Conditions: The administrative variance shall be permitted provided the requested adjustment eliminates an unnecessary inconvenience to the applicant relative to the topography of the property, and will have no appreciable adverse impact on the health, safety or general welfare of the surrounding property owners or the general public, and the applicant has submitted sufficient topographic drawings and notarized letters of consent from owners of developed properties abutting the affected property lines.

C. Approval: For all administrative variances, it is the applicant's and/or property owner's responsibility to obtain approval from any applicable homeowners' association review board.

D. Appeal: In the event the applicant is dissatisfied with the order, requirement, decision or determination made by the building official, or his authorized representative, an appeal may be made to the planning commission in accordance with the provisions of chapter 34 of this title. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**Chapter 33  
AMENDMENTS**

**11-33-1: PURPOSE:**

This Title may be amended by changing the boundaries of a zone, the classification of land, or any other provisions hereof to promote the health, safety, morals or the general welfare of the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-2: INITIATION OF AMENDMENT:**

Initiation of amendments to these zoning regulations and Zoning Map may be initiated by the City Council, the Planning Commission or the owner or bona fide agent of the property involved. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-3: APPLICATION:**

A. Submission: An application by an individual for an amendment shall be made to the Community Development Director on forms provided by the City, and shall be accompanied by such maps, drawings and data as may be required and necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan and promotes the health, safety, morals or the general welfare of the City.

B. Information: An accurate legal description and scale drawing of the land and existing improvements shall be submitted with the application.

C. Review, Report: The application shall be reviewed by the City Engineer in accordance with subsection 11-40-8C4 of this Title and a report prepared. The report shall be filed with the City Clerk prior to the application being presented for action by the Planning Commission. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-4: PUBLIC HEARING:**

Upon receipt of the necessary filing fee, and a complete and verified application, the Community Development Director shall set the time and place for public hearing. Notices and hearings shall be held in accordance with the procedures and requirements as set forth in Chapter 35 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-5: ACTION OF PLANNING COMMISSION:**

If, at the conclusion of the hearing, the Commission decides to recommend an amendment to this Title, said recommendation shall be by resolution of the Commission. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-6: SUBMISSION OF RECOMMENDATION TO COUNCIL:**

A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearings and recommendations of the Commission. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-7: DENIAL OF APPLICATION BY COMMISSION:**

In the event that the Commission recommends denial of the application or any portion thereof, the applicant may appeal said determination to the City Council. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-8: ACTION BY COUNCIL; NOTICE OF PUBLIC HEARING:**

After receipt of a copy of any recommended amendment from the Commission and before adopting any amendment, the City Council shall set the matter for public hearing and shall give notice of the time and place of the hearing, as prescribed by State law and City ordinances. (Ord. 841,

2-23-1988, eff. 3-23-1988)

**11-33-9: FINDINGS BY COUNCIL:**

In order to amend this Title, the City Council shall find the following:

- A. That the proposed amendment is in general conformance with the adopted Comprehensive Plan for the City.
- B. That the proposed amendment promotes the health, safety, morals or the general welfare of the City.

In determining the above stated, the deliberating body shall consider, but is not limited to, the following factors: Present land use; present zoning in adjacent areas; impact on traffic; impact on utilities; noise; drainage; and character of existing neighborhoods. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-33-10: EFFECT OF DENIAL OF APPLICATION:**

In case an application for an amendment to this Title is denied, said application shall not be eligible for reconsideration for one year following such denial. A new application, affecting or including all or part of the same property must be substantially different from the denied application to be eligible for consideration within one year of denial of the original application. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**Chapter 34  
APPEALS**

**11-34-1: PURPOSE:**

The purpose of an appeal procedure is to provide recourse in the event that the appellant is dissatisfied with any decision made by an administrative officer or the planning commission in the administration or enforcement of this title. A decision refers to any order, requirement, permit, determination, interpretation or ruling pertaining to this title. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**11-34-2: RIGHTS OF APPEAL:**

Any decision made by an administrative officer or the planning commission in the administration or enforcement of the provisions of this title may be appealed therefrom by the appellant. The taking of an appeal stays proceedings in the matter appealed from until the determination of the appeal.

A. An appeal shall be made to the city council in accordance with the provisions of Nevada Revised Statutes 278.3195 and this chapter.

B. As per Nevada Revised Statutes 278.3195.1, an appeal may only be filed by a person who appeared, either in person, through an authorized representative or in writing, before an administrative officer or the planning

commission regarding the matter being appealed.

C. An appeal is not permitted for the purpose of avoiding or circumventing any application procedures required by this title. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**11-34-3: APPEAL FORM AND CONTENT:**

A. Notice of appeal shall be in writing and shall be filed in the office of the city clerk upon forms provided. An appeal from any decision by an administrative officer or the planning commission in the administration or enforcement of the provisions of this title must set forth specifically the reasons for which the appellant claims the decision is erroneous.

B. If more than one appeal is filed on the same subject matter, the city clerk may consolidate said appeals. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**11-34-4: TIME FOR FILING:**

An appeal must be filed within seven (7) calendar days after the date of the decision. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**11-34-5: HEARING DATE AND NOTICE:**

Upon receipt of the notice of appeal, the city clerk shall set the matter for hearing. Such hearings shall be set for the next regular meeting of the city council, or within forty five (45) days of the filing of the appeal, based on established deadlines for setting council agenda items. Noticing requirements shall be the same as for the original application, if notices were required. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**11-34-6: AUTHORITY AND ACTION ON APPEALS:**

A. Upon hearing an appeal, the city council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part the decision appealed from, or make and substitute such other or additional decisions as it may find warranted under the provisions of this title.

B. In reviewing the decision being appealed, the city council shall consider the health, safety, morals, or the general welfare of the community, as per Nevada Revised Statutes 278.3195.2(f) and 278.020.

C. The city council may not grant an appellant more than two (2) continuances on the matter being appealed, unless the city council determines, upon good cause shown, that the granting of additional continuances is warranted.

D. Not later than five (5) calendar days after final action on such appeal by the city council, notice of the decision shall be mailed to the appellant and recorded in the files of the city council. The decision of the city council on such matters shall be final. (Ord. 1567, 3-29-2016, eff. 4-21-2016)

**Chapter 35  
APPLICATION PROCEDURES**

**11-35-1: APPLICATIONS:**

- A. Application shall be made by the property owner or agent thereof to the community development department on forms provided by the city for this purpose.
- B. The application shall be full and complete, including such data as building and site plans, and other information required to assure presentation of all pertinent facts to assist in determining the validity of the request. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-35-2: FEES:**

- A. Amount Of Fees: The city council shall, by resolution, fix the amount of fees for application permits required or authorized by this title. The fees included with said resolution shall include, but not be limited to, the following:
  - 1. Amendments.
  - 2. Variances.
  - 3. Home occupations.
  - 4. Conditional use permits.
  - 5. Planned unit development permits.
- B. Collection Of Fees: Before the acceptance of filing for any application herein mentioned, the community development director shall charge and collect, or cause to be charged and collected, the fee in the amount so fixed. Said fee shall be deposited in the general fund of the city.
- C. Waiver Of Fees: A fee required under this title may be waived by the city council for any public body, district or agency of the federal, state, county or municipal government.

(Ord. 1321,2-13-2007, eff. 3-7-2007)

**11-35-3: NOTICE OF HEARING:**

- A. Notices shall be provided in accordance with the following table:

Type Of Hearing	TABLE 11-35-3A Noticing Requirements: 10 Days' Advance Notice Unless Noted Otherwise							Posti ng Of Prop erty	News pape r
	Notices To Applicant, As Well As Property Owners And Tenants Of Mobile Home Parks Within:								
	100 Feet	300 Feet	500 Feet	750 Feet	1,00 0	1,50 0	Min. 30 <sup>1</sup>		

					Feet	Feet		(2' x 2' Sign)	
Amendment to this title per NRS 278.260.2(a)									X
Amendment, rezoning per NRS 278.260.2, 4, 6, 7 and 278.315.4(d)				X			X	X	X
Amendment, master plan per NRS 278.210 and 220									X
Variance, under 10 percent	Refer to section 11-32-13 of this title for administrative variances, and chapter 23 of this title for parking modifications								
Variance, 10 percent to 30 percent per NRS 278.315.4	X								
Variance, over 30 percent, or other per NRS 278.315.4			X				X		
Conditional use permit (CUP) per NRS 278.315.4			X				X		
PC sign application, up to 30 percent	X								
PC sign application, over 30 percent, or other			X				X		
Planned unit development per NRS 278A.480.1									X
Tentative map		X					X		
Project of regional significance per NRS 278.315.4 (d)				X			X		
CUP, business with alcohol per NRS 278.315.7						X	X	X	
CUP, business with explosives per NRS 278.147 (30 days advance notice)					X		X		X

Note:

1. Notice to a minimum of 30 surrounding properties.

B. Notices shall be provided not less than ten (10) days prior to the date of the hearing before the planning commission or city council, as appropriate.

Said notice shall state the name of applicant, nature of request, location of property, time and place of hearing, and shall advise that persons wishing to be heard on such matter may attend and be heard.

C. Where public noticing is required, no standards shall be less than those established as per the Nevada Revised Statutes. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

#### **11-35-4: HEARINGS:**

A. Setting Date Of Hearing: All proposals for applications listed under table 11-35-3A of this chapter which require a hearing as set forth by this title, shall be set by the community development director. Such hearings shall be set for the next available public meeting of the planning commission in accordance with the deadlines set by the community development director, or city council in accordance with the deadlines set by the city clerk, as appropriate, unless the applicant requests a later meeting date.

B. Planning Commission Or City Council To Conduct: Public hearings as provided for in this chapter shall be conducted before the planning commission or city council, as appropriate. The planning commission may establish its own rules for the conduct of public hearings and it is hereby empowered to administer oaths to any person testifying before it.

C. Summary Of Testimony: Summary of all pertinent testimony offered at a public hearing and the names of persons so testifying shall be recorded and made a part of the permanent files of the case under construction.

D. Announcement Of Continuation: If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the presiding member 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 without recourse to the form of public notice as provided for in the first instance by this chapter.

E. Decisions: Upon completion of a public hearing, the planning commission shall, not later than thirty five (35) days thereafter, render its decision on the matter so heard. Failure to so act within said thirty five (35) days shall serve to automatically and immediately refer the whole matter to the city council for such action as it deems warranted under the circumstances. In the event of such failure on the part of the planning commission, the community development director shall immediately deliver to the city council all the records of the matter involved.

F. Announce And Record: The planning commission shall announce and record its action in the official records of the planning commission and shall recite the findings of the planning commission upon which it bases its decision.

G. Decision Mailed: Not later than five (5) days after final action by the planning commission on an application, the decision in the matter shall be mailed to the applicant at the address shown upon the application.

H. Final Decision; Appeal: The decision of the planning commission in the administrative matters of granting or denying shall be final, except when appealed. In the event of an appeal to the city council, the procedures as set forth in chapter 34 of this title shall be used. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-35-5: CONDITIONS:**

The planning commission, in granting a variance or permit, may establish reasonable conditions and such evidence and guarantees as it deems necessary to ensure that the conditions will be complied with, which in the opinion of the commission, shall assure the intent and purpose of this title.

A. For Signs Or Sign Structures: If the application in respect to which the variance is sought has already been, or is being, constructed in violation of any of the provisions of this title, the planning commission or the city council, as applicable, in granting the application may condition the same upon the payment by the applicant therefor of a fee for such violation in an amount of up to one hundred percent (100%) of the value of such structure. The value shall be as determined in accordance with subsection 5-1-213 (section 304 of the city's building code) or as may be amended in title 5 of this code.

B. For Structures: If the application in respect to which the variance, conditional use permit, and/or allotment is sought has already been, or is being, constructed in violation of any of the provisions of this title, the planning commission or the city council, as applicable, in granting the application may condition the same upon the payment by the applicant therefor of a fee for such violation in an amount of up to ten percent (10%) of the value of such structure. The value shall be as determined in accordance with subsection 5-1-213 (section 304 of the city's building code) or as may be amended in title 5 of this code. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-35-6: EFFECTIVE DATE:**

In order to allow for potential appeals, a variance or permit approved by the planning commission shall not become effective until seven (7) calendar days after the date of the decision. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

**11-35-7: VOIDANCE:**

Each variance or permit granted under the provisions of this chapter shall become null and void unless:

A. The construction and/or use authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance or permit and pursued diligently to completion.

B. The occupancy of land or buildings authorized by such variance or permit has taken place within one hundred eighty (180) days after the granting thereof. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

### **11-35-8: EXTENSION OF TIME:**

Extensions of time limits may be granted by the planning commission upon the showing of good faith and effort by the applicant to comply therewith and failure to so comply by reason of conditions beyond the applicant's control. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

### **11-35-9: REVOCATION:**

A. Any variance or permit, currently in effect or issued under the terms of this title, shall be subject to temporary revocation by the community development director on any one or more of the following grounds:

1. The approval was obtained by fraud.
2. The permit or variance granted is being or recently has been exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation.
3. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

B. The community development director shall send a notice of any revocation to the permittee's last known address and a copy shall be filed with the planning commission. Such notice shall be in writing, state the name of the permittee, location of property, permit number, nature of the violation, state whether the revocation is automatic or temporary, and advise the permittee that he may be heard by the planning commission, with date, time and place of meeting indicated thereon, if he wishes to be heard on such matter. Noticing requirements shall be the same as for the original application.

C. The planning commission shall have the authority to determine whether or not such temporary revocation shall be sustained and the variance or permit shall be revoked, or whether such variance or permit shall be modified. Such revocation or modifications shall be duly made and carried by motion of the appointed members of the planning commission after the permittee has been given an opportunity to be heard on the matter. (Ord. 1321, 2-13-2007, eff. 3-7-2007)

## **Chapter 36 ENFORCEMENT**

### **11-36-1: ENFORCEMENT:**

The Community Development Director shall administer the regulations of this Title and amendments thereto, and all departments, officials and public employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this Title; and any such permits, certificate or license issued in conflict with the provisions hereof shall be null and void. It shall be the duty of the Building

Official to enforce all the provisions of this Title. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-36-2: ABATEMENT:**

Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Title shall be, and the same is declared to be, unlawful and a public nuisance, and the City may immediately commence action or actions, proceeding or proceedings, for the abatement thereof in a manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting, building, moving and maintaining any such building or structure, or using any property contrary to the provisions of this Title. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-36-3: APPLICATION OF REMEDIES:**

A. All remedies provided herein shall be cumulative and not exclusive.

B. The issuance or granting of a building permit, or approval of plans or specifications under the authority of the building code, shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Title or any amendment thereto, or of any other law. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-36-4: PENALTY FOR VIOLATIONS:**

Any person violating any of the provisions of Title 11 of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-36-5: INTERPRETATION:**

In interpreting and applying the provisions of this Title, the minimum requirements shall be held to. Where this Title imposes a greater restriction than is imposed or required by other rules or regulations or by other ordinances, the provisions of this Title shall control. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

**11-36-6: APPLICABILITY:**

The provisions of this Title are applicable not only to private persons and organizations but also to all public agencies and organizations to the full

extent that they may be, now or hereafter, enforceable in connection with the activities of any such public agency or organization. Also see Nevada Revised Statutes 278.580(3) for applicability of this Title to the State and all other political subdivisions. (Ord. 841, 2-23-1998, eff. 3-23-1988; amd. Ord. 1001, 3-25-1997, eff. 4-16-1997)

## **Chapter 37**

### **SH SENIOR HOUSING ZONE**

#### **11-37-1: SCOPE:**

The following regulations shall apply to the SH senior housing zone. (Ord. 1333, 7-10-2007, eff. 8-1-2007)

#### **11-37-2: PURPOSE:**

The SH zoning district is intended to promote and encourage the establishment and maintenance of a suitable environment for housing for seniors, incorporating a variety of housing types and including related facilities. Developments in this zone shall be designed with common open areas, and this zone is not intended for the provision of detached single-family lots, except in conjunction with other multi-family and congregate housing types. This zone is intended for properties which will be subject to a development agreement with the city, including approval of the site layout plan. (Ord. 1333, 7-10-2007, eff. 8-1-2007)

#### **11-37-3: RELATION TO GROWTH CONTROL ORDINANCE:**

For the purposes of this chapter, the definition of "housing for seniors" shall be as defined in the controlled growth management plan as adopted by the voters of Boulder City, being chapter 41 of this title. For the purposes of the SH zone, the supporting staff referred to in that definition is not required for one-, two- and multiple-family dwellings, unless exceptions as per subsection 11-41-14B of this title are requested. The requirement for restrictive covenants running with the land (or a lease agreement with the city) which limit the dwelling units in this zone to seniors for a minimum of thirty (30) years shall apply in all cases. (Ord. 1333, 7-10-2007, eff. 8-1-2007)

#### **11-37-4: PERMITTED USES:**

- A. One- and two-family dwellings.
- B. Multiple-family dwellings.
- C. Nursing homes, rest homes, assisted living facilities, extended care facilities, and similar residential buildings which also provide varying levels of nursing or health care.
- D. Community buildings and healthcare services buildings, either for the private use of the residents of the community, or for use by other seniors in the city if so stipulated in the development agreement or as may be

permitted by the management of the development. Commercial uses within a community building or healthcare services building shall not exceed the lesser of three thousand (3,000) square feet or thirty percent (30%) of the total building area.

E. Temporary sales offices, if located on the same property as the development. Such use shall be required to comply with all applicable state and local laws and regulations, including, but not limited to, the following:

1. The unit must be a commercial coach approved by the state of Nevada and the city.

2. The unit shall be connected to all available utilities including, but not limited to, public water, sewer and electricity.

3. Off street parking shall be provided in accordance with the provisions of chapter 23 of this title for an office use.

4. The use shall be approved for three (3) years from the date of issuance of a state of Nevada state safety certificate for mobile home installation by the city building official, or until the remainder of the lots in the subdivision are sold, whichever is sooner. Any application for an extension of the time period shall be considered and acted upon by the planning commission under the provisions of this title as a conditional use.

F. Other compatible uses, as may be permitted by the development agreement. (Ord. 1333, 7-10-2007, eff. 8-1-2007)

#### **11-37-5: DEVELOPMENT STANDARDS:**

The requirements listed below are supplemental to the minimum standards for construction, utilities, health, safety and welfare as listed in the city codes and state laws:

A. Development Agreement: Final approval of any private development within the SH zone will be contingent upon city approval of a development agreement. Said agreement will include a description of the land involved, proposed uses and operations within the development, a site layout plan, and other relevant information as may be required by the city.

B. Density: The density of the development shall not exceed eleven (11) dwelling units per net acre, excluding areas within overhead utility easements.

C. Lot Coverage: The maximum lot coverage shall be fifty percent(50%) of the overall development area.

D. Open Space: The minimum amount of common open space (not including roadways and private yard areas) shall be twenty five percent (25%).

E. Vehicle Parking:

1. Senior housing dwelling units (1-, 2- and multiple-family): Minimum of one off street parking space per unit.
2. Nursing home, assisted living or extended care units, and similar residential buildings: Minimum of one off street parking space for each four (4) patient beds or bedroom when a bedroom sleeps not more than two (2) persons.
3. Community buildings, healthcare services buildings or other similar buildings: Minimum of one off street parking space for each three hundred (300) square feet of building area, excluding elevator shafts, stairwells, mechanical equipment rooms, restrooms and courtyards.
4. Accessible parking spaces (other than for 1- and 2-family dwellings) shall be provided in accordance with chapter 23 of this title, or the requirements of the Americans with disabilities act, whichever results in the stricter requirement.
5. Recreational vehicles are only permitted to be stored within individual garages approved with the primary dwelling, unless the development provides for specific recreational vehicle parking spaces which shall not be less than ten feet (10') in width and twenty four feet (24') in depth.
6. Storage within garages which are part of a dwelling unit shall not preclude the storage of vehicles within the garages.

F. Setbacks:

1. Minimum setback from perimeter property line: Eight feet (8').
2. Minimum setback between buildings: Ten feet (10').
3. Minimum setback from public streets: Twenty feet (20') for garages and carports, and ten feet (10') for other portions of the structure.
4. Minimum setback from private streets: Five feet (5') for garages and carports, and three feet (3') for other portions of the structure. For the purposes of this chapter, "private street" in this instance refers to a secondary street within the development that serves as a common driveway for the dwelling units on that street, and which provides additional parking spaces (at least 1) for each dwelling unit on that street.
5. Minimum setback from any other internal lot line or unit boundary: Five feet (5').
6. Additions, patio covers, carports, and similar features: None shall be permitted to encroach into the minimum setbacks noted herein. Roof eaves are permitted to encroach into required setbacks no more than two feet (2').
7. Accessory buildings and structures for individual dwellings: None shall be permitted.

#### G. Height And Story Restrictions:

1. One- and two-family dwellings, and temporary sales offices: Maximum height of sixteen feet (16'). Maximum of one story.
2. All other buildings: Maximum height of twenty five feet (25'). Maximum of two (2) stories.
3. Any request for a height variance within the airport overlay zone requires a determination from the federal aviation administration as per the provisions of chapter 22 of this title.

#### H. Signs:

1. One- And Two-Family Dwellings: House numbers or street address indicators, not less than six inches (6") high and not more than two (2) square feet in area.
2. Multiple-Family Buildings And Other Residential Buildings: In addition to the address indicator, one nameplate is allowed per building, not exceeding two (2) square feet in area.
3. Community And Health Services Buildings: In addition to the address indicator, one nameplate is allowed per building, not exceeding thirty two (32) square feet in area.
4. Neighborhood Entrance: One permanent monument real estate entry sign shall be permitted at each entry of the development, each sign not to exceed sixty four (64) square feet in area and six feet (6') in height.
5. Temporary Signs: Temporary signs for real estate development projects and real estate transactions are permitted as per chapter 24 of this title.

#### I. Walls And Fences:

1. Although perimeter walls are not required, any wall surrounding the development shall be of decorative masonry or stucco materials. If fencing is used, it shall be of decorative wrought iron. The height of the wall or fence shall not exceed six feet (6').
2. Walls or fences around side and rear yards for individual residential dwellings shall not be permitted. Courtyard walls at the front of homes, not exceeding four feet (4') in height, may be permitted if they are proposed as part of the development plan for the project. Courtyard walls not exceeding four feet (4') in height shall also be permitted within patios and porches.
3. Senior housing developments shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like.

J. Landscaping: A landscaping plan is required for the development, subject to city approval. The landscape plan for the development shall emphasize the use of water conserving plants and materials, which may include the use of decorative rock, boulders, sculpture, dry riverbeds, artificial turf, and similar materials.

K. Lighting: A lighting plan is required for the development, subject to approval by the city. Parking lot lighting shall be designed to avoid light spillage towards residential buildings. Street lighting shall be provided in accordance with Boulder City street standards, subject to city approval.

L. Flagpoles: Permanent freestanding flagpoles shall be limited to location at the primary community building, and shall be limited to no more than three (3). Temporary freestanding flagpoles may be provided in conjunction with a temporary sales office, and shall be limited to no more than three (3). Height of flagpoles shall be limited to twenty feet (20'). (Ord. 1333, 7-10-2007, eff. 8-1-2007)

## **Chapter 38 RESERVED**

## **Chapter 39 SUBDIVISION REGULATIONS**

### **11-39-1: GENERAL REGULATIONS:**

A. Authority: This Chapter is adopted pursuant to the Planning and Zoning Act of the State and to any other authority provided by law or as such statutes may be amended. The provisions of this Chapter are in addition to the regulations of the Planning and Zoning Act of the State and are supplemental thereto.

B. Applicability: The provisions of this Chapter shall apply to the subdivision, or to other divisions of land for any purpose whatsoever. These requirements include subdivision, resubdivision or "parcel maps", as hereinafter defined.

C. Purpose: The purpose of this Chapter is to regulate the division of land and to prescribe certain improvements which are needed in consequence of the division of land in order to promote public health, safety, convenience and general welfare; to guide the development of land in a manner consistent with general community objectives as set forth in the Comprehensive Plan; to provide lots of sufficient size, adequate improvements and facilities, and appropriate design for the purpose for which they are to be used; to minimize traffic congestion and safety hazards, and to assist in implementing the Comprehensive Plan of the City.

D. Comprehensive Plan: The Comprehensive Plan shall guide the development and use of all the land within the corporate boundaries of the City. The type and intensity of land use as shown on the Comprehensive Plan shall be used as a guide to determine the character of land division, including lot size and arrangement, and the type and extent of streets, roads, highways, utilities, public and other facilities that shall be provided by the

subdivider.

E. Precise Plans And Zoning Ordinance: All division of lands shall conform with applicable precise plans adopted by legal procedures for the purpose of effectuating the Comprehensive Plan. All divisions of land shall conform with the requirements of the zoning regulations of the City; provided, however, that where these regulations impose higher standards, the requirements of this Chapter shall prevail. All divisions of land shall conform to the requirements of the Flood Hazard Reduction Plan, Chapter 40 of this Title.

F. Planning Commission: The Planning Commission of the City is hereby designated as the Planning Commission with respect to subdivisions, as provided by the Planning and Zoning Act of the State, and shall have the power and duties with respect to subdivisions and other divisions of land as specified in said Act and in this Chapter.

G. Procedures:

1. Subdivisions of five (5) and more parcels shall follow the procedure as outlined in Sections 11-39-3 through 11-39-5 of this Chapter.

2. Parcel maps of four (4) or less parcels shall follow the procedure as outlined in Section 11-39-6 of this Chapter.

3. All subdivisions shall follow the procedures as outlined in Chapter 40 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-39-2: DEFINITIONS:**

For the purposes of applying the requirements of this Chapter, the following terms are defined:

All the definitions as set forth in Section 11-1-3 of this Title.

**AS-BUILT DRAWINGS:** Drawings or plans which show and delineate any and all changes from the approved plans which occurred during the construction and installation of the subdivision improvements.

**BLOCK:** A tract of land within a subdivision entirely bounded by streets, highways or ways, except alleys; or by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

**CITY SPECIFICATIONS AND STANDARDS:** The specification of design, materials and construction standards as recommended by the City Engineer and approved by the City Council.

**CUL-DE-SAC:** A minor street with only one outlet and which provides for an adequate turning area for vehicular traffic at its terminus.

**FINAL MAP:** A map prepared in accordance with the provisions of the Planning and Zoning Act of the State of Nevada and with the provisions of this Chapter, which map is to be placed on record in the office of the County

Recorder as the approved design for a subdivision.

**OWNER:** Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under this Chapter.

**PARCEL MAP:** Any real property improved or unimproved or portions thereof shown on the last preceding tax roll as a unit or as contiguous units which is divided for the purpose of sale, lease or transfer of all or any parts thereof, whether immediate or future, into four (4) or less lots or parcels.

**PLANNING AND ZONING ACT OF THE STATE OF NEVADA:** Chapter 27B of the Nevada Revised Statutes entitled "Planning and Zoning".

**ROADWAY:** That portion of a street right of way intended to accommodate vehicular traffic.

**SERVICE ROAD:** A street adjacent to a freeway, major or primary street, and separated therefrom, that provides the primary means of vehicular and pedestrian access to abutting properties.

**STREET OR STREET RIGHT OF WAY:** The total area dedicated or to be dedicated for public use and which includes a street, highway, thoroughfare, parkway, road, avenue, drive, lane, boulevard, place or however designated, but not including alleys.

**SUBDIVIDER:** The individual, firm, association, syndicate, partnership or corporation commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for others.

**SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into five (5) or more lots, parcels, sites, units, plots, separate interests or interests in common, for the purpose of any transfer, development or any proposed transfer or development; unless exempted under the provisions of the Nevada Revised Statutes. (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-39-3: PRELIMINARY SUBDIVISION MAPS:**

A. Preliminary Map Filing: Prior to the filing of a tentative map, the subdivider shall submit to the Community Development Director a preliminary map, together with plans, exterior elevations and other information sufficient to describe the physical features and the contemplated development.

B. Review And Referral: The Community Development Director shall refer the contemplated subdivision to the various departments deemed advisable, requesting their findings and recommendations. The Community Development Director shall report directly to the subdivider the findings and recommendations of the various departments and the Planning Commission as soon as practicable.

C. Compliance: In addition to the findings and recommendations as set forth in subsection B of this Section, the Community Development Director shall make recommendations to the subdivider regarding the conformity of the preliminary map and other plans with the provisions of this Chapter and other applicable ordinances, and regarding possible improvements in the design of the preliminary map. The Community Development Director shall also recommend consultation by the subdivider with other appropriate and interested public and private agencies.

D. Review: The submission and review of a preliminary map and the other plans shall in no way be interpreted as official approval and shall in no way be interpreted to mean that such review satisfies the requirements of a tentative map submission or approval. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-39-4: TENTATIVE SUBDIVISION MAPS:**

A. Tentative Map Preparation: The subdivider shall cause a tentative map to be prepared by a professional person or persons competent to compile the necessary data in full compliance with the requirements of this Chapter and the Planning and Zoning Act of the State. Said map shall be clearly and legibly drawn at an adequate scale in order to show all the necessary details of the proposed subdivision with accuracy and clarity.

If protective covenants and deed restrictions (CC&R's) are to be enforced in the subdivision, a copy of said covenants and restrictions shall be filed with the tentative map for review and approval in accordance with the procedures prescribed in this Chapter. When the covenants and restrictions have been accepted by the City Council, the subdivider shall file same in the office of the County Recorder, and a copy of the recorded covenants and restrictions shall be filed thereupon in the office of the City Engineer.

B. Tentative Map Requirements: The tentative map shall contain the following information:

1. Subdivision number and name. A subdivision number shall be assigned by the City. A subdivision name may be proposed by the subdivider.
2. The map shall show the proposed subdivision in its entirety, and at a suitable scale so that all information required thereon is clear and legible. Where necessary, a legend shall be shown clarifying all markings and lines delineated on the map.
3. The date of preparation and the map scale shall be clearly shown.
4. The lettering shall be so placed as to be read from the bottom or right-hand side of the sheet, and the north point shall be directed away from the reader.
5. The map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.

6. Names, addresses and telephone numbers of recorded owners, subdivider and person or persons who prepared the map.
7. Sufficient legal description of the land to describe the location, including exterior subdivision boundary dimensions.
8. Locations, names, present widths, and improvements of adjacent streets.
9. The names and numbers of adjacent subdivisions, including lot and block numbers.
10. Location and widths of proposed streets and highways as shown on any precise plan and/or the Comprehensive Plan.
11. The location, names, approximate grades, and widths of all streets and alleys within the proposed subdivision.
12. Contour lines of the entire subdivision, having the following intervals:
  - a. Two foot (2') contour intervals for ground slopes between level and eighty percent (80%).
  - b. Ten foot (10') contour intervals for ground slopes exceeding eighty percent (80%).
13. The approximate width and location of all easements for drainage, sewage, public utilities and other purposes.
14. Approximate radii of all curves.
15. The approximate lot layout, lot number and approximate dimensions of each lot.
16. A map indicating plans for the development of the entire area if the proposed plat is a portion of a larger holding intended for subsequent development.
17. The location and outline, to scale, of each building or other structure within the proposed subdivision, noting whether or not such building or structure is to be removed or remain in the development of the subdivision, and other physical features which would influence the layout or design.
18. Approximate location of areas subject to inundation or storm water overflow, and the location, widths and direction of flow of all watercourses and proposed storm water drainage and facilities. Location, dimensions, grade and capacity of all drains to carry storm runoff that reaches the proposed development as well as that which falls within the proposed development.
19. Sources and availability of water supply, proposed size and location of

water mains, and proposed location of fire hydrants.

20. Proposed method of sewage disposal.

21. Proposed use of property.

22. A blank space of eighty (80) square inches in area, of suitable shape for certificates, conditions, approvals, etc.

23. A vicinity or key map showing the relation of the subdivision to the area in which it is located.

24. A statement regarding protective covenants and deed restrictions which the subdivider intends to enforce.

C. Tentative Map Filing:

1. The subdivider shall submit to the community development director twenty (20) copies of the tentative map accompanied by the prescribed filing fee and twenty (20) copies of the statements and materials required to accompany the tentative map.

2. The tentative map shall be accepted for filing if it is in full compliance as to form, information and statements required to be furnished therewith in accordance with the terms of this chapter, and if the prescribed filing fees have been paid. The time of filing the tentative map shall be when the map is accepted by the community development director.

3. The tentative map shall be filed at least sixteen (16) days prior to the meeting date of the planning commission at which approval is requested.

D. Distribution: Within seven (7) days of the filing of the tentative map, the community development director shall transmit a copy of said map, together with accompanying data, to the city engineer, fire chief, gas and utility companies involved and to other appropriate public agencies or utility companies as may be deemed necessary.

E. Reports On Tentative Map: Each of the public agencies, departments, districts and utility companies shall, within ten (10) days after the map has been transmitted, forward to the community development director a written report of its findings and recommendations thereon. The failure of any officer, department, district, agency or utility company to report to the community development director in writing within ten (10) days shall be interpreted to mean that the proposed subdivision is acceptable as submitted. Upon the receipt of such reports or within five (5) days following the expiration of the aforementioned ten (10) day waiting period, the community development director shall submit the tentative map, along with all such reports and recommendations to the planning commission.

F. Planning Commission Action On Tentative Map: The planning commission shall review all reports and recommendations and within forty five (45) days after the filing of the tentative map with the commission, unless such time is

extended by agreement with the subdivider, shall approve, conditionally approve or disapprove the tentative map. (Ord. 841, 2-23-1988, eff. 3-23-1988)

Upon receipt of a complete application and applicable fees, the community development director shall cause notices to be given in accordance with the procedures and requirements set forth in section 11-35-3 of this title. (Ord. 883, 2-26-1991, eff. 3-20-1991)

G. Time Extension For Acting On Tentative Map: The time limit for acting and reporting on a tentative map may be extended upon mutual consent of the subdivider and the planning commission.

H. Notification: Notice of planning commission's approval, conditional approval or disapproval shall be reported in writing to the subdivider. If the conditionally approved tentative map varies considerably from the submitted tentative map, the planning commission may require that the subdivider prepare and submit revised copies incorporating the approved changes for certification in accordance with the procedures established in subsections C through E of this section.

I. Revised Tentative Map: Any revised tentative map or portion thereof, filed as a condition of approval or otherwise, shall comply with the requirements in effect at the time such revised map is considered by the planning commission. The approval or conditional approval by the planning commission of a revised tentative map shall nullify all previous designs thereof.

J. Withdrawal Of Tentative Maps: Any subdivider of property upon which a tentative map has been filed may withdraw such map at any time prior to the action by the planning commission and the city council. Notice of such request shall be made in writing. The community development director shall notify each office, department, district, agent or utility company from which a report was requested on such tentative map. Upon completion of such notification, the tentative map shall be officially withdrawn. No refund of filing fees shall be made on withdrawn tentative maps.

K. Council Review And Action: Within ten (10) days of the action of the planning commission, the city clerk shall transmit to the city council a copy of the tentative map, the reports of the city staff and the reports received from other public and private agencies, together with the planning commission's action on said tentative map. The city council shall review the tentative map, reports and planning commission's action and within ten (10) days shall sustain, modify, reject or overrule any recommendations or rulings of the planning commission and may make such findings as are not inconsistent with the provisions of this chapter and the planning and zoning act of the state. (Ord. 841, 2-23-1988, eff. 3-23-1988)

Upon receipt of a complete application and applicable fees, the community development director shall cause notices to be given in accordance with the procedures and requirements set forth in section 11-35-3 of this title. (Ord. 883, 2-26-1991, eff. 3-20-1991; amd. per letter dated 2-27-2001)

L. Notification Of City Council Action: The community development director shall notify the subdivider, the city engineer and other agencies and departments as deemed advisable, of the action of the city council.

M. Time Extension On Approved Tentative Maps: The city council may grant an extension of time not exceeding one year beyond the one year as allowed by section 11-39-5 of this chapter for the filing of the final map. Application for such extension shall be made to the city council in writing. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-39-5: FINAL SUBDIVISION MAPS:**

##### A. Preparation Of Final Map:

1. Within one year after approval or conditional approval of the tentative map by the city council, the subdivider may cause the subdivision, or any portion thereof which is determined by the city engineer to be a logical unit of the tentative map, to be surveyed and a final map be prepared and filed with the city engineer with the prescribed fees. The survey and final map shall be made by a licensed land surveyor. The final map shall conform with the tentative map as approved or conditionally approved and shall comply with all the provisions of this chapter and the planning and zoning act of the state.

2. If the subdivider fails to record a final map for any portion of the tentative map within one year after the date of approval of the tentative map by the city council, or within one year after the date of approval by the city council of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

3. The city council may grant an extension of not more than one year for the presentation of any final map after the one year period for presenting the entire final map or next successive final map has expired.

##### B. Form Of Final Maps:

1. The final map shall be drawn with black waterproof India ink on tracing cloth of good quality, and the affidavits, certificates and acknowledgments shall be legibly stamped or printed upon the map with opaque ink. Said certificates, acknowledgments and affidavits shall be signed with black waterproof ink.

2. The size of each sheet shall be twenty four inches by thirty two inches (24" x 32"), upon which a marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1") at the top, bottom and right edges, and a two inch (2") margin at the left edge along the twenty four inch (24") dimension.

3. The scale of the map shall not exceed one hundred feet to the inch (100' = 1"), and where necessary, a legend shall be shown, clarifying all markings and lines delineated upon the map.

4. A blank space, two inches by three inches (2" x 3") shall be reserved at the lower right-hand corner of the map for stamp of approval and recording by the office of the County Recorder.

5. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets shall be set forth on each sheet.

6. The subdivision number, and name if designated, scale, north point and date of preparation shall be shown on each sheet.

7. The lettering shall be so placed as to be read from the bottom or right-hand side of the sheet, and the north point shall be directed away from the reader.

8. The map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.

C. Title Sheet: The title sheet shall be page number one and shall contain the following information:

1. Title, comprising the subdivision number, followed by the name if designated.

2. Below the title shall be a subtitle consisting of a general description of all the property being subdivided by reference to recorded deeds or maps which have been recorded, or by reference to the plat of a United States survey. References to tracts and subdivisions in the description must be worded identically with original records, and reference to book and page numbers of record must be complete. The words "Boulder City, Clark County, Nevada" shall appear below the general description subtitle.

3. Affidavits, certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals as required by law and this Chapter.

4. The basis of bearings used in the survey.

5. Where size of the subdivision permits, in lieu of a title sheet, the information prescribed above may be shown on the same sheet as the final map.

D. Information On Final Map: The final map shall clearly and legibly show the following information:

1. The boundary of the subdivision designated by a one-sixteenth inch ( $1/16$ " ) border of blue watercolor applied on the reverse side of the tracing and inside the subdivision boundary line. Such border shall not obliterate any figures or other data.

2. Survey data including:

a. All monuments, stakes and other evidences found, set, reset or replaced,

describing their kind, size and location.

b. The basis of bearing of the subdivision map shall be taken from a recorded bearing as recorded in the book of plats of the County Recorder's office. The map shall show all lot corners of adjoining subdivisions or tracts, along with recording data of adjoining subdivisions or tracts.

c. The subdivision shall be tied by bearing and distance to either a quarter corner or section corner which was established by public land survey, and must be delineated upon the map.

d. Corners of all adjoining property identified by lot and block number, subdivision or tract name, place of record or by section, township and range, or other proper designation.

e. Bearings and distances of straight lines, radii, central angles, arc lengths or chord bearings and length of all curves, as well as such additional information as may be necessary to determine the location of the centers of curves.

f. The center lines of all streets in and adjoining the subdivision, indicating all permanent monuments found or placed, and making reference to a map or field book wherever the City Engineer has established such center line. If any points where reset by ties, the fact shall be so stated.

g. All information, data and monuments necessary to locate and relocate any and all exterior boundary lines, lot or block lines.

3. All lots and parcels shall have all dimensions, boundaries and courses clearly shown and defined. This includes lots and parcels intended for sale, reserved for private purposes or offered for dedication for any purpose.

a. The final map must show the area of each lot and the total area of the land in the subdivision in the following manner:

(1) In acres, calculated to the nearest one-hundredth (.01) of an acre, if the area is two (2) acres or more; or

(2) In square feet if the area is less than two (2) acres.

4. The locations, names, total width and width on each side of the center line of all streets, alleys and other rights of way within the subdivision.

5. The location and width of all easements, public and private, to which the lots are subject. The easement shall be clearly labeled and identified as to nature and purpose. If easements are already of record, their recorded references shall be given. Easements shall be denoted by fine dotted lines. Distances and bearings on lines of lots which are cut by easements must be so shown that the map will clearly indicate the actual length of the lot line.

6. The location and width of utilities' rights of way located upon private property within the subdivision.

7. Any limitations of rights of access to and from streets and lots and other parcels.

8. All City boundaries crossing or adjoining the subdivision to be clearly designated and located.

9. Lots shall be numbered beginning with the number one and continuing without omission or duplication throughout the entire block. Blocks shall be numbered beginning with the number one and continuing without omissions or duplication throughout the entire subdivision. If more than one sheet is required for subdivision maps, each sheet shall show lots in their entirety, and not portions thereof.

E. Certificates To Appear On Final Map: The following certificates shall appear on the final map in a form prescribed and approved by the City Attorney.

1. Owner's certificate.
2. Licensed land surveyor's certificate.
3. Dedication certificate.
4. Approval of trustee.
5. City Engineer's certificate.
6. Community Development Director's certificate.
7. City Council and City Clerk's certificate.
8. Department of Water Resources.
9. Clark County Health Department.
10. Utility dedication. (Ord. 841, 2-23-1988, eff. 3-23-1988)
11. Planning Commission chairman. (Ord. 882, 2-26-1991, eff. 3-20-1991)
12. Such other affidavits, certificates, acknowledgments, endorsements and notarial acknowledgments and seals as are required by law or the provisions of this Chapter.
13. All certificates requiring the Official Seal of the City (City Council certificate and City Clerk's certificate) shall be arranged so that such Seal may be affixed within one and one-half inches (1½") from the border, excluding the left-hand border.

F. Survey Requirements:

1. A complete and accurate survey of the land to be subdivided shall be made by a licensed land surveyor in accordance with the standard practices and principles of land surveying.

2. The traverse of the exterior boundaries of the subdivision and of each block must close within a limit of error of one foot (1') to ten thousand feet (10,000').

3. All center lines of streets, property lines, monuments, alleys and easements within or adjacent to the subdivision shall be tied into the survey.

4. Monuments:

a. Monuments shall be set in accordance with the recorded subdivision maps so that the survey, or any part thereof, may be readily retraced. Such monuments shall be set at:

(1) All angle points in subdivision boundary.

(2) All angle points of tangency and points of curvature in subdivision boundary.

(3) All street center line intersections.

(4) All points of curvature in street center lines.

(5) All intersections of street center lines with subdivision boundary.

(6) All section corners, quarter corners and sixteenth corners.

b. All monuments shall conform to City specifications and standards.

c. All monuments shall have a copper plate or disc securely attached to the top of the monument, with a copper dowel or copper nail or approved alternate device permanently marking the exact center. The registration or license number of the surveyor shall be stamped on the copper plate or disc.

d. Monuments may be set after approval of the final map, but must be set prior to the final acceptance of the subdivision improvements. If the monuments are set after approval of the final map, a cash deposit or approved bond in an amount set by the City Engineer shall be filed with the City guaranteeing such work.

e. All monuments and their location shall be subject to inspection and approval by the City Engineer.

5. Lot corners, angle points or curve points where no monument is set, five-eighths inch ( $\frac{5}{8}$ " ) rebar with aluminum cap shall be driven flush with the surface of the ground and exact center will be marked. On approval of the City Engineer, other markers of equal durability may be used.

G. Filing Of Final Map With City Engineer: Upon payment of the required fee

and the posting of the required deposit, the subdivider shall submit to the City Engineer the following information and materials:

1. One complete set of original tracings and four (4) complete sets of suitable prints of the final map and such additional numbers of prints as the City Engineer may require.
2. Complete plans, profiles, cross sections, quantity and cost estimates, and specifications of proposed improvements as set forth in Section 11-39-8 of this Chapter. Such plans and profiles shall show the full details of the proposed improvements, and the improvements shall comply with City specifications and standards.
3. Traverse sheets and working sheets showing the closure of the exterior boundaries of the subdivision and of any irregular lots and blocks shall be furnished.

H. Review And Approval By City Engineer: The City Engineer shall examine the final map and determine the sufficiency of affidavits and acknowledgments, the correctness of surveying data, mathematical data and computations, and shall determine whether the provisions of this Chapter and the Planning and Zoning Act of the State have been complied with.

When the final map is found to be correct, the data shown thereon and submitted therewith is sufficient, and when applicable provisions of this Chapter and the Planning and Zoning Act have been complied with, the City Engineer shall transmit same to the Community Development Director. (Ord. 841, 2-23-1988, eff. 3-23-1988)

I. Review And Approval By Community Development Director: The Community Development Director shall examine the map to determine whether said map conforms with the tentative map and with all changes and requirements imposed by the Planning Commission and/or the City Council on said tentative map. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Community Development Director. If it is determined that the map is in conformity, the Community Development Director shall certify approval thereon and shall submit said map to the planning commission along with all reports and recommendations.

J. Agreement, Report And Certificate Required: The following shall be filed with the city engineer prior to the final map being presented for recommendation to the planning commission: (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 882, 2-26-1991, eff. 3-20-1991)

1. Off Site Improvement Agreement: The subdivider shall execute and file with the city engineer an agreement between himself and the city, specifying the period within which he shall complete all improvements and work in accordance with city specifications and standards to the satisfaction of the city engineer.

2. Preliminary Subdivision Report: The subdivider shall furnish a preliminary subdivision report from a reputable title company, showing the names of those parties who may be required to sign the subdivision map, and shall, at the date of recording, furnish a guarantee with a liability of one thousand dollars (\$1,000.00) assumed therein, guaranteeing that the parties named therein are the only parties who are required to sign the subdivision map.

3. Certificate Regarding Tax Lien: The subdivider shall file a certificate from the official computing redemptions, showing that according to the records of his office, there are no liens against the subdivision or any part thereof, of unpaid state, county, municipal or local taxes or assessments collected as taxes, except taxes or special assessments not yet payable. (Ord. 841, 2-23-1988, eff. 3-23-1988)

K. Filing With City Clerk: After the final map has been checked and approved by the city engineer and community development director and a recommendation has been made by the planning commission, as provided in this section, and when all the required certificates which appear on the final map, except the approval certificate of the city council, have been signed and acknowledged where necessary, the city clerk shall transmit the final map to the city council.

L. Action By Planning Commission And City Council:

1. Recommendation Of Planning Commission: At the next regularly scheduled planning commission meeting, the planning commission shall recommend approval, conditional approval, or disapproval of the final map to the city council, based on compliance with the tentative map.

2. City Council Action: At the next city council meeting or within ten (10) days of the filing of the final map and other documents as required by this chapter with the city clerk, the city council shall approve the map if it conforms with all applicable provisions of this chapter and the planning and zoning act of the state. The time limit for approval of the map may be extended by mutual written consent of the city council and the subdivider.

3. Dedications: Along with approval of the final map, the city council shall accept such offers of dedication. (Ord. 1194, 6-24-2003, eff. 7-16-2003)

M. Performance Bond: The subdivider shall file with the city engineer, a performance bond and a labor and material bond as required by section 11-39-12 of this chapter.

N. Recording: When the final map has been approved and accepted by the city council, a reproducible tracing shall then be made from the original of said map and shall thereupon be filed in the office of the city engineer. The city clerk shall file the final map in the office of the county recorder.

O. Development Time Limit:

1. Within one year after the final map has been accepted by the city council,

the subdivider shall have completed all improvements and work in accordance with city specifications and standards to the satisfaction of the city engineer.

2. The city council may grant an extension of time not exceeding one year beyond the one year allowed. Application for such extension shall be made to the city council in writing.

3. Failure to complete the improvements and work within the time limit specified shall terminate all proceedings and a new tentative map shall be required in the manner herein specified. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-6: PARCEL MAPS:**

A. Purpose: Certain basic improvements and design standards are necessary in order to properly serve any land which is to be divided into four (4) or less lots, parcels, sites, or plots, any of which has a nominal area of less than forty (40) acres. These provisions are necessary to prevent circumventing the intent and spirit of the planning and zoning act of the state and this chapter.

B. Compliance: Neither the city nor any of its officers or employees shall recognize any division or split of lot, piece or parcel of land until all of the provisions of this section have been met in connection therewith.

1. A parcel map is not required when the land division is for the express purpose of:

a. Creation or realignment of a right of way.

b. Creation or realignment of an easement.

c. An amendment or certificate of amendment under Nevada Revised Statutes 278.471 through 278.4725, inclusive.

d. Adjustment of the boundary line or the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional parcels.

e. Purchase, transfer or development of space within an apartment building or an industrial or commercial building.

C. Parcel Map; Survey Required; Exception: A parcel map shall be based on a survey made for that purpose, unless this requirement is waived by the city engineer. The requirement of a survey may be waived if, in the judgment of the city engineer, a survey is not required to accomplish the purposes of this section.

D. Record Of Survey To Indicate Map Not A Map Of Subdivision: If a record of survey contains more than four (4) lots or parcels, the surveyor or person or one of the persons for whom the record of survey is made shall place upon

the map thereof a statement of the facts which will clearly show that such record of survey is not of a "subdivision" as defined in this chapter or all requirements of this chapter concerning subdivision of real property and the regulations of transactions pertaining thereto shall be complied with. (Ord. 841, 2-23-1988, eff. 3-23-1988)

E. Parcel Map Information: The parcel map shall contain, or be accompanied by, the same information as required by subsections 11-39-5A through F inclusive, of this chapter, with the following exceptions:

1. The "title sheet", as required by subsection 11-39-5C of this chapter, shall not be required.

2. The blue watercolor subdivision boundary, as required by subsection 11-39-5D1 of this chapter, shall not be required.

3. Except as noted in subsection E4 of this section, and regardless of whether or not the map contains easement dedications for acceptance by the city, only the following certificates shall appear on the parcel map in the form prescribed and approved by the city attorney, for administrative approval of the proposed land division:

a. Owner's certificate.

b. Licensed land surveyor's certificate.

c. Community development director's certificate.

d. City engineer's certificate.

e. Such other affidavits, certificates, acknowledgments, endorsements and notarial acknowledgments and seals as are required by law or the provisions of this chapter.

4. If there are public street, utility or drainage improvements and/or right of way dedications for acceptance by the city council, the certificates stipulated in subsection 11-39-5E of this chapter shall appear on the parcel map, and the review and approval procedures stipulated in subsections 11-39-5G through M of this chapter, inclusive, shall be followed, with the exception that a certificate for, and review by, the planning commission shall not be required.

5. The parcel map shall contain, or be accompanied by, the same improvement information as required by section 11-39-8 of this chapter, and the subdivider shall file with the city engineer a performance bond and an off site improvement agreement as required by section 11-39-12 of this chapter.

6. The community development director and city engineer, or city council, as applicable, shall review and approve, conditionally approve or disapprove the parcel map within forty five (45) days after the parcel map is submitted and accepted. Unless the time is extended by written mutual agreement, if the community development director and city engineer, or city council, as

applicable, fail to take action within the period specified in this subsection, the parcel map shall be deemed approved. (Ord. 1149, 4-24-2001, eff. 5-16-2001)

**11-39-7: SUBDIVISION DESIGN STANDARDS:**

A. Applicability: The standards and principles as set forth by this Section shall apply to subdivisions and parcel maps.

B. Lots: All land divisions shall result in the creation of lots which are capable of being developed or built upon.

1. The minimum area and dimensions of all lots shall conform to the requirements of the zoning provisions for the district in which the subdivision is located.

2. The side lines of lots shall be approximately at right angles to the street upon which the lot faces, or approximately radial if the street is curved.

3. All lots created shall have access to a public street meeting the minimum requirements of this Chapter and any adopted street standards of the City for right-of-way widths, paving widths and improved in accordance with the standards for public improvements as set forth in this Chapter and any adopted street and improvement standards of the City.

4. Double frontage lots shall be avoided wherever possible.

5. No remnants of land shall be left in the subdivision which do not conform to lot requirements or are not required for a public or private utility.

6. All lots shall have adequate drainage.

7. Lot depths exceeding two and one-half (2½) times their average width shall be avoided wherever possible.

8. Residential lots, excluding mobile estate lots, rearing on existing or proposed commercial or industrial properties or on railroads and freeways shall have a minimum depth of one hundred twenty five feet (125').

C. Blocks:

1. Blocks shall not exceed one thousand two hundred feet (1,200') between intersections except where topographical or other conditions require longer blocks.

2. Long blocks normally shall be provided adjacent to primary and major streets in order to reduce the number of intersections. The Comprehensive Plan shall serve as a guide.

D. Streets: The streets in subdivisions shall conform in width and alignment with that shown or indicated in the Comprehensive Plan of Streets and Highways as adopted or as may be amended, or as shown on precise plans

which have been adopted.

E. Street Pattern: Street pattern shall be related to a plan for the most advantageous development of the subdivision as well as adjoining areas and the entire neighborhood or district. The following principles shall govern:

1. Proposed streets shall be continuous and in alignment with existing or recorded streets with which they are to connect. At intersections, the center lines of streets not in alignment shall be offset at least one hundred fifty feet (150').

2. Proposed streets, which are intended or required to be extended beyond the subdivision boundaries, shall be extended to the boundary lines of the land to be divided.

3. In the interest of traffic safety, "T" intersections shall be provided in lieu of four (4) way intersections wherever the subdivision design will allow or indicate such an option.

4. Residential street intersections with primary or major streets shall be limited in number and their location shall be designed to provide for minimum interference with traffic movement on the primary or major streets.

5. The means of street access to the proposed subdivision shall be subject to review and approval by the Planning Commission as to the number and locations of such access streets.

6. The maximum length of a cul-de-sac shall be five hundred feet (500'), and shall terminate in a circle or other turning pattern conforming with adopted City standards.

7. Street intersections shall be as nearly at right angles as practicable. The lot corners at residential street intersections shall be rounded with a minimum curve radius of fifteen feet (15'). A minimum curve radius of twenty feet (20') shall be required at street intersections with major or primary streets, and greater radii may be required where necessary for traffic safety or control.

8. Excessively long, straight residential streets conducive to high speed traffic shall be prohibited.

9. Alleys may be required at the rear of lots in multiple residential and commercial-professional zones as well as in commercial and industrial zoning districts.

F. Street Names: Street names shall be determined in accordance with the street naming plan approved by the planning commission.

G. Street Rights Of Way And Pavement Widths: Streets rights of way, pavement widths and cross sections shall conform with city specifications and standards.

H. Grades, Curves And Sight Distances: Grades, curves and sight distances shall be subject to the approval of the city engineer. The following minimum standards shall be observed:

1. Grades of streets shall be not less than two-tenths of a percent (0.2%) and street grades in excess of six percent (6%) will be approved for only such distances as topographical conditions will make a lesser grade impractical. However, no street grade will be in excess of fifteen percent (15%) unless approved by the planning commission.

2. Curved streets shall have a centerline radius of not less than three hundred feet (300') on minor streets. Primary and major streets shall have a centerline radius of not less than one thousand feet (1,000'). Variation from these standards may be allowed by the planning commission in extreme circumstances. (Ord. 841, 2-23-1988, eff. 3-23-1988)

I. Subdivision Access:

1. Whenever a subdivision abuts upon an undedicated and/or unimproved street, the subdivider shall provide as part of the subdivision, the necessary improvement and/or dedication.

2. Subdivisions and parcel maps for residential developments of more than one lot or unit shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. Requests for exception to this restriction shall be subject to the variance procedure as per chapter 32 of this title. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

J. Sewage Disposal: Provisions for sewage disposal shall be in accordance with the health regulations of the city and the sewage disposal standards of the city.

K. Water Supply: Water supply shall meet the requirements of the city and shall be sufficient to meet the domestic requirements of all lots, adequate for fire protection, and satisfactory to the fire chief, health officer and city engineer.

L. Drainage: Drainage and drainage structures shall be adequate for local neighborhood needs and for protecting lots and streets within the subdivision from flood hazards, taking into consideration the drainage pattern of adjacent property. Where necessary, means shall be provided for disposing of surface and storm water beyond the limits of the subdivision. Where the subdivision is traversed by a natural watercourse, the subdivider may be required to dedicate rights of way or easements as shall be required for structures or channel changes or both to dispose of such surface and storm waters. A drainage study shall be required by the city engineer. Said study to be on a scale of not greater than one inch equals two hundred feet (1" = 200'). All computations shall be submitted with the drainage map. Future

drains shall be designed in accordance with criteria set forth in subsection 11-40-7A2c of this title.

M. Public Utilities And Easements: Adequate utility easements shall be provided within the subdivision where required for public utility purposes. Said easements shall be approved by the city engineer and the superintendent of electrical distribution.

N. Fire Hydrants: Fire hydrants shall be available to serve all lots and be in a location meeting the approval of the fire chief. Fire hydrants shall conform to city specifications and standards.

O. Street Signs: Street signs shall be furnished and installed at the locations prescribed by the city engineer with at least, but not limited to, one sign at each intersection. Street signs shall conform to the city specifications and standards.

P. Streetlights: Streetlights shall be furnished and installed at the locations prescribed by the city engineer and the superintendent of electrical distribution. Street lighting shall conform to city specifications and standards.

Q. Electrical Service: The electrical distribution system shall meet the requirements of the city and shall be sufficient to serve the proposed development. Said system shall be subject to the approval of the superintendent of electrical distribution.

R. Landscaping: Landscaping and watering systems shall be provided within the parkway along all primary and major streets, the center strip on divided streets, and in the separation strip along frontage or service roads. The landscaping, watering system and related facilities shall be installed in accordance with City specifications and standards.

S. Reservation Of Community Facilities Sites: Where the Comprehensive Plan or other plans for community facilities have been developed for sites located wholly or in part in a subdivision, or where any public facilities should be located within the subdivision in order to serve the development and adjacent lands, the subdivider shall reserve a site appropriate in area and location for such public facility. The subdivider shall reserve said community facilities sites for dedication to the public agency involved.

T. Multi-Family, Commercial And Industrial Subdivisions: In addition to the standards and principles as set forth in this Chapter which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the anticipated use and takes into account other uses in the vicinity. The following principles shall be observed:

1. The proposed use shall be suitable in area and dimensions to the type of development anticipated.
2. Street widths and paving widths shall be adequate to accommodate the

type and volume of traffic anticipated.

3. Every effort shall be made to protect adjacent residential areas by the use of extra depth parcels, block walls and/or landscaped buffer strips.

4. Nonresidential traffic shall not extend into adjacent or potential residential areas or connect to streets intended primarily for residential traffic. (Ord. 841, 2-23-1988, eff. 3-23-1988)

U. Retention Of Existing Natural Features:

1. The subdivision will retain all natural features, to a reasonable degree, including original grade, topography and drainage ways, within a subdivision.

2. The layout and design of the subdivision will not unreasonably impair scenic views. Scenic views shall be determined on a case by case basis by the Planning Commission and City Council during the tentative map review. Cross section drawings of the site may be required. (Ord. 863, 5-8-1990, eff. 5-30-1990)

Special or higher requirements than the adopted City standards and those as set forth in this Chapter may be imposed by the Planning Commission and/or City Council with respect to streets, curbs, gutters, sidewalk design and construction, off-street parking and loading facilities, and public utilities. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-39-8: IMPROVEMENTS REQUIRED TO SERVE LOTS:**

A. General Requirements: The subdivider shall provide all improvements or agree, in writing, to provide all improvements required by this Chapter prior to acceptance and approval of the final subdivision map by the City. Such improvements shall include, but not be limited to, the following:

1. Grading, curbs, gutters, berms, paving, drainage and drainage structures necessary for the proper use and drainage of streets, highways and other rights of way within, bordering or necessary to serve the subdivision.

2. Site grading and drainage, taking into consideration the drainage patterns adjacent to improved or unimproved property.

3. Street name signs and traffic-warning signs.

4. Sidewalks on all streets.

5. Fire hydrants in proper location and in sufficient numbers to provide adequate fire protection.

6. A water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate water supply for all lots in the subdivision, and to provide adequate fire protection.

7. Sanitary sewer facilities and connections for each lot.

8. Street lighting facilities.
9. Landscaping and masonry walls as required.
10. Electrical power distribution system.
11. Cable television distribution system.
12. Natural gas distribution system.

B. Adopted City Standards: All improvements shall conform with City standards and specifications.

C. Improvement Plans: The subdivider shall submit the original tracings, and sets of prints as may be required, of the plans, profiles, cross sections and specifications for improvements to the City Engineer for checking and approval. Said plans, profiles and cross sections and specifications for improvements shall be in accordance with City standards and specifications.

The original tracings shall be signed as approved by the City Engineer only if the City Engineer finds that the plans, profiles, cross sections and specifications for improvements meet the requirements of this Chapter and City standards and specification, and any and all special requirements that have been required by the Planning Commission and the City Council. The electrical distribution and street lighting system shall be approved by the Superintendent of Electrical Distribution.

D. Plans Approved By City Engineer: No improvements shall be commenced until improvement plans and specifications have been approved by the City Engineer. Improvements shall be installed in accordance with City standards and specifications to permanent line and grade to the satisfaction of the City Engineer.

E. Service Connections To Each Lot: Provision for service connections from utility lines and sanitary sewers shall be made available for each lot in such a manner as will eliminate the necessity of disturbing the street pavement, gutters, culverts, curbs and sidewalks when service connections are made.

F. Entry And Inspection: The City Engineer or his authorized representative shall have the right to enter upon the sites of improvements for the purpose of inspecting them, and shall be furnished with samples of materials as may be required for the making of tests to determine the acceptability of such materials.

G. As-Built Drawings: On completion of the subdivision improvements, the subdivider shall present to the City Engineer the original drawings with "as-built" decals, certified to be correct by the subdivision engineer, for review and acceptance by the City.

H. Formal Acceptance Of Improvements: Upon favorable recommendation by the City Engineer, the City Manager shall accept the subdivision

improvements for the City.

I. Warranty Of Improvements: All off-site improvements shall be guaranteed by the subdivider or developer for a period of one year from the date of final acceptance of said improvements by the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-9: EXCEPTIONS:**

A. The City Council, upon recommendation of the Planning Commission, may in the exercise of sound judgment, permit such variations from the requirements of this Chapter as they determine are warranted because of the size, shape, use, physical or other conditions of the property or the type of subdivision.

B. Referral Of Request: Each proposed exception shall be referred to the officers or departments involved, and such officers or departments shall transmit to the Planning Commission their recommendations, which recommendations shall be reviewed prior to the granting of any exception.

C. Conditions Of Approval: In recommending such exceptions, the Planning Commission may impose such additional conditions as will substantially secure the objectives of this Chapter.

D. Report To City Council: In recommending the authorization of any exception under the provisions of this Section, the Planning Commission shall transmit to the City Council its findings and all facts in connection therewith, and shall specifically and fully set forth the recommended exception and the conditions attached thereto.

E. Action By City Council: The City Council, after receipt of the Planning Commission report, may approve the tentative map with the exceptions or conditions recommended or it may disapprove such map or take such other action as is appropriate.

F. Compliance With Conditions: When exceptions are authorized, the City Council shall require such evidence or guarantees as it deems necessary to ensure that the conditions required in connection with such exception will be complied with. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-10: APPEALS:**

A. Appeal To City Council: If the subdivider or any aggrieved persons is dissatisfied with any action of the Planning Commission with respect to the tentative map or a parcel map, or the kind, nature and extent of the improvements recommended by the Planning Commission to be required, the subdivider or aggrieved person may, within five (5) days after such action, appeal to the City Council for a hearing thereon. An appeal shall be filed with the City Clerk and shall state specifically wherein there was an error or abuse of discretion by the Planning Commission. Upon filing of an appeal, the Planning Commission shall transmit to the City Clerk a copy of the tentative map on which the Planning Commission action is certified, the statements

and materials submitted therewith by the subdivider, along with the reports received thereon from the various departments, officials, agencies, districts and utility companies.

B. Hearing: The City Clerk shall give notice to the subdivider, the appellant, and the Planning Commission of the date of hearing. The City Council shall hear the appeal within ten (10) days of the filing of said appeal or at its next regular meeting, unless the subdivider consents to a continuance. The City Council shall consider the tentative map or parcel map, the data submitted therewith, and the reports and recommendations submitted by public or private agencies to which the map was transmitted. At the meeting, the City Council shall hear any and all testimony.

C. Decision: Upon conclusion of the hearing the City Council shall, within seven (7) days, declare its findings and decisions based upon the facts and testimony produced before it. The City Council may sustain, modify, reject or overrule any recommendation or ruling of the Planning Commission and make such findings as are not inconsistent with this Chapter or with the Planning and Zoning Act of the State. The action of the City Council shall be transmitted to the Planning Commission, the City Engineer and the public and private agencies to which copies of the map were transmitted. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-11: FEES:**

A. Fees: The City Council shall, by resolution, fix the fees to be charged for:

1. Tentative maps.
2. Final maps.
3. Parcel maps.
4. Map recording.
5. Improvement plan checking.
6. Improvement inspection.

B. Determination Of Plan Checking And Inspection Fees: At the time of filing the improvement plans, the City Engineer shall determine by inspection of the plans the cost of checking and inspections. Said costs shall be based on fees as set by the City Council. The fee shall be deposited before any checking or inspection is undertaken.

C. Collection Of Fees: The Community Development Director shall charge and collect, or cause to be charged and collected, the filing fees for parcel maps and tentative maps. The City Engineer shall charge and collect, or cause to be charged and collected, the filing fee for the final map, final map recordation fee, improvement plan checking fee and improvement inspection fee. Such fees shall be deposited to the general fund of the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-12: BONDS AND DEPOSITS:**

A. Performance Bond: The subdivider shall file with the City Engineer a performance bond or cash deposit in the amount deemed sufficient by the City Engineer to cover the cost of said improvements, engineering and inspection fees. Such bond shall be executed by a surety company authorized to transact a surety business in the State, and must be satisfactory to and be approved by the City Attorney as to form. In lieu of said faithful performance bond, the subdivider may deposit cash with the City in the amount fixed, as aforementioned, by the City Engineer.

B. Bonds And Deposits; Installment Agreements: When a performance bond or cash deposit is made, pursuant to the provisions of this Chapter, the City and the subdivider may enter into written agreement itemizing the several phases of construction or installation in sequence with an amount opposite each phase thereof, and providing that each amount so listed may be repaid, if a cash deposit has been made, upon completion, approval and acceptance of the particular phase of work represented by said amount.

C. Release Of Performance Bond Or Cash Deposit: No release of a performance bond or cash deposit shall be made except upon certification by the City Engineer that the work covered thereby has been satisfactorily completed, and upon approval of the City Council.

D. Forfeiture Of Performance Bond Or Cash Deposit: In the event the subdivider shall fail to complete all improvement work in accordance with improvement agreement or the provisions of this Chapter, the City shall have to complete same, the City shall call on the performance bond for reimbursement or shall appropriate from any cash deposit funds for reimbursement for the cost of said improvements and any other expenses incurred in connection therewith. (Ord. 886, 3-16-1991, eff. 4-17-1991)

**11-39-13: VOIDABLE CONVEYANCES:**

Any sale or contract to sell made contrary to the provisions of this Chapter and the Planning and Zoning Act of the State is voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of execution of the sale or contract to sell, but the sale or contract to sell is binding upon any assignee or transferee of the buyer or persons contracting to purchase, other than those above enumerated, and upon the vendor or person contracting to sell, or his assignee, heir or devisee. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-39-14: SINGLE TRACT OR PARCEL:**

A. Applicability: The provisions of this Section shall apply to all parcels or tracts to be developed as a single unit and which are not divided for the purpose of sale, lease, transfer of ownership or building development, whether immediate or future.

B. Design Standards: The subdivision design standards, as set forth in Section 11-39-7 of this Chapter, shall apply to all parcels or tracts to be developed as a single unit.

C. Improvements Required To Serve Lots: The provisions of Section 11-39-8 of this Chapter shall apply to all parcels or tracts to be developed as a single unit. (Ord. 841, 2-23-1988, eff. 3-23-1988)

## **Chapter 40 FLOOD HAZARD REDUCTION**

### **11-40-1: STATUTORY AUTHORIZATION FOR FLOOD HAZARD REDUCTION PLAN:**

The Nevada State Legislature has, in chapter 278 of the Nevada Revised Statutes, delegated to local governing bodies the authority, power and responsibility to promote the public health, safety, morals and the general welfare of the community by regulating and restricting the improvement of land and by controlling the location and soundness of structures (Nevada Revised Statutes 278.020). It is the intent of the legislature that such regulation, restriction and controlling be accomplished through a system of comprehensive planning, zoning, subdivision regulations, planned unit development regulations, parcel map regulations and building regulations (Nevada Revised Statutes 278.150, 278.160, 278.230, 278.326, 278.349, 278.380 and 278.462; and 278A).

The legislation specifically provides that flood hazards and drainage must be considered. (Nevada Revised Statutes 278.160[1][b] and [h], 278.250[2][d], 278.340[3][h] and 278.462 [1]; and 278A.270).

The local governing body may set conditions for approval of tentative subdivision maps (Nevada Revised Statutes 278.349[1]), may accept dedications and easements and may require that the subdivider improve or agree to improve easements (Nevada Revised Statutes 278.380).

The local governing body may require drainage provisions as a condition of approval of parcel maps (Nevada Revised Statutes 278.462[1]).

The local governing body may adopt a building code specifying the design of structures (Nevada Revised Statutes 278.580[1]) and it may withhold building permits as a means of enforcing the zoning regulations (Nevada Revised Statutes 278.570[1]). (Ord. 841, 2-23-1988, eff. 3-23-1988)

### **11-40-2: LEGISLATIVE FINDINGS OF FACT:**

A. The City is situated partly in the flood plain of Hemenway Wash and its tributaries which drain into the Colorado River, and partly on alluvial cones which drain to the Eldorado Valley "Dry" Lake. Both the flood plain areas and the alluvial cone areas have been subjected to repeated inundation, erosion and deposition of sediment, resulting in hazard to life, damage to property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief,

and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by:

1. Natural patterns of flood runoff resulting from high intensity rainfall.
2. Urbanization which has increased the rate and volume of storm runoff.
3. Obstruction of flow paths by various urban improvements.
4. Collection and concentration of flows on the alluvial cone by highway and railroad construction.
5. Lack of an adequate comprehensive storm drain and flood control system to control erosion and sedimentation, collect storm runoff and carry it safely through the City.
6. Inadequately anchored structures.

C. Special flood hazard areas in the City have been identified by the United States Federal Insurance Administration (U.S.F.I.A.) under the National Flood Insurance Program (NFIP) and are shown on the City's Flood Insurance Rate Map (FIRM). These special flood hazard areas are based on the 100-year flood, with watershed development conditions as they existed in 1979 and without consideration of erosion and sedimentation. As urbanization continues to increase the rate and volume of storm runoff, and as long as erosion and sedimentation remain as components of the flood problem, the FIRM will understate the extent and degree of the flood problem.

D. Drainage area boundaries on the alluvial cone are indistinct. Under natural conditions of erosion and sedimentation, flow paths may vary from one storm to the next. Without clear, stable drainage area boundaries, it is impossible to proceed with drainage planning, establish development requirements or design flood control projects.

E. A massive conventional gravity flow urban storm drainage and flood control system adequate to control erosion and sedimentation, collect storm runoff, carry flood flows safely to an adequate point of discharge and protect the lives and property of the citizens of the City would require massive disruption of the community, relocation of utilities, construction of bridges, condemnation of right of way, and removal of residences; and would require an unreasonable financial commitment.

F. A flood damage prevention system based upon the concept of temporary detention of storm runoff where appropriate can be implemented as an integral part of the development process, at a cost far below that of a channelization system, and with a minimum of community disruption. Such a system would assure that future new developments are safe from flood hazard and do not increase the hazards to adjoining or downstream properties. Eventually, such a system would reduce or eliminate the existing flood hazard to many downstream developed areas.

G. The continuing effectiveness of any flood damage prevention system requires adequate maintenance by a public agency. An adequate and stable financial base must be provided to support continuing maintenance activities.

H. A comprehensive program of flood damage prevention, which addresses the need to regulate future development and to secure solutions to existing flooding problems, must call into play many sectors of City government. To provide direction and policy guidance, it is necessary to have a drainage master plan, which contains future development projections, drainage area boundaries, level of protection, project concepts, project plans and drainage standards and criteria for public works and private developments.

I. Federal regulations for the NFIP require that as a minimum the City must adopt the Federal flood plain management requirements as a condition for remaining in the NFIP. Participation in the NFIP is a requirement to remain eligible for flood insurance for property owners, mortgage funds in special flood hazard areas and Federal grants-in-aid for any activities in special flood hazard areas. The flood plain management provisions of this Chapter satisfy the Federal requirements. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-40-3: STATEMENT OF PURPOSE:**

It is the purpose of this Chapter to:

A. Meet the requirements of NFIP, thus assuring the availability of flood insurance to City residents and businesses and continuing the availability of mortgage funds and grants-in-aid in designated special flood hazard areas.

B. Promote the public health, safety and general welfare, and minimize public and private losses due to flood conditions by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
6. To help maintain a stable tax base by providing for the safe use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard.

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. Provide for a master plan of drainage and a comprehensive program throughout City government aimed at reducing and preventing flood damages through planning, zoning, subdivision, administration, building permit administration, capital projects, maintenance and public information.

D. Accomplish the detention of storm runoff where appropriate in new developing areas, thus assuring the safety of future residents of such areas, and also eventually eliminating or reducing downstream flood hazards.

E. Maintain the natural radial flow path of runoff on the alluvial cones, thus avoiding concentration of flood flows directed at developed or developing areas of the City.

F. Provide the criteria and standards to resolve existing drainage problems which may not be affected by the detention strategy.

G. Reduce City flood-related costs.

H. Provide a basis for practices and procedures to be implemented by the City departments responsible for public works and regulation of development, including planning, zoning, subdivision and building administration.

I. Clarify City development requirements for landowners and developers.

J. Ensure that new private residential and nonresidential development is reasonably free from flood hazard due to inundation, erosion and deposition of sediment, and does not increase the hazard to adjoining property by increasing flood heights, deflecting flows or causing erosion or sedimentation. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-40-4: METHODS OF REDUCING FLOOD LOSSES:**

In order to accomplish its purposes, this Chapter includes methods and provisions for:

A. Establishing a master plan of drainage which:

1. Identifies all sources of flooding affecting the City and all drainage patterns.

2. Establishes drainage area boundaries.

3. Establishes levels of protection.

4. Establishes engineering criteria and standards for regulation of development and design of drainage improvements, including detention facilities.

5. Presents project concepts and plans.
6. Identifies the area where various types of detention facilities and techniques are planned and establishes for each area the detention criteria.
  - B. Restricting or prohibiting uses which are dangerous to health, safety and property due to flood, erosion or sedimentation or which result in damaging increases in erosion or in flood heights or velocities.
  - C. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
  - D. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters and sediment; and where development will alter the surface of the ground so as to increase the rate and volume of runoff, constructing storm runoff detention facilities in accordance with the master plan of drainage.
  - E. Controlling filling, grading and other development which may increase flood damage.
  - F. Regulating the construction of flood barriers which will divert flood waters and sediment or which may increase flood hazards in other areas, including regulating the design of highways so as to prevent the collection and concentration of flow on the alluvial cone.
  - G. Maintaining the natural radial flow pattern for storm runoff on the alluvial cone, thus avoiding the collection and concentration of flood and sediment flows toward the central part of the city. (Ord. 841, 2-23-1988, eff. 3-23-1988)

#### **11-40-5: DEFINITIONS:**

For the purposes of applying the requirements of this chapter, the following terms are defined:

All the definitions as set forth in section 11-1-3 of this title.

**ALLUVIAL CONE:** That land form characteristic of desert foothills areas formed by the gradual deposition of rock, sand and soil washed out of the mountains by flood runoff. Alluvial cones are characterized by the absence of a well defined watercourse; instead, the flood runoff tends to migrate from place to place across the cone as ongoing erosion and deposition of streamborne sediments continually alter the flow path.

**AREA OF SHALLOW FLOODING:** A designated AO or VO zone on the flood insurance rate map (FIRM). The base flood depths range from one foot (1') to three feet (3'), a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain subject to a

one percent (1%) or greater chance of flooding in any given year. This area is designated as zones A, AO, AH, A1-30, VO and V1-30 on the FIRM.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

**BASE FLOOD ELEVATION:** The water surface elevation resulting from the base flood plus an allowance for future development and sediment.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**ELEVATION:** The elevation above mean sea level based on the city of Boulder City bench circuit provided by the city department of public works, engineering division.

**FEMA:** Federal emergency management agency.

**FHBM:** Flood hazard boundary map.

**FIA:** Federal insurance administration.

**FIRM:** See definition for Flood Insurance Rate Map.

**FLOOD BOUNDARY FLOODWAY MAP:** The official map on which the federal insurance administration has delineated both the areas of flood hazard and the floodway.

**FLOOD INSURANCE RATE MAP:** The official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

**FLOOD INSURANCE STUDY:** The official report provided by the federal insurance administration that includes flood water surface profiles, the flood boundary floodway map and the water surface elevation of the base flood.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas caused by the unusual and rapid accumulation of runoff of surface waters and sediment from any source.

**FLOODWAY:** The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). The floodway is delineated on the flood boundary floodway map.

**HABITABLE FLOOR:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

**NFIP:** National flood insurance program.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of this chapter.

**PUD:** Planned unit developments, as regulated by chapter 26 of this title.

**SEDIMENT:** Rock, sand, mud, vegetation and other material produced by erosion, carried and deposited by flood waters.

**START OF CONSTRUCTION:** The first work which changes the surface of the land with regard to drainage characteristics. Such work includes excavation, fill and grading.

**SUBSTANTIAL IMPROVEMENT:** A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantialimprovement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the national register of historic places or a state inventory of historic places. (Ord. 841, 2-23-1988, eff. 3-23-1988; amd. Ord. 1162, 11-27-2001, eff. 12-19-2001)

#### **11-40-6: GENERAL PROVISIONS:**

A. **Lands To Which This Chapter Applies:** This chapter shall apply to all areas within the city.

B. **Basis For Establishing The Areas Of Special Flood Hazard And Other Areas Covered By This Chapter:**

1. The areas of special flood hazard are those areas identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Boulder City, Nevada", dated August 16, 1995, and all subsequent revisions, with an accompanying flood insurance rate map, which are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the rate map are on file at the office of the city engineer, 401 California Avenue, Boulder City, Nevada.

2. The other areas covered by this chapter are those subject to flood or sediment hazard and those which produce flood or sediment runoff as identified by the city engineer and/or by the master plan of drainage.

C. Compliance: No structure shall be constructed, located, extended, converted or altered in the city without full compliance with the requirements of this chapter and other applicable provisions of this code.

D. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and any other provisions of this code, another easement, covenant or deed restriction, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally constructed in favor of the purposes of this chapter.
3. Deemed neither to limit nor repeal any other powers granted under this code or state law.

F. Limitation: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.

This chapter does not imply that any land within the city will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the federal insurance administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

G. Effective Date For Items Related To The Master Plan Of Drainage And The Drainage Manual: Those provisions of this chapter relating to the master plan of drainage and the drainage manual shall become effective upon the date of adoption by the city council of the master plan of drainage and the drainage manual, respectively, following public hearings as required by Nevada Revised Statutes 278. (Ord. 1162, 11-27-2001, eff. 12-19-2001)

#### **11-40-7: PROVISIONS FOR FLOOD HAZARD REDUCTION:**

A. General Standards: In all areas of flood hazards where base flood elevation data has been provided by the flood insurance study (subsection 11-40-6B of this chapter) or from other sources as provided by subsection 11-40-8C9 of this chapter, the following provisions are required:

1. Anchoring:
  - a. All new construction and substantial improvements shall be anchored to

prevent flotation, collapse or lateral movement of the structure.

b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over the top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty feet (50') long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty feet (50') long requiring four (4) additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the mobile home be similarly anchored.

## 2. Construction Materials And Methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All future drains shall be designed using the nested three (3) hour storm pattern with a depth of 3.10 inches and a peak one hour intensity of 2.73 inches. Runoff factor and storm water design shall be based on volume 4 of the Clark County flood control master plan which is the flood control design manual.

## 3. Utilities:

a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize, prohibit or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

b. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## 4. Subdivision Proposals:

a. This subsection shall apply to all subdivisions, parcel maps and planned unit developments (PUDs). For the purpose of this subsection, the term "subdivision" embraces subdivisions, parcel maps and PUDs as defined in Nevada Revised Statutes 278 and 278(A).

b. All subdivision proposals shall be consistent with the need to minimize flood damage.

c. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage in a manner which does not increase flood hazards to adjoining or downstream properties.

e. Base flood elevation data shall be provided for all subdivision proposals and other proposed development.

f. No subdivision lots shall be approved within regulatory floodways. If flood control facilities are proposed that result in an adjustment to a floodway and these are approved by FIA, the city may approve the subdivision.

g. Subdivision lots having areas of one-fourth ( $\frac{1}{4}$ ) acre or less shall be elevated above the base flood level. Subdivision lots having areas greater than one-fourth ( $\frac{1}{4}$ ) acre shall have a building pad of at least four thousand (4,000) square feet elevated above the base flood level.

h. Subdivision drainage must be designed to preserve the drainage area boundaries in accordance with the master plan of drainage.

i. Each subdivision must be protected against off site flood waters and sediment in a manner which does not significantly increase flood levels, deflect flows or cause erosion or sedimentation problems.

#### 5. Storage Of Material And Equipment:

a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Natural Watercourses: Alteration or obstruction of significant natural watercourses without the written permission of the city engineer is prohibited.

B. Specific Standards: In all areas of flood hazards where base flood elevation data has been provided by the flood insurance study (subsection 11-40-6B of this chapter) or from other sources as provided by subsection 11-40-8C9 of this chapter, the following provisions are required:

1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation, plus an allowance for sediment and future development.

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, plus an allowance for sediment and for future development; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level, plus an allowance for sediment and for future development, the structure is watertight with walls substantially impermeable to the passage of water and protected from erosion;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the building official as set forth in subsection 11-40-8D3d of this chapter.

3. Mobile Homes:

a. Mobile homes shall be anchored in accordance with subsection A1b of this section.

b. For new mobile home parks and mobile home subdivisions; for expansions of existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(1) Lots are elevated on compacted fill above the base flood level and protected from erosion.

(2) Adequate surface drainage and access for a hauler are provided.

c. No mobile home shall be placed in a floodway. If flood control facilities are proposed that result in an adjustment to the floodway and the adjustment is approved by the FIA, the city may approve the placement of the mobile home.

4. Development Over Two Acres: Any development larger than two (2) acres which is not a subdivision shall be required to meet the requirements for subdivisions if the city engineer determines that the flood hazard and the implementation of the master plan of drainage so require.

C. Floodways: Located within areas of special flood hazard established in subsection 11-40-6B of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry sediment, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, any deflection of flow or any erosion or sediment hazard.

2. If subsection C1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections A and B of this section.

D. Shallow Flooding: Located within the areas of special flood hazard established in subsection 11-40-6B of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of nonresidential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the city's FIRM with an allowance for sediment and future development.

2. All new construction and substantial improvements of nonresidential structures shall be protected against erosion and sediment; and shall:

a. Have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM, whichever is higher, with an allowance for sediment and future development; or

b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (Ord. 1162, 11-27-2001, eff. 12-19-2001)

#### **11-40-8: ADMINISTRATION:**

A. Permit Required: It shall be unlawful for any person to begin any construction or development on any land within the city without first obtaining the appropriate building or zoning permit from the building official. Application for permit shall be made on forms furnished by the building official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; debris control structures; and the location of the foregoing, all in accordance with title 5 of this code and this title.

Specifically, the following information is required:

1. Elevation of the lowest floor (including basement) of all structures located in any zone A on the FHBM.

2. Elevation to which any structure has been floodproofed.

3. Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 11-40-7B2 of this chapter.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation Of Public Works Director: The public works director is hereby appointed to administer and implement this chapter in the manner described below.

C. Duties And Responsibilities Of Public Works Director: Duties of the public works director shall include, but are not limited to:

1. Comprehensive Plan: Periodically review the comprehensive plan and develop and present to the planning commission and to the city council for adoption proposed revision of the comprehensive plan embodying the policies of flood damage prevention contained in this chapter and any amendments thereto.

2. Master Plan Of Drainage: With the advice and assistance of an advisory committee consisting of representatives of interested groups and other interested persons, prepare and present to the planning commission and to the city council for adoption of a master plan of drainage for the city in accordance with the procedures set forth in Nevada Revised Statutes 278, including the holding of public hearings before both boards. Periodically review this master plan and make recommendations to the planning commission and the city council to assure its currency. The master plan of drainage and the periodic reviews shall include the following:

- a. A statement of the nature of the current flood problems facing the city, the alternatives available for addressing the problems, the adopted policy and goals of the city on flood damage prevention and progress made toward implementation of the master plan.

- b. A determination of all drainage areas tributary to the city and a definition of drainage subareas in sufficient detail to provide guidance for public and private development projects. This subarea definition will serve to maintain the radial flow paths on the alluvial cones.

- c. Future development assumptions.

- d. Level of protection in terms of flood frequency for design of projects and protection of improvements.

- e. Design flood discharges for the drainage subareas.

- f. Definition of the area in which detention of storm runoff is planned.
- g. Definition of the amount of detention required in terms of inches of rainfall over the drainage area.
- h. Project concepts and plans for master plan of drainage projects, with alignments, size, grade, and right of way requirements.
- i. Criteria and standards for developments, highway drainage and flood control projects, including detention facilities.
- j. Floodways and mandatory flood insurance areas.

3. Drainage Manual: With the advice and assistance of an advisory committee consisting of representatives of interested groups and other interested persons, develop and present to the planning commission and to the city council for adoption a drainage manual for the city in accordance with the procedures set forth in Nevada Revised Statutes 278, including the holding of public hearings before both boards, and implement and maintain for city staff, developer and highway design use the drainage manual containing as a minimum:

- a. A statement of the flooding problem, its potential for increase and the policy and goals of the city.
- b. Description of the detention concept and the preservation of radial flow paths.
- c. Hydrologic criteria.
- d. Procedures for drainage, detention, sediment control, floodproofing, subdivision design and road design.
- e. Drainage area boundary map, soil type map, soil runoff characteristics, rainfall mass curves, sediment criteria, detention basin standards, floodproofing standards and road design standards.
- f. Standard drainage structures.

4. Zone Change Requests: Review all zone change requests from the standpoint of drainage and file a written report with the planning commission on the flood hazard to the parcel, the potential for increasing the flood hazard by development of the parcel, the presence of any master plan of drainage facilities affecting the parcel and the potential need for detention and/or other drainage improvements. The purpose of this report is to bring to light, for the benefit of the developer and the planning commission, at the earliest possible stage of planning, the nature and extent of flood problems and the mitigation that will be required.

5. Subdivision, Parcel Maps, Planned Unit Development: Develop, implement and maintain drainage procedures for subdivision, minor land division and planned unit development with the objectives of:

a. Requiring the identification and resolution of drainage problems at an early stage of planning, while other factors are still sufficiently flexible to accommodate adjustment.

b. Ensuring the adequacy and currency of the procedures in implementing the master plan of drainage and the provisions of this chapter.

6. Drainage Deficiency Inventory: As part of the master plan of drainage, develop and present to the city council annually, a report on drainage deficiencies, containing an updated inventory of drainage deficiencies, with their relative priority and estimated cost, and a report on progress made on correcting deficiencies since the last report.

7. Flood Insurance Information: Initiate and maintain a public information program to achieve voluntary flood insurance coverage for all structures in the city subject to flood and/or sediment damage.

8. Development Review:

a. Review all applications for subdivision, planned unit development, and parcel maps to determine if the proposed development adversely affects the flood and sediment carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot (1').

b. Review each subdivision and PUD proposal for overflow, erosion and deposition of sediment and certify prior to approval that all flood hazards have been mitigated in accordance with the master plan of drainage, the drainage manual and the requirements of this chapter. As a minimum, this review shall consider the following:

(1) The drainage area tributary to the proposed development.

(2) The 10- and 100-year flood discharges with an allowance for sediment and future development.

(3) The flow pattern prior to the proposed development.

(4) The depth and velocity of flow across or adjacent to the parcel.

(5) The proposed measures for protecting the development from flood and sediment.

(6) The effect of the development on the existing flow pattern and the resulting effect on adjacent and downstream properties.

No development shall be approved until it is demonstrated that the development is adequately protected from flood and sediment and that the development does not increase the hazard to adjacent properties by

increasing flood levels, deflecting flows or causing erosion or sedimentation problems.

9. Use Of Other Base Flood Data: In addition to the base flood elevation data provided in the flood insurance study, the public works director may obtain, review and reasonably utilize any other base flood elevation data available from a federal, state or other source, in order to administer subsections 11-40-7B1 and B2 of this chapter.

10. Alteration Of Watercourses:

a. Notify adjacent communities and the Nevada department of conservation and natural resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FIA.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

c. Regulate the alteration of any watercourse which will increase flood heights, deflect flows or cause erosion or sedimentation hazards.

11. Interpretation Of FIRM Boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection E of this section.

D. Duties And Responsibilities Of Building Official: Duties of the building official shall include, but are not limited to:

1. Building Permit Drainage Procedures: Develop, implement and maintain permit procedures for building permits with the objectives of:

a. Requiring the identification and resolution of drainage problems at an early stage of planning, while other factors are still sufficiently flexible to accommodate adjustment.

b. Ensuring the adequacy and currency of the procedures in implementing the master plan of drainage and the provisions of this chapter.

2. Permit Review: Review all applications for permits to determine that the requirements of this chapter have been satisfied and that the structure would be reasonably safe from flooding.

3. Information To Be Obtained And Maintained:

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all structures new or substantially improved within any zone A as shown on the FHBM after the FIRM dated August 16, 1995, and all subsequent revisions following the date of the map.

- b. For all new or substantially improved floodproofed structures:
  - (1) Record the actual elevation of as built structures (in relation to mean sea level).
  - (2) Maintain the floodproofing certifications required in subsection A3 of this section.
- c. Maintain for public inspection all records pertaining to the provisions of this chapter.
- d. Certification of actual elevation will be the responsibility of the developer and must be furnished by a land surveyor registered in the state.

E. Administrative Appeals And Variances:

1. Appeals:

- a. The planning commission shall hear and decide appeals when it is alleged there is an error in any decision, determination or interpretation by the public works director regarding the requirements of this chapter.
- b. Such appeals shall be made in accordance with the provisions of Nevada Revised Statutes 278.310.
- c. Prior to the hearing on the appeal, the author of the decision being appealed shall file a report with the planning commission supporting his decision. Such report shall, as near as practicable, contain the information required in subsection E2c of this section.

2. Variances:

- a. The planning commission shall hear and decide requests for variances from the requirements of this chapter in the manner and in accordance with the procedures set forth in chapter 32 of this title with the exception that the planning commission shall consider, instead of the conditions enumerated in section 11-32-4 of this title, those conditions required in subsection E4 of this section.
- b. Any person aggrieved by the decision of the planning commission on a variance application may appeal such decision to the city council in the manner and in accordance with the procedures set forth in chapter 34 of this title.
- c. Prior to the public hearing on the variance before the planning commission, the public works director shall file a report with the planning commission on the application for a variance, which shall contain the following information at a minimum:

- (1) Location of the parcel;

- (2) The tributary drainage area;
- (3) The 10- and 100-year flood discharge, with an allowance for sediment and future development;
- (4) The depth and velocity of flow across or adjacent to the parcel;
- (5) The requirement from which a variance is requested;
- (6) Engineering considerations underlying the requirement;
- (7) Possible alternatives to the requirement;
- (8) Mitigating circumstances, if any;
- (9) Recommended action.

d. In passing upon applications for variances, the planning commission shall consider the report provided for in subsection E2c of this section, all technical evaluations, all relevant factors and standards specified in other sections of this title.

e. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection E2c of this section have been fully considered. As the lot size increases beyond the one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

f. The planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

3. Records: The public works director shall compile and maintain a complete record of all appeals and variances filed with the planning commission, report any variances to the FIA upon request and shall include statements documenting the findings required for variances under subsection E4d of this section.

4. Condition For Variances:

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in a significant increase in flood heights, threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.

e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, as required by the FIA.

5. Technical Committee: The public works director shall appoint a drainage technical committee consisting of three (3) members chosen from the general public in the city who have technical knowledge and experience in civil engineering and/or flood control engineering and who would be qualified to assist in the appeal or variance review process set forth above on an as needed basis. The applicant at his or her option may elect at the time of the filing of an appeal or an application for a variance to have the drainage technical committee review said application prior to the hearing and make a recommendation thereon to the planning commission. The public works director may charge the applicant an administrative fee to defray the costs of the review and preparation of a report.

The initial members of the drainage technical committee shall be appointed for one, two (2) and three (3) year terms and all subsequent appointments shall be for two (2) years. All vacancies occurring during a term of office shall be filled to the end of the term. Members may be removed by the public works director or the city manager for cause. (Ord. 1350, 1-22-2008)

**11-40-9: UNIFORM REGULATIONS FOR THE CONTROL OF DRAINAGE IN THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT:**

The uniform regulations for the control of drainage, adopted by the Clark County regional flood control district, and as may hereafter be amended, are hereby incorporated by reference and made an integral part of this chapter. In the event the requirements of the Clark County flood control district, as they now exist or may hereafter be amended, are in conflict with the provisions of this chapter, such specific requirements which are more restrictive shall apply. (Ord. 851, 10-25-1988, eff. 11-16-1988)

**Chapter 41  
CONTROLLED GROWTH MANAGEMENT PLAN**

**11-41-1: PURPOSE OF CHAPTER:**

The purpose of this Chapter is to control the rate and distribution of residential and hotel development on a year-to-year basis in the interest of advancing the public welfare by ensuring that the City is maintained as a healthy, spacious, clean, well balanced, carefully-controlled community primarily by preserving its small-town atmosphere and character and avoidance of uncontrolled and rapid growth and to accomplish that purpose by:

- A. Maintaining the City separate and distinct geographically from other communities;
- B. Emphasizing the preservation of existing open spaces and lands;
- C. Maintaining a balance and mix of housing and building types and values and thus providing a range of prices and rents in order to accommodate a variety of housing needs;
- D. Providing and maintaining parks and recreational areas;
- E. Maintaining and augmenting as needed public utilities and services without detriment to existing dwellings; and
- F. Encouraging public schools of high standards and excellence. (Ord. 989, 11-5-1996 election)

**11-41-2: DEFINITIONS:**

All terms used in this Chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of this Code, but unless otherwise required by the context, the following terms shall have the specific meanings stated in this Section:

**ALLOTMENT:** The assignment or grant by the City Council of a share or portion of the aggregate number of dwelling units or hotel rooms permitted to be constructed in any designated construction year, pursuant to the provisions of this Chapter.

**ALLOTMENT COMMITTEE:** A committee consisting of seven (7) members selected from volunteers who are registered voters in Boulder City and have filed an application to the City on a form provided by the City Clerk. The individual members shall be selected by the Mayor by withdrawing the names of the applicants from a glass container. The members shall serve for a term of two (2) years with the even-numbered seats being selected in even-numbered years and the odd-numbered seats in odd-numbered years. Four (4) members shall constitute a quorum for the conduct of all business.

**CONSTRUCTION YEAR:** A period of time consisting of one year commencing on July 1 and ending on June 30 of the following year.

**DEVELOP:** To construct a dwelling or hotel or alter a dwelling or hotel so that an increase in the number of dwellings or hotel rooms results.

**DEVELOPER:** The legal or beneficial owners of real property proposed as a development or project in which one or more dwellings or a hotel are constructed by the same contractor, person or entity for the sale to or use of persons or entities other than the legal or beneficial owner of the real property.

**DEVELOPMENT:** The act of developing a lot or subdividing a parcel of land for residential development or construction of a hotel.

**DEVELOPMENT CONTROL PLAN:** The scheme, program or method provided in this Chapter for construction of a dwelling or hotel.

**DWELLING OR UNIT:** A building, or portion thereof, designed or intended to be used exclusively for residential purposes, including "single-family", "two-family", and "multiple-family dwellings", as defined in Chapter 1 of this Code, excluding boarding or rooming houses, hotels, rest homes, or a building for any other commercial use. Each dwelling is a unit.

**ENTITY:** A distinct unit other than a natural person, such as a partnership, corporation, limited liability company or any other type of organization.

**EXCEPTION:** Developments not subject to this Chapter.

**HOTEL:** A building or portion thereof in which boarding or lodging are provided and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office, and, for purposes of this Chapter, shall include a motel, a building or group of buildings containing guest rooms, some or all of which house a separate entrance leading directly from the outside of the building with garages or parking spaces located on the lot and designed, used or intended wholly or partly for the accommodation of automobile transients, including motor courts, motor lodges, and tourist courts, but excluding mobile home parks, recreational vehicle parks, or travel trailer parks.

**HOUSING FOR SENIORS:** Dwellings designed, operated and restricted to occupancy to persons who have reached at least fifty five (55) years of age, or to family groups with at least one member who has reached such age, together with supporting staff, and the deeds of which contain restrictive covenants running with the land restricting the use thereof for thirty (30) years to those persons.

**LEAPFROG DEVELOPMENTS:** Development of a tract of land which is separated from developed land by one or more undeveloped tracts, requiring extension of the City's utility services and facilities beyond planned augmentation.

**LOT:** Any lot, parcel, tract of land, or combination thereof, shown on a plot of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Title, and having its principle frontage upon a street or upon an officially approved place.

LOW INCOME DWELLINGS: Dwellings affordable to those family households meeting the low income standards as defined by the U.S. Department of Housing and Urban Development, and the deeds of which contain covenants running with the land restricting the use thereof for thirty (30) years to those households.

OWNER/BUILDER: A person or entity, who is the owner of record of real property, and proposes to construct or constructs a single-family dwelling on that real property for the occupancy and use of that person or entity.

PARCEL: Any real property improved or unimproved or portions thereof shown on the preceding tax roll as a unit or as continuous units, which is subject to or may be divided for the purpose of sale, lease or transfer of all or any part thereof, whether immediate or future, into four (4) or less lots or parcels.

PLANNING COMMISSION: A commission established by the City Council pursuant to Article VIII of the City Charter.

SENIORS: Persons who have reached at least fifty five (55) years of age. (Ord. 989, 11-5-1996 election)

**11-41-3: INITIAL CONSTRUCTION YEAR:**

The initial construction year shall be the fiscal year beginning July 1, 1979, and ending June 30, 1980. (Ord. 989, 11-5-1996 election)

**11-41-4: APPLICABILITY:**

The provisions of this Chapter shall apply to the development of all lots and hotels within the City limits. (Ord. 989, 11-5-1996 election)

**11-41-5: DEVELOPMENT ALLOTMENTS REQUIRED:**

Notwithstanding the provisions of any other ordinance or resolution, no dwelling or hotel shall be constructed, and no building permit shall be issued, unless an allotment if required has been obtained therefor in accordance with this Chapter. (Ord. 989, 11-5-1996 election)

**11-41-6: NUMBER OF ALLOTMENTS FOR CONSTRUCTION YEAR:**

A. The total number of allotments for dwellings for each construction year shall be limited to one hundred twenty (120) dwellings.

B. The total number of allotments for hotel rooms shall be limited to thirty five (35) hotel rooms. (Ord. 989, 11-5-1996 election)

**11-41-7: RESERVATION FOR FUTURE YEAR ALLOTMENTS:**

The commitment of the City Council to grant future allotments (reservations) for dwellings to developers is limited to a total of fifty percent (50%) of the allotments or sixty (60) units for two (2) years beyond the current

construction year. Applications for reservations will be reviewed by the Allotment Committee at the time of current year allotments and awarded by the City Council on the basis of the rating by the Allotment Committee pursuant to Section 11-41-10 of this Chapter. Award of reservations shall be for a specific construction year(s) and constitute allotments only for that construction year(s). Reservations are subject to cancellation by the City Council if the City Council concludes that the developer probably will not meet the subdivision and construction schedules. (Ord. 989, 11-5-1996 election)

#### **11-41-8: DEVELOPMENT ALLOTMENT APPLICATIONS:**

An application for an allotment for dwelling(s) or hotel rooms shall be made to the Planning Commission on a City application form and shall include the following documents:

A. Site utilization map, including:

1. Vicinity map to show the relationship of the surrounding areas and the City which may consist of a small inset map; and
2. The site use layout map showing the extent, locations and type of proposed dwellings or hotel rooms, the nature and extent of open space and any other proposed uses.

B. Site development plan showing:

1. Location of proposed building on lot or parcel;
2. Topography;
3. Lot or parcel size;
4. Existing and proposed building, trees, landscaping areas;
5. Street alignments showing coordination with the City street system; and
6. Open space, bicycle paths, equestrian trails or paths.

C. Preliminary architectural plans showing:

1. Typical architectural elevations;
2. Types and numbers of dwellings or hotel structure.

D. Preliminary landscaping plans showing the general indications of planting.

E. Public facilities plans showing:

1. Needed public facilities to be provided, if any, such as critical linkages to the major street system, schools; or

2. Other vital public facilities as identified by the Master Plan, capital improvement program or special facilities plan.

F. Development schedule showing:

1. Proposed calendar schedule of development including phasing, if any;
2. All applicable processes such as tentative and final subdivision maps, rezoning or rezoning, site design review and similar matters.

G. Financial information schedule showing financial information sufficient to enable the City to determine if the developer is capable of undertaking and completing the development. Financial information may be submitted on a confidential basis to the Finance Director.

H. Applications for required rezoning, rezoning or variances for the development must also be filed, and all filing fees shall be returned if allotments are not awarded.

I. The foregoing requirements of subsections A and E of this Section shall not be required for "single-family dwellings", as defined in Chapter 39 of this Title.

J. Such other information as may be reasonably required by the Planning Commission. (Ord. 989, 11-5-1996 election)

#### **11-41-9: PLANNING COMMISSION EVALUATION:**

The Planning Commission shall determine whether the proposed development conforms to the development control plan and the provisions of this Title.

A. If the Planning Commission determines that a proposed development does not conform to the development control plan, the application shall be rejected. The applicant shall be given a written notice of such rejection within ten (10) days after the Commission's determination of the application.

B. The applicant may appeal the decision of the Planning Commission to the City Council pursuant to the provisions of Chapter 34 of this Title. (Ord. 989, 11-5-1996 election)

#### **11-41-10: ALLOTMENT COMMITTEE EVALUATION:**

Proposed developments determined by the Planning Commission or the City Council to conform to the development control plan shall be evaluated, rated and awarded points by the Allotment Committee.

A. All applicants for allotments or their representatives must appear before the Allotment Committee at the meeting at which their application is being evaluated and rated.

B. Each proposed development shall be examined by the Allotment Committee to determine its effect upon City facilities and services. If the development is found to be inadequately served by public facilities or services, the application shall be rejected in writing and the reasons therefor. An appeal may be filed with the City Council under the procedures established in Chapter 34 of this Title.

C. A review of the applications by the Allotment Committee shall consist of the following factors:

1. The capacity of the electrical system and the City's power allocation from the U.S. Government and other sources under contract to provide for the needs of the proposed development, without system extensions beyond those which the developer agrees to provide.

2. The capacity of the water system to provide for the requirements of the proposed development, without system extensions beyond those which the developer agrees to provide.

3. The capacity of the sewer system to handle the wastes of the proposed development without system extensions beyond those which the developer agrees to provide.

4. The capacity of the proposed drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer agrees to provide.

5. The ability of the fire and police departments to provide protection according to the response standards of the city without the necessity of establishing additional stations or equipment.

6. The capacity of the schools to absorb the children and students expected to inhabit a proposed development.

7. The capacity of major street linkages to provide for the traffic needs of the proposed development without substantially altering existing traffic patterns or overloading the existing street system and the availability of other public facilities (such as parks and playgrounds) to meet the additional demands for vital public services, without system extensions beyond those which the developer agrees to provide.

D. The city staff shall review the application with regard to architectural continuity and appropriateness of the area and other existing construction. This review will include, but is not limited to, color usage, landscaping, building placement and all other considerations as are deemed necessary to assure an overall conformance with purposes of this chapter.

E. The allotment committee shall examine each application for dwellings and rate it by the award of points as stated for each factor described below and applicable to the proposed development:

1. Architectural design quality as indicated by the architectural elevations of

the proposed structures judged in terms of architectural style, size, height and innovations. (10 points)

2. Innovative site design quality as indicated by a lot layout, orientation of units on the lots, blending of construction to the natural landscape, and similar site design considerations. (20 points)

3. Site design quality as indicated by the amount and character of landscaping, screening and color of buildings. (10 points)

4. Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on and off site traffic, safety and privacy. (20 points)

5. Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the development and in individual structures. (5 points)

6. The provision of public and/or private usable open space. (15 points)

7. Provision of foot or bicycle paths, equestrian trails or pathways. (5 points)

8. The extent to which the proposed development accomplishes an orderly and continuous extension of existing development rather than leapfrog development. (15 points)

9. The provision of needed public facilities such as critical linkages in the major street system, school rooms or other vital public facilities. (15 points).

F. The allotment committee shall examine each application for a proposed hotel and rate it by award of points for each factor described below and applicable to the proposed development:

1. Architectural design quality as indicated by the architectural elevations of the proposed structures judged in terms of architectural style, size, height, and innovations. (10 points)

2. Innovative site design quality as indicated by the lot layout, orientation of the building (s) on the lot, blending of construction to the natural landscape, and similar design considerations. (15 points)

3. Site design quality as indicated by the amount and character of landscaping, screening, and color of building(s). (10 points)

4. Site and architectural design quality as indicated by the arrangement of the site for efficient traffic circulation, on and off site traffic, and safety. (15 points)

5. Design quality as indicated by the provision for the privacy, safety and security of guests. (10 points)

6. The provision for usable open space. (10 points)
7. The provision for concierge services. (5 points)
8. The provision for meeting rooms. (5 points)
9. The provision for on site restaurant facilities. (15 points)
10. The provision for on site weight room, spa, exercise room and equipment, or similar facilities. (5 points)
11. The provision for a swimming pool, indoors or outdoors. (10 points)
12. The extent to which the proposed development accomplishes an orderly and continuous extension of existing development rather than leapfrog development. (10 points)
13. The provision of needed public facilities such as critical linkages to the major street system. (10 points)

G. Each applicant's final score or rating will consist of the total points awarded, divided by the total maximum points possible, with the quotient being the rating shown as a percentage calculated to the nearest one thousandth of a percent (0.001%). (Ord. 989, 11-5-1996 election)

**11-41-11: AWARD OF ALLOTMENTS:**

A. The allotment committee shall notify each applicant of the rating awarded in writing within seven (7) days after the evaluation by the committee.

B. Applications receiving a rating below seventy percent (70%) by the allotment committee shall be forwarded to the city council with a recommendation that the allotments not be awarded, and if the city council concurs with the recommendation, the allotments shall be denied.

C. Within fifteen (15) days of the receipt of the evaluation or rating from the allotment committee, the city council shall schedule a date for the awarding of the allotments, but such date shall be scheduled no later than six (6) months from the receipt of the evaluation report rating from the allotment committee, or June 30 of the current construction year, whichever date is earliest, unless an appeal is filed, in which case the time period of the city council is extended to fifteen (15) days after disposition of the appeal.

D. Allotments shall not be awarded for more than thirty (30) dwellings for a single development in a construction year. A "single development" is defined to include two (2) or more real properties adjacent to each other and owned, legally or beneficially, by a person or entity, or any combination thereof, which has a common ownership interest, legal or beneficial, of more than ten percent (10%) in each such property. In addition, the developer(s) must demonstrate that the developments in question are distinct and separate from each other in terms of density, housing types and design. The developer(s) shall also have the burden of proof of establishing the absence

of common owner legal or beneficial interests described herein, and that said proposed developments do not violate the intent of this section.

E. If an applicant desires reservation of future years' dwelling or hotel allotments, the applicant may apply to the allotment committee for such reservations subject to sections 11-41-6 and 11-41-7 of this chapter. The reserved dwellings or hotel rooms shall be considered allotments for the construction year for which the reservations are granted and subject to such other conditions as the city council may impose. No developer may obtain more than a total of ninety (90) dwelling units or reservations for dwellings or a combination thereof.

F. If no applicant is eligible for an allotment award, the available allotments shall be rescinded.

G. An application containing misleading, disguised, or erroneous information with an intent to circumvent this chapter shall be rejected. (Ord. 989, 11-5-1996 election)

**11-41-12: APPEALS TO CITY COUNCIL:**

The city clerk shall place the appeals to the city council on the agenda for the next regular city council meeting. The decision of the city council shall be final and conclusive. (Ord. 989, 11-5-1996 election)

**11-41-13: REVIEW OF PROGRESS:**

The planning commission shall review, on a monthly basis, a report by the city manager or designee on each proposed development having an allotment award to determine whether satisfactory progress is being made with the implementation of the approved plans. Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within one year of the award of the allotments. All allotments awarded prior to the effective date of this Chapter shall likewise be rescinded if no building permit has been issued within one year of the effective date hereof. (Ord. 989, 11-5-1996 election)

**11-41-14: EXCEPTIONS:**

The following proposed developments are excepted from the provisions of this Chapter:

A. Dwellings proposed to be constructed for or constructed by owner/builders are exempt from the application and allotment process, but each such dwelling upon issuance of a building permit shall be counted as part of the total allotment awarded for the construction year involved. This exception shall be limited to one dwelling by each owner/builder for a three (3) year period commencing from the issuance of the building permit. Thirty (30) allotments for dwellings shall be reserved for owner/builders for the first six (6) months of each construction year. Owner/builder applications which exceed the thirty (30) units reserved, or which are filed in the second half of

the construction year, shall receive an allotment if any are available. If no allotments are available for that construction year, the owner/builder will receive a reservation for the next construction year.

B. In any one construction year, a number of low income dwellings or dwellings for seniors, not to exceed fifty (50) dwellings in a five (5) year period, shall be excepted from the allotment process and shall not be counted or included as part of the total number of allotments for that construction year or for any construction year in the five (5) year period. (Ord. 989, 11-5-1996 election)

**11-41-15: EXCEPTION AS TO CERTAIN OWNER/BUILDERS:**

The provisions of this Chapter shall not apply to residential lots existing as of the effective date hereof, regardless of existing or subsequent ownership. (Ord. 989, 11-5-1996 election)

**11-41-16: EFFECTIVE DATE OF THE ORDINANCE:**

The Ordinance codified herein shall be effective and considered adopted as provided in chapter 295 of Nevada Revised Statutes, i.e., upon certification of the election results if the majority of the registered voters vote in favor of this initiative. (Ord. 989, 11-5-1996 election)

**11-41-17: SEVERABILITY:**

Should any word, phrase, paragraph or other portion of this Chapter be found by any competent judicial or other authority to be illegal or invalid, that portion shall be severed and the remainder of the Chapter will remain valid and in full force and effect. (Ord. 989, 11-5-1996 election)

**Chapter 42  
RESIDENTIAL CONSTRUCTION TAX**

**11-42-1: PURPOSE:**

This Chapter is enacted pursuant to the authority granted by AB-241, sections 2 through 8, 10 and 12, adopted February 8, 1973, by the Legislature of the State, to provide for the improvement and expansion of public parks, playgrounds and recreational facilities in the City. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-42-2: PLAN ADOPTED:**

The City adopts as a master plan for parks, playgrounds and recreational facilities the Master Plan for the City prepared by the Planning Commission for the City Council, as amended from time to time. The City shall construct parks, playgrounds and recreational facilities of a size and in locations conforming where possible to those set out in the Master Plan. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-42-3: IMPOSITION AND RATE:**

Prior to the issuance of any permit for the construction of any permit for the construction of any residential dwelling unit, mobile home unit, or remodeling of any nonresidential structure for residential use, the applicant shall pay to the City a residential construction tax fee, which shall be equal to one percent (1%) of the nearest dollar of the building valuation as determined by the Building Official in accordance with the building code or one thousand dollars (\$1,000.00) per residential dwelling unit, mobile home unit, or remodeling of any nonresidential structure for residential use, whichever is less. The minimum residential construction tax fee shall be no less than two hundred fifty dollars (\$250.00). (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-42-4: EXCEPTIONS:**

Mobile home lots in the ME Mobile Home Estate Zone and trailer sites in the MP Mobile Home Park Zone in which a residential construction tax has been previously collected, or the remodeling of residential dwelling units which do not result in the creation of any additional residential units, shall be exempt from the residential construction tax. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-42-5: CREATION OF SPECIAL RECREATION AND PARK FUND:**

A. All taxes collected pursuant to Section 11-42-3 of this Chapter shall be placed in the Recreation and Park Fund.

B. The proceeds of the recreation and park fund shall be used for the improvement and expansion of public park playground facilities in the City. Money in the fund shall be expended insofar as it is practicable and feasible to do so for the benefit of the immediate area from which it was collected. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**11-42-6: PRIOR FEE PAYMENT:**

No building permit or mobile home parking permit, unless exempted under Section 11-42-4 of this Chapter, shall be issued until provisions of this Chapter have been complied with. (Ord. 841, 2-23-1988, eff. 3-23-1988)

**Chapter 43**

**MULTIPLE SPECIES HABITAT CONSERVATION**

**11-43-1: PURPOSE:**

The purpose of this chapter is to comply with the terms of the Clark County multiple species habitat conservation plan and its corresponding implementing agreement, which has been approved and adopted by the board of county commissioners. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-2: DEFINITIONS:**

As used in this chapter, the following terms shall have the following meanings:

**DEVELOPMENT PERMIT:** An on site or off site permit issued by the city of Boulder City which authorizes the development of a parcel of land which has not previously been improved in accordance with all applicable city ordinances, including, but not limited to, building permits and grading permits for construction activities. Demolition permits and temporary power permits do not constitute a development permit.

**IMPLEMENTING AGREEMENT:** That certain document entitled Clark County multiple species habitat conservation plan and implementing agreement, approved by the board of county commissioners on July 18, 2000, and the Boulder City council on October 10, 2000.

**INCIDENTAL TAKE PERMIT:** The permit, effective as of February 1, 2001, issued by the secretary of interior pursuant to section 10(a)(1)(B) of the federal endangered species act of 1973, 16 USC section 1539 which incorporates by reference the multiple species habitat conservation plan and implementing agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

**MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):** The Clark County multiple species habitat conservation plan, approved by the board of county commissioners on June 15, 1999, and the Boulder City council on July 13, 1999, and as thereafter approved and modified. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-3: IMPOSITION OF MSHCP MITIGATION FEE:**

A. Except as provided in section 11-43-4 of this chapter, applicants for development permits shall pay the MSHCP mitigation fee of five hundred fifty dollars (\$550.00) per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related off site improvements. All applicants for a development permit shall complete a land disturbance/mitigation fee form prior to issuance of the permit. No development permit shall be issued or approved without the payment of the applicable mitigation fees required by this chapter. The purpose of this fee is to allow the applicant, by certificate of inclusion, to comply with the federal endangered species act through the incidental take permit issued to Clark County. Fees collected are used to implement the terms of the incidental take permit.

B. For activities which require a development permit, the city of Boulder City and any other nonfederal governmental agency are not exempt from the payment of the MSHCP mitigation fee or the submittal of the land disturbance/mitigation fee form. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-4: EXEMPTIONS AND EXCEPTIONS:**

A. Applicants for the following types of development shall not pay a mitigation fee:

1. Reconstruction of any structure damaged or destroyed by fire or other

natural causes.

2. Rehabilitation or remodeling of existing structures or existing off site improvements.

3. Disturbance of any lands, including lands conveyed from federal to private ownership, within the city, which are covered by and are subject to the terms and conditions of a separate habitat conservation plan and incidental take permit approved and issued by the United States fish and wildlife service. Such lands are not covered by or subject to the incidental take permit referenced in this chapter.

4. Disturbance or development of land previously improved in accordance with applicable city ordinances or previously improved while under the jurisdiction of the federal government.

B. Applicants for a development permit who have paid per acre fees pursuant to section 11-43-7 of this chapter of the federal endangered species act may be required to pay a portion of the MSHCP mitigation fee as follows:

1. If an applicant paid less than five hundred fifty dollars (\$550.00) per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related off site improvements in section 11-43-7, "Fee Administration", of this chapter the applicant shall pay the difference between five hundred fifty dollars (\$550.00) per acre and the amount per acre paid in section 11-43-7, "Fee Administration", of this chapter. These acres shall be covered by and subject to the incidental take permit.

2. If an applicant paid five hundred fifty dollars (\$550.00) or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related off site improvements in section 11-43-7, "Fee Administration", of this chapter the applicant shall not pay the MSHCP mitigation fee for those acres. Those acres are not covered by or subject to the incidental take permit. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-5: LAND DISTURBANCE/MITIGATION FEE FORM:**

All applicants for development permits shall, prior to issuance thereof, complete a land disturbance/mitigation fee form furnished by the Boulder City community development department. The land disturbance/mitigation fee form must be complete, signed by the applicant for the development permit and contain at a minimum, the following information: the assessor's parcel number, the number of acres within the parcel and the area disturbed by related off site improvements, and the amount of mitigation fees actually paid. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-6: COMPLIANCE REPORT FEES:**

All applicants for development permits who are required to submit a land disturbance/mitigation fee form shall pay processing fees of twenty five dollars (\$25.00) per residential development permit and fifty dollars (\$50.00) per commercial development permit to the Boulder City community

development department. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-7: FEE ADMINISTRATION:**

A. All MSHCP mitigation fees collected pursuant to the provisions of this chapter shall be provided to Clark County and deposited into a special reserve fund. The fund, including interest and other income which accrues thereto, shall be expended solely for the development and implementation of the terms of the incidental take permit and any amendments thereto.

B. MSHCP mitigation fees shall not be waived nor refunded. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**11-43-8: INCIDENTAL TAKE PERMIT; COMPLIANCE WITH ENDANGERED SPECIES ACT:**

A. All persons, firms or entities located within Clark County which engage in any activity covered pursuant to the Clark County multiple species habitat conservation plan, including, but not limited to, residential and commercial development, agriculture, mining, grazing and off highway vehicle activities, must comply with the applicable provisions of the incidental take permit to be included, by certificate of inclusion, for coverage under the incidental take permit.

B. All persons, firms or entities, their agents and employees, which comply with the provisions of this chapter are hereby permitted to incidentally take any species for which the United States fish and wildlife service has issued the incidental take permit so long as such person, firm or entity has complied and continues to comply with the applicable provisions of the incidental take permit.

C. All persons, firms or entities which are not required to pay the MSHCP mitigation fee pursuant to the terms of this chapter, but which are otherwise in compliance with the applicable provisions of the incidental take permit, are hereby permitted to incidentally take any species covered by the incidental take permit.

D. The certificate of inclusion that allows a person, firm or entity to comply with the federal endangered species act through the incidental take permit, including the incidental take of species listed in the incidental take permit, shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsection A, B or C of this section. (Ord. 1518, 2-11-2014, eff. 3-6-2014)

**Chapter 44  
STREET NAMING AND ADDRESSING**

**11-44-1: APPLICABILITY; EXCEPTIONS:**

A. Applicability: The provisions of this chapter are applicable to all new streets and addresses created after the date of adoption hereof. Changes to existing street names and addresses shall also adhere to the provisions of

this chapter where appropriate, at the discretion of the community development director based on consistency and issues related to life safety.

B. Exceptions: Any exception to these requirements must be approved by the community development director. Decisions will be based on consistency and issues related to life safety. A variance will not be necessary for an exception, although any determination by the community development director may be appealed to the planning commission as per the provisions of chapter 34 of this title. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

#### **11-44-2: STREET NAMING:**

All street names within the city of Boulder City must be approved by the community development director.

##### A. Submittal Of Street Names:

1. Proposed street names must be submitted prior to submittal of a final map application. The list of street names will be reviewed by the community development director.

2. Proposed street names must be submitted to the community development director in alphabetical order and only after the applicant has eliminated duplicate street names by checking the street names against an established local map book.

3. If foreign names (non-English) are requested, the applicant must provide the English translation of each name.

##### B. Street Name Guidelines:

1. Street names may only be used once and may not be used in any other alignment.

2. Once a street name is assigned to any alignment, it may not change anywhere along the extension of that alignment regardless of jurisdiction.

3. Names that are the same or pronounced the same (homonyms) or similarly with different spellings may only be used once.

4. Only the common or correct spelling of street names will be accepted (example: Jane not Jayne).

5. Street names in a foreign language will be accepted provided their meaning is polite and reasonable.

6. Names that tend to be slurred or phonetically difficult to pronounce may not be used.

7. Primary street names are restricted to a maximum of thirteen (13) characters.

8. Directional prefixes may not be used unless the street actually crosses a zero grid line.

C. Suffixes: For all new streets or renamed streets, the following shall apply:

1. "Avenue" represents a generally north/south street.
2. "Street" represents a generally east/west street.
3. "Boulevard" represents a one hundred foot (100') wide street.
4. "Road" represents an eighty foot (80') wide street.
5. "Lane" represents a generally northeast/southwest street.
6. "Place" represents a generally northwest/southeast street.
7. "Drive" represents a multidirectional curved street.
8. "Way" represents an L-shaped street with either leg two hundred feet (200').
9. "Circle" represents a street starting and ending on the same street or itself.
10. "Court" or "square" represents a cul-de-sac with no side streets.
11. Other suffixes not shown on this list may be used as approved by the community development director. Proposed suffixes may not replace one of the above suffixes, but must address a special situation.
12. Foreign street names with suffixes at the beginning of the street name do not require an additional suffix (example: Calle Cantar not Calle Cantar Street).

D. Alignments:

1. A new street must assume the name of the street in which it aligns unless the new street does not and cannot in the future connect to an existing street segment along the alignment.
2. Once a street name is assigned to a particular alignment, it may not be assigned to any other alignment.
3. A knuckle, less than one hundred feet (100') in length and located off any given street, must assume the name and numbering of the street that it adjoins.
4. A motor court for accessing cluster lot or small lot development will be addressed off of the main street. The motor court may not be named.

5. A horseshoe shaped street may maintain its own street name. Whenever possible, a name change must occur at natural breaking points such as intersections and knuckles. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

**11-44-3: STREET NAME CHANGES:**

A. Applications: A street name change application is required for all proposed street name changes.

B. Application Filing: Applications for street name changes must be submitted to the community development director.

C. Community Development Director's Review And Decision: The community development director must review each proposed street name change in light of the approval criteria of this section. Upon completion of the review, the community development director shall prepare a letter of decision for the applicant.

D. Approval Criteria:

1. The applicant must own property with access to the roadway proposed for the street name change. Exception: The city or other governmental body may initiate a street name change independent of ownership of land.

2. The applicant (other than the city or other governmental body) must provide signed and notarized letter(s) of approval from every property owner with access to the street proposed for change.

3. The proposed change may not have any adverse impacts on vehicular or pedestrian traffic.

4. The proposed change may not have a negative effect on the routing or response time of emergency services.

5. The applicant is responsible for all costs associated with replacing all existing street name signs in accordance with public works requirements and shall reimburse the city prior to sign installation. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

**11-44-4: ADDRESSING, GENERAL STANDARDS:**

A. General Standards: All new lots and buildings within the city of Boulder City must be numbered in accordance with the provisions in section 11-44-7 of this chapter.

1. Address Assignment And Recordkeeping: The community development director shall assign numbers to all buildings and lots within the city of Boulder City and must maintain a database containing those numbers.

a. For the purpose of address assignment, curved streets must be treated as if they were straight.

b. Lots fronting on a loop street must be addressed without regard to the change of direction. The numbers assigned must be within the address range available within the appropriate hundred blocks along the primary direction of the loop. The addresses must be assigned starting at the entrance to the loop and continuing counterclockwise around the outside. The opposite even or odd numbers must be assigned continuously around the inside of the loop.

2. Addressing Grid: Generally speaking, there is not a central initial point in Boulder City. However, the community development director must consider the pattern of addressing within the vicinity of new or changed addresses when assigning a new address.

3. Odd And Even Numbers: Even numbers must be located on the north and west sides of streets and odd numbers must be located on the south and east sides. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

#### **11-44-5: ADDRESS NUMBER CHANGES:**

A. Applications: An address number change application is required for all proposed changes to the assigned address number.

B. Application Filing: Applications for address number changes must be submitted to the community development director.

C. Community Development Director's Review And Decision: The community development director must review each proposed address number change based on the approval criteria of this section. Upon completion of the review, the community development director shall prepare a letter of decision for the applicant.

D. Approval Criteria:

1. The applicant must be the owner or represent the owner of the parcel proposed for the address number change. Exception: The city or other governmental body may initiate an address number change independent of ownership of land.

2. The proposed change may not have any adverse impacts on vehicular or pedestrian traffic.

3. The proposed change may not have any adverse effect on emergency service routing or response time. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

#### **11-44-6: RESIDENTIAL ADDRESSING:**

A. Single-Family: Addresses must be assigned by the community development director either as part of the final map process (for a subdivision), parcel map process, lot division, or when applying for a building permit (for other lots).

1. Addressing Application: A copy of the recorded final subdivision map (or parcel map, lot division, etc.) along with an addressing application must be

filed with the community development director in order to obtain addresses. The community development director must provide a copy of the address numbers on the copy of the recorded map and a list of the addresses to the applicant.

2. Early Addresses: Addresses may be obtained prior to final map or parcel map recordation for the purpose of securing model home, retaining wall, or perimeter wall permits only, provided the following criteria are met:

- a. An application is filed in the community development department.
- b. The map has gone through one complete review.
- c. The street names and suffixes are approved.
- d. Fees as may or may not be required by the adopted fee schedule are paid.

B. Multi-Family: Addresses for apartments may be obtained upon submittal of building permits or as part of the mapping process. Addresses for condominiums or townhomes may be obtained after recordation of the final map or as part of the early addressing process described in this section.

1. Multiple-Unit Buildings On One Parcel: Multiple-unit buildings all located on one parcel must receive one common address for the overall parcel and use building and unit numbers for specific identification of units. This standard applies to apartments and condominiums. Townhomes may have individual addresses for each unit.

2. Multiple-Unit Buildings On Individual Parcels: Multiple-unit buildings located on individual parcels must be given one address for each building, and unit numbers.

3. Unit Numbers And Building Numbers:

a. Unit numbers must be based on the building number, floor, and unit number within the building. (Example: If a building has 12 units on each of 2 floors, the units on the second floor of the first building would be numbered 1201 through 1212.)

b. Assigned building numbers must begin with the number one at the primary entrance and continue counterclockwise. Building numbers may not use letters of the alphabet.

c. Unit numbers may not exceed five (5) characters (numbers only). (Ord. 1549, 6-23-2015, eff. 7-16-2015)

#### **11-44-7: NONRESIDENTIAL ADDRESSING:**

A. General:

1. Addresses may be obtained upon submittal of building permits or as part of the mapping process.

2. Each building within a nonresidential development must be assigned an

individual address.

**B. Suite Numbering For In-Line Retail/Commercial Centers And Speculative Warehouse Buildings:**

1. All units within buildings must be assigned a suite number.
2. No alphabetic suite designators are allowed for new addresses.
3. Suites must be in the "100s" format, and increase by 10s where possible.
4. The first digit of a suite must always be the number of the floor on which the suite is situated (most in-line retail and warehouse buildings will only have suites in the 100s).
5. Suite numbers must be preassigned to all possible lease spaces first. For tenants that occupy more than one minimum sized lease space, the lowest number must be used.
6. Suite numbers must increase from left to right as one stands in front of a building looking at the building.
7. Suite numbering restarts from one hundred (100) for each individually addressed building.
8. Reserving suite numbers in cases where tenants occupy more than one lease space leaves numbers available should the lease space be split into smaller lease spaces.

**C. Suite Numbering For "Pad" Buildings And Office Buildings:**

1. No alphabetical suite designators are allowed for new addresses.
2. Suites must be in the "100s" format, and increase by 10s where possible.
3. New buildings constructed on parcels with existing buildings that do not comply with this chapter are subject to this chapter provided the new suite numbers do not create confusion for emergency services.
4. The first digit of a suite must always be the number of the floor on which the suite is situated.
5. Even and odd numbered suites must be on opposite sides of internal corridors from one another. Where possible, even numbered suites must be on the north/west side of internal corridors and odd numbered suites on the south/east side of internal corridors.
6. Pad and office buildings will be assigned their own individual street addresses. A central address with multiple building numbers is not acceptable. All addresses shall be off of a dedicated public or private street.
7. If a pad building is divided into suites with entrances on more than one

side of the building, suites must be numbered in a counterclockwise manner, starting from the left side of what would reasonably be considered the front of the building, or the side facing the main vehicular access to the building. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

**11-44-8: BUILDING ADDRESSING; LOCATION, COLOR, HEIGHT, STYLE:**

A. Applicability: This section shall apply to all new address identification numbers and letters, and all address or identification numbers that are replaced due to convenience, deterioration, damage, building remodel, etc.

B. Color, Style, And Height Specifications:

1. Color of numbers and letters shall be of a contrasting color to the background to which they are attached and must be visible at all times.

2. Building numbers and letters shall conform to the following:

a. For single-family homes, a minimum of six inch (6") tall numbers and letters.

b. For single-story commercial, industrial, and semipublic buildings, a minimum of eight inch (8") tall numbers and letters when one hundred feet (100') or less from curb line, and a minimum of fourteen inch (14") tall numbers and letters when located farther than one hundred feet (100') from curb line.

c. For multiple-story commercial, industrial, and semipublic buildings, a minimum of fourteen inch (14") tall numbers and letters.

d. For all commercial, industrial, and semipublic suite numbers, a minimum of six inch (6") tall numbers and letters.

3. Multi-family unit numbers shall be a minimum of six inches (6") in height, illuminated or nonilluminated. Building numbers shall be a minimum of twelve inches (12") in height, illuminated or nonilluminated.

4. All numbers and letters shall be illuminated from dusk to dawn. Commercial, semipublic, and industrial rear door suite numbers, as well as single-family homes, are exempt from the illumination requirement.

C. Location:

1. The identification signs and addresses for commercial, industrial, semipublic, and multi-family developments shall be mounted in a permanent and durable manner and shall be visible at all times from public access to the property. Placement shall not be obscured nor conflict with mature trees or plants.

2. No other number shall be affixed to a building that might be mistaken for, or confused with, the number assigned to that building.

3. The address for single-family and attached dwellings shall be placed as follows:

- a. The number for each house shall be placed on the front of the house.
- b. If the dwelling is adjacent to an alley, the number shall be placed on or adjacent to the rear gate accessing the alley.
- c. If the house is not viewable from the street frontage, the site address shall be placed in a conspicuous place, or the site address may be placed on a curbside postal mailbox. The house number shall be placed on both the mailbox and the building structure.

4. The building and unit number for multi-family buildings shall be placed as follows:

- a. Each principal building shall display the building number or letter assigned on each side of the building. Additional display of building numbers and letters shall be placed at the midpoint of the structures.
- b. Illuminated unit numbers shall be placed adjacent to the entry door to each unit. For buildings with recessed entryways, the illuminated unit number shall be placed at the entryway to the recessed area, and an additional unit number may be required adjacent to the entry door to each unit. If the recessed area provides access to more than one dwelling unit, each unit's number shall be displayed.

5. The address for commercial, industrial, and semipublic developments shall be placed as follows:

- a. Each building shall display the address number or letter assigned on each side of the building. Additional display of numbers or letters shall be at the midpoint of the structure for structures over two hundred feet (200') in length.
- b. The numbers or letters assigned to each individual suite in a commercial, industrial, or semipublic building shall be displayed at both the front and rear entrances to the suite or building. (Ord. 1549, 6-23-2015, eff. 7-16-2015)

## **Chapter 45**

### **RD RESEARCH AND DEVELOPMENT ZONE**

#### **11-45-1: SCOPE:**

To allow and promote, through public and/or private ownership, the development of research and development facilities and other similar private and/or Municipal uses as needed. (Ord. 1585, 3-28-2017, eff. 4-20-2017)

#### **11-45-2: PERMITTED USES:**

In the RD Research and Development Zone, pursuant to a Joint Development

Agreement with the City, land may be used and buildings and structures may be erected and maintained if they are arranged, intended and designed for the following uses:

A. Private and/or public research and/or development facilities related to uses such as, but not limited to, energy generation, technology development, ancillary facilities, and other similar uses.

B. Private and/or public research and/or development facilities for unmanned autonomous vehicles (ground and/or aerial, e.g., cars and drones), ancillary facilities, and similar related uses.

C. Private and/or public executive offices and/or educational facilities. (Ord. 1585, 3-28-2017, eff. 4-20-2017)

### **11-45-3: DEVELOPMENT AGREEMENTS:**

All permitted uses by entities other than the City of Boulder City shall be subject to development agreements with the City. Said development agreements shall address items such as, but not limited to, site plan standards, setbacks, building height, building bulk, parking, landscaping, etc. (Ord. 1585, 3-28-2017, eff. 4-20-2017)

### **11-45-4: AIRPORT ZONE OVERLAY:**

Parts or all of the RD Research and Development Zone may be subject to specific provisions of the AP Airport Overlay Zone per this title as determined by the City and/or other governmental authorities. (Ord. 1585, 3-28-2017, eff. 4-20-2017)