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30.48 Zoning Overlay Districts

PART A: AIRPORT ENVIRONS OVERLAY DISTRICT

30.48.010 Purpose. The Airport Environs Overlay District (AE) is established to:

1. Provide for a range of uses compatible with airport accident hazard and noise exposure areas.

2. Prohibit the development of incompatible uses that are detrimental to the general health, safety and welfare.

3. Require noise attenuated construction, as indicated by Table 30.48-AE in accordance with the noise attenuation construction standards in Chapter 22.22 of the Clark County Code, within these airport environs. The regulations of the AE District shall supersede the regulations of the underlying district if there is a conflict.

4. Comply with Federal Aviation Administration (FAA) regulations.

30.48.020 Airport Environs Maps.

a. The Airport Environs Overlay (AE) District encompassing twelve subdistricts (as shown on AE District Map), is established around Nellis Air Force Base and McCarran International Airport, per ordinance 975 adopted on May 9, 1986, together with the AE District Map, effective May 23, 1986 , stored and maintained in an electronic database and adopted as part of the Official Zoning Map including all subsequent amendments:

   1. McCarran International Airport - [~~adoption of thirteen maps numbered one through thirteen~~] as shown on the AE District Map as amended for the area in the vicinity of McCarran International Airport per ordinance 1198 and [~~marked with the date of~~] adopted May 2, 1990, effective May 16, 1990; and as further amended in the vicinity of McCarran International Airport (Runway Protection Zones only) and adopted as part of the Official Zoning Map per ordinance 2458, adopted April 5, 2000, effective April 19, 2000. The overlay district is hereby incorporated into the Official Zoning Map, hereinafter referred to as "the McCarran Maps". (Ord. 2741 § 8 (part), 5/2002)

   2. Nellis Air Force Base - Ordinance 2119, adopted March 4, 1998, effective June 3, 1998, together with the adoption of the "Nellis AFB Airport Environs Map". The overlay district is hereby incorporated into the Official Zoning Map, hereinafter referred to as "the Nellis Maps".

b. The twelve (12) subdistricts of the AE District, with names as amended by this Title, as shown in Table 30.48-1 below.

Table 30.48-1: Airport Environs Subdistricts	
SUB-DISTRICT DESIGNATION	**ABBREVIATED DESIGNATION**
Runway protection zone	AE-RPZ
Accident potential zone I	APZ-1
Accident potential zone II	APZ-2
Accident potential zone III	APZ-3
Accident potential zone IV	APZ-4
65 - 70 Ldn (Day-Night Sound Level)	AE-65
70 - 75 Ldn (Day-Night Sound Level)	AE-70
75 - 80 Ldn (Day-Night Sound Level)	AE-75
80 + Ldn (Day-Night Sound Level)	AE-80
Live ordnance zone 1	LOZ-1
Live ordnance zone 2	LOZ-2
Live ordnance zone 3	LOZ-3

c. The types of uses permitted and mitigation measures required differ for each subdistrict of the AE District, as shown in Table 30.48-AE . Where a proposed use, building. or land is impacted by two (2) or more subdistricts of the AE District, the use, building, and/or land shall conform to the requirements of all applicable subdistricts, and where subdistricts impose conflicting requirements, the most restrictive of the requirements shall apply.

d. The AE District noise attenuation construction requirements and land use restrictions, delineated in Table 30.48-AE, shall be imposed in addition to and shall overlay all other districts that are encompassed or circumscribed by the AE District. The symbol for the applicable AE District subdistrict shall be added to the Official Zoning Map of Clark County after the symbol of the underlying district.

e. Every five (5) years from July 1, 1998, the Clark County Department of Aviation (DOA) shall review the McCarran Maps and shall report to the Board on whether any update of the McCarran Maps is required to reflect the noise contours or runway protection zones in the environs of McCarran International Airport, based on the DOA reasonable estimate of anticipated aircraft noise exposure. If updates to the McCarran Maps are required, the DOA shall prepare and present such updated maps to the Board for consideration.

f. Every five (5) years from July 1, 1998, the Department of Comprehensive Planning shall contact appropriate United States Air Force personnel to determine whether

the Nellis Maps reasonably reflect anticipated aircraft noise exposure, accident potential and live ordnance operations in the environs of Nellis Air Force Base and shall report to the Board on whether any update of the Nellis Air Force Base Environs Overlay District Maps is required to reflect the noise contours, accident potential, and live ordnance operations in the environs of Nellis Air Force Base based on a reasonable estimate of anticipated airport operations. If any updates to the Nellis Maps are required, the Department of Comprehensive Planning shall prepare and present such updated maps to the Board for consideration.

30.48.030 Permitted Uses. In an AE District, uses permitted in the underlying district and indicated by a YES in the applicable subdistrict column of Table 30.48-AE may be permitted.

30.48.040 Uses Permitted Subject to Noise Attenuated Construction. In an AE District, uses permitted in the underlying zoning district and indicated by a 25, 30, 35, (25), (30), or (35) key in the applicable subdistrict column may be permitted with a minimum exterior to interior noise attenuation construction standard per Table 30.48-AE and Chapter 22.22 of the Clark County Code.

30.48.050 Special Uses. Additional uses may be permitted subject to securing a special use permit in each case, as provided for in Chapter 30.16 when indicated by a (YES) in the applicable subdistrict column of Table 30.48-AE.

30.48.060 Prohibited Uses. Land uses within the AE District are restricted as indicated by the table except as provided in Section 30.48.070 (Exceptions). All uses indicated by a NO are not compatible and are not allowed and all uses not expressly permitted in Table 30.48-AE are expressly prohibited unless a use is permitted as an exception under Section 30.48.070.

30.48.070 Exceptions.

a. Required use restrictions and noise attenuation requirements do not apply to property owned by the respective operators of the airports and utilized for airport functions.

b. Uses and structures established prior to the establishment of the AE District shall be allowed without regard to the additional standards of this overlay district, except that noise attenuated construction, as required by Table 30.48-AE, shall be required for the construction of any new habitable building, but shall not apply to any addition, remodel, or improvement to an existing building per section Chapter 30.76 (Non-Conformities).

c. Except for the use restrictions within the AE-RPZ, APZ-3, APZ-4, LOZ-1, LOZ-2, or LOZ-3 subdistricts, uses and structures approved by any land use application prior to the establishment of the district shall be allowed without regard to the

additional standards of this Part, provided that all conditions imposed on such approval are met. This exception does not preclude the imposition of additional conditions, including conformance to the requirements of this Part, if any extension of time to complete construction or a modification of plans is approved. The recording of a final map for a subdivision, the approval of a tentative map, or the issuance of a building permit for any building or structure in an AE-RPZ, APZ-3, APZ-4, LOZ-1, LOZ-2, or LOZ-3 Subdistrict shall conclusively establish that such use, building, or structure is permitted upon the subject property pursuant to this Subsection.

30.48.080 Table 30.48-AE Land Use Compatibility in the AE District. The following table indicates uses permitted, uses permitted subject to noise attenuated construction, uses permitted subject to a special use permit and uses prohibited in each of the subdistricts of the Airport Environs (AE) Overlay District. To determine the applicable compatibility regulations, refer to the Standard Land Use Classification Manual (SLUCM) categories as shown in Table 30.44-1.

TABLE 30.48-AE LAND USE COMPATIBILITY IN THE AIRPORT ENVIRONS OVERLAY DISTRICT
(SLUCM=STANDARD LAND USE CLASSIFICATION MANUAL -SEE TABLE 30.44-1)

CODE #S	SLUCM MAJOR GROUPS	SLUCM MINOR GROUPS	SUBDISTRICTS RISK ZONES AND NOISE ZONES									
			AE-RPZ	APZ-1	APZ-2	AE-65	AE-70	AE-75	AE-80	LOZ-1	LOZ-2 APZ-3	LOZ-3 APZ-4
0	Undetermined	An undetermined use	( )	( )	( )	( )	( )	( )	( )	NO	NO	NO
0	Nonresidential	General accessory use	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )
0	Residential	General accessory use	( )	( )	( )	( )	( )	( )	( )	NO	NO	NO
1110	Residential	Accessory use to residential (up to 2 du/ac)	NO	NO	[NO] YES	25	30	[NO]	[NO]	NO	NO	NO
1110	Residential	Single family (up to 2 du/ac)	NO	NO	[~~NO~~] YES	25	30	[NO]	[NO]	NO	NO	NO
1115	Residential	Accessory use to residential (over 2 du/ac)	NO	NO	YES	25	(NO)	[NO]	[NO]	NO	NO	NO
1115	Residential	Single family (over 2 du/ac)	NO	NO	[~~YES~~] NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1120	Residential	Two family	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1130	Residential	Multifamily structures	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1200	Residential	Group quarters	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1300	Residential	Residential hotels	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1410	Residential	Permanent mobile home parks courts	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
1420	Residential	Transient mobile home parks courts (Also known as RV Park)	NO	NO	NO	YES	(NO)	[NO]	[NO]	NO	NO	NO
1510	Residential	Hotels and motels & tourist courts	NO	NO	NO	25	30	35	[NO]	NO	NO	NO
1900	Residential	Other residential	NO	NO	NO	25	(NO)	[NO]	[NO]	NO	NO	NO
2100	Manufacturing	Food & kindred products	NO	NO	(YES)	YES	YES	(30)	(35)	NO	NO	(YES)
2200	Manufacturing	Textile mill products	NO	NO	NO	YES	YES	(30)	(35)	NO	NO	NO
2300	Manufacturing	Apparel and finished products	NO	NO	NO	YES	YES	(30)	(35)	NO	NO	NO
2400	Manufacturing	Lumber & wood products (except furniture)	NO	(YES)	YES	YES	YES	(30)	(35)	NO	NO	(YES)
2500	Manufacturing	Furniture & fixtures	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	NO	(YES)

TABLE 30.48-AE LAND USE COMPATIBILITY IN THE AIRPORT ENVIRONS OVERLAY DISTRICT (SLUCM=STANDARD LAND USE CLASSIFICATION MANUAL -SEE TABLE 30.44-1)											
CODE #S	SLUCM MAJOR GROUPS	SLUCM MINOR GROUPS	SUBDISTRICTS RISK ZONES AND NOISE ZONES								
			AE-RPZ	APZ-1	APZ-2	AE-65	AE-70	AE-75	AE-80	LOZ-1	LOZ-2 APZ-3	LOZ-3 APZ-4
2600	Manufacturing	Paper & allied products	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	NO	(YES)
2700	Manufacturing	Printing, publishing	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	NO	(YES)
2800	Manufacturing	Chemicals and allied products	NO	NO	NO	YES	YES	(30)	(35)	NO	NO	NO
2900	Manufacturing	Petroleum refining & related industries	NO	NO	NO	YES	YES	(30)	(35)	NO	NO	NO
3100	Manufacturing	Rubber & misc. plastics	NO	NO	NO	YES	YES	(30)	(35)	NO	NO	NO
3200	Manufacturing	Stone, clay & glass products	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	{(YES)}	(YES)
3300	Manufacturing	Primary metal industries	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	NO	(YES)
3400	Manufacturing	Fabricated metal products	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	{(YES)}	(YES)
3500	Manufacturing	Instruments and optical goods	NO	NO	NO	25	30	NO	NO	NO	NO	NO
3900	Manufacturing	Misc. Manufacturing	NO	(YES)	(YES)	YES	YES	(30)	(35)	NO	{(YES)}	(YES)*
4100	Trans. & utils.	Railroad & rapid rail & street railway	NO	[YES]	YES	YES	YES	YES	YES	NO	NO	(YES)
4200	Trans. & utils.	Motor vehicle transportation	NO	[YES]	YES	YES	YES	(30)	(35)	NO	NO	(YES)
4300	Trans. & utils	Aircraft transportation	NO	[YES]	YES	YES	YES	(30)	(35)	NO	NO	NO
4500	Trans. & utils.	Highway & street ROW	[YES]	[YES]	YES	YES	YES	YES	YES	[YES]	[YES]	YES
4600	Trans. & utils.	Auto parking	[YES]	[YES]	YES	YES	YES	YES	YES	NO	[YES]	YES
4700	Trans. & utils.	Communications	[YES]	[YES]	YES	YES	(25)	(30)	(35)	[YES]	[YES]	YES
4800	Trans. & utils.	Utilities	[YES]	[YES]	YES	YES	YES	YES	YES	(YES)	[YES]	YES
4900	Trans. & utils.	Other trans, communications and utilities	[YES]	[YES]	YES	YES	YES	YES	YES	NO	NO	NO
5100	Trade	Wholesale trade	NO	YES	YES	YES	YES	(30)	(35)	NO	NO	(YES)
5200	Trade	Building materials and hardware	NO	YES	YES	YES	(25)	(30)	(35)	NO	[YES]	(YES)*
5300	Trade	General merchandise (retail)	NO	NO	YES	YES	25	30	35	NO	NO	NO

TABLE 30.48-AE LAND USE COMPATIBILITY IN THE AIRPORT ENVIRONS OVERLAY DISTRICT (SLUCM=STANDARD LAND USE CLASSIFICATION MANUAL -SEE TABLE 30.44-1)											
CODE #S	SLUCM MAJOR GROUPS	SLUCM MINOR GROUPS	SUBDISTRICTS RISK ZONES AND NOISE ZONES								
			AE-RPZ	APZ-1	APZ-2	AE-65	AE-70	AE-75	AE-80	LOZ-1	LOZ-2 APZ-3	LOZ-3 APZ-4
5400	Trade	Food, retail	NO	NO	YES	YES	25	30	35	NO	NO	NO
5500	Trade	Automotive, marine & aircraft accessories	NO	YES	YES	YES	25	30	35	NO	NO	NO
5600	Trade	Apparel and accessories (retail)	NO	NO	YES	YES	25	30	35	NO	NO	NO
5700	Trade	Furniture & home furnishings (retail)	NO	NO	YES	YES	25	30	35	NO	NO	NO
5800	Trade	Eating and drinking places	NO	NO	NO	YES	25*	30	35	NO	NO	NO
5900	Trade	Other retail trade	NO	NO	YES	YES	25*	30	35	NO	NO	NO
6100	Services	Finance, insurance & real estate	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6200	Services	Personal services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6240	Services	Cemeteries	[YES]	[YES]	[YES]	YES	(25)	(30)	(35)	[(YES)]	[YES]	[YES]
6300	Services	Business services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6370	Services	Warehousing and storage services	NO	YES	YES	YES	YES	(30)	(35)	NO	[YES]	(YES)
6380	Services	Explosives storage	NO	NO	NO	YES	(25)	(30)	(35)	NO	NO	NO
6400	Services	Repair services	NO	(YES)	(YES)	YES	(25)	(30)	(35)	NO	NO	(YES)*
6510	Services	Medical & other health services	NO	NO	NO	25	30	NO	NO	NO	NO	NO
6520	Services	Legal services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6590	Services	Other professional services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6600	Services	Contract construction services	NO	(YES)	(YES)	YES	(25)	(30)	(35)	NO	NO	NO
6700	Services	Government services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
6800	Services	Educational services	NO	NO	NO	25	30	NO	NO	NO	NO	NO
6910	Services	Religious activities	NO	NO	NO	25	30	NO	NO	NO	NO	NO
6990	Services	Other misc. services	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
7110	Recreation	Cultural activities	NO	NO	NO	25	30	NO	NO	NO	NO	NO

TABLE 30.48-AE LAND USE COMPATIBILITY IN THE AIRPORT ENVIRONS OVERLAY DISTRICT (SLUCM=STANDARD LAND USE CLASSIFICATION MANUAL -SEE TABLE 30.44-1)											
CODE #S	SLUCM MAJOR GROUPS	SLUCM MINOR GROUPS	SUBDISTRICTS RISK ZONES AND NOISE ZONES								
			AE-RPZ	APZ-1	APZ-2	AE-65	AE-70	AE-75	AE-80	LOZ-1	LOZ-2 APZ-3	LOZ-3 APZ-4
7120	Recreation	Nature exhibitions	NO	(YES)	(YES)	YES	NO	NO	NO	NO	[(YES)]	(YES)
7211	Recreation	Outdoor entertainment assembly	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO
7212	Recreation	Indoor entertainment assembly	NO	NO	NO	25	30	NO	NO	NO	NO	NO
7221	Recreation	Outdoor sports assembly	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO
72211	Recreation	Outdoor motor vehicle race tracks & related uses	NO	(YES)	(YES)	YES	(25)*	(30)*	(35)*	NO	NO	(YES)
~~[7221]~~ 72212	Recreation	Recreational vehicle accommodations and campgrounds in conjunction with and on the same property as an outdoor motor vehicle racetrack having 50,000 or more seats and used in connection with events thereon	NO	NO	NO	YES	YES	NO	NO	NO	NO	(YES)
7222	Recreation	Indoor sports assembly	NO	NO	NO	YES	25	30	35	NO	NO	NO
7230	Recreation	Misc. public assembly	NO	NO	NO	(25)	(30)	NO	NO	NO	NO	NO
7310	Recreation	Fairgrounds and amusement parks	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO
7395	Recreation	Outdoor amusements	NO	NO	(YES)	YES	YES	NO	NO	NO	NO	NO
7396	Recreation	Indoor amusements	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
7411	Recreation	Outdoor sports activities	NO	(YES)	(YES)	YES	YES	NO	NO	NO	NO	NO
7413	Recreation	Indoor sports activities	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
7420	Recreation	Outdoor playgrounds and athletic areas	NO	NO	(YES)	YES	YES	NO	NO	NO	NO	NO
7425	Recreation	Indoor playgrounds and athletic areas	NO	NO	(YES)	YES	25	30	35	NO	NO	NO
7430	Recreation	Golf courses, driving ranges, riding stables & water recreation	[YES]	(YES)	(YES)	YES	(25)	(30)	(35)	[(YES)]*	[(YES)]*	(YES)*
7490	Recreation	Other recreation	NO	(YES)	(YES)	YES	YES	NO	NO	NO	NO	(YES)
7500	Recreation	Resorts & group camps	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO
7600	Recreation	Parks	NO	NO	(YES)	YES	YES	NO	NO	NO	NO	(YES)

TABLE 30.48-AE LAND USE COMPATIBILITY IN THE AIRPORT ENVIRONS OVERLAY DISTRICT (SLUCM=STANDARD LAND USE CLASSIFICATION MANUAL -SEE TABLE 30.44-1)											
CODE #S	SLUCM MAJOR GROUPS	SLUCM MINOR GROUPS	SUBDISTRICTS RISK ZONES AND NOISE ZONES								
			AE-RPZ	APZ-1	APZ-2	AE-65	AE-70	AE-75	AE-80	LOZ-1	LOZ-2 APZ-3	LOZ-3 APZ-4
8150	Resources	Dairy farming	NO	YES	YES	(25)	(30)	(35)	NO	NO	[(YES)]	(YES)
8160	Resources	Livestock farms and ranches [2]	NO	YES	YES	(25)	(30)	(35)	NO	NO	NO	NO
8190	Resources	Other agriculture [1]	YES	YES	YES	(25)	(30)	(35)	(35)	NO	NO	YES
8200	Resources	Agricultural related activities [2]	NO	YES	YES	(25)	(30)	(35)	NO	NO	NO	NO
8300	Resources	Forestry activities & related services	NO	YES	YES	(25)	(30)	(35)	(35)	NO	[(YES)]	(YES)
8400	Resources	Fishing activities & related services [3]	NO	YES	YES	YES	YES	YES	YES	NO	[(YES)]	(YES)
8500	Resources	Mining activities and related services	NO	YES	YES	YES	YES	YES	YES	NO	[(YES)]	(YES)
9100	Undeveloped	Undeveloped and unused land	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
9300	Undeveloped	Water areas [3]	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
9910	Undeveloped	Open space	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

(Ord. 2741 § 8 (part), 5/2002)

KEY	CONDITIONS
()	Means uses not associated with structures or people intensive uses like lakes, hunting, and similar uses and therefor no restrictions are applied.
NO -	Unless permitted by Section 30.48.070, not compatible and not allowed.
(NO) -	If permitted by Section 30.48.070, a noise level reduction of thirty (30) decibels is required.
[NO] -	If permitted by Section 30.48.070, a noise level reduction of thirty-five (35) decibels is required.
YES -	Land use and related structures are allowed without restrictions.
(YES) -	Special use permit required. Additional factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution, size of establishment, people density, peak period concentrations (including shopper/visitors), low intensity office uses only (limited scale of concentration of such uses). Meeting places, auditoriums, areas of public assembly, etc. not allowed in runway protection zones or live ordnance zones.
{YES} -	Use permitted. However, no buildings, or structures suitable for habitation or occupancy allowed.
[YES] -	Use permitted. However, no buildings, structures, or above ground transmission lines allowed.
25, 30, 35 -	A noise level reduction of twenty-five (25), thirty (30), or thirty-five (35) decibels, respectively.
(25), (30), (35) -	A noise level reduction of twenty-five (25), thirty (30), or thirty-five (35) decibels, respectively where public is received, office areas, noise sensitive areas or where the normal ambient noise level is low.
3900* -	No motion picture production.
5200* -	Wholesale sales only with no retail sale of products.
5800* -	Outside dining incidental to restaurants, which are in conjunction with principal outdoor uses such as fairgrounds or golf courses, are permitted.
5900* -	Temporary outdoor commercial events and seasonal outdoor sales are permitted without sound attenuation.

6400* - Aircraft, automobile, boat, truck and heavy machinery repair only.

72211* - Sound attenuation not required for facilities designed to accept or direct patrons or participants of outdoor races and events nor for temporary or permanent facilities designed to allow patrons to view such events.

7430* - Golf courses and riding stables not permitted.

8190{1}- Includes livestock grazing but excludes livestock feed/sales yards and commercial livestock uses.

8160 & 8200{2}- Includes livestock feed/sales yards and commercial livestock uses.

8400 & 9300{3}- Includes hunting and fishing. (Ord. 2550 § 1, 2001)

PART B: AIRPORT AIRSPACE OVERLAY DISTRICT

30.48.090 **Purpose.** The Airport Airspace Overlay District is established to restrict structures and other obstructions from intruding into the airspace utilized by, and thereby jeopardizing the safety of, aircraft operating from the various airports within the County.

30.48.100 **Airport Zones.** The Airport Airspace Overlay District is hereby established, which includes all land lying beneath the airspace which is (a) defined by Federal Aviation Regulation (FAR) Part 77 primary, approach, transition, horizontal and conical surfaces, and the Aircraft Departure Critical Area surfaces identified by the maps listed in Section 30.48.130; (b) overlying property in proximity to military and public-use airports in Clark County, Nevada; and (c) regulated by Chapter 20.13 (Airport Hazard Regulations) of the Clark County Code. An area located in more than one (1) of the airport districts is considered to be only in the district with the more restrictive height design standards.

30.48.110 **Airport Zone Height Limitations.** Except as otherwise provided, no structure shall be permitted to be erected, altered or maintained within the Airport Airspace Overlay District that (a) would constitute a hazard to air navigation, or (b) would result in an increase to minimum flight altitudes during any phase of flight, or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations. However, nothing in this Part shall be construed as prohibiting the construction, alteration or maintenance of any structure in any zone created by this Part which has received all necessary airspace approvals as required in Section 20.13 of the Clark County Code.

30.48.120 **Notices of Construction or Alteration.**

a. **Construction or Alteration Requiring Notice.** Any person proposing construction or alteration in the environs of any public use or military airport shall notify the Manager, Air Traffic Division, FAA Regional Office not less than 30 days before commencement of construction if such construction or alteration exceeds any of the following height standards.

1. At two hundred (200) feet above the ground level at its site.

2. The plane of an imaginary surface extending outward and upward at a slope of one hundred (100) to one (1) for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway of any airport, subject to the provisions of this Part.

3. If construction or alteration is of greater height than the standards set forth in subdivision (1) or (2) of this Subsection after their height has been adjusted upward for the appropriate route as follows in Table 30.48-2.

Table 30.48-2: Transportation Route Height

Route	Height Above Route
Interstate highways	Seventeen (17) feet
Public roadways	Fifteen (15) feet
Private road	Ten (10) feet, or the height of the highest mobile object normally traversing the road, whichever is greater
Railroads	Twenty-three (23) feet
Waterways or any other unspecified route	The height of the highest mobile object that would normally use the route

4. When requested by the FAA, any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.

5. Any notice required by this Section shall be on FAA Form 7460-1, available from the regional offices of the FAA & from Clark County DOA.

6. Director's permit: In accordance with Section 20.13.060 of the Clark County Code, a permit from the Director of Aviation, shall be required prior to any of the following:

   A. The construction or establishment of any new structure or use subject to 30.48.120 (a)(1-5); or

   B. The construction or establishment of any existing structure or use subject to 30.48.120 (a)(1-5); or

   C. The time any non-conforming structure or tree is replaced, substantially altered, rebuilt, allowed to grow higher, or replanted.

b. **Construction or Alteration Not Requiring Notice.** Notice to the FAA is not required for construction or alteration of any of the following.

   1. Objects that are shielded by existing structures of a permanent and substantial character or by natural terrain or topographical features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is evident, beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

   2. Any antenna structure of twenty (20) feet or less in height, except one that would increase the height of another antenna structure.

   3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device or meteorological device of a type approved by the Director of Aviation, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

   4. Any construction or alteration for which notice is required by any other FAA regulation.

30.48.130 **Official Airport Airspace Zoning Maps.** The following Official Airport Airspace Zoning Maps for specific airports lying within the jurisdiction of Clark County, Nevada, as adopted by ordinance of the Board, are on file at the office of the County Clerk and incorporated by reference and made a part hereof:

1. The McCarran International Airport Official Airspace Zoning Map, consisting of five (5) sheets, prepared by the Clark County Airport Engineering Department, dated July 18, 1990, and adopted by Ordinance 1221;

2. The North Las Vegas Air Terminal Official Airspace Zoning Map, consisting of one (1) sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990, and adopted by Ordinance 1221;

3. The Overton Airport Official Airspace Zoning Map, consisting of one (1) sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990, and adopted by Ordinance 1221;

4. The Jean Airport Official Airspace Zoning Map, consisting of one (1) sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990, and adopted by Ordinance 1221; and

5. The Nellis Air Force Base Official Airspace Zoning Map, consisting of ten (10) sheets, dated March 4, 1998 and adopted by ordinance 2119.

6. McCarran International Airport Aircraft Departure Critical Area Map consisting of one sheet, prepared by the Clark County Airport Engineering Department dated February 2, 1993 and adopted by Ordinance 1599.

30.48.140 **Use Restrictions.** Notwithstanding any other provisions of this Part, no use may be made of land or water within any zone established under this part in such a manner as to:

1. Create a "Hazard to Air Navigation" as determined by the FAA.

2. Cause an increase in minimum flight or approach procedure altitudes as determined by the FAA.

3. Create electrical interference with navigation signals or radio communication between the airport and aircraft.

4. Make it difficult for pilots to distinguish between airport lights and others.

5. Result in glare in the eyes of pilots using the airport.

6. Impair visibility in the vicinity of the airport.

7. Create bird strike hazards.

8. Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

30.48.150 **Nonconforming Uses, Marking and Lighting.** As required by Section 30.76.040(5), the owner of any existing nonconforming structure may be required to install, operate, and maintain thereon such markers and lights as may be deemed necessary by the Director of Aviation to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

30.48.160 Variances or Waivers of Standards.

a. Applications. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in a manner which would constitute a violation of these regulations, may apply for a waiver of development standards[;] or variance as provided in Table 30.16-7 and 30.16-6 respectively, or a variance as provided in Chapter 20.13 of the Clark County Code. If a variance is approved by the Board of Adjustment per Chapter 20.13 of the Clark County Code, a separate waiver of development standards approval is not required

b. Such waivers or variances may be allowed where a literal application of enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest[;] but would do substantial justice and be in accordance with the intent of these regulations.

c. Conditions. Any such waiver or variance allowed may be subject to any reasonable conditions that the Commission or Board may deem necessary to [~~effectuate~~] fulfill the purposes of this Title. If an intrusion into the district is permitted, structures and/or trees shall be situated and/or marked or lighted as required by the Federal Aviation Administration (FAA) and the Board of Adjustment [~~Clark County DOA~~] so that [~~it does~~] they do not constitute a hazard as defined in Chapter 30.08. All construction within the various height districts shall be subject to the property owner[~~'~~]s signing an avigation easement. (Ord. 2741 § 8 (part), 5/2002)

PART C: RESIDENTIAL NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT

30.48.170 Purpose. The Residential Neighborhood Preservation Overlay District, hereafter referred to as RNP, is established to ensure that the character of rural and other residential development is preserved.

30.48.180 Establishment. RNP-I, RNP-II, and RNP-III Overlay Districts, as defined in Chapter 30.08 may be established by the initiation and approval of a zone boundary amendment by the Board or property owner in accordance with the provisions of Table 30.16-3 (Zone Boundary Amendments). The overlay districts shall thereby be incorporated into the Official Zoning Map.

30.48.190 Standards.

a. Property within an RNP shall be maintained as a low density residential development, not to exceed an overall density of two (2) dwelling units per acre, except for the RNP-III, which shall not exceed a density of four (4) dwelling units per acre. Local supporting public facility uses shall have appropriate buffering and setbacks.

b. Adequate buffer areas, screening, and an orderly and efficient transition of land uses, as determined by the Board, shall be provided between the RNP and a development with a higher density or intensity of use.

c. The Board may, for good cause shown, allow a greater density or intensity of use when less than three hundred and thirty (330) feet from an RNP.

30.48.200 Designation. Property classified as RNP, shall be designated as (RNP-I, II, or III) on the Official Zoning Map.

30.48.210 Boundary Amendment. An application to amend the zoning from the above referenced zoning map designations RNP-I, II, or III shall also make the request to amend the RNP overlay district boundary.

PART D: PC OVERLAY

30.48.220 Purpose.

a. The planned community overlay district (P-C overlay district) is designed and intended to enable and encourage the development of large tracts of land which are under unified ownership or control as individual integrated communities so as to achieve land development patterns which will maintain and enhance the physical, social, and economic values of an area. The P-C overlay district and associated procedure are established to provide a land developer with reasonable assurance that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the County and to provide the County with long-term proposal for the development of a given area.

b The P-C overlay district also provides for the use of creative design concepts to help meet market demands and encourage the effective use of the natural topography, open space, and other natural or existing features. The overlay district creates an opportunity for the implementation of private sector proposals of new concepts to address community needs and provides for public review and public input of these proposals.

30.48.230 Application. An application for the P-C overlay district can only be made through the major projects review procedure in accordance with Section 30.20 of the Clark County Code.

PART E Gaming Enterprise District

30.48.240 Purpose. The Gaming Enterprise Overlay District is established to identify areas for potential expansion of gaming activities and to identify those areas not suitable for gaming, resulting in the protection of residential, school and church (places of worship) uses and developments from resort hotels and the impacts associated with such intense uses. The regulations for this district shall be supplementary to the underlying district regulations for the H-1, limited resort and apartment district.

30.48.250 Designation as Gaming Enterprise District. The gaming enterprise district is shown as the "Gaming Zone" on the latest Gaming Enterprise Overlay District Map adopted by the Board on May 3, 2000, hereby incorporated by reference, to be updated every four months in accordance with NRS 463.309. A special use permit for a resort hotel and casino approved per Table 30.16-4 establishes the ability to have live gaming on property where an H-1 district has been established or where H-1 zoning is sought in conjunction with the use permit request.

30.48.260 Conditions for Enlargement or Establishment. The gaming enterprise district may be enlarged or established in accordance with the following requirements:

1. **Limitations on Enlargement or Establishment.** Applications to enlarge or establish a gaming enterprise district shall be accepted by the Zoning Administrator only under the following circumstances:

   A. The property is within the Las Vegas Boulevard Gaming Corridor, as defined in NRS 463.3076 and shown on the Gaming Enterprise Overlay District Map; or

   B. The property is exempted by NRS 463 from the provisions of NRS 463.3086; or

   C. The property is outside the Las Vegas Boulevard Gaming Corridor and is also designated for resort use on the adopted land use plan or Gaming Enterprise Map. If the property is inside the Bureau of Land Management Disposal Boundary and is not exempted from the provisions of NRS 463, it shall also conform with the following:

      i. Is 1,500 feet from the property upon which any structure, including structures within another political subdivision, used primarily for religious services, or public or private school is located; and

      ii. Is 500 feet from the property line of any residential development, including uses within another political subdivision and a subdivision within which at least one dwelling has been constructed on the date of the application for the enlargement or establishment; or (Ord. 2741 § 8 (part), 5/2002)

   D. If the property is located within a major project, the Board may determine at any time whether the establishment should be:

      i. Exempted from the minimum acreage and/or separation distance requirements;

      ii. Required to disclose to potential buyers of homes within a major project, the intent to have live gaming and to post signs on the property intended to be used for live gaming in the future; and/or

iii. Required to increase the separation distance requirements, per Subsection E, from the gaming area to residential uses within the major project area, and/or from residential uses outside of the major project area; or

E. Any other property shall:

i. Be more than 5,000 feet from the property line of any residential, school, or church use;

ii. Not be within the Cooperative Management Agreement boundary (reference Interim Cooperative Management Agreement between the U.S. Department of the Interior, Bureau of Land Management and Clark County dated November 4, 1992);

iii. Contain a minimum of 50 acres;

iv. Have a minimum lot depth of 600 feet; and

v. Have immediate access to freeways/beltways and or future frontage roads via arterial streets or access roads within 1/4 mile of the freeway/beltway on-ramps/off-ramps. (The Board may consider other locations that deviate from this requirement where the location generally meets the intent of this section).

F. Where property is zoned residential, but designated for a non-residential use by a land use plan map, separations shall be considered based on the land use plan designation, and where the land use plan may designate a mixture of residential and non-residential uses, the separation requirements shall be considered based on the area as if it is a residential designation;

G. The requirements of this subsection do not apply to: 1) any application for a gaming enterprise district filed prior to May 1, 2000; 2) any property that was designated by the Board of County Commissioners as a gaming enterprise district prior to May 1, 2000, or 3) any property for which nonrestricted gaming was planned as a part of a major project approved prior to May 1, 2000.

2. **Petitions.** Any application permitted per subsection 1 above shall be within an existing or proposed H-1 limited resort and apartment district and shall be accompanied by an application for a special use permit for a resort hotel and casino per Table 30.16-4.

3. **Support Material.** The proponents shall also concurrently prepare and submit written documentation demonstrating that:

A. The roads, water, sanitation, utilities and related services to the location are adequate;

B. The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

C. The proposed establishment will enhance, expand and stabilize employment and the local economy;

D. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

E. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

F. All traffic impacts can be adequately mitigated. This requirement must be satisfied by the submission of a traffic study meeting the requirements set forth in the Clark County improvement standards adopted per Chapter 30.52 to the Clark County traffic engineer thirty days prior to submitting the application for a zone change.

4. **Public Hearing.** Upon receipt of the documentation required above, the Commission and Board shall hold a public hearing in accordance with the procedures established in Table 30.16-4. A three quarters majority vote of the total membership of the Board (the entire elected or appointed membership of the Board, regardless of whether the entire membership is present at a meeting or not, but does not include members present at a meeting who abstain for ethical reasons) is required to approve an application for such a use;

5. **Decision.**

A. The proposed use shall not adversely affect any residential development, or any structure used primarily for religious services, or public or private school within two thousand five hundred feet of the property upon which the establishment is located;

B. Following the public hearing, the Board shall either grant or deny the petition. The Board may grant a petition only if it is determined that the proponents have brought forth adequate evidence to demonstrate that the petition meets the requirements of subsection (3) of this section.

6. **Successive Applications.** The Board shall not consider another petition for reclassification to the H-1 district or enlargement of the gaming enterprise district concerning the same location or any portion thereof for one year after the date of a final denial. (Ord. 2537 § 10, 2001)

30.48.270 **Subdistricts.** There are three subdistricts of the Gaming Enterprise Overlay District as follows:

	Subdistrict Designation
Permitted Gaming Enterprise Zone	GE-1
Non-Gaming Zone	GE-2
Separation Zone- from residential Uses, schools and places of worship	GE-3

PART F **Red Rock Design Overlay District**

30.48.280 **Purpose.**

a. The Red Rock National Conservation Area and the "Gateway Corridor", the passageway defining the entrance to the area, have gained worldwide recognition because of the region's mild climate and unsurpassed beauty of the area's red rocks. Because of this, the Red Rock Area and the corridor attract tourists year-round. Undoubtedly, the overall number of visitors to the area will continue to increase throughout the coming years.

b. Economically as well as socially, tourists that visit the Red Rock area provide numerous positive benefits to the adjoining communities. However, these tourist visits also have negative impacts, both directly and indirectly, on the community. Therefore these communities, which shape the backbone of the Red Rock Gateway Corridor, face the challenge of ensuring a rewarding experience for visitors, while maintaining their local character and high quality of life. There is a need to harmonize retention of the area's scenic beauty, small town values, historic character, and sense of community with the insatiable desire of visitors and residents to view and hike the majestic red rocks. Whether the community accepts this challenge to balance the varied interests or not, the reality exists that the number of people who visit the area will continue to grow as the population of the Las Vegas Valley does, escalating tourist impacts on the region.

c. Some of the negative, tourist, related impacts have become more noticeable in recent years. These include: potential abuse of scenic beauty, destruction of social and cultural heritage, impacts on wildlife, a perceived potential for increased crime activity, increased costs of burden to the community, and increased air, noise, water, and visual pollution. Some of these impacts, whether directly associated

with tourists or not, real or perceived, have become more obvious as the number of visitors has increased. Therefore, the following zoning overlay district will attempt to address these issues and make recommendations for resolution.

30.48.290 **Policy Framework and Relevant Plans.** The design components of this overlay district are consistent with the Northwest County Land Use and Development Guide, as adopted by the Board of County Commissioners on October 15, 1996.

30.48.300 **Red Rock Overlay District Map.** The Red Rock Design Overlay District, as adopted by the Board of County Commissioners (BCC), is being incorporated into the Official Zoning Map, hereinafter referred to as the "Red Rock Overlay District Map" in Appendix G, map # 11.

30.48.310 **Establishment of Overlay District.** This overlay district may be established and/or expanded by the initiation and approval of a zone boundary amendment by the BCC in accordance with the provisions of Table 30.16-3 (Zone Boundary Amendments). The overlay district shall thereby be included into the official zoning map.

30.48.320 **Permitted Uses.** The uses listed under the column of the respective underlying zoning districts within Chapter 30.44 and Table 30.44-1 (see also Appendix F, uses categorized by zoning district) shall establish the uses permitted within the overlay district, subject to the conditions listed and to all administrative and special use permits as shown in the Table.

30.48.330 **Site Development Standards.**

a. The provisions of this section shall apply only to non-residential developments and serve as a supplement to the underlying zoning district regulations. Except where specifically amended in this overlay district, the uses, minimum lot sizes, lot width, yard requirements, lot coverage, etc. shall be determined by the regulations applicable to the underlying zoning district. Where a conflict exists between the provisions of this section and those of the underlying zoning districts, the most restrictive provisions shall apply.

b. The intent in using the listed architectural criteria is to establish a quality of design for buildings within the Red Rock Overlay District. The architectural characters or "styles" within the overlay district shall be an eclectic revival form of the Southwest's Spanish Colonial or any similar variation. That means that any contemporary architectural form that is consistent with commonly acceptable Southwest architectural designs is permissible. The specific design that is used shall be consistent with the architectural vernacular of the surrounding area (Red Rock National Conservation Area). These styles use Spanish design elements that are expressive of the traditional Southwest architectural character. The listed standards are intended as some of the more appropriate design responses and are not absolute limits on design constraints. The highest quality of architectural design and innovation is encouraged:

1. The architectural components shall complement the texture and color palette found in the existing natural red rock mosaic. These typically include subtle, low reflectance, neutral, or earth tone colors. Earth tones shall include a spectrum of browns and reds not white or off-whites;

2. The general color concept for the traditional southwest character is one of warm light primary colors with accents reminiscent of the desert environment;

3. The use of accent colors is a primary element of the various Southwest architectural styles. The following accent colors are acceptable, usually lighter in color and hue than the building's exterior walls: blues; greens; reds; and yellows;

4. The use of fluorescent or neon colors shall be prohibited as accent colors;

5. Where exterior plaster or "stucco" is used, the use of a light or medium texture shall be used;

6. The use of rooflines that reflect the geometries of the nearby hillsides is encouraged;

7. Harmonize new buildings with existing buildings by incorporating design elements of the adjacent architecture, including the scale and massing of structure; roof and parapet forms; window fenestration pattern; finishes, materials, and colors; site amenities such as walls and landscaping; and traditional or prevailing setbacks and building orientation;

8. The detailing of side and rear elevations shall be consistent with the front elevations;

9. The use of franchise architecture shall not be permitted unless the color palette and texture is consistent with the traditional southwest style;

10. The use of illuminated canopies shall not be permitted; and

11. Irrespective of the particular use, any development within the overlay district shall be limited to a height no greater than thirty-five (35) feet. However, when adjacent to residential uses, Section 30.56.070, Table 30.40-4, and Figure 30.56-10 shall apply.

30.48.340 **Landscaping/Buffering and Screening**. The intent of the Landscaping/Buffering and Screening section is to integrate any landscape improvements with the project site with particular sensitivity to the natural topography and existing or indigenous vegetation. The plant materials shall be used to enhance the existing area, particularly as viewed from an adjacent right-of-way, and in some cases, to mitigate major washes, slopes, and

any other sensitive environmental features impacted by proposed developments. The following standards shall be used:

1. Plant materials shall be selected to blend in form, texture, and scale with the design program proposed for the site;

2. Plant materials shall be used as accent elements at entry ways to provide a definite sense of arrival to the proposed development;

3. In accordance with the approved plant list, the use of only xeriscape landscaping, in order to design a landscape theme in character with the desert environment, shall be used for non-residential developments within the overlay district;

4. All off-street parking areas must be screened from all rights-of-way, including but not limited to State Highway 159 (Blue Diamond Road) and 160 (Pahrump Highway), by low walls/fence, no greater than three (3) feet in height or a continuous dense, evergreen hedge or a combination of a wall/fence, hedge, or berm;

5. Provide for a homogenous landscape design of appropriate character by: using plants similar in form and scale to existing vegetation in the area; accent plants at entryways, changes in direction, and intersections of roads; cluster trees at plaza areas or other public gathering places; and clearly identify public, semi-public, and private areas by using design elements to create distinctions between different areas of influence and to define property owner/occupant areas by using low walls, fences, landscaping, level changes, lighting, color, and changes in paving texture

30.48.350 **Signage and Gateway Community Features**. This section is intended to provide for a cohesive and unified identification program for the overlay district. The following provisions shall apply:

1. All sign designs shall conform to established color guidelines of this section and complement the architecture of the site;

2. Signs shall be limited to monument, placard type, and building mounted (wall) signs;

3. All monument signs shall have a design that is consistent with the architecture of the building;

4. Off-premise (billboard) signs, temporary, free standing, revolving, blinking, and parapet signs shall be prohibited;

5. No exposed neon is permitted for signs or buildings;

6. All signs shall be integrated with and complement the site plan and architecture;

7. Building mounted signs shall be limited to a maximum ten (10) percent of the wall surface on which applied. One wall sign is permitted per building;

8. In order to give the corridor visual coherence and enhance the pedestrian environment, the following shall apply:

   A. Combine landscaping, street furniture, public information signs, utilities and street lighting to eliminate visual clutter and to free sidewalk areas of impediments;

   B. Any form of public art, especially smaller scale exhibits that can be appreciated at close range by pedestrians, may be incorporated in the overall design of the site plan;

   C. The composition of any art work shall be constructed of permanent type of materials in order to be durable against vandalism, theft, weather, and in order to require a low level of maintenance;

   D. Any art work shall be related in terms of scale, material, form, and content to adjacent buildings and landscape so that it complements the site and surrounding environment;

   E. Any artwork shall complement and conform to the architectural and color guidelines set forth in this section;

   F. Any public art shall not be used as a sign directly related to the business or be used as advertisement; and

   G. Where possible, locate public art in roadway intersection areas, outside of established sight zones.

30.48.360 **Site Lighting**. The intent of the lighting section is to provide lighting that is functional, safe, aesthetically pleasing, and unobtrusive. The guidelines provided in this section establish clear, objective, and quantifiable standards so that lighting adequately serves the site while minimizing negative impacts on surrounding properties. Whenever a specific measurement is required under these provisions, it shall be incumbent upon the applicant to demonstrate, through a letter from a licensed engineer of the State of Nevada, that the standard has been met. The following criteria shall be used:

1. Use lighting standards and fixtures which gradually define the use transition, rather than causing an abrupt transition;

2. Accent lighting of plant materials, buildings, and signage, and lighting for

walkways, driveways, and other security and safety related lighting shall be achieved with hidden light sources. These typically include: surface mounted fixtures; lamps recessed in building soffits, overhangs, and walls; lamps recessed in the ground; and lamps hidden by plant materials;

3. Accent lighting is permitted, however, surface lighting is limited to an average of two (2) foot-candle measured four (4) feet from the surface level of any point on the building surface being lighted;

4. Exterior fixtures (luminaries) mounted on buildings shall be no higher than the line of the first story eave, or fourteen (14) feet above finished grade, whichever is lower;

5. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan;

6. On-site lighting may be used to accent architectural elements but not used to illuminate entire facades of buildings or signs;

7. Exterior lighting should be architecturally integrated with the building style, material, and colors;

8. Exterior fixtures shall be oriented to focus light inward from the edge of the property to minimize light spillage into neighboring residential areas;

9. Parking lot fixtures shall be cut-off fixtures, designed and positioned to cast adequate light for safety and security but adjusted to eliminate encroachment on neighboring properties;

10. Light sources shall be limited to a maximum off-site luminance not to exceed 0.5 foot-candles of illumination beyond the property containing the light source;

11. Luminaries must be completely shielded to prevent obtrusive light trespass on adjoining properties;

12. Average light levels shall be limited to two (2) foot-candle with maximum levels limited to sixteen (16) foot-candle as measured from four (4) feet above the surface level of any point on the site; and

13. All outdoor light fixtures installed and maintained on commercial developments or under the provisions of a special development shall remain off during non-business hours, except for accent lighting permitted under subsection (2) above.

30.48.370 **Lighting Exemptions.** The lighting provisions set forth in this section shall not apply to individual residential lighting that is not a part of a site plan or subdivision plan, seasonal lighting that is part of a customary holiday decorations or annual civic events, or municipal lighting installed for the benefit of public health, safety, and welfare.

30.48.380 **Landscape, lighting, and signage plans.** Any proposed development requiring a site plan or subdivision plan shall include, as a part of the site plan and subdivision plan submission, a detailed landscape, lighting, and signage plan. These plans shall address and conform to all provisions set forth under this section.

30.48.390 **Exceptions.** The standards contained within these parts shall only apply to any use or development that requires Commission or Board action under this Title.

30.48.400 **Deviations or Waivers of Standards.** The site development standards cannot be waived or varied.

30.48.410 **Non-conforming Lighting.** Unless otherwise specified within this section, within two (2) years of October 31, 2001, all outdoor lighting fixtures that do not conform to requirements of this Overlay District must be replaced with conforming fixtures or existing fixtures must be retrofitted to comply. Until that time, all existing outdoor lighting fixtures shall be considered legal nonconforming fixtures, provided that the existing fixtures may not be expanded or increased in a manner which would result in greater non-conformity. (Ord. 2674 § 2, 2001)

PART G TRANSITION CORRIDOR OVERLAY

30.48.420 **Purpose.** The Transition Corridor Overlay is intended to augment and/or complement the regulations and standards established for non-residential development through the application of special design standards required for specific area locations in transition from residential to non-residential uses. The regulations enumerated in this section are designed to preserve existing single family residential buildings for non-residential reuse where traffic patterns and the characteristics of existing structures no longer encourage a single-family environment. The regulations are also intended to allow for a smooth transition between viable residential districts and major streets while maintaining an aesthetic visual character reflecting the historic pattern of development within specific area locations. (Ord. 2832 § 5 (part), 12/2002)

30.48.430 **Policy Framework and Relevant Plans.** The design standards and land use regulations established for the Transition Corridor Overlay shall be consistent with the Comprehensive Plan. (Ord. 2832 § 5 (part), 12/2002)

30.48.440 **Establishment, Expansion, or Amendment of the Transition Corridor Overlay.** The Transition Corridor Overlay may be established, expanded, or amended by the

initiation of a text amendment and/or ordinance in accordance with the provisions of Table 30.16-2. A specific area location may thereby be amended, included in, or removed from, the Transition Corridor Overlay. (Ord. 2832 § 5 (part), 12/2002)

30.48.450 **Permitted Uses.** Non-residential development within the Transition Corridor Overlay should be limited to only the CRT and C-P Districts unless an adopted land use plan permits a more intense district or unless a use may be obtained by special use permit and the proposed use will not generate more traffic than general office uses. The uses established for the underlying zoning districts (see Chapter 30.44 and Table 30.44-1) shall also establish the uses permitted with the Transition Corridor Overlay unless otherwise restricted elsewhere in this Section. (Ord. 2832 § 5 (part), 12/2002)

30.48.460 **Site Development and Design Standards.** Development of vacant lots or redevelopment of existing sites and/or structures, including residential conversions or reconstructions of demolished dwellings, should closely resemble the scale and architectural character of neighboring residential development and promote uses and site conditions which are compatible with adjacent residential and non-residential uses (also see Table 30.56-2 for additional design standards).

For all properties within the Transition Corridor Overlay, the following standards shall apply:

1. Unless remodeling an existing two-story dwelling, non-residential development shall be limited to a maximum height of 21 feet, including architectural intrusions.

2. The existing height of all buildings shall be retained, with no future additions to the overall height except for architectural intrusions permitted up to three feet (3'); however, such additions shall not result in an overall height that exceeds 21 feet.

3. The existing facade shall be retained or, if remodeled, conform to the general and/or predominant residential architecture of the surrounding area (including such elements as roofing materials, design and pitch, architectural design features, and color schemes).

4. When feasible, driveways shall be combined with adjacent lots through the recording of perpetual cross access, ingress/egress, and/or parking agreements.

5. Except for new construction, no increase in curb cuts shall be permitted on any arterial street, and curb return driveways are preferred.

6. When feasible, conversions shall be made on an assemblage of lots.

7. No balconies shall overlook adjacent residential uses, and all rear and side second-story windows of non-residential buildings shall be opaque (see Table 30.56-2).

30.48.470 **Russell Road Corridor — *Eastern Avenue to Mountain Vista Street.*** Due to the residential character of the neighborhood, and in addition to the general regulations and standards listed elsewhere in this Title, special development standards are hereby established for non-residential development adjacent to or within two hundred feet from back of curb on Russell Road, from Eastern Avenue to Mountain Vista Street as follows:

1. "Intense landscape buffer" per Figure 30.64-12 is required adjacent to residential uses.

2. For new construction only, parking shall be located at the sides or rear of buildings and shall be gated and secured after non-business hours.

3. For property four or more acres in size located on the corner of two arterial streets, the Board may consider with a public hearing a maximum 35 foot high building with a 3:1 height setback ratio from residential uses and a 1:3 height setback ratio from the street frontage. (Ord. 2832 § 5 (part), 12/2002)

30.48.480 **Desert Inn Road Corridor — *Buffalo Drive to Decatur Boulevard.*** Due to the residential character of the neighborhood, and in addition to the general regulations and standards listed elsewhere in this Title, special development standards are hereby established for non-residential development adjacent to or within 300 feet from back of curb on Desert Inn Road between Buffalo Drive and Decatur Boulevard.

Unless otherwise noted, the following standards shall not be waived or varied:

A. To the extent that they are applicable, the following factors shall be satisfied before an application for a non-residential use is accepted:

1. Sole legal front access to the property (both ingress and egress) must be from Desert Inn Road. Property whose primary or ancillary access is from a cul-de-sac off Desert Inn Road, or from a side street that intersects Desert Inn Road, or from a cul-de-sac off a side street that intersects Desert Inn Road, shall not be considered unless the side street in question is a section line street.

2. The fronts of existing residential structures must face Desert Inn Road. Property within a walled community whose rear or side faces Desert Inn Road shall not be considered.

B. If the factors in Subsections A and B above are met, the following standards shall be satisfied:

1. Non-residential development shall be limited to the CRT. Uses that generate more traffic than general office uses shall not be permitted.

2. When lots or parcels of land extend beyond the three hundred foot (300') overlay boundary, those portions beyond the boundary shall remain residential property and be developed as a residential use simultaneously with the non-residential use and in accordance with the surrounding residential zoning requirements.

3. All new construction shall utilize tile or concrete roofs and stucco or masonry exteriors.

4. Landscaping, setbacks, and buffering shall consider and accommodate existing conditions, lot sizes, and dimensions.

5. Waivers to reduce the required setbacks for new construction and/or conversions to non-residential use that are contiguous to existing residential development are not permitted. Alternative building setbacks may only be considered for property that is not contiguous to existing residential development.

6. Landscape buffers shall be required when adjacent to residential development, shall be a minimum width of ten feet (10') on the property's side boundary and twenty feet (20') on the property's rear boundary, and shall consist of mature trees planted a maximum fifteen feet (15') apart on center and standing a minimum ten feet (10') high after planting. Plant materials and placement shall maximize any space limitations when adjacent to residential development. When not contiguous to existing residential development, alternative landscape setbacks may be considered.

7. Unless otherwise approved, any wall between residential and non-residential property shall be decorative and maintain a minimum height of six (6) feet on the non-residential property side.

8. When contiguous to existing residential development, new construction and/or residential development converting to non-residential use shall provide parking in the front and/or side yard at a minimum ten foot (10') setback from existing residential development. When not contiguous to existing residential development, alternative parking setbacks may be considered.

9. Parking per Code requirements must be provided on site.

10. All driveways and parking areas for residential development converting to non-residential use shall be consistent with existing surface materials or shall be concrete.

11. Parking areas adjacent to Desert Inn Road shall be screened by landscaping that utilizes three-foot high berms and/or landscape hedges, and/or three foot (3') high decorative walls unless existing walls screen the parking areas.

12. Only monument signs shall be permitted, shall be subject to a design review, have a horizontal presentation, be limited to a maximum height of seven (7) feet, and incorporate architectural elements that preserve the residential character of the neighborhood.

13. Neon lights, beacons, flashing lights, message boards, or animated signs of any kind shall not be permitted.

14. On-site light poles shall be limited to a maximum height of ten feet (10') and shall be decorative.

15. Any required traffic analysis must demonstrate that all queuing and staging are performed on site.

16. Non-residential driveway egress shall be limited to right turns only.

17. A public hearing design review shall be required for all changes, including signs. (Ord. 2832 § 5 (part), 12/2002)