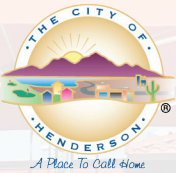


# City of Henderson Development Code Update

## Annotated Outline

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Prepared for:



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# Introduction

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One of the most important tasks in any development code update is determining how to reorganize and reformat the regulations to create a logically organized document that achieves the jurisdiction's objectives. This outline reflects the parts, chapters, and sections that are recommended for inclusion in the updated Development Code for the City of Henderson, as well as chapters and sections that are recommended to be maintained. Additionally, the overall hierarchy and organization of the updated Code is proposed.

The outline has been drafted to be consistent with the recommendations of the Code Diagnosis (April 2019) and comments from code user interviews, with the intent to produce an updated Code that:

- Is consistent with and implements the Comprehensive Plan, Henderson Strong;
- Promotes high quality design;
- Responds to community concerns about physical character and context;
- Is modern and reflects the City's current and future uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Complies with State and federal requirements and current case law; and
- Is clear, concise, understandable, and easy to use.

To accomplish these objectives, the outline addresses the following components of the Code:

- The general types of zoning districts;
- Proposed overlay districts;
- Standards that apply citywide, including specific use and activity regulations;
- Administration and review procedures;
- The overall organization and numbering system, including introduction of the "part" level;
- Use and style of graphic illustrations, tables, and charts; and
- Page layout.

This outline proposes several important changes from the existing Development Code. Other than the overall reorganization of the Code, the most important aspect of the changes may be the separation and consolidation of citywide provisions in specific chapters grouped by relevant content. The intent is to clarify and streamline the chapters a code user needs to consult to find all of the regulations applicable to a particular location. Another noteworthy revision is the creation of a clear hierarchy within the Code by grouping chapters into parts of related provisions. The proposed organization is intended to make the Code easier to navigate, understand, and consistently administer.

## Organization of the Code

Code users want to know how to quickly find answers to their general questions – What can be done on a particular property? What can be built? What uses are allowed? Which permits are required? What is the process? As such, the proposed outline is intended to provide a logical structure to the revised Code so that it will be easy to use, find answers, and amend over time. The overall organization of the existing Code is not sufficiently intuitive to meet the needs of new or infrequent code users who are less experienced with navigating and understanding code provisions. Important information is not always located where code users would expect to find it. As described above, one of the proposed changes is to organize the information in parts, each of which covers related topics. In addition to grouping similar types of provisions together, this organizational system makes it possible to elevate some provisions to higher levels within the Code's structure in order to highlight their importance.

Generally, the most frequently consulted sections and provisions appear toward the beginning of the Code, while more specific and less frequently used parts are moved to the end. The updated Title 19: Development Code will comprise five parts, in the following order:

Part I – Introductory Provisions

Part II – District Regulations

Part III – Citywide Standards

Part IV – Administration and Enforcement

Part V – Interpretation and Definitions

Within each of these parts, chapters and sections have been ordered to flow logically from one idea to the next. Typically, chapters begin with purpose and applicability statements, then they list general provisions, which lead to more specific provisions and related regulations.

### Part I – Introductory Provisions

This Part establishes the overall purposes of the Code text and zoning map, and the general rules that govern their applicability and use. Other than minor organizational refinements, much of the language in the existing Code will be carried forward.

### Part II – District Regulations

This Part specifies the land use and development standards for each of the base and overlay districts throughout the City. The existing Code organizes base zoning districts into two chapters. Chapter 19.2 (Residential Zoning Districts) contains 10 residential zoning districts, the Downtown Public Zoning District, and the Development Holding Zoning District. Chapter 19.3 (Nonresidential, Mixed-Use, and Special-Purpose Zoning Districts) contains six commercial zoning districts, three industrial zoning districts, three mixed-use districts, the Public and Semipublic Zoning District, and the Planned Community Zoning District. The Code will benefit from regrouping the zoning district regulations into chapters of more closely related districts. For example, the Code could have separate chapters for each type of zoning district (residential, mixed-use, commercial, industrial, and public and special purpose). Regulations for individual zoning districts within these groups would still reflect the different characteristics of the individual districts. Each base district will have a purpose statement, a list of allowed uses specifying the level of discretionary review required, development standards applicable to the

context, and supplemental regulations addressing any additional concerns or characteristics. Allowed use provisions will be redistributed in consolidated tables within each grouped zoning district chapter.

Overlay districts are “laid over” or applied to base districts in situations in which modification of permitted uses or required standards is appropriate due to specific conditions, circumstances, or goals. Overlay districts are often used to regulate areas with special physical characteristics such as transit-oriented districts, areas near airports, sensitive resource areas, and hillsides. They can be geographically defined and mapped or can apply wherever specific conditions exist. Overlay districts will be evaluated for their effectiveness and reorganized to be in a more logical order. Additional overlay districts may be added as necessary to respond and implement the policies of Henderson Strong, such as a transit-oriented overlay.

## Part III – Citywide Standards

Development codes typically include regulations that apply citywide or to more than one or a few zoning districts. In order to make the Code easier to use and administer, and reduce its length, regulations that apply to some or all zoning districts will be consolidated in one place in the updated Code. This Part will include general site and development regulations, landscaping and screening standards, parking and loading standards, sign standards, subdivision standards, nonconforming provisions, standards and requirements for specific uses and activities, and other requirements applicable to development citywide. The tables and text in Part II will include cross-references to all applicable citywide standards.

## Part IV – Administration and Enforcement

This Part provides provisions for administration and enforcement of the Code, which are intended to clearly convey the party responsible for making decisions on development applications and the process involved with securing approvals. It is organized so that the powers and duties of the relevant decision-making bodies are presented first, followed by a chapter on common procedures. Procedures for specific approval processes are then listed, generally ordered from the most commonly required approvals, such as design review, to more technical and substantive approvals, including use permits and variances.

Administrative provisions will be relocated toward the end of the Code to avoid separating related development standards, and existing Chapter 19.6 (Administration) will be split into chapters and sections that bring forward the primary names of the procedure or application. This, combined with the consolidation of relevant provisions, will aid in usability and navigation by clearly stating all administrative requirements for each key topic.

## Part V – Interpretation and Definitions

This Part serves as a reference section for previous parts and will be located at the end of the Code, which helps to elevate the most important sections of the Code—the regulations themselves—above the sections primarily serving as a reference tool. This Part’s location at the end of the Code, however, maintains the ease with which code users can locate the section when needed. Rules for interpretation of the Development Code, use classifications, and definitions of terms will be the three main components of this Part. The use classifications chapter will list all use groups established by the Code and regulated in every district by type (e.g., residential, commercial, industrial, public/institutional, etc.). The term definitions chapter will contain definitions of key terms and phrases used throughout the Code.

## Example Base District Layout

An example base district page layout is included as Appendix 1 to illustrate the proposed presentation for the district regulations in the Development Code.



# Outline – Title 19: Development Code

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The working outline for Title 19: Development Code establishes a framework for drafting preliminary regulations. The outline is intended to set forth an approach for the overall structure of the updated Code and is expected to be refined as draft regulations are prepared.

## Part I Introductory Provisions

Part I (Introductory Provisions) establishes the overall purposes of the Code text and zoning map, and the general rules that govern their applicability and use. This Part includes many of the same provisions as the existing Chapter 19.1 (Introductory Provisions), with refinements to the content and organization.

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## Chapter 19.1 General Provisions

This Chapter includes general introductory provisions, introducing the code user to basic purpose, authority, and applicability of the Code. The provisions of existing Chapter 19.1 will be carried forward and refined.

### Sections:

- 19.1.1 Title
- 19.1.2 Authority
- 19.1.3 Purpose and Intent
- 19.1.4 Applicability and Jurisdiction
- 19.1.5 Conflicting Provisions
- 19.1.6 Relationship to the Comprehensive Plan
- 19.1.7 Official Zoning Map
- 19.1.8 Transitional Provisions
- 19.1.9 Severability

## Part II District Regulations

Part II (District Regulations) specifies the land use and development standards for each of the base and overlay districts. Relevant zone categories will be grouped and split into individual chapters in order to clarify the intent of the development regulations. Each base zoning district will have a purpose statement, a list of allowed uses specifying the level of discretionary review required, development standards applicable to those uses, and supplemental regulations addressing any additional concerns. In districts where form is important (e.g., mixed-use districts), the regulations will include development and design standards to address physical form characteristics specific to the given set of districts. If standards and regulations are general for all development in multiple districts, cross-references will be included to the appropriate location in Part III (Citywide Standards).

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### Chapter 19.2 Residential Zoning Districts

Regulations for residential zoning districts will continue to be located in one chapter. The existing residential zoning districts include RS-1, RS-2, RS-4, RS-6, RS-8, RM-10, RM-16, RH-24, RH-36, and Mobile Home Residential. Preliminary review of the residential district standards show that the following groups of residential districts are similar in their intent and regulation:

- RS-1 and RS-2
- RS-4, RS-6, and RS-8
- RM-10 and RM-16
- RH-24 and RH-36

The naming conventions of the residential districts (RS, RM, RH) reflect these groupings except for the RS districts. The RS-1, RS-2, RS-4, RS-6, and RS-8 districts are all "Low Density Single Family Residential." However, the intent statements and use and development standards for the RS-1 and RS-2 districts reflect a larger lot, low density single family setting while the RS-4, RS-6, and RS-8 district intent statements and use and development standards reflect a low density residential neighborhood setting. As such, it may make sense to refine the naming convention of these districts to reflect the difference in character. For example, the RS-1 and RS-2 districts could be renamed Residential Low Density-1 (RL-1) and Residential Low Density-2 (RL-2). RS-4, RS-6, and RS-8 districts would be renamed "Single Family Residential" and retain the "RS" designator.

Allowed land uses will be presented in a table format according to permit type with cross-references to applicable standards in Chapter 19.15 (Specific Use and Activity Regulations), as appropriate. Development standards will also be presented in a table format with cross-references to applicable standards in other sections. Relevant standards from the existing Section 19.7.7 (District-Specific Standards) will be reorganized and streamlined in this Chapter.

#### Sections:

- 19.2.1 Purpose and Applicability
- 19.2.2 Allowed Land Uses and Permit Requirements
- 19.2.3 Development Standards
- 19.2.4 Supplemental Regulations

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## Chapter 19.3 Mixed-Use Zoning Districts

Regulations for mixed-use zoning districts will be located in one chapter to enhance usability. The existing mixed-use zoning districts, including Corridor/Community Mixed-Use, Neighborhood Mixed-Use, and Regional Mixed-Use, may be revised or districts may be added to implement City goals and policies. Multiple mixed-use districts or subdistricts may be developed to reflect differences in context and character in specific priority areas, particularly the Boulder Highway Corridor, as described in Henderson Strong. Use regulations and development standards will be evaluated for effectiveness and modernized to be reflective of contemporary market and development trends. Uses will be analyzed to allow a broader range of combined uses, in order to allow flexibility, encourage investment, and reflect the changing nature of land use. Allowed land uses will be presented in a table format according to permit type with cross-references to applicable standards in Chapter 19.15 (Specific Use and Activity Regulations), as appropriate. Development standards will also be presented in a table format with cross-references to applicable standards in other sections. Relevant standards from the existing Section 19.7.7 (District-Specific Standards) will be reorganized in this Chapter.

### Sections:

- 19.3.1 Purpose and Applicability
- 19.3.2 Allowed Land Uses and Permit Requirements
- 19.3.3 Development Standards
- 19.3.4 Supplemental Regulations

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## Chapter 19.4 Commercial Zoning Districts

Regulations for commercial zoning districts will be located in one chapter to enhance usability. Commercial zoning districts include Neighborhood Commercial, Office Commercial, Community Commercial, Highway Commercial, Tourist Commercial, and Auto-Mall Commercial. Allowed land uses will be presented in a table format according to permit type with cross-references to applicable standards in Chapter 19.15 (Specific Use and Activity Regulations), as appropriate. Development standards will also be presented in a table format with cross-references to applicable standards in other sections. Relevant standards from the existing Section 19.7.7 (District-Specific Standards) will be reorganized and streamlined in this Chapter.

### Sections:

- 19.4.1 Purpose and Applicability
- 19.4.2 Allowed Land Uses and Permit Requirements
- 19.4.3 Development Standards
- 19.4.4 Supplemental Regulations

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## Chapter 19.5 Industrial Zoning Districts

Regulations for industrial zoning districts will be located in one chapter to enhance usability. Industrial zoning districts include Limited Industrial, General Industrial, and Industrial Park. Allowed land uses will be presented in a table format according to permit type with cross-references to applicable standards in Chapter 19.15 (Specific Use and Activity Regulations), as appropriate. Development standards will also be presented in a table format with cross-references to applicable standards in other sections. Relevant standards from the existing Section 19.7.7 (District-Specific Standards) will be reorganized and streamlined in this Chapter.

### Sections:

- 19.5.1 Purpose and Applicability
- 19.5.2 Allowed Land Uses and Permit Requirements
- 19.5.3 Development Standards
- 19.5.4 Supplemental Regulations

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## Chapter 19.6 Public and Special Purpose Zoning Districts

Public and special purpose zoning districts include the Development Holding, Downtown Public, and Public and Semi-Public districts. The Downtown Public Zoning District will be relocated from its current location in the residential zoning districts chapter in order to be consistent with the purpose and intent of the District. This District will also be reviewed for the opportunity to be consolidated with the Public and Semi-Public Zoning District in an effort to reduce the overall number of zoning districts.

### Sections:

- 19.6.1 Purpose and Applicability
- 19.6.2 Development Holding (DH)
- 19.6.3 Downtown Public (DP)
- 19.6.4 Public and Semi-Public (PS)

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## Chapter 19.7 Planned Community Zoning District

The Planned Community Zoning District implements master plan overlays or development agreements. Existing Section 19.3.18 (PC: Planned Community) will be carried forward and updated for consistency with other sections of the Code.

### Sections:

- 19.7.1 Purpose and Applicability
- 19.7.2 Additional Use Standards
- 19.7.3 Intensity and Dimensional Standards

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## Chapter 19.8 Overlay Districts

Regulations for overlay districts contained in existing Chapter 19.4 (Overlays) will be carried forward and refined to streamline administration and improve usability, where appropriate. Additionally, the Chapter will be reorganized to follow an alphabetical order to aid in navigability. New overlay districts may be developed to implement Henderson Strong, such as a transit-oriented overlay.

### Sections:

19.8.1 Purpose and Applicability

19.8.2 Airport Environs (AE) *(including Airspace Compatibility Requirements)*

19.8.3 Gaming Enterprise (G)

19.8.4 Hillside (H)

19.8.5 Master Plan Development (MP)

19.8.6 Planned Unit Development (PUD) *(including consideration of planned unit developments other than those defined as Planned Unit Residential Developments in NRS 278A.070)*

19.8.7 Redevelopment (RD)

19.8.8 Rural Neighborhood (RN)

19.8.9 Sensitive Lands (SL)

## Part III Citywide Standards

Part III (Citywide Standards) includes general site and development regulations, landscaping and screening standards, parking and loading standards, subdivision standards, standards and requirements for specific uses and activities, and other requirements applicable in some or all zoning districts, such as provisions regarding signs and treatment of nonconforming situations.

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### Chapter 19.9 General Site and Development Regulations

This Chapter will contain general site and development regulations applicable to all land within the City, regardless of use. Provisions in existing Chapter 19.7 (Development and Design Standards), such as Circulation and Mobility and Open Space, will be carried forward and reorganized, and specific focus will be given to consolidating and streamlining redundant standards that are currently spread out throughout the Code. New sections will be introduced, such as Height Exceptions and Visibility at Intersections, aimed at ensuring consistent administration. Separate chapters will be dedicated to Parking and Loading and Landscaping and Screening that require more complex regulations. Overall, standards and requirements will be evaluated for effectiveness and modified as needed. The standards and requirements in this Chapter will be appropriately cross-referenced throughout the Code. The following list of sections is illustrative and will be modified as regulations are drafted.

#### Sections:

- 19.9.1 Purpose and Applicability
- 19.9.2 Accessory Structures
- 19.9.3 Building Design
- 19.9.4 Circulation and Mobility
- 19.9.5 Development on Lots Divided by Zone Boundaries
- 19.9.6 Development on Substandard Lots
- 19.9.7 Encroachments into Yards
- 19.9.8 Fences and Walls
- 19.9.9 Height Exceptions
- 19.9.10 Lighting and Illumination
- 19.9.11 Open Space
- 19.9.12 Slopes and Grading
- 18.9.13 Sustainability
- 19.9.14 Visibility at Intersections
- 19.9.15 Local Improvement Districts
- 19.9.16 Nuisance Control

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## Chapter 19.10 Landscaping and Screening Standards

This Chapter will contain landscaping and screening standards based largely on existing Section 19.7.5 (Landscaping and Screening), but reorganized to streamline redundant standards and group similar requirements. Relevant standards located throughout the Code, such as outdoor screening standards located in existing Chapter 19.5 (Use Regulations), will be incorporated into this Chapter to decrease redundancy and streamline administration. Standards related to general site development, such as Fences and Walls and Slopes and Grading, will be included in Chapter 19.9 (General Site and Development Regulations). The level of prescription for certain standards may be increased where existing standards are minimal, but flexibility can also be provided by allowing for review and approval of alternative compliance landscape plans where it can be demonstrated that the intent of the requirements can still be achieved. Requirements for low water use will be included.

### Sections:

- 19.10.1 Purpose and Applicability
- 19.10.2 Required Landscape Areas
- 19.10.3 Required Screening
- 19.10.4 Landscape Plan
- 19.10.5 Landscaping and Screening Standards
- 19.10.6 Planting Standards
- 19.10.7 Parking and Loading Area Landscaping
- 19.10.8 Maintenance
- 19.10.9 Alternative Compliance

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## Chapter 19.11 Parking and Loading Standards

This Chapter will contain regulations governing parking, driveway, and loading facilities. The existing Code includes parking and loading standards in several sections throughout the document, including within each land use classification set forth in existing Chapter 19.5 (Use Regulations). This Chapter will centralize parking standards into one location in order to decrease redundancy and streamline administration. Provisions for shared parking, allowances for reduced parking requirements, guidelines for alternative compliance, and revised requirements for bicycle and/or motorcycle parking spaces will be evaluated and refined for effectiveness.

### Sections:

- 19.11.1 Purpose and Applicability
- 19.11.2 Parking Areas
- 19.11.3 General Provisions
- 19.11.4 Required Parking Spaces
- 19.11.5 Parking Alternatives and Reductions

- 19.11.6 Location of Required Parking
- 19.11.7 Bicycle Parking
- 19.11.8 Loading
- 19.11.9 Parking Area Design Standards

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## Chapter 19.12 Signs

This Chapter will establish sign standards in compliance with the *Reed v. Town of Gilbert* Supreme Court ruling, which requires signage to be regulated using content-neutral standards. Regulations and permit procedures will be clarified and modernized, and specific attention will be given to temporary sign standards to ensure avoidance of content-based regulation. The Chapter will be reorganized and streamlined based on best practices and overall usability.

### Sections:

- 19.12.1 Purpose and Applicability
- 19.12.2 Administration and Procedures
- 19.12.3 Exemptions
- 19.12.4 Prohibited Signs
- 19.12.5 General Sign Regulations
- 19.12.6 Permanent Sign Standards
- 19.12.7 Temporary Sign Standards
- 19.12.8 Off-Premises Sign Standards
- 19.12.9 Enforcement

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## Chapter 19.13 Subdivision Design and Improvements

Subdivision design and improvement regulations control the dividing and merging of land within the City. The standards and requirements in existing Chapter 19.9 (Subdivision Design and Improvements) will be carried forward with revisions for consistency with revised Code standards.

### Sections:

- 19.13.1 General
- 19.13.2 Required Dedications and Improvements
- 19.13.3 Resource Preservation
- 19.13.4 Lots
- 19.13.5 Access
- 19.13.6 Drainage



- 19.13.7 Streets
- 19.13.8 Sidewalks
- 19.13.9 Street Lights
- 19.13.10 Water Supply and Fire Hydrants
- 19.13.11 Easements
- 19.13.12 Monuments
- 19.13.13 Reservations for Parks and School Sites
- 19.13.14 Street Naming and Addressing
- 19.13.15 Building Addressing

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## Chapter 19.14 Nonconformities

This Chapter will include provisions for nonconforming uses, lots, structures, signs, and site features. The standards and requirements in existing Chapter 19.10 (Nonconformities) will be carried forward and opportunities for streamlining will be considered to enhance overall usability. In order to provide increased adaptive reuse opportunities, provisions may be included to allow more flexibility for nonconforming uses that are not contrary to public health and safety, but attention will be given to ensure potential public nuisances are restricted.

### Sections:

- 19.14.1 Purpose
- 19.14.2 Nonconforming Uses
- 19.14.3 Nonconforming Lots
- 19.14.4 Nonconforming Structures
- 19.14.5 Nonconforming Signs
- 19.14.6 Nonconforming Site Features

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## Chapter 19.15 Specific Use and Activity Regulations

This Chapter will establish standards and requirements applicable to specific uses and activities that are allowed in some or all zoning districts. Specific use and activity regulations currently in Chapter 19.5 (Use Regulations) will be carried forward and evaluated for clarity and usability. Standards will be organized alphabetically by use to improve navigability, and standards for certain new uses, such as farmer's markets and urban agriculture, may be incorporated. The following list is illustrative and will be modified as regulations are drafted.

### Sections:

- 19.15.1 Purpose and Applicability
- 19.15.2 Accessory Uses
- 19.15.3 Accessory Dwelling Units
- 19.15.4 Alcohol and Liquor Uses
- 19.15.5 Animal Keeping
- 19.15.6 Animals and Related Services
- 19.15.7 Commercial Recreation and Entertainment
- 19.15.8 Community Assembly
- 19.15.9 Community Residence
- 19.15.10 Daily Labor Service
- 19.15.11 Day Care
- 19.15.12 Drive-in and Drive-through Facilities
- 19.15.13 Eating and Drinking Establishments
- 19.15.14 Facility for Transitional Living for Released Offenders
- 19.15.15 Farmer's Markets
- 19.15.16 Financial Institutions
- 19.15.17 Gaming Establishment
- 19.15.18 Home Occupation
- 19.15.19 Institutional Housing
- 19.15.20 Light Fleet Based Services
- 19.15.21 Live Entertainment
- 19.15.22 Manufactured/Mobile Home Park or Subdivision
- 19.15.23 Marijuana Establishments
- 19.15.24 Mini-Storage Facility
- 19.15.25 Mobile Vending
- 19.15.26 Outdoor Display and Sales
- 19.15.27 Outdoor Dining and Seating

- 19.15.28 Park and Recreation Facility
- 19.15.29 Personal Services
- 19.15.30 Recycling Facilities
- 19.15.31 Residential Uses
- 19.15.32 Retail Sales and Service
- 19.15.33 School, Public or Private
- 19.15.34 Sexually Oriented Business
- 19.15.35 Surgical Recovery Centers
- 19.15.36 Telecommunication Facilities
- 19.15.37 Temporary Uses
- 19.15.38 Urban Agriculture
- 19.15.39 Vehicle/Equipment Sales and Service
- 19.15.40 Vending Machines
- 19.15.41 Visitor Accommodation
- 19.15.42 Youth Drop-in Center

## Part IV Administration and Enforcement

Part IV (Administration and Enforcement) provides provisions for administration and enforcement of the Code, which are intended to clearly convey the party responsible for making decisions on development applications and the process involved with securing approvals. It is important that this Part be understandable to users and staff. It is organized so that the powers and duties of the relevant decision-making bodies are presented first, followed by a chapter on common procedures. Procedures for specific approval processes are then listed, generally ordered from the most commonly required approvals, such as design review, to more technical and substantive approvals, including use permits and variances.

Administrative provisions will be relocated toward the end of the Code to avoid separating related development standards, and existing Chapter 19.6 (Administration) will be split into chapters and sections that bring forward the primary names of the procedure or application. This, combined with the consolidation of relevant provisions, will aid in usability and navigation by clearly stating all administrative requirements for each administrative procedure.

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### Chapter 19.16 Review and Decision-Making Bodies

This Chapter carries forward the provisions located in Section 19.6.2 (Review and Decision-Making Bodies) of the existing Code, identifying the composition, appointment, and responsibility of each review authority that has a role in implementing the Code, including the City Council, Planning Commission, Community Development and Services Director, and staff.

#### Sections:

- 19.16.1 Purpose
- 19.16.2 City Council
- 19.16.3 Planning Commission
- 19.16.4 Community Development and Services Director
- 19.16.5 Staff Review (*formerly Development Review Committee*)
- 19.16.6 Summary of Review Authorities

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## Chapter 19.17 Common Review Procedures

The purpose of this Chapter is to establish uniform procedures that are common to the application and processing of a variety of different permits and approvals, such as use permits, variances, Comprehensive Plan amendments, and Code and map amendments. Provisions located in Section 19.6.3 (Common Review Procedures) of the existing Code will be carried forward and augmented to clearly convey procedures for the filing of applications, public notice, and public hearings, as well as permit time limits and extensions, appeals, and post-decisions provisions (e.g., expiration, extension, and modification of approvals).

### Sections:

- 19.17.1 Purpose
- 19.17.2 Preliminary Application Procedures
- 19.17.3 Application Review Process (*including Redevelopment Area Review*)
- 19.17.4 Public Notice (*including adjustment to noticing requirements*)
- 19.17.5 Conduct of Public Hearings
- 19.17.6 Review and Decision
- 19.17.7 Required Findings
- 19.17.8 Conditions of Approval
- 19.17.9 Expiration and Extension
- 19.17.10 Changes to an Approved Permit
- 19.17.11 Appeals

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## Chapter 19.18 Design Review

This Chapter will include procedures for design review, currently located in Section 19.6.6 (Entitlements). Design review procedures will be carried forward and reorganized to fit with the overall structure of the Code.

### Sections:

- 19.18.1 Purpose and Applicability
- 19.18.2 Exemptions
- 19.18.3 Application
- 19.18.4 Review and Decision
- 19.18.5 Notice of Decision
- 19.18.6 Appeals
- 19.18.7 Post Decision Procedures

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## Chapter 19.19 Master Sign Plans

Chapter 19.12 (Signs) will establish when a Master Sign Plan is required. This Chapter will establish the procedures for processing a master sign plan, consistent with existing Section 19.6.7 (Master Sign Plans).

### Sections:

- 19.19.1 Purpose and Applicability
- 19.19.2 Application
- 19.19.3 Review and Decision
- 19.19.4 Approval Criteria
- 19.19.5 Appeals
- 19.19.6 Post Decision Procedures

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## Chapter 19.20 Conditional Use Permits

The procedures for conditional use permits, currently located in Section 19.6.6 (Entitlements) will be presented in this Chapter. Cross-references to specific provisions in Chapter 19.17 (Common Review Procedures) will be included where appropriate.

### Sections:

- 19.20.1 Purpose and Applicability
- 19.20.2 Application
- 19.20.3 Public Notice
- 19.20.4 Review and Decision
- 19.20.5 Approval Criteria
- 19.20.6 Appeals
- 19.20.7 Post Decision Procedures

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## Chapter 19.21 Temporary Use Permits

The provisions in Chapter 19.15 (Specific Use and Activity Regulations) will identify the temporary uses that require a temporary use permit and the regulations that govern them. This Chapter will include the procedural requirements for such permits, consistent with the temporary use permit provisions currently located in Section 19.6.6 (Entitlements).

### Sections:

- 19.21.1 Purpose and Applicability
- 19.21.2 Application
- 19.21.3 Review and Decision

- 19.21.4 Conditions of Approval
- 19.21.5 Approval Criteria
- 19.21.6 Effective Date and Time Limits
- 19.21.7 Condition of Site
- 19.21.8 Appeals

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## Chapter 19.22 Modifications

The existing Code provides four primary avenues available for modification of development standards: 1) administrative adjustment, 2) variances, 3) waivers, and 4) development agreements. Specific findings related to unique characteristics of a property are required to approve variances. Development agreements are reserved for certain types of projects at the discretion of City Council and as recommended by the Development Agreement Advisory Committee (DAAC). Administrative adjustments and waivers provide mechanisms for staff or the Planning Commission to permit limited modifications to certain standards where relief is consistent with Code objectives, purposes, and Henderson Strong. In the existing Code, provisions for administrative adjustments, variances, and waivers are located in the same section, Section 19.6.9 (Modifications and Appeals).

In the updated Code, provisions for modifications currently processed through administrative adjustments and waivers are proposed to be located in a separate chapter. Chapter 19.22 (Modifications) will provide a means for granting relief from codified locational, developmental, and operational standards where the relief is consistent with Code objectives, purposes, and Henderson Strong. The ability to allow limited relief from codified requirements provides flexibility to promote development consistent with Henderson Strong objectives. There are a variety of cases, particularly for infill development, where modifications to set standards may be consistent with Henderson Strong objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship.

This Chapter will combine and refine allowances and procedures for administrative relief and waivers, identifying the type and extent of modifications that may be approved by City staff and those that require Planning Commission approval.

### Sections:

- 19.22.1 Purpose and Applicability
- 19.22.2 Application
- 19.22.3 Public Notice
- 19.22.4 Review and Decision
- 19.22.5 Approval Criteria
- 19.22.6 Appeals
- 19.22.7 Post Decision Procedures

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## Chapter 19.23 Variances

This Chapter will incorporate provisions for variances that are applicable to situations where the variation exceeds the thresholds established in Chapter 19.22 (Modifications) or are not otherwise entitled to modification under those rules or other regulations. Where procedures are the same as for use permits and other approvals, this Chapter will refer to relevant requirements in Chapter 19.17 (Common Review Procedures).

### Sections:

- 19.23.1 Purpose and Applicability
- 19.23.2 Application
- 19.23.3 Public Notice
- 19.23.4 Review and Decision
- 19.23.5 Approval Criteria
- 19.23.6 Appeals
- 19.23.7 Post Decision Procedures

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## Chapter 19.24 Reasonable Accommodation

This Chapter will include procedures to accommodate protected uses in compliance with State and federal law. The existing Subsection 19.6.10.D (Reasonable Accommodation Process) will be carried forward and reorganized in this Chapter.

### Sections:

- 19.24.1 Purpose and Applicability
- 19.24.2 Application
- 19.24.3 Review and Decision
- 19.24.4 Approval Criteria
- 19.24.5 Appeals
- 19.24.6 Post Decision Procedures



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## Chapter 19.25 Land Division Applications

Existing Section 19.6.5 (Land Division Applications) will be carried forward and reorganized in this Chapter. It will include requirements for applications related to the division of land, including parcel maps, boundary line adjustments, large parcel divisions, tentative maps, final maps, and reversions to acreage.

### Sections:

19.25.1 Purpose and Applicability

19.25.2 Parcel Maps

19.25.3 Boundary Line Adjustments

19.25.4 Large Parcel Divisions

19.25.5 Tentative Maps (*including criteria for amendments to tentative maps*)

19.25.6 Final Maps

19.25.7 Reversions to Acreage

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## Chapter 19.26 Development Agreements

This Chapter will establish procedures to enable the City to require legally binding agreements with private parties. Existing Subsection 19.6.10.A (Development Agreements) will be carried forward and reorganized in this Chapter. Distinction may be made to clarify the difference in processes of 'negotiated' and of 'form' development agreements.

### Sections:

19.26.1 Purpose and Applicability

19.26.2 Appropriateness

19.26.3 Terms

19.26.4 Amendments and Cancellations

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## Chapter 19.27 Comprehensive Plan and Zoning Amendments

This Chapter will set forth procedures for amendments to the Code and the Comprehensive Plan, Henderson Strong. Existing Section 19.6.4 (Comprehensive Plan and Zoning Applications) will be carried forward and reorganized in this Chapter. Alternatively, the procedures for each individual action could be presented in its own chapter, rather than combined into this one chapter.

### Sections:

- 19.27.1 Purpose and Applicability
- 19.27.2 Comprehensive Plan Amendments
- 19.27.3 Development Code Text Amendments
- 19.27.4 Rezoning
- 19.27.5 Master Plan or Planned Unit Development Overlay Amendments

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## Chapter 19.28 Vacations

This Chapter will include requirements for all requests to vacate or abandon public streets or easements. It will carry forward and reorganize the provisions currently located in Section 19.6.8 (Vacations).

### Sections:

- 19.28.1 Purpose and Applicability
- 19.28.2 Type I Vacations
- 19.28.3 Type II Vacations

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## Chapter 19.29 Landscape Maintenance Districts

This Chapter will include standards for the creation of landscape maintenance districts. The existing Subsection 19.6.10.B (Creation of Landscape Maintenance Districts) will be carried forward and reorganized in this Chapter.

### Sections:

- 19.29.1 Purpose and Applicability
- 19.29.2 Application
- 19.29.3 Public Notice
- 19.29.4 Review and Decision
- 19.29.5 Approval Criteria
- 19.29.6 Appeals
- 19.29.7 District Coordination Team
- 19.29.8 Dissolution

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## Chapter 19.30 Enforcement

This Chapter will carry forward and revise procedures in Chapter 19.11 (Enforcement) for enforcement of Code requirements.

### Sections:

- 19.30.1 Purpose
- 19.30.2 Violations
- 19.30.3 Responsibility for Enforcement
- 19.30.4 Enforcement Procedures
- 19.30.5 Remedies

## Part V Interpretation and Definitions

Part V (Interpretation and Definitions) serves as a reference section for previous parts. This Part will be located at the end of the Code and contain three main components: rules for interpretation of the Development Code, use classifications, and definitions of terms. Locating this Part at the end of the Code helps to elevate the most important sections of the Code—the regulations themselves—above the sections primarily serving as a reference tool. This Part's location at the end of the Code, however, maintains the ease with which code users can locate the section when needed.

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### Chapter 19.31 Interpretation of the Development Code

This Chapter will establish and consolidate rules for language, measurement, calculation, and interpretation. It will include items addressed in the existing Sections 19.12.2 (Rules of Interpretation) and 19.12.3 (Rules of Measurement), and Subsection 19.6.10.C (Distance Separation Analysis). Specific rules for performing calculations and measurements that are required to implement the zoning regulations will be included and expanded. Illustrative diagrams and other graphics will be reviewed and revised, and new graphics may be developed and included throughout the Chapter to aid in interpretation of Code provisions. Other rules may also be added to ensure consistent administration and understanding.

#### Sections:

- 19.31.1 Purpose
- 19.31.2 Rules of Interpretation
- 19.31.3 Rules of Measurement

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### Chapter 19.32 Use Classifications

All uses will be listed and described in this Chapter according to the consolidated use classification (e.g., residential, public/institutional uses, commercial, industrial, etc.). A comprehensive list of proposed use classifications will be prepared and reviewed with the draft regulations.

#### Sections:

- 19.32.1 Purpose
- 19.32.2 Classification of Uses
- 19.32.3 Residential Uses
- 19.32.4 Public/Institutional Uses
- 19.32.5 Commercial Uses
- 19.32.6 Industrial Uses

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## Chapter 19.33 Definitions of Terms

A list, or index, of commonly used terms and their definitions will appear in this Chapter.

### Sections:

19.33.1 Purpose

19.33.2 List of Terms

19.33.3 Definitions of Terms



# Appendix 1

## **City of Henderson**

## **Development Code Update**

### **Example Base District Layout**

May 2019

Prepared for:



City of Henderson  
240 South Water Street  
Henderson, NV 89015

Prepared by:



Lisa Wise Consulting, Inc. (LWC)  
983 Osos Street  
San Luis Obispo, CA 93401





## Part II: District Regulations

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### Chapter 19.2 Example Base Zoning Districts

#### Sections:

- 19.2.1 Purpose and Applicability
- 19.2.2 Allowed Land Uses and Permit Requirements
- 19.2.3 Development Standards
- 19.2.4 Supplemental Regulations

---

#### 19.2.1 Purpose and Applicability

- A. The purposes of the Example Base Zoning Districts are to:
  - 1. General purpose...;
  - 2. General purpose...;
  - 3. General purpose...; and
  - 4. General purpose...
- B. Additional purposes of each Example Base Zoning District are as follows.
  - 1. **Example District 1 (D1).** Example District 1 is intended to...
  - 2. **Example District 2 (D2).** Example District 2 is intended to...
  - 3. **Example District 3 (D3).** Example District 3 is intended to...

## 19.2.2 Allowed Land Uses and Permit Requirements

Table 19.2-1 (Land Use Regulations – Example Base Zoning Districts) prescribes the allowed uses and permit requirements for the Example Base Zoning Districts. Section numbers in the “Additional Regulations” column refer to other sections in the Code.

**TABLE 19.2-1: LAND USE REGULATIONS – EXAMPLE BASE ZONING DISTRICTS**

Land Uses	Permit Required by District			Additional Regulations
	D1	D2	D3	
“P” Permitted use; “C” Conditional Use Permit required; “-” Use not allowed; (#) specific limitations listed at the end of the table				
Residential Uses				
Example Use	P	-	-	Cross-reference
Example Use with subclassifications	See subclassifications below			
Example Use subclassification	P(1)	P(1)	P(1)	
Public/Institutional Uses				
Example Use	P	-	-	Cross-reference
Example Use with subclassifications	See subclassifications below			
Example Use subclassification	-	P	C	Cross-reference
Example Use subclassification	P	P	C	Cross-reference
Commercial Uses				
Example Use	-	-	C	
Example Use	C(2)	C(2)	C(2)	
Industrial Uses				
Example Use with subclassifications	See subclassification below			
Example Use subclassification	P	P	P	Cross-reference
Example Use subclassification	C	C	P	Cross-reference

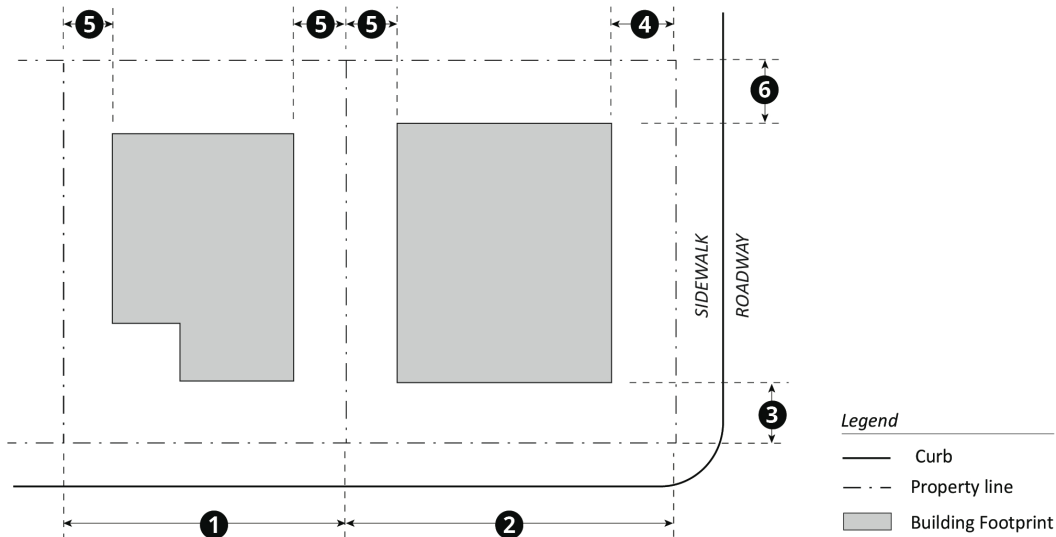
**Table End Note:**

1. Limitations on use.
2. Limitations on use.

### 19.2.3 Development Standards

Table 19.2-2 (Development Standards - Example Base Zoning Districts) prescribes the development standards for the Example Base Zoning Districts. Section numbers in the “Additional Regulations” column refer to other sections in the Code and individual letters refer to subsections that directly follow Table 19.2-2. The numbers in the illustration refer to corresponding regulations on the table, as depicted in the “Key” column.

**TABLE 19.2-2: DEVELOPMENT STANDARDS - EXAMPLE BASE ZONING DISTRICTS**



Standard	D1	D2	D3	Additional Regulations	Key
<b>Lot and Density</b>					
Max. Density (units/acre)	6	12	15		
Min. Lot Size (sq. ft.)	6,000	5,000	5,000	Cross-reference	
Min. Lot Width (ft.)	50	50	50	Cross-reference	①
Min. Corner Lot Width (ft.)	60	65	65		②
<b>Building Height and Placement</b>					
Max. Building Height (ft.)	25(A)	35(B)	35(B)		
Min. Setbacks (ft.)					
Front	20	15	10		③
Corner Side	20	15	10		④
Interior Side	10	10	10		⑤
Rear	20	10	10		⑥
<b>Open Space</b>					
Min. Open Space (sq. ft./unit)	N/A	100	100	Cross-reference	

- A. **Additional Standard A.** Text describing additional development standard.
- B. **Additional Standard B.** Text describing additional development standard.

#### 19.2.4 Supplemental Regulations

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- A. **Supplemental Regulation A.** Text describing supplemental regulations for the Example Base Zoning Districts.
  - 1. *Supplemental Regulation A1.* Text.
  - 2. *Supplemental Regulation A2.* Text.
- B. **Supplemental Regulation B.** Text describing supplemental regulations for the Example Base Zoning Districts.