

City of Henderson

# Development Code Update

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*Administrative Draft*

## Overlay Districts

(Presented as part of Module 3 of the Development Code Update)

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# Introduction

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This report presents draft provisions for Overlay Districts in the Development Code. The Development Code will be organized into 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 – Interpretations and Definitions

This report includes one chapter (Chapter 19.8, Overlay Districts) of Part II – District Regulations.

## Overlay Districts

The Overlay Districts are applied to base zoning districts in situations where modification of permitted uses or required standards is appropriate due to specific conditions, circumstances, or goals. Overlays are often used to regulate areas with special physical characteristics, such as areas near airports, sensitive resource areas, and hillsides. They can be geographically defined and mapped or can apply wherever specific conditions exist.

The regulations presented in this report are intended to address comments from City staff and code users, as well as implement the vision established in Henderson Strong. Overall, the districts and associated regulations have been carried forward with minor text revisions for clarity and consistency with the revised Code framework. Some of the more substantial proposed edits include:

- Reorganizing the Chapter alphabetically in order to provide a layout that is easy to administer and understand; and
- In the Airport Environs Overlay, consolidating the existing Code Section 19.4.3 Airport Environs Overlay (AE) with the regulations in existing Code Section 19.7.12 Airspace Compatibility Requirements, as well as reconciling the use regulations with the new uses.

# Overlay Districts

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## Chapter 19.8 Overlay Districts

### 19.8.1 Purpose and Applicability

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- A. **Purpose.** The Overlay Districts are applied to certain areas of the City with unique characteristics in addition to the standards provided in the base zoning districts. These standards are intended to ensure that proposed uses and projects are compatible with existing and future neighborhoods and uses, and that an environment of desirable character is produced considering the City's unique characteristics.
- B. **Applicability.**
  - 1. The standards in this Chapter apply to all development within an overlay and must be considered in addition to the standards of the base zoning district.
  - 2. If there is a conflict between the standards of a base zoning district and the standards of an overlay district, the standards in the overlay apply. If there is a conflict between any other standards, the most restrictive standard applies.

### 19.8.2 Airport Environs Overlay

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- A. **Purpose.** The specific purpose of the Airport Environs (AE) overlay is to ensure land use compatibility around McCarran International and Henderson Executive Airports and to provide for the safe operation of aircraft by controlling height limits.
- B. **Applicability.** The AE overlay shall include all noise and hazard exposure zones of 60 Ldn (day-night average sound level) and greater.
- C. **Zoning Map Designation.** The AE overlay shall be shown on the zoning map by adding a symbol to indicate the overlay district and shall be shown in written form by adding a designator ("AE") to the base zoning district designation. The creation of and subsequent amendment to any overlay district shall not take effect until the City's zoning map is amended consistent with Section TBD, Comprehensive Plan and Zoning Amendments.

- D. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the AE overlay is applied, subject to the restrictions set forth in Table TBD, Land Use Compatibility in the AE Overlay.

**TABLE TBD: LAND USE COMPATIBILITY IN THE AE OVERLAY**

Land Use	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
<b>Residential Uses</b>								
Household Living								
<i>Dwelling, Multifamily</i>	No	No	No	25	25	35	35	35
<i>Dwelling, Single-Family (<math>\leq 2</math> Du/ac)</i>	No	No	Yes	25	25	30	35	35
<i>Dwelling, Single-Family (<math>\geq 2</math> Du/ac)</i>	No	No	No	25	25	35	35	35
<i>Accessory Dwelling Unit (<math>\leq 2</math> Du/ac)</i>	No	No	Yes	25	25	30	35	35
<i>Accessory Dwelling Unit (<math>\geq 2</math> Du/ac)</i>	No	No	No	25	25	35	35	35
Community Residence	No	No	No	25	25	35	35	35
Manufactured Home Park or Subdivision	No	No	No	25	25	35	35	35
Other Residential	No	No	No	25	25	35	35	35
<b>Public/Institutional Uses</b>								
Airport or Landing Strip, Heliport	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
Cemetery	Yes (1)	Yes (1)	Yes (1)	Yes	Yes	(25)	(30)	(35)
Cultural Institution	No	No	No	Yes	25	30	No	No
Government Office	No	No	Yes (1)	Yes	Yes	25	30	35
Park and Recreation Facility	No	Yes	Yes	Yes	(25)	(30)	(35)	No
Religious Assembly	No	No	No	Yes	25	30	No	No
School	No	No	No	Yes	25	30	No	No
Telecommunication Facility	(Yes)	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
Utility, Minor	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Utility, Major	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes

**TABLE TBD: LAND USE COMPATIBILITY IN THE AE OVERLAY**

Land Use	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
<b>Commercial Uses</b>								
<b>Commercial Recreation and Entertainment</b>								
<i>Indoor Sports and Recreation</i>	No	No	No	Yes (2)	25	30	No	No
<i>Outdoor Recreation and Entertainment</i>	No	No	No	Yes	No	No	No	No
<b>Eating and Drinking Establishment</b>								
<i>Restaurant</i>	No	No	No	Yes	Yes	25	30	35
<i>Restaurant with Bar</i>	No	No	No	Yes	Yes	25	30	35
<i>Tavern</i>	No	No	No	Yes	Yes	25	30	35
<i>Beer or Wine Lounge</i>	No	No	No	Yes	Yes	25	30	35
<b>Office</b>								
<i>Business and Professional</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<i>Medical</i>	No	No	No	Yes	25	30	No	No
<b>Personal Service (2)</b>								
<i>General</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<i>Dry Cleaning Agency</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<i>Massage</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<i>Reflexology</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<i>Tattoo and Body Alteration Studio</i>	No	No	Yes (1)	Yes	Yes	25	30	35
<b>Retail Sales and Service</b>								
<i>General</i>	No	No	Yes	Yes	Yes	25	30	35
<i>Building Materials</i>	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
<i>Food and Beverage Sales, General</i>	No	No	Yes	Yes	Yes	25	30	35
<b>Vehicle/Equipment Related Uses</b>								

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Land Use	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
<i>Vehicle/Equipment Repair</i>	No	Yes (1)	Yes (1)	Yes (1)	Yes (1)	(25)	(30)	(35)
<i>Vehicle Storage</i>	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Visitor Accommodation								
<i>Hotel</i>	No	No	No	Yes	25	30	35	35
<i>Motel</i>	No	No	No	Yes	25	30	35	35
<i>Resort Hotel</i>	No	No	No	Yes	Yes	Yes	No	No
Industrial Uses								
Food and Beverage Manufacturing								
<i>Small Scale</i>	No	No	(Yes)	Yes	Yes	(25)	(30)	(35)
<i>Large Scale</i>	No	No	(Yes)	Yes	Yes	(25)	(30)	(35)
Industry	No	No	No	Yes	Yes	(25)	(30)	(35)
<i>Custom</i>	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
<i>General</i>	No	No	No	Yes	Yes	(25)	(30)	(35)
<i>Limited</i>	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Mining and Processing	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Warehousing, Storage, Wholesaling, and Distribution	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
Miscellaneous Manufacturing	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Agricultural Uses								
Agriculture								
<i>Animal Production</i>	No	Yes	Yes	Yes	(25)	(30)	(35)	No
<i>Crop Production</i>	Yes	Yes	Yes	Yes	(25)	(30)	(35)	(35)
Temporary Uses								
Circuses and Carnivals	No	No	No	Yes	Yes	Yes	No	No

**TABLE TBD: LAND USE COMPATIBILITY IN THE AE OVERLAY**

Land Use	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
Temporary Construction Trailer	No	Yes (1)	Yes (1)	Yes	Yes	(25)	(30)	(35)
Temporary Event	No	No	No	(Yes)	(25)	(30)	No	No
Miscellaneous Uses								
Automotive, Marine & Aircraft Access	No	Yes	Yes	Yes	Yes	25	30	35
Explosives Storage	No	No	No	Yes	Yes	(25)	(30)	(35)
Fishing Activities & Related Services (3)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forestry Activities & Related Services	No	Yes	Yes	Yes	(25)	(30)	(35)	(35)
Golf Courses, Riding Stables & Water Rec.	No	Yes	(Yes)	Yes	Yes	(25)	(30)	(35)
Highway & Street R-O-W	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Motor Vehicle Transportation	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
Nature Exhibitions	No	(Yes)	(Yes)	Yes	Yes	No	No	No
Open Space	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other Trans. Comm. & Utilities	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Railroad, Rapid Rail & Street Railway	No	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Undetermined Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Undeveloped & Unused Land	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unspecified Nonresidential Accessory Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Water Areas (3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

## Key/Notes:

(\*) To be reviewed by City staff and assigned appropriate restrictions.

Yes Land use and related structures allowed without restrictions.

(Yes) No structures in clear zones. No passenger terminals and no major aboveground transmission lines unless allowed by the FAA.

No Land use and related structures are not compatible and are not allowed.

25 Requires a minimum exterior to interior noise level reduction of 25 decibels incorporated into building construction.

30 Requires a minimum exterior to interior noise level reduction of 30 decibels incorporated into building construction.

**TABLE TBD: LAND USE COMPATIBILITY IN THE AE OVERLAY**

Land Use	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
35	Requires a minimum exterior to interior noise level reduction of 35 decibels incorporated into building construction.							
(25)	A minimum exterior to interior noise level reduction of 25 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.							
(30)	A minimum exterior to interior noise level reduction of 30 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.							
(35)	A minimum exterior to interior noise level reduction of 35 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.							
(1)	CUP required; low-intensity facilities only.							
(2)	CUP required; low-intensity uses only (limited scale of concentration of services of such uses). Meeting places (including chapels), auditoriums, etc. not allowed.							
(3)	"Fishing activities & related services" and "water areas" include hunting and fishing.							

E. **Noise Level Reduction Standards.** The noise level reduction standards in HMC Chapter 15.56 shall be used to meet the corresponding interior noise level reduction requirements of Table TBD, Land Use Compatibility in the AE Overlay.

F. **Specific Standards.**

1. **Height Limits.** Height is limited to 35 feet. Height may be allowed above 35 feet if the structure if it is determined that the structure does not:
  - a. Constitute a hazard to air navigation;
  - b. Result in an increase to minimum flight altitudes during any phase of flight; or
  - c. Otherwise pose a significant adverse impact on airport or aircraft operations.
2. **Wireless Communication.** No land use may interfere with electrical radio communication between the airport and the aircraft, make it difficult for flyers to distinguish airport lights, result in glare, impair visibility, or otherwise interfere with or endanger the landing, take off, or maneuvering of aircrafts.
3. **Noise.** Exterior to interior noise level reduction (a minimum of 30 decibels for AE-60 and a minimum of 35 decibels for AE-65) is required where habitable space is greater than 35 feet in height.

G. **Specific Procedures.**

1. **Noise Disclosure.** Noise disclosure is required for all new residential developments or units and condominium conversions within the AE overlay. The disclosure includes:
  - a. A form recorded against the land by the applicant, with copies provided to the City and Clark County Department of Aviation;
  - b. A copy of the recorded form presented to the initial occupant; and
  - c. A map obtained by the applicant from the Clark County Department of Aviation highlighting the project location in relation to associated flight tracks.
2. **Notification of Airport Authority.** Except for alternations and additions to residential uses, the City shall notify the Airport Authority of applications and provide necessary exhibits for any new or expanded uses or developments.
3. **Notification of Federal Aviation Administration.** Notice must be filed with the Federal Aviation Administration (FAA) if specifically requested by the FAA, or if any of the following types of construction or alternations are proposed:
  - a. Greater than 200-foot building height; or
  - b. Any other notification requirement as outline by Title 14, Code of Federal Regulations, Part 77.

### 19.8.3 Gaming Enterprise Overlay

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- A. **Purpose.** The specific purpose of the Gaming Enterprise (G) overlay is to comply with NRS Chapter 463, as amended, by seeking to ensure adequate roads, water, sanitation, utilities, and related services to areas where nonrestricted gaming establishments are proposed. Establishments shall enhance, expand, and stabilize employment and the local economy. Establishments shall not unduly impact public services, consumption of natural resources, the surrounding quality of life, or the surrounding area, and shall not be detrimental to the health, safety, or general welfare of the community.
- B. **Applicability.** The G overlay applies to all development within the City except:
1. An establishment that holds a nonrestricted license for a resort hotel on December 31, 2002; or
  2. A proposed establishment located entirely within the boundary line of a master-planned community of 125 acres or more if, before June 28, 1997, the master-planned

community was initially approved by the local governing body having jurisdiction over the master-planned community and was, in whole or in part, zoned or designated for gaming.

- C. **Zoning Map Designation.** If the City has established one or more G overlay districts, the City shall make available for public inspection a map that shows the location of each G overlay district. The map shall be:
1. Updated at least once every four months by the City; and
  2. A public record subject to the provisions of NRS Chapter 239.
- D. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the G overlay is applied. No new or expanded casinos with nonrestricted gaming shall be approved unless they meet the CUP and hotel room requirements of this Code and the restrictions of HMC Chapter 4.32.
- E. **Property Development Regulations.** Property development regulations shall be the same as those in the base zoning district within which the G overlay is applied unless modified by an approved development plan. Unless otherwise stipulated, no waivers within this Section are allowed.
- F. **Required Plans and Materials.** An application shall be filed with the Community Development and Services Director that contains the following:
1. A completed application form;
  2. A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial, and public uses and zoning districts within 7,500 feet of all boundaries of the subject property;
  3. A concept plan indicating the existing and proposed uses, approximate gross floor area, building coverage, height, parking, and density;
  4. A circulation plan showing proposed streets and the relation to the master plan for streets and highways;
  5. An analysis of any adverse impacts upon surrounding properties and proposed mitigation methods including, but not limited to, construction traffic, noise and other construction-related impacts, post-construction traffic, parking, lighting, and any other impacts associated with the casino operation;
  6. A preliminary development schedule indicating phases and the sequence and timing of development;

7. A plan for extension of public facilities, services, and utilities and for flood control and drainage;
8. The required application fee; and
9. Proof of compliance with the findings below.

G. **Specific Procedures.**

1. **Initiation.** An application to approve a G overlay shall be initiated by a property owner or authorized agent, or by the City, consistent with the requirements below. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted within the application, if applicable.
2. **Notice.** Notice shall be given consistent with NRS and as set forth in this Subsection.
  - a. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment has not been designated a G overlay district, the person may petition the City to designate the location of the proposed establishment a G overlay district.
  - b. If a person files an application to designate the location of a proposed establishment a G overlay district, the City shall, at least 10 days before the date of the hearing of the application, mail a notice of the hearing to:
    - i. Each owner of real property whose property line is fewer than 5,000 feet from the property line of the proposed establishment;
    - ii. Each tenant of a mobile home park whose property line is fewer than 5,000 feet from the property line of the proposed establishment;
    - iii. Any advisory board that represents one or more owners of recreational vehicle property or tenants of a mobile home park whose property line is less than 5,000 feet of the property line of the proposed establishment;
  - c. The notice must be written in language that is easy to understand and must set forth the date, time, place, and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The application shall pay the costs of providing the required notice.

3. **Public Hearing.** Any interested person is entitled to a public hearing. The Commission shall conduct a public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date.
4. **Decision and Notice.** Following close of the public hearing, the Commission shall recommend approval, conditional approval, or denial of the application. The Council shall affirm, deny, or modify the Commission's recommendation at its next regularly scheduled meeting. An affirmative vote of  $\frac{3}{4}$  of the Council shall be required to approve the addition of a G overlay designation to any district.
5. **Limits on Conditions of Approval.** No conditions of approval of a G overlay shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable base zoning districts, unless specifically approved by the Council.
6. **General Findings.** At the hearing, the applicant must prove the following:
  - a. The roads, water, sanitation, utilizes, 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 consistent with NRS Sections 2778.010 to 278.630, inclusive; and
  - 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.
7. **Additional Findings.**
  - a. **Applicability.** The additional findings above shall not apply if:
    - i. A proposed G overlay is located entirely within a Master Plan overlay or Planned Community district of 1,000 acres or more and such Master Plan overlay, Planned Community district, or G overlay would be either:
      - (a) Established on or before January 1, 2008; or
      - (b) Located within a redevelopment district.

- ii. A proposed expansion of an existing G overlay was in existence as of September 18, 2007; and
  - iii. A proposed G overlay is within 1,500 feet of existing or future alignment of the centerline of Las Vegas Boulevard, as amended, contains a minimum of 25 acres, a minimum of 500 hotel rooms and meets all other criteria of a resort hotel as defined by HMC Title 4.
- b. *Findings.* On the date that the application was filed, the applicant must also prove the following additional findings:
- i. The property line of the proposed establishment was at least 5,000 feet from the property line of a developed residential district, as defined in NRS 463.3086(9)(a);
  - ii. The property line of the proposed establishment was at least 5,000 feet from the property line of a public school, private school, or structure used primarily for religious services or worship; and
  - iii. The proposed establishment will not adversely affect:
    - (a) Any developed residential unit with a property line within 7,500 feet of the property line of the proposed establishment; and
    - (b) A public school, private school, or structure used primarily for religious purposes with a property line within 5,000 feet of the property line of the proposed establishment.
- c. *Findings if Deemed Inapplicable.* An application that is inapplicable consistent with the applicability requirements above and therefore not subject to the additional findings above are subject to an alternate set of findings. The applicant must prove the following:
- i. The property line of the proposed establishment was at least 500 feet from the property line of a developed residential district;
  - ii. The property line of the proposed establishment was at least 1,500 feet from the property line of a public school, private school, or structure primarily for religious services or worship; and
  - iii. The proposed establishment will not adversely affect:

- (a) Any developed residential district with a property line within 2,500 feet of the property line of the proposed establishment; and
  - (b) A public school, private school, or structure used primarily for religious purposes with a property line within 2,500 feet of the property line of the proposed establishment.
- 8. **Reapplication.** If the Council denies a petition submitted consistent with this Section, it shall not consider another petition concerning the same location or any portion thereof for one year after the date of denial.
- H. **Appeals.** Appeals of Council decisions on amendments to the G overlay shall be consistent with NRS 463.3088.
- I. **Amendments to G Overlay Plan.** Any amendment to an approved plan shall require a new application and approval consistent with this Code.
- J. **Expiration, Extension, and Transfer.** Unless extended, an approved G overlay shall expire two years from the date of approval, with the following exceptions:
  - 1. The project for which the G overlay was approved is diligently pursuing construction or is completed; and
  - 2. The G overlay runs with the land and automatically transfers to subsequent property owners as long as there is no change in the development plan. Except as specified in Subsections B, C, and D of this Section, any change in the approved development plan will cause the G overlay to expire.
- K. **Development Plan Review.** Following approval of a G overlay, the applicant shall apply for a CUP and specific development plan review. Plans for a project requiring a G overlay shall be accepted for CUP and development plan review only if they are consistent with the approved development plan presented to Commission and Council with the G overlay application and with all other applicable requirements of this Code.

#### 19.8.4 Hillside Overlay

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- A. **Purpose.** The specific purpose of the Hillside (H) overlay is to provide for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare. The H overlay aims to:

1. Determine whether certain conditions exist, such as loose or easily eroded soils or rocky soils that may require blasting and using appropriate engineering technology to ensure stable slopes during and subsequent to development;
  2. Reduce water runoff, soil erosion, and rockslides by minimizing grading and by requiring re-vegetation;
  3. Permit intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns;
  4. Preserve the scenic quality of the desert and mountain environment by identifying and considering sensitive ridgelines in development of hillside areas;
  5. Reduce the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas;
  6. Provide safe and convenient vehicle access by encouraging development on less steeply sloped terrain;
  7. Promote cost-efficient public services by encouraging development on less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services;
  8. Provide specific design criteria for offsite improvements that will reduce grading and site disturbance; and
  9. Recognize the unique characteristics of hillside terrain and promote the placement of building pads that are compatible with hillside terrain.
- B. **Applicability.** The H overlay may be applied to any area identified on the Hillside Regulation Map and/or any area with a 15 percent slope line covering any portion of a lot.
- C. **Zoning Map Designation.** Each H overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator ("H") to the base zoning district designation.
- D. **Specific Standards.** TBD.
- E. **Hillside Development Plan.**
1. *Applicability.*

- a. In addition to compliance with the provisions of this Section, lots within the H overlay with slopes of 15 percent or greater shall be required to prepare a Hillside Development Plan prior to apply for development approvals.
  - b. A slope analysis shall be prepared to determine if a lot is subject to the requirement for a Hillside Development Plan.
  - c. A lot that will be further divided prior to development is subject to the Hillside Development Plan only in areas with 15 percent slope or greater.
  - d. A lot with slopes of 15 percent or more that will not be further divided prior to development is subject to the H overlay on the entire lot.
2. ***Minimum Requirements.*** Hillside development plans shall, at a minimum, include the following information:
- a. The slope analysis;
  - b. A response to the City's Hillside Checklist requirements;
  - c. An Existing Conditions Report (see below);
  - d. A preliminary Hillside Restoration Plan; and
  - e. A three-dimensional model (physical or electronic) that depicts the before-and-after conditions of the proposal. The model does not need to be submitted with the entitlement application but must be provided at the public hearing.
3. ***Existing Conditions Report.*** The Existing Conditions Report must contain the following:
- a. A Native Plant Inventory prepared by a qualified re-vegetation company experienced in Mojave Desert restoration, containing the following:
    - i. An aerial photograph with site boundaries clearly marked;
    - ii. Identification of four, non-adjacent, 25,000 square-foot test areas to determine average plant density for overall site;
    - iii. A plant list identifying plant species and number of plant species in the test area;
    - iv. Identification of area to be disturbed;
    - v. Identification of plants to be salvaged from the disturbed area; and
    - vi. Identification of onsite or offsite plant nursery for salvaged materials.

- b. A photo study depicting the proposed development site prior to development, including all washes and significant topographical features as determined by site walk with staff per Subsection TBD, Specific Procedures, Site Meeting Required, below.
- c. A preliminary grading and drainage study;
- d. Identification of desert washes; and
- e. Identification of protected ridgelines.

F. **Specific Procedures.**

- 1. **Initiation.** The H overlay may be initiated by the Council, Commission, or by a petition of property owners consistent with this Subsection.
- 2. **Site Meeting Required.** Prior to submittal of a hillside development application, the applicant, together with the Community Development and Public Works Parks and Recreation staff members, shall conduct a meeting on the development site to discuss overall site design and constraints.

### 19.8.5 Master Plan Development Overlay

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A. **Purpose.** The specific purposes of the Master Plan Development (MP) overlay are to:

- 1. Ensure orderly planning for the development of large, unsubdivided lots of the City within limited service areas, and in other developing areas, consistent with the Comprehensive Plan;
- 2. Maintain an environmental equilibrium consistent with exiting vegetation, soils, geology, topography, and drainage patterns, and protect sensitive natural resources;
- 3. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands or traffic exceeding the capacity of existing or planned facilities;
- 4. Encourage innovative and sensitive site planning and design with high levels of landscaping and other site amenities;
- 5. Ensure adequate provision of open space, recreational facilities, and other community amenities;
- 6. Encourage high-quality structures in terms of design, materials, and layout;

7. Ensure that transportation links are maintained and enhanced with adjacent developments and other areas in the City; and
  8. Accommodate Traditional Neighborhood Development.
- B. **Applicability.** The MP overlay may apply to any area over 50 acres in size, unless otherwise approved by the Council. The MP overlay may be combined with any base zoning district.
- C. **Zoning Map Designation.** Each MP overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator (“MP”) to the base zoning district designation.
- D. **Specific Standards.**
1. **Modifications.** Unless expressly modified in an approved master development plan, the otherwise applicable regulations of this Code apply within a MP overlay, including the use, intensity, and the subdivision design and improvement standards. A development standards document is required for all proposals with modifications to Code regulations, and for all proposals in the MR district. No land division in an area subject to an MP shall be permitted without an approved master development plan. The Commission may recommend, and the Council approve a master development plan including lots smaller than those required by the base zoning district. Restrictions on the number of dwelling units permitted shall be recorded with a subdivision map prior to issuance of a grading permit.
  2. **Park Acreage.** Park acreage shall be provided at a minimum of 5.5 acres per 1,000 residents in every MP overlay.
- E. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the MP overlay is applied. No new or expanded use may be approved unless a master development plan has been approved. To promote mixed-use development, commercial and residential uses may be combined in any plan, site, or building.
- F. **Required Plans and Materials.** Each MP master development plan shall set forth a land use and circulation system concept that is consistent with the traffic-carrying capacity of surrounding streets, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. Submittal requirements and exhibits shall be the same as a planned unit development application, except that a tentative map shall only be required for an accompanying subdivision or planned unit development.
- G. **Specific Procedures.**

1. ***Initiation.***

- a. The MP overlay may be initiated by the Council, Commission, or by a petition of property owners consistent with this Subsection. If the property is not under a single ownership and all owners agree to the proposed development, all owners shall join the application, and a map showing the extent of ownership shall be submitted within the application, if applicable.
- b. Applications to amend zoning or conditions that are part of an approved MP shall be initiated by the master developer. If there is no master developer with an interest remaining at the time of the amendment, then the authorized representative(s) of the property owner's association, the owner of the property in question, or the City may initiate an application.

2. ***Approval of a Master Development Plan.*** The review and approval procedures for a master development plan are established in Section TBD, To MP or PUD Overlay. In order to approve a master development plan, the Council must make the same findings as are required for a planned unit development.

3. ***Amendments to Adopted Master Development Plan.*** Amendments to adopted master development plans shall be processed as zoning map amendments consistent with the procedures in Section TBD, To MP or PUD Overlay.

4. ***Development Plan Review.*** Plans shall be accepted for design review under Section TBD, Design Review, only if they are consistent with an approved master development plan, a master sign plan (if required), and all the other applicable requirements of this Code.

## 19.8.6 Planned Unit Development Overlay

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A. **Purpose.** The Planned Unit Development (PUD) overlay is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development and other community goals by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
2. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;

3. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
  4. Requiring compliance with development standards that reflect the high level of public investment in adjoining lands; and
  5. Accommodating Traditional Neighborhood Development.
- B. **Developer's Statement of Intent.** Each application for approval of a PUD shall include a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Code and how the proposed development is an improvement over what would otherwise be required by applicable development regulations.
- C. **Specific Standards.** The standards of this Subsection apply to all PUDs unless otherwise expressly provided.
1. **Size.** There is no minimum or maximum size requirement for PUDs.
  2. **Density.** The maximum residential density allowed within a PUD shall be that of the base zoning district.
  3. **Setbacks.** Setbacks shall be provided consistent with the underlying base zoning district unless another minimum setback is expressly approved as part of a PUD.
  4. **Signs.** Unless otherwise expressly provided in this Code, PUDs are subject to the sign regulations in Chapter TBD, Signs.
  5. **Landscaping.** Unless otherwise expressly provided in this Code, PUDs are subject to the landscaping and buffer regulations in Chapter TBD, Landscaping and Screening Standards.
  6. **Parking.** PUDs are subject to the off-street parking and loading standards in Chapter TBD, Parking and Loading Standards.
  7. **Common Open Space.**
    - a. **Minimum Requirements.** All PUDs that include residential dwelling units shall provide common open space consistent with Section TBD, Common Open Space.
    - b. **Management.** A PUD that includes common open space shall be subject to NRS 278A.130 to 278A.190, inclusive.
  8. **Compliance with Zoning District Standards.** Unless otherwise specified in the approval of a PUD, once initial construction is complete, all subsequent development

and construction shall be governed by the underlying zoning district regulations unless otherwise specified in the original approval.

**D. Use Regulations.**

1. ***Residential Base Zoning Districts.*** The following uses may be allowed if approved as part of a PUD that is located in a residential base zoning district, so long as the use is permitted in the underlying base district.
  - a. Detached and attached single-family homes (including mobile and modular homes in trailer estates);
  - b. Multifamily residences, including multi-story residential structures;
  - c. Day care, including limited, large-family, and general facilities;
  - d. Religious assembly;
  - e. Accessory buildings and structures;
  - f. Circulation and parking facilities including lots and garages supporting the PUD;
  - g. Signs including public and private street identification signs;
  - h. Streetlighting and street furniture;
  - i. Underground utilities; and
  - j. Other residential and supporting uses expressly approved as part of the PUD.
2. ***Nonresidential Base Zoning Districts.*** Only uses permitted in the underlying base zoning district are allowed in PUDs that are located in nonresidential base zoning districts.

**E. Specific Procedures.**

1. ***Review and Approval.*** The review and approval procedures for PUDs are established in Section TBD, To MP or PUD Overlay.
2. ***Modifications.*** Unless otherwise expressly allowed by this Section and approved by the Council during the PUD approval process, PUDs are subject to all applicable standards of this Code, including those of the underlying base zoning district. In order to approve modifications of otherwise applicable standards, the Council must find that:

- a. Deviations from applicable base zoning district or subdivision design standards that otherwise would apply are justified by compensating benefits of the PUD that are provided consistent with Section TBD, Compensating Public Benefits.
- b. The PUD includes adequate provisions for utility services and emergency vehicle access.

### 19.8.7 Redevelopment Overlay

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- A. **Purpose.** The purpose of the Redevelopment (RD) overlay is to ensure that redevelopment within designated areas is consistent with all applicable Henderson Redevelopment Plans dated October 4, 1995, and as amended by the Council.
- B. **Applicability.**
  - 1. Provisions of the RD overlay apply to all development within the RD boundary.
  - 2. Except as otherwise specified in the Redevelopment Plan, allowable land uses and land use restrictions of the underlying base zoning district apply.
- C. **Redevelopment Overlay Boundary.** The RD overlay shall be the boundary of the City's redevelopment area, as depicted in the adopted Henderson Redevelopment Plan on the map entitled, "Redevelopment Area," and as amended by the Council.
- D. **Zoning Map Designator.** Each RD overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator ("RD") to the base zoning district designation.
- E. **Required Plans and Materials.** Each application submitted in compliance with requirements of this Section for review by the Community Development and Services Director shall include the same exhibits as required for a design review application, as well as any additional information required by the Community Development and Services Director for thorough review of the application.
- F. **Application Review.**
  - 1. Each application for development with the RD overlay shall be subject to the redevelopment area review procedures of Section TBD, Redevelopment Area Review.
  - 2. The Community Development and Services Director shall review each request, obtain Redevelopment Agency advice when appropriate, and make written findings consistent with provisions established in the Redevelopment Plan.

3. If the Community Development and Services Director finds the proposed project to be in compliance with the Redevelopment Plan, the applicant shall then apply for design review and any other approvals required for the project under this Code.
  4. If the Community Development and Services Director does not find the project in compliance, the applicant shall either withdraw the application, redesign the project to comply or appeal the Community Development and Services Director's decision to the Henderson Redevelopment Agency.
  5. If the Redevelopment Agency upholds the applicant's appeal, the applicant shall then apply for design review and any other approvals required for the project under this Code.
- G. **Redevelopment Regulations Adopted, Amendments.** Amendments to the Redevelopment Plan shall be initiated and processed consistent with NRS 279.

#### 19.8.8 Rural Neighborhood Overlay

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- A. **Purpose.** The intent of this Section is to preserve the rural character of the designated rural neighborhoods by identifying and maintaining the density unique to each of the rural neighborhoods in the City that have some or all of the following characteristics:
1. Populated by residents with common interests in more open-space lifestyles than experienced in urban neighborhoods;
  2. Custom-built homes;
  3. No mandatory Conditions, Covenants, and Restrictions (CC&Rs) or homeowners' associations;
  4. Suitable for keeping and riding horses in a rural residential setting;
  5. Trail access to mountainous areas surrounding the City;
  6. Residential lots large enough to park boats, horse trailers, and other recreational vehicles behind the front setback line and having enough rear-yard area to construct accessory buildings, stables, tack houses, and other horse-related outbuildings;
  7. Residential densities low enough to allow substantially more physical separation between neighboring dwellings than typically found in urbanized areas;
  8. Modified pavement sections and few public streetlights and sidewalks; and

9. Less light pollution from fewer residential nighttime activities and house lighting in general.
- B. **Applicability.** The RN overlay may only be combined with the DH PS, RS-1, and RS-2 districts.
- C. **Zoning Map Designator.** Each RN overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator (“RN”) to the base zoning district designation.
- D. **Initiation.** An application to establish or amend a RN overlay shall be initiated by a property owner or authorized agent, or by the City. For applications not initiated by the City, and if the properties to be added or removed are not under single ownership, all individual owners must join and sign the application before submittal to the City.
- E. **Required Plans and Materials.** A map showing the extent of ownership shall be submitted with each application. The application shall adhere to the following standards:
  1. Each RN overlay shall be a minimum affected area of 160 acres or greater and shall include a state-designated rural neighborhood within its boundaries. Exceptions to the size may be approved by Council.
  2. Each application shall be consistent with the purposes of this Section.
  3. An amendment shall not segment, divide, or create a non-RN island with the RN.
  4. All applications shall show the limits of “Rural Preservation” as defined by state statute. Applications may include more area than that defined by state statute.
  5. Applicants requesting amendments to the RN overlay shall demonstrate that the amendment mitigates any potential significant adverse impacts to the rural neighborhood and the City to the maximum practical extent.
  6. Undeveloped lands outside City corporate boundaries but adjacent to a rural neighborhood as designated by the City shall be subject to the provisions of this Section upon annexation.
  7. Applicants shall hold a neighborhood meeting before applying for a zone change from the City. The meeting shall be conducted at a nearby public facility such as a school, public library, or similar public meeting place. The applicant shall comply with the notification standards set forth in Section TBD, Public Notice.
- F. **Underlying Zoning Districts.**

1. Applications for zoning districts other than DH, RS-1, RS-2, or PS shall require removal of the RN overlay.
  2. Applicants requesting to amend the underlying zoning districts on land designated as RN shall have the burden of demonstrating that the zone change will not have significant adverse impacts on other property in the vicinity of the subject amendment.
- G. **Specific Standards.** The intent of this Subsection is to preserve the rural character of the designated rural neighborhoods by not requiring sidewalks, streetlights, curbs, or gutters on residential streets. The Public Works Parks and Recreation Director shall retain the authority to modify these standards where conditions require. Except as otherwise stated in this Section, land use regulations shall be those of the base zoning district and the following:
1. **Streets.** All streets shall conform to the adopted Master Transportation Plan. Intersections with designated rural roads with modified street sections shall comply with Public Works Parks and Recreation's specifications. For streets not listed on the adopted Master Transportation Plan, unless full dedication was accepted prior to adoption of this ordinance, the right-of-way on each residential street shall be maintained at 60-foot width, and the improvements therein shall be as follows:
    - a. Each street shall have a pavement width of minimum 32 feet as measured 16 feet respectively on either side of the centerline of right-of-way;
    - b. The remaining right-of-way on either side shall be reserved for equestrian and trail use;
    - c. Revocable or other use permits may be granted in the right-of-way on either side of the pavement;
    - d. Sidewalks shall not be required in the remaining right-of-way; and
    - e. Streetlights shall not be required.
  2. **Trails.**
    - a. Connectivity and accessibility between trail systems within rural neighborhoods and consideration for trailhead sites is encouraged.
    - b. Trailheads shall be located in a manner that will direct vehicular traffic onto arterial roadways rather than imposing on rural neighborhood streets.
- H. **Exceptions.**

1. If a conflict occurs between the provisions set forth in this Section and an approved neighborhood plan as defined by the Comprehensive Plan, the neighborhood plan shall control.
2. According to the provisions of NRS Section 278.251, the state regulations necessary to maintain the rural character of neighborhoods shall expire on June 1, 2004. Thereafter, the regulations of the RN shall control.

### 19.8.9 Sensitive Lands Overlay

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- A. **Purpose.** The purpose of the Sensitive Lands (SL) overlay is to protect and enhance the visual and environmental quality of designated areas such as the area referred to as the Sloan Canyon National Conservation Area Gateway. The specific purposes of the SL overlay are to ensure that:
1. Sites are developed with due regard to protecting the environmental qualities of the natural terrain and landscape including protection of native vegetation, wildlife habitat, and riparian areas, and that land disturbance is kept to minimum to preserve and enhance the natural resources and visual quality of a site;
  2. Development avoids natural hazard areas;
  3. Structures, including roads, do not block or intrude adversely into significant views to and from the site. The scenic quality of the desert and mountain environment is preserved by designing structures and roads to be compatible with the natural topography;
  4. Development is properly related to its site and surrounding landscape, and structures are compatible with their surroundings;
  5. Natural open space, landscaping, parking, and other site features are designed to enhance the visual and physical use of the property and to screen visually intrusive uses;
  6. Natural drainage channels are integrated into a system of protected, multiple purpose natural open space;
  7. Multi-jurisdictional, regional planning, and collaboration are pursued to enhance the visual and physical use of the property as well as to ensure the safety of residents and visitors;

8. Development is oriented to maximize visibility and accessibility by minimizing the use of walls, fronting natural open space with streets, trails, parks, and/or other public places; and
  9. Development shall be consistent with principles in the Comprehensive Plan, including but not limited to providing a balance of nonresidential and residential uses; unique building characteristics to promote variety; internal and external connectivity through streets, sidewalks, and trails, as well as within subdivisions; integrated natural open spaces and natural features within built places; landscaping that reflects the desert environment; energy efficiency in building design to conserve resources; as well as other applicable principles.
- B. **Applicability.** This Section applies to all lands and proposed development located within any area designated a SL overlay.
- C. **Zoning Map Designator.** Each SL overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator (“SL”) to the base zoning district designation.
- D. **Designation of SL Overlay.**
1. The SL overlay shall be established in compliance with the rezoning procedures of Section TBD, Rezoning, as modified by the standards and procedures in this Section.
  2. Upon its own initiative or upon recommendation by the Commission, the Council may, in addition to any existing base zoning district, apply the SL overlay to any area or property. In designating such area, the Council shall enumerate the significant natural and visual attributes justifying such designation and apply standards, uses, and densities consistent with the procedures established in this Section.
  3. Designation as a SL overlay may be required as a condition for approving any request for a rezoning, CUP, PUD, master plan, or any discretionary land use development application.
  4. If requested by the applicant, a zoning map amendment to the SL overlay and promulgation of standards, uses, and densities may be processed simultaneously with other forms of required development approvals, as set forth in Section TBD, Simultaneous Processing.
- E. **Specific Standards.**

1. Prior to designation of an area or property as a SL overlay, the Council shall direct the Community Development and Services Director to undertake such studies as are necessary to establish development review standards, appropriate uses, and densities for the overlay. These standards, uses, and densities shall be consistent with the purposes set forth in this Section and necessary to protect the significant natural and visual attributes of the overlay enumerated by the Commission or Council in proposing the overlay. Such studies may include environmental, traffic, design, and visual analyses.
2. The Community Development and Services Director shall, based on such studies, propose the boundaries of the overlay, development review standards, and a list of appropriate uses and densities of development. Such standards may address all aspects of development necessary to achieve the purposes of this Section and to protect the significant natural and visual attributes of the overlay including but not limited to:
  - a. Building design, including materials, colors, architectural detail, massing, and other exterior design features of any structure;
  - b. Dimensional attributes of structures including height limits and setbacks;
  - c. The location of structures on a site;
  - d. Landscaping;
  - e. Mean of illumination;
  - f. Fencing, screening, and buffering;
  - g. Vegetation protection;
  - h. Accessibility and circulation;
  - i. Minimization of grading activities;
  - j. Establishment of protected, natural open space;
  - k. Storm drainage and trails; and
  - l. Signage and gateway community features.
3. The Commission shall review such proposed overlay boundaries, design standards, uses, and densities and make a recommendation to Council for final approval simultaneous with designation of a SL.

- F. **Specific Procedures.** Any application for development in a SL overlay shall comply with the required study referenced in this Section or any applicable development agreement.

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