

ORDINANCE NO. 2484  
(ZOA-06-680002 – April 2006 Development Code Update)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,  
NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE BY  
AMENDING SECTIONS 19.2, 19.3, 19.4, 19.5, 19.6, AND 19.7 TO MAKE  
MINOR CORRECTIONS, REVISIONS, AND UPDATES AS NECESSARY.

WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and

WHEREAS, it is necessary to make minor corrections, revisions, and updates to the zoning ordinance from time to time.

THEREFORE, the City Council of the City of Henderson, Nevada, does ordain as follows:

SECTION 1. Henderson Development Code Chapter 19.2 is hereby amended as follows:

Chapter 19.2/ Development Review Procedures

Sec. 19.2.1/ General

E. Notices

2. Written (Mailed) Notice

- a. Comprehensive Plan Map Amendments, Conditional Use Permits (not involving alcohol sales as a primary business and not involving hazardous substances regulated by NRS 278.147), and Variances

For Comprehensive Plan map amendments, conditional use permits not involving alcohol sales as a primary business and not involving hazardous substances regulated by NRS 278.147, for which more extensive notice procedures apply (see Sec. 19.10.7.E), and variances, notice shall be mailed to:

Sec. 19.2.5/ Land Divisions

A. Parcel Maps

3. Community Development Director Review and Decision

The Community Development Director shall review each proposed parcel map and distribute the application to other review agencies, including [those] the same agencies required for tentative maps by NRS 278.335. Based on the results of those reviews, the Community Development Director shall, within 45 days of a complete application, act to approve, approve with conditions or deny the application, based on whether it complies with the standards of this Development Code and NRS Chapter 278. Failure to take action within 45 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.

6. Appeals

Appeals of the Community Development Director's decision on parcel map application shall be taken to the Planning Commission in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

D. Tentative Maps

1. Applicability

Tentative maps shall be required for all nonexempt subdivisions consisting of five or more lots, except for large parcel divisions. The property included within the boundaries of the proposed tentative map shall coincide with platted lands and/or deed boundaries, or must be platted prior to the recordation of the first final map.

6. Appeals

Appeals of the Planning Commission's decision on tentative maps shall be taken to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

7. Lapse of Approval

a. An approved tentative map shall lapse and be of no further force and effect two years after the date of tentative map approval by the Planning Commission unless:

(2) The first of a series of final maps covering a portion of the approved tentative map has been recorded. The subdivider shall present a successive map in a series of final maps, each covering a portion of the approved tentative map, within successive one-year periods after the date of [approval] recordation of the latest final map in the series.

b. If the subdivider fails to record a final map for any portion of the tentative map within two years after the date of approval of the tentative map or within one year after the date of [approval] recordation of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

E. Final Maps

9. Appeals

Appeals of the Community Development Director's decision on final maps shall be taken to the Planning Commission in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

F. Reversions to Acreage

6. Appeals

Appeals of the Community Development Director's decision on reversions to acreage shall be taken to the Planning Commission in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.8/ Conditional Use Permits (Discretionary)

J. Appeals

Appeals of the Planning Commission's decision on conditional use permits shall be taken to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

M. Extensions of Time

The Community Development Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for

the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.9/ Temporary Use Permits

G. Appeals

Appeals of the Community Development Director's decision to deny a temporary use permit shall be taken to the Planning Commission in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.10/ Design Review

E. Appeals

Appeals of the Community Development Director's decision shall be taken to the Planning Commission and appeals of the Planning Commission's decision shall be taken to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.12/ Master Sign Plans and Sign Permits

A. Master Sign Plans

4. Appeals

Appeals of the Planning Commission's decision on a master sign plan shall be taken to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.13/ Administrative Adjustments

H. Appeals

Appeals of the Community Development Director's decision on an administrative adjustment shall be taken to the Planning Commission, in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.14/ Variances

A. Applicability

1. Site or lot area, lot width, setback, height, building coverage, structure spacing or dwelling size.
2. Any of the landscaping and buffering standards of Sec. 19.10.2.
3. Any of the off-street parking and loading standards of Sec. 19.10.1.
4. Any of the sign standards of Sec. 19.11.
5. Any of the performance standards of Sec. 19.10.7.
- [6. Any of the development standards referenced in Sec. 19.6.9.D.25.d.]

J. Appeals

Appeals of the Planning Commission's decision on variances shall be taken to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

M. Extensions of Time

The Community Development Director may renew or extend the time of a variance when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed

to the City Council in accordance with the [Type I] appeal procedures of Sec. 19.2.16.

Sec. 19.2.15/ Written Interpretations

E. Appeals

Appeals of the Community Development Director's written interpretation shall be taken to the Planning Commission in accordance with the [Type II] appeal procedures of Sec. 19.2.17. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

Sec. 19.2.16/ [Type I] Appeals

A. Applicability

The [Type I] appeal procedures of this section shall apply only when the provisions of this Development Code state that [a Type I] an appeal applies.

[C]D. Appeals of the Decision of the Community Development Director

The Planning Commission shall have the authority to hear and decide all [Type I] appeals of decisions of the Community Development Director. [Type I a] Appeals shall be filed with the Community Development Director within nine days of the date that the City Clerk received written notice of the decision [being] to be appealed. The Planning Commission shall consider the appeal as a new matter and act to approve, approve with conditions or deny the application. The requirements for hearings, notices, and approval criteria shall be the same as required of the original action before the Community Development Director. The Planning Commission's decision on [a Type I] an appeal of a decision of the Community Development Director may be appealed to the City Council.

[D]E. Appeals of Planning Commission Decisions

The City Council shall have the authority to hear and decide all [Type I] appeals of decisions of the Planning Commission. Such appeals shall be filed with the Community Development Director within nine days of the date that the City Clerk received written notice of the Planning Commission's final action. The City Council shall consider the appeal as a new matter and act to affirm, modify, or reverse the Planning Commission decision within 45 days of the end of the appeal period. The City Council's decision is final for the purpose of judicial review. The requirements for hearings, notices, and approval criteria shall be the same as required of the original action before the Planning Commission. Appeals of the City Council's decision on [Type I] appeals shall be made in district court within 25 days of the date of filing of notice of the decision with the City Clerk.

[E]C. Effect of Filing

Once a complete application for [a Type I] an appeal has been received by the Community Development Director, no other development approvals or permits will be issued for the subject property pending a decision on the appeal, unless it is determined that such a "hold" on permits and approvals would cause immediate peril to life or property.

[Sec. 19.2.17/ Type II Appeals

- A. Applicability  
All appeals of written interpretations of the Community Development Director (including written decisions on home occupation permit applications) shall be processed as Type II appeals, in accordance with the standards of this section.
- B. Standing to Appeal  
Appeals may be filed by "Parties of Record" (see Sec. 19.2.1.J).
- C. Application Filing  
Applications for all Type II appeals shall be submitted to the Community Development Director.
- D. Timing  
All Type II appeals shall be filed within nine days of the date that the City Clerk received written notice of the written interpretation being appealed. (See also Sec. 19.2.1.E.6.)
- E. Appeals of [the Decision] Written Interpretations of the Community Development Director  
The Planning Commission shall have the authority to hear and decide all [Type II] appeals of written interpretations of the Community Development Director. [Type II a] Appeals shall be filed with the Community Development Director within nine days of the date that the City Clerk received written notice of the written interpretation [being] to be appealed. In acting on the appeal, the Planning Commission shall grant to the Community Development Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The Planning Commission's decision on [a Type I] an appeal may be appealed to the City Council.
- [F]G. Appeals of Planning Commission Decisions on Written Interpretations  
The City Council shall have the authority to hear and decide all [Type II] appeals of decisions of the Planning Commission. Such appeals shall be filed with the Community Development Director within nine days of the date that the City Clerk received written notice of the Planning Commission's final action. The City Council shall consider the appeal as a new matter and shall grant to the Community Development Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The City Council shall affirm, modify, or reverse the Planning Commission's decision within 45 days of the end of the appeal period. The City Council's decision is final for the purpose of judicial review. Appeals of the City Council's decision on [Type II] appeals shall be made in district court within 25 days of the date of filing of notice of the decision with the City Clerk.
- [G]H. Notice of Decision  
Within five days of a decision on an appeal of a written interpretation, the Community Development Director shall mail notice of the decision to the appellant and all other parties who have made a written request for notification.
- [H]I. Effective Date  
Decisions of the Planning Commission on [Type II] appeals shall become effective 10 days after the date that the City Clerk received written notice

of the Planning Commission's approval of the [Type II] appeal unless a new appeal to City Council is filed. Decisions of the City Council on [Type II] appeals shall become effective upon the date of the decision.

**[I]J. Successive Applications**

**SECTION 2.** Henderson Development Code Chapter 19.3 is hereby amended as follows:

**Chapter 19.3/ Residential (R) Zoning Districts**

**Sec. 19.3.3/ Allowed Uses**

**Table 19.3.3.1**

**Principal Uses Allowed in Residential Districts**

| Category                          | Specific Use  | Zoning Districts |          |          |          | Additional Regulations (apply in all districts unless otherwise stated) |
|-----------------------------------|---|------------------|----------|----------|----------|---|
|                                   |   | RS               | RM       | RH       | RX       |   |
| Residential                       |   |                  |          |          |          | 8   |
| Single-Family Residential         | Single-Family Residence -Detached                   | 1, 10            | 1, 10    | N        | 1, 10    | Subject to Sec. 19.7.2.F  |
|                                   | Single-Family Residence -Attached                   | 1, 10            | 1, 10    | 1, 10    | 1, 10    | In RS-1A District, only single-family detached allowed                  |
|                                   | Single-Family Residential Accessory Living Quarters | C 7              | N        | N        | N        |   |
|                                   | Single-Family Residential Guest House               | C 7              | N        | N        | N        |   |
|                                   | <u>Short-Term Vacation Rental</u>                   | <u>N</u>         | <u>N</u> | <u>N</u> | <u>N</u> |   |
| Institutional, Public, Semipublic |   |                  |          |          |          | 8   |
| Wireless Communication Facilities | <u>Alternative Tower Structures</u>                 | C                | C        | C        | C        | Subject to Section 19.10.12.E.1.g                                       |

**Sec. 19.3.4/ Intensity and Dimensional Standards**

**Table 19.3.4.1**

**Residential District Intensity and Dimensional Standards**

| Site Development Standard | Zoning Districts |    |    |    | Additional Regulations |
|---------------------------|------------------|----|----|----|------------------------|
|                           | RS               | RM | RH | RX |                        |

| Site Development Standard | Zoning Districts   |   |     |     | Additional Regulations |
|---------------------------|--|---|-----|-----|------------------------|
|                           | RS   | RM  | RH  | RX  |                        |
| Floor Area Ratio (FAR)    | RS-1A=N/A<br>RS-2=N/A<br>RS-6=N/A<br>[RS-6 PUD lots less than 6,000 sq. ft.=0.4] | RM-16 (Multifamily)=N/A<br>RM-8-E & RM-10-E=N/A | N/A | N/A |                        |

SECTION 3. Henderson Development Code Chapter 19.4 is hereby amended as follows:

Chapter 19.4/ Nonresidential Zoning Districts

Sec. 19.4.2/ Commercial Districts/District Purposes

- C. CC, Community Commercial District  
To provide sites for community and regional retail shopping centers containing a wide variety of commercial establishments including retail stores and businesses selling home furnishings, apparel, durable goods and specialty items; restaurants; commercial recreation; service stations; and business, personal, and financial services. The CC District is most appropriate along Boulder Highway, Lake Mead [Drive] Parkway, and other locations adjacent to the intersection of two arterials as depicted on the Henderson Master Streets and Highways Plan or the intersection of a major arterial and a beltway interchange.

Sec. 19.4.3/ Allowed Uses (Commercial Zoning Districts)

Table 19.4.3.1  
Uses Allowed in Commercial Districts

| Category                          | Specific Use | Zoning Districts |               |         |          |          |          |         | Additional Regulations<br>(apply in all districts unless otherwise stated) |
|-----------------------------------|--------------|------------------|---------------|---------|----------|----------|----------|---------|--|
|                                   |              | CN               | CO            | CC      | CH       | CT       | CA       | CM      |  |
| Residential                       |              |                  |               |         |          |          |          |         | [29]28   |
| Institutional, Public, Semipublic |              |                  |               |         |          |          |          |         | [29]28   |
| Day Care                          | General      | C<br>[9]<br>19   | C<br>10<br>19 | C<br>19 | C<br>19  | C<br>19  | N        | C<br>27 |  |
| Commercial                        |              |                  |               |         |          |          |          |         | [29]28   |
| Bail Bond Brokers                 |              | N                | N             | N       | N        | N        | N        | N       | [28]   |
| Laboratories                      |              | [N]<br>P         | [C]<br>P      | P       | [N]<br>P | [N]<br>P | N        | P<br>27 |  |
| Maintenance and Repair Services   |              | C                | C<br>10       | P       | P        | P        | 11<br>26 | P<br>27 |  |

|                                     |                                     |    |                |                 |                 |    |          |          |  |
|-------------------------------------|-------------------------------------|----|----------------|-----------------|-----------------|----|----------|----------|--|
| Pawnshops                           | General                             | N  | N              | C<br>[31]<br>30 | C<br>[31]<br>30 | N  | N        | N        |  |
|                                     | Auto-Exclusive                      | N  | N              | N               | N               | N  | N        | N        |  |
| Personal Services                   | Dry-Cleaning Agencies               | 20 | C<br>[9]<br>10 | 20              | 20              | 20 | N        | P<br>27  |  |
|                                     | General                             | P  | P              | P               | P               | P  | N        | P<br>27  |  |
|                                     | Massage Studios                     | 21 | N              | 21              | 21              | 21 | 21<br>26 | 21<br>27 |  |
| Retail Sales/<br>Rental             | General                             | P  | C<br>[9]<br>10 | P               | P               | P  | N        | P<br>27  | Vehicle repairs permitted only as a conditional use; see HMC 4.36                                  |
|                                     | Holiday Sales                       | P  | N              | P               | P               | P  | 26       | P<br>27  | Only on fully improved, paved lots unless otherwise approved by the Community Development Director |
|                                     | Outdoor Display Sales               | P  | N              | P               | P               | P  | 26       | P<br>27  | 17   |
|                                     | Pharmacy                            | P  | C<br>[9]<br>10 | P               | P               | P  | N        | P<br>27  | Subject to compliance with Sec. 19.10.7.G.2.a; see HMC 4.36; See Sec. 19.10.4                      |
|                                     | Pharmacy with Drive-Through Service | 9  | 9              | 9               | 9               | 9  | 9<br>26  | N        |  |
|                                     | Secondhand Goods                    | C  | N              | C               | N               | N  | N        | N        |  |
|                                     | Swap Meets, Recurring               | N  | N              | C               | C               | N  | N        | N        |  |
| Vehicle/Equipment Sales and Service | [Automobile Rentals                 | N  | C              | P               | P               | C  | 26       | C<br>27  | In CO and CT only inside a hotel or motel-freestanding rental offices not allowed in CO and CT]    |
|                                     | Car Wash, Attended                  | N  | N              | P               | P               | N  | 26       | N        |  |
|                                     | Car Wash, Unattended                | N  | N              | C               | P               | N  | 26       | N        |  |



|                        |  |       |       |         |           |       |         |      |  |
|------------------------|--|-------|-------|---------|-----------|-------|---------|------|--|
|                        | Commercial Parking Facility                    | N     | C     | C       | C         | N     | N       | C 27 | In CO only with principal office use   |
|                        | Fleet Fueling Station                          | N     | N     | N       | C         | N     | N       | N    |  |
|                        | Limited Rentals                                | C     | N     | P       | P         | N     | N       | N    |  |
|                        | Service Stations                               | C [9] | N     | C       | P         | C     | 26      | N    | Vehicle repairs allowed only as a conditional use in all districts; see also Sec. 19.7.2.L   |
|                        | Vehicle/Equipment Repair                       | N     | N     | C 13    | 14        | N     | 14 26   | N    |  |
|                        | Vehicle/Equipment Sales, Auctions, and Rentals | N     | [N] C | 15      | 15        | [N] C | 26      | N    | <u>Automobile rentals in CO and CT allowed only inside a hotel or motel. Freestanding rental offices not allowed in CO and CT.</u> |
|                        | Vehicle Storage                                | N     | N     | [30] 29 | C [30] 29 | N     | [30] 29 | N    |  |
| Visitor Accommodations | Hostels  | N     | N     | N       | 23        | N     | N       | N    |  |
|                        | Hotels   | C     | C     | P       | P         | P     | 26      | C 27 | [9; s] See HMC 4.36<br>See Sec. 19.7.2.K for uses with live entertainment  |
|                        | Motels   | C     | C     | P       | P         | P     | 26      | C 27 |  |
|                        | Time-Share Projects                            | N     | N     | N       | N         | C 1   | N       | C 27 |  |

G. Additional Use Standards

10. Day Care, Eating and Drinking Establishments, Food and Beverage Sales (Convenience Markets and All Other), [Home and

- Business Services,] Maintenance and Repair Services, Personal Services (Dry-Cleaning Agencies), Retail Sales/Rental (General and Pharmacy), Travel Services, in CO District
- [28]. Bail Bond Brokers, Pawnshops, and Tattoo and Body Alteration Parlors  
Business licenses for existing pawnshops and tattoo and body alteration parlors in the CD District shall lapse on January 1, 2003, unless relocated to a zoning district that permits such use.]
- [29]28. Project of Significant Impact**
- [30]29. Vehicle Storage**
- [31]30. Pawnshops, General**
- [32]31. Check-Cashing and/or Deferred Deposit Service**
- [33]32. Distance Limitations for Alcoholic Liquor Uses**
- [34]33. Proximity of Taverns**

Sec. 19.4.6/ Allowed Uses (Industrial Districts)

Table 19.4.6.1  
Uses Allowed In Industrial Districts

| Category                               | Specific Use                        | Zoning District |           |    | Additional Regulations<br>(apply in all districts unless otherwise stated)      |
|--|-------------------------------------|-----------------|-----------|----|---|
|  |                                     | IL              | IG        | IP |   |
| Commercial                             |                                     |                 |           |    | 17  |
| Offices                                | Business and Professional           | 15              | [N]<br>15 | 15 |   |
| Industrial                             |                                     |                 |           |    | 17  |
| Industry                               | Custom                              | P               | P         | P  | See Sec. 19.4.6.H and see Sec. 19.10.7.E for uses involving hazardous materials |
|  | General                             | 5               | P         | 6  |   |
|  | Limited                             | P               | P         | P  |   |
|  | Research and Development [Services] | P               | P         | P  |   |
|  | Small-Scale                         | P               | P         | P  |   |
| Wholesaling, Distribution, and Storage | Trucking Terminals                  | 7               | P         | 8  |   |
|  | Small-Scale                         | P               | P         | P  |   |
|  | General                             | 7               | P         | 8  |   |

SECTION 4. Henderson Development Code Chapter 19.5 is hereby amended as follows:

Chapter 19.5/ Downtown Zoning Districts

Sec. 19.5.3/ Allowed Uses (Downtown Zoning Districts)

Table 19.5.3.1  
Uses Allowed in Downtown Districts

| Category                                | Specific Use               | Zoning Districts |     |     |     |               |    | Additional Regulations<br>(apply in all districts unless otherwise stated)   |
|---|----------------------------|------------------|-----|-----|-----|---------------|----|--|
|   |                            | DRL              | DRM | DRH | DCC | DHC           | DP |  |
| Commercial                              |                            |                  |     |     |     |               |    |  |
| Breweries                               | Brew Pub                   | N                | N   | N   | P   | P<br>14<br>15 | N  |  |
| Commercial Recreation and Entertainment | General                    | N                | N   | N   | P   | P<br>14       | N  | See HMC 4.36<br>See Sec. 19.7.2.K for uses with live entertainment   |
|   | Limited                    | N                | N   | N   | P   | P<br>14       | N  |  |
| Convenience Markets                     |                            | N                | N   | N   | P   | P<br>14       | N  | See HMC 4.36   |
| Eating and Drinking Establishments      | Restaurant                 | N                | N   | N   | P   | P             | N  | See Secs. 19.7.2.J & 19.10.5.A for uses with outdoor seating; see HMC 4.36<br>See Sec. 19.7.2.K for uses with live entertainment |
|   | Restaurant with Bar        | N                | N   | N   | P   | P<br>14       | N  |  |
|   | Supper Club                | N                | N   | N   | P   | P<br>14<br>15 | N  |  |
|   | Tavern                     | N                | N   | N   | C   | C<br>14<br>15 | N  |  |
|   | With Drive-Through Service | N                | N   | N   | N   | C             | N  | See Secs. 19.7.2.I, 19.7.2.J & 19.10.5.A for uses with outdoor seating; see HMC 4.36   |
|   | With Take-Out Service      | N                | N   | N   | P   | P             | N  |  |
| Food and Beverage Sales                 | General                    | N                | N   | N   | P   | P             | P  | See HMC 4.36   |
|   | Liquor Stores              | N                | N   | N   | C   | C<br>14       | N  |  |
| Retail Sales/<br>Rental                 | General                    | N                | N   | N   | P   | P             | N  | Only on fully improved, paved lots unless otherwise approved by the Community Development Director                               |
|   | Holiday Sales              | N                | N   | N   | P   | P             | N  |  |

| Category                            | Specific Use                                   | Zoning Districts |     |     |      |      |    | Additional Regulations<br>(apply in all districts unless otherwise stated)                 |
|-------------------------------------|--|------------------|-----|-----|------|------|----|--|
|                                     |  | DRL              | DRM | DRH | DCC  | DHC  | DP |  |
|                                     | Outdoor Display Sales                          | N                | N   | N   | P    | P    | N  | See Sec. 19.11.5 for outdoor display regulations.  |
| Vehicle/Equipment Sales and Service | [Automobile Rentals                            | N                | N   | N   | 12   | P    | N] |  |
|                                     | Car Wash, Attended                             | N                | N   | N   | 12   | P    | N  |  |
|                                     | Car Wash, Unattended                           | N                | N   | N   | N    | P    | N  |  |
|                                     | Commercial Parking Facility                    | N                | N   | P   | 11   | P    | P  |  |
|                                     | Service Stations                               | N                | N   | N   | N    | P    | N  | Vehicle repairs allowed only as a conditional use in all districts; see also Sec. 19.7.2.L |
|                                     | Vehicle/Equipment Repair                       | N                | N   | N   | C 12 | N    | N  |  |
|                                     | Vehicle/Equipment Sales, Auctions, and Rentals | N                | N   | N   | C 12 | [N]C | N  |  |
|                                     | Vehicle Storage                                | N                | N   | N   | C 12 | N    | N  |  |

G. Additional Uses Standards

10. Massage Studio

Permitted only as a secondary use incorporated in or occupying space on the premises of a hotel, beauty shop, athletic club or other similar general personal service or personal improvement service facility, which is the primary use at the location. Massage studios are prohibited as a primary use in the DCC District [and DHC Districts]. These additional use standards do not apply to chair massage therapists who may operate in accordance with the home occupation procedures in Sec. 19.7.3.D.

14. Distance Limitations for Alcoholic Liquor Uses

- a. For purposes of the table in subsection B of this section, alcoholic liquor uses and certain types of businesses shall be categorized as follows:  
(1) Category I

- (a) Tavern
- (b) Nonprofit club
- (c) Billiard hall
- (2) Category II
  - (a) Restaurant with bar
  - (b) Nonrestricted/limited gaming
  - (c) Convenience store
- (3) Category III
  - (a) Full on-sale
  - (b) Full off-sale
  - (c) Beer, wine, and spirit-based products on-sale
  - (d) Beer, wine, and spirit-based products off-sale

Catering, wholesale/import, and gift basket alcoholic liquor uses are not subject to the requirements contained in the following table:

- b. No liquor use shall be approved unless it complies with the limitations set forth in the following table, unless otherwise provided for in subsection E of this section.

Table 19.5.3.2  
Liquor Use Separation Requirements

|                    | <u>STANDARD</u> | <u>CATEGORY I</u>  | <u>CATEGORY II</u> | <u>CATEGORY III</u> |
|--------------------|-----------------|--------------------|--------------------|---------------------|
| <u>School Site</u> | <u>B</u>        | <u>*1,000 feet</u> | <u>*1,000 feet</u> | <u>*500 feet</u>    |
|                    | <u>VTD</u>      | <u>*1,500 feet</u> | <u>*1,500 feet</u> | <u>1,500 feet</u>   |
| <u>Religious</u>   | <u>B</u>        | <u>NA</u>          | <u>NA</u>          | <u>NA</u>           |
| <u>institution</u> | <u>VTD</u>      | <u>1,500 feet</u>  | <u>1,500 feet</u>  | <u>1,500 feet</u>   |
| <u>Day care</u>    | <u>B</u>        | <u>NA</u>          | <u>NA</u>          | <u>NA</u>           |
|                    | <u>VTD</u>      | <u>500 feet</u>    | <u>200 feet</u>    | <u>200 feet</u>     |

B = Buffer zone

VTD=Vehicle Travel Distance separation

NA = Not applicable

\* = Conditional use permit not permitted to penetrate the buffer zone and/or the vehicle travel distance restrictions set forth. Only Category III liquor use may apply for a conditional use permit to waive the VTD requirements.

- c. It is unlawful to sell, serve or distribute any alcoholic liquor within a 1000-foot buffer zone from a sexually oriented business.
- d. Approval of a conditional use permit pursuant to this Title does not guarantee or constitute approval of any liquor license.
- e. Notwithstanding any other provision to the contrary, waivers of the buffer zone and/or the vehicle travel

- distance restrictions may be applied for and considered if the applicant can demonstrate that adequate barriers exist between the school site or religious institution and the proposed license location. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.
- f. The distance limitations set forth in this section do not apply to liquor uses located within the DCC zone.
- g. A conditional use permit for liquor uses and a waiver of the vehicle travel distance are required for any proposed Category I through III liquor license location that would be within the vehicle travel distance for religious institutions; or a Category I, II or III liquor license location that would be within the vehicle travel distance of a day care facility.
- h. For purposes of the buffer zone and the vehicle travel distance measurements, school sites and religious institutions located in adjacent jurisdictions must be taken into consideration.
- i. Brew Pubs are subject to the following conditions:
- (1) A freestanding brew pub or independently owned brew pub located within a non-restricted or limited gaming location shall be licensed as a tavern.
  - (2) The operation of a brew pub located in and owned or operated by a non-restricted or limited gaming licensee shall be covered under the licensee's non-restricted/limited gaming liquor license.
- j. For purposes of the vehicle travel distance measurement, accommodation facilities located within or operated as part of limited or non-restricted gaming locations are to be exempt. (Ord. 2156 § 30, 2003; Ord. 1896 § 1 (part), 1999; Ord. 1627 § 4, 1995; Ord. 1541 § 1 (part), 1995)

15. Proximity of Taverns

- a. The health, safety, morals, and welfare of the inhabitants of the city are best promoted and protected by requiring a separation between certain liquor uses. A tavern use shall not be issued unless the prospective tavern is not less than 2000 feet as measured by the shortest line between the space to be occupied by the proposed tavern and the occupied space of the nearest existing tavern or another proposed tavern, regardless of the jurisdiction in which it is located. The following circumstances may constitute exceptions to the foregoing distance restrictions:
- (1) The prospective tavern is in a location that has been licensed as provided in subsection D of this section.
  - (2) Is located in a resort village.

- (3) Is located in the DCC zoning district.
  - (4) Is located in a nonrestricted gaming location.
  - (5) It can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforestated objective of the Planning Commission in safeguarding the interest of the citizens of the city.
- b. Nothing in this section must be construed to require the approval of an application for a tavern liquor use simply because one may be allowed in accordance with the distance restrictions set forth in this chapter. The City retains all discretion to approve or disapprove a tavern liquor use.
- c. No tavern use heretofore approved by the city is deemed to be prohibited or canceled by reason of the restrictions in this section.
- d. All locations with a valid tavern liquor license at the date of adoption of this ordinance are exempt from the restrictions set forth in subsection A of this section unless the licensee discontinues operations at such a location for a period of six months.
- e. Taverns may not be located within 500 feet from any developed residential zoning district with an "R" designation as measured by the shortest line between the space to be occupied by the proposed tavern and the property line of the nearest developed residence located in a "R" zoning district, unless the tavern contains a restaurant and is operated in accordance with HMC 4.36.040(1)(2) and (3). (Ord. 2167 § 1, 2003; Ord. 2156 § 19, 2003; Ord. 1896 § 1 (part), 1999; Ord. 1583 § 1, 1995; Ord. 1541 § 1 (part), 1995)
- f. The distance requirements outlined in subsection A of this section may be waived through the approval of a conditional use permit by the Planning Commission if the Commission can make all of the following findings, in addition to 34.a.(1) through (5) above:
  - (1) The proposed use may be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as outlined in the Comprehensive Plan.
  - (2) The subject site is physically suitable for the type and intensity of land use being proposed.
  - (3) Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

SECTION 5. Henderson Development Code Chapter 19.6 is hereby amended as follows:

Chapter 19.6/ Overlay and Special Purpose Districts

Sec. 19.6.4/ PUD, Planned Unit Development Overlay District

E. RS-6 PUDs

9. Parking

Each dwelling unit within the RS-6 PUD shall provide at least one 2-car garage, plus driveway parking for at least two cars. In addition, at least 0.5 parking spaces shall be provided per lot within the PUD. These additional spaces may be provided on- or off-street. [Outdoor parking or storage of recreational vehicles, trailers, vehicles, and boats shall be prohibited on any residential lot within an RS-6 PUD. Garage and parking dimensions shall comply with the standards of Sec. 19.10.1.]

SECTION 6. Henderson Development Code Chapter 19.7 is hereby amended as follows:

Chapter 19.7/ Use Regulations

Sec. 19.7.1/ Use Classifications

C. Use Classifications

Offices

2. Medical and Dental

Offices for physicians and dentists. This classification includes clinics, medical/dental laboratories, [and] outpatient surgical centers, and holistic or alternative health services (including hypnotherapy, reiki, and other similar uses), but excludes emergency health care.

Retail Sales/Rental

4. Outdoor Display/Sales

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

Single-Family Residential

5. Short-Term Vacation Rental

Means the commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for thirty (30) consecutive calendar days or less. The occupied room(s) shall at no time serve as the guest's primary residence.

Vehicle/Equipment Sales and Services

[1. Automobile Rentals

Rental of automobiles including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.]



- [2]1. Car Wash, Attended (Full-Service)
- [3]2. Car Wash, Unattended (Self-Service)
- [4]3. Commercial Parking Facility
- [5]4. Fleet Fueling Station
- [6]5. Limited Rentals
- [7]6. Service Stations

Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and [repair] maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This classification also includes express oil change and emissions/smog testing facilities. Vehicle repairs may be allowed as a conditional use. Drivetrain, engine, transmission, and differential repair and installation in conjunction with the primary use of dispensing of vehicular fuels may be allowed as a conditional use if specifically indicated in the public hearing notice. Body and fender work and/or repair of heavy trucks or vehicles are excluded from this use classification.

- [8]7. Temporary Vehicle/Equipment Sales, Auctions, and Rentals
- [9]8. Vehicle/Equipment Repair
- [10]9. Vehicle/Equipment Sales, Auctions, and Rentals
- [11]10. Vehicle Storage

Sec. 19.7.2/ Use Standards

M. Mining and Processing

1. Short-Term

- a. The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be 1/2 mile (2,640 feet). The only exceptions to this distance requirement shall be [as specified in Subsection 3] for temporary mining and processing equipment as described in Subsection 2 below or by approval of a variance in accordance with the procedures outlined in Sec. 19.2.15. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the ½ -mile distance, the facility shall be allowed to continue operation until the end of the approved time limit stipulated by the conditions of the use permit or as stipulated by the conditions on any extensions of time for the use permit.

Sec. 19.7.3/ Accessory Uses and Structures

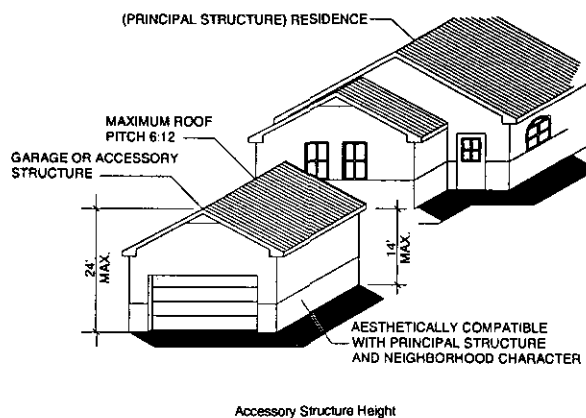
A. R, DH, DRL, DRM, and DRH Districts

1. Exemption

A single or multiple accessory structure having a total gross floor area of 120 square feet or less shall [be exempt from the provisions of this section. However, no accessory structure standing more than 4 feet in height, regardless of floor area, shall be permitted in a required front or corner side yard setback] not require a building permit unless an electrical or plumbing permit is required.

2. Height

[Note Only: Delete existing graphic and replace with the following graphic.]



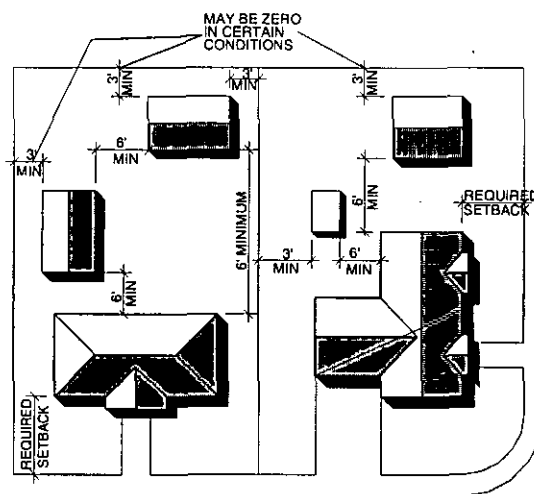
No accessory structure or combination of accessory structures containing more than 120 square feet of gross floor area shall [not] exceed 14 feet measured from the finished [grade] floor to the top plate of the exterior walls, [and shall have a] The roof slope must not [to] exceed 6 feet of rise to 12 feet of horizontal run. The peak of the roof shall not exceed 24 feet above finished floor[,] if the roof is pitched, and shall not exceed 20 feet (measured to the highest point) if the roof is flat. In the RX Districts, no accessory structure shall exceed 15 feet above finished floor except for recreational facility buildings that shall not exceed 30 feet above finished grade.

3. Design

[No] An accessory structure or combination of accessory structures greater than 120 square feet shall be designed to be aesthetically compatible with the principal structure and with the neighborhood character. Exceptions to this requirement include non-enclosed stables, gazebos, greenhouses, and carports that are 10 feet or less in height with a roofed area of 300 square feet or less. All other exceptions may be requested in accordance with the design review procedures set forth in Sec. 19.2.10. Applicants requesting exceptions shall demonstrate screening methods or design features that will be used to minimize any potential adverse impacts on neighboring properties. Any garage or other accessory building used or intended for use for vehicle storage must have a minimum access separation of 20 feet between the property/right-of-way line to the door of the garage.

4. Location

[Note Only: Delete existing graphic and replace with the following graphic.]



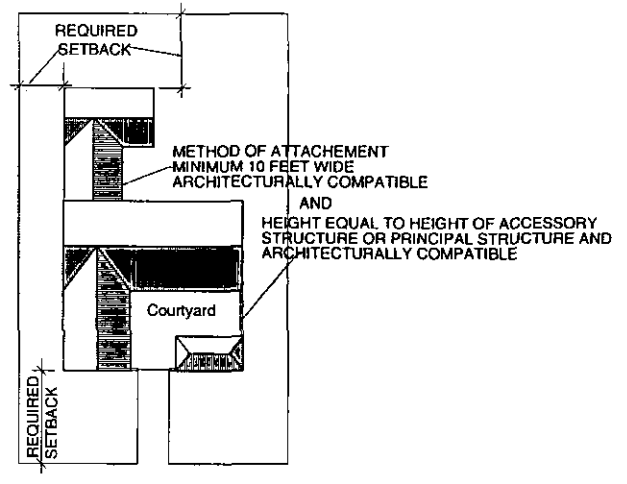
Accessory Structure Setbacks

Except as provided in this subsection, no accessory structure [or combination of accessory structures containing more than 120 square feet of gross floor area each] shall [not] occupy a required front or corner side yard or court, or project beyond the front building line of the principal structure on site. No accessory uses shall be permitted off-site. A minimum [10] 6-foot separation shall be required (wall to wall) between the principal structure and any detached accessory structure containing more than 120 square feet of gross floor area. Accessory structures 120 square feet or less are exempt from the separation requirements.

a) Method of Attachment

Any accessory structure constructed closer than [10]6 feet to a principal residential structure, located in the front or corner side yard, or located projecting beyond the front building line of the principal structure must be attached to the principal structure. Once attached, the accessory structure is no longer considered accessory, but rather a part of the

principal structure and must be designed with the same wall and window materials as the principal structure with the connecting wall being of a height equal to the top-plate height of either the accessory structure or the principal structure. If the



Method of Attachment

accessory structure is connected to the principal structure by a roof, it must have its roof slope and roofing materials identical to the principal structure[, and must be connected to the principal structure by a roof]. The connecting roof shall be [no smaller in width than that of the accessory structure] a minimum of 10 feet wide or the width of the accessory structure, whichever is less [and shall be constructed identical to that of the principal structure]. For setback purposes the attached buildings (accessory or principal), [all accessory structures connected to the principal structure] shall be treated as a single structure. This restriction is intended to be applied to buildings such as casitas, garages, and sheds that are enclosed. This restriction does not apply to residential patio covers, carports or similar open shade structures.

5. Size/Area

Except for guest houses and accessory living quarters, the total combined floor area of all freestanding accessory structures containing more than 120 square feet of gross floor area each and standing more than 4 feet in height shall not exceed 10 percent of the lot or 50 percent of the size of the principal dwelling on the lot, whichever is greater. This does not restrict the size of garages or other accessory uses attached to a house.

Unless [otherwise] a variance or PUD waiver is approved by the Planning Commission or City Council, a guest house or accessory living quarters floor area shall be no greater than 25 percent of the living area of the primary dwelling, exclusive of carports, garages, and unfinished basements, or 1,000 square feet, whichever is less.

6. Relation to Property Lines

An accessory structure [containing more than 120 square feet of gross floor area] in a required interior side yard shall be a minimum of 3 feet from the side property line or located on the property line under certain conditions, in accordance with the International Building Code. An accessory structure [containing more than 120 square feet of gross floor area] in a required rear yard shall be a minimum 3 feet from the rear property line or located on the property line under certain conditions, in accordance with the International Building Code [located on a property line or shall be not less than 3 feet from a property line].

7. Use

Uses permitted for accessory structures shall include, but are not limited to, home workshops, storage sheds, detached garages, and pool houses without living quarters. Guest houses and accessory living quarters are permitted as conditional uses in the RS-1A, RS-2, and DH Districts. The number of allowed plumbing fixtures in detached accessory buildings not approved as guest houses or accessory living quarters shall not exceed three unless specifically approved through the design review process. Any three of the following fixtures may be used in combination provided any single fixture is not duplicated: sink, toilet, shower, bathtub or combination bathtub/shower fixture or washing machine connections.

Sec. 19.7.4/ Temporary Uses and Structures

B. Temporary On-Site Construction[,], and Security[, and Real Estate Sales] Offices

1. General

The owner of a construction project may place on the construction site and utilize a temporary office for use by construction[,], and security[, and real estate sales] personnel.

D. Temporary On-Site Real Estate Sales Office

Community Development staff may approve an on-site temporary sales and information facility for the maximum of 12 months, unless an extension of time application is approved, in accordance with the following criteria:

1. The temporary locations may be established using a "Gelco-style" modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not acceptable.

2. To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a recorded final map, has completed all on-site grading for at least the first phase, and has commenced construction of at least five dwelling units.
3. The primary use of such temporary offices shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility except that additional sites under construction by the same developer up to two miles away may be represented, provided that the length of time for representation may not extend beyond that time allowed for the initially approved subject subdivision within the one-mile distance.
5. All conditions that must be present for granting of the design review for the initially approved subject subdivision will also apply to the additional sites. Immediately following the end of the time period granted for operation, all temporary facilities must be removed from the site, and the site must be returned to a safe and clean condition and be graded in a manner that meets requirements for drainage and dust controls established by the Public Works Department.
6. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.
7. Parking must be provided at a minimum ratio of one space for each 100 square feet of gross floor area of the temporary location with a minimum of six spaces provided.
8. The parking surface must be paved or improved with an alternate material approved by the Public Works Department.
9. Landscaping of a drought tolerant variety must be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of this requirement may be in containers that may be placed above ground level.
10. Sanitary facilities must be provided within the temporary structure. No outdoor facilities are allowed.
11. Sewer and water service may be provided by temporary connection or through other non-permanent facilities such as holding tanks, provided such temporary tanks or supply facilities are completely screened from public view in a manner and with materials consistent with the temporary office structure.

[D]E. Temporary Off-Site Real Estate Sales Office

7. The zoning of the proposed site must be CC (Community Commercial) or CN (Neighborhood Commercial) or be within a master-planned community comprised of 400 acres or more and may have other overlay zoning. Property designated as CC or CN by resolution of intent or identified as Community Commercial by the Comprehensive Plan may also be considered.]

- [8]7. The site must front on and be accessed by a public street designated as a primary arterial on the Master Streets and Highways Plan.
- [9]8. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.
- [10]9. Parking must be provided at a minimum ratio of one space for each 100 square feet of gross floor area of the temporary location with a minimum of six spaces provided.
- [11]10. The parking surface may be of decomposed granite or other material approved by the Public Works Department.
- [12]11. Landscaping of a drought tolerant variety must be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of this requirement may be in containers that may be placed above ground level.
- [13]12. Sanitary facilities must be provided within the temporary structure. No outdoor facilities are allowed.
- [14]13. Sewer and water service may be provided by temporary connection or through other non-permanent facilities such as holding tanks, provided such temporary tanks or supply facilities are completely screened from public view in a manner and with materials consistent with the temporary office structure.

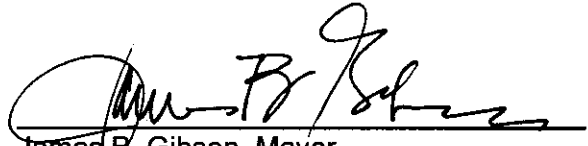
SECTION 2. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

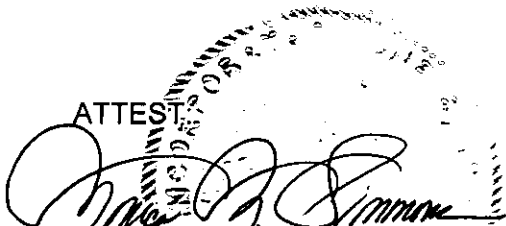
SECTION 3. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on July 13, 2006 in the Henderson Home News.

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PASSED, ADOPTED, AND APPROVED THIS 11<sup>th</sup> DAY OF JULY 2006.

  
James B. Gibson, Mayor

ATTEST:  
  
Monica M. Simmons, CMC, City Clerk

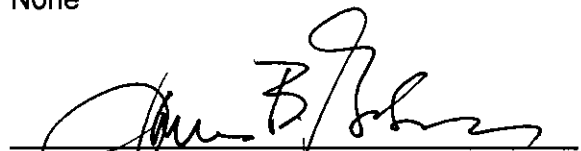
The above and foregoing Ordinance was first proposed and read in title to the City Council on June 20, 2006, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on July 11, 2006, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held July 11, 2006, the Ordinance was read in title and adopted by the following call vote:

Those voting aye: James B. Gibson, Mayor  
Councilmembers:  
Jack Clark  
Amanda Cyphers  
Steven D. Kirk  
Arthur “Andy” Hafen

Those voting nay: None  
Those abstaining: None  
Those absent: None

  
James B. Gibson, Mayor

ATTEST:  
  
Monica M. Simmons, CMC, City Clerk