

ORDINANCE NO. 2263
(ZOA-03-680009– Efficiency Lot and Multifamily Code Update)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND CHAPTERS 6 AND 7 OF THE HENDERSON MUNICIPAL CODE TITLE 19 BY UPDATING THE EXISTING EFFICIENCY LOT OVERLAY AND THE MULTIFAMILY DEVELOPMENT STANDARDS AND OTHER MATTERS RELATED THERETO.

- WHEREAS, the City Council finds that the existing Efficiency Lot Overlay and the Multifamily Development Standards need to be updated; and
- WHEREAS, it is the intent of the City Council to update the existing Efficiency Lot Overlay and the Multifamily Development Standards to clarify development standards and to provide additional architectural standards; and
- WHEREAS, it is the intent of the City Council to protect and promote public health, safety, and welfare by updating the existing Efficiency Lot Overlay and the Multifamily Development Standards.

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

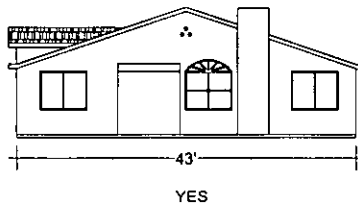
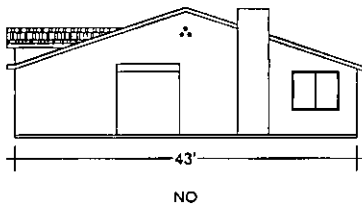
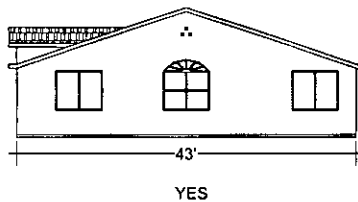
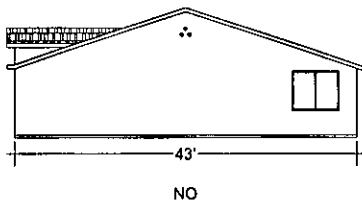
SECTION 1. Section 19.6.6.E, Efficiency Lot Overlay District, is hereby amended as follows:

- A. Specific Purposes
3. Encourage quality single-family home development as an alternative to premature or inappropriate multifamily development that would exacerbate dwelling density in a sensitive sector, particularly where public service or traffic demand exceeds the capacity of existing or planned facilities.
- B. Applicability and Zoning Map Designator
- The E, Efficiency Lot Overlay District, may be combined with any RM-[L]8 and RM-10 base districts and applied to an area at least five acres in size; and one or more of the following: [such lesser area as may represent an entire,] pre-existing RM-zoned property, infill parcels, or as a transitional buffer from C, RM or RH Districts to RS-6. The E Overlay District shall not be allowed adjacent to Rural Preservation Neighborhoods unless the Rural Neighborhood protection standards have been applied to the proposed development. The E Overlay District shall apply to single-family detached, cluster, townhouse units or plex units on individual lots that do not exceed 10 units per acre. Condominiums, apartments, and plex units not on individual lots or units similar in functional character shall be regulated under the multifamily section of this Code. [or, upon showing special justification, a parcel proposed for infill or redevelopment.] The efficiency lot overlay may be initiated by the City Council or the Planning Commission or by a petition of property owners under the procedures established in Sec. 19.2.4. If initiated by the City, owners of property subject to an E District shall be required to prepare a development plan conforming to the regulations of this chapter prior to architectural approval and issuance of permits for individual projects. Each E, Efficiency Lot Overlay District, 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 an “-E” designator to the base district designation, and a master development plan shall be required for all development.

- C. Land Use Regulations
Land use regulations shall be those of the RM-[L]8 and RM-10 Districts, provided that no temporary, accessory, new or expanded use requiring a conditional use permit or construction of any kind may be established unless an efficiency lot plan has been approved.
- D. Development Regulations
The following basic requirements apply to all permitted and conditional uses, except as may have been expressly modified in the adoption or approval of an efficiency lot plan. These regulations relate the scale and siting of efficiency lot dwellings to their respective lots. Any requests that exceed the allowed development regulations shall process waiver requests in accordance with Section 19.6.4.E.18.
 - 1. Standard Small Lot
 - [1.]a. Minimum Site Area
[A minimum site area of five gross acres shall be provided, except such lesser area as may be expressly authorized at the time of E designation.] No minimum site area is required.
 - [2.]b. Minimum Lot Area
[Lots of lesser area than the preferred 4,500-foot parcel size may be provided upon showing special circumstances; however, no efficiency lot development shall maintain a density yield exceeding an average of 10 dwelling units per acre.] The minimum lot area within an E designation shall be 4,000 square feet. The minimum lot average shall be 4,500 square feet.
 - [3.]c. Minimum Lot Width
Lots shall not be less than [40] 45 feet in width. A minimum width of 55 feet shall be provided for homes with three-car garages facing the street.
 - [4.]d. Variations in Site Design
Diversity in home appearance is maintained through the following requirements:
 - [a.](1) Two of three variation components - setback, elevation, and roofline - shall be included to distinguish adjacent homes.
 - [b.](2) Front setback variations shall be a minimum of [2] 5 feet between adjacent homes.
 - [c. Two-story homes shall not be sited on more than one-half of the corner lots in the development; however, homes with second levels not more than 50 percent of the ground floor area (exclusive of garage and patio) are considered single-story dwellings for purposes of this section.]
 - [d.](3) Variations of basic house models are required:
 - [(1)](a) A minimum of [two]four variations in developments up to 50 units.
 - [(2)](b) [Three]Six elevation variations, resulting in not less than [15]20 elevations, for [larger] efficiency lot developments over 50 units.
 - (c) Identical elevation homes shall not be placed side-by-side. The term "identical" shall include homes of identical window treatments, color schemes, and roof tile shape and color.
 - (d) A different roof line for each model (i.e., gable, exposed gable, shed, hip, flat).



- (e) Enhanced architectural embellishments are required on all four elevations (i.e., pop-outs, window trim, bay windows), including but not limited to the incorporation of brick or stone veneer. Walls 12 feet or more in length or walls with an aggregate total of 12 feet or more along one building plane shall have windows or faux windows.



- [e. Sub-area themes shall be incorporated in the design of efficiency lot developments with 150 or more homes.]

[5]e. Minimum Setbacks

[a.](1) Front

[(1)](a)

[(2)](b)

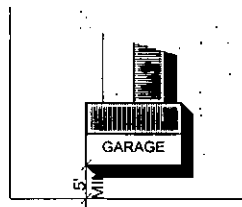
[b.](2) Side

[c.](3) Corner Side

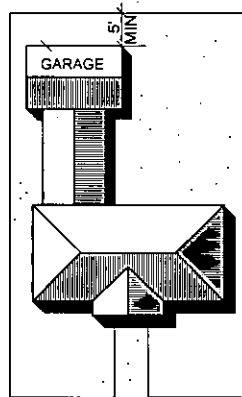
[d.](4) Rear

A minimum 10-foot setback shall be provided, except that dwellings with rear yards abutting the efficiency lot development's perimeter shall provide setbacks of not less than 15 feet from the rear property line, where the rear property line is a shared right-of-way line of a public street or a shared property line of a residential site of equal or lower density. If the perimeter landscape buffer exceeds the required width by 5 or more feet, the minimum rear setback may be reduced to 10 feet.

Dwelling units with attached alley-loaded garages may have a rear setback of 5 feet.



ALLEY

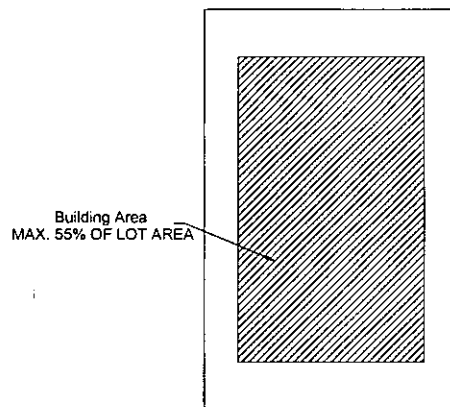


Alley Loaded Garages

[6.]f. Maximum Height

[7.]g. Maximum Coverage

Efficiency lot dwellings shall not exceed a [floor area ratio of 0.4, excluding a garage] maximum lot coverage of 55 percent.
Maximum lot coverage will be calculated using the footprint of the primary residential structure.



Lot Coverage

[8.]h. Open Space and Planting Areas

Efficiency lot development spaciousness is established through requirements for common open space, streetscape treatments,

and useable outdoor space on individual lots. Waivers of the required open space may be considered upon showing adequate justification and compensating benefits.

- [a.](1) Common open space shall be provided in aggregated areas accessible to residents of the efficiency lot development and, as appropriate, the general public, which area requirements shall be calculated from the following table. Increments required for each lot under 6,000 square feet in area are:
- [b.](2) Peripheral landscaped tracts shall be provided as part of the efficiency lot development plan streetscape component including, at a minimum, 10-foot landscaped areas (that may incorporate portions of right-of-way) along perimeter streets. Peripheral landscape tracts may be counted as part of the overall open space requirement, but not as part of the useable open space requirement unless amenities are provided.
- [c.](3) Usable open yard space on individual lots is required at a minimum area of 500 square feet other than in the required front setback. Slopes within this open yard space may not exceed the specifications found in Sec. 19.9.12.A.&B.
- (4) Thirty-five percent (35%) of the overall open space required must be common useable open space. Common useable open space shall be centrally located and include active as well as passive recreational amenities. The term "active recreational amenities" shall include improvements such as tot lots with playground apparatus, hard courts, picnic areas, shelters, clubhouses, pools and spas, fitness facilities, and similar features. The minimum dimension of the common useable open space shall not be less than 15 feet. Improvements shall be developed as approved by the City. All common areas shall be installed by the developer according to a schedule as approved by the City. Maintenance shall be the responsibility of a property owners' association.
- (5) Developers shall install front-yard landscaping on the site of all houses within an ELO development, regardless of lot size, before issuance of a certificate of occupancy. Front-yard landscaping shall include an automatic irrigation system. Front-yard landscaping shall include a minimum of two 24-inch box trees, three 5-gallon shrubs, and three 1-gallon ground covers. The balance of the front-yard landscaping shall include turf, rock, or a combination of both. Developments that incorporate the treestrip alternative may count one of the trees in the treestrip in front of the unit as part of their requirement. Units that have reduced front setback or no front setback may provide an alternative location, as approved by staff, for the minimum front-yard landscaping plants.

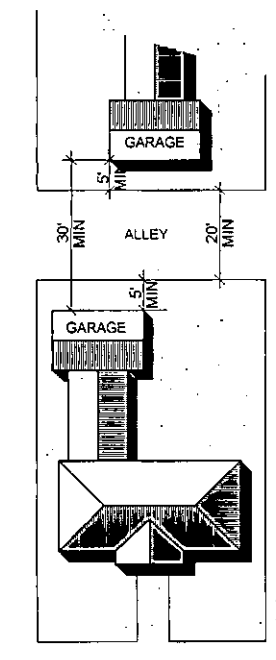
[9.]. Walls

If construction of walls or fencing is chosen, [P]erimeter walls shall be [included in the efficiency lot development plan,] installed to a height of not less than 5 nor greater than 6 feet (except as

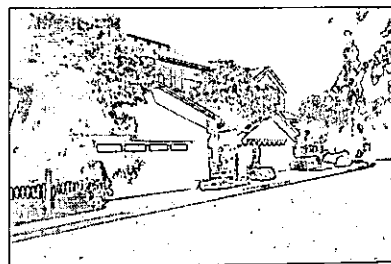
required by the traffic visibility triangle) and with detail variations, such as pilasters or wrought-iron cut-outs, at spacing not less than 50 feet. Wrought iron fencing shall also be allowed for a perimeter barrier. Subject to plan approval, security walls up to 8 feet in height with dense plantings on each side may be accepted. Pedestrian gates are encouraged. Solid masonry walls located internal to the efficiency lot development plan are discouraged. Fencing such as wrought iron and vinyl is encouraged at a height not to exceed 6 feet.

[10.]j. Off-Street Parking and Improvements

- [a.](1) Two-car garages are required for each dwelling unit with a 20-foot driveway where guest parking is not provided.
- [b.](2) Guest parking, when required, shall be provided in efficiency lot developments [containing 50 or more dwellings] so that the combination of on-street spaces and additional guest parking is equal to or greater than 1.5 spaces per dwelling.
- [c.](3) Any [A]additional parking shall be provided in bays of no more than [6 to] 12 spaces located in mid-street boulevards or off-street parcels.
- [d.](4) Vehicle storage [facilities] areas provided within the efficiency lot development may be [submitted] substituted for required guest parking as follows: each 600 square feet of storage area excuses one guest parking space.
- (5) Sidewalks shall be provided on the same side of the street where homes front. Single-loaded streets shall not be required to have sidewalks on both sides of the street. Sidewalks shall be located within the public right-of-way or within the private street cross-section easement. Sidewalks have a minimum width consistent with Sec. 19.9.13.
- (6) Lighting within the development is encouraged to be at a pedestrian scale and consistent with Sec. 19.9.14.
- (7) Alleys must be a minimum of 20 feet wide with a minimum building-to-building separation of 30 feet. Guest parking and off-street parking shall not be allowed within the required alley width. Alleys must be lit to CPTED standards.



Building Separation and Alley Width

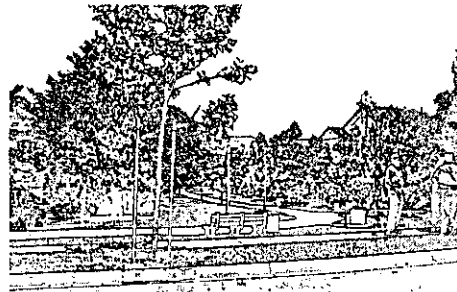


- (8) Pedestrian linkages within the development and to the community are encouraged.

[11.]k. Accessory Structures

i. Property Owners' Association

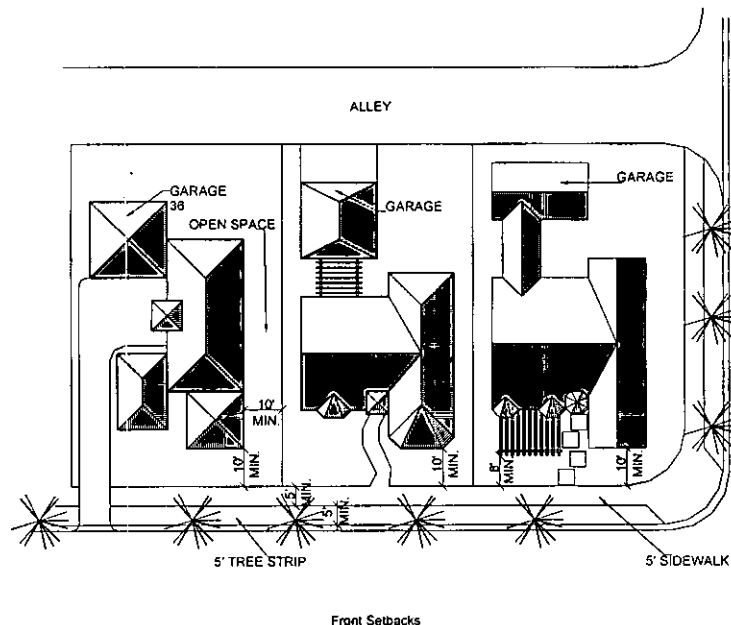
Each ELO development shall either establish and maintain a property owners' association for the individual subdivision or be part of a master association. The association shall be responsible for the maintenance and upkeep of all common areas, as well as the enforcement of covenants and restrictions of the development. Landscape maintenance responsibility may be transferred to a third party, as allowed by NRS.



m. Lot and Housing Mix Alternatives

The City Council may allow greater flexibility in housing mix and lot standards for innovative subdivisions that incorporate one or more of the following features:

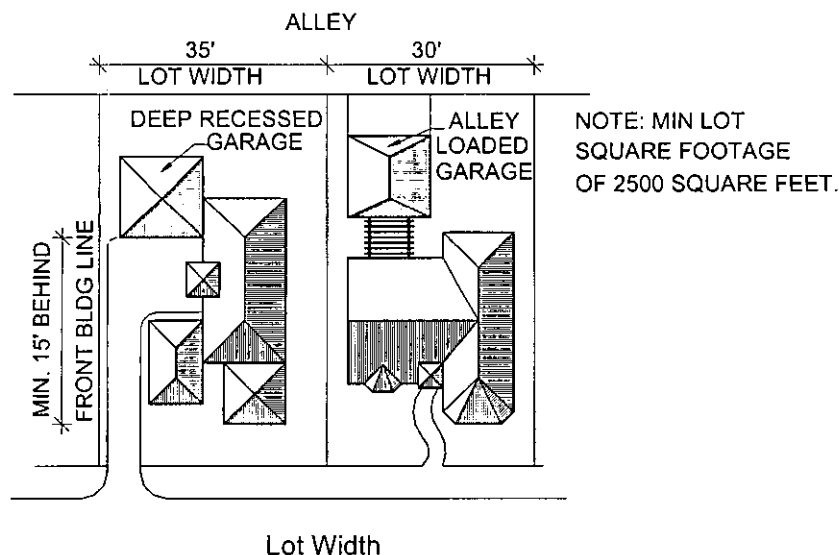
- (1) Front building setback to the living area may be reduced to 10 feet to the home living area if a detached sidewalk with a treestrip is provided within the right-of-way. The treestrip and sidewalk shall be a minimum of 5 feet each, unless a rootguard has been provided, in which case a 4-foot treestrip may be provided.



- (2) Buildings located adjacent to a paseo may have setbacks in accordance with the following schedule:

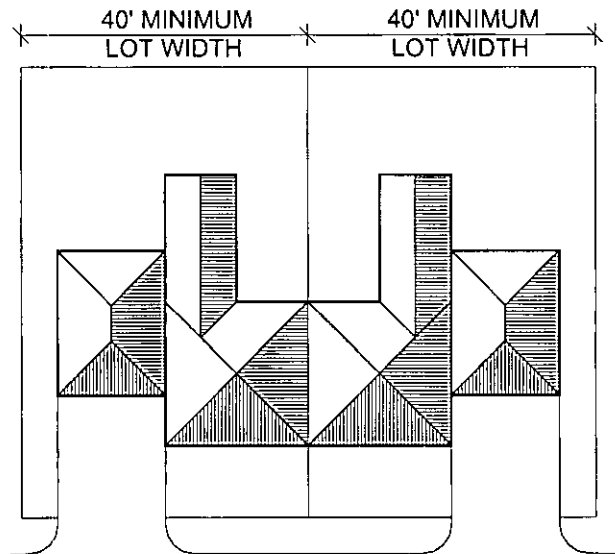
<u>Building Setback</u>	<u>Paseo Width</u>
<u>0</u>	<u>40</u>
<u>5</u>	<u>30</u>
<u>10</u>	<u>20</u>

- (3) Front porches with a minimum depth of 6 feet may have a front setback of 8 feet to the face of the porch. However, this does not permit the secondary living area to have the same setback as the porch.
- (4) Front setback to the living area may be reduced to 10 feet for products that provide an additional useable open space within one side setback of 10 or more feet. See illustration above.
- (5) Front setback to the living area may be reduced to 10 feet for products that incorporate a side-loaded garage.
- (6) Upon showing adequate justification and compensating benefits, waivers for lot width and lot size may be considered for alley-loaded products provided that widths are not less than 30 feet wide and lot sizes are not less than 2,500 square feet.



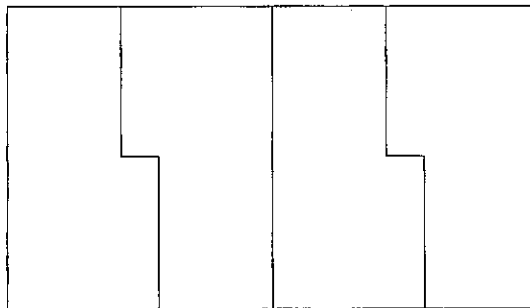
- (7) Upon showing adequate justification and compensating benefits, waivers for lot width and lot size may be considered for products with deep recessed garages provided that widths are not less than 35 feet wide and lot sizes are not less than 2,500 square feet. Garages that are placed 15 feet or more behind the front building line may be considered deep recessed.

- (8) Lot width may be reduced to a minimum of 40 feet wide for attached products.



Lot Width - Attached Product

- (9) Minimum lot size may be reduced for innovative projects that provide useable open space within a recommended 300 feet and no great than 600 feet of each unit.
- (10) Minimum lot size and width may be reduced for innovative projects that provide unique lot layout (i.e. z-lot).



Z-Lots

2. Cluster Lots

a. Minimum Site Area

A minimum site area of ten gross acres shall be provided. Any waivers from the minimum site area will be in conformance with Sec. 19.6.4.E.18.

b. Minimum Lot Area

Lot areas less than the required 4,000 square feet may be reduced to 2,500 square feet through the waiver process upon showing unique housing design or unique development pattern and maintaining the open space requirement of 25 percent of the

total development plus the additional 500 square feet per each unit; however, no efficiency lot development shall maintain a density yield exceeding an average of 10 dwelling units per acre.

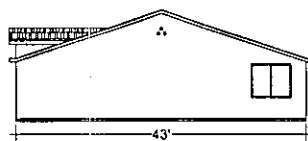
c. Minimum Lot Width

A minimum width of 55 feet shall be provided for homes with three-car garages facing the street.

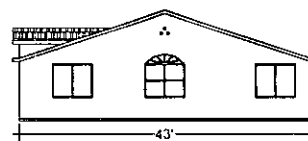
d. Variations in Site Design

Diversity in home appearance is maintained through the following requirements:

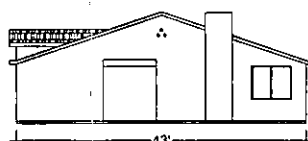
- (1) Two of three variation components - setback, elevation, and roofline - shall be included to distinguish adjacent homes.
- (2) Variations of basic house models are required:
 - (a) A minimum of two variations in developments up to 50 units, and with as many elevations as there are number of units in each cluster (i.e. four units per cluster would result in a minimum of four different elevations).
 - (b) Three elevation variations, resulting in not less than 12 elevations, for efficiency lot developments over 50 units, and with as many elevations as there are number of units in each cluster (i.e. four units per cluster would result in a minimum of four different elevations).
 - (c) Identical elevation homes shall not be placed side by side. The term "identical" shall include homes of identical window treatments, color schemes, and roof tile shape and color.
 - (d) A different roof line for each model (i.e., gable, exposed gable, shed, hip, flat).
 - (e) Enhanced architectural embellishments are required on all four elevations (i.e., pop-outs, window trim, bay windows), including but not limited to the incorporation of brick or stone veneer. Walls 12 feet or more in length or walls with an aggregate total of 12 feet or more along one building plane shall have windows or faux windows.



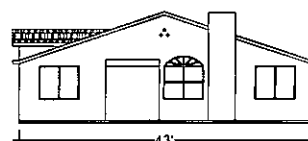
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YES



NO



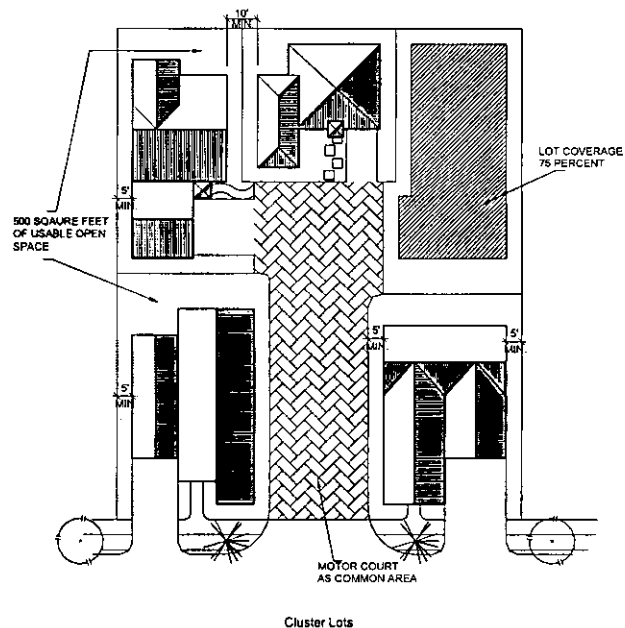
YES

- (f) Enhanced pavement treatment within the cluster area is required.



e. Minimum Setbacks

Standard setbacks shall not be required as long as 500 square feet of useable open space is provided on each lot, a minimum setback of 5 feet from each property line is maintained, the lot coverage allowed is not exceeded, and the perimeter landscape buffer requirement is met. A 10-foot minimum separation distance shall be provided between detached structures on adjacent lots. Dwellings abutting the cluster lot development's perimeter shall provide setbacks of not less than 15 feet from the closest property line, where the closest property line is a shared right-of-way line of a public street or a shared property line of a residential site of equal or lower density. If the perimeter landscape buffer exceeds the required width by 5 or more feet, the minimum setback may be reduced to 10 feet.



f. Maximum Height

The height of any structure shall not exceed 30 feet from finished grade.

g. Maximum Coverage

Cluster lot dwellings shall not exceed a maximum lot coverage of

75 percent. See cluster lots illustration.

h. Open Space and Planting Areas

Cluster lot development spaciousness is established through requirements for common open space, streetscape treatments, and useable outdoor space on individual lots. Waivers of the required open space may be considered upon showing adequate justification and compensating benefits.

(1) Common open space shall be provided in aggregated areas accessible to residents of the efficiency lot development and, as appropriate, the general public, which area requirements shall be calculated from the following table. Increments required for each lot under 6,000 square feet in area are:

<u>Lot Size (sq. ft.)</u>	<u>Percentage to Open Space</u>
<u>Less than 4,000</u>	<u>25</u>
<u>4,000 - 4,499</u>	<u>15</u>
<u>4,500 - 4,999</u>	<u>10</u>
<u>5,000 - 5,999</u>	<u>5</u>

2. Peripheral landscaped tracts shall be provided as part of the cluster efficiency lot development plan streetscape component including, at a minimum, 10-foot landscaped areas (that may incorporate portions of right-of-way) along perimeter streets. Peripheral landscape tracts may be counted as part of the overall open space requirement, but not as part of the useable open space requirement unless amenities are provided.
3. Thirty-five percent (35%) of the total open space required must be common useable open space. Common useable open space shall be centrally located and include active as well as passive recreational amenities. The term "active recreational amenities" shall include improvements such as tot lots with playground apparatus, hard courts, picnic areas, shelters, clubhouses, pools and spas, fitness facilities, and similar features. The minimum dimension of the common useable open space shall not be less than 15 feet. Improvements shall be developed as approved by the City. All common areas shall be installed by the developer according to a schedule as approved by the City. Maintenance shall be the responsibility of a property owners' association.
4. Developers shall install front-yard landscaping on the site of all houses within a cluster lot development, regardless of lot size, before issuance of a certificate of occupancy. Front-yard landscaping shall include an automatic irrigation system. Front-yard landscaping shall include a minimum of two 24-inch box trees, three 5-gallon shrubs, and three 1-gallon ground covers. The balance of the front-yard landscaping shall include turf, rock, or a combination of both. Developments that incorporated the treestrips may count one of the trees in the treestrip as part of their requirement. Units that have reduced front setbacks may

provide an alternative location, as approved by staff, for the minimum front-yard landscaping plants.

5. Pedestrian linkages within the development and to the community are encouraged.

i. Walls

If construction of walls is chosen, perimeter walls shall be installed to a height of not less than 5 nor greater than 6 feet (except as required by the traffic visibility triangle) and with detail variations such as pilaster or wrought-iron cutouts, at spacing not less than 50 feet. Subject to plan approval, security walls up to 8 feet in height with dense plantings on each side may be accepted. Wrought iron fencing shall also be allowed for a perimeter barrier. Solid masonry walls located internal to the cluster efficiency lot development plan are discouraged. Fencing such as wrought iron and vinyl is encouraged at a height not to exceed 6 feet.

j. Off-Street Parking and Improvements

Parking requirements are established by the underlying RM-L District.

- (1) Two-car garages are required for each dwelling unit.
- (2) Guest parking shall be provided in cluster lot developments containing 50 or more dwellings so that the combination of on-street spaces and additional guest parking within 300 feet of the unit is equal to or greater than 1.5 space per dwelling.
- (3) Additional parking shall be provided in bays of no more than 12 spaces located in mid-street boulevards or off-street parcels.
- (4) Vehicle storage facilities provided within the efficiency lot development may be submitted for required guest parking as follows: each 600 square feet of storage excuses one guest parking space.
- (5) Motorcourt areas shall be a common element and be lit to CPTED standards. See cluster lots illustration.

k. Accessory Structures

Accessory structures in an Efficiency Lot Overlay District shall comply with Sec. 19.6.3.A.

l. Property Owner's Association

Each ELO development shall either establish and maintain a property owners' association for the individual subdivision or be part of a master association. The association shall be responsible for the maintenance and upkeep of all common areas, as well as the enforcement of covenants and restrictions of the development. Landscape maintenance responsibility may be transferred to a third party, as allowed by NRS.

E. Initiation

An application to approve an efficiency lot plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership and all owners agree to the proposed development, then all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application. A three-step review procedure is required for the review and approval of proposed rezonings to Efficiency Lot Overlay Districts and for efficiency lot development projects:

1. Sensitive Area Identification (Sector Analysis)

2. Density Accommodation/Reduction
3. Development Capacity Impact Analysis
- F. Sensitive Area Identification (Sector Analysis)

Proposed projects within the Efficiency Lot Overlay District or projects requesting efficiency lot overlay shall be subject to a comparative computation of dwelling units called a "Sector Analysis."

 1. The sector analysis shall include counts of all built dwellings as well as the potential yield for all residentially zoned, undeveloped land within one-half mile of the project site. For site sector computation on undeveloped land that has been master-planned, either by an owner/developer or by the City of Henderson, the computation of potential unit yield from the site sector shall be determined by using either the existing zoning designation or the master-planned land use designation. Said determination shall be made on a case-by-case basis by the Community Development Director based on likely development, intensity of surrounding uses, and any other relevant considerations. Partial sites within the described half-mile perimeter are to be computed. Master-planned communities are subject to the sector analysis at the time of initial development approval. Amendments to approved master-planned communities are not subject to the sector analysis unless their ratios exceed the amount that was approved with the original master plan. Parcels with existing land use designations are exempt from the sector analysis. The Downtown Redevelopment District is also not subject to the sector analysis.
 2. For purposes of housing mix ratio comparison, the units are separated into three categories:
 - a. Single-Family Housing
 - b. Transition Density Housing
 - c. Multifamily Housing
 3. The proposed project is to be added into its proper housing type category for the purposes of arriving at the projected ratio.
 4. Special circumstances may permit an adjustment to the measurement sector. Factors such as natural or manmade barriers or significant land uses just beyond the radius limit may be considered in evaluating the sensitivity of the housing balance within the sector.
 5. A site located in a sector with 20 percent or more of its actual and potential dwelling units identified as something other than single-family lots (i.e., RS-6 density of 6 units or less per acre) or multifamily units (i.e., RM-16 density or higher per acre) is regarded as being subject to sensitive area procedures.
 6. Once certified by the Community Development Director, a sector analysis shall remain valid for a period of 90 days.
- G. Density Accommodation/Reduction
 1. Condition Level Table

For each established sensitive area (sector), density accommodation shall be determined in accordance with the following condition level table.

<u>Condition</u>	<u>ELO Projection</u>	<u>Entitlement</u>	<u>Mitigation/Density Reduction</u>
<u>A</u>	<u>Under 20%</u>	<u>Fully Developable</u>	<u>Comply with efficiency lot overlay regulations only. No additional mitigation/reduction required.</u>
<u>B</u>	<u>20-24%</u>	<u>Mitigate</u>	<u>60 points mitigation.</u>
<u>C</u>	<u>25-29%</u>	<u>Mitigate/Reduce</u>	<u>80 points mitigation; or 60 points</u>

			<u>mitigation + 10% density reduction.</u>
<u>D</u>	<u>30-34%</u>	<u>Mitigate/Reduce</u>	<u>80 points mitigation + 20% density reduction; or 60 points mitigation + 30% density reduction.</u>
<u>E</u>	<u>35% or more</u>	<u>Mitigate/Reduce</u>	<u>80 points mitigation + 40% density reduction; or 60 points mitigation + 50% density reduction.</u>

- a. Projects that are found to have a Condition Level A are not required to prepare a development capacity analysis. They are required to conform with adopted multifamily development regulations.
- b. Projects that are found to have a lower condition level (B through E) require a development capacity impact analysis.
- c. Projects that are found to have a Condition Level B or C may require mitigation points only and compliance with adopted multifamily development regulations.
- d. Projects that are found to have a Condition Level D or E shall require mitigation points, net density reduction, and compliance with adopted multifamily development regulations.

H. Development Capacity Impact Analysis

Projects located in a sector having a Condition Level B through E require a development capacity impact analysis. The development capacity impact analysis is an assessment of the proposed project, based upon a “yes” or “no” answer to the 11 capacity factors. For projects with partial compliance, a “plan” or “mitigation” score is available. The analysis shall be prepared by the applicant and reviewed by the Community Development Director. The Planning Commission shall hear appeals regarding the Community Development Director’s determination of condition level, impact mitigation, or net density reduction in accordance with the Type I appeal procedures of Sec. 19.2.16.

1. Capacity Factors

The 11 capacity factors and the accompanying chart are as follows:

- a. Development Balance - The sector evaluation shows 60 percent or more standard-size lot, single-family units, 20 percent or less transitional housing, and 20 percent or less multifamily.
- b. Approved Master Plan - The project conforms to a previously approved plan of development or previous approval.
- c. Infrastructure- Sewer, water, drainage, and utility systems are in place for project connection and of sufficient capacity to accommodate the sector’s full development.
- d. Primary Transportation - Major and collector streets to carry project traffic will be completed prior to occupancy, the proximity to transportation nodes, and the incorporation of transit stations.
- e. Schools - Sufficient primary and secondary educational facilities will exist to serve current and projected buildout school populations. Documentation from school district authority shall be required.
- f. Parks - The sector has adequate improved park acreage according to City standards (i.e., 5.25 acres per thousand population).
- g. Open Space Credit - Developer meets open space reservation and fee requirements.

- h. Employment - There is at least one job available within one mile of the project for every sector dwelling unit.
- i. Freeway Access - An existing freeway access ramp is located within the sector limits.
- j. Housing Ratio Improvement (if acceptable balance is not recorded in above) - The project proposal reduces the imbalance.
- k. Other – e.g., affordable housing as defined by the NRS, preserve aesthetics, natural resources, capital improvements, and other considerations.
- l.

Capacity Factor	Yes 10	No		Total Points 0- 10
		Plan 0 or 5	Mitigation 0 or 5	
1. <u>Development Balance</u>				
2. <u>Approved Master Plan</u>				
3. <u>Infrastructure</u>				
4. <u>Primary Transportation</u>				
5. <u>Schools</u>				
6. <u>Parks</u>				
7. <u>Open Space Credit</u>				
8. <u>Employment</u>				
9. <u>Freeway Access</u>				
10. <u>Improve Housing Ratio</u>				
11. <u>Other</u>				

2. Development Capacity Scoring

The development capacity impact analysis shall be scored as follows:

- a. Existing plans to meet factor criteria receive 0 or 5 points, depending on if the proposal includes adequate performance measures and funding to improve the deficiency.
- b. Mitigation measures proposed by developers including financial contribution or installation of improvements may qualify for 5 points.
- c. Projects scoring 80 points or more, located in a sector with less than 30 percent multifamily, are presumed to have met the amelioration criteria and may proceed without additional density adjustment.

[F.]L. Required Plans and Materials

[G.]J. [Minimum Lot Size --]Maximum Number of Dwelling Units

[Preferred average lot size is 4,500 square feet; however, a] A mixture of lots accomplishing yields of up to 10 dwelling units per acre may be accepted. In no case shall efficiency lot developments exceed 10 units per gross acre.

[H.]K. Approval of an Efficiency Lot Plan

[I.]L. Amendments to Adopted Efficiency Lot Plan

[J.]M. Expiration and Renewal

[K.]N. Development Plan Review

SECTION 2. Section 19.7.2.G Multifamily Development, is hereby amended as follows:

3. Multifamily Categories

- a. RM-L: [8]6.1 through 10 dwelling units per gross acre

5. Sensitive Area Identification (Sector Analysis)

- a. The sector analysis shall include counts of all built dwelling units

as well as the potential yield for all residentially zoned, undeveloped land within one-half mile of the project site. For site sector computation on undeveloped land that has been master-planned, either by an owner/developer or by the City of Henderson, the computation of potential unit yield from the site sector shall be determined by using either the existing zoning designation or the master-planned land use designation. Said determination shall be made on a case-by-case basis by the Community Development Director based on likely development, intensity of surrounding uses, and any other relevant considerations. Partial sites within the described half-mile perimeter are to be computed. Master-planned communities are subject to the sector analysis at the time of initial development approval. Amendments to approved master-planned communities are not subject to the sector analysis unless their ratios exceed the amount that was approved with the original master plan. Parcels with existing land use designations are exempt from the sector analysis. The Downtown Redevelopment District is also not subject to the sector analysis.

- b. For purposes of housing mix ratio comparison, the units are separated into ~~[two]~~ three categories:
 - (1) Single-Family Housing
 - (2) ~~[Multifamily and]~~ Transition Density Housing
 - (3) Multifamily Housing
- e. A site located in a sector with ~~[35]~~ 20 percent or more of its actual and potential dwelling units identified as something other than single-family lots (i.e., RS-6 density of 6 units or less per acre) or transition housing (i.e., ELO density of 10 units or less per acre) is regarded as being subject to sensitive area procedures.

6. Density Accommodation/Reduction

a. Condition Level Table

Condition	MF Projection	Entitlement	Mitigation/Density Reduction
A	Under [35] <u>20</u> %	Fully Developable	Comply with multifamily development regulations only. No additional mitigation/reduction required.
B	[35] <u>20</u> - [39] <u>24</u> %	Mitigate	60 points mitigation.
C	[40] <u>25</u> - [44] <u>29</u> %	Mitigate/Reduce	80 points mitigation; or 60 points mitigation + 10% density reduction.
D	[45] <u>30</u> - [49] <u>34</u> %	Mitigate/Reduce	80 points mitigation + 20% density reduction; or 60 points mitigation + 30% density reduction.
E	[50] <u>35</u> % or more	Mitigate/Reduce	80 points mitigation + 40% density reduction; or 60 points mitigation + 50% density reduction.

~~[(3)]~~ A project in a sensitive sector may be advanced to a "developable" status by scoring 60 or more mitigation points.]

~~[(4)]~~

~~[(5)]~~4

~~[(6)]~~ Condition levels may be improved in accordance with the number of mitigation points achieved. The table of condition level improvement by achieving mitigation points

is as follows:

(a) Condition Level Improvement

Condition	Mitigation Points	Improve to Condition Level
A	None required	-
B	60-100	A
C	80-100	A
D	80-100	B
E	80-100	C

(b) Density Reduction

In addition to mitigation points, certain projects may also be required to provide a net density reduction in accordance with the following percentage reductions:

Condition Level	Mitigation Points	Density Reduction	Improve
C	60-79	10%	One Condition Level
D	80-100	20%	One Condition Level
D	60-79	30%	-
E	80-100	40%	-
E	60-79	50%	-]

7. Development Capacity Impact Analysis

a. Capacity Factors

- (1) Development Balance - The sector evaluation shows 60[5] percent or more standard-size lot, single-family units, 20 percent or less transitional housing, and 20 percent or less multifamily.
- (4) Primary Transportation - Major and collector streets to carry project traffic will be completed prior to occupancy, the proximity to transportation nodes, and the incorporation of transit stations.
- (5) Schools - Sufficient primary and secondary educational facilities will exist to serve current and projected buildout school populations. Documentation from school district authority shall be required.
- (11) Other – e.g., affordable housing, as defined by the NRS, preserve aesthetics, natural resources, capital improvements, and other considerations.

(Editor Note: Delete table below)

[Capacity Factor	Yes 10	No 0	Plan 1- 5	Mitigation 1- 5	Total Points 0- 10
1. Development Balance					
2. Approved Master Plan					
3. Infrastructure					
4. Primary Transportation					
5. Schools					
6. Parks					
7. Open Space Credit					
8. Employment					

9. Freeway Access					
10. Improve Housing Ratio					
11. Other					
]

(Editor Note: Add table below)

Capacity Factor	Yes 10	No		Total Points 0- 10
		Plan 0 or 5	Mitigation 0 or 5	
1. Development Balance				
2. Approved Master Plan				
3. Infrastructure				
4. Primary Transportation				
5. Schools				
6. Parks				
7. Open Space Credit				
8. Employment				
9. Freeway Access				
10. Improve Housing Ratio				
11. Other				

- b. Development Capacity Scoring
- (1) Existing plans to meet factor criteria receive [1]0 [to] or 5 points, depending on relative for performance adequacy and funding.
 - (2) Mitigation measures proposed by developers including financial contribution or installation of improvements may qualify for [up to] 5 points.
 - (3) Projects scoring 80 points or more, located in a sector with less than [45] 30 percent multifamily, are presumed to have met the amelioration criteria and may proceed without additional density adjustment.
- c. Development Regulations
- (4) Perimeter Landscaping
 Perimeter landscaping shall be provided and shall include drought-resistant plant materials consistent with adjacent neighborhoods as approved by the Community Development Director. Tracts at least 25 feet in width from back-of-curb to perimeter walls (that may include sidewalks and portions of right-of-way) shall be maintained abutting arterial streets. Additionally, a minimum 10-foot buffer yard shall be planted with 24-inch box trees, at spacing appropriate to each plant variety, and maintained abutting all residential property with a less intensive classification. Perimeter landscaping tracts may be counted as part of the overall open space requirement, but not part of the useable open space requirement unless amenities are provided.
 - (5) Walls
If [P]perimeter walls are constructed then they shall be installed to a height of not less than 5 feet nor greater than 8 feet (except as required for traffic visibility) and shall include detail variations such as pilasters, decorative caps

or decorative iron cut-outs. Perimeter walls, end walls, return walls, and common area walls shall be decorative and installed by the developer. Acceptable decorative materials include split-face block, slump stone, stucco finish, and iron pickets. In any location where a wall or fence may serve as a barrier for a future swimming pool or spa, the wall must comply with [Uniform Building Code]the building code adopted by the City of Henderson and CPTED requirements for such barrier at time of construction, regardless of when the swimming pool or spa may be constructed.

(6) Open Space

(b) Recreational space shall be sufficient for the development's population. [Larger projects, especially,] Projects with more than 50 dwelling units shall be self-contained in terms of neighborhood open space standards. Facilities shall be tailored to the intended clientele.

(e) Common open space shall include active as well as passive recreational amenities. The term "active recreational amenities" shall include improvements such as tot lots with playground apparatus, hard courts, picnic areas, shelters, clubhouses, pools and spas, fitness facilities, and similar features. The minimum dimension of the common useable open space shall not be less than 15 feet. Improvements shall be developed as approved by the City. All common areas shall be installed by the developer according to a schedule as approved by the City. Maintenance shall be the responsibility of a property owners' association.

(7) Building Setbacks

(a) Building setbacks shall be provided according to the following:

(iii) Walls containing windows shall be separated from directly opposing windows in the same, or any other, residential development by a distance of not less than 30 feet; however, in no instance shall building separation be less than 20 feet. Faux windows and accent windows shall not be counted in the window-to-window requirement.

(10) Parking

(c) [One required covered parking space shall be provided within 100 feet of each unit to be served.] Required parking shall be provided within 100 feet of each unit to be served as follows: 1.5 parking spaces for 1-bedroom unit, 2 parking spaces for each 2-bedroom unit, 2.5 parking spaces for each 3-bedroom unit, and 3 parking spaces for each 4-bedroom unit. Fifty percent of the total parking spaces required shall be covered.

- (d) [One additional required space shall be provided within 150 feet and 0.5 guest parking spaces within 300 feet walking distance of the unit to be served.] Guest parking shall be provided within 300 feet of the unit to be served at .25 space per unit.
- (11) Housing and Site Design
 - (j) Multifamily structures, particularly in [larger complexes] complexes with more than 50 units, shall be designed to comply with convenient distance requirements and allow spacious, open areas within the complex.
 - (k) [Groupings of m] Multifamily structures [including] shall require variations in rooflines and/or floor plates and clustering shall be utilized to soften the effect of box-like buildings and contribute to a residential scale.
 - (o) Buildings containing less than four units shall have a single-family residential scale and appearance.



- (p) Enhanced streetscape shall be required by varying building orientation and setbacks, and providing landscaped areas between the buildings and drive isles.



- (q) Enhanced architectural embellishments are required on all four elevations (i.e. pop-outs, window trim, bay windows).

SECTION 3. Section 19.3.4.A Intensity and Dimensional Standards, is hereby amended as follows:
 A. Intensity and Dimensional Standards Table

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	
Minimum District Size	N/A	RM-16 (Multifamily)=10 acres RM-8-E & RM-10-E=[5 acres] <u>N/A for standard products, 10 acres for cluster products</u>	10 acres	10 acres	
Minimum Lot Dimensions					
Width (feet)	RS-1A=100 RS-2=100 RS-4=75 RS-6=60 RS-6-PUD=50	RM-8-E & RM-10-E=[40] <u>45</u> RM-16 (Multifamily)=N/A	N/A	40-60	1, 8, 9
Minimum Setbacks (feet)					
Maximum Lot Coverage (percentage)	N/A	RM-16 (Multifamily)=40 RM-8-E & RM-10-E=[N/A] <u>55% for standard product and 75% for cluster products</u>	40	40	
Floor Area Ratio (FAR)	RS-1A=N/A RS-2=N/A RS-6=N/A RS-6 PUD lots less than 6,000 sq. ft.=0.4	RM-16 (Multifamily)=N/A RM-8-E & RM-10-E=[0.4] <u>N/A</u>	N/A	N/A	

SECTION 4. Section 19.9.13.I, Alleys, is hereby amended as follows:

I. Alleys

2. If alleys are provided in residential developments, they shall be at least 24 feet wide, except in the ELO district where they may be allowed as per 19.6.5.i.7.

SECTION 5. 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 6. 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.

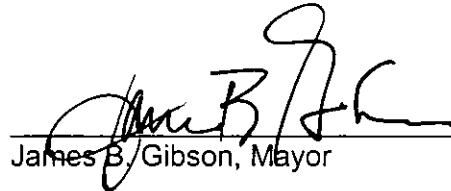
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SECTION 7. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (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 May 6, 2004 in the Henderson Home News.

PASSED, ADOPTED, AND APPROVED THIS 4TH DAY OF MAY 2004.


James B. Gibson, Mayor

ATTEST:


Monica M. Simmons, CMC, City Clerk

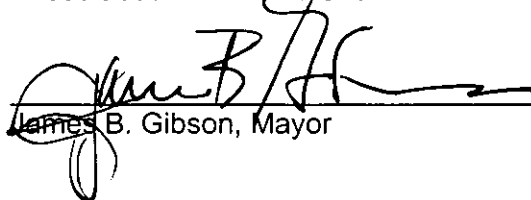
The above and foregoing Ordinance was first proposed and read in title to the City Council on April 20, 2004, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

Thereafter on May 4, 2004, 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 May 4, 2004, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye James B. Gibson, Mayor
Councilmembers:
Amanda Cyphers
Jack Clark
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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

Doreen Reynolds, being first duly sworn, deposes and says: That she is LEGAL REPRESENTATIVE of the Henderson Home News, a weekly newspaper of general circulation,

printed in Las Vegas, Nevada, and published in Henderson, Nevada in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time(s).

From 05/06/04 to 05/06/04 inclusive, being the issues of said newspaper for the following date(s) to wit:

05/06/2004

That said newspaper was regularly issued and circulated on each of the dates above named.

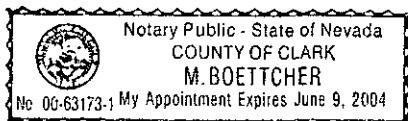
Signed Doreen Reynolds

Sworn to and subscribed before me this
6th day of May, 2004

Notary Public in and for
Clark County, Nevada

M.Boettcher

My commission expires June 09, 2004



bill 1945
PUBLIC NOTICE
BILL NO. 1945
ORDINANCE NO. 2263
ZOA-03-680009 -

Efficiency Lot Overlay and Multi-Family Code Update
AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF HENDERSON, NEVADA, TO AMEND
CHAPTERS 6 AND 7 OF THE HENDERSON
MUNICIPAL CODE TITLE 19 BY UPDATING THE
EXISTING EFFICIENCY LOT OVERLAY AND THE
MULTIFAMILY DEVELOPMENT STANDARDS AND
OTHER MATTERS RELATED THERETO.

The above Bill No. 1945 and foregoing Ordinance was first proposed and read by title to the City Council of the City of Henderson, Nevada, on April 20, 2004, which was a Regular Meeting of the Council and referred to the following Committee:

"COMMITTEE OF THE WHOLE"
for recommendation.

PUBLIC NOTICE is hereby given that the typewritten copies of the above mentioned Ordinance are available for inspection by all interested parties at the Office of the City Clerk, 240 Water Street, Henderson, Nevada, and that said Ordinance No. 2263 was proposed for adoption by Mayor Gibson on May 4, 2004; and adopted by the following roll call vote:

Voting AYE: Mayor James B. Gibson

Councilmembers Jack Clark, Amanda M. Cyphers, "Andy" Hafen, and Steven D. Kirk

Voting NAY: None

Abstaining: None

Absent: None

/s/ Monica M. Simmons, CMC, City Clerk

H-May 6, 2004

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

Doreen Reynolds, being first duly sworn, deposes and says: That she is LEGAL REPRESENTATIVE of the Henderson Home News, a weekly newspaper of general circulation,

printed in Las Vegas, Nevada, and published in Henderson, Nevada in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time(s).

From 04/22/04 to 04/22/04 inclusive, being the issues of said newspaper for the following date(s) to wit:

04/22/2004

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Doreen Reynolds

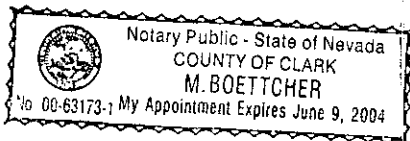
Sworn to and subscribed before me this
22nd day of April, 2004

Notary Public in and for
Clark County, Nevada



M.Boettcher

My commission expires June 09, 2004



Bill 1945

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Henderson proposed by reading in title the following Ordinance at its Regular Meeting, held April 20, 2004, entitled:

BILL NO. 1945

ZOA-03-680009 -

ELO and Multi-Family
Code Update

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND CHAPTERS 6 AND 7 OF THE HENDERSON MUNICIPAL CODE TITLE 19 BY UPDATING THE EXISTING EFFICIENCY LOT OVERLAY AND THE MULTIFAMILY DEVELOPMENT STANDARDS AND OTHER MATTERS RELATED THERETO.

which has been referred to a Committee of the Council as a Whole for study and recommendation and a copy of said Ordinance has been filed with the City Clerk for general public scrutiny. The Committee Meeting will be held May 4, 2004, at 6:45 p.m. The Council will consider this Ordinance for adoption at the Regular Meeting of the City Council on May 4, 2004; and in any case will adopt or reject this Ordinance within 30 days.

DATED April 20, 2004, and published April 22, 2004, in the Henderson Home News.

/s/ Monica M. Simmons, CMC

City Clerk

H-April 22, 2004