

ORDINANCE NO. 3178
(ZOA-14-500006 – Development Code Update 2014)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE BY AMENDING PORTIONS OF CHAPTERS 19.2, 19.5, 19.7, 19.8, 19.9, 19.10 AND 19.12 TO MAKE VARIOUS CORRECTIONS, REVISIONS AND UPDATES AS NECESSARY, AND MATTERS PROPERLY RELATED THERETO.

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, the City of Henderson adopted a new zoning ordinance on January 19, 2010; and

WHEREAS, a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

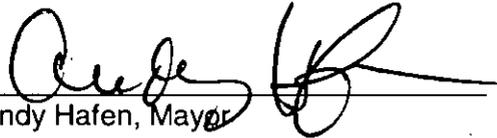
SECTION 1. The Henderson Development Code is hereby amended and replaced with Exhibit A, hereto attached.

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clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.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 Review Journal, 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 June 20, 2014, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 17th DAY OF JUNE, 2014.


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

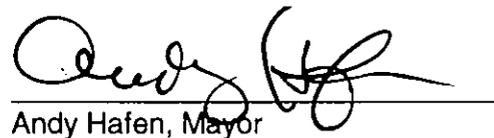
The above and foregoing Ordinance was first proposed and read in title to the City Council on June 3, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on June 17, 2014, 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 June 17, 2014, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
Councilmembers:
Sam Bateman
Debra March
John F. Marz
Gerri Schroder

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


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

Exhibit A
(ZOA-14-500006)
Proposed Title 19 Amendments

No. 1 RS-1 Garage Setbacks
Table 19.2.5-1

19.2.5. RS-1: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 1

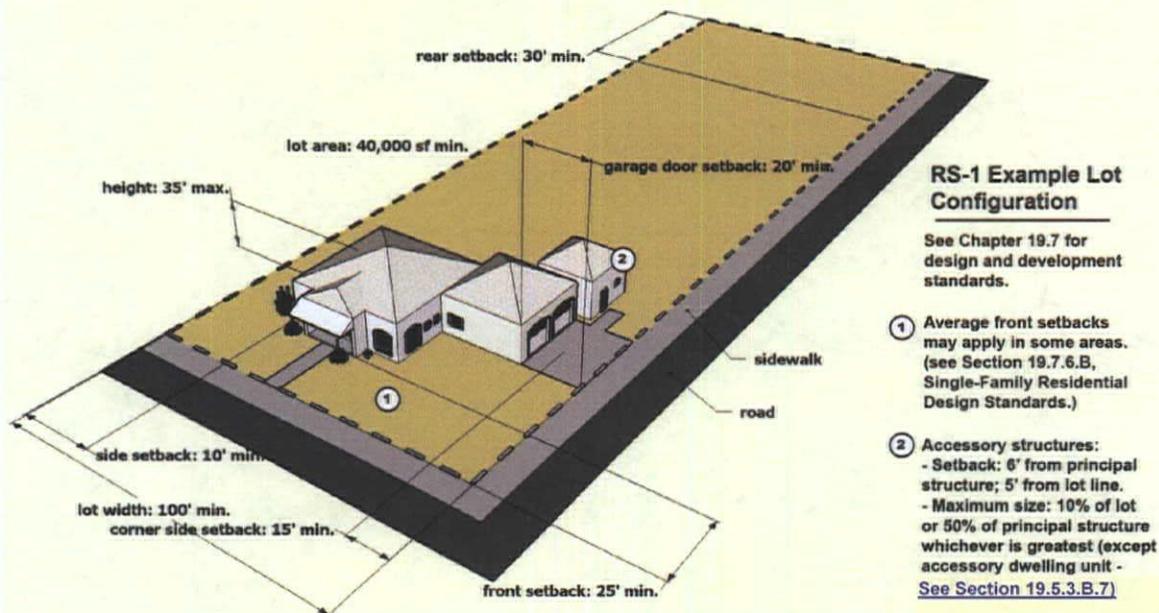
The RS-1 district is established to accommodate large-lot, single-family, detached residential uses and accessory development compatible with the desert landscape. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit. Any RS-1-zoned parcel less than 40,000 square feet in area but that is one-fifth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 40,000 square feet (regardless of lot size).

Figure 19.2.5-A: RS-1 Example Building Form



TABLE 19.2.5-1: DIMENSIONAL STANDARDS RS-1 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	1
LOT STANDARDS	
Lot area, min (sq ft)	40,000
Lot width, min (ft)	100
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	25
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	30
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line <u>or</u> minimum building setback, whichever is greater
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Dwelling unit size, min (sq ft)	1,200
Floor area ratio (FAR)	N/A
Accessory structure height, max (ft)	24; 20 flat roof
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit: lesser of 1,000 sq ft or 25% of principal structure) See Section 19.5.3.B.7	

Figure 19.2.5-B: RS-1 Example Lot Configuration



3. Garage and Carport Standards

(a) Location

To the maximum extent feasible, detached garages, carports, and garage entries shall not be located between a multiple-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.

(b) Size

Detached garages and carports shall be limited to ~~[six]~~ eight spaces per structure to avoid a continuous row of carports or garages. No more than ~~[six]~~ eight garage doors may appear on any multifamily building elevation containing front doors, and the plane of each garage door shall be offset at least 18 inches from the plane of the adjacent doors. A minimum of two uncovered parking spaces or a landscape finger (See 19.7.5.D.5(b)) shall be located between covered parking structures or garages.

(c) Design

Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details. Carports shall be painted a color from the color palette of the development. Lights shall be shielded from spilling onto adjacent property.

(d) Parking Structures

Underground parking, structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multifamily developments.

No. 3

19.7.5.K – Retaining wall caps

K. FENCES AND WALLS

Unless otherwise expressly provided for in this Code or unless expressly provided for in conjunction with the approval of a conditional use permit, fences and walls shall comply with the following general standards:

1. All Zoning Districts

(c) Materials and Design

- (1)** Fences and walls shall complement the design of the associated building(s) in terms of their color, materials, and scale.
- (2)** Chain-link fencing and smooth-face concrete masonry units (CMU) are prohibited, except as authorized for vacant property below and in Section 19.7.5.K.2.
- (3)** All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks shall require caps; exposed tops of walls are not permitted. Solid CMU blocks may be used to satisfy this requirement. "Slurry caps" do not satisfy this requirement.

RS-6: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 6

The RS-6 district is established to accommodate a variety of residential use types at low densities on moderately-sized lots. The district allows single-family detached homes as well as typical accessory development. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms

of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit.

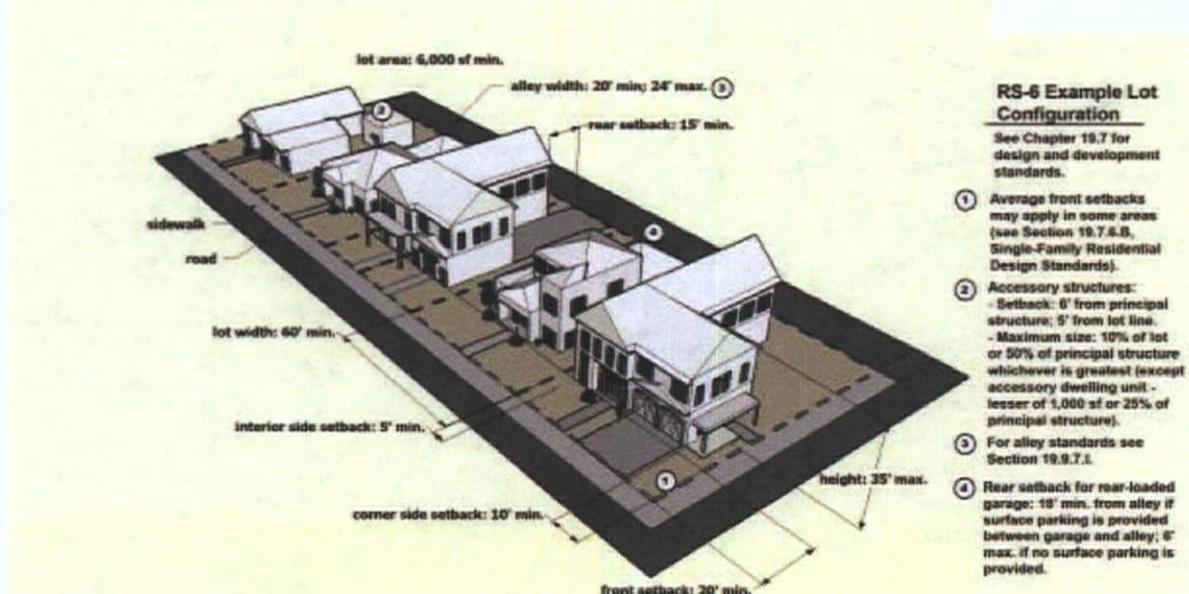


Figure 19.2.8-A: RS-6 Example Building Form

Areas zoned RS-6 prior to March 1, 2010, are subject to the requirements of the prior Development Code and not the requirements of this section. RS-6 PUDs established prior to the effective date of this Code are subject to their individual adoption ordinances and not the requirements of this section.

TABLE 19.2.8-1 DIMENSIONAL STANDARDS RS-6 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	6
LOT STANDARDS	
Lot area, min (sq ft)	6,000
Lot width, min (ft)	60
Lot coverage, max (%)	N/A
Corner lots for residential uses that are less than 10,000 square feet shall have a minimum width of 5 feet more than the minimum lot width otherwise required by the underlying zoning district.	
SETBACKS, MINIMUM	
Front, measured from back of the sidewalk or lot line, whichever is greater (ft)	14 to house 20 to a street-facing garage 10 to a side-entry garage
Side, interior (ft)	5
Side, corner (ft)	10
Rear (ft)	15 (except for alleys; see note below)
Accessory structure (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Building spacing, min (ft)	10 (principal to principal)
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater(except accessory dwelling unit: lesser of 1,000 sq ft or 25% of principal structure)	
GUEST PARKING STANDARDS	
A total of 1.5 spaces of guest parking per dwelling unit are required when utilizing nonstandard driveway lengths (less than 18-feet). Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces. For developments with private street, half of the required guest parking shall be off-street. The parking spaces shall be distributed throughout the development.	

Figure 19.2.8-B: RS-6 Example Lot Configuration

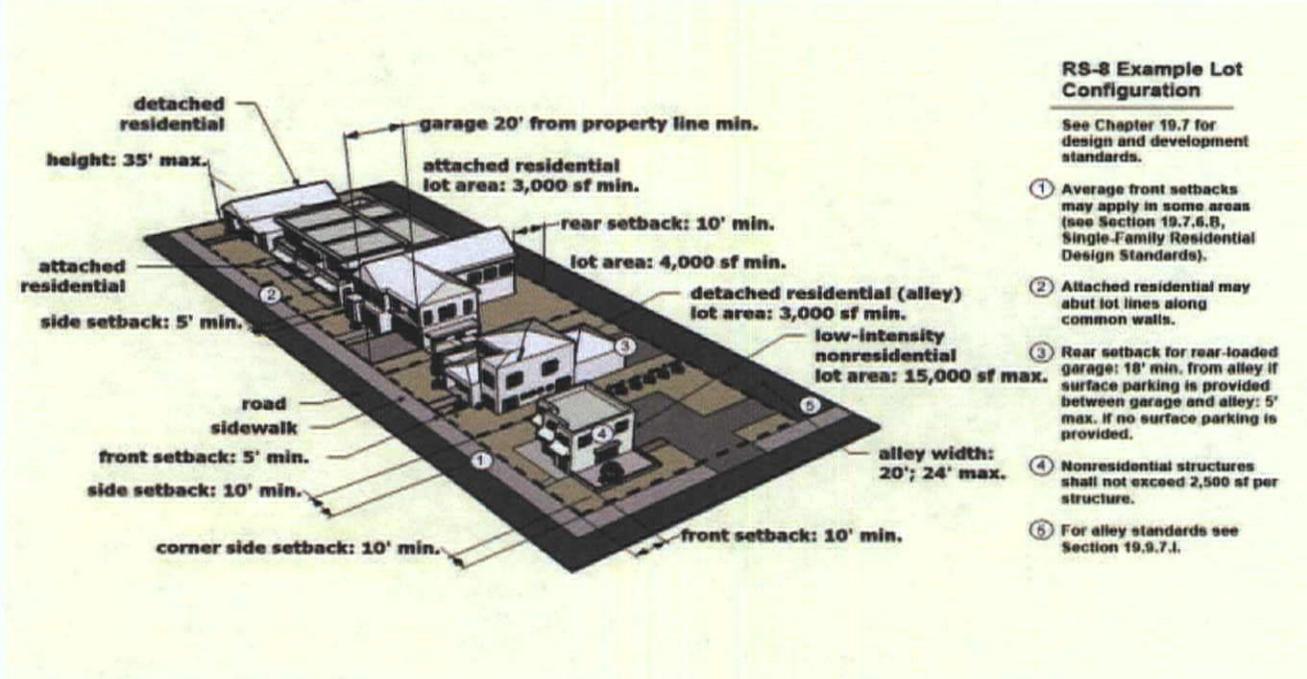


RS-8: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 8

The RS-8 district is established to accommodate a variety of residential use types with flexible setbacks and lot sizes in high-quality developments. Setbacks and lot sizes are provided as ranges to encourage, but not require, variable lot and dwelling unit sizes within a single development. The district allows all forms of single-family residential development as well as lower-density forms of multifamily uses (e.g., mansion apartments) and live/work units. In addition, the district allows small-scale, very-low-intensity neighborhood-serving retail and personal services uses of 2,500 square feet or less on a limited number of corner lots, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Complementary uses such as parks, open space, religious assemblies, minor utilities, and certain temporary uses are permitted. The minimum lot area varies based on use type and the maximum density is eight units per gross acre. Additional district form standards are in Table 19.2.9-2.

TABLE 19.2.9-1 DIMENSIONAL STANDARDS RS-8 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	8
Common open space, min (sq ft)	700 per unit
LOT STANDARDS	
Lot area, min (sq ft)	Varies (see Table 19.2.9-2)
Lot width, min (ft)	None
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front and corner side (ft)	Varies (see Table 19.2.9-2)
Side, interior (ft)	
Rear (ft)	
Accessory structure (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from front property line
Side-loaded garage (ft)	10
BUILDING STANDARDS	
Building height, max (ft)	35
Building spacing	Varies (see Table 19.2.9-2)
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater	
Floor area ratio (FAR)	N/A
GUEST PARKING STANDARDS	
A total of 1.5 spaces of guest parking per dwelling unit are required when utilizing nonstandard driveway lengths (less than 18-feet). Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces. For developments with private street, half of the required guest parking shall be off-street. The parking spaces shall be distributed throughout the development.	

Figure 19.2.9-A: RS-8 Example Lot Configuration



CHAPTER 19.10: NONCONFORMITIES

19.10.2 NONCONFORMING USES

A. EXPANSION

1. General

A nonconforming use may be enlarged or expanded only if reviewed and approved in accordance with the conditional use permit procedures of Section 19.6.6.A, *Conditional Use Permits*.

2. Single-Family Homes

Existing single-family homes located in the CO, CC, CH, CT, CA, DCC, and DHC districts may be expanded or accessory structures added without obtaining a conditional use permit, provided the expansion or accessory structure is developed in accordance with the standards of Section 19.5.7, *Accessory Uses and Structures*, and the previous density and dimensional standards of the original zoning district in which the single-family home was constructed.

B. CHANGE OF USE

1. Except in the DHC and DCC districts, a nonconforming use may only be changed to a use allowed in the zoning district in which it is located. In the DHC and DCC districts, an existing single-family residential dwelling unit may be converted to a commercial use, subject to compliance with all provisions of the Building Code, Fire Code, and this Code.
2. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

C. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

A use that does not comply with the performance standards of Section 19.7.8, *Operational Performance*, shall not be enlarged or extended unless the enlargement or extension increases the degree of compliance with the performance standards.

D. LOSS OF LEGAL NONCONFORMITY STATUS

1. Abandonment

Except for single-family dwelling units, if a nonconforming use ceases for any reason for a period of more than 180 days or other period of time as specified by the City Council as part of a closure plan, the use shall be considered abandoned. Once abandoned, the legal nonconforming status shall be lost, and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

2. Damage or Destruction

- (a) If a building or structure housing a nonconforming use is destroyed by a fire or other natural cause, the nonconforming use may be reestablished within six months after the fire or other natural cause. The reestablishment of the building or structure must occur after design review approval and shall begin with 6-months of the date of the destruction or damage. Any new structure shall be reviewed for compliance with all applicable regulations of Title 19. [any means to the

No. 6

19.10.2 – Nonconforming Uses

~~extent of more than 50 percent of its current replacement value, the nonconforming use may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located.]~~

- (b) This damage or destruction provision shall not apply to single-family dwelling units *in residential zoning districts or for single-family dwelling units in the Downtown Redevelopment Area*, which may be reconstructed with substantially the same floor area, provided there is no increase in any other nonconformity.
- (c) The extent of damage or destruction shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or destruction to the estimated cost of duplicating the entire structure. Estimates for this purpose shall be made by or shall be reviewed and approved by the Director of Building and Safety.

No. 7

Section 19.12.3.(c) and (i)

19.12.3.(c)

- (c) Balconies, [~~Enclosed Stairs,~~] Porte Cocheres, and Covered Porches

Such features may encroach up to six feet into a front or rear yard and one foot into a side yard, with a maximum overhang of 12 inches. Structures must also comply with applicable Building Code requirements.

- (i) Steps

Steps or stairs [~~(non-enclosed) to a dwelling unit may encroach into a required setback by up to four feet~~] may encroach up to three feet into a side yard and six feet into a front or rear yard. Steps or stairs must also comply with applicable Building Code requirements.

No. 8 - 19.5.4.T.3
Wireless Communication Structures

(b) Standards

(1) General Standards

See Section 19.5.4.[U]I.4, *General Standards for Wireless Communication Facilities*.

(5) Alternative Tower Structures on City of Henderson Property

Any new wireless communication facility on City of Henderson property that is not co-located on an existing tower may be approved by the Community Development Director provided:

- i. On non-park City property, the facility is designed as a freestanding, co-locatable alternative tower structure or monopole not to exceed the height of the existing structures on the site or 70 feet, whichever is taller; ~~and~~ or
- ii. The facility consists of concealed or slim-line antennas attached to existing or replaced sports-field lights or net posts, but does not increase the height of the line or post structure; and
- iii. On Parks and Recreation sites, the Parks and Recreation Director has reviewed the proposed wireless communication facility and provided written comments to the Community Development Director; and
- iv. The wireless communication facility is located on the property in an area predetermined by the City of Henderson; and
- v. Any alternative tower structure shall be separated from adjoining land uses per Section 19.5.4.[U]I.3(b)(2) above; and
- vi. All associated support equipment not located within an existing building shall be located within an underground vault or within an enclosed structure designed to be architecturally compatible with existing buildings on site or the nearest adjacent buildings. The equipment storage structure shall be designed to accommodate equipment for future locations as well as additional storage as needed.
- vii. An alternative tower structure designed as a flagpole shall display an appropriately sized flag. If an American flag is displayed then it shall comply with the Federal Flag Code (Public Law 94:344). A plaque measuring no more than 12 inches by 12 inches and displaying the facility reference number and a contact telephone number for maintenance of the flag shall be attached to the structure in a means clearly visible to the public.

**No. 8b - 19.5.4.T.4
Wireless Communication Structures**

(c) Administratively Approved Uses

- (1)** The Community Development Director may approve administratively the following uses:
- i.** Any wireless communication facility that is allowed subject to a "P" or "S" in sections 1 through 3 above, or
 - ii.** Any of the following:
 - 1.** Locating wireless communication antennas on existing structures or towers.
 - 2.** Locating any alternative tower structure no higher than ten feet above the base district maximum height limit, not to exceed 70 feet in any applicable zoning district, unless the alternative tower structure is located on City of Henderson property.
 - 3.** Wireless communication facilities located on the site of an electrical substation or on City of Henderson property if the owner has approved its use. Wireless communication facilities on City of Henderson property are subject to Section 19.5.4.[U]I.3(b)(5) above.
 - 4.** Installing a network using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(h) Nonconforming Uses

(1) Not Expansion of Nonconforming Use

Towers that are constructed and antennas that are installed, in accordance with the provisions of this Code, shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting Wireless Communication Towers

Preexisting wireless communication towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting wireless communication towers. New construction other than routine maintenance on a preexisting wireless communication tower shall comply with the requirements of this Code.

(3) Rebuilding Damaged or Destroyed Nonconforming Wireless Communication Facilities

Notwithstanding Section 19.5.4.[U]I.4(a), bona fide nonconforming wireless communication facilities that are damaged or destroyed may be rebuilt without having to first obtain design review or a conditional use permit and without having to meet the separation requirements specified

No. 8b - 19.5.4.T.4**Wireless Communication Structures**

in these standards. The type, height, and location of the wireless communication tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

19.7.9. MULTIPLE SPECIES HABITAT CONSERVATION PLAN

A. PURPOSE

The purpose of this section is to allow for applicants, by certificate of inclusion, to comply with the federal Endangered Species Act through the Incidental Take Permit issued to the county and implemented through the Multiple Species Habitat Conservation Plan (MSHCP) and Implementing Agreement. MSHCP Mitigation Fees collected are used to implement the terms of the Incidental Take Permit.

- ~~1. To provide money to fund conservation actions within the City of Henderson to protect various habitats and species located within the county.~~
- ~~2. To comply with the terms of the Clark County Multiple Species Habitat Conservation Plan and its corresponding Implementing Agreement, which have been approved and adopted by the City of Henderson City Council.~~
- ~~3. To comply with Section 10(a) permits issued by the United States Fish and Wildlife Service to the County pursuant to the Federal Endangered Species Act (16 U.S.C. 1531 et seq.), which allows various species located within Henderson to be legally taken in connection with otherwise lawful activities.]~~

B. IMPOSITION OF MITIGATION FEE

Except as provided in Section 19.7.9.C, *Exemptions and Exceptions*, applicants for development permits shall pay ~~a mitigation fee~~ the MSHCP Mitigation Fee of \$550 per gross disturbed acre or any portion thereof located within the parcel, [to be developed] as well as the area disturbed by related off-site improvements. No development permit shall be issued or approved without the payment of the mitigation fees required by this section.

C. EXEMPTIONS AND EXCEPTIONS

1. A mitigation fee shall not be required for the following types of development:
 - (a) Reconstruction of any structure damaged or destroyed by fire or other natural causes;
 - (b) Rehabilitation or remodeling of existing structures or existing off-site improvements.
 - (c) Disturbance of any lands, including lands conveyed from federal to private ownership, within the City of Henderson, which are covered by and are subject to the terms and conditions of a separate habitat conservation plan and incidental take permit approved and issued by the United States Fish & Wildlife Service. Such lands are not covered by or subject to the Incidental Take Permit.
2. ~~[Development of property for which fees have been paid, as required by a Section 7 Consultation issued pursuant to the Federal Endangered Species Act, shall be allowed to credit mitigation fees actually paid against the total amount of the fees required by this chapter.]~~

No. 10- 19.7.9
Multiple Species Habitat Conservation Plan

Applicants for development permits who have paid per acre fees pursuant to Section 7 of the federal Endangered Species Act may be required to pay a portion of the MSHCP Mitigation Fee as follows:

(a) If an applicant paid less than \$550 per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall pay the difference between \$550 per acre and the amount per acre paid in Section 7 fees. These acres shall be covered by and subject to the Incidental Take Permit.

(b) If an applicant paid \$550 or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall not pay the MSHCP Mitigation Fee for those acres. Those acres are not covered by or subject to the Incidental Take Permit.

~~3. Development of single family residential and manufactured housing on lots that are two gross acres in size or greater, where less than 1/4 of an acre of the property is graded or otherwise disturbed, with the balance of the property left in its natural condition, shall pay a mitigation fee of \$137.50. When more than 1/4 but less than 1/2 acre is graded or otherwise disturbed and the balance of the property is left in its natural condition, the mitigation fee shall be \$275.~~

~~4. Development of freestanding off premises signs, communication towers, and similar structures, where less than 1/4 of an acre of the property is graded or otherwise disturbed, with the balance of the property left in its natural condition shall pay a mitigation fee of \$137.50. Where more than 1/4 but less than 1/2 is graded or otherwise disturbed and the balance of the property is left in its natural condition, the mitigation fee shall be \$275.~~

~~5. Where a development permit has been previously issued after payment of a mitigation fee mandated by this chapter and has expired, the applicant for a new development permit on the same property shall pay the fee pursuant to the current provisions of this chapter less the amount previously paid.]~~

D. LAND DISTURBANCE/MITIGATION FEE FORM [REPORT]

All applicants for development permits shall, before issuance thereof, complete a Land Disturbance/Mitigation Fee Form [Report on the forms] furnished by each Henderson department that issues development permits. The Land Disturbance/Mitigation Fee Form [Report] must be complete, signed by the applicant for the development permit, and contain, at a minimum, the following information:

1. The assessor's parcel number.
2. The number of disturbed acres within the Parcel.
3. The area disturbed by related off-site improvements.
4. The amount of mitigation fees actually paid.

E. COMPLIANCE REPORT FEES

Multiple Species Habitat Conservation Plan

All applicants for development permits ~~[that]~~ who are required to submit a Land Disturbance/Mitigation Fee Form ~~[Report]~~ shall pay processing fees per development permit to the Henderson Building and Safety Department, based on a fee schedule adopted by the City Council.

F. FEE ADMINISTRATION

- ~~[1.]~~ All mitigation fees collected pursuant to the provisions of this ordinance shall be deposited into a special reserve fund. The fund, including interest and other income that accrues thereto, shall be expended solely for the implementation of the terms of the Incidental Take Permit and any amendments thereto. ~~[Clark County Multiple Species Habitat Plan and the Section 10(a) permits issued pursuant to that plan, as those documents exist or as they may hereinafter be amended.]~~
- ~~[2.]~~ ~~[After approval by the United States Fish and Wildlife Service and the City of Henderson and after compliance with the provisions of NRS 244.275, the administrators of the Clark County Multiple Species Habitat Conservation Plan may accept real property or interests therein in lieu of payment of mitigation fees. The fair market value of such real property shall be equal to or greater than the mitigation fees that would otherwise be required to be paid.]~~

G. INCIDENTAL TAKE PERMIT

- 1. All persons, firms, or entities located within Henderson that engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and Off Highway Vehicle activities shall comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit. ~~[this ordinance, the Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement, and the Section 10(a) permit issued by the United States Fish and Wildlife Service, all of which are on file with the Henderson Community Development Department.]~~
- 2. All persons, firms, or entities, their agents and employees that comply with the provisions of this ordinance are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued ~~[its Section 10(a) permit to the County]~~the Incidental Take Permit so long as such person, firm, or entity has complied and continues to comply with the applicable provisions of the ~~[Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement and the Section 10(a) permits issued to the County in connection with such Plan]~~Incidental Take Permit as it now exists or may hereinafter be amended.
- 3. All persons, firms or entities that are not required to pay a mitigation fee pursuant to the terms of this chapter, but that are otherwise in compliance with the applicable provisions of the ~~[Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement and the Section 10 (a) permit issued to the County in connection with such Plan]~~Incidental Take Permit, as it now exists or hereinafter is amended, are hereby permitted to incidentally take any species covered by the ~~[Multiple Species Habitat Conservation Plan and for which the United States Fish and Wildlife Service has issued its Section 10(a) permit(s) to the County]~~Incidental Take Permit.
- 4. ~~[Permission to incidentally]~~The certificate of inclusion that allows a person, firm or entity to comply with federal Endangered Species Act through the Incidental Take Permit, including the incidental take ~~[any]~~of species listed in the Incidental Take Permit,~~[as provided in~~

No. 10- 19.7.9

Multiple Species Habitat Conservation Plan

~~subsections 2 and 3 hereof~~ shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsection 1, 2, or 3 hereof.

19.12.4. DEFINED TERMS

CERTIFICATE OF INCLUSION

Authorization granted to an applicant to allow for the incidental taking of threatened or endangered species under the provisions of the Incidental Take Permit. Authorization is granted upon receipt of payment of all required mitigation fees.

INCIDENTAL TAKE[SECTION 10(A)] PERMIT

The[A] permit, effective as of February 1, 2001, issued by the Secretary of Interior pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539 [that]which incorporates by reference the Multiple Species Habitat Conservation Plan and Implementing Agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

19.8.2. MEASUREMENTS AND INTERPRETATIONS

A. SIGN AREA

1. Sign Face

The area of a sign face is based on the outer dimensions of the frame or cabinet surrounding the sign surface area.

2. Channel (Individual) Letter Signs

The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric shape (e.g., square, rectangle, circle, polygon, etc) with no more than eight sides that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter. (Figure 19.8.12-A.)

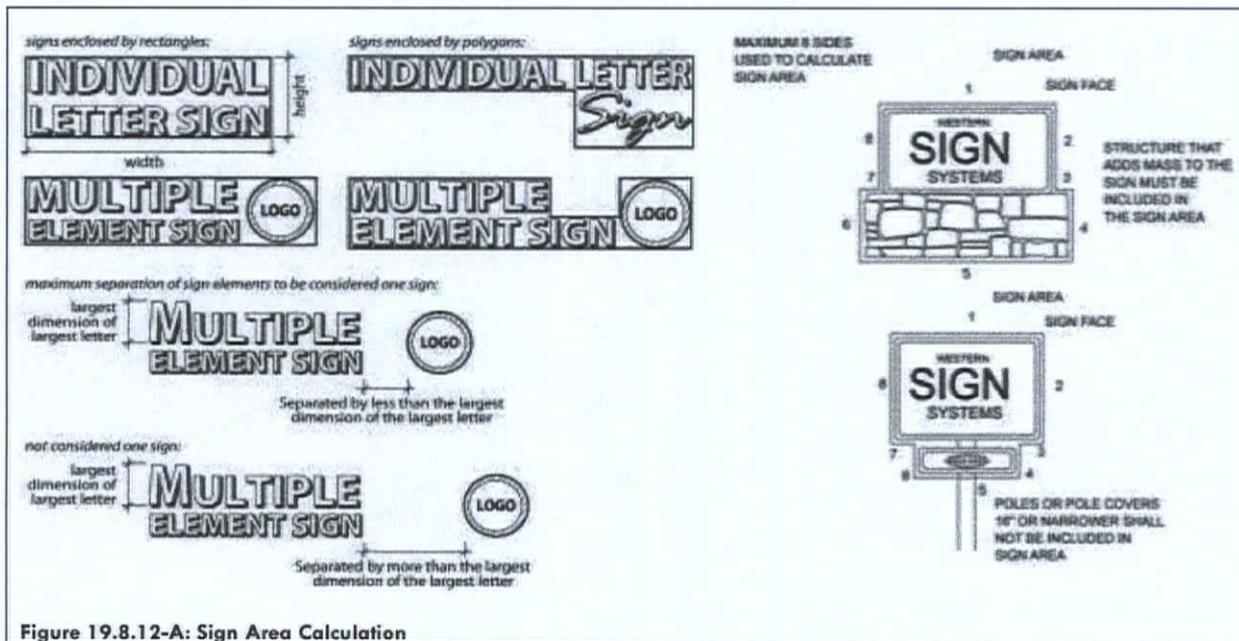


Figure 19.8.12-A: Sign Area Calculation

3. Multi-Sided Signs

When the sign faces of a multi-sided sign are parallel or within 45 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 45 degrees of parallel, all sign faces are counted. (Figure 19.8.12-B).

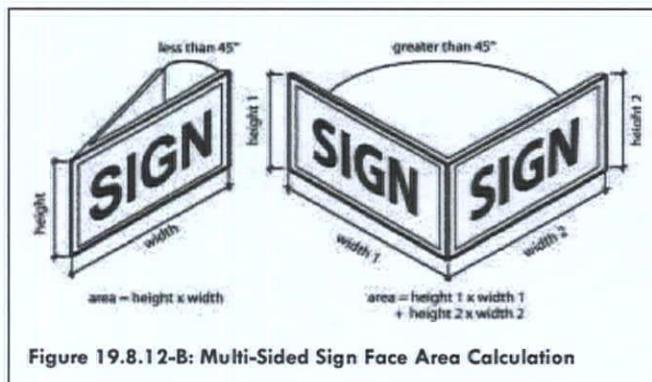


Figure 19.8.12-B: Multi-Sided Sign Face Area Calculation

No. 11 – 19.8.2
Sign Area

4. Projecting, Roof-mounted and Freestanding

Means the sign face of any single-faced freestanding, roof-mounted or projecting sign and the largest side only of any double-faced freestanding, roof-mounted or projecting sign shall be counted in calculating its area. One-half the total area of any spherical, round, oval, elliptical, polygonal, totem or any other sign having more than two faces shall be counted in calculating its area.

The area of the sign shall be measured as follows:

For each sign face, a rectilinear line of not more than eight sides shall be drawn around an enclosing the perimeter of all cabinets or modules and their structure where the structure adds mass to the sign. Such area within the rectilinear line shall be the total sign area of that face. The perimeter of the measurable area shall not include incidental embellishments such as poles and pole covers 16 inches or narrower, framing, etc. provided that such embellishments do not include any advertising message, announcement, declaration, insignia, or mural, or otherwise erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. (See Figure 19.8.12-A)

19.5.2. USE CLASSIFICATION

A. USE CLASSIFICATIONS

Use classifications organize land uses and activities into general “use categories,” and specific “use types” within the categories, based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or housing types, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The use classifications in each of the use tables include: Residential Uses, Public/Institutional Uses, Commercial Uses, and Industrial Uses. Accessory Uses and Temporary Uses are addressed in Sections 19.5.7 and 19.5.8, respectively.

COMMENTARY:

For example, a development that contains a bookstore, coffee shop, and bakery would be classified in the “Retail Sales and Service” category because all of the development’s principal uses are in that use category.

B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

When all principal uses of a building fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, may include only those use types allowed in the base zoning district. For developments that meet the “shopping center” definition, parking for uses may be calculated at one space per 250 square feet.

For developments that meet the “shopping center” definition, parking for uses may be calculated at one space per 250 square feet.

C. UNLISTED USES

1. Procedure

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this chapter, the Community Development Director may permit the use type upon finding the standards of this subsection are met in accordance with the procedure in Section 19.6.9.F, *Interpretation*. The Community Development Director shall give due consideration to the purpose and intent of this Code concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. Any new use type may be incorporated into this Code through a Development Code text amendment in accordance with the procedure in Section 19.6.4.B.

2. Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zoning district, the Community Development Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (a) The volume and type of sales, retail, wholesale, etc.;
- (b) The size and type of items sold and nature of inventory on the premises;
- (c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;

No. 12

19.5.2.D – Prohibited Uses

- (e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
- (f) The type, size, and nature of buildings and structures;
- (g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
- (i) Trip purposes and whether trip purposes can be shared by other use types on the site;
- (j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;
- (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.

D. PROHIBITED USES

The following uses are prohibited within the City of Henderson:

1. Residential Motels;
2. Bed & Breakfast facilities

Y. MINI-STORAGE FACILITY

2. Standards

(a) All Nonresidential Districts

- (1) Mini-storage facilities shall comply with all development regulations listed for the zoning district or planned unit development in which the facility is located.
- (2) All mini-storage facilities shall provide minimum 32-foot-wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors.
- (3) Resident manager's quarters, where provided, shall be incorporated into and occupy space on the premises of the mini-storage facility. No freestanding manager's quarters are permitted within the IP district.
- (4) Mini-storage facility shall include a single 500-square-foot (minimum) landscaped private recreation area within the mini-storage project adjacent to the caretaker's quarters for exclusive use by resident manager/caretaker. The landscaped recreation area shall include a minimum of one large shade tree installed at 24-inch-box size, shrubs, and recreation equipment as approved by the Community Development Director. Recreation equipment shall consist of picnic table and barbecue facilities or other comparable equipment for use by the resident manager.
- (5) All buildings in the mini-storage facility shall be architecturally compatible with the surrounding uses. Architectural compatibility shall be measured as follows: projects constructed abutting residential or public/semipublic zoning shall employ sloped concrete tile or clay roofs and shall display wall relief features and colors commonly found in residential construction; projects abutting commercial or industrial zoning districts may employ more rigid lines and features; where a project abuts a residential or public/semipublic zoning district, the residential compatibility requirement shall control; for facilities proposed within existing commercial/shopping centers, the design standards of 19.7.6.D shall control, with special attention given to adhering to any established architectural styles or themes within the center, which may negate the requirement for a sloped/tile roof.

19.7.8 OPERATIONAL PERFORMANCE

A. AIR QUALITY

The emission of dust, dirt, or smoke shall comply with ~~[Title 5 of the HMC.]~~ the Clark County Department of Air Quality Regulations.

B. COMBUSTIBLES AND EXPLOSIVES

The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of HMC 15.32 and all applicable state and federal laws.

C. GASES

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with ~~[Title 5 of the Henderson HMC]~~ the Clark County Department of Air Quality Regulations and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

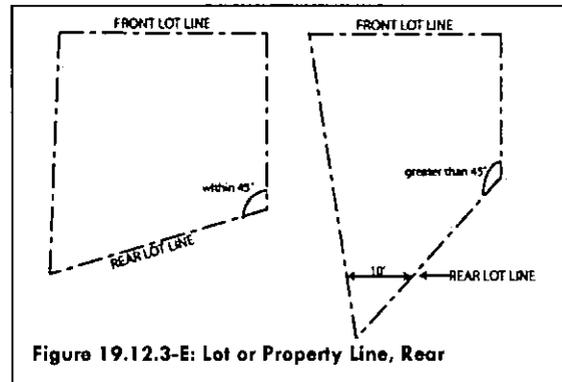
No. 16 - 19.12.3.D.7 – Measurement and Definitions
Rear Lot/Property Line

7. Lot or Property Line, Rear

Means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear-yard depth.

Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length

within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear-yard depth (See Figure 19.12.3-E). In instances where neither the front lot line nor the rear lot line is a simple straight line and it may not be easy to determine whether any lot line is within 45 degrees of being parallel to the front lot line, the Community Development Director may make the determination of the rear property line.



19.2.6. RS-2: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 2

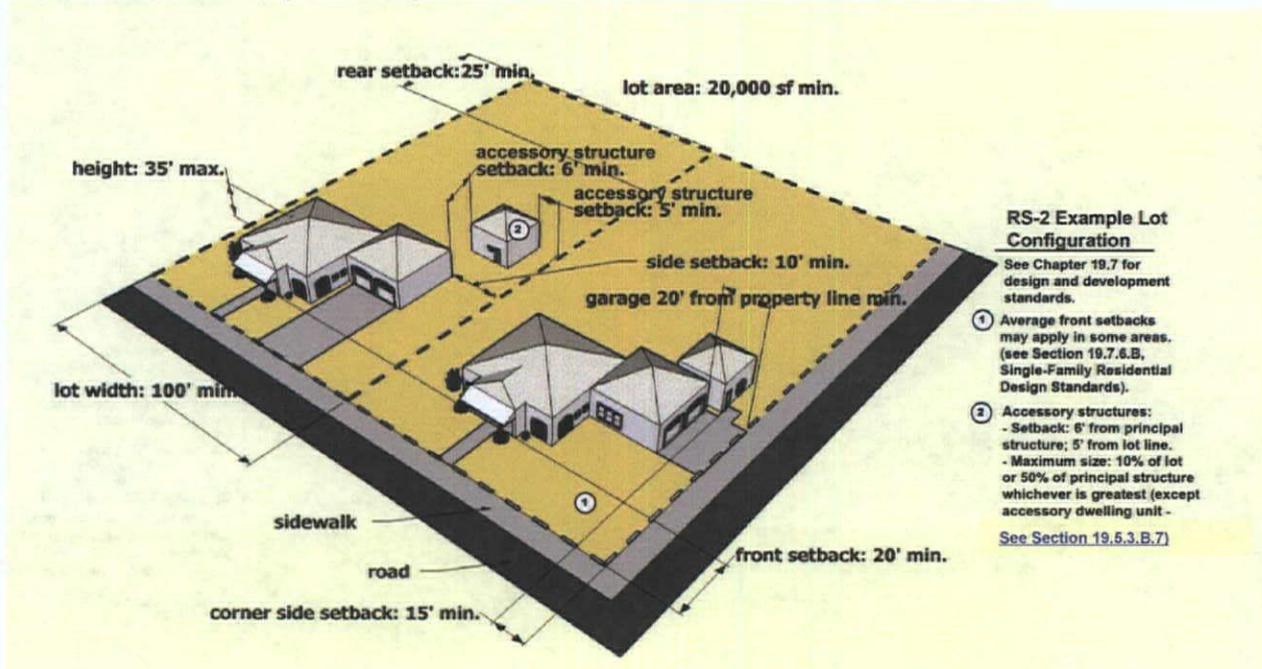
The RS-2 district is established to accommodate large-lot, single-family, detached dwellings and accessory development compatible with the desert landscape. Single-family attached units existing on the effective date of this Code may remain as conforming uses. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit. Any RS-2-zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 20,000 square feet (regardless of lot size).



Figure 19.2.6-A: RS-2 Example Building Form

TABLE 19.2.6-1: DIMENSIONAL STANDARDS RS-2 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	2
LOT STANDARDS	
Lot area, min (sq ft)	20,000
Lot width, min (ft)	100
Lot coverage, max (ft)	N/A
SETBACKS, MINIMUM	
Front (ft)	20
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	25
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Spacing between units (ft)	N/A
Dwelling unit size, min (sq ft)	1,200
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit: [lesser of 1,000-sq-ft or 25% of principal structure]; See Section 19.5.3.B.7)	

Figure 19.2.6-B: RS-2 Example Lot Configuration



19.2.7. RS-4: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 4

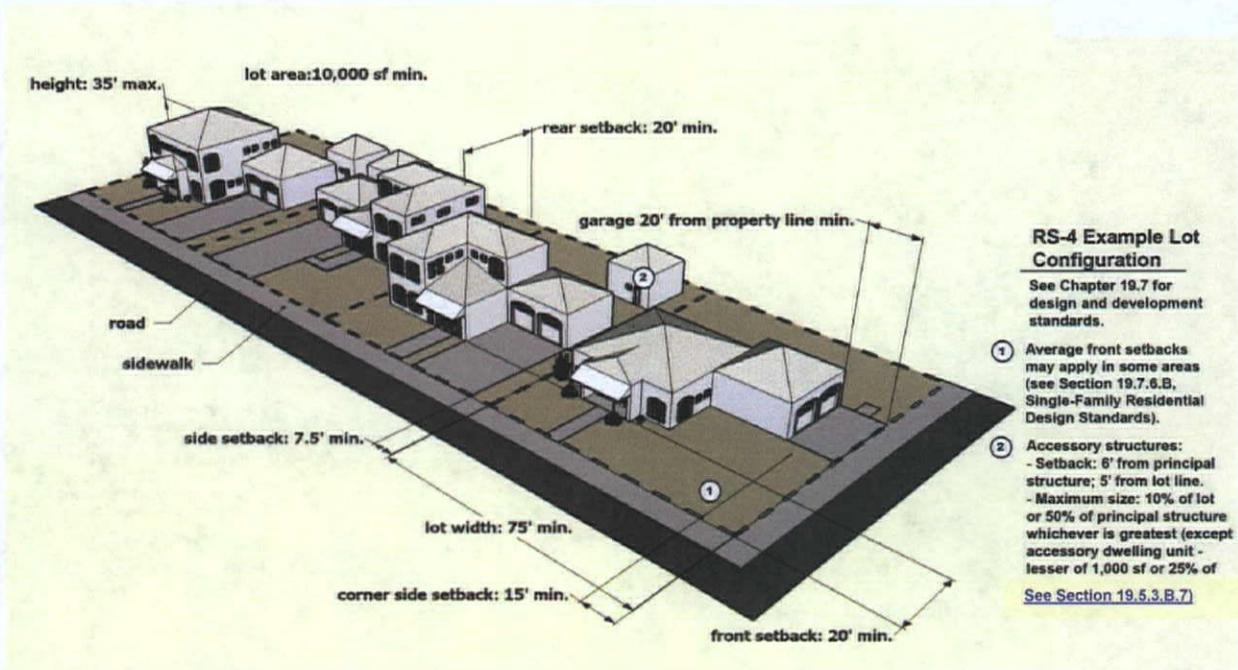
The RS-4 district is established to accommodate a variety of residential use types at low densities. The district allows single-family detached homes as well as typical accessory development. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit.



Figure 19.2.7-A: RS-4 Example Building Form

TABLE 19.2.7-1: DIMENSIONAL STANDARDS RS-4 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	4
LOT STANDARDS	
Lot area, min (sq ft)	10,000
Lot width, min (ft)	75
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	20
Side, interior (ft)	7.5
(Reduction to 5-ft interior side yard setback allowed, provided the aggregate of the two adjacent interior side yards is 15 ft.)	
Side, corner (ft)	15
Rear (ft)	20
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Building spacing, min (ft)	15 (principal to principal)
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit: [lesser of 1,000 sq ft or 25% of principal structure]) See Section 19.5.3.B.7	

Figure 19.2.7-B: RS-4 Example Lot Configuration



19.2.8. RS-6: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 6

The RS-6 district is established to accommodate a variety of residential use types at low densities on moderately-sized lots. The district allows single-family detached homes as well as typical accessory development. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of

institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit.

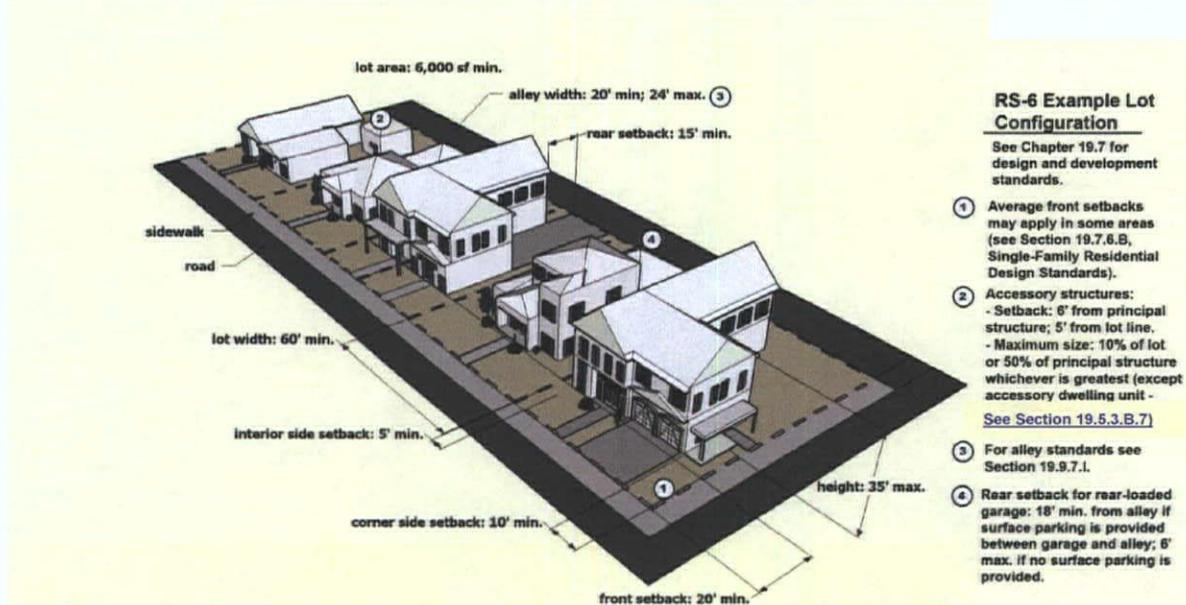


Figure 19.2.8-A: RS-6 Example Building Form

Areas zoned RS-6 prior to March 1, 2010, are subject to the requirements of the prior Development Code and not the requirements of this section. RS-6 PUDs established prior to the effective date of this Code are subject to their individual adoption ordinances and not the requirements of this section.

TABLE 19.2.8-1 DIMENSIONAL STANDARDS RS-6 DISTRICT	
DISTRICT STANDARDS	
Density, max (units/gross acre)	6
LOT STANDARDS	
Lot area, min (sq ft)	6,000
Lot width, min (ft)	60
Lot coverage, max (%)	N/A
Corner lots for residential uses that are less than 10,000 square feet shall have a minimum width of 5 feet more than the minimum lot width otherwise required by the underlying zoning district.	
SETBACKS, MINIMUM	
Front, measured from back of the sidewalk or lot line, whichever is greater (ft)	14 to house 20 to a street-facing garage 10 to a side-entry garage
Side, interior (ft)	5
Side, corner (ft)	10
Rear (ft)	15 (except for alleys; see note below)
Accessory structure (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Building spacing, min (ft)	10 (principal to principal)
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit: [lesser of 1,000 sq ft or 25% of principal structure]) See Section 19.5.3.B.7	

Figure 19.2.8-B: RS-6 Example Lot Configuration



2. Resort Hotel

RESIDENTIAL								DOWNTOWN RESIDENTIAL						
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	DRL	DRM	DRH	DP
COMMERCIAL				INDUSTRIAL				MIXED-USE				DWNWTWN		
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	DCC	DHC	PS
				C					C		C	C	C	

(a) Definition

- (1) A building or group of buildings kept, used, maintained, advertised, and held out to the public to be a hotel or motel where sleeping accommodations are offered to transient guests, in which ~~a minimum of 200 or more rooms~~ more than 200 rooms are used for sleeping accommodations, and the premises on which the building or group of buildings are located are a minimum of 25 acres or more, and that has a minimum of the following amenities, all of which are directly connected to the building or group of buildings upon the premises.
- i. One main bar with more than 30 permanent seats wherein alcoholic liquors are dispensed by the drink to customers at such bar;
 - ii. One service bar wherein alcoholic liquors are prepared for service only at tables and not direct to customers at such bar;
 - iii. Entertainment that includes at least one of the following:
 1. One facility with at least 25 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artist) on a regularly scheduled basis; or
 2. One facility with at least 300 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artists) on a semi-regular basis (at least six times per year).
 - iv. One restaurant open for service to the public 24 hours per day, seven days per week, which is used, kept, maintained, advertised or held out to the public to be a place where meals are served and that has a seating capacity of more than 60 persons at one time at tables;
 - v. Room service to all rooms including, without limitation, service of meals;
 - vi. A recreational facility that includes at least one of the following:
 1. Four regulation tennis courts with locker rooms and attendant facilities;

No. 18 - 19.5.5.II
Visitor Accommodations – Resort Hotel

2. One swimming pool that is swimmable and adequate in relationship to the size of the resort hotel as approved by the City Council;
3. One regular golf course consisting of at least nine holes comprising at least 50 acres;
4. One gymnasium with dimensions of at least 40 feet in width, 60 feet in length, and 20 feet in height and equipped with exercise equipment.

(2) When determining whether a particular applicant complies with the resort hotel definition, the City Council may consider: (1) the physical layout of buildings and facilities, (2) the unity of title and ownership of the buildings or group of buildings, (3) the operation and management relationship of gaming to hotel administration, and (4) the proximity of the proposed resort hotel to residential development.

(3) When determining whether a particular applicant complies with the requirement of the resort hotel definition that the premises on which the building or group of buildings are located are a minimum of 25 acres or more, the City Council may exempt from this requirement those premises within a master-planned development provided that all other requirements of the resort hotel definition shall continue to apply to the particular applicant.

(b) Standards

Resort hotels shall comply with all applicable standards in Title 4.32 of the HMC and this Code.

(c) Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)