

**ORDINANCE NO. 3342
(ZOA-16-500128 – Development Code Update 2016)**

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 SECTIONS OF CHAPTERS 19.1, 19.2, 19.5, 19.6, 19.7, 19.8, 19.9, 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:

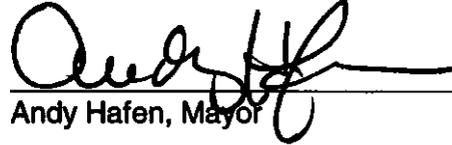
SECTION 1. Sections of Chapters 19.1 – Introductory Provisions, 19.2 – Residential Zoning Districts, 19.5 – Use Regulations, 19.6 - Administration, 19.7 – Development and Design Standards, 19.8 - Signs, 19.9 – Subdivision Design and Improvements, and 19.12 – Measurement and Definitions, of the Henderson Development Code are hereby amended, as represented in Exhibit A, hereto attached consisting of 58 pages.

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

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clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

PASSED, ADOPTED, AND APPROVED THIS 7TH DAY OF JUNE, 2016.





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 May 17, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on June 7, 2016, 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 7, 2016, the Ordinance was read in title and adopted by the following roll call vote:

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

Those voting nay: None
Those abstaining: None
Those absent: Debra March





Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

Exhibit A
Title 19 - Development Code Updates

Added Text – Blue Underline

Deleted Text – [~~bracketed red strike-through~~]

19.1.5.C

Conflicting Provisions - Conflict with Private Agreements

19.1.5. CONFLICTING PROVISIONS

A. CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this Code are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

B. CONFLICT WITH OTHER CITY REGULATIONS

If the provisions of this Code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the more restrictive provision shall control.

C. CONFLICT WITH PRIVATE AGREEMENTS

It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, covenants, conditions, and restrictions ("CC&Rs"), or other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control the private parties. If the provisions of a private agreement impose a greater restriction than this Code, the provisions of the private agreement will control the private parties. The City shall not be responsible for interpreting, monitoring, or enforcing private agreements[-], including CC&Rs, to which the City is not a party.

19.12.4
Defined Terms

Hotel or Motel, Residential

An establishment offering transient lodging consisting of five or more guest rooms with kitchenettes or kitchen facilities as part of any guest room and available for occupancy of continuous periods exceeding a weekly basis.

19.5.4.R
Utility: Minor

R. UTILITY: MINOR

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

1. Definition

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water and sewer lines, and utility communication devices.

2. Standards

- (a) Unless excepted in accordance with Section ~~[15.18.22]~~ 15.18.180 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.
- (b) Utility communication devices as a permitted use are subject to the standards set forth in Section 19.12.3.C.1, Exceptions to Height.

3. Off-Street Parking Requirement

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

4. Off-Street Loading Group

None.

19.5.4.T
Wireless Communication Facility

T. WIRELESS COMMUNICATION FACILITY

2. Wireless Communication Tower

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
[€]	[€]	[€]	[€]	[€]	[€]	[€]	[€]	[€]	[€]	C	C	C
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

(a) Definition

Any structure and support that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone and similar communications purposes, including monopoles, cellular telephone towers, and the like.

(b) Standards

(1) General Standards

See Section [19.5.4.T.4](#) ~~(+9.5.4.U.4)~~, *General Standards for Wireless Communication Facilities*.

(2) Conditional Use Permits

The following provisions shall govern the issuance of conditional use permits for wireless communications towers.

- i. In granting a conditional use permit, the Planning Commission may impose necessary conditions to minimize any adverse effect of the proposed wireless communication tower on adjoining properties.
- ii. A Nevada licensed professional engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of the conditional use permit application, whether civil, mechanical, or electrical.
- iii. Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.

(3) Factors Considered in Granting Conditional Use Permits

In addition to the approval criteria for conditional use permits, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:

- i. Height of the proposed wireless communication tower;
- ii. Proximity of the wireless communication tower to residential structures and residential district boundaries;
- iii. Nature of uses on adjacent and nearby properties;

19.5.4.T
Wireless Communication Facility

- iv. Surrounding topography;
- v. Design of the wireless communication tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- vi. Proposed ingress and egress; and
- vii. Availability of suitable existing wireless communication towers, other structures, or alternative technologies not requiring the use of wireless communication towers [~~or structures~~].

The Planning Commission may waive or reduce the burden on the applicant of these criteria if the Planning Commission concludes that the goals of this Code are better served by such waiver or reduction.

(4) Setbacks

Setbacks shall be based on the applicable zoning district.

(5) Separation

The following separation requirements shall apply to all wireless communication towers:

- i. Separation from Adjoining Land Uses
 - 1. Wireless communication tower separation shall be measured from the base of the wireless communication tower to the lot line of the adjoining land use.
 - 2. Separation requirements for wireless communication towers shall comply with Table 19.5.4-1: *Wireless Communication Facility Separation*.

TABLE 19.5.4-1: WIRELESS COMMUNICATION FACILITY SEPARATION	
ADJOINING LAND USE (AS DEFINED IN COMPREHENSIVE PLAN)	MINIMUM SEPARATION DISTANCE
Low-density residential uses	Greater of: 200 feet or 300 percent of tower height
Medium- and high-density residential	Greater of: 100 feet or tower height
All other uses	District setbacks only

ii. Separation Distance between Wireless Communication Towers

- 1. Separation distance between wireless communication towers shall be applicable for and measured between the proposed wireless communication tower and preexisting wireless communication towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing wireless communication tower and the proposed base, pursuant to a site plan, of the proposed wireless

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Wireless Communication Facility

communication tower. The separation distances between wireless communication towers shall be 600 feet.

2. The Planning Commission may reduce the standard separation requirements if the goals of this section would be better served.

~~[(6)]~~ Residential Districts

~~A wireless communications tower proposed in a residential zoning district shall be subject to conditional use permit review and approval and the following additional standards:~~

- ~~i. The tower shall not be located on a lot occupied by a single-family dwelling.~~
- ~~ii. The tower shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.~~
- ~~iii. The tower shall be located on the perimeter of a development.~~
- ~~iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.]~~

~~[(7)]~~(6) Tower Modifications to Allow Co-Location

A wireless communication antenna that is proposed to be attached to an existing wireless communication tower may be approved by the Community Development and Services Director provided such co-location and any wireless communication tower modifications comply with the following standards:

- i. Form
 1. A wireless communication tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same wireless communication tower type as the existing wireless communication tower, unless the Community Development and Services Director allows reconstruction as an alternative wireless communication tower structure.
 2. A conditional use permit is required if full-array antennas are added to a "stealth" or "slim-line" pole.
- ii. Height
 1. An existing wireless communication tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antenna(s). Increases shall not exceed ten feet over the base zoning district height maximum or 70 feet.
 2. The height change referred to above may only occur one time per wireless communication tower. Additional height

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Wireless Communication Facility

increase requests shall be processed as conditional use permits.

iii. Onsite Location

1. A wireless communication tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location subject to the separation requirements listed below.
2. After the wireless communication tower is rebuilt to accommodate co-location, only one wireless communication tower may remain on the site.
3. The onsite relocation of a wireless communication tower, which comes within the separation distances to residential units or residentially-zoned lands as established in this section, shall only be permitted when approved by the Community Development and Services Director.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

19.5.5.A
Use Regulations – Distance Separation Analysis

19.5.5. COMMERCIAL USES

A. GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

1. Distance Limitations for Alcohol and Liquor Uses

Uses involved in the sale or offering of alcohol or liquor shall submit a distance separation analysis application, as defined in Section 19.6.10.C, for review and determination of site suitability; comply with the requirements in Section 4.36 of the Henderson Municipal Code (HMC), *Liquor – Regulations and Licensing*; and the following standards:

- (a) Except for establishments within any resort village (as defined in Title 19 of the HMC), such uses shall comply with the minimum separation requirements in Table 19.5.5-1, Minimum Separation:

TABLE 19.5.5-1: MINIMUM SEPARATION			
PROPOSED USE TYPE	REQUIRED BUFFER ZONE SEPARATION FROM EXISTING AND APPROVED USES {1} {2}		
	SCHOOL SITE	RELIGIOUS ASSEMBLY	GENERAL DAY CARE
	BUFFER ZONE (FEET) {3}		
Category I Uses (tavern; nonprofit club; billiard hall; liquor store)	1,000	500	200
Category II Uses (restaurant with bar; beer, wine, and spirit-based products on or off-sale; full on-sale; full off-sale; convenience market; wine lounge, winery)	500	500	0
NOTES: {1} Buffer zone separation requirements shall be applied regardless of whether the school site, religious assembly, or general day care use is located inside or outside the city. {2} Catering, wholesale sale of alcohol or liquor, and retail sale of gift baskets containing alcohol or liquor are exempted from these separation requirements. {3} For purposes of the buffer zone measurement, accommodation facilities located within or operated as part of limited or non-restricted gaming locations are exempt.			

- (b) The foregoing distance separation requirements may be considered to be waived or reduced through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such buffer zone separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.
- (c) In addition, the applicant must demonstrate the proposed use may be conducted in a manner that is harmonious and compatible with existing and/or approved protected uses.
- (d) Demonstration of “by clear and convincing evidence” may include the following:
 - (1) Unique operating and/or locational characteristics of the proposed alcohol and liquor use;

19.5.5.A

Use Regulations – Distance Separation Analysis

- (2) A freeway, railroad, or other major roadway with a minimum width of 100 feet;
 - (3) A topographical feature that prevents vehicular and pedestrian access; or
 - (4) An improved drainage facility that prevents vehicular and pedestrian access.
- (e) Sales, services, and distribution of alcohol or liquor is prohibited within a 1,000-foot buffer zone of a sexually oriented business.
- (f) Issuance of a conditional use permit does not guarantee or constitute approval of a liquor license.

19.5.5. COMMERCIAL USES

A. GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

2. Live Entertainment

Any use that includes live entertainment as defined in this Code shall comply with the following standards:

(a) Definition

Regulations pertaining to "live entertainment" in this Code apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use:

- (1)** A musical, dance, or comedic act or event, disc jockey (unless he or she merely plays recorded music and does not perform or entertain the patrons), play, revue, recital, concert, or other similar performances, activity or presentation by one or more persons intended or tending to entertain or amuse, regardless of whether provided in exchange for compensation.
- (2)** A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of performers shall not constitute a change in the type of live entertainment.

(b) Standards

- (1)** A conditional use permit is required.
- (2)** A conditional use permit for live entertainment shall apply only to the type of entertainment listed in the notice of final action. ~~approved, and e] If a~~ different type of entertainment is requested other than those listed, it shall require approval of a new or amended conditional use permit.
- (3)** Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.
- (4)** Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

19.5.5.H
Brew Pub/Microbrewery/Craft Distillery

H. BREW PUB/MICROBREWERY/CRAFT DISTILLERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C		S		S	C	C	C	

1. Definition

An establishment that manufacturers malt beverages and sells those malt beverages at retail; or manufactures distilled spirits (per NRS Chapter 597). Sample products made on site may be offered at no cost to visitors.

2. Standards

(a) All Districts

(1) Defining Operating Characteristics

- i. Brew pubs/microbreweries/craft distilleries that operate and meet the standards of a tavern, see Section 19.5.5.O.3, are subject to the minimum separation requirements for taverns. See Section 19.5.5.O.3, Eating And Drinking Establishment: Tavern.
- ii. Brew pubs/microbreweries/craft distilleries that operate and meet the standards of a restaurant with bar, see Section 19.5.5.O.2, Eating and Drinking Establishment: Restaurant with Bar, are subject to the minimum separation requirements for Category II liquor uses.

(2) Any proposed ~~[alcohol or liquor use]~~ Brew Pub/Microbrewery/Craft Distillery operating as defined above shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses* ~~[[same requirements as for a Tavern]]~~, and all Title 4 requirements for the subject use.

(3) Brew pubs/microbreweries/craft distilleries located in and owned or operated by a nonrestricted or limited gaming licensee shall be covered under the licensee's nonrestricted/limited gaming establishment's liquor license.

(4) A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery/craft distillery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.

(5) A brew pub/microbrewery/craft distillery establishment may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of their customers, provided they comply with the standards for such accessory uses in Section 19.5.7.D.8.

19.5.5.H

Brew Pub/Microbrewery/Craft Distillery

- (6) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, *General Standards for Alcohol and Liquor Uses and Live Entertainment*.
- (7) Distance separations and exemptions for taverns shall also apply to brew pubs/microbreweries/craft distilleries that meet the requirements of 19.5.5.H.2(a)(1)(i). See Section 19.5.5.O.3(b)(2).
- (8) Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, *Restricted Gaming* and Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.

(b) CT District

Brew pubs/microbreweries/craft distilleries are allowed only as part of a mixed-use project.

(c) IP District

- (1) Brew pubs/microbreweries that manufacture malt beverages shall produce no more than 15,000 barrels on an annual basis.
- (2) Brew pubs/microbreweries/craft distilleries must be located in a stand alone building or end unit of a multi-tenant building.
- (3) Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.

3. Off-Street Parking Requirement

Nonresidential districts: 1 space per every 100 square feet of indoor and outdoor customer service area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.5.11

Vehicle/Equipment Sales and Service – Commercial (retail) fueling and Service Station

II. VEHICLE/EQUIPMENT SALES AND SERVICE

4. Commercial (Retail) Fueling Center

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

(a) Definition

Any building, land or other premises used for the retail dispensing or sales of vehicular fuels or oils and accessories for the motor-vehicle trade.

(b) Standards

(1) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

- i. The dispensing of petroleum products, water, and air from pump islands; and
- ii. The sale of items from a vending machine which shall be located next to the main structure.

(2) No automotive repair may take place on the premises or within any building.

(3) No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.

~~**(4)** No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.~~

~~**(5)**~~**(4)** Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

(c) Off-Street Parking Requirement

Vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

19.5.5.II

Vehicle/Equipment Sales and Service – Commercial (retail) fueling and Service Station

7. Service Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
(C)		C	S	C	S	C	C		C		C	

(a) Definition

Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This use type also includes express oil-change facilities. This use type does not include auto body or repair of heavy trucks or vehicles.

(b) Standards

(1) All Districts

i. Vehicle Repair

In the CC, IL, IG, and MC districts, major vehicle repairs, including drivetrain, engine, transmission, and differential repair and installation may be allowed as a conditional use in conjunction with the primary use of dispensing vehicular fuels, if specifically indicated in the public hearing notice and if approved by the Planning Commission and/or City Council.

ii. Site Layout

1. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.
3. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.

iii. All automotive repair shall take place within the building.

iv. No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.

v. No used or discarded automotive parts or equipment; or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.

19.5.5.11

Vehicle/Equipment Sales and Service – Commercial (retail) fueling and Service Station

(2) Mixed-Use Districts

- i. All car-washing and repair activities shall be carried on within an enclosed building.
- ii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.
- iii. Design of the drive lanes and stacking spaces shall demonstrate integration with the site, screening, and coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and shall demonstrate how the drive lanes and stacking spaces will not be a negative impact on the pedestrian environment or the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of convenience store/food sales area plus 1 space per service bay and vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.5.LL
Winery

LL. WINERY

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

(a) Definition

An establishment that produces, bottles, blends, or ages wine, or that imports wine or juice from a winery located in another state to be fermented into wine. A winery may also include a tasting room and retail outlet as secondary uses within the winery, subject to standards set forth in NRS 597.240.

(b) Standards

(1) All Districts

- i. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.
- ii. A winery may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of its customers, provided it complies with the standards for such accessory uses in Section 19.5.7.D.8.
- iii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, General Standards for Alcohol and Liquor Uses and Live Entertainment.
- iv. No more than twenty percent of the overall winery square footage may be allocated to a tasting room and/or retail outlet.

(c) Off-Street Parking Requirement

(1) Nonresidential districts:

- i. 1 space per every 100 square feet of indoor and outdoor customer service area.
- ii. 1 space per every 500 square feet of manufacturing or warehouse space.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.6.C.2
 Commercial Laundry – Limited

C. COMMERCIAL LAUNDRY

1. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C				[P]S	P	S				

(a) Definition

A “limited” commercial laundry is a business that launders clothing and other fabric articles in bulk quantities within a completely enclosed building. This use type does not include dry cleaning.

(b) Standards

(1) IP/IL District

Vehicles used for transporting laundered items shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(bc) Off-Street Parking Requirement

Schedule “B” (Section 19.7.4.C.2)

(ed) Off-Street Loading Group

Group One (Section 19.7.4.D)

G. INDUSTRY

2. General

RESIDENTIAL										PUBLIC		
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL					MIXED-USE		
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	C				

(a) Definition

Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involve a high incidence of truck or rail traffic, and outdoor storage. Warehousing accessory to the manufacturing process is permitted. This use type includes such items as food processing and packaging and stonework. This use type does not include noxious industrial uses, such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries.

(b) Standards

(1) All Districts

- i. Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, Hazardous Materials Storage.
- ii. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IL District and IP Districts

~~[General warehousing and manufacturing is allowed; all other general industry uses require a conditional use permit.]~~ All warehousing and manufacturing processes shall be conducted within a ~~[totally]~~completely enclosed building.

~~[(3) IP District~~

~~General warehousing and manufacturing is allowed; all other general industry uses require a conditional use permit. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application,~~

19.5.6.G.2
Industry - General

~~may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.~~

- (c) Off-Street Parking Requirement
Schedule "B" (Section 19.7.4.C.2)
- (d) Off-Street Loading Group
Group One (Section 19.7.4.D)

19.5.6.1

Maintenance and Service Facility

I. MAINTENANCE AND SERVICE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			C	S	<u>S</u>				

1. Definition

Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.6.L.2

Warehousing and/or Storage Yard - Limited

L. WAREHOUSING AND/OR STORAGE YARD

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	CS				

(a) Definition

Structures of 5,000 square feet or less that provide storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This use type does not include wholesaling, distribution, and storage, mini-storage, and vehicle storage uses.

(b) Standards

Limited warehousing and storage use storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.8.D.2

Commercial Filming, Limited

2. Commercial Filming, Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(a) Definition

A temporary use involving commercial motion picture or video photography at the same location for ~~six~~ 30 or fewer days per quarter of a calendar year.

19.5.8.D.11 - Temporary Uses and Structures
 Temporary Event

11. Temporary Event

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(a) Definition

Events held during a fixed period of time including flea markets/swap meets, auctions, farm stands, seasonal sales, arts and crafts shows, animal shows, racing meets, parades, and other similar outdoor or indoor events.

(b) Standards

Events shall not exceed a maximum of ~~three~~five days and a site may host a maximum of six events per year.

Section 19.6.2.A & B
 Review and Decision-Making Bodies – Summary Table

19.6.2. REVIEW AND DECISION-MAKING BODIES

A. SUMMARY TABLE

Table 19.6.2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this chapter. Other duties and responsibilities of these entities are set forth in subsequent subsections of this chapter. Bracketed numbers refer to notes at the bottom of the table.

TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES					
R = REVIEW D = DECISION A = APPEAL <> = PUBLIC HEARING					
PROCEDURE (SECTION)	REVIEW AND DECISION-MAKING BODIES				
	DEVELOPMENT REVIEW COMMITTEE	COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR	PLANNING COMMISSION	CITY COUNCIL	
COMPREHENSIVE PLAN AND ZONING					
Comprehensive Plan (Text and Map) (19.6.4.A)	R {1}	R	<R>	<D>	
Development Code Text Amendment (19.6.4.B)		R		D	
Rezoning (19.6.4.C)	R {2}	R	<R>	D	
Rezoning to MP or PUD Overlay District (19.6.4.D)	R {2}	R	<R>	D	
LAND DIVISION					
Parcel Map (19.6.5.A) {3}		D	A		
Boundary Line Adjustment (19.6.5.B) {3}		D	A		
Tentative Map (19.6.5.D)	R {2}	R	D	A	
Final Map (19.6.5.E) {3}		D	A		
Reversion to Acreage (19.6.5.F)		D	A		
ENTITLEMENTS					
Conditional Use Permit (19.6.6.A)		R	<D>	<A>	
Design Review (19.6.6.B)	R {2}	D {4}	A	A	
Redevelopment Area Review (19.6.6.C) {5}		D			
Temporary Use Permit (19.6.6.D)		D	A		
SIGNS					
Master Sign Plan (19.6.7.B)	R	[R] D	[D] A	A	
Master Sign Plan with exceptions or modifications (19.6.7.B)	R	R	<D> {10}	A	
VACATION					
Type I (Streets/Non-Municipal Easements) (19.6.8.A)	R	R	<R>	D	
Type II (Municipal Easements) (19.6.8.B)		R		D	
MODIFICATIONS AND APPEALS					
Administrative Adjustment (19.6.9.B)		D {6}	A		

Section 19.6.2.A & B
 Review and Decision-Making Bodies – Summary Table

TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES				
R = REVIEW D = DECISION A = APPEAL <> = PUBLIC HEARING				
PROCEDURE (SECTION)	REVIEW AND DECISION-MAKING BODIES			
	DEVELOPMENT REVIEW COMMITTEE	COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR	PLANNING COMMISSION	CITY COUNCIL
Variance (19.6.9.C)	R	R	<D>	<A>
Waiver (19.6.9.D) {7}{8}		R	<D>	<D>
Waiver of Standards Applications (19.6.9.G) {8}{9}		R	<D>	<D>
Appeal (19.6.9.E)			D	A
Interpretation (19.6.9.F)		D	A	
OTHER PROCEDURES				
Development Agreement (19.6.10.A)		R	<R>	<D>
Creation of Landscape Maintenance District (19.6.10.B)		R	<R>	<D>
NOTES:				
<p>{1} Amendments to the future land use map of the Comprehensive Plan require review of a concept plan by the Development Review Committee.</p> <p>{2} Amendments to the Master Plan Overlay District, design review applications with structures of 50,000 square feet or more of floor area, and Projects of Significant Impact require concept plan review by the Development Review Committee.</p> <p>{3} Recombinations of existing lots resulting in subdivisions of five or more lots are reviewed in accordance with the procedure for final maps (Section 19.6.5.D); all others are reviewed in accordance with the procedure for a parcel map (Section 19.6.5.A).</p> <p>{4} A design review application associated with another type of application, such as a Conditional Use Permit, shall be processed concurrently with the other application, and shall be reviewed and decided by the same decision-making body deciding the other application.</p> <p>{5} Appeals are heard by the Redevelopment Agency.</p> <p>{6} Administrative adjustments shall be approved prior to final decision on design review applications.</p> <p>{7} Waivers may be requested in conjunction with either a PUD or MP overlay or separately with a Waiver of Standards application.</p> <p>{8} Waivers requested in conjunction with a PUD or MP overlay are final action at City Council. Waivers requested with a Waiver of Standards application may be final action at Planning Commission.</p> <p>{9} Waiver of Standards applications associated with another type of application, such as a rezoning/zone change, shall be processed concurrently with the other application and shall be reviewed and decided by the same decision-making body.</p> <p>{10} Section 19.8.11.H states that exceptions and modifications of sign regulations are final action at Planning Commission unless appealed.</p>				

B. PLANNING COMMISSION

1. Establishment, Duties, and Authority

The Planning Commission is established pursuant to the authority of City of Henderson Ordinance No. 40, adopted on September 23, 1953. The Planning Commission shall have all powers granted and shall perform all duties imposed by the Charter and NRS 278.030 through 278.260. The Planning Commission shall have the review and decision-making authority listed in Table 19.6.2-1, *Summary Table of Development Review Procedures*, and in addition shall have the following duties and responsibilities:

- (a) Develop and recommend to the City Council new policies, ordinances, administrative procedures, and other tools related to land development and re-development;

Section 19.6.2.A & B

Review and Decision-Making Bodies – Summary Table

- (b) Conduct studies and recommend to the City Council any other new plans, goals, and objectives relating to growth, development, and redevelopment of the city;
- (c) Act in the capacity of the Zoning Board of Adjustment, unless the Board has been otherwise appointed;
- ~~[(d) Adopt rules and regulations governing the procedures and operations of the Planning Commission; and]~~
- ~~[(e)]~~(d) Perform any other duties assigned by the City Council.

2. Membership

- (a) The Planning Commission shall consist of seven members who shall be appointed and shall serve in accordance with the City Council's adopted Policy on Board and Commission Appointments.
- (b) The Planning Commission shall also include three ex officio members: ~~[a member of the City Council, selected by the City Council]~~ the Mayor; the ~~[Public Works Director]~~ City Engineer; and the City Attorney.
- (c) Ex officio members shall serve as members in an advisory capacity only. Ex officio members shall not be counted toward quorum of the Planning Commission and shall not be entitled to vote on matters before the Planning Commission.

3. Compensation

All members of the Planning Commission shall receive compensation as provided by resolution by the City Council.

4. Removal of Members

Members of the Planning Commission may be removed, after a public hearing, by a majority vote of the City Council for inefficiency, neglect of duty, or malfeasance of office.

5. Vacancies

Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in accordance with the City Council's adopted Policy on Board and Commission Appointments.

6. Bylaws and Rules

- ~~[(a) The Planning Commission shall have the power to prescribe and adopt bylaws and rules governing the Planning Commission's procedure.]~~
- ~~[(b)]~~ In addition to the powers, duties, and authority prescribed by NRS 278.030 through 278.260, inclusive, the Planning Commission shall have the power to adopt rules and bylaws governing the order and procedure of the Planning Commission consistent with Henderson Municipal Code Section 2.50.

19.6.7. MASTER SIGN PLANS

A. APPLICABILITY

A master sign plan is required for each of the following:

1. Non-restricted or limited gaming establishments.
2. Any nonresidential or mixed-use development with a cumulative gross floor area of 50,000 square feet or more.
3. Any nonresidential or mixed-use development with a cumulative gross site area of ten acres or more.
4. Any development whose signage requires, by Planning Commission or City Council action, coordination with its surrounding area or coordination with an approved site and design review plan.
5. Any other development or circumstance expressly subject to a master sign plan.
6. Proposals seeking modifications or reductions to applicable sign regulations require Planning Commission approval per Section 19.8.11.H.
7. Any residential development seeking signage that exceeds the requirements of 19.8.6.C.

B. APPLICATION FILING

Applications for master sign plans shall be submitted to the Community Development and Services Director.

C. CONTENTS OF MASTER SIGN PLANS

Master sign plans must indicate the number, location, materials, colors, dimensions, and the cone of visibility of all freestanding and wall signs in the development. The master sign plan must also identify the types of signs proposed and any other information necessary to determine whether the proposed signs comply with all applicable sign regulations of this chapter.

D. DESIGN

Master sign plans must describe and illustrate a consistent pattern of signage for the development, such as:

1. Common colors on the background or text;
2. Common lettering style;
3. Common size (e.g., a height or wall location common to each sign);
4. Common materials; or
5. Common architecture/theme for freestanding signs.

E. SIGN STRUCTURE

All sign cabinets, trim caps, returns, and all sign supports such as poles and braces must be of a common design and color.

19.6.7.

Master Sign Plans

F. COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR REVIEW AND ACTION

The Community Development and Services Director shall review each application for a master sign plan and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application based on the approval criteria of Section 19.6.7.G, *Master Sign Plan Approval Criteria*.

G. PLANNING COMMISSION REVIEW AND ACTION

Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed master sign plan request that is requesting exceptions or modifications. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on Section 19.6.7.G, Master Sign Plan Approval Criteria.

[G] H. MASTER SIGN PLAN APPROVAL CRITERIA

The master sign plan shall be approved if implementation of the master sign plan will meet all of the following criteria:

1. Provide signage more compatible with the surrounding development than strict compliance with this Development Code;
2. Result in architecture and graphics of a scale appropriate for the development and surrounding neighborhood;
3. Provide signage consistent with the architecture and site plan characteristics of the proposed project;
4. Be materially beneficial in achieving the goals and objectives of the Comprehensive Plan that relate to community design and aesthetics;
5. Be materially beneficial in achieving the purpose statement located in 19.8.1; and
6. Result in a reduction in the number and area of perimeter freestanding signs associated with the project as compared to strict compliance with this Development Code.

[H] I. APPEALS

Appeals of the Community Development and Services Director's decision on a master sign plan shall be taken to the Planning Commission in accordance with Section 19.6.9.E, *Appeals*.

[I] J. AMENDMENTS AND CHANGES

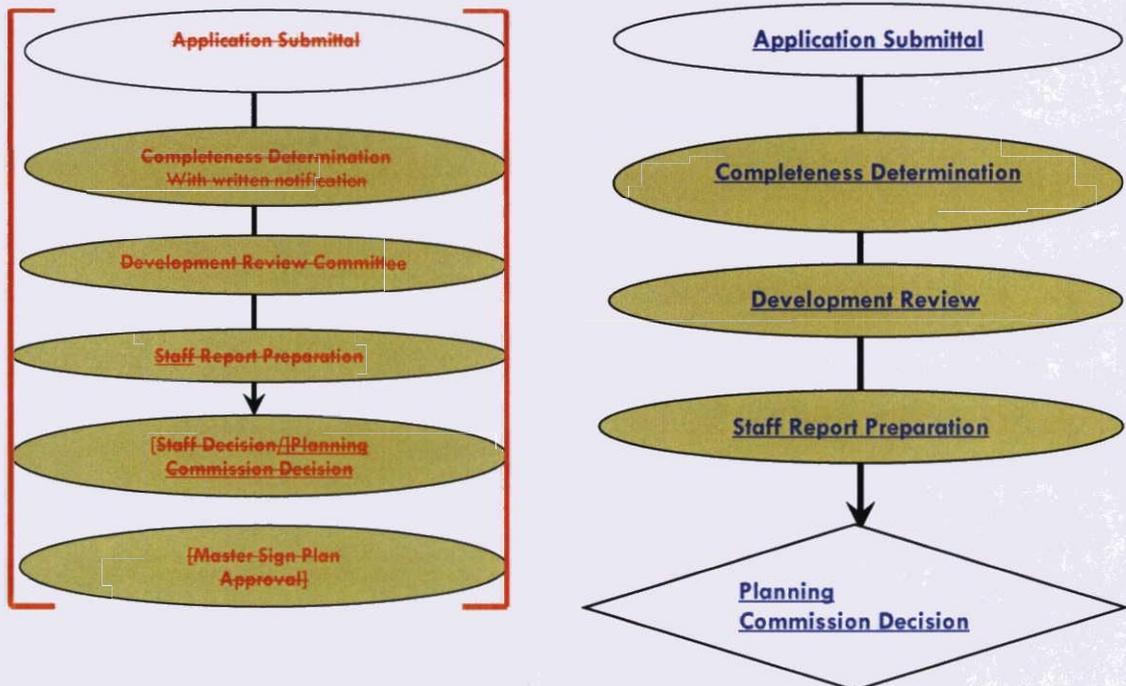
Amendments to an approved master sign plan may be authorized by the Community Development and Services Director. Except for message changes, no sign included in a master sign plan shall be altered except as prescribed in its approved master sign plan. Changes other than message changes shall require amendment to the approved master sign plan.

19.6.7.
Master Sign Plans

FIGURE 19.6.7-A: SUMMARY OF MASTER SIGN [PERMIT] REVIEW PROCESS



FIGURE 19.6.7-B SUMMARY OF MASTER SIGN PLAN WITH EXCEPTION OR MODIFICATION REVIEW PROCESS



19.6.8. VACATIONS

A. TYPE I VACATIONS

The Type I vacation procedures of this subsection shall apply to all requests to vacate or abandon any public (City) street, any City of Henderson easement other than standalone Type II, or the City's interest in any easement owned by agencies other than the City. Requests to vacate only municipal utility easements shall be processed in accordance with Section 19.6.8.B, *Type II Vacations*.

1. Application Filing

Applications for Type I vacations shall be submitted to the City Surveyor.

2. Public Hearing Notice

Notice of public hearings on Type I vacations shall be published in accordance with the requirements of Section 19.6.3.B.4, *Public Notice*. Additionally, all owners of property abutting the proposed area to be vacated shall be notified by mail pursuant to a method that provides confirmation of delivery per NRS 278.480.4(a). Notice shall be provided not less than ten days before and not more than 40 days before the scheduled public hearing.

3. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed Type I vacation and distribute the application to other review agencies. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

4. Planning Commission Review and Recommendation

After reviewing the Type I vacation application and the Community Development and Services Director's report, the Planning Commission shall hold a public hearing on the application and, at the conclusion of the hearing, act to recommend that the City Council approve, approve with conditions, or deny the application. If upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall recommend that the application be approved. The Planning Commission may make the recommendation conditional, such that the vacation becomes effective only upon the fulfillment of the conditions prescribed. The Planning Commission's recommendation shall be based on whether the application complies with the standards of this Development Code and NRS Chapter 278.

5. City Council Review and Decision

After reviewing the Type I vacation application, the City Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Development Code and NRS Chapter 278. If the City Council is satisfied that the public will not be materially injured by the proposed vacation, it shall approve the application. The City Council may make the order conditional, such that the vacation becomes effective only upon the fulfillment of the conditions prescribed. ~~[If a utility has an easement over the property, the City Council shall provide for the continuation of that easement if the utility so desires.]~~

6. Recordation

19.6.8
Vacations

The applicant shall be responsible for preparing all vacation documents except the vacation order. The City shall prepare the vacation order and record all documents with the County Recorder at such time as all the conditions of the order, if any, have been fulfilled. If the approved vacation order is not recorded within one year of the date of approval, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

FIGURE 19.6.8-A: SUMMARY OF TYPE I VACATION PROCESS



B. TYPE II (MUNICIPAL UTILITY EASEMENT) VACATIONS

The Type II vacation procedures of this subsection shall apply to all requests to vacate municipal (City) utility easements. The procedures of this subsection shall not apply to requests to vacate public streets, non-municipal utility easements, or the City's interest in any utility controlled by agencies other than the City such as the easements associated with a Type I vacation.

1. Application Filing

Applications for municipal utility easement vacations shall be submitted to the City Surveyor.

19.6.8
Vacations

2. Public Works Parks and Recreation Director Review and Report

The Public Works Parks and Recreation Director shall review each proposed municipal utility easement vacation and distribute the application to other review agencies. Based on the results of those reviews, the Public Works Parks and Recreation Director shall provide a report to the City Council.

3. City Council Review and Decision

After reviewing the application for a municipal utility easement vacation[s] and the Public Works Parks and Recreation Director's report, the City Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Development Code and NRS Chapter 278. If the City Council is satisfied that the public will not be materially injured by the proposed vacation, it shall approve the application. The City Council may make the order conditional, such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.

4. Recordation

The applicant shall be responsible for preparing all municipal utility easement vacation documents except the municipal utility easement vacation order. The City shall prepare the municipal utility easement vacation order and record all documents with the County Recorder at such time as all the conditions of the order, if any, have been fulfilled. If the approved municipal utility easement vacation order is not recorded within one year of the date of approval of the municipal utility easement vacation, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

FIGURE 19.6.8-B: SUMMARY OF TYPE II VACATION PROCESS



19.6.9. MODIFICATIONS AND APPEALS

E. APPEALS

1. Applicability

The appeal procedures of this section shall apply only when the provisions of this Development Code state that an appeal applies.

2. Effect of Filing

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

3. Aggrieved Party

Appeals allowed under the procedures of this Code may be filed only by an "aggrieved party" who shall be limited to the following:

- (a) Any person who testified at the public hearing on the application;
- (b) Any person who submitted written comments prior to or during the public hearing on the application;
- (c) Any person who testified or submitted written comments on the application prior to or during a public hearing through an authorized representative; or
- (d) In the case of applications approved by an administrative official, any person who submitted written comments to such administrative official before the end of the appeal period following the date of the administrative official's action.

4. Consolidation

Appeals by two or more parties aggrieved by the same decision may be consolidated into a single appeal in accordance with NRS 278.3195(3).

5. Initiation

All appeals taken in accordance with this section shall be filed with the Community Development and Services Director no more than nine days after the date ~~[the City Clerk received written notice]~~ of the decision or action being appealed. A fee for the filing of the appeal may be charged. In the event of an appeal of a decision or interpretation of the Community Development and Services Director ~~[, of which the City Clerk is not notified,]~~ appeals shall be filed with the Community Development and Services Director no more than nine days after the date the applicant or requesting party is/was notified of the final decision.

6. Contents of Appeal

The application for the appeal shall specify the grounds for the appeal, a statement of the

COMMENTARY

Written notice of appealable decisions will typically be delivered to the City Clerk no later than five days following action by the decision-making body. Appeals must be filed within nine days ~~[of the date that the City Clerk receives written notice of that action]~~ following action by the decision-making body.

19.6.9.E - Modification and Appeals Appeals

improper decision or interpretation, the date of the decision or interpretation, and all relevant supporting materials.

7. **Record**

Upon receipt of the materials initiating an appeal, the Community Development and Services Director shall assemble all papers, documents, and other materials related to the action being appealed. These materials shall constitute the record of the appeal.

8. **Notice and Hearing Requirements**

The requirements for hearings, notices, and approval criteria shall be the same as required of the original action that is the subject of the appeal.

9. **Appeals of the Decision and Interpretations of the Community Development and Services Director**

(a) The Planning Commission shall have the authority to hear and decide all appeals of decisions and interpretations of the Community Development and Services Director. The Planning Commission shall consider the appeal as a new matter and act to affirm, modify, or reverse the decision or interpretation within 45 days of the end of the appeal period.

(b) In acting on the appeal of an interpretation, the Planning Commission shall grant to the Community Development and Services Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The Planning Commission shall rely on the City Attorney's interpretation of matters regarding state or federal law.

(c) The Planning Commission's decision on an appeal of the Community Development and Services Director may be appealed to the City Council.

10. **Appeals of Planning Commission Decisions**

(a) The City Council shall have the authority to hear and decide all appeals of decisions of the Planning Commission and shall be guided by the statement of the purpose underlying the regulation of the improvement of land expressed in NRS 278.020. The City Council shall, within 45 days of the end of the appeal period, consider the appeal as a new matter and act to affirm, modify, or reverse the Planning Commission decision, or act to continue the item for not more than ~~[30]~~ 35 days and to a date specific. The City Council may not grant to an aggrieved party more than two continuances on the same matter, [continue the same matter more than two times] unless the City Council determines, upon good cause shown, that additional continuances are warranted and the ~~[appellant]~~ applicant agrees to such additional continuances.

(b) The City Council's decision is final for the purpose of judicial review. ~~[Appeals of the City Council's decision on appeals shall be made in Clark County District Court within 25 days of the date of filing of notice of the decision with the City Clerk.]~~

11. **Continued Meetings or Hearings**

An appellant is limited to a maximum of two requests to continue a meeting or hearing on an appeal unless the decision-making body hearing the appeal grants a request for an additional continuance based on a demonstration of good cause and the applicant agrees to such additional continuances.

12. **Notice of Decision**

19.6.9.E - Modification and Appeals
Appeals

Within five days of a decision on an appeal of a written interpretation, the Community Development and Services Director shall mail notice of the decision to the appellant and all other parties who have made a written request for notification.

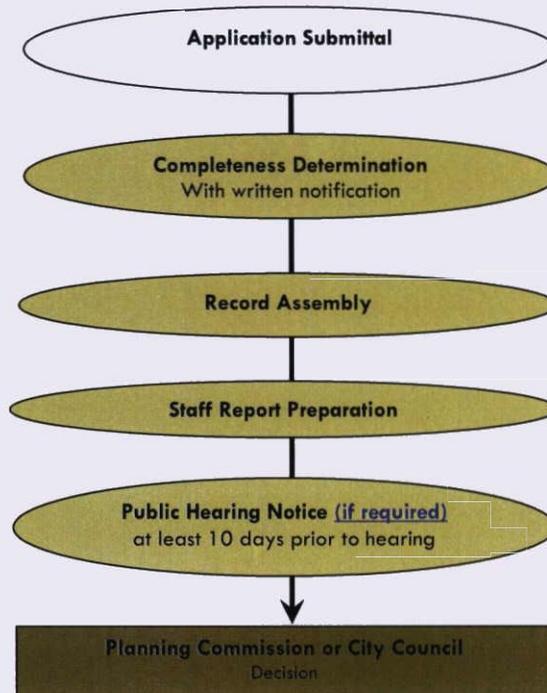
13. Effective Date

Decisions of the Planning Commission on appeals shall become effective ten days after the date ~~[that the City Clerk received written notice]~~ of the Planning Commission's decision ~~[approval of the appeal]~~ unless a new appeal to City Council is filed. Decisions of the City Council on appeals shall become effective upon the date of the decision.

14. Successive Applications

Following denial of an appeal, no new appeal for the same or substantially the same matter shall be accepted for one year from the date of denial, unless the denial is made without prejudice.

FIGURE 19.6.9-C: SUMMARY OF THE APPEAL PROCESS



19.6.10.C
Distance Separation Analysis

C. DISTANCE SEPARATION ANALYSIS

1. Applicability

A distance separation analysis is utilized to measure the distances between a proposed use and a protected use, as defined by this Code. This analysis is used to determine if the proposed use meets the required distance separation from one or more protected uses and if waivers, if applicable, are needed for the proposed use to proceed. The distance separation analysis shall be completed by city staff.

2. Application Filing

Applications for distance separation analysis shall be submitted to the Community Development and Services Director.

3. Community Development Review and Report

The Community Development and Services Director or designee shall review each proposed distance separation analysis application and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a final determination to the applicant.

4. Notice of Decision

Within seven working days of submittal of a complete application, the Community Development and Services Director or designee shall provide notice of the decision to the applicant and all other parties who have made a written request for notification.

5. Lapse of Approval

(a) A distance separation analysis determination for liquor, ~~and~~ massage, ~~reflexology, smoke/tobacco shop establishment, teenage dancehall, teenage nightclub, sexually oriented business, halfway house for recovering alcohol and drug abusers, residential facility for groups, check cashing/deferred deposit/auto title loans, and general day care and group child care facility uses~~ shall lapse ~~90~~ 60 days from notice of decision.

(b) A distance separation analysis determination for medical marijuana establishment use~~s~~ shall lapse 120 days from notice of decision.

6. Appeals

Appeals of the Community Development and Services Director's or designee's distance separation analysis determination shall be made to the Planning Commission in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

19.7.4.J.4

Parking Location and Layout - Driveways

4. Driveways

(a) Widths

Driveway entrances must conform to the Standard Drawings and Specifications and must have the minimum widths listed in Table 19.7.4-5, measured from back-of-curb to back-of-curb, plus a minimum of 18 inches additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

TABLE 19.7.4-5: DRIVEWAY WIDTH		
USE SERVED	NUMBER OF SPACES	MINIMUM WIDTH (FEET)
RESIDENTIAL	6 or Less	10
	7+	12 if 1-way 20 if 2-way
NONRESIDENTIAL TO INCLUDE DP DISTRICTS	24 or Less	16 if 1-way 32 if 2-way
	25+	24 if 1-way 32 if 2-way

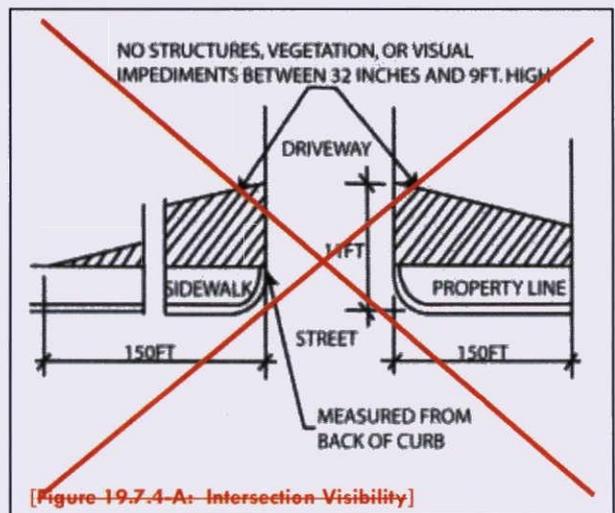
NOTE:
The Community Development and Services Director, in consultation with the Public Works Parks and Recreation Director, may require driveways in excess of these widths where unusual traffic, grade or site conditions prevail. The Public Works Parks and Recreation Director may require driveways to be constructed with full-curb returns and handicapped ramps, as opposed to simple-curb depression. Private driveways and drive aisles shall comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.

(b) Spacing

Driveways serving the same parking facility shall comply with the Standard Drawings and Specifications as required by the Regional Transportation Commission of Southern Nevada.

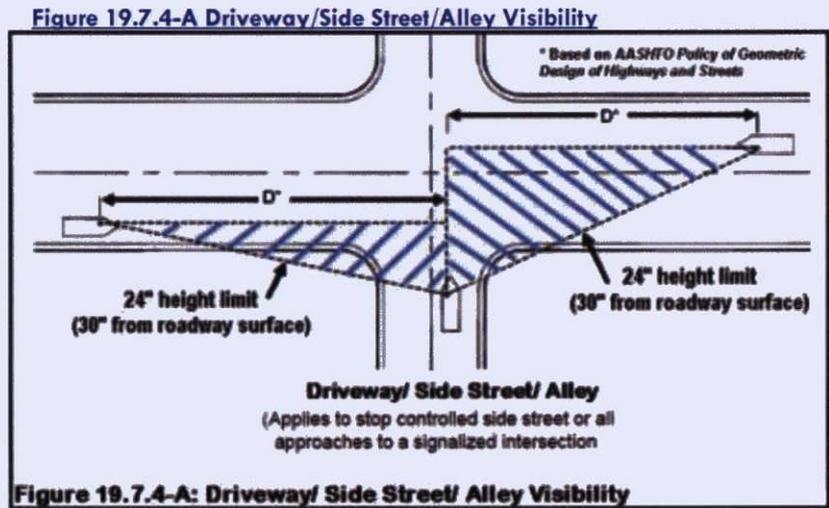
(c) Visibility

~~[Visibility of a driveway crossing a street property line may not be blocked above a height of 24 inches within the sight visibility zone, as referenced by the Clark County Uniform Standard Drawings for Sight Visibility Zones at Intersections.] Sight visibility must be provided at all driveways, side streets or alleys intersecting a public or private street in accordance with the most recent version of AASHTO Policy of Geometric Design of Highways and Streets. No structures, vegetation, or visual impediments above a height of 24 inches shall be located within the sight visibility zone. Figure 19.7.4-A~~



19.7.4.J.4

Parking Location and Layout - Driveways



(d) Intersection Corner Clearance

Driveways near the intersections of streets shall comply with the Clark County Uniform Standard Drawings [~~for Sight Visibility Zones at Intersections~~]. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Director.

(e) Alignment

Driveway centerline shall be perpendicular to the intersecting street centerline. Driveway throat curbing shall be parallel to the driveway centerline.

19.7.4.K.13.b
Bicycle Parking Ratios

(b) Bicycle Parking Ratios

All non-residential, mixed-use, or ~~[multi-family]~~multifamily residential developments shall provide at least one short-term bicycle rack that will accommodate at least two bicycles. ~~[with more than 20 required parking spaces within the city shall provide at least one bicycle rack where no less than four bikes may be accommodated.]~~

All bicycle parking must be easily accessible to visitors and employees. Two types of bicycle parking must be provided for all new development:

- (1) A short-term bicycle parking area must be provided near the main entrance to a building allowing for high visibility and easy access, and
- (2) A long-term bicycle parking area must also be provided on-site. Long-term bicycle parking areas may be located within a building to allow for a secure parking facility, ~~or~~[but] may be located outside. If long-term bicycle parking is located outside the building, it is recommended ~~that~~ [the] long-term bicycle parking areas be enclosed within a secure location and covered to help protect [the] bicycles.
- (3) Bicycle parking shall be provided at the ratios specified in Table 19.7.4-9 Bicycle Parking Ratios and shall be rounded up to the nearest whole number.

USE TYPES	(MINIMUM SPACES PER 1,000 SQ. FT. OF FLOOR AREA)	
	Long-Term	Short-Term
Non-Residential Use Type		
General or professional offices	0.30	0.06
Arts/crafts studios		
Technical offices, research labs	0.22	0.06
Banks, financial offices (ground floor)	0.30	0.50
Retail stores, consumer service	0.10	0.60
Food and convenience stores	0.10	1.00
Entertainment, recreation		
Restaurants, bars	0.20	1.00
Theaters, gathering halls	0.08	1.00
Churches	0.08	0.50
Medical clinics/offices	0.30	0.50
Industrial uses	0.10	N/A
Hospitals	0.20	0.10
College or university academic or administrative facilities	0.20	0.05
Residential Use Type		
Multifamily residential	1 per 4 units	N/A

19.7.5.G Landscaping and Screening
Installation, Maintenance and Irrigation

G. INSTALLATION, MAINTENANCE, AND IRRIGATION

1. Installation

(a) General

All landscaping shall be installed according to International Society of Arboriculture (ISA) in a manner designed to encourage vigorous growth. All landscape material and irrigation improvements shall be in place prior to issuance of the final certificate of occupancy unless the Community Development and Services Director approves an extension ~~[and an onsite completion agreement request (OSCAR) is executed]~~ or the applicant provides a landscape bond satisfactory to the Community Development and Services Director prior to the extension being granted.

(b) Root Guards

Root guards shall protect hardscape from trees planted within ten feet of public improvements within the public right-of-way in accordance with Figure 19.7.5-E, *Required Root Guards*.

19.7.5.K.2(b)

Sport/Tennis Court Screen/Fence

K. FENCES AND WALLS

2. Residential Zoning Districts

(a) Maximum Fence Heights

Except as otherwise permitted in this Code, the maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall be six feet (eight feet adjacent to commercial development), except in required front setbacks, where the maximum height of a solid fence or wall shall be 32 inches and the maximum height of a chain-link or wrought-iron fence shall be four feet. The maximum height for fences/walls for entry gates at the residential subdivision entrance shall be eight feet. All other entry features or designs must be approved through a design review or planned unit development. Smooth-face concrete masonry units (CMU) are permitted only in the RS-1 and RS-2 zoning districts and may be visible from rights-of-way. Smooth-face concrete masonry units (CMU) in all other residential zoning districts may be constructed as interior walls and may not face rights-of-way. Walls to be constructed in existing communities shall match as closely as possible to other existing walls.

(b) Sport/Tennis Court Screen/Fence

(1) RS-1/RS-2 Districts

- (i) Screening or fencing for ~~[tennis/]~~sports/tennis courts is permitted in the rear or side yard area.
- (ii) ~~[Such-]~~Structures and or fencing may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation. ~~[and provided such]~~
- (iii) Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

For ~~[Sport/Tennis Court Lighting]~~sport/tennis court lighting, see Sec. 19.7.8.E, Glare and Lighting.

(2) RS-4/RS-6 Districts

Screening or fencing for sports/tennis courts shall meet all of the following criteria:

- (i) Approval of a conditional use permit;
- (ii) Minimum lot size of 10,000 square feet, and located in the rear or side yard area;
- (iii) Structures and/or fencing may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation; and
- (iv) Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

19.7.5.K.2(b)

Sport/Tennis Court Screen/Fence

[For sport/tennis court lighting, see Sec. 19.7.8.E, Glare and Lighting.](#)

19.7.8. OPERATIONAL PERFORMANCE

D. HAZARDOUS MATERIALS [STORAGE]

1. General

- (a) The land use impacts for facilities that use hazardous materials in excess of the exempt amounts or maximum allowable quantities per control area as specified in the Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
- (b) A conditional use permit is required for the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Fire Code. Requirements and allowed amounts for fuel storage are specified below. Legal nonconforming uses located within the City of Henderson shall not be expanded unless a conditional use permit has been issued.
- (c) Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous as listed in NRS 459.3816 and stored in the quantity specified shall require City Council use permit approval in accordance with the public notice requirements and processing procedures set forth in NRS 278.147.
- (d) Any medical marijuana extraction processing, as part of an approved medical marijuana establishment – infusion/manufacturing use, shall require a conditional use permit. For medical marijuana extraction processing using flammable gases not listed in Henderson Municipal Code, Title 4.116, Medical Marijuana - Regulations and Licenses, additional reports must be submitted pursuant to 19.7.8.D.3, Hazardous Materials, Additional Reports.

2. Fuel Storage

~~[Above-ground fuel storage of greater than 250 gallons on any site require approval by conditional use permit. Above-ground storage of 250 gallons or less of propane, diesel, gasoline, and similar liquid or gas fuels is allowed subject to the issuance of the appropriate installation permit as required by the Fire Code, provided that, unless otherwise approved through design review, no above-ground storage shall be permitted in a front or unenclosed corner side yard; and storage containers, pumps, and other associated equipment shall be considered mechanical equipment for the purposes of screening under Section 19.7.5.H. The 250-gallon (or equivalent dry unit of measurement) limit applies to the size of the tank or container where a single unit is proposed, and where multiple units are proposed, the 250-gallon limit applies to the total aggregate above-ground storage capacity on the site.]~~

(a) Above-ground fuel storage shall comply with the following:

- (1) Above-ground fuel storage of up to 500 gallons is permitted, subject to an approved fire installation permit.
- (2) Above-ground fuel storage with capacity greater than 500 gallons up to 2,500 gallons requires a design review for staff level decision.
- (3) Above-ground fuel storage greater than 2,500 gallons requires a conditional use permit.

19.7.8.D.2

Hazardous Materials Storage

- (4) Above-ground fuel storage with capacity greater than 500 gallons containing diesel, gasoline, or similar liquid or gas fuels shall meet or exceed UL2085 standards unless approved by the building official or the Fire Chief.
- (5) Above-ground fuel storage that contains ultra-low sulphur diesel shall comply with the same Fire Code Standards for Class I liquids.
- (b) All above-ground storage tanks are subject to the issuance of the appropriate installation permit as required by the Fire Code, provided that:
 - (1) Unless otherwise approved through design review, no above-ground storage shall be permitted in a front or unenclosed corner side yard;
 - (2) Storage containers, pumps, and other associated equipment shall be considered mechanical equipment for the purposes of screening pursuant to Section 19.7.5.H; and
 - (3) Propane tank screening shall be unenclosed for 50 percent of its perimeter.
- (c) The capacity limits referenced herein applies to the size of the tank or container where a single tank is proposed; and where multiple tanks are proposed, the capacity limit applies to the total aggregate above-ground storage capacity on the site.

3. Additional Reports

- (a) For any hazardous materials storage and fuel storage that requires a conditional use permit, the applicant may be required to submit additional reports to the Fire Chief and/or ~~[Director of Building and Fire Safety]~~ building official for approval or recommendation prior to being scheduled for a Planning Commission hearing. Reports may include, but are not limited to, those listed in Chapter 459 of the Nevada Administrative Code.
- (b) Medical marijuana extraction processes using flammable gas not specifically prescribed in the Henderson Municipal Code, or hazardous material as defined in the Henderson Fire Code, may be approved subject to submittal and approval of hazard analysis, risk assessment, and risk mitigation reports. These reports shall be prepared by an independent, qualified, industrial hygienist, or a Nevada licensed fire protection engineer as required by the Fire Chief. Subject to approval of the Fire Chief, other licensed professionals or experts that can demonstrate qualifications in the specific area through education, training and experience may prepare the reports or assist in the preparation of the reports. Reports shall be submitted to the Fire Chief for approval prior to the conditional use permit being scheduled for a City Council hearing.
- (c) ~~[These]~~ Hazard analysis, risk assessment, and risk mitigation reports shall be prepared and reviewed at the applicant's expense. The costs of any consultant^[-s] services required by the City to review reports that exceed the City's technical expertise shall be paid by the applicant in an amount estimated by the Fire Chief, in advance of the technical review.

19.8.6. SIGNS IN RESIDENTIAL, PUBLIC, AND SEMIPUBLIC ZONING DISTRICTS

C. RESIDENTIAL DEVELOPMENT ~~[SUBDIVISION (OR NEIGHBORHOOD)]~~ IDENTIFICATION SIGNS

Residential development ~~[Subdivision (or neighborhood)]~~ identification signs are allowed as entrance features to single- or multifamily neighborhoods or subdivisions. Residential development ~~[Neighborhood/subdivision]~~ identification signs:

1. May be illuminated or non-illuminated;
2. Must be monument signs or be attached to a masonry wall;
3. If a monument sign, ~~[A]~~ must include landscaping around the base with minimum horizontal dimension of at least four feet (landscape within buffer areas may be counted when signs are within buffer area);
4. May not exceed six feet in height for monument signs; ~~[end]~~
5. May not exceed 50 square feet in area per project entrance, which may be in a single sign or may be divided between a maximum of two signs located on opposite sides of the same entrance ~~[:]~~;
6. Monument signs and masonry walls shall not encroach on any required sight visibility zone; and
7. Monument signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way.



19.8.7.C.6 and 19.8.7.I through 19.8.7.K
Electronic Message/Electronic Graphic Display/Digital Video Display

19.8.7.C.6

C. FREESTANDING SIGNS

6. Setbacks

- (a) Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.
- (b) Freestanding signs may not encroach on any required sight visibility zone.
- (c) Freestanding signs on parcels that abut residential uses must be set back the required minimum of 40 feet plus a distance equal to one-half of the sign's height. Changing-image signs, digital video displays, and electronic message center signs must be a minimum of 250 feet from any residential ~~[property line.]~~ use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit.
- (d) With the exception of freestanding signs that abut a residential use, freestanding signs may increase in area by two square feet for each additional one foot the sign is setback from the required minimum setback of 15 feet, up to a maximum sign area of 30 square feet.

I. ELECTRONIC MESSAGE CENTERS

Electronic message center signs are subject to the following regulations:

1. Number

No more than one electronic message center sign is allowed per lot or development site.

2. Area and Height

- (a) The electronic message center component of a sign may comprise no more than 50 percent of a sign's total sign area.
- (b) Freestanding electronic message center signs must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face.
- (c) The maximum height of the electronic message center component of a freestanding sign is 12 feet.

3. Brightness

Lamp size may not exceed 54 watts of incandescent lighting for daytime use. An automatic dimmer must be installed to reduce nighttime wattage to a maximum of 30 watts. LEDs (light emitting diodes) and magnetic discs may be used, provided that light intensity is no greater than allowed for incandescent lighting. Special effects such as flashing, strobing, or simulated moving graphics are not allowed. Signs shall be factory-certified not to exceed a maximum illumination of 54 watts during daylight hours and a maximum illumination of 30 watts between dusk to dawn.

4. Spacing

19.8.7.C.6 and 19.8.7.I through 19.8.7.K

Electronic Message/Electronic Graphic Display/Digital Video Display

- (a) Electronic message centers are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit ~~[or a residential zoning district]~~, unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.
- (b) Electronic message centers are prohibited within 35 feet of any electronic graphic display sign or digital video display sign and within 250 feet of another electronic message center.

J. ELECTRONIC GRAPHIC DISPLAY SIGNS

Electronic graphic display signs are subject to the following regulations:

1. Number

No more than one such sign is allowed per development site.

2. Area

The graphic display component of any one sign may not exceed 35 percent of the sign's total area.

3. Spacing

(a) Electronic graphic display signs are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit ~~[or a residential zoning district]~~, unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.

(b) Electronic graphic display signs are prohibited within 35 feet of any electronic message center and within 250 feet of another electronic graphic display or digital video display sign.

4. Orientation

The sign face must be oriented away from residential uses and districts.

5. Message Duration

Each image must remain static for at least 20 seconds.

6. Message Transition

The transition from one message or image display to the next must be accomplished in one second or less.

7. Brightness

Electronic graphic display signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Signs shall be factory-certified to not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn. Signs shall

Commentary

Nits are the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign in contrast to footcandles which measure the brightness of the surface area or object that is being lighted (e.g., parking lot).

19.8.7.C.6 and 19.8.7.I through 19.8.7.K

Electronic Message/Electronic Graphic Display/Digital Video Display

be equipped with an automatic dimmer device to reduce nighttime wattage to a maximum of 500 nits.

8. Hours of Operation

Signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of one minute or more during such hours and must conform to other applicable standards of this subsection.

9. Default Image

Digital display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.

10. Prohibited Display Types

Digital display signs may not include flashing, scrolling, intermittent, or full-motion video elements. Audio or pyrotechnic elements are prohibited.

K. DIGITAL VIDEO DISPLAY SIGNS

Digital video display signs are subject to the same regulations as electronic graphic display signs with the following additions and exceptions.

1. Message Duration

Each video message or image display cycle must be completed in no more than eight seconds.

2. Message Transition

The transition from one message or image display cycle to the next must be accomplished in one second or less during which the screen is black or all images remain still. The transition must not employ special effects such as fade, fly-in, dissolve, or repixelization.

3. Hours of Operation

Digital video display signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of 20 seconds or more during such hours and must conform to other applicable standards of this subsection.

4. Brightness

Digital video display signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Signs shall be equipped with an automatic dimmer device to reduce nighttime wattage to a maximum of 500 nits.

5. Default Image

Digital video display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.

19.8.7.C.6 and 19.8.7.I through 19.8.7.K

Electronic Message/Electronic Graphic Display/Digital Video Display

6. Spacing

- (a) Digital video display signs are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit ~~[or a residential zoning district.]~~, unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.
- (b) Digital video display signs are prohibited within 35 feet of any electronic message center or electronic graphic display sign and within 250 feet of another digital video display sign.

L. MURALS

The following regulations apply in the CN, CC, CH, CT, IL, IP, IG, MC, PS, DP, and MR districts.

1. General Standards

- (a) A neighborhood meeting is required to allow input from any property owners directly adjacent to the proposed mural.
- ~~(a)~~(b) A mural may be painted on or placed on an exterior building wall or fence and maintained in conformance with the provisions of this Chapter.
- (c) Murals may be used to display artistic and graphic displays. Text and graphic is limited to non-commercial messages only.
- ~~(b)~~(d) All murals ~~should~~shall be properly maintained, cleaned, and repaired as necessary.
- (e) No part of the mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
- (f) No part of the mural shall extend more than six inches from the plane of the wall to which it is tiled, painted, or affixed.
- ~~(d)~~(g) External illumination of murals is allowed in accordance with Section 19.8.8, *Sign Illumination and Design*.

2. Permit Design Review Required

- (a) A Design Review application permit is required for each mural on a lot or site ~~[as provided in this section]~~. The Design Review permit application must be submitted on forms available in the Department of Community Development and Services. Design Review application fees to review proposed murals will not be required.
- (b) An application for a mural permit must contain all information otherwise required for a wall sign in the district in which it is proposed. It must also include the following additional information and any other items deemed necessary by the Community Development and Services Director.
 - (1) One color sketch of the proposed mural, drawn to scale.
 - (2) A sketch drawn to scale or a photograph showing the proposed building or fence area to be covered by or used for the mural.
 - (3) Information as to existing texture and material of the building or fence surface will also be required.
 - (4) A graphical or written description of the proposed mural including subject matter~~],~~ type of paint/sealer to be used, and expected life span and maintenance plan for mural.
 - (5) If applicable, the distance in feet of all other murals within a quarter-mile radius of the site of the proposed mural.
 - (6) Contact information for the person or entity primarily responsible for the installation, maintenance, and repair of the mural.

19.9.15.A

Building Addressing – Color, Style and Height

19.9.15. BUILDING ADDRESSING

A. COLOR, STYLE, AND HEIGHT SPECIFICATIONS

1. Color of numbers and letters shall be of a contrasting color to the background to which they are attached and must be visible at all times.
2. Building and suite numbers and letters shall conform to the following:
 - (a) Single-family homes shall be a minimum of six-inch numbers and letters.
 - (b) All commercial, industrial, and semipublic buildings shall be a minimum of eight-inch numbers and letters when less than 100 feet from curb line, and a minimum of 14-inch numbers and letters when located farther than 100 feet from curb line.
 - (c) Multiple-story commercial, industrial, and semipublic buildings shall be a minimum of 14-inch numbers and letters.
 - (d) All commercial, industrial, and semipublic suite numbers shall be a minimum of six inches.
3. Multifamily unit numbers shall be a minimum of ~~[six]~~ three inches in height ~~[, illuminated or non-illuminated]~~. Building numbers shall be a minimum of 12 inches in height ~~[, illuminated or non-illuminated]~~.
4. All numbers and letters shall be illuminated from dusk to dawn. Commercial, semipublic, or industrial rear-door suite numbers are exempt from the illumination requirement.

19.12.3. RULES OF MEASUREMENT

This section sets out the rules for measurement used in this Code.

F. ENCROACHMENT

1. Features Allowed Within Setbacks

Trees, shrubs, flowers, hedges, and other landscape features may be located within any required setback. Fencing and walls are allowed subject to the requirements of Section 19.7.5.K, *Fences and Walls*. The following features may be located within any required setback, subject to the following limitations set forth:

(b) Attached Patio Covers, Pergolas, and Awnings

- (1) Not closer than ten feet from the rear property line and five feet from a side property line, measured from the bearing wall or post, provided that the roof area encroaching into the rear setback does not exceed one-third of the area of the required rear yard, with the exception of townhome or single-family attached developments that may exceed one-third of the area of the required rear yard. See Figure 19.12.3-H.
- (2) Eaves and overhangs may extend one foot into the five-foot side setback.
- (3) The required setback may be reduced to five feet from the rear property line, measured from the bearing wall, or post, provided that the yard is bounded by a solid masonry fence at least five feet in height. See Figure 19.12.3-I.
- (4) Eaves and overhangs may extend 12 inches into the reduced five-foot rear setback.
- (5) For single-family attached developments with one single-family attached unit per each individual lot, the restriction on roof area not exceeding one-third of the area of the required rear yard shall not apply. (Detached shade structures and carports are treated as "Accessory Structures.")
- (6) All attached patio covers, pergolas, and awnings must also comply with applicable Building Code requirements.

(c) Balconies, 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.

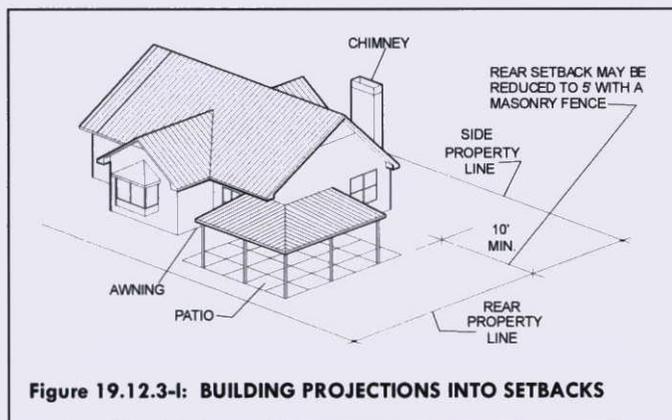


Figure 19.12.3-I: BUILDING PROJECTIONS INTO SETBACKS

19.12.3.F.1(b),(c) and (e)

Rules of Measurement- Attached Carports

Porches on homes that have a minimum 10-foot front setback may encroach a maximum of four feet into the required front setback.

(e) Attached Carports

- (1) Attached carports shall not be closer than five feet from a side property line and behind the front setback line measured from the bearing wall or post.
- (2) Eaves and overhangs may extend one foot into the required side setback.
- (3) Eaves and overhangs may extend up to 30 inches into a required front or rear setback, but shall maintain a minimum of a four-foot setback measured to the ~~[post]~~ eave or overhang.
- (4) Attached carports must also comply with applicable ~~B~~building ~~C~~code requirements.

19.12.4 – Defined Terms
Abandoned Vehicle

ABANDONED VEHICLE

~~[A motor vehicle that has been abandoned by its registered owner as described in Section 8.80.050 of the Henderson Municipal Code.]~~ A vehicle as described in Title 15.12 of the Henderson Municipal Code.

Figure 19.7.5-1
Slopes and Grading

L. SLOPES AND GRADING

1. Unless otherwise approved by the Community Development and Services Director or specified in the Henderson Municipal Code (HMC), on RS and DRL zoned lots less than 12,000 square feet in area, the slope of the first 15 feet of the rear yard area or rear yard required by the underlying zoning district shall not exceed one foot of vertical change per 12 feet of horizontal run, measured from the house outward. Retaining walls may be used to create terracing; however, terraced portions may not exceed the specified 1:12 slope. If the total rear yard area is greater in horizontal dimension than the minimum required zoning setback, the remainder of the yard area beyond the minimum required setback may exceed the 1:12 slope. See Figure 19.7.5-1.

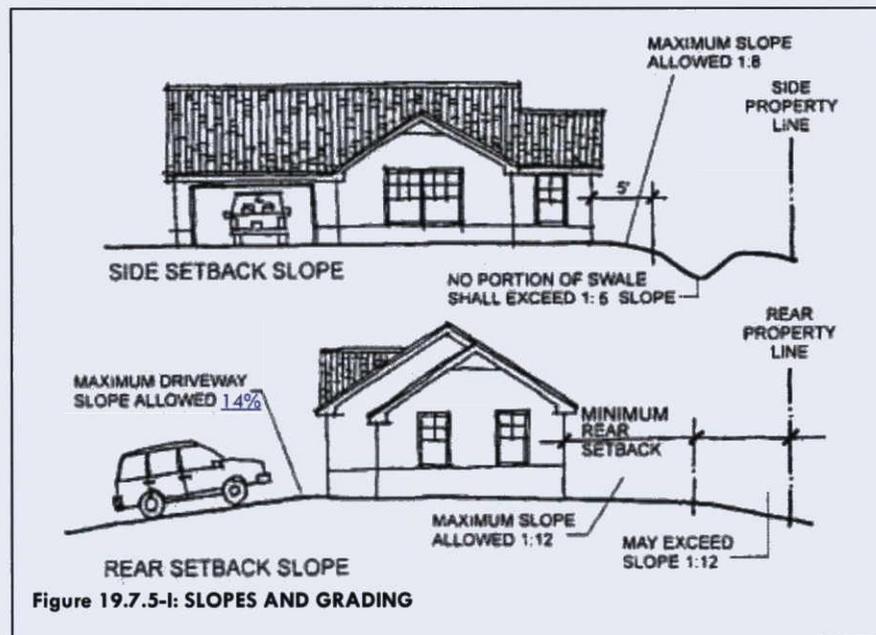


Table 19.2.8-1
Dimensional Standards RS-6 District

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)	[3-4]10 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)
<u>Regardless of front setback utilized, minimum front yard landscape plant requirements must be met.</u>	
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. See Section 19.5.3.B.7)	
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.	

Table 19.5.5-1
Minimum Separation

TABLE 19.5.5-1: MINIMUM SEPARATION			
PROPOSED USE TYPE	REQUIRED BUFFER ZONE SEPARATION FROM EXISTING AND APPROVED USES {1} {2}		
	SCHOOL SITE	RELIGIOUS ASSEMBLY	GENERAL DAY CARE
	BUFFER ZONE (FEET) {3}		
Category I Uses (tavern; nonprofit club; billiard hall; liquor store, <u>brewpub, microbrewery, craft distillery</u>)	1,000	500	200
Category II Uses (restaurant with bar; beer, wine, and spirit-based products on or off-sale; full on-sale; full off-sale; convenience market; wine lounge, <u>winery</u>)	500	500	0
<p>NOTES:</p> <p>{1} Buffer zone separation requirements shall be applied regardless of whether the school site, religious assembly, or general day care use is located inside or outside the city.</p> <p>{2} Catering, wholesale sale of alcohol or liquor, and retail sale of gift baskets containing alcohol or liquor are exempted from these separation requirements.</p> <p>{3} For purposes of the buffer zone measurement, accommodation facilities located within or operated as part of limited or non-restricted gaming locations are exempt.</p>			

Table 19.6.9-1
Summary of Flexibility Options

A. SUMMARY TABLE

Table 19.6.9-1, *Summary of Flexibility Options*, summarizes the principal tools that are available to provide relief from the strict application of the standards in this Code. The table includes procedures that allow reduction, waiver, adjustment, or exemption from certain Code standards, and any applicable limitations. Applicants seeking to use one or more of the procedures in this table shall provide compensating public benefits in accordance with the standards in Section 19.7.11, *Compensating Public Benefits*.

TABLE 19.6.9-1: SUMMARY OF FLEXIBILITY OPTIONS				
PROCEDURE	DECISION-MAKING BODY	DESCRIPTION	LIMITATIONS	COMPENSATING BENEFITS REQUIRED?
Administrative Adjustment (19.6.9.B)	Community Dev. Director	Allows minor deviations from certain standards, as specified in Table 19.6.9-2.	Only specified adjustments allowed; See approval criteria in Section 19.6.9.B.5.	No
Variances (19.6.9.C)	Planning Commission	Allows deviation from any development standard (except allowable use).	Hardship must be demonstrated. See approval criteria in Section 19.6.9.C.6.	No
Waivers (19.6.9.D)	Planning Commission or City Council per Section 19.6.9.D.4	Allows new development to depart from required development or design standards through the DRA or PUD or MP processes.	Does not exempt requirements; allows an alternative form of compliance equal to or better than standard.	Yes
Development Agreements (19.6.10.A)	City Council	Allows departure from Development Code and HMC [in exchange for compensating benefits] .	Subject to approval by City Council.	No N/A