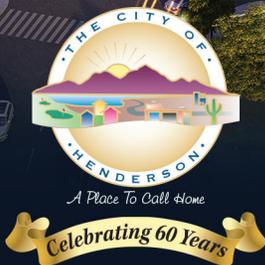


Downtown Henderson *Master Plan*



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CHAPTER 1: INTRODUCTION

1.1 INTRODUCTION

Downtown Henderson is a collection of civic, medical, retail, restaurant, employment, housing, and gathering spaces. These components help establish the downtown as a place people choose to live, work and play – a place to be engaged on many different levels – where all the senses are stimulated. The presence and interaction of people within the downtown provide for a real sense of community.

This master plan provides the framework and guidance to be able to meet and exceed the visions and goals outlined in the Downtown Investment Strategy. These policies and guidelines provide a flexible document for property owners, developers, residents and staff to use to guide future development and uses wanting to locate in the downtown. Through the implementation of this master plan, the downtown will see a more balanced growth pattern.

Further, the master plan provides necessary standards for the districts in a format which is simple and easy to understand. This master plan is designed to look at the relationship between the built environment and the public realm by looking at the form, massing and location of buildings and structures.

By envisioning the downtown in this manner, we can work to create a pedestrian-oriented and pedestrian scale streetscape, which will encourage more walking and mass transit use and reduce vehicular use within the area. In addition, providing daily use needs, open/gathering spaces, and civic activities within locations that are convenient will produce a unique environment. Also, providing uses and activities which encourage visitors to the area will help maintain and stimulate the economic growth of the downtown core.



This master plan is developed to create a sustainable community for the residents who live here and for the businesses and visitors who will shop and play within the downtown area. By achieving this vision, a true urban core will grow for the City of Henderson, with which residents and visitors alike will identify and be proud to call home.

The Downtown Investment Strategy created five distinct opportunity districts (Water Street, Basic, St. Rose, Atlantic and Gateway) to help identify land use recommendations, to help fill retail and residential gaps, to encourage a walkable urban character, add professional employment opportunities, and to strategically place unique niche market retailers and housing products making the Water Street District a 24-hour, seven-day-a-week community. The Water Street, Basic Townsite and the St. Rose Districts have sub-transition areas to better identify and coordinate development as they transition between residential and commercial uses.

1.2 VISION

To achieve the goals of the Downtown Investment Strategy; a vision was proposed to reinforce Water Street as Henderson’s traditional “Main Street,” a central gathering place for civic and social interaction. Existing residential neighborhoods surrounding the Water Street core will be re-imagined as five unique areas with a high quality public realm, accessible open space, and a variety of land use and housing mix. A key objective will be connectivity between the residential neighborhoods and the Water Street core.

The City and the Redevelopment Agency will work to partner with the development community to assemble and redevelop within the existing street grid. Downtown will become an enjoyable place to stroll, lined

CHAPTER 1: INTRODUCTION

1.3 EFFECTIVE DATE

with pedestrian-oriented uses, served by lively public spaces, enriched by a streetscape which conveys the district's special character, and supported by regional transit access, highway access, regional trail access, and enhanced public and private parking facilities. The Downtown will be a showcase for sustainable development and excellence in urban design.

New and/or redeveloped residential development, along with the addition of new businesses within the Water Street District, will begin to advance the goals and tactics found within the Downtown Investment Strategy. With the advancement of the Downtown Investments Strategy, more permanent residents and jobs will be created, benefitting not only downtown Henderson, but the City as a whole. Representing a new generation of 21st century development and urban design, downtown will be a unique destination for students, residents, workers, and visitors within the larger metropolitan area. A restored social gathering place for our community, the Water Street District area will be invigorated by a mix of large and small entertainment, housing, service, and retail destinations. The existing street names, public art, and other means will be used as subtle reminders of the City's history and origins. Some residents and businesses will be long-established, while others will be new to the Water Street District. They will include national and local businesses and draw from the neighborhoods and the larger community. The introduction of higher-density housing will bring additional customers to downtown retailers and provide an added level of activity throughout the day and night.

The vision for downtown is an urbanized mixed-use district that is highly functional, supported by regional transit, which provides connectivity to a regional trail system, added open space and recreational areas and activities, enhanced private and public parking areas, with enhanced housing options and additional infrastructure is the purpose of this document. The downtown of the future is imagined as a vibrant place of activity and beauty, the kind of place where people will want to live, work and play.

1.3 EFFECTIVE DATE

This Master Plan shall take effect and be in force from and after May 6, 2014.

1.4 AUTHORITY

The Downtown Master Plan is enacted pursuant to the powers granted and limitations imposed by laws of the State of Nevada, including the statutory authority granted in Nevada Revised Statutes (NRS) Chapter 278, and all other relevant laws of the State of Nevada. Whenever any provision of this Master Plan refers to or cites a section of the Nevada Revised Statutes and that section is later amended or superseded, this Master Plan shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

These development standards will supersede the City of Henderson, Chapter 19 Municipal Code for all issues addressed within this Master Plan document. All references of the City of Henderson Municipal Code reference the code as adopted as of the date of approval of this Master Plan unless otherwise noted. Changes to the City of Henderson Municipal Code shall not affect these standards. For all issues not addressed within this Master Plan, the City of Henderson, Chapter 19 Municipal Code will prevail.

1.5 APPLICABILITY AND JURISDICTION

A. Applied to All Lands

This Master Plan applies to all land, buildings, structures, and uses thereof located within the boundaries of the Downtown Investment Strategy.

B. Compliance Required

No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, or moved until:

1. All applicable development review and approval processes have been followed;

CHAPTER 1: INTRODUCTION
1.6 CONFLICTING PROVISIONS

2. All applicable approvals have been obtained; and
3. All required permits or authorizations to proceed have been issued.

C. Emergency Powers

The City Council may authorize deviations from any provision of this Master Plan during a local emergency. Such deviations shall be authorized by resolution of the City Council without a requirement for prior notice or public hearing.

1.6 CONFLICTING PROVISIONS

A. Conflict with State or Federal Regulations

If the provisions of this Master Plan 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 Master Plan 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 Master Plan to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Master Plan impose a greater restriction than imposed by a private agreement, the provisions of this Master Plan will control. If the provisions of a private agreement impose a greater restriction than this Master Plan, the provisions of the private agreement will control. The City shall not be responsible for monitoring or enforcing private agreements.

1.7 RELATIONSHIP TO DOWNTOWN INVESTMENT STRATEGY

A. Purpose and Role

The Downtown Investment Strategy serves as the basic policy guide for the administration of this Master Plan. The goals, vision, recommendations, and policies of the Downtown Investment Strategy may be amended from time to time to meet the changing requirements of the Downtown Redevelopment Area in accordance with the approved procedure for amending the Investment Strategy.

B. Effect

All development and redevelopment within the Master Plan area shall be in accordance with the applicable provisions of the Downtown Investment Strategy, as adopted or amended by the City Council. Amendments to the text of this Master Plan (Chapter 2.6, Amendment to Master Plan Overlay) may be required in order to ensure compliance with this section.

1.8 OFFICIAL DISTRICT MAP

A. Zoning Map Boundaries

The boundaries of the zoning districts established in this Master Plan are shown on a map designated the "Opportunity District map,"(Figure 1.1) which is adopted and made a part of this Master Plan as fully as if it were set out here in detail. In case of any dispute regarding the zoning classification of land subject to the Downtown Master Plan, the original maps maintained by the Community Development and Services Director shall control. Questions or disputes regarding zoning designations shown on the zoning map shall be taken to the Community Development and Services Director.

1.9 TRANSITIONAL PROVISIONS

A. Continuity of Provisions

Any actions or proceedings commenced or permits issued pursuant to any previously existing ordinance shall not be affected by the enactment of this Master Plan, but such actions, proceedings, and permits shall hereafter conform to this Master Plan.

B. Violations Continue

Any violation of the previous Development Code will continue to be a violation under this Master Plan and be subject to penalties and enforcement under Henderson Development Code Chapter 19.11, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Master Plan.

C. Legal Nonconformities Under Prior Code

Any legal nonconformity under the previous Development Code will also be a legal nonconformity under this Master Plan, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under the previous Development Code becomes conforming because of the adoption of this Master Plan, then the situation will no longer be a nonconformity.

D. Uses, Lots, Structures, and Sites Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this Master Plan and this Master Plan no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Henderson Municipal Code Chapter 19.10, Nonconformities.
2. Where any building, structure, lot, or development site that legally existed on the effective date of this Master Plan does not meet all standards set forth in this Master Plan, such building, structure, lot, or site shall be considered nonconforming and shall be controlled by the provisions of Henderson Municipal Code Chapter 19.10, Nonconformities.

E. Approved Projects

1. Use permits, variances, architectural or design approvals, master plan overlays, and tentative subdivision maps, including planned unit developments, any of which are valid on May 6, 2014, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval.
2. No provision of this Master Plan shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to May 6, 2014.
3. The Community Development and Services Director may renew or extend the time of a previous approval of an application that was administratively approved if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted. Tentative maps may only be extended in accordance with the provisions in Henderson Development Code. The Community Development and Services Director shall provide written notice of any approved extension to the City Clerk, who shall be responsible for posting notice of the approved extension in City Hall. The notice shall remain in place for at least ten days from the date of the City Clerk's receipt of notice.

CHAPTER 1: INTRODUCTION

1.10 COMPLIANCE WITH DISTRICT STANDARDS

- 4. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

F. Map Interpretations

Questions or disputes regarding zoning designations on the City of Henderson zoning map resulting from adoption of this Master Plan shall be submitted to the Community Development and Services Director for written interpretation in accordance with Section 2.7.E, Interpretations.

G. Transition to New Zoning Districts

Upon the effective date of this Master Plan, land with a zoning district classification from the previous Development Code shall be re-classified to one of the zoning district classifications set forth in this Master Plan by separate action of the City Council. Table 1.1 summarizes the re-classification of the zoning districts in the previous Development Code to the zoning districts used in this Master Plan.

Table 1.1 Transitions to New Zoning Districts	
Old Zoning District	New Zoning District
Residential Districts	
Downtown Low-Density Residential (DRL)	Downtown Residential (DR)
Downtown Medium-Density Residential (DRM)	
Downtown High-Density Residential (DRH)	
Commercial Districts	
Downtown Community Commercial (DCC)	Downtown Mixed-Use (DX)
Downtown Highway Commercial (DHC)	
Downtown Public (DP)	Downtown Public (DP)

1.10 COMPLIANCE WITH DISTRICT STANDARDS

No land located within the Master Plan shall be developed except in accordance with the Opportunity Districts regulations and all other applicable regulations of this Master Plan, including but not limited to:

- A. Chapter 3: Opportunity District Regulations;
- B. Chapter 4: Land Use Regulations;
- C. Chapter 5: Development and Design Standards;
- D. Chapter 6: Signs;
- E. Appendix: Design Gallery; and
- F. Any applicable provisions from the Henderson Municipal Code (HMC).

1.11 SEVERABILITY

It is expressly declared that this Master Plan and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the Master Plan is declared invalid or unconstitutional.

- A.** If any section, subsection, sentence, or phrase of this Master Plan is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Master Plan shall not be affected.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this Master Plan, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C.** If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 2: ADMINISTRATION

2.1 PURPOSE AND ORGANIZATION OF CHAPTER

This chapter describes the procedures for review and approval of all applications for development activity within the Downtown master plan.

2.2 APPLICATION REVIEW PROCESS

The common procedures in this section deal with the processing of an application, which occurs following the completion of the preliminary application procedures. This section applies to all applications for development seeking approvals under this Master Plan, unless otherwise stated.

A. Application Completeness

1. An application will be considered complete if it:
 - (a) Is submitted in the required form;
 - (b) Contains all necessary exhibits and supporting information (including maps, site drawings, analyses, etc.);
 - (c) Is accompanied by the appropriate fee(s);
 - (d) Includes the minimum number of copies required;
 - (e) Is submitted within review schedule timeframe; and
 - (f) Follows all required pre-application steps.
2. Following submittal, the application will be officially accepted and a determination of application completeness shall be made by the Community Development and Services Director following the staff review meeting. If an application is determined to be incomplete, the Community Development and Services Director shall provide written notice to the applicant along with an explanation of the application's deficiencies on the day following staff review. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 180 days, the application shall be considered withdrawn.
3. If the application has been deemed complete and is heard at a public hearing where the Planning Commission or City Council have continued the application to allow for submittal of additional information, the application completeness date shall change to the date of the public meeting when the information is deemed acceptable.

B. Community Development and Services Director Review

In conducting required reviews, the Community Development and Services Director shall be authorized to distribute the application and other submittals to City departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be included in any required report.

CHAPTER 2: ADMINISTRATION

2.3 COMMON REVIEW PROCEDURES

2.3 COMMON REVIEW PROCEDURES

The common review procedures in this section provide a foundation for the specific review and approval procedures.

2.4 PRELIMINARY APPLICATION PROCEDURES

The procedures in this section shall apply to all applications for development seeking approvals under this master plan at the beginning of the review process, unless otherwise stated.

A. Authority to File Applications

See Henderson Development Code Title 19.6.3.A, Preliminary Application Procedures for all requirements for submitting an application for review.

B. Concept Plan Review

1. Purpose

The purpose for the concept plan review is to allow staff an opportunity to give a general review of a proposed development before the formal application is submitted.

2. Applicability

A concept plan review by the Development Review Committee shall be required for any development on lots over 10,000 square feet in size and is recommended for any new development on lots under 10,000 square feet.

3. Pre-Application Meetings

Applicants will attend a pre-application meeting with the Community Development and Services Department, Redevelopment Agency and Development Review Committee prior to submitting a formal application.

4. Application Filing

Applications for concept plan review shall be submitted in the form required by the City to the Community Development and Services Director.

5. Community Development and Services Director's Responsibilities

Upon receipt of a concept plan review application, the Community Development and Services Director shall, within three days from the deadline date, set a time and place for a meeting of the Development Review Committee and provide notice of the meeting and one copy of all plans and materials to each member of the Development Review Committee. Notice of the meeting time shall also be provided to the applicant. The Development Review Committee meeting shall be held within ten business days of the date that a complete application is received, unless the applicant requests a later date.

6. Development Review Committee Action

At the Development Review Committee meeting, the Community Development and Services Director shall describe the requirements of the review process. Committee members shall:

CHAPTER 2: ADMINISTRATION

2.5 ENTITLEMENTS

- (a) Ask questions of the applicant to clarify their understanding of the applicant's intent;
- (b) Ensure the applicant understands all required steps in the development review process; and
- (c) State their concerns based on preliminary review of project plans and materials.

7. Meeting Notes Provided

Within three days after the Development Review Committee meeting, the committee shall provide notes from the meeting to the applicant summarizing the Development Review Committee's comments.

2.5 ENTITLEMENTS

A. Design Review

This section sets out the required review and approval procedures for design review, which is a review procedure for determining compliance with the site planning, building design, and architectural standards of this Master Plan.

1. Applicability

All of the requirements for a Design Review shall comply with Henderson Development Code Title 19.6.6.B, Design Review except for the following:

2. Exemptions

The following forms of development are exempt from the standards in this section:

- (a) Any alteration or improvement not affecting the external appearance of a structure.
- (b) Any alterations or additions to a legally-established, conforming, single-family, detached dwelling.
- (c) Additions or alterations to any nonresidential or mixed-use building with a building permit valuation of less than \$5,000.

The Community Development and Services Director or the building official may require the development to comply with the standards of this section in cases where the proposed alteration or improvement endangers the public health, safety, or general welfare.

3. Development on lots over 10,000 square feet.

4. New developments on lots over 10,000 square feet or more shall undergo concept plan review in accordance with Section 2.4.C, Concept Plans.

5. Review and Decision

- (a) Design review applications are eligible for administrative review and approval by the Community Development and Services Director.
- (b) Decision-making bodies shall review each application for design review and act to approve, approve with conditions, or deny the application based on whether the application complies with the standards of this

CHAPTER 2: ADMINISTRATION

2.5 ENTITLEMENTS

Master Plan or other approved design standards for the subject development, including the design and development standards in Chapter 5: Downtown Design Standards.

- (c) When the Community Development and Services Director is the decision-making body, action shall be taken within 30 days of receipt of a complete application.

B. Design Review with Modifications

The development review procedures in this section are intended to allow relief and flexibility in the development review process. Generally, it is the intent of the City to allow requests for reductions or deviations from the minimum standards of this Master Plan only in exchange for a higher level of quality development and compensating benefit.

1. Purpose and Scope

This section allows the approval of a modification as part of a Design Review application, which allows development to occur in a manner that meets the intent of this Master Plan, yet through an alternative design that does not strictly adhere to the Plan's standards. This section authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this Plan.

2. Applicability

The modification procedure is available for any guiding principle, dimensional standard or architectural design requirement which is outlined in this plan.

3. Pre-Application Meeting Required

An applicant proposing to apply for a modification shall request and attend a pre-application meeting prior to submitting application materials for the applicable entitlement(s), to determine the preliminary response from the Community Development and Services Director and Redevelopment Manager. Based on the response, the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

4. Decision-Making Responsibility

Final approval of any proposed modification shall be the responsibility of the Planning Commission for modifications requested in conjunction with Design Review applications.

5. Criteria

A modification may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

- (a) Achieves the intent of the subject standard to the same or better degree than the subject standard;
- (b) Advances the goals and policies of the Comprehensive Plan, Redevelopment Plan or Downtown Investment Strategy and this Plan to the same or better degree than the subject standard;

CHAPTER 2: ADMINISTRATION

2.5 ENTITLEMENTS

- (c) The proposed development addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Master Plan and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
- (d) The proposal mitigates any potential significant adverse impacts on adjacent properties to the maximum practical extent;
- (e) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
- (f) The same development could not be accomplished through the use of other techniques.

6. Effect of Approval

A modification shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

C. Conditional Use Permit

1. Purpose/Description

The conditional use permit review and approval procedure provides a discretionary review process for Community Development and Services and the Redevelopment Agency to evaluate applications for uses requiring a conditional use permit or for applicants requesting modifications from use standards required for uses otherwise permitted by right. This procedure allows for public review and input at a public hearing.

2. Application Filing

All conditional use permit applications shall adhere to the conditional use permit requirements found within Henderson Municipal Code Section 19.6.6.A and must meet all of the approval criteria found below. If a modification to a use standard found in chapter 4, Land Use Regulations is requested, Community Development and Services and the Redevelopment Agency will review requests per Chapter 2.5.F, Interpretations to determine if an applicant may apply for a conditional use permit to modify a standard.

3. Conditional Use Permit Approval Criteria

(a) General Criteria

Conditional use permits may be approved by the Planning Commission only if they find that all of the following criteria are met:

- (1) The proposed use complies with all applicable provisions of this master plan and the Downtown Investment Strategy;

CHAPTER 2: ADMINISTRATION

2.5 ENTITLEMENTS

- (2) Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;
- (3) The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- (4) Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
- (5) Adequate assurances of continuing maintenance have been provided; and
- (6) Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent.

D. Temporary Use Permits

1. Application Filing

See Henderson Development Code Title 19.6.6.D, Temporary Use Permits for all filing and review procedures for a Temporary Use Permit. The following section is an additional requirement for a Temporary Use Permit:

(a) Time Limits

Temporary use permits shall be valid for a specified period of time, not to exceed 30 days. Any temporary uses requested for periods of time exceeding 30 days or other time limit as specified for the specific temporary use as listed in Section 4.2.D shall obtain a Conditional Use Permit in accordance with Section 2.7.C, Conditional Use Permit.

E. Appeals

See Henderson Development Code 19.6.9.E, Appeals.

F. Interpretations

1. Request Filing

Requests for written interpretations of this Master Plan shall be submitted to the Community Development and Services Director for review.

2. Community Development and Services Director's Review and Decision

Within 30 days of receipt of a complete request for a written interpretation, the Community Development and Services Director in consultation with the Redevelopment Agency shall:

- (a) Review and evaluate the request in light of this Master Plan, the Downtown Investment Strategy and any other relevant documents;

CHAPTER 2: ADMINISTRATION

2.6 AMENDMENT TO MASTER PLAN OVERLAY

- (b) Consult with the Redevelopment Manager, City Attorney and other staff, as necessary; and
- (c) Render a written interpretation.

3. Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

4. Official Record of Interpretations

An official record of interpretations shall be kept on file in the office of the Community Development and Services Director. The record of interpretations shall be available for public inspection in the Community Development and Services Department during normal business hours.

5. Appeals

Appeals of the Community Development and Services Director's written interpretation shall be taken to the Planning Commission in accordance with the appeal procedures of Henderson Development Code Title 19.6.9.E, Appeals. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

2.6 AMENDMENT TO MASTER PLAN OVERLAY

This section includes the procedure for the review of applications for amendments to this Master Plan (MP) Overlay.

A. Applicability

- 1. Any request for amendment to an approved master plan that decreases the amount of common open space, introduces a land use currently prohibited within a district or not identified within the master plan, alters a road pattern, or requests new modification of requirements shall be initiated and processed in the same manner as a new application.
- 2. However, if the Community Development and Services Director in consultation with the Redevelopment Manager, determines that the requested changes are, in their discretion, minor and do not include substantial alterations to the master plan conditions of approval, and are consistent with the intent of the original approval, the Community Development and Services Director may approve the changes.
- 3. The following are provided as illustrative examples of the types of amendments that the Community Development and Services Director may reasonably consider to be minor:
 - (a) Changes in the size of a particular use;
 - (b) Changes in the housing mix or use-mix ratio; or
 - (c) Changes that do not result in a change in the character of the development, or the development's relationship with adjacent lands.

CHAPTER 2: ADMINISTRATION

2.6 AMENDMENT TO MASTER PLAN OVERLAY

B. Application Filing

Applications for an amendment to the Master Plan Overlay may be filed by the City Council, Planning Commission, City Manager, Community Development and Services Director or Redevelopment Manager.

C. Neighborhood Meeting

Following a review of the proposed changes to the Master Plan, the Community Development and Services Department or Redevelopment Agency may conduct a neighborhood meeting in accordance with Section 19.6.3.B.3, Neighborhood Meetings.

D. Application

1. Master Plan Rezoning

(a) An application to amend the master plan overlay shall include a master plan prepared to the specifications of the City. Approval of a master plan at the time of rezoning is required prior to development in the MP overlay. The master plan represents a generalized land use/site plan for the area proposed to be included within a planned development. It is required as a means of allowing early review before detailed planning and engineering work is undertaken and before substantial expenses are incurred.

(b) A master plan must cover all of the land area to be included in the planned development. The master plan shall be accompanied by a terms and conditions statement, which is a textual description of all adopted conditions of approval, a description of how the planned development will meet or exceed the minimum standards of the Code, and the compensating benefits to be provided (if any).

2. Filing

Applications for a master plan amendment approval shall be submitted to the Community Development and Services Director.

E. Public Hearing Notice

Notice of public hearings on the master plan application shall be published, mailed, and posted in accordance with Henderson Municipal Code Section 19.6.3.B.4, Public Notice.

F. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed master plan amendment in light of the applicable approval criteria of Section I, Approval Criteria, 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 report to the Planning Commission.

G. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed master plan amendment and, within 60 days of the date of the public hearing, make a recommendation to the City Council, based on Section 2.6.I, Approval Criteria.

H. City Council Review and Decision

CHAPTER 2: ADMINISTRATION

2.6 AMENDMENT TO MASTER PLAN OVERLAY

After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed MP amendment based on the approval criteria of Section 2.6.I, Approval Criteria.

I. Approval Criteria

A master plan amendment may be approved only if the City Council finds that all of the following criteria have been met:

1. The proposal is consistent with the Comprehensive Plan and Downtown Investment Strategy;
2. The planned development addresses a unique situation, confers a substantial benefit to the Downtown district, or incorporates creative site design such that it achieves the purposes of this Plan and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
3. The planned development complies with the applicable standards of the Downtown Master Plan.
4. The proposal mitigates any potential significant adverse impacts to the maximum practical extent;
5. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
6. The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments.

J. Conditions of Approval

The following shall be standard conditions of the approval of all applications:

1. The development standards in the applicant's submitted master plan shall be deemed to be incorporated within the action of the City Council in its approval of the map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the MP overlay district shall comply with the terms of the approved MP.
2. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the approved MP and as may be further modified by the City Council in its approval.

K. Appeals

Appeals of City Council decisions on master plans shall be made to the District Court of Clark County, as provided by law.

L. Recordation

The City shall record the adopting ordinance, the master plan, and the terms and conditions statement with the City. They shall be binding upon the landowners, their

CHAPTER 2: ADMINISTRATION

2.6 AMENDMENT TO MASTER PLAN OVERLAY

successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the MP and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.

CHAPTER 3: OPPORTUNITY DISTRICTS

The Downtown Master Plan covers approximately 531 acres located in the eastern part of the City of Henderson. The area is generally bounded to the north by Lake Mead Parkway and North Water Street, to the west by Van Wagenen Street, to the east by Boulder Highway and to the south by Major Avenue. The ongoing focus of the update has been the creation of a series of distinct “Opportunity Districts,” which are subsets of the Downtown Redevelopment Area in the Water Street Area.

The following pages identify five Opportunity Districts where critical redevelopment land use opportunities shall occur to play a major role in shaping the Downtown to meet the vision of the Downtown Investment Strategy. Intensive review and cooperation with stakeholders and the public led to the recommendations for each district. Each district identifies land use recommendations to fill retail and residential gaps, encourage a walkable urban character, add professional employment opportunities, and strategically place unique niche market retailers and housing units to make Downtown a 24-hour, seven-day-a-week community.

3.1 ESTABLISHED OPPORTUNITY DISTRICTS

Table 3-1 sets out the base opportunity districts used in this Code.

TABLE 3-1: OPPORTUNITY DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	OPPORTUNITY DISTRICT NAME
ATD	Atlantic District
BTD	Basic Townsite District
BVC	Basic Village Center
GWD	Gateway District
SRD	St. Rose District
SRT	St. Rose Transition District
WSD	Water Street District
WST	Water Street Transition District

3.2 STRUCTURE OF OPPORTUNITY DISTRICTS

- A. Each of the following opportunity district sections has a common structure consisting of a purpose and intent statement and a series of district-specific standards and guidelines presented in a graphic and tabular format. Each table or graphic is numbered for reference purposes.
- B. The district-specific standards include one or more of the following graphic illustrations:
 - 1. A photograph representative of typical building forms;
 - 2. A graphic depiction of the district’s bulk and dimensional standards; and
 - 3. Guiding Principles for development.
- C. The graphic illustrations in this chapter are intended to illustrate the dimensional standards and the general character of each district, and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to the dimensional

CHAPTER 3: OPPORTUNITY DISTRICTS

3.2 STRUCTURE OF OPPORTUNITY DISTRICTS

standards and guiding principles of this chapter and also any applicable use-specific standards in Chapter 4, and the general development and design standards in Chapter 5.

- D.** Dimensional standards and guiding principles will be determined based on lot size. If a lot is less than 10,000 square feet in size, dimensional standards will apply and if a lot is greater than 10,000 square feet in size, guiding principles will apply to the development of a property.
- E.** The purpose of this is to provide maximum flexibility and creativity for a developer in analyzing a site and creating a development that is unique and sustainable for urban neighborhoods, guiding principles have been established to allow developers the opportunity to create their own standards. These standards must conform to the guiding principles outlined.
- F.** A list of Allowed Uses is provided for each of the following types of uses: Residential, Public/Institutional, Commercial, Accessory and Temporary uses. Chapter 4 includes a list of all allowed uses within the Master Plan which includes a definition for that particular use and a list of use-specific standards if any apply. The procedure for applying use-specific standards to buildings with multiple-use types and the procedure for consideration of unlisted uses is also outlined within Chapter 4 of the Master Plan.

CHAPTER 3.3: ATLANTIC DISTRICT

3.3.1 ATLANTIC DISTRICT DIMENSIONAL STANDARDS

3.3.1 ATLANTIC DISTRICT DIMENSIONAL STANDARDS

A. FOR LOTS 10,000 SQUARE FEET OR LESS



Figure 3.3.1: Atlantic Dimensional Standards

Table 3.3.1 Atlantic District Dimensional Standards		
Setbacks (Build-to-Lines)		
1	Building(Front): Minimum/Maximum	5 - 15 feet
2	Garage(Front): Minimum ¹	20 feet
3	Rear, alley to garage	4 feet max, 18 feet min if parking between alley and garage
4	Building Depth: Minimum	20 feet
5	Façade Width: Minimum	80% of lot frontage (remaining area may be used for open space amenities)
Height		
6	Maximum:	4 stories or 55 feet ^{2,3}
7	First floor: Minimum(Commercial Uses)	12 feet of clear space
8	All floors: Minimum	9 feet of clear space
9	Dwelling Unit Size: Minimum	500 square feet
Accessory Dwelling Unit		
Size: Maximum		1,000 square feet
Setbacks:		
Structures:		6 feet from primary structure
Lot lines:		5 feet from the side and rear
NOTES:		
1: No driveway access will be allowed from the street when alley access is available.		
2: When developing adjacent to an existing structure, height cannot exceed one story above the adjacent structure when within 20 feet of the existing structure.		
3: Maximum height of 55 feet is to the top of the roof or parapet. Any roof top mechanical equipment must be screened (see Design Standards).		
Building lot coverage	Minimum Required	Maximum Allowed
Buildings	25%	75%
Open Space (Active/Passive)	25%	No Maximum

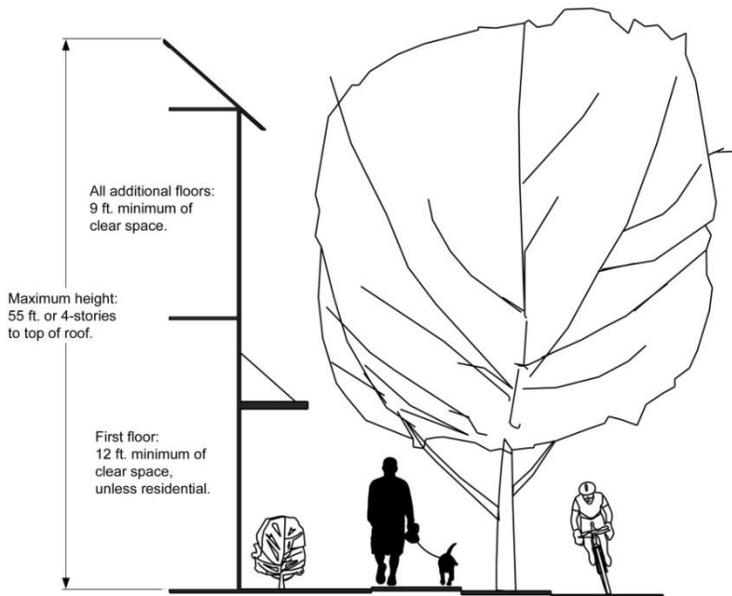


Figure 3.3.2: Interior Floor Height

CHAPTER 3.3: ATLANTIC DISTRICT

3.3.1 ATLANTIC DISTRICT DIMENSIONAL STANDARDS

B. FOR LOTS OVER 10,000 SQUARE FEET

1. Guiding Principles

- (a) Supports a mix of housing types (single-family attached and detached, town homes, multifamily (apartments and condominiums)) to meet all income and socio-economic levels, with the focus primarily on medium-density residential.



Figure 3.3.3: Example of Atlantic Guiding Principles

- (b) New residential development should be varied in design through standards and regulations. Criteria such as variety of lot sizes, building styles and colors, orientation of buildings, garages, roof pitches, and other unique architectural features of homes should be included.
- (c) To achieve population goals found in the Downtown Investment Strategy, properties located within the Atlantic District shall be permitted a residential density between 8 to 24 d.u. per acre. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification.
- (d) To promote a sustainable community, the mixing of residential, commercial, office and retail uses within the Atlantic District are encouraged particularly along Basic Road and Atlantic Road.
- (e) Developments shall be designed with an urban character, compact site layout, and a pedestrian-scale streetscape (i.e. sidewalks, street trees, and lighting).
- (f) Parking structures shall be designed with commercial/residential floor area for all façades which face towards a public right-of-way. This floor space shall be a minimum 20-foot-deep to allow for residential or commercial uses on all floors facing the public right-of-way.
- (g) Developments shall show internal and external pedestrian connections. These connections shall allow for unrestricted movement through the downtown area to promote a walkable community.

CHAPTER 3.3: ATLANTIC DISTRICT

3.3.1 ATLANTIC DISTRICT DIMENSIONAL STANDARDS

- (h) Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).
- (i) Applicants shall provide or provide access to an open space area within the district boundaries, which may include a playground, tot lot, pocket park, or other amenities. If access to a public open space cannot be provided, a fee-in-lieu of must be provided to the City to allow for the development of a public open space within the district or downtown area.
- (i) New development may count on-street and developed public parking toward meeting the on-site requirement if the project meets the intent of the Downtown Investment Strategy and the policies of this master plan. The applicant must demonstrate that developed public parking is located within 850 feet of the project site.
- (k) Primary entrance doors for all buildings shall face a public street, trail or public sidewalk. If multiple buildings are developed on the same lot the interior buildings may front either an internal open space area or an alley. A privacy fence (decorative masonry, vinyl, wood or opaque vegetative) of a 6' height is required when abutting a single-family residential lot.
- (l) Shared driveways and cross access easements shall be required between lots to minimize curb cuts where possible and feasible.
- (m) Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks or the sidewalk as long as the vertical clearance is a minimum of eight (8) feet. In no case shall an encroachment be located over any side or rear property line or over an on-street parking or travel lane. Any encroachment into a public right-of-way will require a revocable permit.

CHAPTER 3.3: ATLANTIC DISTRICT

3.3.2 ATLANTIC LAND USES (ATD)

3.3.2 ATLANTIC LAND USES (ATD)

A. PERMITTED LAND USES:

The following use classifications are principally permitted land uses within this opportunity district, subject to any standards called out for each individual use. Definitions and standards for each use are found in Chapter 4.

1. Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Multi-family	Sec.4.3.A.3
3. Single-family attached	Sec.4.3.A.4
4. Single-family detached	Sec.4.3.A.5
5. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
6. Home for Individual Residential Care	Sec.4.3.A.7
7. Residential Facility for Groups	Sec.4.3.A.8
8. Accessory dwelling unit	Sec.4.3.A.10
9. Mixed use residential	Sec.4.3.A.11

2. Public/Institutional Uses

Use	Subject to:
1. Day Care Facility	Sec.4.3.B.3
a. General	
b. Group Child Care	
c. Family Home	
2. Park and Recreation Facility	Sec.4.3.B.11
3. Religious Assembly	Sec.4.3.B.13
4. Utilities	
a. Minor	Sec.4.3.B.16
b. Major	Sec.4.3.B.17
5. Wireless Communication Antenna	Sec.4.3.B.18

3. Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
2. Household Pets	Sec.4.3.C.2.f
3. Artists' Studio	Sec.4.3.C.3
4. Restaurant	Sec.4.3.C.10.a

CHAPTER 3.3: ATLANTIC DISTRICT

3.3.2 ATLANTIC LAND USES (ATD)

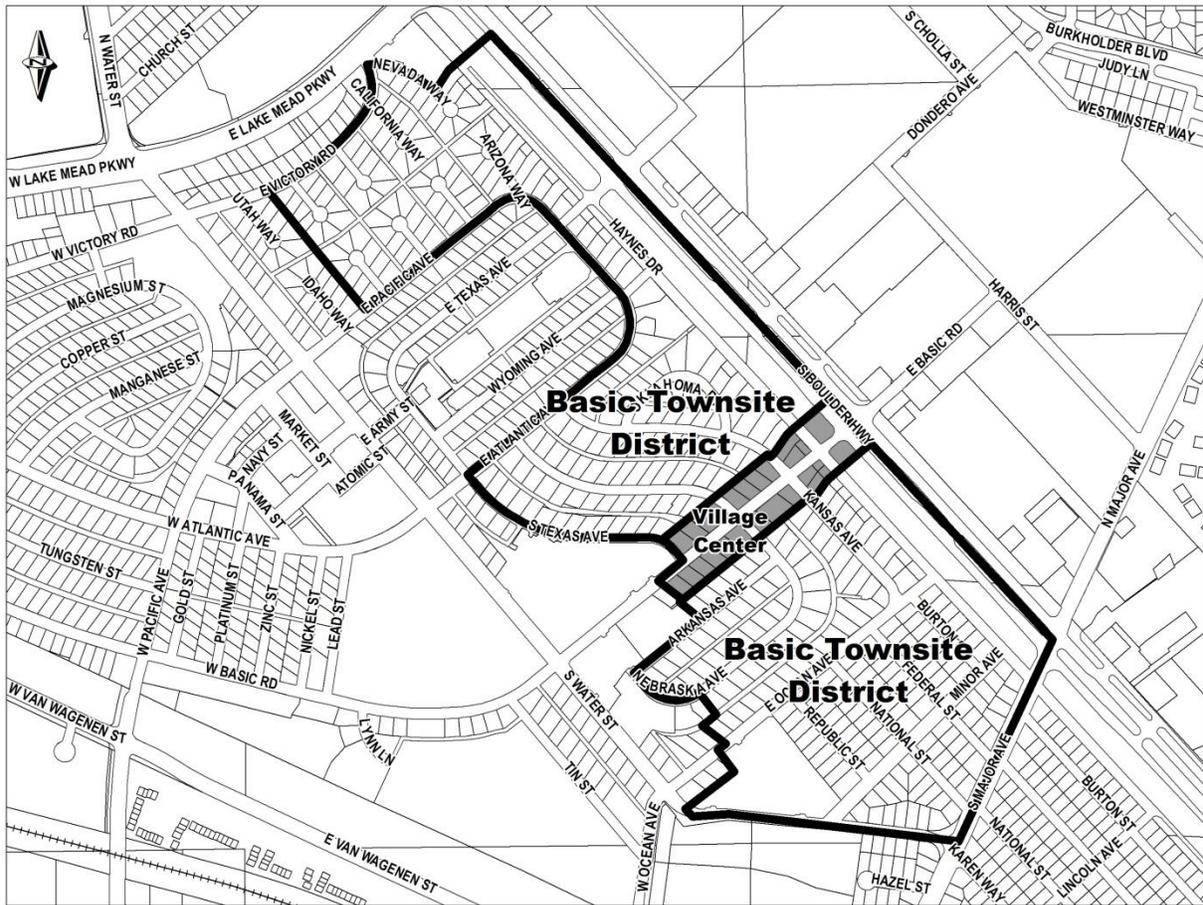
5. Restaurant with Bar	Sec.4.3.C.10.b
6. Food and Beverage Sales, General	Sec.4.3.C.12
7. Restricted Gaming	Sec.4.3.C.13
8. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
9. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
10. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Convenience Market	
c. Pharmacy	
11. Visitor Accommodation	Sec.4.3.C.25
a. Bed and Breakfast	

4. Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Street Fairs	Sec.4.3.E.4
4. Temporary Construction Trailer	Sec.4.3.E.5
5. Temporary Dwelling Unit	Sec.4.3.E.6
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-Up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

The Basic Townsite District is the Downtown area’s main residential neighborhood. This area encompasses many different types of housing options with a central business core along Basic Road. The Basic Townsite District north of Basic Road will include a mix of single-family, multi-family, apartment/condo, townhomes and row homes for housing options. Housing on the south side of Basic Road will primarily remain detached single-family to aid in preserving the historic character of the area. The Village Center area along Basic Road will accommodate small daily use type businesses. In addition, mixed-use commercial, residential and office uses will be allowed within this corridor. This district is bounded by Victory Road to the north, Water Street and Major Avenue to the south, Texas Avenue and Atlantic/Pacific Avenue and Nebraska Avenue to the west, and Boulder Highway to the east.



CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.1 BASIC TOWNSITE DISTRICT DIMENSIONAL STANDARDS

3.4.1 BASIC TOWNSITE DISTRICT DIMENSIONAL STANDARDS

A. FOR LOTS 10,000 SQUARE FEET OR LESS

Basic Townsite North



Figure 3.4.1 North Townsite Dimensional

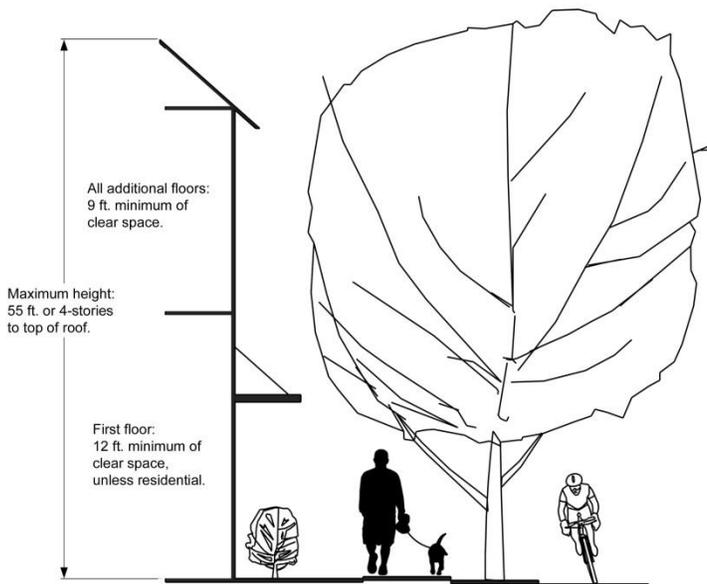


Figure 3.4.2 Floor Heights

Table 3.4.1 Basic Townsite North Dimensional Standards		
Setbacks (Build-to-Lines)		
1	Building(Front): Minimum/Maximum	5 - 15 feet
2	Garage(Front): Minimum ¹	20 feet
3	Rear, alley to garage	4 feet max, 18 feet min if parking between alley and garage.
4	Building Depth: Minimum	20 feet
5	Facade Width: Minimum	80% of lot frontage (remaining area may be used for open space amenities)
Height		
6	Maximum:	3 stories or 40 feet ^{2,3}
7	First floor: Minimum(Commercial Uses)	12 feet of clear space
8	All floors: Minimum	9 feet of clear space
9	Dwelling Unit Size: Minimum	500 square feet
Accessory Dwelling Unit		
	Size: Maximum	1,000 square feet
Setbacks:		
	Structures:	6 feet from primary structure
	Lot lines:	5 feet from the side and rear
NOTES:		
1. No driveway access will be allowed from the street when alley access is available.		
2. When developing adjacent to an existing structure, height cannot exceed one story above adjacent structure when within 20 feet of the existing structure.		
3. Maximum height of 55 feet is to the top of the roof or parapet. Any roof top mechanical equipment must be screened (see Design Standards).		
Building lot coverage	Minimum Required	Maximum Allowed
Buildings	25%	75%
Open Space (Active/Passive)	25%	No Maximum

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.1 BASIC TOWNSITE DISTRICT DIMENSIONAL STANDARDS

B. FOR LOTS 10,000 SQUARE FEET OR LESS

Basic Townsite South



Figure 3.4.3 South Townsite Architectural

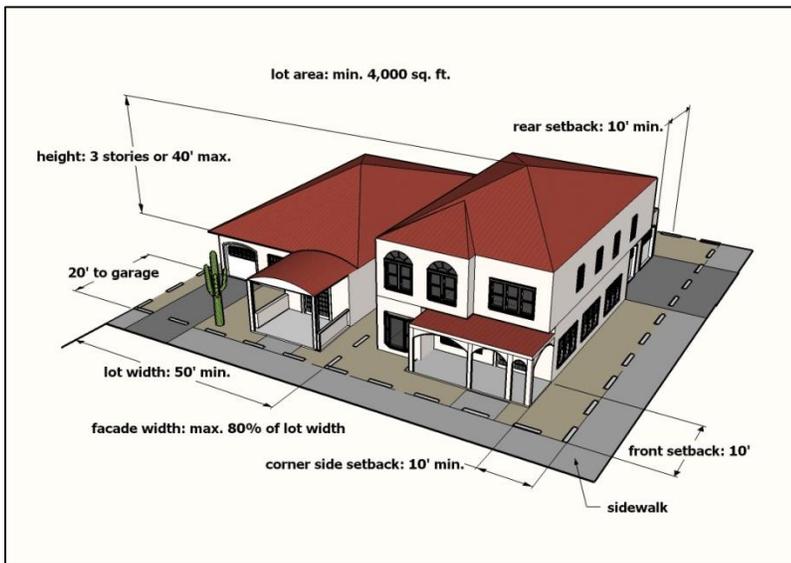


Figure 3.4.4 South Townsite Dimensional

Table 3.4.2 Basic Townsite South Dimensional Standards		
Lot Standards, Minimum		
1	Lot area:	4,000 square feet
2	Lot width:	50 feet
Setbacks, Minimum		
Building:		
3	Front/corner side:	10 feet
4	Rear:	10 feet
5	Garage: Minimum front/rear	20 feet/ 4 feet max, 18 feet min if parking between alley and garage.
6	Facade Width: Maximum	80% of lot frontage (remaining area may be used for pedestrian or outdoor amenities)
Height		
7	Maximum:	3 stories or 40 feet ¹
8	Dwelling Unit Size: Minimum	1,000 square feet
Accessory Dwelling Unit		
	Size: Maximum	1,000 square feet
Setbacks:		
	Principal structure:	6 feet
	Lot lines:	5 feet
NOTES:		
1: When developing adjacent to an existing structure, height cannot exceed one story above adjacent structure when within 20 feet of the existing structure.		

3.4.1 BASIC TOWNSITE DISTRICT DIMENSIONAL STANDARDS

C. FOR LOTS OVER 10,000 SQUARE FEET IN BASIC TOWNSITE NORTH AND SOUTH

1. Guiding Principles

- (a) Supports a mix of housing types (single-family attached and detached, town homes, multifamily (apartments and condominiums)) to meet all income and socio-economic levels, but the focus is primarily on medium-density residential.
- (b) New residential development should be varied in design through standards and regulations. Criteria such as variety of lot sizes, building styles and colors, orientation of buildings, garages, roof pitches, and other unique architectural features of homes should be included.
- (c) To achieve population goals found within the Downtown Investment Strategy, properties located within the Basic Townsite North and South shall be permitted a residential density between 8 and 24 d.u. per acre. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification.
- (d) To promote a sustainable community, the mixing of residential, commercial, office and retail uses within the Basic Townsite District are encouraged particularly along Atlantic Avenue, Pacific Avenue, and Victory Road.
- (e) Developments shall be designed with an urban character, compact site layout, and a pedestrian-scale streetscape (i.e. sidewalks, street trees, and lighting).
- (f) Parking structures shall be designed with commercial/residential floor area for all façades which face towards a public right-of-way. This floor space must be a minimum 20-foot-deep to allow for residential or commercial uses on all floors facing the public right-of-way.
- (g) Developments shall show internal and external pedestrian connections. These connections must allow for unrestricted movement through the downtown area to promote a walkable community.
- (h) Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).
- (i) Applicants shall provide or provide access to an open space area within the district boundaries, which may include a playground, tot lot, pocket park, or other amenities. If access to a public open space cannot be provided, a fee-in-lieu of must be provided to the City to allow for the development of a public open space within the district or downtown area. Primary entrance doors for all buildings shall face towards a public street, sidewalk, or trail. If multiple buildings are developed on the same lot the interior buildings may front an internal open space area. A six foot high (6 ft.) privacy fence (decorative masonry, vinyl, wood, or opaque vegetative) is required when abutting a single-family residential lot.
- (j) Shared driveways and cross access easements shall be required between lots to minimize curb cuts where possible and feasible.

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.2 BASIC VILLAGE CENTER DISTRICT

- (k) Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks or the sidewalk as long as the vertical clearance is a minimum of eight (8) feet. In no case



Figure 3.4.5 Basic Townsite North architectural

shall an encroachment be located over any side or rear property line or over an on-street parking or travel lane. Any encroachment into a public right-of-way will require a revocable permit.

3.4.2 BASIC VILLAGE CENTER DISTRICT

A. GUIDING PRINCIPLES

1. The City envisions pedestrian-oriented retail, office, and supportive-service uses which serve daily living, shopping, or personal needs to develop within the Basic Village Center area.
2. Office uses should locate within the Basic Village Center area.
3. The City encourages the development of multi-story projects within the Basic Village Center area as it would promote full site build-out.
4. City supports mixed-use development that may occur at a variety of sizes and scales appropriate to market demand.
5. Properties located within the Basic Village Center areas shall be permitted a residential density between 16 and 36 d.u. per acre. A development which exceeds this density provisions may request a Design Review with Modification. Residential is only permitted if it is vertically integrated as part of a mixed-use project or building.
6. Multi-Modal Transportation options shall be provided as part of a mixed-use development.
7. Parking structures must be designed with commercial/residential floor area for all façades which face towards a public right-of-way. This floor space must be a minimum 20-foot-deep to allow for residential or commercial uses on all floors facing the public right-of-way.
8. Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES

- 9. The City does not permit the location of residential land uses on the ground floor of a vertical mixed-use development on projects within the Basic Village Center.
- 10. Development shall provide transitions through building scale, architecture, and layout of land uses to mitigate impacts on the surrounding neighborhoods.
- 11. Developments shall incorporate pedestrian-friendly design characterize by the use of, shade trees, shade structures, landscaping, outdoor seating areas, benches, and other site furnishings to ensure a safe and comfortable environment for pedestrians.
- 12. Open space shall be integrally designed in a manner that is accessible to visitors and employees.
- 13. Uses within the Basic Village Center area should have pedestrian access from Basic Road and additional access points may be permitted from alleys and/or adjoining streets.



Figure 3.4.6 Basic Village Center

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES

A. PERMITTED LAND USES

The following use classifications are principally permitted land uses within this opportunity district, subject to any standards called out for each individual use. Definitions and standards for each use are found in Chapter 4.

1. BASIC TOWNSITE DISTRICT (BTD)

(a) Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Multi-family	Sec.4.3.A.3
3. Single-family attached	Sec.4.3.A.4
4. Single-family detached	Sec.4.3.A.5
5. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
6. Home for Individual Residential Care	Sec.4.3.A.7
7. Residential Facility for Groups	Sec.4.3.A.8
8. Accessory dwelling unit	Sec.4.3.A.10
9. Mixed use residential	Sec.4.3.A.11

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES**(b) Public/Institutional Uses**

Use	Subject to:
1. Day Care Facility	Sec.4.3.B.3
a. General	
b. Group Child Care	
c. Family Home	
2. Park and Recreation Facility	Sec.4.3.B.11
3. Religious Assembly	Sec.4.3.B.13
4. Utilities	
a. Minor	Sec.4.3.B.16
b. Major	Sec.4.3.B.17
5. Wireless Communication Antenna	Sec.4.3.B.18

(c) Commercial Uses

Use	Subject to:
1. Household Pets	Sec.4.3.C.2.f
2. Artists' Studio	Sec.4.3.C.3
3. Restricted Gaming	Sec.4.3.C.13
4. Restaurant	Sec.4.3.C.10.a
5. Restaurant with Bar	Sec.4.3.C.10.b
6. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
7. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
8. Retail Sales and Service	Sec.4.3.C.23
a. General	
b. Convenience Market	
c. Pharmacy	
9. Visitor Accommodation	Sec.4.3.C.25
a. Bed and Breakfast	

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES

(d) Accessory Uses and Structures

Use	Subject to:
1. Outdoor Display/Sale	Sec.4.3.D.2
2. Wind Energy System	Sec.4.3.D.4
3. Solar Collection System	Sec.4.3.D.5

(e) Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Street Fairs	Sec.4.3.E.4
4. Temporary Construction Trailer	Sec.4.3.E.5
5. Temporary Dwelling Unit	Sec.4.3.E.6
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-Up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

2. BASIC VILLAGE CENTER (BVC)

(a) Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Multi-family	Sec. 4.3.A.3
3. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
4. Home for Individual Residential Care	Sec.4.3.A.7
5. Residential Facility for Groups	Sec.4.3.A.8
6. Mixed-use residential	Sec.4.3.A.11

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES**(b) Public/Institutional Uses**

Use	Subject to:
1. Club or Lodge	Sec.4.3.B.1
2. Day Care Facility, General	Sec.4.3.B.3
3. Religious Assembly	Sec.4.3.B.13
4. School, Public or Private	Sec.4.3.B.14
5. School, Business, Trade or Vocational	Sec.4.3.B.15
6. Utilities	
a. Minor	
b. Major	
7. Wireless Communication Antenna	Sec.4.3.B.18

(c) Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
2. Animal and Related Services	Sec.4.3.C.2
a. Animal Boarding	
b. Animal Grooming	
c. Animal Retail Sales	
d. Veterinary Clinic/Hospital	
e. Household Pets	
3. Artists' Studio	Sec.4.3.C.3
4. Bail-Bond Broker	Sec.4.3.C.4
5. Brew Pub/Microbrewery/Craft Distillery	Sec.4.3.C.6
6. Catering Services	Sec.4.3.C.7
7. Commercial Recreation and Entertainment	Sec.4.3.C.8
a. General	
b. Limited	
8. Eating and Drinking Establishment	Sec.4.3.C.10
a. Restaurant	
b. Restaurant with Bar	
c. Tavern	
d. Wine/Lounge	
9. Financial Institution, General	Sec.4.3C.11
10. Food and Beverage Sales	Sec.4.3.C.12

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT

3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES

a. General	
b. Liquor Store	
11. Restricted Gaming	Sec.4.3.C.13
12. Laboratory	Sec.4.3.C.14
13. Maintenance and Repair Services	Sec.4.3.C.16
14. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
15. Personal Improvement Service	Sec.4.3.C.19
16. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
c. Massage	
d. Reflexology	
17. Plant Nursery	Sec.4.3.C.21
18. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Convenience Market	
c. Pharmacy	
d. Printing Service	
e. Rental Service	
f. Secondhand Goods	
19. Visitor Accommodation	Sec.4.3.C.24
a. Bed and Breakfast	
b. Hotel/Boutique Motel	
20. Wedding Chapel	Sec.4.3.C.25

(d) Accessory Uses and Structures

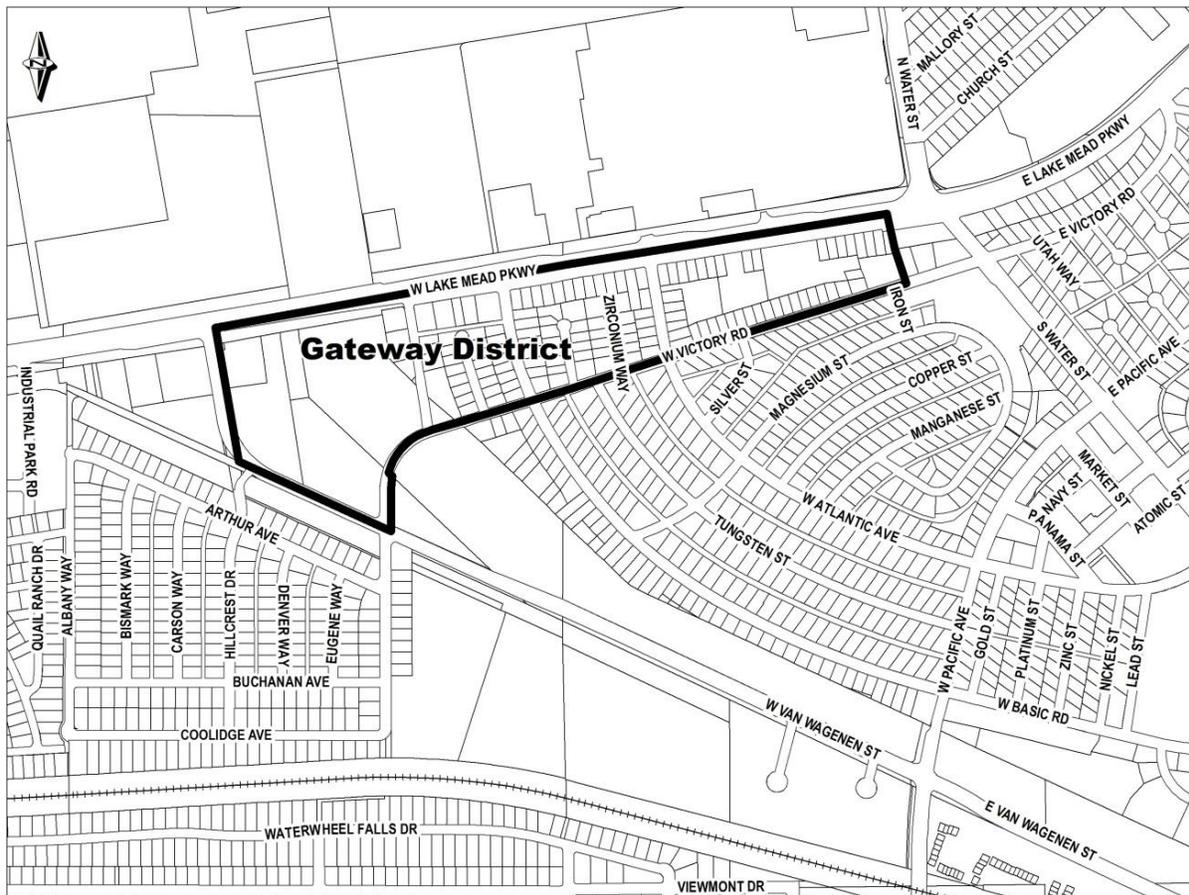
Use	Subject to:
1. Outdoor Display/Sale	Sec.4.3.D.2
2. Wind Energy System	Sec.4.3.D.4
3. Solar Collection System	Sec.4.3.D.5

CHAPTER 3.4: BASIC TOWNSITE AND VILLAGE CENTER DISTRICT**3.4.3 BASIC TOWNSITE/VILLAGE CENTER LAND USES****(e) Temporary Uses**

Use	Subject to:
1. Circuses and Carnivals	Sec.4.3.E.1
2. Commercial Filming, Limited	Sec.4.3.E.2
3. Holiday Retail Sales/Rental	Sec.4.3.E.3
4. Street Fairs	Sec.4.3.E.4
5. Temporary Construction Trailer	Sec.4.3.E.5
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-Up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

CHAPTER 3.5: GATEWAY DISTRICT

The Gateway District is the main entry point for visitors into the Downtown area. This district is intended to facilitate a large-scale, distinctive and attractive employment center with a mix of concentrated land uses. This area should include major economic generators which draw from the Henderson/Las Vegas region. Such businesses may include theaters, hotels, restaurants, and major employers with dense offices uses. The area will include a broad mix of complementary uses including high-density multi-family housing and recreational facilities. This area will be primarily access by vehicular traffic, but will include pedestrian access points to surrounding areas. The district is bounded by Lake Mead Parkway to the north, Victory Road to the south, Van Wagenen Street to the west, and just west of Water Street.



CHAPTER 3.5: GATEWAY DISTRICT

3.5.1 GUIDING PRINCIPLES

3.5.1 GUIDING PRINCIPLES

- A. The City envisions auto-oriented retail, office, and supportive-service uses which serve the larger community as well as downtown with large offices, hotels, restaurants, theaters and major employment centers.
- B. City supports mixed-use development that may occur at a variety of sizes and scales appropriate to market demand.
- C. The City encourages the development of multi-story projects within the Gateway District area as it will promote full site build-out.
- D. Properties located within the Gateway District areas shall be permitted a residential density between 16 to 36 d.u. per acre. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification. Residential is only permitted if it is vertically integrated as part of a mixed-use project or building located along Victory.
- E. The City does not permit the location of residential land uses on the ground floor of a vertical mixed-use development within the Gateway District fronting Lake Mead Parkway.
- F. Parking structures shall be designed with commercial/residential floor area for all façades which face a public right-of-way. This floor space must be a minimum 20-foot-deep to allow for the residential or commercial use on all floors facing the public right-of-way.
- G. Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).
- H. Multi-Modal Transportation options shall be provided as part of a mixed-use development.
- I. The City requires all development to conform to an enhanced architectural design theme outlined in Chapter 5, Downtown Design Standards.
- J. Development shall provide transitions through building scale, architecture, and layout of land uses to mitigate impacts on the surrounding neighborhoods.
- K. Developments shall incorporate pedestrian-friendly design characterized by the use of shade trees, shade structures, landscaping, outdoor seating areas, benches, and other site furnishings to ensure a safe and comfortable environment for pedestrians.
- L. Open space shall be integrally designed in a manner that is accessible to visitors and employees.



Figure 3.5.1 Gateway Architectural example

CHAPTER 3.5: GATEWAY DISTRICT

3.5.2 GATEWAY DISTRICT LAND USES

M. All access from Lake Mead Parkway must be approved by NDOT.

3.5.2 GATEWAY DISTRICT LAND USES

A. Permitted Land Uses

The following use classifications are principally permitted land uses within this opportunity district, subject to any standards called out for each individual use. Definitions and standards for each use are found in Chapter 4.

1. Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Mixed use residential	Sec.4.3.A.11

2. Public/Institutional Uses

Use	Subject to:
1. Club or Lodge	Sec.4.3.B.1
2. Cultural Institution	Sec.4.3.B.2
3. Day Care Facility, General	Sec.4.3.B.3
4. Emergency Health Care Facility	Sec.4.3.B.5
5. Employment & Training Center, Nonprofit	Sec.4.3.B.6
6. Government Office	Sec.4.3.B.7
7. Institutional Housing	Sec.4.3.B.10
a. Group Living-Assisted	
b. Group Living-General	
c. Skilled Nursing Facility/Hospice	
8. Religious Assembly	Sec.4.3.B.13
9. School, Public or Private	Sec.4.3.B.14
10. School, Business, Trade or Vocational	Sec.4.3.B.15
11. Utilities	
a. Minor	
b. Major	
12. Wireless Communication Antenna	Sec.4.3.B.18

3. Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
2. Animal and Related Services	Sec.4.3.C.2

CHAPTER 3.5: GATEWAY DISTRICT

3.5.2 GATEWAY DISTRICT LAND USES

a. Animal Boarding	
b. Animal Grooming	
c. Animal Retail Sales	
d. Veterinary Clinic/Hospital	
e. Household Pets	
3. Banquet Facility	Sec.4.3.C.5
4. Brew Pub/Microbrewery/Craft Distillery	Sec.4.3.C.6
5. Catering Services	Sec.4.3.C.7
6. Commercial Recreation and Entertainment	Sec.4.3.C.8
a. General	
b. Limited	
7. Eating and Drinking Establishment	Sec.4.3.C.10
a. Restaurant	
b. Restaurant with Bar	
c. Tavern	
d. With Drive-Through Service	
8. Financial Institution, General	Sec.4.3.C.11
a. General	
b. With Drive-Through Service	
c. Check Cashing, Deferred Deposit Service	
9. Food and Beverage Sales	Sec.4.3.C.12
a. General	
b. Liquor Store	
10. Restricted Gaming	Sec.4.3.C.13
11. Laboratory	Sec.4.3.C.14
12. Maintenance and Repair Service	Sec.4.3.C.16
13. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
14. Personal Improvement Service	Sec.4.3.C.19
15. Personal Service	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
c. Dry-Cleaning Agency with Drive-Through Service	
d. Massage	
e. Reflexology	
16. Plant Nursery	Sec.4.3.C.21

CHAPTER 3.5: GATEWAY DISTRICT

3.5.2 GATEWAY DISTRICT LAND USES

17. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Auction Facility	
c. Convenience Market	
d. Pharmacy	
e. Pharmacy with Drive-Through Service	
f. Printing Service	
g. Rental Service	
h. Secondhand Goods	
18. Vehicle/Equipment Rental	Sec.4.3.C.23
19. Visitor Accommodation	Sec.4.3.C.24
a. Hotel/Boutique Motel	

4. Accessory Uses and Structures

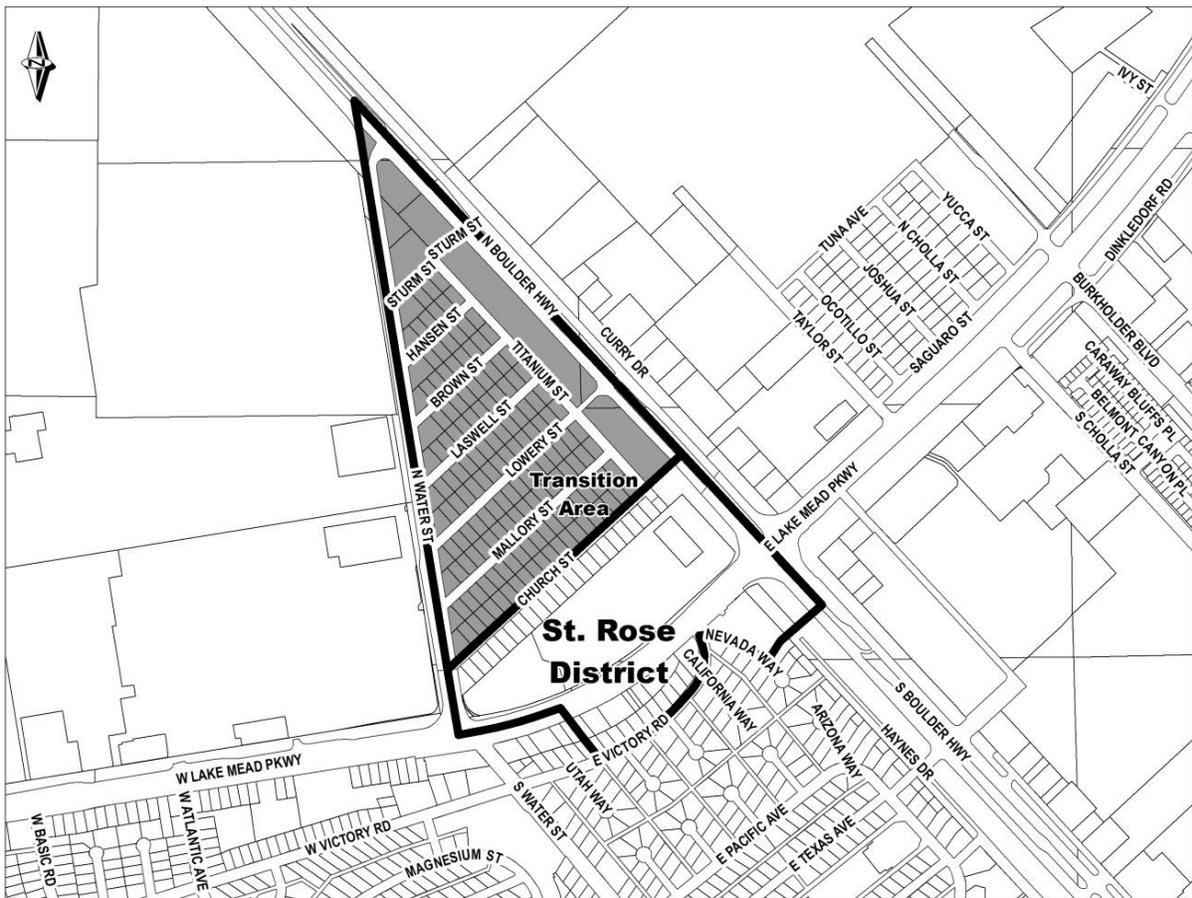
Use	Subject to:
1. Drive-Through/Drop-off Window Uses	Sec.4.3.D.1
2. Outdoor Display/Sale	Sec.4.3.D.2
3. Outdoor Seating/Outdoor Food Service	Sec.4.3.D.3
4. Wind Energy System	Sec.4.3.D.4
5. Solar Collection System	Sec.4.3.D.5

5. Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Temporary Construction Trailer	Sec.4.3.E.5
4. Temporary Event	Sec.4.3.E.8
5. Temporary Pop-Up Retail	Sec.4.3.E.9
6. Temporary Religious Assembly	Sec.4.3.E.10
7. Temporary Real Estate Sales Office	Sec.4.3.E.11
8. Temporary Security Trailer	Sec.4.3.E.12
9. Temporary Vehicle/Equipment Sales and Auctions	Sec.4.3.E.14

CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

The St. Rose District consists of the Downtown Area's second largest employer, St. Rose De Lima Hospital. The vision for the St. Rose District and Transition area is to serve as a major mixed-use core serving the Downtown area and Boulder Highway corridor. The St. Rose District primarily serves auto oriented uses and services. The district is intended to include commercial, institutional, residential, recreational, and service facilities needed to support the downtown area and community at-large. Development within the district should facilitate pedestrian connections between the residential and non-residential uses. This district is bounded by Victory Road and the existing Walgreens property line to the south, Boulder Highway/N. Water Street intersection to the north, Boulder Highway to the east, N. Water Street and residential/commercial properties to the west, and Van Wagenen Street to the south.



3.6.1 GUIDING PRINCIPLES

A. The City envisions more auto-oriented retail, office, and supportive-service uses which serve the larger community as well as downtown with large offices, hotels, restaurants, theaters and major employment centers.

B. City supports mixed-use development that may occur with a variety of sizes and scales appropriate to market demand.

C. The City encourages the development of multi-story projects within the St. Rose District area as it would promote full site build-out.

D. Properties located within the St. Rose District shall be permitted a residential density between 16 and 36 d.u. per acre. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification. Residential is only permitted if it is vertically integrated as part of a mixed-use building.

E. The City does not permit the location of residential land uses on the ground floor of a vertical mixed-use development on projects within the St. Rose District fronting Lake Mead Parkway.

F. Parking structures must be designed with commercial/residential floor area for all façades which face towards a public right-of-way. This floor space must be a minimum 20-foot-deep to allow for residential or commercial uses on all floors facing the public right-of-way.

G. Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, *Sustainability*).

H. Multi-Modal Transportation options shall be provided as part of a mixed-use development.

I. The City requires all development to conform to an enhanced architectural design theme outlined in Chapter 5, *Downtown Design Standards*.

J. Development shall provide transitions through building scale, architecture, and layout of land uses to mitigate impacts on the surrounding neighborhoods.

K. Developments shall incorporate pedestrian-friendly design characterized by the use of shade trees, shade structures, landscaping, outdoor seating areas, benches, and other site furnishings to ensure a safe and comfortable environment for pedestrians.

L. Open space shall be integrally designed in a manner that is accessible to visitors and employees.



CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

3.6.2 ST. ROSE TRANSITION DISTRICT DIMENSIONAL STANDARDS

3.6.2 ST. ROSE TRANSITION DISTRICT DIMENSIONAL STANDARDS

A. FOR LOTS 10,000 SQUARE FEET OR LESS



Figure 3.6.2 St. Rose Transition Dimensional

Table 3.6.1 St. Rose Transition Dimensional Standards

Set Backs (Build-to-Lines)		
1	Building(Front): Minimum/Maximum	5 - 15 feet
2	Garage(Front): Minimum ¹	20 feet
3	Rear, alley to garage	4 feet max, 18 feet min if parking between alley and garage
4	Building Depth: Minimum	20 feet
5	Facade Width: Minimum	80% of lot frontage (remaining area may be used for open space amenities)
Height		
6	Maximum:	4 stories or 55 feet ^{2,3}
7	First floor: Minimum(Commercial Uses)	12 feet of clear space
8	All floors: Minimum	9 feet of clear space
9	Dwelling Unit Size: Minimum	500 square feet
Accessory Dwelling Unit		
	Size: Maximum	1,000 square feet
Setbacks:		
	Structures:	6 feet from primary structure
	Lot lines:	5 feet from the side and rear
NOTES: 1: No driveway access will be allowed from the street when alley access is available. 2: When developing adjacent to an existing structure, height cannot exceed one story above the adjacent structure when within 20 feet of the existing structure. 3. Maximum height of 55 feet is to the top of the roof or parapet. Any roof top mechanical equipment must be screened (see Design Standards).		
Building lot coverage	Minimum Required	Maximum Allowed
Buildings	25%	75%
Open Space (Active/Passive)	25%	No Maximum

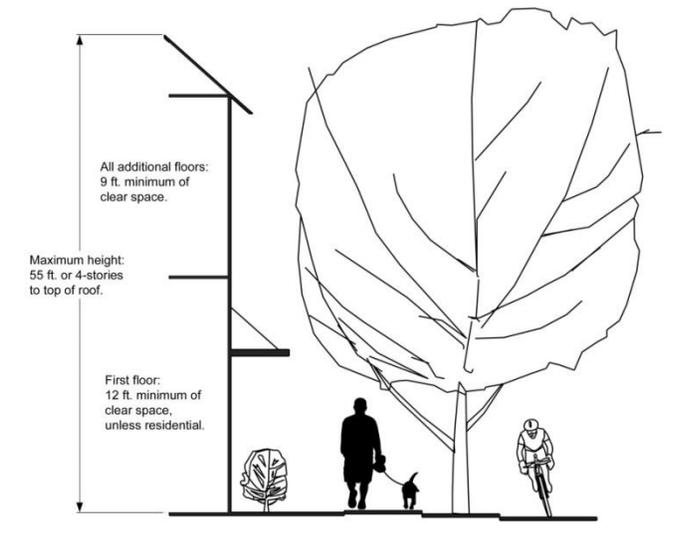


Figure 3.6.3 Interior Floor Heights

CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

3.6.2 ST. ROSE TRANSITION DISTRICT DIMENSIONAL STANDARDS

B. FOR LOTS OVER 10,000 SQUARE FEET

1. GUIDING PRINCIPLES

- (a) Supports a mix of housing types (single-family attached and detached, town homes, multifamily (apartments and condominiums)) to meet all income and socio-economic levels, but the focus is primarily on medium-density residential.



Figure 3.6.4: Example of St. Rose Transition Guiding

- (b) New residential development should be varied in design through standards and regulations. Criteria such as variety of lot sizes, building styles and colors, orientation of buildings, garages, roof pitches, and other unique architectural features of homes should be included.
- (c) Developments should be designed with an urban character, compact site layout, and a pedestrian-scale streetscape (i.e. sidewalks, street trees, and lighting).
- (d) To promote a sustainable community, the mixing of residential, commercial, office and retail uses within the St. Rose Transition Area are encouraged particularly along Titanium Street.
- (e) To achieve population goals found within the Downtown Investment Strategy, properties which are zoned Downtown Residential (DR) shall be permitted a residential density between 8 to 24 d.u. per acre. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification.
- (f) Parking structures facing a public right-of-way must be designed with commercial or residential floor area facing the right-of-way. This floor space must be a minimum 20-foot-deep.
- (g) Developments shall show internal and external pedestrian connections. These connections must allow for unrestricted movement through the downtown area to promote a walk able community.

CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

3.6.3 ST. ROSE AND TRANSITION AREA LAND USES

- (h) Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, *Sustainability*).
- (i) Applicants shall provide or provide access to an open space area within the district boundaries, which may include a playground, tot lot, pocket park, or other amenities. If access to a public open space cannot be provided, a fee-in-lieu of must be provided to the City to allow for the development of a public open space within the district or downtown area.
- (j) Primary entrance doors for all buildings shall face towards a public street, sidewalk, or trail. If multiple buildings are developed on the same lot the interior buildings may front an internal open space area. A six foot high (6 ft.) privacy fence (decorative masonry or opaque vegetative) is required when abutting a single-family residential lot.
- (k) Shared driveways and cross access easements shall be required between lots to minimize curb cuts where possible and feasible.
- (l) Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks or the sidewalk as long as the vertical clearance is a minimum of eight (8) feet. In no case shall an encroachment be located over any side or rear property line or over an on-street parking or travel lane. Any encroachment into a public right-of-way will require a revocable permit.

3.6.3 ST. ROSE AND TRANSITION AREA LAND USES

A. PERMITTED LAND USES:

The following use classifications are principally permitted land uses within this opportunity district, subject to any standards called out for each individual use. Definitions and standards for each use are found in Chapter 4.

(1) Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Multi-family	Sec.4.3.A.3
3. Single-family attached	Sec.4.3.A.4
4. Single-family detached	Sec.4.3.A.5
5. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
6. Home for Individual Residential Care	Sec.4.3.A.7
7. Residential Facility for Groups	Sec.4.3.A.8
8. Accessory dwelling unit	Sec.4.3.A.10
9. Mixed use residential	Sec.4.3.A.11

CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

3.6.3 ST. ROSE AND TRANSITION AREA LAND USES

(2) Public/Institutional Uses

Use	Subject to:
1. Day Care Facility	Sec.4.3.B.3
a. General	
b. Group Child Care	
c. Family Home	
2. Park and Recreation Facility	Sec.4.3.B.11
3. Religious Assembly	Sec.4.3.B.13
4. Utilities	
a. Minor	Sec.4.3.B.16
b. Major	Sec.4.3.B.17
5. Wireless Communication Antenna	Sec.4.3.B.18

(3) Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
2. Household Pets	Sec.4.3.C.2.f
3. Artists' Studio	Sec.4.3.C.3
4. Restaurant	Sec.4.3.C.10.a
5. Restaurant with Bar	Sec.4.3.C.10.b
6. Food and Beverage Sales, General	Sec.4.3.C.12
7. Restricted Gaming	Sec.4.3.C.13
8. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
9. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
10. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Convenience Market	
c. Pharmacy	
11. Visitor Accommodation	Sec.4.3.C.25
a. Bed and Breakfast	

CHAPTER 3.6: ST. ROSE/ ST. ROSE TRANSITION DISTRICT

3.6.3 ST. ROSE AND TRANSITION AREA LAND USES

(4) Accessory Uses and Structures

Use	Subject to:
1. Outdoor Display/Sale	Sec.4.3.D.2
2. Wind Energy System	Sec.4.3.D.4
3. Solar Collection System	Sec.4.3.D.5

(5) Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Street Fairs	Sec.4.3.E.4
4. Temporary Construction Trailer	Sec.4.3.E.5
5. Temporary Dwelling Unit	Sec.4.3.E.6
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-Up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

3.7.1 WATER STREET DISTRICT

A. GUIDING PRINCIPLES

1. The City envisions pedestrian-oriented retail, office, and supportive-service uses which serve daily living, shopping, or personal needs to develop within the Water Street District area.

2. City supports mixed-use development that may occur at a variety of sizes and scales appropriate to market demand.

3. The City encourages the development of multi-story projects within the Water Street District area as it promotes full site build-out and increases densities.

4. Properties located within the Water Street District shall be permitted a Floor Area Ratio (FAR) of 3.5 if integrating a residential component into a project. A development which exceeds this provision may request a Design Review with Modification. Residential is only permitted if it is vertically integrated as part of a mixed-use building.

5. The City does not permit the location of residential uses on the ground floor of a vertical mixed-use development within the Water Street District.

6. Parking structures shall be designed with commercial/residential floor area for all façades which face towards a public right-of-way. This floor space must be a minimum 20-foot-deep to allow for residential or commercial uses on all floors facing the public right-of-way.

7. Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).

8. Multi-Modal Transportation options shall be provided as part of a mixed-use development.

9. The City requires all development to conform to an enhanced architectural design theme outlined in Chapter 5, Downtown Design Standards.

10. Development shall provide transitions through building scale, architecture, and layout of land uses to mitigate impacts on the surrounding neighborhoods.



Figure 3.7.1 Water Street Development Example

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.1 WATER STREET DISTRICT

11. Developments shall incorporate pedestrian-friendly design, shade trees, shade structures, landscaping, outdoor seating areas, benches, and other site furnishings to ensure a safe and comfortable environment for pedestrians.
12. Open space shall be integrally designed in a manner that is accessible to visitors, residents and employees.
13. Developments within the Water Street District area shall have pedestrian access from Water Street and additional access points may be permitted from alleys and/or adjoining streets.

B. WATER STREET TRANSITION GUIDING PRINCIPLES

1. Supports a mix of housing types (single-family attached, town homes, multifamily (apartments and condominiums)) designed to meet all income and socio-economic levels, but the focus is primarily on high-density residential.
2. New residential development should be varied in design through standards and regulations. Criteria such as variety of lot sizes, building styles and colors, orientation of buildings, garages, roof pitches, and other unique architectural features of homes shall be included.
3. Developments should be designed with an urban character, compact site layout, and a pedestrian-scale streetscape (i.e. sidewalks, street trees, and lighting).
4. To promote a sustainable community, the mixing of residential, commercial, office and retail uses within the Water Street Transition Area are encouraged particularly along Basic Road, Pacific Avenue and Atlantic Avenue.
5. To achieve population goals found within the Downtown Investment Strategy, properties located within the Water St. Transition Area shall be required to meet a minimum Floor Area Ratio (FAR) of 0.5 and a maximum FAR of 1.5 for lots 10,000 square feet and smaller. A development located on a lot larger than 10,000 square feet may be permitted a maximum FAR of 3.0. A development that does not meet or which exceeds these density provisions may request a Design Review with Modification.
6. Parking structures facing a public right-of-way must be designed with commercial or residential floor area facing the right-of-way. This floor space must be a minimum 20-foot-deep.
7. Developments shall provide internal and external pedestrian connections. These connections must allow for unrestricted movement throughout the downtown area to promote a walk-able community.



Figure 3.7.2 Water Street Transition Architectural example

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.1 WATER STREET DISTRICT

8. Developments must incorporate and promote sustainable development practices as it applies to site design and construction methods. (See Henderson Development Code Chapter 19.7.12, Sustainability).
9. Primary entrance doors for all buildings shall face towards a public street, sidewalk, or trail. If multiple buildings are developed on the same lot the interior buildings may front an internal open space area. A six foot high(6 ft.) privacy fence (decorative masonry or opaque vegetative) is required when abutting a single-family residential lot.
10. Shared driveways and cross access easements shall be required between lots to minimize curb cuts where possible and feasible.
11. Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks or the sidewalk as long as the vertical clearance is a minimum of eight (8) feet. In no case shall an encroachment be located over any side or rear property line or over an on-street parking or travel lane. Any encroachment into a public right-of-way will require a revocable permit.

C. DEFINITIONS

1. Gross Floor Area

Means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms or attic areas having a height of more than seven feet and parking structures located above ground level. Basements, areas with a permanent solid roof which is open on more than 3-sides sides (i.e., covered porch or patio); areas used for vehicle parking or loading at or below grade level, areas with partially covered (e.g., lattice-type) roofs, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures shall be excluded.

2. Floor Area Ratio

Means the amount of gross floor area of all buildings and structures on a building lot divided by the total net lot area.

3.7.2 WATER ST. AND TRANSITION AREA LAND USES

A. Permitted Land Uses

The following use classifications are principally permitted land uses within this opportunity district, subject to any standards called out for each individual use. Definitions and standards for each use are found in Chapter 4.

1. WATER ST. DISTRICT

(a) Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec.4.3.A.2.a
2. Dwelling, Multifamily	Sec.4.3.A.3
3. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
4. Home for Individual Residential Care	Sec.4.3.A.7
5. Residential Facility for Groups	Sec.4.3.A.8
6. Mixed use residential	Sec.4.3.A.11

(b) Public/Institutional Uses

Use	Subject to:
1. Club or Lodge	Sec. 4.3.B.1
2. Day Care Facility	Sec. 4.3.B.3
a. General	
b. Group Child Care	
c. Family Home	
d. Group Living-General	
3. Park and Recreation Facility	Sec.4.3.B.11
4. Religious Assembly	Sec.4.3.B.13
5. School, Public or Private	Sec.4.3.B.14
6. School, Business, Trade, or Vocational	Sec.4.3.B.15
7. Utilities	
a. Minor	Sec.4.3.B.16
b. Major	Sec.4.3.B.17
8. Wireless Communication Antenna	Sec.4.3.B.18

(c) Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
b. Urban Agriculture	

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.2 WATER ST. AND TRANSITION AREA LAND USES

2. Animals and Related Services	Sec.4.3.C.2
a. Animal Boarding	
b. Animal Grooming	
c. Veterinary Clinic/Hospital	
d. Household Pets	
3. Arts and Crafts, Artists' Studio	Sec.4.3.C.3
4. Banquet Facility	Sec.4.3.C.5
5. Eating and Drinking Establishment	Sec.4.3.C.10
a. Restaurant	
b. Restaurant with Bar	
c. Tavern	
6. Food and Beverage Sales, General	Sec.4.3.C.12
7. Restricted Gaming	Sec.4.3.C.13
8. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
9. Personal Improvement Service	Sec.4.3.C.19
10. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
11. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Convenience Market	
c. Pharmacy	
12. Visitor Accommodation	Sec.4.3.C.24
a. Bed and Breakfast	
b. Hotel/Boutique Motel	

(d) Accessory Uses and Structures

Use	Subject to:
1. Outdoor Display/Sale	Sec.4.3.D.2
2. Wind Energy System	Sec.4.3.D.4
3. Solar Collection System	Sec.4.3.D.5

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.2 WATER ST. AND TRANSITION AREA LAND USES

(e) Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Street Fairs	Sec.4.3.E.4
4. Temporary Construction Trailer	Sec.4.3.E.5
5. Temporary Dwelling Unit	Sec.4.3.E.6
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

2. WATER ST. TRANSITION AREA

(a) Residential Uses

Use	Subject to:
1. Live/Work Dwelling	Sec. 4.3.A.2
2. Multi-family	Sec. 4.3.A.3
3. Single-family attached	Sec. 4.3.A.4
4. Halfway House for Recovering Alcohol and Drug Abusers	Sec.4.3.A.6
5. Home for Individual Residential Care	Sec.4.3.A.7
6. Residential Facility for Groups	Sec.4.3.A.8
7. Accessory dwelling unit	Sec.4.3.A.10
8. Mixed use residential	Sec.4.3.A.11

(b) Public/Institutional Uses

Use	Subject to:
1. Club or Lodge	Sec.4.3.B.1
2. Day Care Facility	Sec. 4.3.B.3
a. General	
b. Group Child Care	
c. Family Home	
d. Group Living-General	
3. Park and Recreation Facility	Sec.4.3.B.11
4. Religious Assembly	Sec.4.3.B.13

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.2 WATER ST. AND TRANSITION AREA LAND USES

5. School, Public or Private	Sec.4.3.B.14
6. School, Business, Trade, or Vocational	Sec.4.3.B.15
7. Utilities	
a. Minor	Sec.4.3.B.16
b. Major	Sec.4.3.B.17
8. Wireless Communication Antenna	Sec.4.3.B.18

(c) Commercial Uses

Use	Subject to:
1. Agriculture	Sec.4.3.C.1
a. Community Gardens	
b. Urban Agriculture	
2. Animals and Related Services	Sec.4.3.C.2
a. Animal Boarding	
b. Animal Grooming	
c. Veterinary Clinic/Hospital	
d. Household Pets	
3. Arts and Crafts, Artists' Studio	Sec.4.3.C.3
4. Banquet Facility	Sec.4.3.C.5
5. Eating and Drinking Establishment	Sec.4.3.C.10
a. Restaurant	
b. Restaurant with Bar	
c. Tavern	
6. Food and Beverage Sales, General	Sec.4.3.C.12
7. Restricted Gaming	Sec.4.3.C.13
8. Office	Sec.4.3.C.18
a. Business and Professional	
b. Medical	
9. Personal Improvement Service	Sec.4.3.C.19
10. Personal Services	Sec.4.3.C.20
a. General	
b. Dry-Cleaning Agency	
11. Retail Sales and Service	Sec.4.3.C.22
a. General	
b. Convenience Market	
c. Pharmacy	
12. Visitor Accommodation	Sec.4.3.C.24

CHAPTER 3.7: WATER STREET/WATER STREET TRANSITION DISTRICT

3.7.2 WATER ST. AND TRANSITION AREA LAND USES

a. Bed and Breakfast	
b. Hotel/Boutique Motel	

(d) Accessory Uses and Structures

Use	Subject to:
1. Outdoor Display/Sale	Sec.4.3.D.2
2. Wind Energy System	Sec.4.3.D.4
3. Solar Collection System	Sec.4.3.D.5

(e) Temporary Uses

Use	Subject to:
1. Commercial Filming, Limited	Sec.4.3.E.2
2. Holiday Retail Sales/Rental	Sec.4.3.E.3
3. Street Fairs	Sec.4.3.E.4
4. Temporary Construction Trailer	Sec.4.3.E.5
5. Temporary Dwelling Unit	Sec.4.3.E.6
6. Temporary Live Entertainment Events	Sec.4.3.E.7
7. Temporary Event	Sec.4.3.E.8
8. Temporary Pop-up Retail	Sec.4.3.E.9
9. Temporary Religious Assembly	Sec.4.3.E.10
10. Temporary Real Estate Sales Office	Sec.4.3.E.11
11. Temporary Security Trailer	Sec.4.3.E.12
12. Trade Fair	Sec.4.3.E.13

CHAPTER 4: USE CLASSIFICATIONS

4.1 CHAPTER ORGANIZATION

This chapter describes the allowed land uses within this Master Plan and the applicable use-specific standards.

A. Use Classification

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

B. Use Regulations

Use-Specific Standards

1. For all uses in this section, the “All Districts” standards apply in all districts a use is permitted, and any district-specific standards supplement the all-district standards unless otherwise indicated
2. Any modifications to the use-specific standards of this chapter through a conditional use permit approval process shall be specifically recorded in the approved application.
3. The use-specific standards in this chapter include cross-referencing tools that are intended to assist the City and the public in using and applying this Master Plan. These cross-referencing tools are for the sake of convenience and assistance only, and do not diminish the applicability of substantive standards and limitations that appear outside this chapter. Except as otherwise specifically indicated, the absence or omission of a cross-reference in this chapter shall not be deemed to limit or negate any other provision of this Master Plan.

COMMENTARY:

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

C. Developments with Multiple Principal Uses

When all principal uses of a building fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category.

D. Unlisted Uses

1. Procedure

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this master plan, and affects the overall development of the Downtown; an application to amend this chapter of the master plan may be filed by the City Council, Planning Commission, City Manager, Redevelopment

CHAPTER 4: USE CLASSIFICATIONS

4.1 CHAPTER ORGANIZATION

Manager, or Community Development and Services Director. Amendments to add a use to this chapter will only require Planning Commission Approval.

2. Standards for Approving Unlisted Uses

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

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

CHAPTER 4: USE CLASSIFICATIONS

4.2 PROHIBITED USES

4.2 PROHIBITED USES

The following lists of uses are strictly prohibited within the Downtown Master Plan:

Airport or Landing Strip	Livestock Farming (Equine/Bovines)
Ambulance Service	Maintenance and Service Facility
Animal Husbandry	Mining and Processing
Auto Broker	Mobile Home Park or Subdivision
Barns, Stables, and Corrals	Non-Domesticated Companion Animals
Brewery	Recycling Facility
Building Materials and Services	Service Station
Car Wash, Attended	Sexually Oriented Business
Car Wash, Unattended	Short-Term Vacation Rental
Caretaker’s Quarters	Smog-check Station
Cemetery	Stable or Riding Academy
Cogeneration Facility	Swap Meet
Commercial (Retail) Fueling Centers	Teenage Dancehall
Commercial Laundry	Teenage Nightclub
Concrete Product Production	Temporary Development Lodging
Construction Storage Yard	Temporary Vehicle/Equipment Sales and Auctions
Daily Labor Service	Travel Trailer/RV Park
Fleet Fueling Station	Vehicle Sales Equipment Sales
Funeral and Interment Service	Vehicle Storage
Horticulture	Warehousing and/or Storage Yards
Industry	Wholesaling, Distribution, and Storage
Junkyard	Vehicle/Equipment Auction

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

A. Residential Uses

1. General Standards for All Residential Uses

The following general standards apply to all residential uses allowed in the City of Henderson.

(a) Maximum Dwelling Unit Occupancy

Occupancy by persons living as a single housekeeping unit in a dwelling unit shall be limited to the following: compliance with the definition for a “family unit”; and a dwelling unit with a minimum of 150 square feet of gross floor area for each of the first ten occupants and 300 square feet for each additional occupant, to a maximum of 20 occupants. In no case shall a dwelling unit be occupied by more than 20 persons or as limited by the “family unit” definition. A conditional use permit shall be required for occupancy of a dwelling unit by more than ten persons 18 years or older.

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

(b) Domestic Employees

No shift change involving two or more employees shall take place between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this subsection, “employees” shall include child-care workers, domestic help, contract workers, in-home health-care providers, assisted-living service providers, or any other employee associated with a household living use.

(c) Personal Property Sales

A personal property sale is defined as a temporary garage or yard sale of personal property typically conducted on residential land. Sales of personal property shall be limited to a period of not more than three days during each consecutive six-month period.

B. Household Living

1. Dwelling, Live/Work

(a) Definition:

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

(b) Standards:

(1) All Districts:

- i. Live/work units must be specifically indicated as such on a site plan approved through an entitlement application.
- ii. The nonresidential portion within the live/work unit may be located on the ground or second floor of a building. In the event the nonresidential portion is sought to be located on floor three and up, the activity must be approved through Conditional Use Permit application process. The residential portion shall be contiguous with and an integral part of the working space, with direct access between the two areas, and not a separate stand-alone dwelling unit.
- iii. Any nonresidential activity shall require a City business license.
- iv. The nonresidential portion of the building shall comply with all applicable nonresidential Building Code requirements.
- v. Employees shall be limited to occupants of the residential portion of the building plus up to two people not residing in the residential portion.
- vi. Drive-through windows are prohibited.
- vii. No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

not living on the premises, or as a residential space for a person or persons not working on the premises.

- viii. The following uses are permitted for live/work units:
1. Business and professional offices (excluding medical offices).
 2. Artist studios.
 3. Retail sales of items produced or created on-site as part of the live/work use.
 4. Personal services such as photography studios, tailors, seamstresses, shoe repair, and other similar uses but excluding any uses prohibited below.
 5. Personal improvement services such as music and dance lessons, tutoring, palmistry and fortune-telling, and other similar uses but excluding any uses prohibited below.
 6. Other uses as approved by the Planning Commission if determined to be compatible with the overall characteristics of the development or neighborhood.
- ix. A live/work unit shall not be established or used in conjunction with any of the following activities:
1. Sexually oriented businesses.
 2. Animal sales and animal-related services.
 3. Liquor sales.
 4. Massage establishments.
 5. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, etc).
 6. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 7. Welding, machining, or any open flame work.
 8. Manufacturing/industrial activities
 9. Any other activity or use determined by the Planning Commission to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

other impacts, or would be hazardous because of materials, processes, products, or wastes.

- x. Client and customer visits to live/work units are permitted subject to the listed standards to ensure compatibility with adjacent commercial uses or adjacent residentially zoned areas or uses.
- xi. A live/work unit shall be designed to accommodate commercial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial facilities used for the same work activity.
- xii. If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the chief building official.
- xiii. The owner or developer of any nonresidential building containing live/work units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial uses at higher levels than would be expected in residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone. The exterior appearance of the live/work unit shall be designed to be compatible with adjacent and nearby residential uses.
- xiv. Building and lot layout shall demonstrate that the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over work needs of the unit in question.
- xv. Exterior areas shall not be used for work space for a live/work use.
- xvi. No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.
- xvii. No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
- xviii. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

- (2) ATD, BTM, SRT, and WST Districts:
 - i. The residential portion within the live/work unit shall occupy a maximum of 50 percent of gross floor area.
 - ii. Live/work units may be located within a single-family detached dwelling, single-family attached dwellings, as well as vertical mixed-use dwellings.
 - iii. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, unless otherwise provided by a Conditional Use Permit approval.
- (3) WSD District
 - i. The residential portion within the live/work unit shall be a minimum 500 square feet.
 - ii. Live/work units may be located within a vertical mixed-use dwelling.
 - iii. Customer visits may be allowed 7 days a week between the hours of 8:00 a.m. and 12 a.m.
 - iv. Deliveries may be allowed between the hours of 8:00 a.m. and 6:00 p.m. No Deliveries will be allowed on the weekends.

2. Dwelling, Multi-family

(a) Definition:

A building containing seven or more dwelling units, each of which includes a separate household.

(b) Standards:

(1) BVC, SRD, and WSD Districts

- i. Multifamily uses are allowed only as part of a mixed-use project.
- ii. Multifamily uses are not allowed on the ground floor.

(2) BTM District

- i. The area bounded by Major Avenue to the north, Basic Road to the south, Boulder Highway to the east, and Water Street to the west is not allowed for multifamily uses.

3. Dwelling, Single Family Attached

(a) Definition:

Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall.

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

4. Dwelling, Single Family Detached

(a) Definition:

Residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. This term includes “manufactured home,” which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or more sections and designed to be used with or without a permanent foundation that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq).

(b) Standards

(1) All Districts

- i. Single-family detached dwellings shall comply with the applicable standards in Chapter 3.
- ii. Manufactured homes shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq) and subject to Section 19.7.6.B.6.

(2) ATD and WST Districts

- i. New single-family detached dwelling developments are not allowed along the Victory Road and Pacific Avenue frontage.

5. Halfway House for Recovering Alcohol and Drug Abusers

(a) Definition

A dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455. The term does not include a facility for transitional living for released offenders. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

(b) Standards:

A Halfway House for Recovering Alcohol and Drug Abusers is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:

- (1) Another Halfway House for Recovering Alcohol and Drug Abusers;

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

- (2) A Residential Facility for Groups; and
- (3) Home for Individual Residential Care.
 - i. A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed within Henderson Municipal Code Title 19.5.3.D.2(b).

6. Home for Individual Residential Care

(a) Definition

A dwelling unit of a residential character in which a natural person furnishes food, shelter, assistance, and limited supervision, for compensation, to not more than two persons who are aged, infirmed, mentally retarded, or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing the services. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

(b) Standards

- (1) A Home for Individual Residential Care is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
 - i. Another Home for Individual Residential Care;
 - ii. A Halfway House for Recovering Alcohol and Drug Abusers; and Residential Facility for Groups.
- (2) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed within Henderson Municipal Code Title 19.5.3.E.2(b).

7. Residential Facility for Groups

(a) Definition

An establishment in a dwelling of residential character that furnishes food, shelter, assistance, and limited supervision to ten or fewer persons who are aged, infirmed, mentally retarded, or handicapped. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes. This definition does not include:

- (1) An establishment that provides care only during the day;
- (2) A natural person who provides care for no more than two persons in his/her own home;
- (3) A natural person who provides care for one or more persons related to him/her within the third degree of consanguinity or affinity;
- (4) A halfway house for recovering alcohol and drug abusers; or

CHAPTER 4: USE CLASSIFICATIONS

4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

(5) A facility funded by a division or program of the State Department of Human Services.

(b) Standards

A Residential Facility for Groups is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:

(1) Another Residential Facility for Groups;

(2) A Halfway House for Recovering Alcohol and Drug Abusers; and Home for Individual Residential Care.

(3) Home for Individual Residential Care.

(c) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed within Henderson Municipal Code Title 19.5.3.G.2(b).

8. Senior Apartments and Condominiums

(a) Definition:

An apartment or condominium development in which the ages of all occupants shall be restricted to 62 years of age or older for all units; or, in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older. This use includes multifamily dwelling units that qualify as "housing for older persons" under the provision of federal law, including without limitations housing developments that:

(1) Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and

(2) Publish and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years of age or older to the extent allowed by applicable state or federal law.

(b) Standards:

SRT, WST Districts

(1) All new Senior Apartment and Condominium projects shall be located on the eastside of Water Street.

(2) Personal Services (General) uses may be allowed as accessory uses subject to the following:

i. Personal services uses shall be limited to residents of the development and shall not be open to the general public.

ii. No exterior signage shall be visible to the public.

iii. No more than three individual personal service use types within a development shall be allowed.

(3) The applicant shall record a deed restriction against the property restricting the use to a Senior Apartment or Condominium project.

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The deed restriction must include the age limitation as stated in the definition for this use. The deed must be recorded and a copy provided to the Community Development and Services Department prior to issuance of a building permit for the first building on the site.

9. Accessory Dwelling Unit

(a) Definition:

A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.

(b) Districts Allowed

An accessory dwelling unit shall be allowed only through the design review process and only as accessory use to a single-family detached and attached residential dwelling unit development allowed in the districts referenced in the table above.

(c) Standards:

(1) ATD, BTM, SRT, and WST Districts

- i. The setback requirements for the principal dwelling shall apply to the accessory dwelling unit, not the general setback requirements for accessory structures.
- ii. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- iii. Accessory dwelling units shall not exceed 1,000 square feet in size.
- iv. There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
- v. Accessory dwelling units shall not count toward any applicable maximum residential density requirements.
- vi. Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
- vii. Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days.
- viii. Home occupations shall be prohibited within an accessory dwelling unit.
- ix. Pool houses, cabanas, and casitas shall not be used as accessory dwelling units.
- x. Only one kitchen is allowed per accessory dwelling unit.

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10. Mixed-Use Residential

(a) Definition:

A dwelling unit either attached or established in a horizontal or vertical manner with nonresidential uses. Nonresidential uses may include small-scale retail, service, and professional offices that provide goods or services to residents of the surrounding neighborhood.

(b) Standards:

(1) ATD, BTD, and SRT District

- i. Based on lot size and proposed non-residential uses, no more than 25 to 50 percent of the structure or development can be dedicated to nonresidential uses. See specific non-residential use regulations for limitations.

(2) GWD and SRD District

- i. As part of a vertical mixed-use project, residential uses are to be located on the upper floors or above street-level commercial uses.
- ii. Residential uses in horizontal mixed-use projects shall not front along Lake Mead Parkway.
- iii. As part of a horizontal mixed-use project, residential uses shall be integrated into site development to provide a transition between the highest intensity uses within the development and the adjacent neighborhood.
- iv. Vertical or horizontal mixed-use projects shall provide a pedestrian circulation system plan that demonstrates a reduction in pedestrian and vehicular movements on-site and with the adjacent neighborhood.

C. PUBLIC/INSTITUTIONAL USES

1. Club or Lodge

(a) Definition:

Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This use type includes union halls, social clubs, youth centers, fraternal, and veteran's organizations.

(b) Standards:

(1) All Districts

- i. Clubs or lodges offering alcohol or liquor for onsite or offsite consumption shall comply with Section 4.3.C.16, Live Entertainment.
- ii. Clubs or lodges shall not be allowed as a stand-alone use.

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(2) GWD District

- i. Clubs and lodges shall be limited to labor union and labor organization offices only. Such uses may include kitchens intended for food service to members only, and no food shall be served to the general public. Such uses may offer training classes, provided such classes take place solely within the building.

(3) BVC, WSD, WST District

- i. Clubs and lodges are not permitted on the ground floor of a building.

2. Cultural Institution

(a) Definition:

Non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use type typically includes but is not limited to libraries, museums, and art galleries.

(b) Standards:

(1) GWD, SRD, WSD Districts

Any use that includes live entertainment shall comply with the standards in Section 4.3.C.16, *Live Entertainment*.

3. Day Care Facility

(a) Definition:

Any commercial facility that provides care for more than 12 children or adults on a less-than-24-hour basis. This use may include nursery schools, preschools, accommodation facilities, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(b) Standards:

(1) All Districts

- i. When a day care abuts a residential use, additional buffering may be required to reduce adverse impacts to the residential use.
- ii. Be located on a lot of at least 10,000 square feet in size.
- iii. Customer drop-off areas shall be located to the rear of a building and may not front an arterial street or major collector.
- iv. No outdoor play area is required as part of a general day care use.
- v. The use shall not be the principal use in any freestanding building.

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(c) Group Child Care

(1) Definition:

A residential dwelling used primarily as a residence or an accommodation facility that provides care for at least seven children but no more than 12 children on a less-than-24-hour basis. This may include nursery schools, preschools, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(2) Standards:

ATD, BTD, SRT, WST District

- i. Be located on a lot of at least 6,000 square feet in size.
- ii. Such uses shall include at least 75 square feet of fenced outdoor play area on the site per child (including trees or structures that provide adequate shade over at least one-third of the play area).

(d) Accessory Use Requirements

- (1) The use may only operate as an accommodation facility.
- (2) The use shall not be the principal use in any freestanding building.
- (3) No freestanding sign shall be allowed in connection with such use.

(e) Family Home

(1) Definition:

A residential dwelling used primarily as a residence, which also provides care for a maximum of six persons on a less-than-24-hour basis, offering non-medical care for children or adults. This use must also comply with all local and state licensing requirements.

4. Detention Facility

(a) Definition:

Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

5. Emergency Health Care Facility

(a) Definition:

A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.

(b) Standards:

- (1) GWD and SRT District

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Emergency health care uses shall be limited in size to 7,500 square feet or less, and shall demonstrate that emergency response vehicles and visitor activities will not interfere with existing or anticipated adjacent uses.

6. Employment & Training Center, Non-Profit

(a) Definition:

Facility operated by a nonprofit organization (e.g. Goodwill Industries, Salvation Army, and Opportunity Village) intended to provide employment and training. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative offices, repair and sale of secondhand clothing, and furniture and appliances, and may also include certain facilities for persons with profound mental retardation. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

(b) Standards:

(1) GWD, SRD, WSD Districts

- i. Non-profit Employment and Training Center shall be limited in size to 5,000 square feet or less, and demonstrate that activities associated with the facility will not interfere with existing or anticipated adjacent uses.
- ii. Be located only upon lots that front a public street greater than 80 feet in width.
- iii. Maintain a minimum separation of 250 linear feet from any other non-profit employment & training center.

7. Government Office

(a) Definition:

Administrative, clerical, or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles.

8. Hospital

(a) Definition:

Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis. This use type includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. A hospital may incorporate a restaurant, florist, pharmacy, and gift shop as accessory uses within the principal structure.

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9. Heliport

(a) Definition

Pads and facilities enabling takeoffs and landings by helicopters and air ambulances.

10. Institutional Housing

(a) Congregate Housing

(1) Definition:

Specially planned, designed, and managed multi-unit rental housing with self-contained apartments to promote an independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation, and social and recreational activities may also be provided.

(2) Standards:

BTD, SRT, and WST District

Congregate housing uses shall not be permitted within the area bounded by Major Avenue to the north, Basic Road to the south, Boulder Highway to the east, and Water Street to the west for the BTD district.

(b) Continuing Care Retirement Community

(1) Definition:

An age-restricted development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums, or townhomes offering private or semiprivate rooms, and may be either rentals or owner-occupied units. Such facilities may offer health care and a variety of other personal services.

(c) Group Living—Assisted

(1) Definition:

A residential care facility with private or shared sleeping rooms designed primarily for nine or more occupants with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include, but are not limited to, staff-supervised meals, housekeeping, personal care, medication supervision, and social activities.

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(2) Standards

WSD District

- i. Such uses shall front onto Lake Mead Parkway.
- ii. Must be part of a mixed-use project.
- iii. Must be located on sites 1 acre or larger in size.

(d) Group Living—General

(1) Definition:

Shared living quarters for nine or more individuals without separate kitchen or bathroom facilities for each room or unit. This use type includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential or apartment hotels or motels.

(2) Standards:

BTD, SRT, WST District

- i. Such uses shall be considered as residential use for the purpose of this master plan.
- ii. Supporting retail or personal service uses may only be permitted as accessory uses and shall only be accessed through the principal structure.
- iii. No outdoor signage shall be allowed in connection with such use.

(e) Skilled Nursing Facility/Hospice

(1) Definition:

A facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician. These facilities are designed for those individuals who need health supervision, but not hospitalization. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided, but surgical and emergency medical services are not permitted.

(2) Standards:

GWD and SRT District

- i. Skilled Nursing Facility/Hospice uses shall be limited in size to 7,500 square feet or less.
- ii. Be located only upon lots that front a public street greater than 60 feet in width.

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11. Park and Recreation Facility

(a) Definition:

Noncommercial parks, playgrounds, recreation facilities, and open spaces.

(b) Standards:

ATD, BTD SRD, SRT, WST District

- (1) Private or nonpublic park and recreation facilities shall not include commercial functions.
- (2) The maximum size of a single park and recreation facility project shall not exceed one acre.
- (3) Park and recreation facilities shall be subject to review by the Parks and Recreation Board.

12. Public Safety Facility

(a) Definition:

Facilities for public safety and emergency services, including police and fire protection, not including detention facilities.

(b) Standards:

WSD District

- (1) Sub-stations may be allowed as accessory to other primary uses (e.g., station within a recreation center), subject to design review requirements.
- (2) Stand-alone sub-stations require approval of a Conditional Use Permit.

13. Religious Assembly

(a) Definition:

Facilities for religious worship and incidental religious education, but not including private schools as defined by this Code.

(b) Standards:

(1) ALL District

- i. A general day care facility proposed as part of a religious-assembly use shall require approval of a Conditional Use Permit. The applicant must demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.
- ii. Only classes operating in conjunction with religious services may be permitted as an accessory use.

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(2) WSD District

- i. Religious Assembly uses shall not be allowed on the first floor of a building.

14. School, Public or Private

(a) Definition:

Educational institutions having a curriculum comparable to that required in the public schools or offered in institutions of higher learning in the State of Nevada. Private schools are further defined by NRS Section 394.103 and public schools are further defined by NRS Section 385.007.

(b) Standards:

WSD District

- (1) A Conditional Use Permit shall be required to demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.

15. School, Business, Trade, or Vocational

(a) Definition:

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, business, or commerce, and meeting all applicable state requirements for a facility of its type.

(b) Standards:

WSD District

- (1) The use shall consist of classroom instruction only and may not include any intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair).
- (2) Schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a Conditional Use Permit.
- (3) A Conditional Use Permit shall be required to demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.

16. Utility: Minor

(a) 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, and underground water and sewer lines.

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(b) Standards:

All Districts

- (1) Unless excepted in accordance with Section 15.18.22 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.

17. Utility: Major

(a) Definition:

Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

(b) Standards:

(2) All Districts

- i. The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.
- ii. Unless accepted in accordance with HMC Title 15.18.22, 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.
- iii. New electrical transmission lines shall only be permitted underground.

(3) ATD District

- i. New electrical transmission lines shall only be permitted underground or within the right-of-way of Van Wagenen Street.
- ii. Existing electrical transmission lines may be consolidated to a single tower located on the same property or may be relocated to either an adjacent right-of-way or placed underground.

18. Wireless Communication Antenna

(a) Definition:

Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, and other communications signals.

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(b) Standards:

All Districts

- (1) A proposed wireless communication antenna that will not be attached to a tower may be approved by the Community Development Director as an accessory use to any building in a nonresidential or mixed-use district, provided:
 - i. The antenna(s) is flush-mounted to the building structure and does not extend above the wall on which it is attached;
 - ii. The antenna(s) is painted to match the structure on which it is attached;
 - iii. The antenna(s) is behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure.
- (2) Any wireless communication antenna that is mounted in such a way the antenna extends above the wall of the structure upon which it is attached, and requires additional screening that is not integrated with the existing architecture, shall require a design review with modification.
- (3) A wireless communications antenna proposed in the Atlantic, Basic, Water Street Transition, and St. Rose Transition districts will not be attached to a tower.
- (4) The antenna shall not be located on a lot occupied by a single-family dwelling.
- (5) The antenna 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.
- (6) The antenna shall be located on the perimeter of a development.
- (7) The antenna shall only be allowed as an accessory use and shall not be located on a vacant lot.

D. COMMERCIAL USES

1. Agriculture

(a) Community Gardens

(1) Definition:

The production, keeping, or maintenance of land by an individual or group for the harvest of plants useful to man, to include but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, berries, vegetables, nursery, floral, ornamental, and greenhouse

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products, or land devoted to a soil conservation or forestry management program.

(2) Standards:

ATD, BTM, and SRT District

- i. The use shall be allowed either as a stand-alone or accessory use.
- ii. Use of mechanized farming equipment is prohibited.
- iii. On-site commercial sales of plants harvested in conjunction with a community garden are prohibited.
- iv. Equipment must be screened from view either by an enclosure, a decorative CMU block wall or other method/materials as approved through a DRA.
- v. Individuals seeking to harvest crops for the purpose of a community garden shall submit a shared-use agreement that must address:
 1. The size of the site;
 2. The proposed members that will maintain and harvest the site;
 3. A site plan that identifies the division of the site into subplots for cultivation;

(b) Urban Agriculture

(1) Definition:

The production, keeping, or maintenance for harvest or sale or donation of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, berries, vegetables, nursery, floral, ornamental, and greenhouse products.

(2) Standards:

ATD, BTM, and SRT District

- i. The use shall be allowed either as a stand-alone or accessory use.
- ii. Use of mechanized farming equipment is prohibited.
- iii. Sales and donation of the crop production is permitted onsite. Sale of crop production shall not occur within a residential dwelling unit.
- iv. Sale of products grown onsite is permitted between the hours of 9:00 a.m. to 6:00 p.m.
- v. Equipment must be screened from view either by an enclosure, a decorative CMU block wall or other method/material as approved through a DRA.

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- vi. Urban Agriculture use is only permitted on a site less than 10,000 square feet.

2. Animals and Related Services

(a) Purpose

This section contains supplemental regulations governing the care and keeping of animals. These standards are intended to provide for compatibility between such animals and neighboring land uses. These standards are in addition to the general requirements governing animals established by HMC Title 7, Animals.

(b) Animal Boarding

(1) Definition:

Provision of shelter and care for small animals on a commercial basis. This use type includes activities such as feeding, exercising, grooming, and incidental medical care.

(2) Standards:

All Districts

- i. All animals shall be confined within an enclosed area or on a leash at all times.
- ii. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.
- iii. No exterior overnight boarding shall be permitted.
- iv. Animal boarding is only permitted as an ancillary use to the primary residential or commercial use of the property.
- v. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
- vi. Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- vii. Exterior pens are only for daytime use (dawn to dusk) and shall be screened from view from adjacent streets and adjoining properties.

(c) Animal Grooming

(1) Definition:

Provision of bathing and trimming services for small domestic animals on a commercial basis.

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(2) Standards:

i. All Districts

1. Animals receiving grooming services may only be boarded for a maximum period of 48 hours.
2. All animals shall be confined within an enclosed area or on a leash at all times.
3. Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
4. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
5. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

ii. ATD, BSD, and WST District

1. An animal grooming service shall only be allowed as an accessory use as part of a vertical or horizontal mixed use project. If included as part of a horizontal mixed-use project, design of the space shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent of a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

(d) Animal Retail Sales

(1) Definition:

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A retail sales establishment that offers domestic animals as well as products and services for the keeping of domestic animals. Such uses may include animal grooming, boarding, and veterinarian services as ancillary uses for animals not for sale.

(2) Standards:

i. All Districts

1. All animals shall be located within an entirely enclosed building, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection for adjacent properties and users within the same development.
2. Incidental boarding of animals for up to 30 days may be permitted.
3. The property owner/operator shall comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

ii. GWD and SRD District

1. Animal boarding as an ancillary use requires approval of a Conditional Use Permit.

(e) Veterinary Clinic/Hospital

(1) Definition:

Establishments where animals receive dental, medical, and surgical treatment as well as shelter and care during the time of such treatments. This use may include incidental grooming and boarding services.

(2) Standards:

i. All Districts

1. All animals shall be confined within an enclosed area or on a leash at all times.
2. Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
3. The property owner/operator shall maintain a 100-square-foot or greater landscape area with turf (or artificial turf), shrubs, and at least one tree for animal use within 20 feet of the entrance.

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4. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
5. Incidental grooming and boarding of animals for up to 30 days may be permitted.
6. All boarding shall take place within the interior of the structure, and outdoor boarding is prohibited.
7. Outdoor daytime activity areas (e.g. walking areas, pens, dog runs) shall be allowed when a minimum of 50 feet away from any residential land use.
8. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

ii. GWD and SRD District

Such uses may be permitted by right in a freestanding single-use building no more than 5,000 square feet within a horizontal mixed-use development, or as “end” or “corner” uses in multi-tenant buildings.

(f) Household Pets

(1) Definition:

Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three months old.

(2) Standards:

All Districts

- i. Except as otherwise provided in HMC Title 7, Animals in conjunction with any residential use, no person shall keep more than three dogs, three cats, and/or three ferrets over three months of age, at any place, or premises, or in any one residence.
- ii. Any outdoor enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line.
- iii. Keeping wild and exotic animals, as defined by this Title and HMC Title 7, Animals, is prohibited.

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- iv. The keeping of fowl as an ancillary use to a residential dwelling is subject to the restrictions set forth in HMC Title 7, Animals.

3. ARTS AND CRAFTS: ARTISTS' STUDIO

- (a) Definition:
- (b) Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.
- (c) Standards:
 - (1) All Districts

Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
 - (2) ATD, BSD, SRT District
 - i. Artist studios may be located within single-family detached dwellings, single-family attached dwellings, as well as vertical mixed-use dwellings.
 - ii. The use shall occupy a maximum of 50 percent of the gross floor area if located within a residential use.
 - iii. The artist studio shall be specifically indicated on a site plan approved through an entitlement application.

4. BAIL-BOND BROKER

- (a) Definition:

Person or establishment offering bonds in lieu of confinement by judicial courts.
- (b) Standards:
 - (1) BVC and WSD District

Such uses shall not be located on the ground floor.

5. BANQUET FACILITY

- (a) Definition:

An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption only during an event; and 3) outdoor gardens or reception facilities.

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(b) Standards:

(1) WST District:

Banquet facilities are allowed as an accessory use to an eating and drinking establishment.

6. BREW PUB/MICROBREWERY/CRAFT DISTILLERY

(a) Definition:

An establishment that manufactures 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.

(b) Standards:

(1) All Districts

- i. Brew pubs/microbreweries/craft distillery 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.
- ii. A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.
- iii. 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 4.3.D.3.
- iv. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.3.C.16, General Standards Live Entertainment.
- v. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.3.C.13, Restricted Gaming and HMC Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.
- vi. Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.

(2) BVC and WSD District

Brew pubs/microbreweries/craft distilleries are allowed only as part of a new mixed-use development project or within an existing freestanding structure.

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(3) GWD and SRD District

Such uses may be permitted by right in a freestanding single-use building within a horizontal mixed-use development, or as “end” or “corner” uses in multi-tenant buildings.

7. CATERING SERVICE

(a) Definition:

Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption.

(b) Standards:

(1) All Districts:

Such uses may be allowed as part of an Eating and Drinking Establishment, office/demonstration showroom open to the public or in connection with a banquet facility.

8. COMMERCIAL RECREATION AND ENTERTAINMENT

(a) General

(b) Definition:

Provision of participant or spectator recreation or entertainment. This use type includes theaters (movies, performing arts, etc.), sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, scale-model courses, shooting galleries, sports courts, recreation clubs (as defined in HMC Title 4.36.010), and pinball arcades or electronic game centers having more than three coin-operated game machines.

(c) Standards:

BVC and WSD District

(1) Any outdoor commercial recreation and entertainment use requires a Conditional Use Permit.

(2) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment.

(d) Limited

(1) Definition:

Provision of participant or spectator recreation or entertainment as accessory uses occupying less than ten percent of the gross floor area of the primary building. This use type includes indoor movie theaters, performing arts theaters, and establishments with nonrestricted gaming and electronic game centers.

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4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

9. CONVENTION

(a) Definition:

Meetings of professional, fraternal, business, or other organizations that last for five days or less.

10. EATING AND DRINKING ESTABLISHMENT

(a) Restaurant

(1) Definition:

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed. See HMC 4.36.

(2) Standards:

i. All Districts

1. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.3.D.3, Outdoor Seating/Outdoor Food Service.
2. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment.

ii. ATD, BSD, SRT, WST Districts

1. Restaurant shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the restaurant shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

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5. A restaurant may only be permitted as an accessory use in a cultural, educational, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(b) Restaurant with Bar

(1) Definition:

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and has food available for service during all times that alcoholic beverages are sold, and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area. See HMC 4.36.

(2) Standards:

i. All Districts

1. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar (excluding cooking, food preparation, office, storage, restroom, and outdoor seating areas) shall be designated as dining area.
2. The use shall conform to the requirements of Title 4.36 for Restaurants with Bar.
3. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.3.D.3, Outdoor Seating/Outdoor Food Service.
4. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment.
5. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.3.14.b., Restricted Gaming and Title 4.32
6. The bar area may not be fully enclosed with only an access door provided between it and the dining area. A maximum 42 inch wall may be utilized to separate the bar area from the dining area.

ii. BVC, GWD, SRD, and WSD District

1. The hours of operation shall be limited to between 6:00 a.m. and 2:00 a.m.

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4.3 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

- iii. ATD, BSD, SRT, and WST District
 - 1. The hours of operation shall be limited to between 6:00 a.m. and 12:00 a.m.
 - 2. Restaurant shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the restaurant shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
 - 3. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
 - 4. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
 - 5. The use is not allowed on a lot less than 6,000 square feet.
 - 6. A restaurant with bar may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(c) Tavern

(1) Definition:

An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption, with the ability to request approval for the following ancillary activities: a dance hall, live entertainment, food service, and/or restricted gaming.

(2) Standards:

All Districts

- i. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment

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- ii. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.3.13.b., Restricted Gaming and Title 4.32
- (d) Eating and Drinking Establishment with Drive-Through Service
 - (1) Definition:

A restaurant with or without seating for patrons that includes service from a building to persons in vehicles through an outdoor service window.
 - (2) Standards:

GWD and SRD District

 - i. Outdoor speakers or other public address systems that emit sound shall not be located within 500 linear feet of an existing residential dwelling unit. Face-to-face service is required within 500 feet of an existing residential dwelling unit. An automated volume control system is required beyond 500 feet from residential dwelling units.
 - ii. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
 - iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
 - iv. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

11. Wine Lounge

- (a) Definition:

A place where the primary business is the service or sale of wine and similar beverages (but not including alcoholic liquors) at retail, either by the glass or the bottle to the general public for consumption in a lounge setting. The sale of beer is permitted as an accessory use. Retail sale of wine for off-premise consumption is permitted as an accessory use.

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- (b) Standards:
 - (1) All Districts
 - i. The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m.
 - ii. Slot machines are prohibited in the wine lounge.
 - iii. Service to tables/lounge area is required.
 - iv. A bar area with seating is prohibited.
 - v. Incidental food service is permitted.
 - vi. Self-service wine dispensers are permitted.
 - vii. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.3.D.3, Outdoor Seating/Outdoor Food Service.
 - viii. Any use that includes live entertainment shall comply with Section 4.3.C.16, Live Entertainment.
 - (2) Accessory Use to a Primary Business:
 - i. Total square footage to be used for serving wine shall be limited to 25% of the net floor area (not including offices, restrooms and storage area) or 1000 square feet, whichever is less.
 - ii. Standards in Section 4.3.C.10(e) above shall be met, with the exception of 2).
 - iii. The accessory use shall be operated during the hours of operation of the primary business

12. Urban Lounge

- (a) Definition:

An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premise consumption including a live entertainment component.
- (b) Standards:

WSD District

 - (1) Urban Lounge applications must be reviewed and approved by the Redevelopment Agency and Community Development Department.
 - (2) The business must post a monthly schedule of events at the entrance of the business.
 - (3) There shall be no more than five (5) Urban Lounge uses within the Water Street district.

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- (4) Uses may only be transferred to other properties within the Water Street district, pursuant to these standards, and to an operator who has been approved by the City Council.
- (5) An Urban Lounge use may only be located on Water Street or Pacific Avenue. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.3.14.b, Restricted Gaming and Title 4.32.
- (6) The Visible Light Transmission percentage (VLT%) permitted on any tinted window facing Water Street or Pacific Avenue shall not be lower than 35%. This percentage refers to the percentage of visible light allowed in through the combination of film and the window.
- (7) There shall be a requirement for live entertainment to be provided a minimum of 15 hours per week, including but not limited to the following:
 - i. A music entertainment venue with live music (jazz, blues, reggae, hip hop, rock 'n roll, etc.), including bar and cocktail service;
 - ii. A restaurant which serves full meals and light snacks with live music and dancing, including bar and cocktail service;
 - iii. A dance hall/night club/discotheque with dancing and live music or live disc jockey, including bar and cocktail service;
 - iv. A comedy entertainment venue with live comedic performers, including bar and cocktail service;
 - v. A karaoke entertainment venue with amateur guest performers, including bar and cocktail service;
 - vi. A themed restaurant or night club with a discernible and unique theme, style, or character, and dancing with live music or live disc jockey, including bar and cocktail service; or
 - vii. Other live entertainment venues to be determined by the Redevelopment Agency and Community Development and Services for acceptability and conformity to the goals and objectives of the District.

13. FINANCIAL INSTITUTION

(a) General

(1) Definition:

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This use type includes those institutions whose primary service is the exchange of currency, including banks, credit unions, and other establishments engaged in the onsite circulation of cash

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money, but does not include bail-bond brokers or check-cashing services.

(b) Financial Institution with Drive-Through Service

(1) Definition:

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses, and that include one or more automobile lanes accessible to persons who remain in their automobiles. This use includes stand-alone automated teller machines.

(c) Standards:

GWD and SRD Districts

- (1) Stand-alone automated teller machines not located on the same property as the primary financial institution shall require separate design review approval. The design shall be compatible with adjacent buildings.
- (2) A Conditional Use Permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.
- (3) Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- (4) The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- (5) Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

14. FOOD AND BEVERAGE SALES

(a) General

(1) Definition:

Groceries, delicatessens, and similar commercial establishments engaged in retail sales of food and beverages for offsite preparation and consumption.

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(2) Standards:

ATD, SRT, WST District

- i. Food and Beverage Sales shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the restaurant shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
- ii. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
- iii. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
- iv. The use is not allowed on a lot less than 6,000 square feet.

(b) Liquor Stores

(1) Definition:

Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use.

(2) Standards:

BVC, GWD, SRD, and WSD

- i. There shall be no more than three (3) Liquor Stores allowed.

15. GAMING ESTABLISHMENT

(a) Nonrestricted Gaming

(1) Definition:

The operation of 16 or more slot machines. This license is limited to a resort hotel or other specific nonconforming establishments as defined in Henderson Municipal Code Title 19 and Title 4.

(2) Standards:

- i. Nonrestricted gaming establishments shall comply with the following standards:

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- ii. New nonrestricted gaming establishments may only be established as part of a resort hotel (as defined in Title 19).
 - iii. Existing casino establishments and those approved for development by the City Council prior to July 21, 1998, may only be altered subject to a Design Review with Modification, requirements in HMC Section 4.32.350.B, and design review.
- (b) Restricted Gaming
- (1) Definition:

The operation of 15 or fewer slot machines that are incidental to the primary business at the establishment wherein the slot machines are to be located regardless of ownership of the slot machines; or as may be amended from time to time by the State in NRS. Chapter 463.
 - (2) Standards:
 - i. All Districts
 - 1. Any establishment with Restricted Gaming must meet the minimum state standards as stated in NRS 463.161 (regardless of effective date).
 - 2. Minimum eight (8) slot machines must be embedded within the bar top. If less than eight (8), all slot machines must be embedded in the bar top.
 - ii. BVC and WST District
 - 1. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment.
 - 2. Restricted gaming facilities must comply with Henderson Municipal Code 4.32.
 - iii. ATD, BSD, SRT Districts
 - 1. Restricted gaming establishment uses are allowed only as accessory uses to a restaurant or restaurant with bar, and must comply with Title 4.32.

16. LABORATORY

- (a) Definition:
- Establishments providing medical or dental laboratory services or small-scale establishments providing photographic, analytical, or testing services within a building or portion of a building of 5,000 square feet or less. Other laboratories are classified as "Industry, Research and Development."

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(b) Standards:

BVC and WSD District

- (1) Such uses may not be permitted on the ground floor of a building.

17. LIVE ENTERTAINMENT

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

(a) Definition:

- (1) Regulations pertaining to “live entertainment” in this Master Plan 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:
- (2) 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.
- (3) 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:

The following regulations shall apply to any use offering scheduled live entertainment more than five times per calendar year, excluding Urban Lounges:

- (1) A Conditional Use Permit is required.
- (2) A Conditional Use Permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment 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 to ensure compatibility with surrounding uses and zoning districts.

18. MAINTENANCE AND REPAIR SERVICE

(a) Definition:

Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.

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(b) Standards:

BVC and WSD District:

- (1) Such uses may be permitted only in conjunction with a retail sales and service use.

19. MOBILE FOOD VENDOR COURT

(a) Definition

A “Mobile Food Vendor Court” is a primary land use located on one or more platted lots where two or more mobile vending units congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors.

(b) Standards

WSD District

- (1) All Mobile Vending Units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the mobile vending unit for use by the patrons of the unit. The area around the Mobile Vending Unit shall be kept clean and free from litter, garbage, and debris. No Mobile Vending Unit shall operate at any time between the hours of 2:00 a.m. and 7:00 a.m.
- (2) No Mobile Vending Unit, displays of merchandise, seating, or temporary shelters may obscure traffic.
- (3) No Mobile Vending Unit shall be allowed to sell merchandise, sell, or serve food on any public street, sidewalk, or other public right-of-way.
- (4) Merchandise and Food Vendors shall remove the Mobile Vending Unit daily from the property.
- (5) Mobile vendor food courts may utilize outside seating consisting of portable tables with a minimum seating capacity for four.
- (6) Each individual Mobile Vendor Food Court shall comply with all regulations of Chapter 4, Business Licensing.
- (7) There must be a designated on-site manager of the site that is responsible for the orderly organization of Mobile Vending Units, the cleanliness of the site, and the site’s compliance with all rules and regulations during working hours.
- (8) Mobile Vending Units shall be placed on, at a minimum, compacted gravel base.
- (9) Mobile Vending Units shall not be parked on unimproved surfaces.
- (10) One on premise sign is permitted at the entrance identifying the Mobile Food Court. Each Mobile Vending Unit may have attached

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signage. One temporary sandwich board sign is permitted per Mobile Vending Unit to be displayed within 10 feet of the unit and within the boundaries of the Mobile Vendor Food Court. Only one banner or temporary inflatable sign may be permitted at one time per Mobile Vendor Food Court.

- (11) Live entertainment will be permitted on site but may only operate between the hours of 11:00 am and 10:00 pm.

20. OFFICE

- (a) Business and Professional

- (1) Definition:

Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices, but not including banks and savings and loan associations. This includes establishments providing travel information and travel reservations to individuals and businesses, but not car-rental agencies and reservation services that do not make travel arrangements as a primary function of their operation.

- (2) Standards:

- i. ATD, BSD, SRT, WST Districts

1. Office shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

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ii. WSD District

1. The following Business and Professional Office uses are permitted on the ground floor of a building: architectural, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices. All other Business and Professional Office uses may be permitted on the ground floor of a building only if approved with a Conditional Use Permit.

(b) Medical

(1) Definition:

Offices for physicians and dentists, medical clinics, outpatient surgical centers, and holistic or alternative health services (including hypnotherapy, reiki, and other similar uses), but not including emergency health care.

(2) Standards:

ATD, BSD, SRT, WST District

- i. Office shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
- ii. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
- iii. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
- iv. The use is not allowed on a lot less than 6,000 square feet.

21. PERSONAL IMPROVEMENT SERVICE

(a) Definition:

Provision of instructional services or facilities including photography, fine arts, crafts, dance or music studios, driving schools, hypnotherapy (not in conjunction with a medical office), palmistry and fortune telling, karate schools and similar instructional services, diet centers, fitness studios, health clubs, spas, and weight-reduction establishments.

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- (b) Standards:
 - (1) BVC, GWD, SRD, WSD Districts
 - i. Personal improvement services shall be limited to health clubs, spas, weight-reduction establishments, photography, fine arts, crafts, dance/music studios, karate, business and trade schools, diet centers, fitness studios.
 - ii. Other Personal Improvement Services not listed in Chapter 4.3.C.20(b)(i) may be allowed upon approval of a Conditional Use Permit.
 - (2) ATD, BSD, SRT, WST District
 - i. Personal Improvement services shall be limited to health clubs, spas, fitness studios, karate, dance/music studios, and weight-reduction establishments.
 - ii. Uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the personal improvement service space shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
 - iii. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
 - iv. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
 - v. The use is not allowed on a lot less than 6,000 square feet.

22. PERSONAL SERVICE

(a) General

(1) Definition:

Provision of frequently needed services of a personal nature, such as: barber and beauty shops, tanning booths/salons, photographic studios, seamstresses, tailors, shoe repair shops, laundry and dry-cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises), and self-service laundries (laundromats).

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(2) Standards:

i. All Districts

1. Personal services use types may be provided as an accessory use to the uses in the “Institutional Housing” use classification.
2. Personal services uses shall be limited to residents of the institutional housing and shall not be open to the general public.

ii. ATD, BSD, SRT Districts

1. Personal service uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. No more than three individual personal services use types within a development shall be allowed.
3. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
4. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
5. The use is not allowed on a lot less than 6,000 square feet.

iii. GWD and SRD Districts

1. Self-service laundries (laundromats) require approval of a Conditional Use Permit.
2. Please see Chapter 4.3.E.1 for standards for a drive-through/drop-off window accessory use.

(b) Dry-Cleaning Agency

(1) Definition:

Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.

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(2) Standards:

i. GWD and SRD Districts

Please see Chapter 4.3.E.1 for standards for a drive-through/drop-off window accessory use.

ii. ATD, BSD, SRT Districts

1. Personal service uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. No more than three individual personal services use types within a development shall be allowed.
3. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
4. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
5. The use is not allowed on a lot less than 6,000 square feet.

(c) Dry-Cleaning Agency with Drive-Through Service

(1) Definition:

A dry-cleaning agencies perform dry cleaning on the premises for retail customers in vehicles through an outdoor service window. Such use types do not include commercial laundries.

(2) Standards:

GWD and SRD Districts

- i. Design on the drive-through facility (including drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include

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landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

- ii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- iii. Applicants are encouraged to locate a usable building space above any drive-through facility where feasible.

(d) **Massage**

(1) **Definition:**

Any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use. The definition of massage and the regulations set forth in this section do not apply to massage therapy performed by a person specified in NRS 640C.100(1)(a) if the massage therapy is performed in the course of the practice for which the person is licensed.

(2) **Standards:**

BVC, GWD, SRD, WSD Districts

i. **HMC Requirements**

- 1. All massage uses/establishments within the Downtown Master Plan will be required to obtain a Conditional Use Permit.
- 2. All massage establishments shall conform to the requirements of Title 19.5 and Title 4 of the HMC for Massage Establishments.

(3) **Enforcement Authority**

- i. Any authorized representative of the city shall have access to every part and portion of the premises for which a conditional use permit is issued under the provisions of this section at any time when such business is open for the transaction of business, and after regular business hours if business is still being conducted, for the purpose of determining that the provisions of this Chapter and Title 4 are being complied with. It shall be unlawful for any person to fail to allow any authorized city representative access to the premises or to hinder such representative in any manner.

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- ii. The conditional use permit may be subject to revocation pursuant to Chapter 19.11 *Enforcement* in the event the massage establishment business license expires, is revoked, or is otherwise terminated.

(e) Reflexology

(1) Definition:

Any establishment that involves the application of specific pressure by the use of the licensed practitioner's hands, thumbs, and fingers to reflex points in the client's hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex. This practice does not involve the removal of any clothes other than shoes or socks.

(2) Standards:

All Districts

i. HMC Requirements

All reflexology establishments shall conform to the requirements of Title 19.5 and Title 4 of the HMC for Reflexology Establishments.

(f) Tattoo and Body Alteration

(1) Definition:

Establishments offering permanent body art or coloring, establishments where decorations or other devices are inserted in human or animal skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent facial make-up, and medical offices are not included in this use type.

(2) Standards:

BVC, GWD, SRD, WSD District

i. All Tattoo and Body Alteration establishments must comply with all of Clark County Health District Requirements.

ii. A Tattoo and Body Alteration establishment may not be located within 500 feet of another Tattoo and Body Alteration establishment.

23. PLANT NURSERY

(a) Definition:

Establishments selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

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24. RETAIL SALES AND SERVICE

(a) General

(1) Definition:

The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, video rental stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (but not including service and installation).

(2) Standards:

ATD, BSD and SRT District

- i. General retail sales and services uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
- ii. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
- iii. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
- iv. The use is not allowed on a lot less than 6,000 square feet.

(b) Auction Facility

(1) Definition:

An activity where goods are sold by auction within an enclosed building or structure or conducted outdoors.

(2) Standards:

GWD and SRD District

- i. Outdoor auctions are only permitted with approval of a Conditional Use Permit.

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(c) Convenience Market

(1) Definition:

A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items.

(2) Standards

i. All Districts

1. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.3.E.3, *Outdoor Seating/Outdoor Food Service*.
2. Windows shall face all adjacent parking areas.
3. All exterior doors shall be provided with individual light sources.
4. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards of HMC Title 19.7.8.E, *Glare and Lighting*.

ii. ATD and BSD District

1. Convenience market uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

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iii. SRT District

1. A convenience market may be allowed as a freestanding use within a horizontal mixed use development.
2. A convenience market use shall demonstrate how it does not create negative impacts on pedestrian movement of the overall development and is compatible with the adjacent neighborhood.

(d) Pharmacy

(1) Definition:

Stores or shops licensed by the Nevada Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, dispensed or sold at retail, displayed for sale at retail, or where prescriptions are compounded or dispensed. This classification includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.

(2) Standards:

i. ATL, BSD, SRT, WST District

1. Pharmacy uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

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- ii. SRT District
 - 1. A pharmacy use shall demonstrate how it does not create negative impacts on pedestrian movement of the overall development and is compatible with the adjacent neighborhood.

(3) Pharmacy with Drive-Through Service

- i. Definition:

A pharmacy that includes service from a building to persons in vehicles through an outdoor service window.

- ii. Standards:

GWD and SRD Districts

- 1. A Conditional Use Permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.
- 2. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
- 3. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
- 4. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(e) Printing Service

- (1) Definition:

A commercial establishment providing custom reproduction of written or graphic materials on a custom order or self-service basis. These use types typically provide photocopying, blueprint,

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and photo reproduction services, but do not include bulk or large-scale printing on presses, which is categorized as “limited industry.”

(f) Rental Service

(1) Definition:

The rental of general merchandise and equipment primarily intended for homeowner use, including but not limited to clothing, electronics, videos, tools and garden equipment, furniture, household appliances, special occasion or seasonal items, and similar consumer goods. This use category does not include the rental, storage, or maintenance of large construction equipment; such vehicles are restricted to the broader use category of “Vehicle/Equipment Sales and Rentals.”

(2) Standards:

i. BVC and WSD District

1. The net site area shall not exceed one acre.
2. All maintenance of equipment must be conducted within a building.
3. All equipment shall be stored within an enclosed area or building.

ii. GWD and SRD District

1. The net site area shall not exceed two acres.
2. All maintenance of equipment must be conducted within a building.
3. All equipment shall be stored within an enclosed area or building.

(g) Secondhand Goods

(1) Definition:

The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers. This use type does not include antique shops primarily engaged in the sale of used furniture and accessories, other than appliances, that are at least 60 years old, jewelry shops whose primary business is the sale of newly manufactured jewelry, auto dealers, pawnshops, used-book stores, used-baseball-card stores, and stamp-and similar-collectibles stores.

(2) Standards:

i. BVC and WSD District

1. Such uses may only be permitted as part of a multi-tenant building.

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- 2. Pick-up and drop-off areas for donations shall not be permitted in connection with this use.
 - 3. No outdoor sales or storage of any merchandise shall be permitted unless otherwise permitted through a Conditional Use Permit.
 - 4. Outdoor displays shall conform to the standards found in section 4.3.D.2, Outdoor Display/Sales.
- ii. GWD and SRD District
- 1. Such use shall be permitted as a freestanding use or as part of a multi-tenant building.
 - 2. Pick-up and drop-off areas for donations shall not be permitted in connection with this use.
 - 3. Outdoor display, sales, or storage may be allowed with the approval of a Conditional Use Permit.

25. VEHICLE/EQUIPMENT SALES AND SERVICE

(a) Vehicle/Equipment Rental

(1) Definition:

Rental of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance.

(2) Standards:

GWD District

- i. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- ii. Required customer parking spaces shall not be used for vehicle/equipment rental display.

26. VISITOR ACCOMMODATION

(a) Bed and Breakfast

(1) Definition:

Bed and Breakfast facilities means a building is kept, maintained, and marketed to provide overnight sleeping accommodations to the public. Bed and Breakfast facilities must have between three (3) and ten (10) guest rooms used for sleeping accommodations offered at daily rates to guests on a less-than-weekly basis. A

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bed and breakfast facility may also contain a banquet facility or restaurant for private parties as an ancillary use.

(2) Standards:

ATD and BSD Districts

- i. Bed and breakfast facilities may be located within a single-family detached dwelling.
- ii. The owner or a manager shall reside on the site where the bed and breakfast facility is located.
- iii. A banquet facility or restaurant use may only be provided for the use of overnight guests in conjunction with private events.

(b) Hotel/Boutique Hotel

(1) Definition:

- i. "Hotel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests on a less-than-weekly basis. Hotels must have a minimum of 90 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through an enclosed foyer and hallways. A hotel may also contain a restaurant and personal-service shops.
- ii. "Boutique Hotel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms as sleeping accommodations offered at a daily rate to transient guests on a less-than-weekly basis where access to the rooms used for sleeping accommodations in a single or connected structure is through an enclosed or open-air foyer and/or hallways. A motel may also contain incidental food service.
- iii. This use category does not include bed-and-breakfast, residential hotel/motel uses, or hostel facilities.

(2) Standards:

i. All Districts

Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 4.3.C.16, Live Entertainment.

ii. GWD and SRD District

Hotels and motels may be up to 100 feet in height, and may exceed 100 feet in height if approved through a design review with modification, provided minimum setbacks abutting residential land uses or lots occupied

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by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

iii. BVC District

Hotels and motels shall demonstrate that the use does not adversely impact nearby residential neighborhoods.

(c) Time-Share Project

(1) Definition

A project or building in which a purchaser receives the right, for a specified duration, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room, or segment of real property. This right of use or occupancy may be annually or on some other seasonal or periodic basis. This use type may include time-share estates, interval ownership establishments, vacation licenses or leases, club membership, time-share uses, and hotel/condominium structures operating on a time-share basis.

27. WEDDING CHAPEL

(a) Definition:

An establishment performing marriages or wedding services for a fee. This use type does not include religious assembly uses.

E. ACCESSORY USES AND STRUCTURES

1. Drive-through/Drop-off Window Uses

(a) Definition

An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

(b) Standards

This is an accessory use to the primary use of the building/tenant space where it is located. These standards are to be used for a use not specifically listed in the use section that includes a drive-through facility. The proposed drive-through must be approved by the Community Development and Services Director through design review process.

(1) All Districts

i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan is located between the drive-through service and the residential district boundary.

ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened

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from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

- iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses,
- iv. Efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.

2. OUTDOOR DISPLAY/SALES

(a) Definition:

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

(b) Standards:

Outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

- (1) Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;
- (2) Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;
- (3) Display/sales areas shall not exceed eight feet in height and shall not extend more than a maximum four feet from the building;
- (4) Such uses shall take place on an improved surface such as paved area; and
- (5) Display/sales areas shall not be located within landscaped areas.
- (6) These standards shall not apply to establishments engaged in the sale or rental of vehicles or equipment.

3. OUTDOOR SEATING/OUTDOOR FOOD SERVICE

(a) Standards

GWD, WSD, WST, BVC and SRD Districts

Outdoor seating areas and outdoor food service may be permitted as an accessory use to an eating and drinking establishment in accordance with the following standards:

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- (1) Such uses may be located adjacent to the main building or the curb provided a five-foot-wide unobstructed pedestrian pathway is maintained.
- (2) Outdoor seating areas wider than one table shall be surrounded by railings that complement the architectural style of the building, subject to design review approval.
- (3) Flower boxes and other decorative elements may be attached to railings or located on the sidewalk provided they do not interfere with the required pedestrian pathway.
- (4) Umbrellas shall be secured so as not to create a hazard in windy conditions.
- (5) Furnishings shall be compatible with the overall design of the building and should express the restaurant's theme or image.

4. WIND ENERGY SYSTEM

(a) Definition

A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics mounted to a tower or building that has a rated capacity of not more than 10 kilowatts (kW) for residential use or 100 kilowatts (kW) for nonresidential uses and that is intended to primarily reduce on-site consumption of utility power.

(b) Standards

(1) DR, DX and DP zoning Districts

Freestanding wind energy systems are not permitted. All wind energy systems must be mounted to buildings. A Design Review is required and may be approved administratively.

(c) Location

In all districts, wind energy systems shall be integrated into the design and architecture of a structure:

- (1) No part of the wind energy system structure, including guy wire anchors, shall be located within five feet of adjacent property lines or ten feet of other structures. Electrical equipment may encroach into these setbacks if it complies with Henderson Development Code 19.7.5.H, Mechanical Equipment Screening.

(d) Height

The maximum height of a wind energy system attached to a building shall not exceed ten feet above the maximum height of the building it is attached to.

(e) Noise

Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall comply with Henderson Development Code Section 19.7.8.G, Noise. The

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maximum noise level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

(f) Appearance, Color, and Finish

(1) When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.

(2) The appearance of all wind energy systems shall be subject to approval by the Community Development and Services Director.

(g) Clearance

The blade tip or vane of any wind energy system shall have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways, or sidewalks.

(h) Signage

All signs on a wind generator, tower, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

(i) Lighting

No illumination of the turbine or tower shall be allowed unless required by the FAA.

(j) Access

Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.

(k) Compliance with FAA Regulations

Wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

(l) Utility Notification

No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(m) Abandonment

If a wind turbine is inoperable for six consecutive months the owner shall, within six months of receiving a notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the

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tower, the Community Development Director may pursue legal action to have the wind energy system removed at the owner's expense.

5. SOLAR COLLECTION SYSTEM

(a) Definition

Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

(b) Standards

Setbacks, Location, and Height

(1) No freestanding solar collection systems are not permitted.

(2) Solar collection systems mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted. In all opportunity districts, solar collection systems shall not extend more than five feet above the maximum height limit in the opportunity district in which it is located.

(3) Restrictions regarding placement and location shall comply with all applicable state laws, including NRS 111.239.

(c) Appearance

(1) A structure-mounted solar collection system that is visible from a public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.

(2) Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a solar collection system shall comply with Henderson Development Code Section 19.7.5.H, *Mechanical Equipment Screening*.

(d) Code Compliance

Solar collection systems shall comply with all applicable building and electrical codes contained in Title 15 of the Municipal Code, *Buildings and Construction*.

(e) Solar Easements

A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the County Recorder.

F. TEMPORARY USES AND STRUCTURES

1. CIRCUSES AND CARNIVALS

(a) Definition

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Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure.

(b) Standards

Circuses and carnivals shall be limited to a maximum of seven days per occurrence.

2. COMMERCIAL FILMING, LIMITED

(a) Definition

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

3. HOLIDAY RETAIL SALES/RENTALS

(a) Definition

Retail sales of goods and products associated with nationally recognized holidays. Merchandise is typically displayed outside, and the use is seasonal or temporary in nature.

(b) Standards

- (1) Such sales, when located outdoors, shall take place only on fully improved, paved lots with a lawfully established principal use.
- (2) A temporary use permit is required for the sale of merchandise not associated with a primary business onsite.

4. STREET FAIRS

(a) Definition

Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

5. TEMPORARY CONSTRUCTION TRAILER

(a) Definition

A temporary portable unit for construction office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(b) Standards

The owner of a construction project may utilize a temporary office for use by construction and security personnel in accordance with the following standards:

- (1) The temporary trailer is permitted by right if located on the site of the construction activity. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.

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- (2) The temporary trailer shall not be located within 25 feet of any residential use.
- (3) The sanitary plumbing requirements can be waived by the Director of Building and Safety provided adequate sanitary plumbing is available elsewhere on the site.
- (4) The temporary trailer shall be removed ten days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed with ten days of sale or lease of all dwelling units.

6. TEMPORARY DWELLING UNIT

(a) Definition

A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.

(b) Standards

Up to one temporary dwelling unit (consisting of a manufactured home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in accordance with the following standards:

- (1) Temporary dwelling units may only be sited and occupied in accordance with the standards in Section 15.60.040 of the HMC; and
- (2) Except as authorized by HMC Section 15.60.040, the temporary dwelling unit may be in place for a maximum period of 12 months.

7. TEMPORARY LIVE ENTERTAINMENT EVENTS

(a) Definition

Live Entertainment events lasting less than five days.

(b) Standards

Conditions may be added to ensure compatibility with surrounding properties.

8. TEMPORARY EVENT

(a) Definition

Events that are carried out primarily out-of-doors for 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 events.

(b) Standards

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

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9. TEMPORARY POP-UP RETAIL

(a) Definition

A retail venue that is temporary in nature used to fill empty retail spaces within a shopping center for a short period of time. Pop-up retail allows a company to create a unique environment which engages customers and generates interest for the business and a commercial district. Pop-up retail may be used for any of the following reasons; marketing, testing products, locations, or markets.

(b) Standards

- (1) Such sales, when located outdoors, shall take place only on fully improved, paved lots.
- (2) A temporary use permit is required if the retail sales area will be located outdoors.

10. TEMPORARY RELIGIOUS ASSEMBLY

(a) Definition

Religious services conducted on a site that is not permanently occupied by a religious assembly use.

(b) Standards

Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.

11. TEMPORARY REAL ESTATE SALES OFFICE

(a) Definition

A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.

12. TEMPORARY SECURITY TRAILER

(a) Definition

A temporary portable unit for security office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(b) Standards

- (1) A residential or nonresidential use requiring security protection during hours of closure may include a travel trailer for that purpose for a maximum period of up to six months.
- (2) The temporary trailer shall not be located within 25 feet of any residential use.

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13. TRADE FAIR

(a) Definition

Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

14. TEMPORARY VEHICLE/EQUIPMENT SALES AND AUCTIONS

(a) Definition

The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions.

(b) Standards

The number of events allowed at each site is limited to seven days per quarter per site.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.1 GENERAL PROVISIONS

A. PURPOSE AND INTENT

These design standards are intended to protect and preserve the quality and character of the built environment within Downtown Henderson. More specifically, this section is intended to:

1. Encourage high-quality development as a strategy for investing in the City's future;
2. Emphasize Downtown's unique community character;
3. Maintain and enhance the quality of life for the City's citizens;
4. Shape the City's appearance, aesthetic quality, and spatial form;
5. Reinforce the civic pride of citizens through appropriate development;
6. Protect and enhance property values;
7. Minimize negative impacts on the natural environment and support sustainable development patterns;
8. Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;
9. Encourage a pedestrian- and bicyclist-friendly environment; and
10. Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

5.2 ARCHITECTURAL DESIGN

A. APPLICABILITY

The architectural design requirements of this section will apply to all development within the boundaries of this master plan. Architectural design will be a key to establishing a cohesive district and will strive to provide a diversity of building structures and styles.

B. BUILDING DESIGN

Henderson, Nevada was originally planned, designed and built in 1943 as an entirely new community to assist the United States military efforts during World War II. Downtown Henderson has always been an eclectic collection of modern buildings designed to represent various architectural styles of that era. Those styles included aspects of Moderne as well as the many other popular and emerging architectural styles of the period.

In respecting to the community's heritage, Henderson desires to continue its homage to its past by keeping the architectural forms, designs and details of the early 1940's relevant in its architectural presence downtown. In expanding upon its first generation of downtown redevelopment enforcing the Moderne theme, the community now desires to broaden its design palate to include a greater variety from the early 1900's and Mid-Century architectural expressions; that may also be expressed in a more contemporary manner. The importance is to retain the eclectic character and the varied face of the

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.2 ARCHITECTURAL DESIGN

streetscape that attracts people to downtown Henderson, and to enjoy and appreciate the creativity the architecture expresses while they are here. See Appendix: Downtown Design Gallery for examples of appropriate architectural character and form.

In seeking approval for a design review within the Downtown District, the development review committee requires all applicants to provide evidence the project complies with the architectural requirements identified above.

In addition to the principles identified above, all projects must comply with the following guidelines:

1. Four-Sided Architecture

All sides of a building that are visible from a public street, public right-of-way or is setback from the side or rear property line shall feature a similar level of architectural detail reflecting the front facade.

2. Base, Middle, and Cap

Buildings with three or more stories shall incorporate a base, middle, and cap described as follows (see Figure 5.2.1):

- (a) The base shall include an entryway with transparent windows and a molding or reveal placed between the first and second stories or over the second story.
- (b) The middle shall include a minimum of 50 percent of the vertical height of the building and may include windows and/or balconies; and
- (c) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.

C. DOWNTOWN LIGHTING STANDARDS

The use of vibrant lighting within the downtown establishes visual unity and creates a sense of arrival for downtown. Decorative, pedestrian oriented streetlights shall be installed along all streets within the downtown districts as determined by the City. The lights will provide additional illumination at the sidewalk level, creating a lively, nighttime atmosphere for pedestrians, and will serve as a unifying element for the downtown. The

Figure 5.2.1: Example of Base, Middle, and Cap design



CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.3 COMMON OPEN SPACE

extension of lights along Lake Mead Parkway will create interest and help draw visitors towards the downtown gateway located at the intersection of Water Street and Lake Mead Parkway. The design of streetlights and individual building lighting that reinforces the Moderne/Art Deco architectural period is required along Water Street. The use of colored up lighting or neon to enhance the building facade shall be permitted along Water Street.

5.3 COMMON OPEN SPACE

A. PURPOSE

Common open space is designed to provide enhanced pedestrian areas for residents and visitors to be able to gather in centrally located areas. These enhanced open space areas will provide a space for resident requested amenities and activities to take place. Common open space areas will also provide a refuge for residents and visitors as they walk and/or bike throughout the downtown.

B. REQUIREMENT

As development occurs throughout the downtown, common open space is required based on the number of residential units within a development. All development is required to provide 100 square feet of common open space per residential unit. This common open space may be located on-site or off-site of the development, but must conform to the design criteria listed below.

As an incentive to allow 100 percent site build out, common open space areas may be located off-site, in which case a developer will be required to provide a fee-in-lieu of to the City for the development of the required common open space. This common open space will be developed per City standards with amenities desired by the residents in the area.

Developers or property owners may also work with the City's Parks and Recreation Department to develop turn-key park or pocket park site which would also meet the common open space requirement if the turn-key park is within 1000 feet of the development.

C. DESIGN CRITERIA

Land set aside for common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by the public.
2. Open space areas shall be compact and contiguous. Required open space may be used as a continuation of an existing trail, or a unique topographic feature which is adjacent to or adjoining a required open space area, which may require a different configuration.
3. The overall theme and look of a common open space area must conform to the architecture or the surrounding buildings and provide themed elements which enhance the look and feel of the area.
4. The surface of a required open space must be suitable for outdoor activities. Surfaces must consist of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust free material to allow for the accommodation of splash pads, dog parks, play structures and other desired amenities. Asphalt surface

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.3 COMMON OPEN SPACE

materials may be used for designated recreation areas such as multi-purpose trails, tennis courts, and basketball courts shall be concrete with sport surfacing. Decomposed granite as ground cover may be used, as a trail surface it needs to be stabilized decomposed granite. A combination of different materials is encouraged.

5. Except as provided, not more than 30 percent of a required common open space may be located on a roof, balcony, or other area above ground level. In determining the amount of open space on a roof, an area occupied by a vent, mechanical equipment or structure that does not enhance the usability of the space is excluded.
6. Streetscape improvements within the public right-of-way may be included in the calculation of common open space except for the area within a Clear Zone as defined.

D. LOCATION AND OWNERSHIP

1. Method of Ownership

Common open space areas shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.

2. Declaration of Covenants and Restrictions

If common open space is to be deeded to a property owner's association, then the applicant shall record a declaration of covenants and restrictions that shall:

- (a) Govern the use of the common open space;
- (b) Run with the land in perpetuity; and
- (c) Provide for a lien on the property to secure collections of assessments levied by the association.
- (d) Provide public access easement for public to use open space.

3. Private Ownership

If common open space is to be privately owned, then it shall have deed restrictions that:

- (a) Provide that the common open space shall be maintained and preserved as open space and shall not be used for yards, lawns, or buildings;
- (b) Run with the land in perpetuity; and
- (c) Indicate that the City and owners of land in the development have a right to enforce the deed restrictions.
- (d) Provide public access easement for public to use open space.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.4 SUSTAINABILITY

E. MAINTENANCE OF COMMON OPEN SPACE

Private common open space areas shall be maintained per City approved site plans by the property owner or association. In the event that common open space areas are not maintained in reasonable order and condition in accordance with the approved site plan, then the City may serve written notice of the deficiencies upon the association or the owners or residents of the development. If the deficiencies cited by the City have not been corrected within 30 days after written notice, then the Community Development and Services department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the common open space. The entire cost of correction shall be a lien upon each of the properties from the date that the lien is filed in the County Recorder's office. Public common open space areas owned by the City will be maintained by the City per the approved site plans.

5.4 SUSTAINABILITY

See Henderson Development Code Title 19.7.12, *Sustainability*.

5.5 MECHANICAL EQUIPMENT SCREENING

See Henderson Development Code Title 19.7.5.H, *Mechanical Equipment Screening*.

5.6 DUMPSTER SCREENING

See Henderson Development Code Title 19.7.5.I, *Dumpster Screening*.

A. SETBACKS

All enclosures shall be located a maximum distance possible from a residential use and from the property lines of sites with an existing or proposed school, licensed day care, or park and recreation facility.

5.7 FENCES AND WALLS

Unless otherwise expressly provided for in this Master Plan or unless expressly provided for in conjunction with the approval of a Design Review with Modification, fences and walls shall comply with the following general standards:

A. WATER STREET, ST. ROSE, AND GATEWAY DISTRICTS

1. Security and Screening Walls

To maintain a cohesive appearance and pedestrian-friendly environment within the downtown districts, security and screening walls and fences are not permitted in the any of the districts, except for required garbage dumpster screening or security walls surrounding pools. If installed, screening or security walls shall be decorative and installed to a height of not less than five feet or greater than six feet (except as required for traffic visibility). Design shall include detail variations such as pilasters, decorative caps, or decorative cut-outs at a spacing not less than fifty feet. Chain-link and smooth grey CMU fencing is prohibited.

2. Retaining Walls

Large retaining walls located at the street edge overwhelm the pedestrian and detract from the overall character of the street. To maintain the downtown's pedestrian scale and inviting appearance, retaining walls shall not exceed three

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.7 FENCES AND WALLS

feet in height. Retaining walls should be constructed from similar materials and contain similar architectural features as the primary building on the site.

B. ATLANTIC, ST. ROSE TRANSITION, WATER STREET TRANSITION, AND BASIC TOWNSITE DISTRICTS

1. Sight Visibility Zones

In addition to the standards listed below for various opportunity districts, sight visibility zones for street intersections shall be provided per CCUSD No. 201.2. Sight visibility zones for driveways shall be provided per Henderson Development Code Section 19.7.4.J.4.

2. Access Gates

- (a) Access gates shall be in accordance with CPTED guidelines and approved by the Building & Fire Safety Department.
- (b) All access gates shall be built from materials that are not conducive to vandalism.

3. Materials and Design

- (a) Fences and walls shall complement the design of the associated building(s) in terms of their color, materials, and scale.
- (b) Chain-link fencing and smooth-face concrete masonry units (CMU) are prohibited, except as authorized for vacant property below.

4. Fence or Wall Height

Fence or wall heights shall be measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

5. Vacant Property

Vacant property may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized dumping or vehicular soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant property shall not be construed to allow use of the property for outdoor storage. A building permit for a chain-link fence shall be obtained from the Building & Fire Safety Department and shall be reviewed as necessary by the Public Works department prior to issuance to ensure that the fence does not create or intensify any drainage problems.

6. Maximum Fence Heights (Side and Rear Yard)

Except as otherwise permitted in this master plan, the maximum height of a fence within a required side and rear setback for a residential use shall be six feet (eight feet adjacent to commercial uses).

7. Maximum Fence Heights (Front Yard)

The maximum height of a solid fence or wall within the front yard setback shall be 32 inches and the maximum height of a 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 with modification.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.8 PARKING STANDARDS

8. Sport/Tennis Court Screen/Fence

Screening or fencing for tennis/sports courts is permitted in the rear or side yard area. Such structures may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure above the height of six feet shall be open so as not to restrict light or ventilation and provided such fencing shall be setback a minimum of five feet from the side and rear property lines. For Sport/Tennis Court Lighting, see Henderson Municipal Code Section 19.7.8.E, Glare and Lighting.

5.8 PARKING STANDARDS

A. VISION

The Henderson Downtown District is envisioned to become “an enjoyable place to stroll, lined with pedestrian –oriented uses, served by lively public spaces, ... supported by regional transit access, highway access, regional trail access, and enhanced public and private parking facilities.” per the City’s Water Street District Pedestrian and Bicycle Master Plan. Parking within the master plan area will focus on providing a diverse range of access options for residents and visitors to the area. With the increase of transportation options to the area the amount of vehicular parking once needed to fulfill the off-street parking needs may be greatly reduced.

B. PURPOSE

The regulations of this section are intended to help ensure the location and design characteristics of constructed parking areas are such to limit the impact of those parking areas on the downtown area.

C. DOWNTOWN PARKING MASTER PLAN

The Downtown Parking Master Plan was developed for the City’s Redevelopment Agency to provide a mechanism in identifying future parking demand and location of future parking facilities. This parking plan will be used to provide recommendations to the amount of off-street parking needed for a specified use and give guidance on the location and need for off-street parking structures.

D. OFF-STREET PARKING REQUIREMENTS

A minimum off-street parking requirement will not be required for any commercial use located within the identified Opportunity Districts if the development is located within 850 feet of an existing public parking lot or structure; otherwise, commercial developments will be required to provide $\frac{1}{2}$ of the maximum required parking ratio, found in table 5.8.1, Maximum Parking Ratios, on-site. Any conversion of a structure from a residential use to a commercial use will be required to provide a minimum 1 off-street parking stall.

All residential uses within the master plan area will be required to provide a minimum one (1) off-street parking space per residential unit. On-street parking located in front of the subject site may count towards this requirement.

1. Maximum Parking Ratios

(a) Purpose

A maximum allowed off-street parking ratio is provided to reduce the amount of surface parking within the Downtown.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.8 PARKING STANDARDS

- (b) Exceptions
- Exceptions to the maximum off-street parking requirement will include any site where a structured parking garage is developed.
- (c) The following parking ratios are listed as a maximum allowed off-street parking ratio for a given use. If a use is not listed refer to the Institute of Traffic Engineers (ITE) parking manual.

Table 5.8.1 Maximum Parking Ratios		
Use	Maximum Parking Ratio	Units
Single Family Residential	2	Per dwelling unit
Apartments	1	Per dwelling unit
Townhouse	1	Per dwelling unit
Condominiums	1	Per dwelling unit
Assisted Living	.5	Per dwelling unit
Hotel/Motel	1	Per room
City Park	2	Per acre
Performing Arts Theater	.5	Per seat
Movie Theater	.25	Per seat
Arena	.30	Per seat
Civic Center	5	Per 1,000 GFA
Casino	5	Per 1,000 GFA
Fitness Club	6	Per 1,000 GFA
Community Center	4	Per 1,000 GFA
Elementary School	1	Per 1,000 GFA
Church	5	Per 1,000 GFA
Museum	2	Per 1,000 GFA
Library	.5	Per 1,000 GFA
Veterinary	1.5	Per 1,000 GFA
General Office	2	Per 1,000 GFA
Medical Office	2.5	Per 1,000 GFA

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.8 PARKING STANDARDS

Government Office	1.5	Per 1,000 GFA
General Retail	1.5	Per 1,000 GFA
Convenience Market	2	Per 1,000 GFA
Bank	2	Per 1,000 GFA
Restaurant	5	Per 1,000 GFA
Urban Lounge	5	Per 1,000 GFA
Auto Service	3	Per 1,000 GFA
Dry Cleaners	2	Per 1,000 GFA
Convention Center	1	Per 1,000 GFA

E. USE OF OFF-STREET PARKING AREAS

See Henderson Development Code Title 19.7.4G, Use of Off Street Parking Areas

F. ACCESSIBLE PARKING FOR PERSONS WITH PHYSICAL DISABILITIES

1. General

A portion of the total number of off-street parking spaces in each off-street parking area must be designated, located, and reserved for use by persons with physical disabilities, in accordance with the regulations found in the Henderson Development Code Section 19.7.4.l

G. PARKING LOCATION AND LAYOUT

1. Setbacks

Except for residential uses, off-street parking within downtown districts may not be located within the front yard or corner side yard area (between the building and street). All parking must be located to the side or rear of the site. If located in the interior side yard, adequate screening must be provided from the adjacent public right-of-way.

H. DIMENSIONS AND DESIGN

1. General

Required off-street parking spaces shall comply with the minimum dimensional standards found in Henderson Development Code Title 19.7.4, Parking and Loading, Table 19.7.4-6, Parking Space Dimensions:

2. Compact Spaces

The Community Development and Services Director is authorized to approve the use of compact parking spaces for up to 50 percent of any off-street parking space. Compact parking spaces must have minimum dimensions of 8.5 feet by 18

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.9 BICYCLE PARKING

feet. Compact parking spaces must be designated by signs or other approved markings.

3. Other Design Criteria

See Henderson Development Code Title 19.7.4.K for other parking and parking lot specifications.

I. PARKING LOT LANDSCAPING AND SCREENING

See Henderson Development Code Title 19.7.5.D, Parking Lot Landscaping and Screening.

5.9 BICYCLE PARKING

A. PURPOSE

1. Safe and accessible bike parking is needed within the downtown to encourage more bicycling within the district. By having safe and adequate bike parking facilities for visitors and employees to the area, they will feel more comfortable to stop and shop or relax. In addition, by encouraging more bicycling within the district will help to reduce motor vehicles usage and pollution within the area
2. Bicycle parking will need to be designed to not only be a safe and secure location for bike parking, but to also be visually attractive to help provide a sense of character and uniqueness within the district.

B. BICYCLE PARKING RATIOS

1. All developments within the Downtown Master Plan shall provide at least one bicycle rack where no less than four bikes may be accommodated.
2. All provided bike parking within the district must be easily accessible to visitors and employees. Two types of bike parking must be provided for each new development. A short term bike parking area must be provided near the entrance to a building allowing for high visibility and easy access. In addition, a long term bike parking area must be provided for employees. Long term bike parking maybe located within a building to allow for a secure parking facility, but may be located outside. If long term bicycle parking is located outside the building it is recommended the long term bike parking area be enclosed within a secure location and covered to help protect the bicycles.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.9 BICYCLE PARKING

3. Bicycle parking will be provided at the following rate:

Table 5.9.1 Bicycle Parking Ratios (minimum spaces per 1,000 sq. ft. of floor area)		
Non-Residential Use Type	Long-Term	Short-Term
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 offices	0.30	0.50
Medical clinics	0.20	0.50
Hospitals	0.20	0.10
College or university academic or administrative facilities	0.20	0.40

*Up to four required long-term bicycle parking spaces (or up to 20% of the required number, whichever is greater) may be provided as short-term bicycle parking spaces.

C. LOCATION AND DESIGN

1. Bicycle racks may be unique in design but must have the following characteristics:
 - (a) Support the frame of the bicycle at two places and not just one wheel;
 - (b) Allow the frame and one wheel to be locked to the rack when both wheels are left on the bike;
 - (c) Allow the frame and both wheels to be locked to the rack if the front wheel is removed; and
 - (d) Racks must be placed so as not to block entrances or interfere with pedestrian traffic flow in or out of a building. If placed on a sidewalk or within a pedestrian walkway a minimum 5 feet clear space must be maintained.

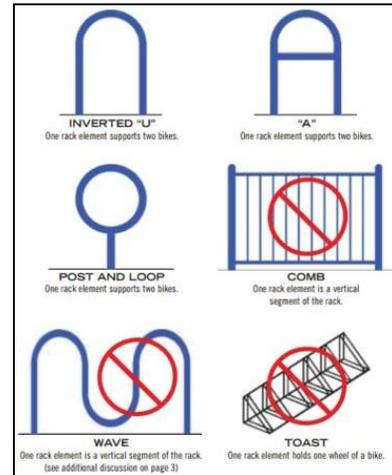


Figure 5.9.1: Bike rack designs

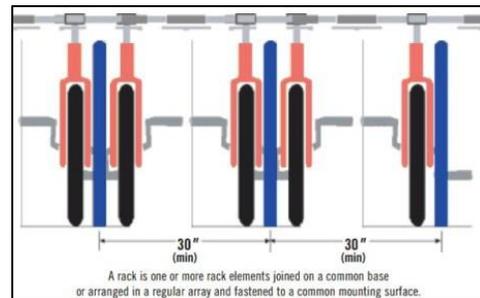


Figure 5.9.2: Bike rack spacing

2. An inverted U, post and loop, or “A”

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.10 ON-SITE LANDSCAPING

type bicycle rack is preferred as shown in Figure 5.9.1, but proposed alternatives may be considered if they are able to meet the characteristics listed above.

3. Short term bicycle racks shall be placed within 50 feet of the primary entrance(s) of the building(s) they are intended to serve. If applicable, short term bicycle racks shall be located outside of the required Clear Area, as defined in Henderson Development Code Section 19.7.7.G.1. Short term bicycle parking spaces must have adequate spacing to allow for accessibility without having to move another bicycle. Allow a minimum of 30 inches between bicycle racks when mounted in a row as shown in Figure 5.9.2. If multiple rows of bicycle racks are installed allow for a minimum aisle width of 48 inches measured from tip to tip of bike tires across the space between the rows of bike racks as shown in Figure 5.9.3.
4. Long term bicycle parking may be located within a building. If located within a building adequate bike parking design must be provided so as not to damage bikes and not interfere with the functionality of the building.

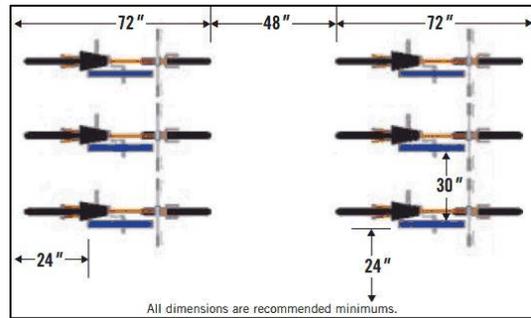


Figure 5.9.3: Bike rack row parking

5.10 ON-SITE LANDSCAPING

A. PURPOSE

On-site landscaping is designed to provide enhanced pedestrian environments in addition to required common open space areas. On-site landscaping will primarily be located along pedestrian walkways, and the perimeter of developments.

B. REQUIREMENT

When a proposed development occupies 100 percent of a site, on-site landscaping is not required. Anytime when a development will not occupy an entire site, those areas not being used for buildings, parking or required common open space will be required to be landscaped with a sufficient number of trees and shrubs as to provide shade and a pleasant environment for pedestrians and visitors to a site. In addition, the number and spacing of the trees and shrubs located on site shall be such as to ensure the planted materials will remain healthy at full maturity. Quantities of trees and shrubs will be determined per the guidelines of the City of Henderson Urban Forester.

5.11 STREET AND SIDEWALK DESIGN

A. PURPOSE

1. The Henderson downtown district is envisioned as becoming a lively urban environment which will encourage more walking, biking and use of alternative modes of transportation. As new development occurs the existing streets and sidewalks within downtown will need to be transformed to facilitate more walking, biking and pedestrian interactions. The Water Street District Pedestrian and Bicycle Master Plan was created to provide the framework of policies, programs, design criteria and priority list of projects to aid in helping to meet the transportation vision for downtown.

CHAPTER 5: DOWNTOWN DESIGN STANDARDS

5.11 STREET AND SIDEWALK DESIGN

2. The Water Street District Pedestrian and Bicycle Plan will be used as a reference document to determine future road-way improvements for all streets located within the boundaries of this master plan. (See Water Street District Pedestrian and Bicycle Plan for street cross sections.)

CHAPTER 6: SIGNS

6.1 GENERAL

- A. The sign regulations of this chapter are intended to balance the public interest in promoting a safe, well-maintained, and attractive city with the interests of businesses, organizations, and individuals in ensuring the ability to identify and advertise products, services, and ideas.
- B. The regulations allow for a variety of sign types and sizes, based on zoning, land use, lot/building sizes and other considerations. They are not intended to guarantee that every property owner and business owner will be able to achieve their desired level of visibility.

6.2 SPECIFIC

The sign regulations of this chapter have the following specific purposes:

- A. To ensure that signs are designed, constructed, installed, and maintained in a way that protects life, health, safety, property, and the public's general welfare;
- B. To allow signs as a means of communication, while at the same time avoiding adverse impacts on nearby properties, motorists, and others;
- C. To promote the desired character of the City and maintain and enhance the City's high quality appearance and attractive visual environment;
- D. To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area;
- E. To protect residential neighborhoods from potential adverse impacts associated with signs; and
- F. To ensure that the constitutionally guaranteed right of free speech is protected.

6.3 APPLICABILITY

All of the guidelines outlined in Title 19.8 *Signs* of the Development Code will apply to the signage located within the Master Plan area, unless otherwise expressly stated within this section.

6.4 WALL SIGNS

A. Maximum Area

1. Sign Area Ratios

The maximum allowed wall sign area is determined by multiplying the subject tenant frontage (in feet) by the applicable maximum sign area ratio, as set forth in Table 6.4.1, below. Maximum wall sign area may be further restricted by the alternative maximum and minimum sign area standards of Section 6.4.B.2. Businesses or other entities that occupy pad sites that are part of a shopping center development but stand separate from the principal building on the site are allowed wall signs only.

CHAPTER 6: SIGNS

6.4 WALL SIGNS

Table 6.4.1 Maximum Wall Sign Area Ratios			
Sign Types	Water Street, Atlantic, Basic Townsite, St. Rose Transition	Gateway, St. Rose	
		With Freestanding Sign	Without Freestanding Sign
Channel Letter Sign, Raceway mounted	1.00	1.00	1.33
Channel Letter Sign, Pin- mounted	1.50	1.50	2.00
Distinctive materials/design sign	1.75	1.75	2.50

2. Combination Signs

If a sign consists of a combination of sign elements (e.g., raceway-mounted channel letter used in conjunction with a cabinet) the entire sign must be regulated in accordance with the standards that apply to the most strictly regulated element of the sign. This rule does not apply to a cabinet sign used solely to display a logo if the area of the logo/cabinet sign comprises no more than 20% of the overall, cumulative sign area of the combination sign or 20 square feet, whichever is less.

B. Alternative Maximum and Minimum Wall Sign Area

1. Regardless of the maximum allowed wall sign area calculated pursuant to Section 6.4.A.1. Only wall signs used solely to convey the name of the subject building or multi-tenant development or primary tenant may be placed above the second floor of the building.
2. Wall signs on separate tenant frontages must be separated by a minimum of 18 inches from the edge of tenant space.
3. Wall and roof-mounted signs may project above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.
4. The exposed face of a wall sign must be parallel to and may project no more than 12 inches from the face of the building wall to which it is attached.

C. Multi-tenant Buildings

In multi-tenant buildings individual tenants are entitled to their own wall sign if all of the following conditions exist:

1. The tenant is located on the first or second floor of the building and occupies floor area that directly abuts exterior tenant frontage; and
2. The tenant has their own (separate) public building entrance.

D. Transfer of Wall Sign Area

Allowable wall sign area may not be transferred from one tenant or building wall area to another.

CHAPTER 6: SIGNS

6.5 FREESTANDING SIGNS

E. Roof Mounted Signs

Roof mounted signs will be allowed within the Water Street, Gateway and St. Rose Districts. Only one roof mounted sign is permitted per building.

6.5 FREESTANDING SIGNS

A. Where Allowed

Freestanding signs are allowed only in the Gateway and St. Rose Districts.

B. Number

1. A maximum of one freestanding sign is permitted per 500 feet of street frontage or fraction thereof.
2. Where the freestanding signs on the site are less than or equal to eight feet in height, a maximum of two freestanding signs are permitted per 500 feet of street frontage or fraction thereof.
3. Mixed-use parcels are permitted one freestanding sign that is greater than eight feet in height per 1,000 feet of street frontage or two freestanding per 1,000 feet of freestanding signs where both signs are less than or equal to eight feet in height.

C. Separation

Freestanding signs must be separated from other freestanding signs by the following minimum distances:

1. From others on the same site: 100 feet;

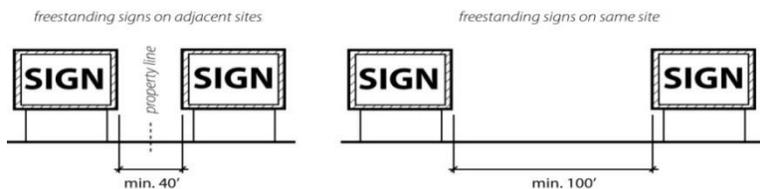


Fig. 6.5.1

2. From other freestanding signs on adjacent sites: 40 feet.

D. Area

The following regulations apply to the Gateway and St. Rose Districts.

1. Freestanding signs may not exceed 80 square feet in area per sign except as expressly stated in this section.
2. Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 120 square feet in area per sign if such sign includes at least two tenant panels. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 200 square feet if only one freestanding sign is used.
3. Freestanding signs for multi-tenant developments with five or more tenants may be up to 160 square feet in area per sign if such sign includes at least three

CHAPTER 6: SIGNS

6.5 FREESTANDING SIGNS

tenant panels. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 300 square feet if only one freestanding sign is used.

4. 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.

E. Height

The following regulations apply to the Gateway and St. Rose districts:

1. Freestanding signs may not exceed eight feet in height except as expressly stated in this section.
2. Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 12 feet in height. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 20 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.
3. Freestanding signs for multi-tenant developments with five or more tenants may be up to 16 feet in height. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 30 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.

F. Setbacks

The following regulations apply to the Gateway and St. Rose districts:

1. 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.
2. Freestanding signs may not encroach on any required sight visibility zone.
3. 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.

G. Design

1. Poles or pylons used to support freestanding signs must have decorative covers or be clad in materials that are compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, color, and materials.

CHAPTER 6: SIGNS

6.6 PROJECTING SIGNS

2. Freestanding signs supported by poles or pylons must be supported by at least two poles or pylons. A single supporting element may be used when it is at least 40 percent as wide as the widest portion of the sign face. The ground area surrounding the base of freestanding signs must be landscaped. The landscape area must be at least five feet in width measured from face-of-curb to base of sign when adjacent to drive aisles or parking areas.
3. Each freestanding sign allowed pursuant to this subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

H. Multi-Tenant Developments

Multi-tenant developments are subject to the freestanding sign regulations of this subsection, except as expressly modified or supplemented by the following regulations:

1. Directory Signs

In addition to other allowed signs, multi-tenant developments may have up to one directory sign for each building within the development or two per driveway whichever is less. Directory signs may not exceed 24 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists who have entered the development site and therefore may not be oriented to be legible from off site. Directory signs are allowed only on multi-tenant development sites.

2. Freestanding Signs on Pad Sites

Freestanding signs are permitted on pad sites in multi-tenant developments only if the parcel has frontage on a public right-of-way and all buildings on the site are located more than 300 feet from the public right-of-way. This provision does not prohibit freestanding menu boards, directional/informational signs or signs accessory to service stations on pad sites. Service stations on pad sites may have no more than one freestanding sign with a maximum height of six feet and a maximum area of 32 square feet.

6.6 PROJECTING SIGNS

A. Number

A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second floor building entrance is accessed via a common exterior (outdoor) walkway. A revocable permit is required when sign projects into a public right-of-way.

B. Maximum Area

Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.

CHAPTER 6: SIGNS

6.7 AWNING AND CANOPY SIGNS

C. Location

1. No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.
2. Sign supports for projecting signs must appear to be an integral part of the sign.

D. Clearance

Projecting signs must maintain a minimum eight-foot clearance between the bottom of the sign and the highest point of the ground or walkway immediately beneath the sign and 14 feet above alleys or driveways.

E. Lighting

Projecting signs may be illuminated only through external means, using indirect or shielded fixtures and bulbs.

6.7 AWNING AND CANOPY SIGNS

Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.

6.8 A-FRAME AND EASEL SIGNS

A business may have one of the following sign types, as follows:

- A. A maximum of one A-frame sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. Such signs must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. A-frame signs may not exceed a maximum vertical or horizontal dimension of three feet; or
- B. A maximum of one easel sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. The sign must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. The maximum vertical dimension of the easel support may not exceed six feet, and the maximum sign area may not exceed a vertical or horizontal dimension of three feet.

6.9 CHANGING-IMAGE SIGNS

For the purposes of this Code, there are three categories of signs that will be considered changing image signs: Electronic message centers, electronic graphic display signs, and digital video display signs.

6.10 ELECTRONIC MESSAGE CENTERS

Electronic message center signs are subject to the following regulations:

A. Number

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

CHAPTER 6: SIGNS

6.11 ELECTRONIC GRAPHIC DISPLAY SIGNS

B. Area and Height

1. The electronic message center component of a sign may comprise no more than 50 percent of a sign's total sign area.
2. 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.
3. The maximum height of the electronic message center component of a freestanding sign is 12 feet.

C. 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.

D. Spacing

1. Electronic message centers are prohibited within 250 feet of a building containing only residential dwelling units.
2. 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.

6.11 ELECTRONIC GRAPHIC DISPLAY SIGNS

Electronic graphic display signs are subject to the following regulations:

A. Number

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

B. Area

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

C. Spacing

1. Electronic graphic display signs are prohibited within 250 feet of a building containing only residential dwelling units.
2. 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.

D. Orientation

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

CHAPTER 6: SIGNS

6.12 DIGITAL VIDEO DISPLAY SIGNS

E. Message Duration

Each image must remain static for at least 20 seconds.

F. Message Transition

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

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

H. Hours of Operation

Signs located within the Atlantic, Basic Townsite, St. Rose Transition, and Water Street Transition Districts must be programmed to display a static message from 10:00 p.m. until 6:00 a.m.

I. 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.

J. Prohibited Display Types

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

6.12 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.

A. Message Duration

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

B. 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.

C. Hours of Operation

Signs located within the Atlantic, Basic Townsite, St. Rose Transition, and Water Street Transition Districts must be programmed to display a static message from 10:00 p.m. until 6:00 a.m.

CHAPTER 6: SIGNS

6.13 MURALS

D. 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.

E. 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.

F. Spacing

1. Digital video display signs are prohibited within 250 feet of the Basic Townsite and Atlantic Districts. This minimum spacing requirement may be modified through design review with modification process if the authorized decision-making body determines that views of the sign will be obscured by an intervening building or other feature or that adequate protection is in place to protect nearby residential areas from possible adverse effects.
2. 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.

6.13 MURALS

The following regulations apply to all mural signs within the Downtown Master plan area.

A. General Standards

1. 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.
2. All murals should be properly maintained, cleaned, and repaired as necessary.
3. Murals may be used to display artistic and graphic displays. Text is limited to non-commercial messages only.
4. External illumination of murals is allowed in accordance with Section 6.15, *Sign Illumination and Design*.

B. Permit Required

1. A permit is required for each mural on a lot or site as provided in this section. The permit application must be submitted on forms available in the Department of Community Development and Services or Redevelopment Agency.
2. 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 or Redevelopment Agency:

CHAPTER 6: SIGNS

6.14 WINDOW SIGNS

- (a) One color sketch of the proposed mural, drawn to scale;
- (b) A sketch drawn to scale or a photograph showing the proposed building or fence area to be covered by or used for the mural;
- (c) Information as to existing texture and material of the building or fence surface will also be required;
- (d) 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;
- (e) If applicable, the distance in feet of all other murals within a quarter-mile radius of the site of the proposed mural; and
- (f) Contact information for the person or entity primarily responsible for the installation, maintenance, and repair of the mural.

6.14 WINDOW SIGNS

- A. Window displays shall cover no more than 25 percent of each window in a nonresidential zoning district.
- B. Signs shall not be placed in windows in a location that will obstruct the view of sales transaction areas from outside the business.

6.15 SIGN ILLUMINATION AND DESIGN

A. Illumination

Lighted signs or lighting devices must be directed or beamed in a manner that does not cause glare or illuminate a public street, highway, sidewalk, or adjacent premises to a degree that may constitute a traffic hazard or nuisance.

- 1. Channel letter signs may be illuminated internally or by halo or silhouette lighting.
- 2. No sign may flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.
- 3. All light sources must be shielded from view.

B. Design

- 1. Signs should be designed to complement the architectural design and building materials used on principal buildings on the site.
- 2. Raceway mounts for channel letter signs must be painted and designed to blend in with the color of the wall to which it is attached. Raceway mounts must be of a size and design that gives them the appearance of being an integral background design feature of the sign rather than a separate mounting device.

6.16 TEMPORARY SIGNS

A. General

Temporary signs are allowed only in accordance with the regulations of this section. All temporary signs must conform to sight visibility requirements at all entrances, exits, and intersections.

CHAPTER 6: SIGNS

6.16 TEMPORARY SIGNS

B. Temporary Business Signs

1. "Grand Opening" Signs

- (a) Upon issuance of an initial business license for sales of products or for the provision of a service to the public, a proprietor may install temporary signs and banners for up to 90 days to announce the opening of the new business on the premises. This 90-day initial promotion sign period is a one-time opportunity for product and service businesses and is not intended for use by residential or commercial rental agents or owners to market their available residential units or commercial or industrial lease space.
- (b) Merchants seeking to take advantage of this 90-day "grand opening" sign allowance may do so without obtaining a sign permit provided; however, the type and mounting methods of any proposed temporary signs must be reviewed and approved by the Director of Building and Safety, and further provided that no such sign or banner may be constructed or employed on the premises that presents a hazard to traffic or pedestrian safety.

2. Sales/Promotional Event Signs/Coming-Soon Signs

- (a) Proprietors licensed for sales of products or for the provision of a service to the public who are not eligible for a temporary "grand opening" sign, must obtain approval from the Community Development Director before installation, placement or other use of temporary sales/promotional event signs. Coming-soon signs are permitted without a proprietor's license being obtained.
- (b) In the request for approval from the Community Development and Services Director, the applicant must specify the type of signs to be used (either banner or a-frame only), their location on the premises, installation date, and date of removal.
- (c) Once an application is approved by the Community Development and Services Director, the applicant then submits plans and specifications and obtains a sign permits as required by the Director of Building and Safety.
- (d) The regulations of this subsection are not intended for use in selling or leasing residential units or commercial or industrial space.
- (e) Temporary signs are permitted once every 90 days for a maximum of 14 days within any 90-day period.
- (f) A maximum of two temporary signs shall be permitted within any 14-day period.
- (g) Maximum square footage of temporary banner sign shall be 36 square feet and maximum square footage of an A-frame sign shall be nine square feet. A-frame signs shall not exceed a maximum vertical or horizontal dimension of three feet.

CHAPTER 6: SIGNS

6.17 OTHER SIGNAGE

- (h) A-frame signs shall not be located within the required sight visibility zone. All temporary signage must comply with Henderson Municipal Code Title 19.9.9 *Temporary Signs*.
- (i) Temporary banner signs shall be located on the tenant space of the business advertising. Temporary signs shall not be attached to public utility poles, landscaping or on-site informational signs.

6.17 OTHER SIGNAGE

All other signage not addressed within this Master Plan must conform to Title 19.8, *Signs* requirements.

APPENDIX A: ALLOWED USES

APPENDIX A: SUMMARY TABLE OF ALLOWED USES								
P = PERMITTED BLANK CELL= PROHIBITED								
USES	ATD	BSD	BVC	GWD	SRD	SRT	WSD	WST
Residential Uses								
4.3.A								
Live/Work Dwelling	P	P	P	P		P	P	P
Multi-Family	P	P	P			P	P	P
Single-Family Attached	P	P				P		P
Single-Family Detached	P	P				P		
Halfway House for Recovering Alcohol and Drug Abusers	P	P	P			P	P	P
Home for Individual Residential Care	P	P	P			P	P	P
Residential Facility for Groups	P	P	P			P	P	P
Senior Apartments and Condominiums						P		P
Accessory Dwelling Unit	P	P				P		P
Mixed-Use	P	P	P	P	P	P	P	P
Public/Institutional Uses								
4.3.B								
Club or Lodge			P	P			P	P
Cultural Institution				P	P		P	
Day Care Facility	P	P	P	P	P	P	P	P
Detention Facility							P	
Emergency Health Care Facility				P	P	P	P	
Employment & Training Center, Nonprofit				P	P		P	
Government Office				P	P		P	
Heliport					P			
Hospital					P		P	
Institutional Housing				P	P	P	P	
Park and Recreation Facility	P	P			P	P	P	P
Public Safety Facility							P	
Religious Assembly	P	P	P	P	P	P	P	P
School, Public or Private			P	P	P		P	P
School, Business, Trade or Vocational			P	P	P		P	P
Utilities	P	P	P	P	P	P	P	P
Wireless Communication Facility	P	P	P	P	P	P	P	P
Commercial Uses								
4.3.C								
Agriculture	P		P	P	P	P	P	P
Animals and Related Services	P	P	P	P	P	P	P	P
Arts and Crafts	P	P	P			P	P	P
Bail-Bond Broker			P				P	
Banquet Facility				P	P		P	P
Brew Pub/Microbrewery/Craft Distillery			P	P	P		P	

APPENDIX A: ALLOWED USES

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P = PERMITTED BLANK CELL= PROHIBITED								
USES	ATD	BSD	BVC	GWD	SRD	SRT	WSD	WST
Catering Service			P	P	P		P	
Commercial Recreation and Entertainment			P	P	P		P	
Convention							P	
Eating and Drinking Establishment	P	P	P	P	P	P	P	P
Financial Institution			P	P	P		P	
Food and Beverage Sales	P		P	P	P	P	P	P
Gaming Establishment	P	P	P	P	P	P	P	P
Laboratory			P	P	P		P	
Maintenance and Repair Service			P	P	P		P	
Mobile food Vendor Court							P	
Office	P	P	P	P	P	P	P	P
Personal Improvement Service	P		P	P	P		P	P
Personal Services	P	P	P	P	P	P	P	P
Plant Nursery			P	P				
Recreational Vehicle Resort								
Retail Sales and Service	P	P	P	P	P	P	P	P
Vehicle/Equipment Sales and Service				P				
Visitor Accommodation	P	P	P	P	P	P	P	P
Wedding Chapel			P					
Accessory Uses and Structures 4.3.D								
Drive-through/Drop-off Window Uses				P	P			
Outdoor Display/Sale	P	P	P	P	P	P	P	P
Outdoor Seating/Outdoor Food Service				P				
Wind Energy System	P	P	P	P	P	P	P	P
Solar Collection System	P	P	P	P	P	P	P	P
Temporary Uses and Structures 4.3.E								
Circuses and Carnivals			P					
Commercial Filming, Limited	P	P	P	P	P	P	P	P
Holiday Retail Sales/Rental	P	P	P	P	P	P	P	P
Street Fairs	P	P	P			P		P
Temporary Construction Trailer	P	P	P	P	P	P	P	P
Temporary Dwelling Unit	P	P				P		P
Temporary Live Entertainment Events	P	P	P			P		P
Temporary Outdoor Event	P	P	P	P	P	P	P	P
Temporary Pop-up Retail	P	P	P	P	P	P	P	P
Temporary Religious Assembly	P	P	P	P	P	P	P	P

APPENDIX A: ALLOWED USES

APPENDIX A: SUMMARY TABLE OF ALLOWED USES								
P = PERMITTED BLANK CELL= PROHIBITED								
USES	ATD	BSD	BVC	GWD	SRD	SRT	WSD	WST
Temporary Real Estate Sales Office	P	P	P	P	P	P	P	P
Temporary Security Trailer	P	P	P	P	P	P	P	P
Trade Fair	P	P	P	P		P		P
Temporary Vehicle/Equipment Sales and Auctions				P				

APPENDIX B: ARCHITECTURAL DESIGN GALLERY

SECTION A: OVERVIEW

Architectural Design standards are intended to protect and preserve the quality and character of a built environment. More specifically, this section is intended to highlight and direct the look and feel of Downtown Henderson by:

- A. Encouraging high-quality development as a strategy for investing in the City's future;
- B. Emphasizing Downtown's unique community character;
- C. Maintain and enhance the quality of life for the City's citizens;
- D. Shape the City's appearance, aesthetic quality, and spatial form;
- E. Reinforce the civic pride of citizens through appropriate development;
- F. Protect and enhance property values;
- G. Minimize negative impacts on the natural environment and support sustainable development patterns;
- H. Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;
- I. Encourage a pedestrian- and bicyclist-friendly environment; and
- J. Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

In respecting to the community's heritage, Henderson desires to continue its homage to its past by keeping the architectural forms, designs and details of the early 1900's. In expanding upon its first generation of downtown redevelopment enforcing the Moderne theme, the community now desires to broaden its design palate to include a greater architectural variety from the early 1900's and Mid-Century architectural expressions; which may also be expressed in a more contemporary manner. This architectural design gallery may include the following architectural styles:

1. AMERICAN CRAFTSMAN

The Arts and Crafts style may incorporate locally handcrafted wood, glass, and metal work creating objects that are both simple and elegant. In architecture, the American Craftsman style incorporates a visible sturdy structure, of clean lines and natural materials. Craftsman style is heavily influenced by American antecedents such as Shaker furniture, the Mission Revival Style, and the Anglo-Japanese style. The American Craftsman style led to the later design concepts of the 1930s Art Deco movement. This style is primarily found within residential developments.



2. PRAIRIE STYLE

Taking and building from the Craftsman style, Prairie School architecture was a late 19th- and early 20th-century architectural style, most common to the Midwestern United States. The style is usually marked by horizontal lines, flat or hipped roofs with broad overhanging eaves, windows grouped in horizontal bands, integration with the landscape, solid construction, craftsmanship, and discipline in the use of ornament. Horizontal lines were thought to evoke and relate to the native prairie landscape.



3. MODERNISM

Modern architecture is generally characterized by undecorated rectilinear forms and the use of glass, steel, and reinforced concrete. In a broader sense, early modern architecture began at the turn of the 20th century with efforts to reconcile the principles underlying architectural design with rapid technological advancement and the modernization of society.



4. MEDITERRANEAN REVIVAL

Mediterranean Revival is a design style which draws from Spanish Renaissance, Spanish Colonial, Beaux-Arts, Italian Renaissance, and Venetian Gothic architecture. Peaking in popularity during the 1920s and 1930s, the movement drew heavily on the style of palaces and seaside villas. Structures are typically based on a rectangular floor plan, and feature massive, symmetrical primary façades. Ornamentation may be simple or dramatic. The style was most commonly applied to hotels, apartment buildings, commercial structures, and residences.



5. ART DECO

Art Deco is an influential visual arts design style which first appeared in France, flourishing internationally in the 1930s and 1940s. It is an eclectic style that combines traditional craft motifs with Machine Age imagery and materials. The style is often characterized by rich colors, bold geometric shapes, and lavish ornamentation. Art Deco may represent luxury, glamour, exuberance, and faith in social and technological progress.



6. STREAMLINED MODERN

Streamline Moderne, or Art Moderne, was a late type of the Art Deco architecture and design that emerged in the 1930s. Its architectural style emphasized curving forms, long horizontal lines, and sometimes nautical elements. Streamlined Modern is a stripped down version of Art Deco. A structure is stripped of its ornament in favor of the aerodynamic pure-line concept of motion and speed developed from scientific thinking. Cylindrical forms and long horizontal windowing also may be influenced by constructivism.



7. USONIAN

The Usonian structure is typically small, single-story dwellings without a garage or much storage. Often L-shaped to fit around a garden terrace on unusual and inexpensive sites. Constructed with native materials, flat roofs and large cantilevered overhangs for passive solar heating and natural cooling, natural lighting with clerestory windows, and radiant-floor heating. A strong visual connection between the interior and exterior spaces is an important characteristic of all Usonian homes.



8. AMERICAN CRAFTSMAN

Architectural Elements:

- Low-pitched roof lines, gabled or hipped roof
- Deeply overhanging eaves,
- Exposed rafters or decorative brackets under eaves
- Front porch beneath extension of main roof
- Tapered, square columns supporting roof
- 4-over-1 or 6-over-1 double-hung windows
- Hand-crafted stone or woodwork
- Mixed materials throughout structure

Gallery:





9. PRAIRIE STYLE

Architectural Elements:

- Horizontal lines
- Flat Hipped roofs
- Overhanging eaves
- Windows grouped in horizontal bands
- Integration with the landscape
- Solid construction
- Craftsmanship
- Discipline in the use of ornament

Gallery:





10. MODERNISM

Architectural Elements:

- Lack of ornament
- Emphasis of rectangular forms and horizontal and vertical lines:
- Low, horizontal massing, flat roofs, emphasis on horizontal planes and broad roof overhangs:
- Use of modern materials and systems
- Use of traditional materials in new ways
- Emphasis on honesty of materials
- Relationship between interior spaces and sites:
- Emphasis on open, flowing interior spaces
- Generous use of glass and natural light
- Use of sun and shading to enhance human comfort

Gallery:



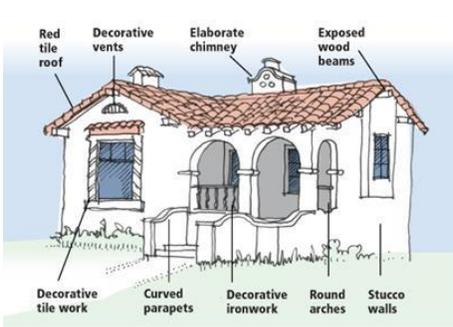


11. MEDITERRANEAN REVIVAL

Architectural Elements:

- Rectangular floor plans
- Symmetrical primary façades
- Smooth finish stuccoed walls
- Red tiled roofs which are Low-pitched hipped roofs; occasionally flat
- Windows in the shape of arches or circles, first-story windows are often tall or full-height
- One or two stories,
- Wood or wrought iron balconies with window grilles
- Articulated door surrounds are characteristic
- Ornamentation may be simple or dramatic
- Classical columns or pilasters
- Low, cast stone balustrades
- Recessed entry porches or elaborate porticos are common
- Decorative brackets under eaves

Gallery:





12. ART DECO

Architectural Elements:

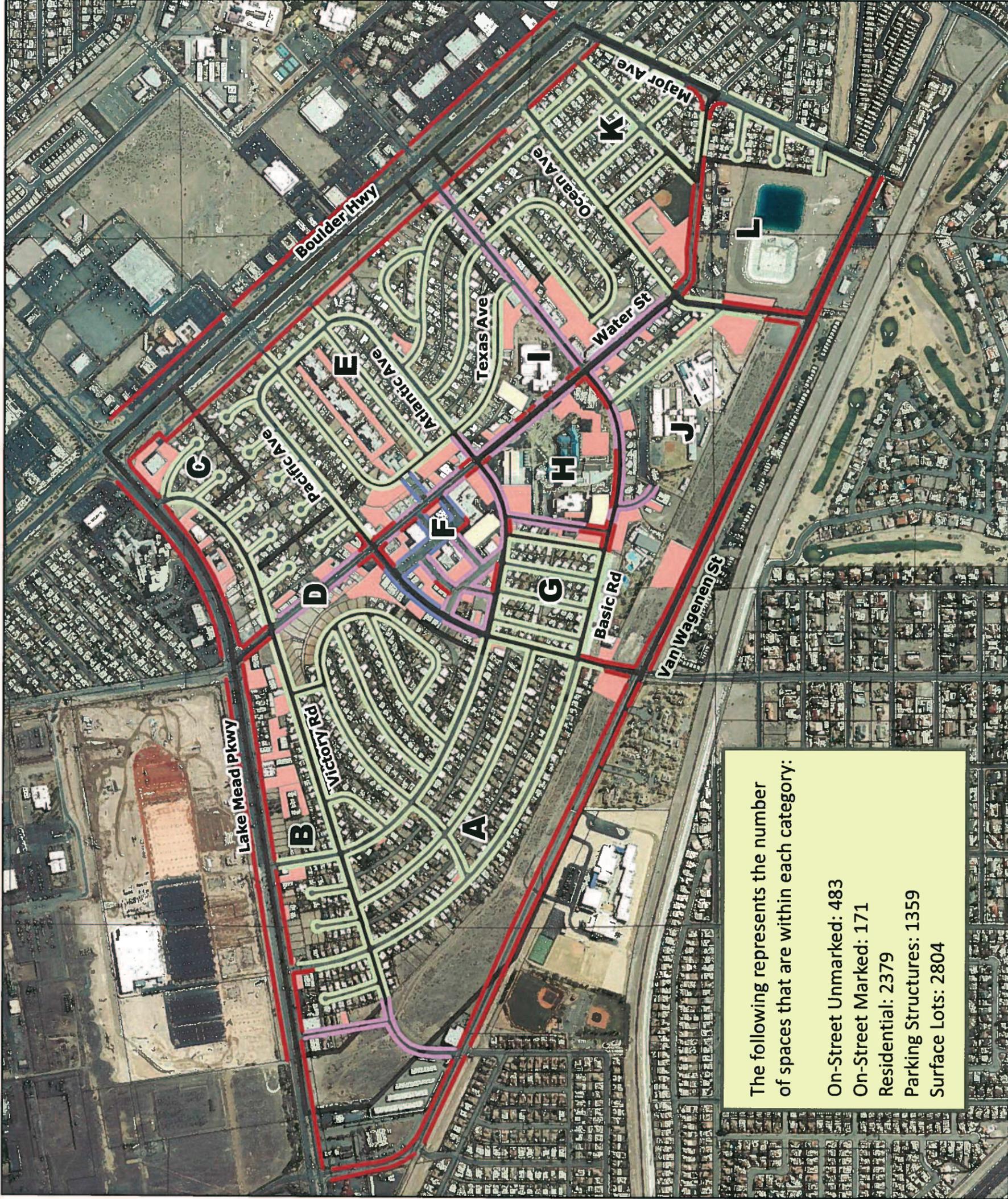
- Smooth wall surface
- Sharp edged linear appearance
- Stylized decorative elements using geometrical forms, zigzags, chevrons
- Low relief decorative panels
- Stepped or set back front façade
- Strips of windows with decorative spandrels
- Reeding and fluting around doors and windows

Gallery:



City of Henderson Downtown Parking Master Plan

Figure 4
Existing Parking Inventory



- Legend**
- No Parking
 - On-Street Unmarked
 - On-Street Marked
 - Residential
 - Parking Structures
 - Surface Lots
 - Parking Zones



ACKNOWLEDGMENTS

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Debra March
John F. Marz
Gerri Schroder

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