

ORDINANCE NO. 3144
(Amend Henderson Municipal Code Title 19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 – DEVELOPMENT CODE - OF THE HENDERSON MUNICIPAL CODE AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, Ordinance 2939 was adopted on November 2, 2011; and

WHEREAS, revisions are needed to conform code sections 19.6.2 and 19.6.4.B to the City Charter Section 2.100; and

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

SECTION 1. Title 19 Development Code is hereby amended as follows:

Sections:

19.6.2 – Review and Decision-Making Bodies

19.6.4.B - Comprehensive Plan and Zoning Applications

19.6.2 Review and Decision-Making Bodies

A. Summary Table

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

| TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES | | | | |
|---|-----------------------------------|--------------------------------|---------------------|--------------|
| R = REVIEW D = DECISION A = APPEAL <> = PUBLIC HEARING | | | | |
| PROCEDURE (SECTION) | REVIEW AND DECISION-MAKING BODIES | | | |
| | DEVELOPMENT REVIEW COMMITTEE | COMMUNITY DEVELOPMENT DIRECTOR | PLANNING COMMISSION | CITY COUNCIL |
| COMPREHENSIVE PLAN AND ZONING | | | | |
| Comprehensive Plan (Text and Map) (19.6.4.A) | R {1} | R | <R> | <D> |
| Development Code Text Amendment (19.6.4.B) | | R | [<R>] | D |

19.6.4 Comprehensive Plan and Zoning Applications

B. Development Code Text Amendments

1. Application Filing

Applications for an amendment to the text of this Development Code may be filed by the City Council, Planning Commission, City Manager, City Attorney or Community Development Director.

[2. Public Hearing Notice

Notice of public hearings on Development Code text amendments shall be published and posted in accordance with the requirements of Section 19.6.3.B.4, Public Notice.]

[3] 2. Community Development Director Review and Report

The Community Development Director and the City Attorney shall review each proposed Development Code text amendment. [in light of the approval criteria of Section 19.6.4.B.6, Text Amendment Approval Criteria, and, as deemed necessary, distribute the application to other reviewers.] Based on the results of those reviews, the Community Development Director or the City Attorney shall provide a report to the [Planning Commission] City Council.

[4. Planning Commission Review and Recommendation

The Planning Commission shall hold at least one public hearing on the proposed Development Code text amendment and at the close of the public hearing make a recommendation to the City Council, based on the approval criteria of Section 19.6.4.B.6, Text Amendment Approval Criteria.]

3. Public Meeting Notice

The City Clerk shall provide notice of the public meeting at which the proposed Development Code text amendment will be read to the City Council by title.

4. Referral to Committee

Consistent with Sections 2.090 and 2.100 of the Henderson City Charter, the proposed Development Code text amendment shall be read to the City Council by title and referred to a committee for consideration, after which the proposed Development Code text amendment shall be filed with the City Clerk for public distribution and publication.

5. City Council Review and Decision

After receiving the [recommendation of the Planning Commission,]report of the Committee, the City Council shall act to approve, approve with conditions or deny the proposed Development Code amendment, based on the approval criteria of Section 19.6.4.B.6, *Text Amendment Approval Criteria*.

6. Text Amendment Approval Criteria

Recommendations and decisions on Development Code text amendments shall be based on consideration of any or all of the following criteria:

- (a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
- (b) Whether the proposed amendment is consistent with the [Comprehensive Plan and the stated] purpose and intent of the Development Code as stated in [of] Section [19.1.5]19.1.4, Purpose and Intent; or
- (c) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public; and
- (d) Whether the proposed amendment will result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.

7. Appeals

Appeals of the City Council's decision on Development Code text amendments shall be made to the District Court of Clark County, as provided by law.

8. Successive Application

Following denial of a Development Code text amendment request, no new application for the same or substantially the same amendment shall be accepted within one year of the date of denial, unless denial is made without prejudice].

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

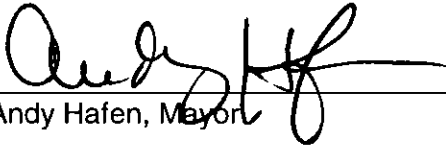
SECTION 3. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on April 4, 2014, in the Review Journal.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF APRIL, 2014.



Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

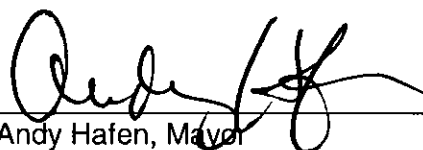
The above and foregoing Ordinance was first proposed and read in title to the City Council on March 18, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on April 1, 2014, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held April 1, 2014, the Ordinance was read in title and adopted by the following roll call vote:

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

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



Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk