

# CHAPTER 1: INTRODUCTION

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## 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 seven distinct opportunity districts (Water Street, Water Street Transition, Basic, St. Rose, St. Rose Transition, 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 with pedestrian-oriented uses, served by lively public spaces, enriched by a streetscape which conveys the

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### 1.3 EFFECTIVE DATE

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 including all future amendments to the Plan.

### 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 of the date of approval of this Master Plan or any amendments 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;

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**1.6 CONFLICTING PROVISIONS**

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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,"(See Appendix B) 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 19.35, 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 19.15, 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 19.15, 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.

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**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.

<b>Table 1.1 Transitions to New Zoning Districts</b>	
<b>Old Zoning District</b>	<b>New Zoning District</b>
<b>Residential Districts</b>	
Downtown Low-Density Residential (DRL)	Downtown Residential (DR)
Downtown Medium-Density Residential (DRM)	
Downtown High-Density Residential (DRH)	
<b>Commercial Districts</b>	
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 Classifications;
- C. Chapter 5: Development and Design Standards;
- D. Chapter 6: Signs;
- E. Appendix: Design Gallery, Opportunity Districts, and Downtown Master Parking Plan; 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.