

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) Is submitted within review schedule timeframe; and
 - (e) 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 If the deficiencies are not corrected by the applicant within 180 days, the application shall be considered withdrawn.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.

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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 19.19.4, 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. Application Filing

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

4. 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.

5. 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:

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- (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.
6. Comments Provided

Within three days after the Development Review Committee meeting, the committee shall provide comments 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 19.24, Design Review except for the following:

(a) Exemptions

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

- (1) Any alteration or improvement not affecting the external appearance of a structure.
- (2) Any alterations or additions to a legally-established, conforming, single-family, detached dwelling.
- (3) 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.

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

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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.

- 5. Any property located within the West Basic Road area as defined in chapter 3.3.E.1 of this plan that is proposing to convert a property from residential to commercial.

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. Concept Plan Review Meeting Required

An applicant proposing to apply for a modification shall request and attend a Concept Plan Review 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 the 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;

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- (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;
- (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 19.22 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

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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;
- (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 19.32, 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 Title 19 Part IV – Administration and Enforcement

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;

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- (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 Part IV – Administration and Enforcement. 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.

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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 Title 19 Part IV – Administration and Enforcement.

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 Title 19 Part IV – Administration and Enforcement.

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

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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 successors, and

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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.