

Chapter 19.1/ Introductory Provisions

Sec. 19.1.1/ Title

This Title shall be known and officially cited as the “Development Code of the City of Henderson, Nevada.” It is referred to in this Title as the “Development Code.”

Sec. 19.1.2/ Authority

The Henderson Development Code is enacted pursuant to the powers granted and limitation imposed by laws of the State of Nevada, including the statutory authority granted in Nevada Revised Statutes (NRS) Ch. 278.

Sec. 19.1.3/ Applicability

The provisions of the Henderson Development Code shall apply to all land within the city of Henderson, including land owned by local, county, state or federal agencies.

Sec. 19.1.4/ Purpose and Intent

A. General

The provisions of the Henderson Development Code are intended to protect the public health, safety, and general welfare, and to implement the policies of the *Henderson Comprehensive Plan*.

B. Specific

The regulations are specifically intended to:

1. Preserve the character and quality of residential neighborhoods.
2. Foster convenient, compatible, and efficient relationships among land uses.
3. Promote the economic stability of existing land uses that are consistent with the *Comprehensive Plan* and protect them from intrusions by incompatible land uses.
4. Prevent excessive population densities and overcrowding of land or buildings.
5. Ensure the provision of adequate open space for light, air, and fire safety.
6. Conserve open space and protect natural and scenic resources.
7. Require the provision of adequate off-street parking and loading facilities, and promote a safe and effective traffic circulation system.
8. Regulate and control the type, placement, and physical dimensions of signs, and encourage innovative sign design.
9. Regulate and control the division of land.
10. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities or other public facilities and services.
11. Encourage timely, orderly, and efficient arrangement of public facilities and services.
12. Provide for recreational needs.
13. Implement and ensure consistency with the City of Henderson Fair Housing Plan.

14. Protect life and property in areas subject to floods, landslides, and other natural disasters.
15. Encourage the improved design and effective use of the built environment through the use of CPTED (Crime Prevention through Environmental Design) principles for the purpose of reducing the fear and incidence of crime, and to improve the quality of life.
16. Consider access to solar resources by regulating the height of new buildings which could cast shadows on surrounding developments.
17. Reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency.

Sec. 19.1.5/ Commentary

Whenever a provision of the Henderson Development Code requires additional explanation to clarify its intent, a “commentary” is included. These commentaries are intended solely as a guide for administrative officials and the public to use in interpreting the Ordinance.

Sec. 19.1.6/ Compliance Required

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

- A. All applicable development review and approval processes have been followed.
- B. All applicable approvals have been obtained.
- C. All required permits or authorizations to proceed have been issued.

Sec. 19.1.7/ Word Usage and Construction of Language

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Development Code shall be construed according to the Purpose and Intent set out in Sec. 19.1.4. Also see “Written Interpretations,” Sec. 19.2.15.

B. Headings, Illustrations, and Text

In case of any difference of meaning or implication between the text of the Henderson Development Code and any heading, drawing, table, figure, commentary block or illustration, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

D. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the City, that day shall be excluded.

E. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.

F. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Henderson, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions or events apply.
2. “Or” indicates that one or more of the connected items, conditions, provisions or events may apply.

K. Tenses and Plurals

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Sec. 19.1.8/ Conflicting Provisions**A. Conflict with State or Federal Regulations**

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

B. Conflict with Other City Regulations

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

C. Conflict with Private Agreements

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

Sec. 19.1.9/ Zoning Map

A. Boundaries

The boundaries of the zoning districts established by the Henderson Development Code are shown on a map or series of maps designated the “zoning map,” which is adopted and made a part of the Henderson Development Code as fully as if it were set out here in detail. In case of any dispute regarding the zoning classification of property subject to the Henderson Development Code, the original maps maintained by the Community Development Director shall control. Questions or disputes regarding zoning designations shown on the zoning map shall be taken to the Community Development Director.

B. Rules of Zoning Map Interpretation

1. Zone district boundaries may coincide with property or right-of-way lines, but it is not a requirement of the Henderson Development Code that district boundaries follow such lines.
2. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
3. On unsubdivided land or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.
4. District boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
5. District boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
6. Should any uncertainty remain as to the location of a district boundary or other feature shown on the zoning map, the location shall be determined by the Community Development Director.

Sec. 19.1.10/ Comprehensive Plan

Original copies of the *Comprehensive Plan* are maintained in the office of the Community Development Director. In case of any dispute regarding the classification of property under the *Comprehensive Plan*, the original maps maintained in the Community Development Director’s office shall control.

Sec. 19.1.11/ Transitional Provisions

A. Violations Continue

Any violation of the previous zoning ordinance or subdivision ordinance will continue to be a violation under the Henderson Development Code and be subject to penalties and enforcement under Chapter 19.12, unless the use, development, construction or other activity complies with the provisions of the Henderson Development Code.

B. Legal Nonconformities Under Prior Code

Any legal nonconformity under the previous zoning ordinance will also be a legal nonconformity under the Henderson Development Code, as long as the situation that resulted in the nonconforming status under the previous zoning ordinance continues to exist. If a nonconformity under the previous zoning ordinance becomes conforming because of the

adoption of the Henderson Development Code, then the situation will no longer be a nonconformity.

C. 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 October 6, 1998, 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, provided that the permit or approval is valid and has not lapsed.
2. No provision of the Henderson Development Code shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to October 6, 1998.
3. The Community Development Director may renew or extend the time of a previous approval 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. The Community Development 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 10 days from the date of the City Clerk's receipt of notice.
4. Any reapplication for an expired project approval shall meet the standards in effect at the time of reapplication.

D. Applications in Progress

1. Complete applications for use permits, variances, architectural or design approvals, master plan overlays, and tentative subdivision maps, including planned unit developments, submitted before October 6, 1998, and pending approval at the time of adoption of the Development Code on October 6, 1998, may, at the applicant's option, be reviewed wholly under the terms of the previous zoning or subdivision ordinances. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any reapplication for an expired permit shall meet the standards in effect at the time of reapplication.
2. Projects for which no application has been submitted and accepted as complete prior to October 6, 1998, shall be subject to all requirements and standards of this Development Code.

E. Resolutions of Intent

Resolutions of intent to rezone that are valid on October 6, 1998, shall remain valid until their expiration date, and zoning shall be adopted consistent with the project that was the subject of the resolution when all required conditions have been met. The City Council reserves the right to deny a request for a time extension to comply with conditions for any reason.

F. Map Interpretations

Questions or disputes regarding zoning designations on the City zoning map resulting from adoption of the new Development Code shall be submitted to the Community Development Director for written interpretation as specified in Sec. 19.2.15.

Sec. 19.1.12/ Planning Commission**A. Creation of Planning Commission**

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

B. Compensation

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

C. Removal of Members

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

D. Vacancies

Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term.

E. Bylaws and Rules

1. The Planning Commission shall have the power to prescribe and adopt bylaws and rules governing the Planning Commission's procedure.
2. In addition to the powers, duties, and authority prescribed by NRS 278.030 through 278.260, inclusive, the Planning Commission shall have the power to adopt rules and bylaws governing the order and procedure of the Planning Commission.

F. Emergency Powers

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

G. Severability

If any section, subsection, sentence or phrase of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Development Code shall not be affected. It is expressly declared that this Development Code and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of the Development Code would be declared invalid or unconstitutional.