

ORDINANCE NO. 3486
(ZOA-18-000589 - Development Code Update – Group Living Uses and Related
Administrative Procedures and Definitions)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE –
HENDERSON DEVELOPMENT CODE - BY AMENDING PORTIONS OF
SECTIONS 19.2.15, 19.5.3,19.5.4, 19.6.10, AND 19.12.4, REGARDING
GROUP LIVING USES AND RELATED ADMINISTRATIVE PROCEDURES
AND DEFINITIONS, TO MAKE VARIOUS CORRECTIONS, REVISIONS AND
UPDATES AS NECESSARY.

- WHEREAS, the City Council of the City of Henderson has authority pursuant to NRS 278.020 to regulate and restrict the improvement of land and to control the location and soundness of structures within its jurisdiction for the purpose of promoting health, safety, morals and the general welfare of the community; and
- WHEREAS, pursuant to this authority, on January 19, 2010, the City Council adopted City of Henderson Municipal Code Title 19 – Henderson Development Code (as the same may be amended from time to time by the City Council, the “Development Code”); and
- WHEREAS, the Development Code is considered a “living document” and will invariably need amending to make corrections, revisions and updates as necessary; and
- WHEREAS, the Nevada Legislature recently amended NRS Chapters 278 and 449 to add requirements related to group homes for those persons classifying as disabled under federal and state law; and
- WHEREAS, amendments to the Development Code are necessary in order to ensure compliance with these state law changes and with federal law, and to make related changes to other group living uses, administrative provisions and definitions; and

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

- SECTION 1. Title 19 – Henderson Development Code Sections 19.2.15 – RMH: Mobile Home Residential, 19.5.3 – Residential Uses, 19.5.4 – Public/Institutional Uses, 19.6.10 – Other Procedures, and 19.12.4 – Defined Terms, are hereby amended as represented in Exhibit A, consisting of 21 pages, hereto attached.
- SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 3. All ordinances, or parts of ordinances, sections, subsections, 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 May 18, 2018, in the Review Journal.

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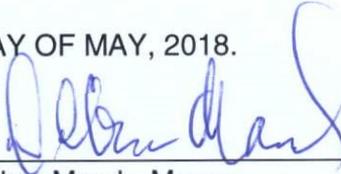
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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in *blue italics and underlined*.

PASSED, ADOPTED, AND APPROVED THIS 15TH DAY OF MAY, 2018.





Debra March, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on May 1, 2018, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

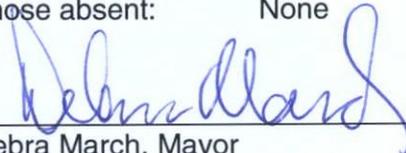
Thereafter on May 15, 2018, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held May 15, 2018, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:



Debra March, Mayor
Councilmembers:
John F. Marz
Gerri Schroder
Dan K. Shaw
Dan H. Stewart

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



Debra March, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

Exhibit A
Title 19 Amendments

CHAPTER 19.2: RESIDENTIAL ZONING DISTRICTS

SECTION 19.2.15 RMH: MOBILE HOME RESIDENTIAL

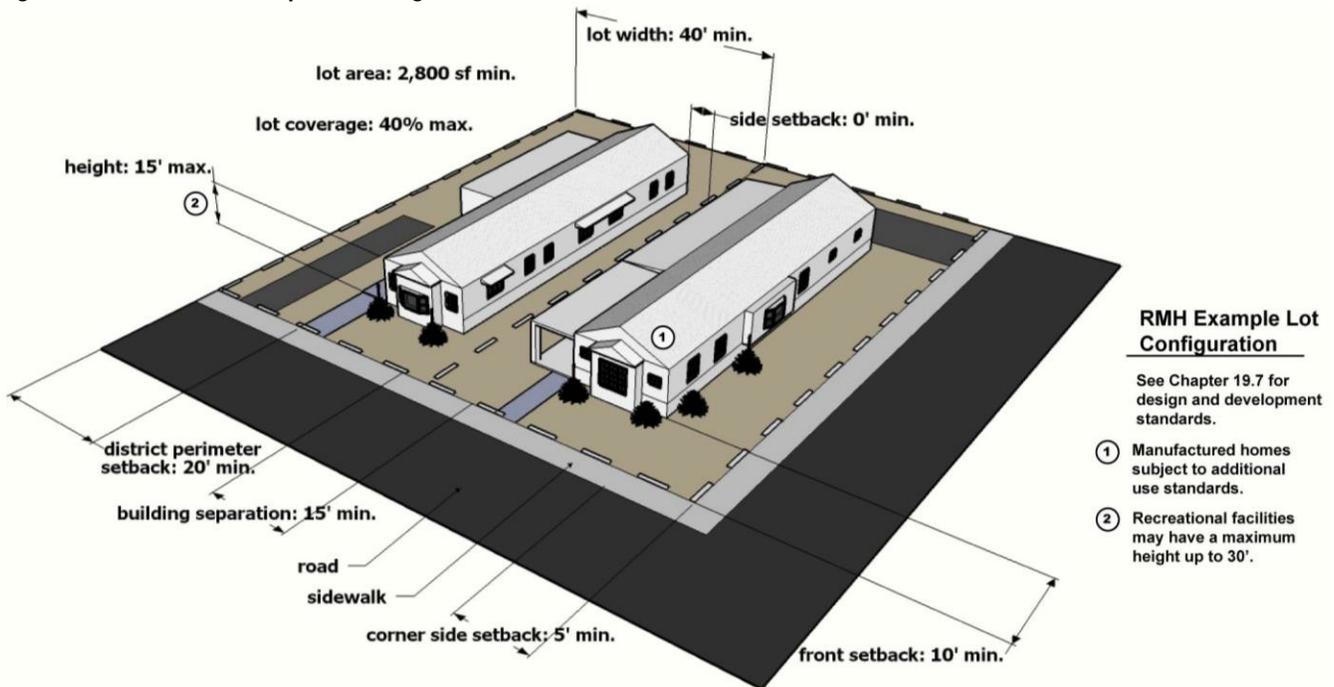
CHAPTER 19.2: RESIDENTIAL ZONING DISTRICTS

19.2.15. RMH: MOBILE HOME RESIDENTIAL

The RMH district is established to provide appropriate locations for mobile home park sites, parks for permanent residents, parks with rental spaces, and parks where spaces are individually owned in a mobile home estate subdivision. Complementary uses typically found in such parks may include laundry facilities, gathering areas, recreational facilities, rental offices, and certain accessory uses.

TABLE 19.2.15-1 DIMENSIONAL STANDARDS RMH DISTRICT	
DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	8
Common open space, min (sq ft)	700 per unit
LOT STANDARDS	
Lot area, min (sq ft)	2,800
Lot width, min (ft)	40
Lot coverage, max (%)	40
SETBACKS, MINIMUM	
Front (ft)	10
Side, interior (ft)	0
Side, corner (ft)	5
Rear (ft)	0
Street / common driveway (ft)	15
District perimeter (ft)	20
BUILDING STANDARD	
Height, max (ft)	15
Spacing between units (ft)	15
Dwelling unit size, min (sq ft)	N/A
Floor area ratio (FAR)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.5.3.[F]E	

Figure 19.2.15-A: RMH Example Lot Configuration



CHAPTER 19.5: USE REGULATIONS

19.5.3. RESIDENTIAL USES

A. GENERAL STANDARDS FOR ALL RESIDENTIAL USES

The following general standards apply to all [r]Residential [u]Uses allowed in the City of Henderson.

1. 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 of [for] a “family unit” or a “Community Residence”; 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, except that for a Community Residence, a conditional use permit shall be required only where the number of residents, not including house parents, guardians and other persons related to the house parents or guardians, exceeds 10, per the requirements of Section 19.5.3.D. In no case shall a dwelling unit be occupied by more than 20 persons.

2. 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.

3. 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.

D. COMMUNITY RESIDENCE

<u>RESIDENTIAL</u>											<u>PUBLIC</u>	
<u>RS-1</u>	<u>RS-2</u>	<u>RS-4</u>	<u>RS-6</u>	<u>RS-8</u>	<u>RM-10</u>	<u>RM-16</u>	<u>RH-24</u>	<u>RH-36</u>	<u>RMH</u>	<u>DH</u>	<u>PS</u>	<u>DP</u>
<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				
<u>COMMERCIAL</u>						<u>INDUSTRIAL</u>			<u>MIXED-USE</u>			
<u>CN</u>	<u>CO</u>	<u>CC</u>	<u>CH</u>	<u>CT</u>	<u>CA</u>	<u>IL</u>	<u>IG</u>	<u>IP</u>	<u>MC</u>	<u>MN</u>	<u>MR</u>	
									<u>S</u>	<u>S</u>	<u>S</u>	

1. Definition

A dwelling unit of a residential character for fewer than (11) unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Nevada Revised Statutes Chapter 278 defines "person with a disability" as a person: (a) with a physical or mental impairment that substantially limits one or more of the major life activities of the person; (b) with a record of such an impairment; or (c) who is regarded as having such an impairment. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the disabilities of the residents. A Community Residence seeks to achieve normalization and community integration of its residents. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental, as in any home.

The term "Community Residence" includes "residential facilities for groups", as defined by Nevada Revised Statutes 449.017 in which fewer than 11 unrelated persons with disabilities reside, a "halfway house for recovering alcohol and drug abusers" as defined by Nevada Revised Statutes 449.008, in which fewer than 11 persons reside, and a "home for individual residential care", as defined by Nevada Revised Statutes 449.0105. The term does not include a "facility for the treatment of abuse of alcohol or drug abuse", "modified medical detoxification facilities", "transitional living facilities for released offenders", "facilities for treatment with narcotics", or "community triage centers" as each of these is defined within chapter 449 of the Nevada Revised Statutes. The term also does not include an "institution", "hospital", "boarding house", "lodging house", "fraternity", "sorority", "dormitory", or any other group living arrangement for unrelated individuals who are not disabled. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

2. Standards

- (a)** A Community Residence must comply with any and all local, state and federal governmental licensing or certification requirements as well as all public health and safety requirements, including any applicable building and fire safety code requirements. A residential facility for groups must be equipped with a fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.
- (b)** A halfway house for recovering alcohol and drug abusers must require such residents to be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The halfway house must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the home. Upon request, the halfway house operator shall produce

evidence satisfactory to the Director of Community Development and Services that the home is in compliance with this condition.

- (c)** Residents of a residential facility for groups may also reside with house parents or guardians who need not be related to any of the persons with disabilities and, if applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity, as long as the total number of occupants of the home does not exceed 20 persons, per 19.5.3.A.1.
- (d)** A Conditional Use Permit is required to increase the number of residents to 11 or more.

 - (1)** An application for a Conditional Use Permit shall not be denied on any basis that discriminates against persons with disabilities. If it deems appropriate, the Planning Commission or City Council may continue a public hearing on the application to another date in order to allow Community Development and Services staff to consult with, or to obtain an opinion from, a person or entity with expertise in the federal Fair Housing Act regarding whether an approval or denial of the application is justified under state and federal law.
 - (2)** Requests to waive, reduce or refund Conditional Use Permit application fees for a Community Residence shall be considered by the Director of Community Development and Services and shall be administratively granted where the request is reasonable and the applicant can demonstrate a financial hardship or other good cause for the waiver, refund or discount.

3. Off-Street Parking Requirement

No additional parking beyond the required parking for the specific dwelling type.

4. Off-Street Loading Group

None.

[D. HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. 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.

2. Standards

- (a) 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;
 - (2) A Residential Facility for Groups; and
 - (3) Home for Individual Residential Care.
- (b) A conditional use permit is required if the location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below.
 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility operator shall produce evidence satisfactory to the Director of Community Development and Services that the facility is in compliance with this condition.
 - (3) The facility must be located on a parcel with a minimum size of 6,500 square feet.
 - (4) The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
 - (5) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.
 - (6) The facility shall not be established or modified in a manner that would

make it inconsistent with the scale and architectural character of the neighborhood.

- (7) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.
- (8) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of 100 feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:
 - i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:
 1. Approval of the conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the conditional use permit;
 2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of the halfway house residents into the community or neighborhood in question;
 3. The proposed facility will be operated in compliance with conditions (b)(1) and (2); and
 4. The proposed facility will comply with conditions (b)(3) through (7) and condition (b)(9) and (10), unless any such condition has been waived in connection with the approval of a conditional use permit.
 - iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.
- (9) There shall be no more than two live-in facility staff at the subject property.
- (10) The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards:

- i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
- ii. For each bedroom thereafter:
 - 1. A maximum of one adult, for bedrooms less than 100 square feet in area; and
 - 2. A maximum of two adults, for bedrooms 100 square feet in area or greater.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 2 residents.

4. Off-Street Loading Group

None.]

[E. HOME FOR INDIVIDUAL RESIDENTIAL CARE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. 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.

2. Standards

- (a) 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:
 - (1) Another Home for Individual Residential Care;
 - (2) A Halfway House for Recovering Alcohol and Drug Abusers; and
 - (3) Residential Facility for Groups.
- (b) 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 below:
 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

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- (3) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Home for Individual Residential Care.
 - (4) In multifamily developments, these establishments are only allowed in individually owned units.
 - (5) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:
 - i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:
 1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the waiver;
 2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;
 3. The proposed facility will be operated in compliance with condition (b)(1); and
 4. The proposed facility will comply with conditions (b)(2) through (4), unless any such condition has been waived in connection with the approval of a conditional use permit.
 - iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.

3. Off-Street Parking Requirement

No additional parking beyond the required parking for the specific dwelling type.

4. Off-Street Loading Group

None.]

E.[F.] MOBILE HOME PARK OR SUBDIVISION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
									S			
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definitions

(a) Mobile Home Park

A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured homes, and that may include services and facilities for residents.

(b) Mobile Home Subdivision

A subdivision of individual lots, each containing one single-family mobile home or manufactured home.

2. Standards

- (a) All dwelling units and habitable structures shall be served by underground utilities in accordance with City requirements.
- (b) Each dwelling unit shall have at least a 2,800-square-foot lot or site area for dwelling placement.
- (c) Each dwelling unit in the park or subdivision shall be set back at least 15 feet from any other dwelling unit, common driveway, or street.
- (d) All structures shall be set back at least 20 feet from the perimeter boundary of the district.
- (e) Common facilities and recreational features shall be centrally located.

3. Off-Street Parking Requirement

1 space per dwelling unit, plus 0.5 guest space per unit, within each park or subdivision.

4. Off-Street Loading Group

None.

[G. RESIDENTIAL FACILITY FOR GROUPS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. 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:

- (a) An establishment that provides care only during the day;
- (b) A natural person who provides care for no more than two persons in his/her own home;
- (c) A natural person who provides care for one or more persons related to him/her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the State Department of Human Services.

2. Standards

- (a) 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
 - (3) Home for Individual Residential Care.
- (b) 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 below:
 - (1) The facility must comply on an ongoing basis with all governmental licensing requirements.
 - (2) The facility must be located on a parcel with minimum size of 6,500 square feet.
 - (3) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.

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- (4) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
- (5) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Residential Facility for Groups.
- (6) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an “adequate barrier” exists between the subject location and another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. An “adequate barrier” includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:
- i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.
 - ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:
 1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the waiver;
 2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;
 3. The proposed facility will be operated in compliance with condition (b)(1); and
 4. The proposed facility will comply with conditions (b)(2) through (5) and condition (b)(7) and (8), unless any such condition has been waived in connection with the approval of a conditional use permit.
 - iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.
- (7) There shall be no more than two live-in facility staff at the subject property.

- (8) The number of occupants within a Residential Facility for Groups shall not exceed the following occupancy standards:
 - i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
 - ii. For each bedroom thereafter:
 - 1. A maximum of one adult, for bedrooms less than 100 square feet in area; and
 - 2. A maximum of two adults, for bedrooms 100 square feet in area or greater.
- (9) In connection with approval of a conditional use permit, the Planning Commission may waive any of the occupancy standards in condition (b)(8) for disabled adults, if the applicant demonstrates that:
 - i. There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants; and
 - ii. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents.

4. Off-Street Loading Group

None.]

E.[H.] TRAVEL TRAILER/RV PARK

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C								

1. Definition

Any lot, tract of land, or facility renting or leasing space on a short-term or long-term basis for the accommodation of two or more owners or users of travel trailers and recreational vehicles, not intended for permanent residence.

2. Standards

In the CT district, travel trailer/recreational vehicle parks may only be approved with a conditional use permit as part of a mixed-use project.

3. Off-Street Parking Requirement

Schedule C (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

G.[I.] SHORT-TERM VACATION RENTAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C								

1. Definition

The commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for 30 consecutive calendar days or less. This use type does not include a dwelling or room used as a primary residence.

2. Standards

- (a) All unit/property owners within a multifamily development must agree to allow for short-term vacation rentals.
- (b) Property owners offering short-term vacation rental properties are subject to the following requirements:
 - (1) Units may be rented for no less than seven days and no more than 30 days.
 - (2) Each vacation rental unit is permitted a maximum of three guest vehicles on site.
 - (3) A vacation rental unit may not be rented, leased, or furnished to more than one party subject to limitations of two guests per bedroom plus two individuals, with a maximum of eight guests.
- (c) One hundred percent of a multifamily development located within a CT zoning district may be short-term vacation rental units.

3. Off-Street Parking Requirement

Based upon type of housing unit being rented. See that use type for parking requirements.

4. Off-Street Loading Group

None.

19.5.4. PUBLIC/INSTITUTIONAL USES

L. INSTITUTIONAL HOUSING

1. Congregate Housing

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					S	S	S	S				
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) 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.

(b) Standards

(1) Congregate housing shall be located near neighborhood commercial services so that residents have access to necessary services not provided on site.

(2) [This use shall comply with the maximum dwelling unit occupancy requirements of Section 19.5.3.A.1.](#)

(c) Off-Street Parking Requirement

0.7 space per bed or dwelling unit.

2. Continuing Care Retirement Community

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C			C	
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S		S	

(a) 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.

(b) Standards

(1) 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.

(2) Housing structures exceeding two or more stories in height shall provide elevators or ramps between all levels with a maximum grade of one foot in height for every 12 feet of horizontal distance. Stairs shall not be the sole route between any two levels.

(3) [This use shall comply with the maximum dwelling unit occupancy requirements of Section 19.5.3.A.1.](#)

(c) Off-Street Parking Requirement

1 space per bed or dwelling unit, or alternate amount as approved through a parking study conducted by a certified professional engineer.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. **[Group Living—] Assisted Living Facility**

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
[C]	C	C	C	C	C	C	C	C	C]		C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P [C]									S	[S	S]	

(a) Definition

A residential care facility with private or shared sleeping rooms **[designed primarily]** for seven 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.

(b) Standards

(1) Such uses shall be considered as residential uses for the purpose of compliance with common open space standards of this Code in Section 19.7.2.

(2) Supporting retail or personal services uses may only be permitted as accessory uses and shall only be accessed through the principal structure. This does not apply to single-family detached dwellings.

(3) [This use shall comply with the maximum dwelling unit occupancy requirements of Section 19.5.3.A.1.](#)

[(3) No outdoor signage shall be allowed in connection with such use.]

[(4) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood or development.]

(c) Off-Street Parking Requirement

(1) 0.7 space per bed or dwelling unit.

[(2) If use is located within a single-family detached dwelling: In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents or as otherwise approved through the conditional use permit.]

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Group Living—General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C	C		C	
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C				S					S	C	S	

(a) Definition

Shared living quarters for seven [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.

(b) Standards

(1) Such uses shall be considered as residential uses for the purpose of compliance with the common open space standards of this Code in Section 19.7.2.

(2) Supporting retail or personal service uses may only be permitted as accessory uses and shall only be accessed through the principal structure.

(3) No outdoor signage shall be allowed in connection with such use.

(4) This use shall comply with the maximum dwelling unit occupancy requirements of Section 19.5.3.A.1.

(c) Off-Street Parking Requirement

Residential and nonresidential districts: 1 space per bed or dwelling unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CHAPTER 19.6: ADMINISTRATION

19.6.10 OTHER PROCEDURES

D. REASONABLE ACCOMMODATION PROCESS

1. Purpose

It is the policy of the City of Henderson to provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to herein as the "Federal Acts.") This Section provides a procedure for making requests for reasonable accommodations in land use and zoning policies, practices, and procedures of the City of Henderson to comply fully with the intent and purpose of the Federal Acts. Nothing in this Section requires persons with disabilities or operators of Community Residences for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this Section.

2. Applicability

(a) Eligible Applicants

- (1) A request for a reasonable accommodation to any provision of this Code or any related policy or practice may be made by any person with a disability, his or her representative (e.g. family member, care provider, etc.), or a provider of housing for persons with disabilities, when the application of such provision, policy or practice may act as a barrier to affording such person equal opportunity to use and enjoy a dwelling.
- (2) A person with a disability is a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. While a person recovering from substance abuse is considered a person with a disability, a person who is currently engaging in the current illegal use of controlled substances is not.
- (3) This Section is intended to apply those persons who are defined as disabled or handicapped under the Federal Acts.

(b) Eligible Requests

- (1) A request for a reasonable accommodation may include a modification or exception to the provisions of this Code, or any policies, rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to use and enjoy a dwelling of his or her choice.
- (2) A request for a reasonable accommodation shall comply with Section 19.6.10.D.3.
- (3) The City will provide the assistance necessary to the applicant in making a request for a reasonable accommodation. A request by an applicant

for reasonable accommodation may be made orally or in writing, although requests made in writing may be encouraged by City staff to avoid misunderstandings and maintain an accurate record of the request. The City shall assist the applicant by furnishing any information maintained by the City as a public record, such as City ordinances, policies, rules and regulations, necessary for processing the reasonable accommodation request.

- (4) Notice of the availability of a reasonable accommodation shall be prominently displayed at all public information counters in the City's Community Development and Services Department and City Clerk's office. Forms for requesting reasonable accommodations shall be available to the public in the Community Development and Services Department or upon request.
- (5) If the information provided by the applicant includes medical information or records of the applicant, including records indicating medical condition, diagnosis or medical history of the applicant, the City, to the extent permitted by law, shall treat such information as confidential information of the City. The City shall provide written notice to the applicant and any person designated by the applicant to represent the applicant in the application process, of any request received by the City for disclosure of the medical information or documentation which the applicant has provided to the City. The City will cooperate with the applicant, to the extent permitted by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

3. Application Requirements

- (a) The Community Development and Services Department shall provide applicants for a reasonable accommodation with an application form eliciting the following information:
 - (1) The applicant's name, address and telephone number;
 - (2) The name, address and telephone number of the property owner and the current address for which the request is being made;
 - (3) The current actual use of the property;
 - (4) The basis for the claim that the applicant is considered disabled under the Federal Acts or provides housing for persons considered disabled under the Federal Acts. Only that information necessary to evaluate the reasonable accommodation shall be requested. Medical records and detailed information regarding an individual's disability are usually not necessary for this inquiry. All information submitted in support of the basis of a claim of disability shall be retained in a manner so as to respect privacy rights of the applicant and shall not be made available for public inspection;
 - (5) The Development Code provision, regulation or policy from which reasonable accommodation is being requested; and
 - (6) An explanation why the reasonable accommodation is necessary to make specific property available for the individual.

CHAPTER 19.6: ADMINISTRATION

- (b) The Community Development and Services Department shall assist the applicant in completing the form, as necessary, or shall elicit oral information from the applicant necessary for the Department to complete the form. In the event the Department completes the form by eliciting oral information from the applicant, the Department shall read the completed form to the applicant to ensure its accuracy and shall provide a copy of the completed form to the applicant.
- (c) A reasonable accommodation shall not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

4. Review of Applications

- (a) A request for a reasonable accommodation shall be reviewed, and a determination made, by the Community Development and Services Director.
- (b) The Director shall make a written determination within 30 days of the submittal of a complete application and either approve, approve with modifications, or disapprove a request for a reasonable accommodation in compliance with Section 19.6.10.D.5.
- (c) If necessary to reach a determination on the request for reasonable accommodation, the Community Development and Services Director may request further information from the applicant consistent with the Federal Acts, specifying in detail the information that is required. In the event that a request for further information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.

5. Findings and Decision

- (a) The written decision to approve or disapprove a request for a reasonable accommodation will be consistent with the Federal Acts and shall be based on consideration of all of the following factors:
 - i. Whether the housing, which is the subject of the request, will be used by one or more individuals with a disability as defined under the Federal Acts;
 - ii. Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 - iii. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City. This determination will be made on a case by case basis and will involve various factors;
 - iv. Whether the requested accommodation would fundamentally alter the nature of a City program or law, including but not limited to land use and zoning; and
 - v. If the City determines that the applicant's request would impose an undue financial or administrative burden on the City, or fundamentally alter a City program or law, it may propose an alternative accommodation that would provide an equal benefit. In the event the City makes a

CHAPTER 19.6: ADMINISTRATION

determination not to accommodate an applicant's initial request, this determination shall be documented.

- (b)** The written decision on the request for a reasonable accommodation shall include the Community Development and Services Director's findings and any other relevant information upon which the decision is based. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process in compliance with Section 19.6.9.E, provided, however, that the appeal period shall be extended to 20 days rather than 9 days.
- (c)** The written decision of the Community Development and Services Director shall be final unless appealed in accordance with Section 19.6.9.E.
- (d)** A grant or grant with modifications made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances, such as in the event that the disabled person vacates the subject property.

CHAPTER 19.12: MEASUREMENT AND DEFINITIONS

19.12.4. DEFINED TERMS

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single [housekeeping unit](#) **[household]**.

FAMILY UNIT

A family unit is defined as a person living alone or any of the following groups living together as a **[stable]** single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of related people **[and no more than two unrelated persons]**; [or](#)
- B. [No more than](#) **[S]**six unrelated people.; [or](#)

[C. Two unrelated people and any minor children related to either of them.

A family unit does not include any society, club, fraternity, sorority, lodge, organization, or group where people come and go on a transient basis or where the relationship is merely based on a commercial basis; rather, the composition of a family unit must be sufficiently stable and permanent and of a demonstrable bond characteristic of a cohesive family unit.] The size of a family unit is subject to the maximum dwelling unit occupancy [of 20 persons](#) set forth in Section 19.5.3.A.1. For purposes of this section, “related” means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

SINGLE FAMILY RESIDENCE

A structure containing one or more dwelling units in which resides a family unit, [as defined herein, or a Community Residence, as defined in 19.5.3.D.](#) **[This classification includes homes for individual residential care, residential facilities for groups, and halfway house for recovering alcohol and drug abusers pursuant to the provisions of NRS 278.02386.]**

SINGLE HOUSEKEEPING UNIT

[The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a dwelling unit, including the joint use of common areas and sharing household activities and responsibilities \(i.e., chores, expenses, and meals\).](#)