ORDINANCE NO. 3529

(ZOA-18-001279 – Development Code Update - Subsections 19.2.17 – Summary Dimensional Table, 19.2.11 – RM-16, 19.2.12 – RH-24, 19.2.13 – RH-36, 19.6.4.A – Comprehensive Plan Amendments, 19.6.4.C – Rezonings, 19.6.4.D – Rezoning to MP or PUD Overlays, 19.7.6.C – Multifamily Residential Design Standards)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE - HENDERSON DEVELOPMENT CODE - TO ELIMINATE MINIMUM DISTRICT SIZES AND REVISE MAXIMUM BUILDING HEIGHTS IN SUBSECTIONS 19.2.17 (SUMMARY DIMENSIONAL TABLE), 19.2.11 (RM-16), 19.2.12 (RH-24), AND 19.2.13 (RH-36), TO ADD REVIEW CONSIDERATIONS FOR CERTAIN COMPREHENSIVE PLAN AMENDMENTS IN 19.6.4.A (COMPREHENSIVE PLAN AMENDMENTS), TO ADD REVIEW CONSIDERATIONS FOR CERTAIN REZONINGS IN 19.6.4.C (REZONINGS), TO ADD REVIEW CONSIDERATIONS FOR CERTAIN REZONINGS TO MP OVERLAYS IN 19.6.4.D (REZONING TO MP OR PUD OVERLAYS), AND TO REVISE THE DESIGN STANDARDS FOR MULITFAMILY RESIDENTIAL DEVELOPMENTS IN 19.7.6.C (MULTIFAMILY RESIDENTIAL DESIGN STANDARDS).

WHEREAS, the City Council of the City of Henderson (the "City Council") has statutory 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 City Council considers the Development Code a "living document," which will invariably need amending for corrections, revisions and necessary updates; and

WHEREAS, the City Council of the City of Henderson has determined that it is in the interests of its citizens to ensure that multifamily residential development is appropriate and high-quality; and

WHEREAS, City staff must review requests for multifamily residential development for quality of design and appropriateness of location, and in certain cases, make recommendations to the Planning Commission and City Council on their appropriateness; and

WHEREAS, City staff has researched best practices and common regulations used by other cities around the Southwest region; and

WHEREAS, City staff has met with members of the multifamily residential development industry and gathered input on these proposed amendments and incorporated their feedback as appropriate; and

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

SECTION 1. Chapter 19.2 of the Henderson Development Code is hereby amended, as represented in Exhibit A, hereto attached, consisting of four (4) pages.

SECTION 2. Chapter 19.6 of the Henderson Development Code is hereby amended, as represented in Exhibit B, hereto attached, consisting of fifteen (15) pages.

SECTION 3. Chapter 19.7 of the Henderson Development Code is hereby amended, as represented in Exhibit C, hereto attached, consisting of twelve (12) pages.

SECTION 4. 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 5. 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 6. 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 October 5, 2018, in the Review-Journal.

//

//

//

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 2ND DAY OF OCTOBER, 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 September 18, 2018, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

Thereafter on October 2, 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 October 2, 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

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*.

EXHIBIT A

Chapter 19.2 of the Henderson Development Code (w/ amendments)

EXHIBIT A

19.2.11. RM-16: MEDIUM-DENSITY RESIDENTIAL 16

The RM-16 district is established and intended to encourage a wide range of low-to-medium density housing types, especially multifamily and single-family attached development, even though single-family detached is also allowed to meet the diverse needs of city residents. Small scale, very-low intensity neighborhood-serving retail and personal services uses in buildings of 2,500 square feet or less, subject to the standards in Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Other complementary uses (e.g., parks, open space, schools, religious assemblies, minor utilities, accessory uses, and certain temporary uses) are permitted uses. Nonresidential development is subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards*. Maximum residential density is limited to 16 units per gross acre. Multifamily development is subject to the multifamily design standards in Section 19.7.6.C.

Figure 19.2.11-A: RM-16 Example Building Form

TABLE 19.2.11-1 DIMENSIONAL STANDARDS RM-16 DISTRICT

DISTRICT STANDARDS	
~~[District size, min (acres)~~	~~10]~~
Density, max (units/gross acre)	16
Common open space, min (sq ft)	500 per unit
LOT STANDARDS (ATTACHED RESIDENTIAL)	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
LOT STANDARDS (DETACHED RES/NONRES)	
Lot area, min (sq ft)	3,000
Lot width, min (ft)	45
Lot coverage, max (%)	75
SETBACKS (ATTACHED RESIDENTIAL), MINIMUM	
Front (ft)	10 (20 to street-facing garage)
Side (ft)	0 (5 between end units of buildings)
Corner side (ft)	10
Rear (ft)	15
All setbacks must at least equal Building Height when adjacent to lower-density residential districts.	
SETBACKS (DETACHED RES/NONRES), MINIMUM	
Front (ft)	See Table 19.2.10-2
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
BUILDING STANDARD	
Principal bldg height, max (ft)	35 (single-family) 45 (multifamily)
Accessory structure height, max (ft)	24; 20 flat roof
Spacing between principal buildings (ft)	20
Dwelling unit size, min (sq ft)	N/A
Nonresidential building size, max (sq ft)	2,500
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater	

Figure 19.2.11-B: RM-16 Example Lot Configuration

RM-16 Example Lot Configuration

See Chapter 19.7 for design and development standards.

1. **Average front setbacks may apply in some areas (see Section 19.7.6.B & C, Residential Design Standards).**
2. **Attached residential and multifamily uses required to provide common open space (see Section 19.7.2, Common Open Space).**
3. **Attached residential may abut lot lines along common walls.**
4. **Rear setback for rear-loaded garage: 18' min. from alley if surface parking is provided between garage and alley; 5' max. if no surface parking is provided.**

EXHIBIT A

19.2.12. RH-24: HIGH-DENSITY MULTIFAMILY RESIDENTIAL 24

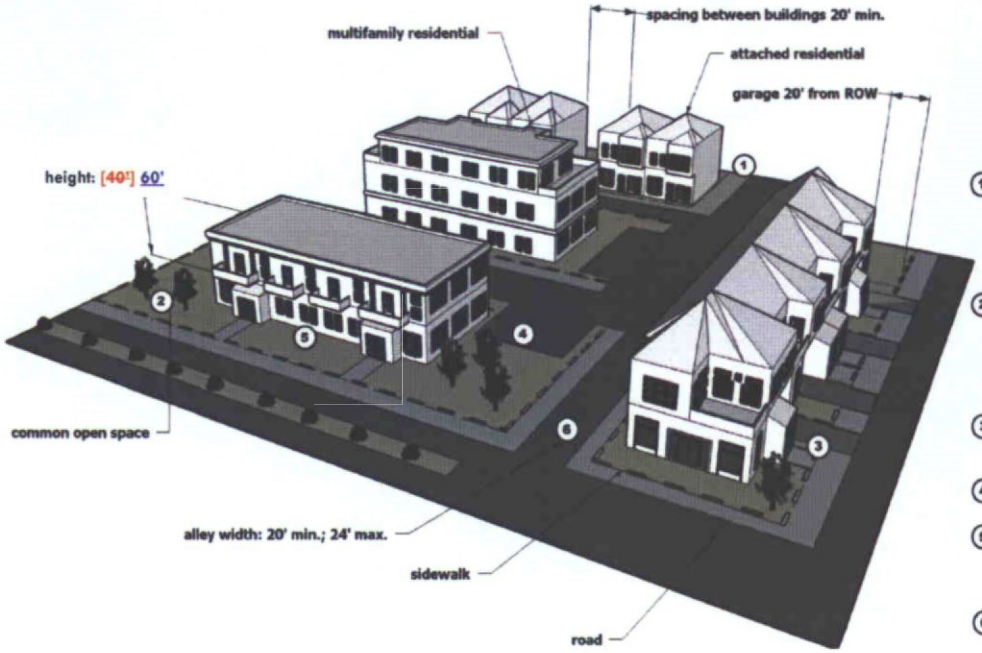
The RH-24 district is established to provide opportunities for high-density multifamily residential uses that are designed to be compatible with their sites and surroundings. The district also allows other medium-density residential use types, including attached residential, live/work units, and residential units over ground-floor nonresidential uses. The district allows for the inclusion of ground-floor and stand-alone small-scale, very-low intensity nonresidential uses, including neighborhood-serving retail and personal services uses, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, Planned Unit Development Overlay (PUD). Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are also allowed.

Figure 19.2.12-A: RH-24 Example Building Form

TABLE 19.2.12-1 DIMENSIONAL STANDARDS RH-24 DISTRICT

DISTRICT STANDARDS	
~~[District size, min (acres)~~	~~10]~~
Density, max (units/gross acre)	24
Common open space, min (sq ft)	500 per unit
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
SETBACKS, MINIMUM (ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	Same as building height
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
SETBACKS, MINIMUM (NOT ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	10
Side, interior (ft)	10 (0 feet for attached walls)
Side, corner (ft)	5
Rear (ft)	15
BUILDING STANDARD	
Height, maximum (ft)	[~~40~~] 60
Spacing between buildings (ft)	20
Dwelling unit size, minimum (sq ft)	N/A
Floor area ratio (FAR)	N/A
Building area for nonresidential uses, max (sq ft)	2,500

Figure 19.2.12-B: RH-24 Example Lot Configuration



RH-24 Example Lot Configuration

See Chapter 19.7 for design and development standards.

1. Multifamily and attached residential uses shall be setback a distance equal to the building height from lower density residential districts.
2. Attached residential and multifamily uses required to provide common open space (see Section 19.7.2, Common Open Space).
3. Attached residential may abut lot lines along common walls.
4. Guest parking shall be provided.
5. Balconies on multi-story buildings shall be oriented away from single-family detached development.
6. For alley standards see Section 19.9.7.I.

EXHIBIT A

19.2.13. RH-36: HIGH-DENSITY MULTIFAMILY RESIDENTIAL 36

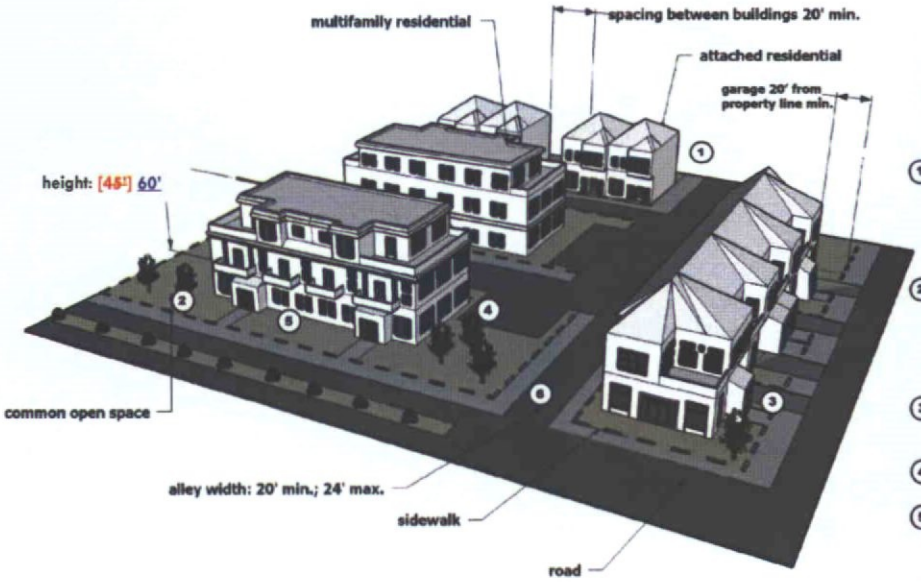
The RH-36 district is established to provide opportunities for high-density multifamily residential uses that are designed to be compatible with their sites and surroundings. The district also allows other medium-density residential use types, including attached residential, live/work units, and residential units over ground-floor nonresidential uses. The district allows for the inclusion of ground-floor and stand-alone small-scale, very-low intensity nonresidential uses, including neighborhood-serving retail and personal services establishments, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are also allowed.

Figure 19.2.13-A: RH-36 Example Building Form

TABLE 19.2.13-1 DIMENSIONAL STANDARDS RH-36 DISTRICT

DISTRICT STANDARDS	
~~[District size, min (acres)~~	~~10]~~
Density, max (units/gross acre)	36
Common open space, min (sq ft)	500 per unit
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
SETBACKS, MINIMUM (ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	Same as building height
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
SETBACKS, MINIMUM (NOT ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	10
Side, interior (ft)	10 (0 feet for attached walls)
Side, corner (ft)	5
Rear (ft)	15
BUILDING STANDARD	
Height, maximum (ft)	~~[45]~~ 60
Spacing between buildings (ft)	20
Dwelling unit size, minimum (sq ft)	N/A
Floor area ratio (FAR)	N/A
Building area for nonresidential uses, max (sq ft)	2,500

Figure 19.2.13-B: RH-36 Example Lot Configuration



RH-36 Example Lot Configuration

See Chapter 19.7 for design and development standards.

1. **Multifamily and attached residential uses shall be setback a distance equal to the building height from lower-density residential districts.**
2. **Attached residential and multifamily uses required to provide common open space (see Section 19.7.2, Common Open Space).**
3. **Attached residential may abut lot lines along common walls.**
4. **Guest parking shall be provided.**
5. **Balconies on multi-story buildings shall be oriented away from single-family detached development.**
6. **For alley standards see Section 19.9.7.I.**

EXHIBIT A

19.2.17. SUMMARY DIMENSIONAL TABLE FOR RESIDENTIAL DISTRICTS

Table 19.2.17-1 includes most of the dimensional standards for the residential districts. See Sections 19.2.5 through 19.2.16 for additional details on each district.

TABLE 19.2.17-1: SUMMARY DIMENSIONAL TABLE FOR RESIDENTIAL DISTRICTS

District	District Standards			Lot Standards		Min. Setbacks				Building Standards		
	Min. Site Area (acres)	Max Density (units/ gross acre)	Min Common Open Space per Dwelling Unit (sq ft) See Section 19.7.2	Min Lot Area (square feet)	Min Lot Width (feet)	Front	Interior Side	Corner Side	Rear {1}	Max Principal Building Height (feet)	Min Spacing Between Units (feet)	Min Dwelling Unit Size (sq feet)
RS-1	N/A	1	N/A	40,000	100	25	10	15	30	35	N/A	1,200
RS-2	N/A	2	N/A	20,000	100	20	10	15	25	35	N/A	1,200
RS-4	N/A	4	N/A	10,000	75	20	7.5	15	20	35	15	N/A
RS-6	N/A	6	N/A	6,000	60	*				35	10	N/A
RS-8	N/A	8	700	*	*	*				35	*	N/A
RM-10	10	10	700	3,000	N/A	*				35	10	N/A
RM-16	[~~10~~] N/A	16	500	*	*	*				[~~35~~] {2}	20	N/A
RH-24	[~~10~~] N/A	24	500	N/A	N/A	*				[~~40~~] 60	20	N/A
RH-36	[~~10~~] N/A	36	500	N/A	N/A	*				[~~45~~] 60	20	N/A
DP	N/A	N/A	N/A	N/A	N/A	15 (25 max)	0	15 (25 max)	0 (4 alley)	5 stories	N/A	N/A
RMH	10	8	700	2,800	40	10	0	5	0	15	15	N/A
DH	N/A	1	N/A	*	100	25	10	15	35	35	N/A	1,200

* Variable – see district standards.

{1} Rear setbacks along alleys vary depending upon district. See standards.

{2} 35 feet maximum for single-family residential; 45 feet for multifamily residential.

EXHIBIT B

Chapter 19.6 of the Henderson Development Code (w/ amendments)

19.6.4 COMPREHENSIVE PLAN AND ZONING APPLICATIONS

A. COMPREHENSIVE PLAN AMENDMENTS

1. Concept Plan Review Required

Applications to amend the future land use map of the Comprehensive Plan shall submit a concept plan prior to application submittal, in accordance with Section 19.6.3.A.3, *Concept Plans*. Applications to amend the text of the Comprehensive Plan do not require concept plan review.

2. Neighborhood Meeting Required

Applicants to amend the future land use map of the Comprehensive Plan shall conduct a neighborhood meeting in accordance with Section 19.6.3.B.3, *Neighborhood Meetings*, following concept plan review. Applications to amend the text of the Comprehensive Plan do not require a neighborhood meeting.

3. Application Filing

Applications for an amendment to the Comprehensive Plan shall be submitted to the Community Development Director.

4. Traffic Impact Analysis Required

Unless waived by the Public Works Parks and Recreation Director, applications for an amendment to the Comprehensive Plan shall be accompanied by a Traffic Generation Impact Report. Each impact report shall compare the maximum potential traffic that may be generated by the existing land use with the traffic expected to be generated by the proposed land use in accordance with the site plan submittal. References and sources indicating where the traffic data was obtained shall be included with the Traffic Generation Impact Report, which shall be in a form that is specified by the Public Works Parks and Recreation Director.

5. Timing of Review

(a) Quarterly Review of Map Amendments

(1) Pursuant to NRS 278.210, the Planning Commission and City Council shall hear substantial future land use map amendment applications on a quarterly basis. The Community Development and Services Director shall make a determination as to whether a proposed amendment is substantial for purposes of this provision

(2) Applications may be filed with the Community Development and Services Department at any time before the specified deadline date, but will be held until the next Planning Commission meeting that has been designated for Comprehensive Plan amendment applications.

(3) After having heard the application, the Planning Commission or City Council may continue a Comprehensive Plan amendment to any of their subsequent meetings.

(4) City-initiated applications are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.

(b) Text Amendments

Text amendments to the Comprehensive Plan are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.

6. Public Hearing Notice

(a) Comprehensive Plan Text Amendments

Notice of the public hearing on a Comprehensive Plan text amendment shall be published and posted in accordance with the requirements of Section 19.6.3.B.4, Public Notice.

(b) Comprehensive Plan Map Amendments

Notice of the public hearing on a Comprehensive Plan map amendment shall be mailed, published, and posted in accordance with the requirements of Section 19.6.3.B.4, Public Notice.

7. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed Comprehensive Plan amendment in light of the approval criteria of this Section19.6.4.A.10, *Comprehensive Plan Amendment Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. In addition, pursuant to NRS 277, to the extent possible the Community Development and Services Director will inform state agencies that may be affected by the proposed amendment and solicit and consider comments from those state agencies. Based on the results of the reviews and the consideration of comments from affected state agencies, the Community Development and Services Director shall provide a report and recommendation to the Planning Commission.

8. Planning Commission Review and Recommendation

(a) The Planning Commission may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Planning Commission meeting. However, if a continuance is requested by the applicant, all applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.

(b) The Planning Commission shall hold at least one public hearing on the proposed Comprehensive Plan amendment and at the close of the public hearing make a recommendation to the City Council, based on the approval criteria of Section 19.6.4.A.10, Comprehensive Plan Amendment Approval Criteria.

(c) An affirmative vote of two-thirds of the total membership of the Planning Commission shall be required to approve a resolution recommending adoption of the Comprehensive Plan amendment. A two-thirds vote is a vote of at least two-thirds of the votes cast by persons legally entitled to vote, excluding abstentions, at a meeting at which a quorum is present.

(d) If a Comprehensive Plan amendment application is accompanied by other applications for the same development, the Comprehensive Plan amendment shall be acted upon before all other applications for that project.

(e) If the Comprehensive Plan amendment fails to receive an affirmative vote of two-thirds of the total membership or is recommended for denial by the Planning Commission, all accompanying applications shall be acted on in accordance with Table 19.6.2-1, Summary Table of Development Review Procedures.

9. City Council Review and Decision

(a) After receiving the recommendation of the Planning Commission, the City Council shall hold at least one public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the proposed amendment based on the approval criteria of Section 19.6.4.A.10, Comprehensive Plan Amendment Approval Criteria.

(b) No applicant-requested change in or addition to an amendment recommended for approval by the Planning Commission shall be made by the City Council until the proposed change or addition has been referred back to the Planning Commission for a new public hearing and recommendation. Failure of the Planning Commission to conduct a new public hearing and make a new recommendation within 40 days after the referral, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed change or addition.

(c) If a Comprehensive Plan amendment recommended for denial by the Planning Commission is approved by the City Council, any applications that accompanied the Comprehensive Plan amendment at the Planning Commission shall be re-noticed and scheduled to be heard and acted upon at the next available Planning Commission meeting.

(d) If a Comprehensive Plan amendment is denied by the City Council, all applications that accompanied the Comprehensive Plan amendment are terminated.

(e) The City Council may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future City Council meeting. However, if a continuance is requested by the applicant, the applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.

10. Comprehensive Plan Amendment Approval Criteria

(a) Comprehensive plan amendments may be approved by the City Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

(1) There was an error in the original Comprehensive Plan adoption;

(2) The City Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;

(3) Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; and/or

(4) Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

(b) In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:

(1) That the amendment is not in conflict with any portion of the goals and policies of the plan.

(2) That the amendment constitutes a substantial benefit to the City and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

(3) The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.

(4) That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.

(5) That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the City or a portion of the City by:

i. Significantly altering acceptable existing land use patterns;

ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and which cannot be mitigated to the maximum extent feasible;

iii. Adversely impacting environmentally sensitive areas or resources; or

iv. Adversely impacting existing uses because of increased traffic on existing systems;

(6) That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.

(c) In addition to the above listed criteria, recommendations and decisions on any proposed comprehensive plan amendment that would result in any land use designation permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:

(1) Whether the site is within ½ mile of the following:

i. The elementary school for which the residence is zoned;

ii. An existing or planned city park;

iii. An existing grocery store as defined by Henderson municipal code 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;

iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and

v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;

(2) Whether the site is at least 500 feet from a limited-access freeway;

(3) Whether there is at least one job for every dwelling unit within a ½ mile radius of the project site;

(4) The balance of land uses within ½ mile of the project site;

(5) The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the proposed density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;

(6) The need for the use, based upon the characteristics within ½ mile of the project site, such as:

i. Residential Vacancy Rates;

ii. Residential Rental Rates;

iii. Commercial Vacancy Rates; and

iv. Commercial Rental Rates;

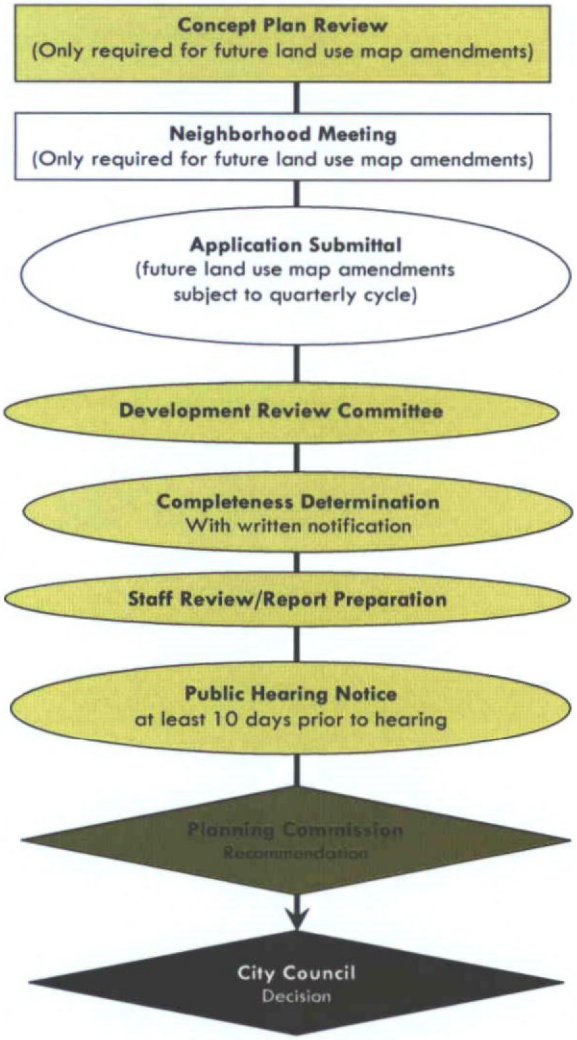
(7) Whether the site is located outside the Airport Environs (AE) overlay district; and

(8) Considerations of the application's furtherance of the City's Comprehensive Plan.

11. Appeals

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

FIGURE 19.6.4-A: SUMMARY OF THE COMPREHENSIVE PLAN AMENDMENT PROCESS



B. DEVELOPMENT CODE TEXT AMENDMENTS

1. Application Filing

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

2. Community Development and Services Director Review and Report

The Community Development and Services Director and the City Attorney shall review each proposed Development Code text amendment. Based on the results of those reviews, the Community Development and Services Director or the City Attorney shall provide a report to the City Council.

3. Public Meeting Notice

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

4. Referral to Committee

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

5. City Council Review and Decision

After receiving the report of the Committee, the City Council shall act to approve, approve with conditions or deny the proposed Development Code amendment, based on the approval criteria of Section19.6.4.B.6, *Text Amendment Approval Criteria*.

6. Text Amendment Approval Criteria

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

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

(b) Whether the proposed amendment is consistent with the purpose and intent of the Development Code as stated in Section 19.1.4, Purpose and Intent; or

(c) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

FIGURE 19.6.4-B: SUMMARY OF CODE TEXT

C. REZONINGS

This section includes the procedure for the review of applications for all amendments to the zoning map (rezonings), except for amendments to the Master Plan (MP) and Planned Unit Development (PUD) overlays, which are covered in subsection D below.

1. Neighborhood Meeting Required

Applications to amend the official zoning map may require a neighborhood meeting held in accordance with the procedures in Section 19.6.3.B.3, *Neighborhood Meetings*, after submittal of a formal application.

2. Application Filing

Applications for zoning map amendments shall be submitted to the Community Development and Services Director.

3. Public Hearing Notice

Notice of public hearings on zoning map amendments shall be published, mailed, and posted in accordance with Section 19.6.3.B.4, *Public Notice*.

4. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed zoning map amendment in light of the approval criteria of Section 19.6.4.C.7, *Map Amendment 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.

5. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed zoning map amendment and at the close of the public hearing make a recommendation to the City Council based on the approval criteria of Section 19.6.4.C.7, *Map Amendment Approval Criteria*. Approval may be recommended for a less intensive zoning classfication than requested by the applicant without re-notiifcation.

6. City Council Review and Decision

After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed zoning map amendment, based on the approval criteria of Section 19.6.4.C.7, *Map Amendment Approval Criteria*. Approval may be granted for a less intensive zoning classfication than requested by the applicant without re-notiifcation.

7. Map Amendment Approval Criteria

(a) Recommendations and decisions on zoning map amendments shall be based on consideration of all of the following criteria:

(1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

(2) Whether the proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.4, Purpose and Intent;

(3) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public;

(4) Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities, and services to the subject property, while maintaining sufficient levels of service to existing development;

(5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

(6) Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject property;

(7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and

(8) The need for the proposed use at the proposed location.

(b) In addition to the above-listed criteria, any proposed amendment that would reduce the density or intensity of uses on property (i.e., result in a "down-zoning") is subject to additional approval criteria in accordance with NRS 278.260. These criteria apply if at least 20 percent of the property owners to whom notices were sent indicate opposition to the proposed amendment. These criteria require the governing body to:

(1) Consider separately the merits of each aspect of the proposed amendment to which any property owner(s) expressed opposition.

(2) Make a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.

(c) In addition to the criteria listed in subsection (a) above, any proposed zoning amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:

(1) Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impacts identified by the Director of Community Development and Services; and

(2) Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use; and

(3) The preservation of open space beyond what would be required under the requested zoning and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to the protection of open space; and

(4) Compliance with the closure plan required by Section 19.7.8.L.

(d) In addition to the criteria listed in subsection (a) above, recommendations and decisions on any proposed zoning amendment to any district permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:

(1) Whether the site is within ½ mile of the following:

i. The elementary school for which the residence is zoned;

ii. An existing or planned park;

iii. An existing grocery store as defined by Henderson municipal code 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;

iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and

v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;

(2) Whether the site is at least 500 feet from a limited-access freeway;

(3) Whether there is at least one job for every dwelling unit within a ½ mile radius of the project site;

(4) The balance of land uses within ½ mile of the project site;

(5) The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;

(6) Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;

(7) The need for the use, based upon the characteristics within ½ mile of the project site, such as:

i. Residential Vacancy Rates;

ii. Residential Rental Rates;

iii. Commercial Vacancy Rates; and

iv. Commercial Rental Rates;

(8) The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the City of Henderson Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;

(9) Whether the site is located outside the Airport Environs (AE) overlay district; and

(10) Considerations of the application's furtherance of the City's Comprehensive Plan.

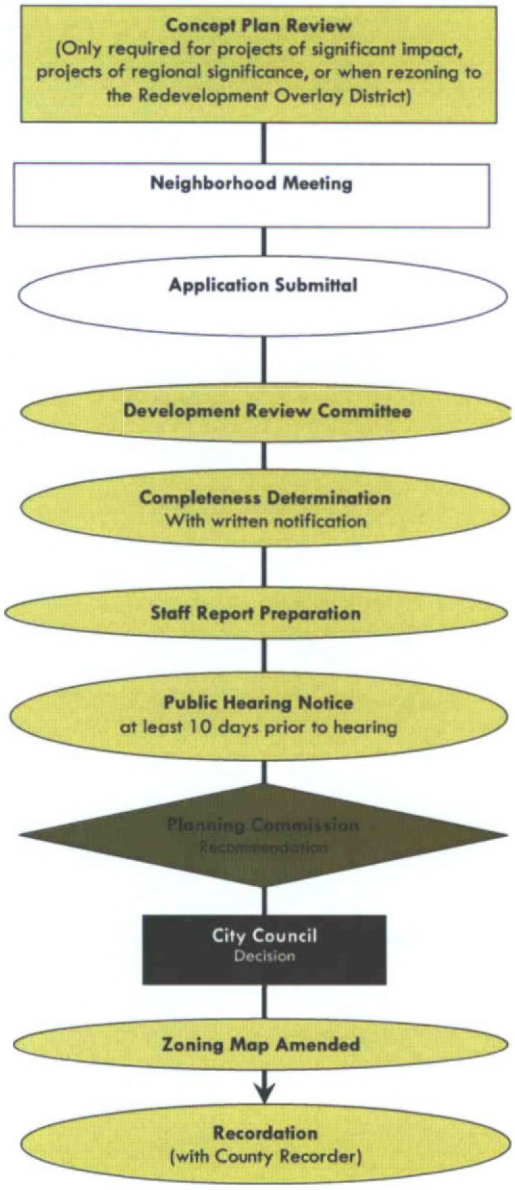
8. Appeals

Appeals of City Council decisions on zoning map amendments shall be made to the District Court for Clark County, as provided by law.

9. Successive Application

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

FIGURE 19.6.4-C: SUMMARY OF THE REZONING PROCESS



D. TO MP OR PUD OVERLAY

This section includes the procedure for the review of applications for amendments to the zoning map to apply either the Master Plan (MP) or Planned Unit Development (PUD) overlay.

1. Rezoning to MP Overlay

(a) Concept Plan Review

An applicant for rezoning to the MP overlay shall submit a concept plan prior to application submittal, in accordance with Section 19.6.3.A.3, *Concept Plans*.

(b) Neighborhood Meeting

Following review of a concept plan, an applicant for rezoning to the MP overlay shall conduct a neighborhood meeting in accordance with Section 19.6.3.B.3, *Neighborhood Meetings*.

(c) Application

(1) Master Plan Required for Rezoning to MP Overlay

i. An application for rezoning to the MP overlay shall include a MP prepared to the specifications of the City. Approval of a MP at the time of rezoning is required prior to development in the MP overlay. The MP 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 are undertaken and before substantial expenses are incurred.

ii. A MP must cover all of the land area to be included in the planned development. The MP 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 MP rezoning approval shall be submitted to the Community Development and Services Director.

(d) Public Hearing Notice

Notice of public hearings on the MP rezoning application shall be published, mailed, and posted in accordance with Section 19.6.3.B.4, *Public Notice*.

(e) Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed MP rezoning in light of the applicable approval criteria of Section 19.6.4.D.1(h), *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.

(f) Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed MP rezoning and, within 60 days of the date of the public hearing, make a recommendation to the City Council, based on Section 19.6.4.D.1(h), *Approval Criteria*.

(g) City Council Review and Decision

After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed MP rezoning based on the approval criteria of Section 19.6.4.D.1(h), *Approval Criteria*.

(h) Approval Criteria

A MP rezoning 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;

(2) The planned 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 Code 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 Section 19.4.4, *Master Plan Development Overlay*;

(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;

(6) The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments; and

(7) In addition to the above-listed criteria, any proposed master plan amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:

i. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impact identified by the Director of Community Development and Services;

ii. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use;

iii. The preservation of open space beyond what would be required under the requested master plan amendment and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to protection of open space; and

iv. Compliance with the closure plan required by Section 19.7.8.L.

(8) In addition to the criteria listed in subsection (a) above, recommendations and decisions on any proposed MP rezoning or amendment that includes a request to allow multifamily residential development in a zoning district in which it is otherwise not permitted shall be based on consideration of all of the following, which must be addressed in the propsed amendment:

i. Whether the site is within ½ mile of the following:

1. The elementary school for which the residence is zoned;

2. An existing or planned park;

3. An existing grocery store as defined by Henderson municipal code 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;

4. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and

5. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;

ii. Whether the site is at least 500 feet from a limited-access freeway;

iii. Whether there is at least one job for every dwelling unit within a ½ mile radius of the project site;

iv. The balance of land uses within ½ mile of the project site;

v. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;

vi. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;

vii. The need for the use, based upon the characteristics within ½ mile of the project site, such as:

1. Residential Vacancy Rates;

2. Residential Rental Rates;

3. Commercial Vacancy Rates; and

4. Commercial Rental Rates;

viii. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the City of Henderson Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;

ix. Whether the site is located outside the Airport Environs (AE) overlay district; and

x. Considerations of the application's furtherance of the City's Comprehensive Plan.

EXHIBIT C

Chapter 19.7 of the Henderson Development Code (w/ amendments)

EXHIBIT C

19.7.6 Buildings and Design Standards

C. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

1. General Purpose and Intent

In addition to the purposes stated in Section 19.7.6.A.1, the purpose of this subsection is to promote attractive and well-designed multifamily residential developments, while encouraging creativity and flexibility in site layout and building design. Statements of intent are listed below.

For each proposal, applicants must demonstrate, in writing and through architectural exhibits, how the intent statements of each design aspect are met. It is expected that applicants will make every effort to meet the intent of these standards; the Community Development and Services Director, the Planning Commission, or the City Council may deny the project and/or require conditions of approval if they determine that the intent is not being met.

~~1.~~2. **Applicability**

The standards in this subsection apply to the development of any multifamily residential [~~dwelling~~] building, and any building that contains seven or more single-family attached dwellings [~~when located in a residential zoning district~~], in any zoning district except a mixed-use district, where proposals must adhere to the mixed-use design standards of 19.7.6.D.).

~~2.~~3. **Site Design and Building Organization**

(a) Intent

(1) Provide landscape, open space, and amenity areas that are both useable to residents of the development and beautify the development in general;

(2) Provide convenient pedestrian circulation throughout the development and connections to surrounding developments;

(3) Provide appropriate buffering to/from adjacent uses;

(4) Provide convenient and adequate resident and guest parking and household-related services (see Section 19.7.6.C.3(d));

(5) Activate street frontages with interesting building design, landscaping, and pedestrian amenities; and

(6) Create an interesting and dynamic street scene through deliberate placement and arrangement of buildings on the site and along frontages.

~~(a)~~ (b) Pedestrian and Vehicular Access

Multifamily developments are to be served [~~exclusively~~] by arterial and collector streets, and shall comply with the following standards:

(1) A minimum of one secondary point of vehicular ingress/egress into a multifamily development shall be required in accordance with City of Henderson [~~Building & Fire Safety Department~~] specifications~~.~~;

(2) No vehicular access from a multifamily development shall be provided on a local street serving existing single-family detached development; however, emergency vehicle access may be provided, as appropriate in accordance with City of Henderson specifications; and

(3) Pedestrian access is required in accordance with subsection C.3(i)(4) below.

(c) Relationship to the Street

Varied setbacks, building orientations, building heights, and other site layout techniques shall be incorporated into the design of multifamily developments along primary street frontages to create varied and visually interesting streetscapes, provide views into or out of multifamily developments, and avoid monotonous appearance created by uniform rows of buildings.

(d) Arrangement of Buildings

Repeating a singular building type in rows within the site or along frontages shall be avoided.

(e) Household-Related Services or Amenities

Multifamily developments shall provide convenient access to household-related services or amenities such as storage, laundry, trash, and parking. On-site recycling containers in designated areas are required.

(f) Common Open Space

In addition to the standards in Section 19.2, Residential Zoning Districts, and Section 19.7.2.C.4, Design Standards for Common Open Space, multifamily developments shall comply with the following:

(1) Clusters of buildings shall be arranged to frame, enclose, and/or highlight views into or onto common open spaces or recreational amenities;

(2) Common open space areas shall be designed to create diverse and usable spaces. Common open space areas for multifamily developments shall be designed to provide a variety of active and passive experiences for residents. This may be accomplished through the incorporation of:

i. Swimming pools, sports courts, and other outdoor recreational facilities;

ii. Roof terraces;

iii. Community gardens;

iv. Playgrounds and open play areas;

v. Picnic or barbeque areas;

vi. Group gathering spaces designed for programmed events (e.g., movie or game nights);

vii. Soft surface walking paths;

viii. Landscaped patios with tables and seating; and/or

ix. Other amenities, as approved by the Community Development and Services Director;

(3) No more than 50 percent of the total required common and/or useable open space area within a multifamily development shall be dedicated to any single purpose;

(4) Buildings and streets, rather than surface parking, shall be primarily used to define the edges of common open space areas;

(5) Shade elements, including but not limited to pergolas, arcades, and large street/shade trees, as defined by the SNRPC Regional Plant List, shall be incorporated into the design of common open space areas;

(6) Common open space areas throughout the development shall be designed to function as a physically and visually integrated network of spaces that include formal plantings and gardens, pedestrian amenities, and active or passive recreational opportunities.

(g) CPTED Design Requirements

To meet the City's adopted Crime Prevention Through Environmental Design Standards (CPTED), all multifamily development shall comply with the following standards:

(1) Mailboxes shall be located in high-visibility and/or well-lit areas.

(2) Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have vision panels to view into the room before entering.

(3) The community laundry room shall have a minimum of five minimum maintainable foot candles (MMFC) at all times [~~and not have an interior light switch~~].

(4) Any wall or fence serving as a barrier for an existing or future swimming pool or spa must comply with the Section 15.44, Swimming Pool Code, and CPTED requirements at time of construction, regardless of when the swimming pool or spa may have been constructed. Pool areas shall provide a minimum of ten MMFC from dusk to dawn.

[~~(b)~~ ~~Site Layout~~

~~Multifamily development is expected to follow a consistent visual theme in terms of architecture, plantings, and site layout in accordance with the following standards:~~

~~(1) Household-related services or amenities, such as storage, laundry, trash, and parking, shall be within a 300-linear-foot distance of each dwelling unit.~~

~~(2) Structures containing multiple units can be grouped more closely around amenity areas. Less dense buildings shall be located toward the site's perimeter to take advantage of spaciousness provided by landscaping and parking buffers.~~

~~(3) Clusters of buildings containing 100 or more units shall be arranged around an open space or recreational amenity and separated from other building groupings by distances of 75 linear feet or more.~~

~~(4) On-site recycling containers in designated areas are required.~~

~~(c) Primary Entrance Orientation~~

~~Building entries shall comply with at least two of the following requirements:~~

~~(1) At least one main building entry shall face an adjacent street;~~

~~(2) Building entrances shall face a courtyard or common open space that has a direct and visible connection to an adjacent street;~~

~~(3) Building entries are connected to a public sidewalk by a system of interior walkways; or~~

~~(4) The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.]~~

~~(d)~~(h) Off-Street Surface Parking Location

(1) In addition to the standards in Section 19.7.4.J, *Parking Location, Layout, and Design*, buildings shall comply with the following: No more than 25 percent of the total off-street surface parking may be located between the structures and adjacent streets.

(2) Off-street surface parking shall be designed to minimize its visibility from any public or private street, whether by locating it internal to the site or by careful and deliberate screening methods [~~located on the side of a building shall not occupy more than 50 percent of the lot's street frontage along the primary street. In making that calculation, associated driving areas and driveways shall be included as part of such off-street surface parking. See Figure 19.7.6-E~~].

(3) [~~Parking areas shall include guest parking spaces within 300 feet of the unit(s) to be served.~~] All onsite parking areas shall be located within 150 feet of the unit to be served.

(4) Surface parking areas shall be configured into smaller subgroupings [~~of 80 or fewer spaces~~] to the maximum extent practical as a means of dispersing parking across the site and minimize the visual dominance of surface parking.

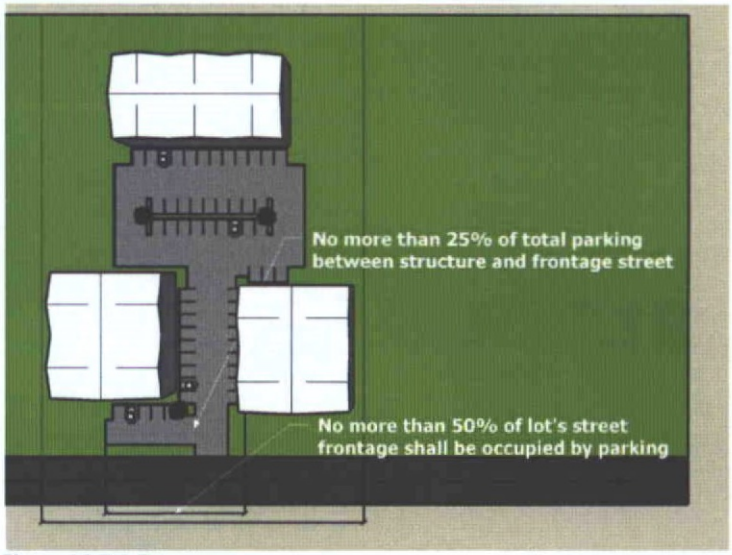


Figure 19.7.6-E:
OFF-STREET PARKING ARRANGEMENT

(i) Perimeter Landscaping

Perimeter landscaping and buffers shall be provided around multifamily developments in accordance with the standards in Section 19.7.5, Landscaping and Screening.

(j) Fencing and Wall Standards

All perimeter fencing and walls within or around a multifamily development shall be designed to promote visual interest along streetscapes and within common open spaces, allow ease of access for pedestrians, and promote compatibility with adjacent uses. The following standards shall apply:

(1) Height

Perimeter fencing and walls shall be a maximum of six feet tall except for the following conditions:

i. Exceptions are necessary to meet site visibility requirements in Section 19.7.5K;

ii. Walls that are adjacent to areas occupied by or zoned for commercial development shall be a maximum of eight feet tall; and

iii. Walls that are adjacent to property occupied by or zoned for single-family residential dwellings shall be a minimum of six feet and maximum of eight feet tall.

(2) Materials

Fencing and walls used anywhere in a multifamily development shall incorporate the use of durable, decorative materials such as split-face block, stucco finish, iron pickets (without spikes), and/or other materials of equivalent durability and visual interest, as approved by the Community Development and Services Director.

(3) Visual Interest

Continuous lengths of blank walls or fencing without variation in material, color, and/or form are not permitted. To promote visual interest, varied design details and landscaping shall be incorporated, which may include:

i. Structural pilasters, varied materials, columns, or other features that provide vertical relief;

ii. Incorporation of a combination of solid and open materials;

iii. Offsets in the horizontal plane of the fence or wall; and/or

iv. Street trees, plantings, or other landscape enhancements specifically designed or placed to break up the visual length of the fence or wall.

(4) Pedestrian Access

Perimeter fencing and walls shall include pedestrian access points that connect the interior walkways of the multifamily development to adjacent neighborhoods and services, parks, open space or trail networks, and/or to the adjacent street. One pedestrian access point shall be provided for every two buildings that are located along the frontage or every 500 feet, whichever is greater; at least one pedestrian access point is required per frontage. Alternative spacing may be approved by the Community Development and Services Director where topographic or other site constraints exist.

3. Building Design and Variety

(a) Intent

(1) Enhance the character and visual interest of a multifamily development through the use of varied architectural elements, building heights, colors and materials, the number of building designs, and other features.

(2) Prevent blank building facades and repetitive building forms while promoting creativity and flexibility in the design of multifamily buildings.

(3) Maximize variety in design where there are multiple buildings within a development, avoiding a predominance of any one building type.

(4) Vary the development type and pattern between neighboring multifamily developments to avoid repetitive architectural designs or forms.

[~~(a) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.~~

~~(b) The maximum length of any facade, regardless of the number of dwelling units the building contains, shall be 200 feet.~~

~~(c) No more than six side-by-side dwelling units shall be attached in any single row.~~

~~(d) All sides of a multifamily building visible from property occupied by or designated for single-family detached residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and~~

~~architectural detailing as on the front facade.~~

~~(e) Developments with multiple residential buildings shall incorporate a variety of distinct building designs in accordance with Table 19.7.6-3, Distinct Building Designs.~~

~~TABLE 19.7.6-3: DISTINCT BUILDING DESIGNS~~	
~~NUMBER OF BUILDINGS IN DEVELOPMENT~~	~~MINIMUM NUMBER OF DISTINCT BUILDING DESIGNS~~
~~3-10~~	~~2~~
~~11-20~~	~~3~~
~~21 or more~~	~~1 per every 6 buildings~~

~~(f) "Distinctly different" shall be defined to mean that a building's elevation differs from other building elevations in at least four of the measures listed below in subsection (4)(b). Mirror images of the same configuration do not meet the definition of "distinctly different."]~~

(b) Facade Articulation

(1) All sides of a multifamily building shall display a similar level of quality and architectural detailing as on the front facade. Each facade shall be articulated through variations in the following elements:

i. Color and use of materials;

ii. Rooflines through the use of sloping roofs, modulated building heights, gables, crossed gables, dormers, and other roofing details;

iii. Wall planes that are offset from the main building façade to provide additional articulation to the building mass; and

iv. Centralized ground-floor entrances that are proportionate to the overall scale of the building and/or ground floor entrances to individual units.

(2) Each application for development shall demonstrate how the above requirements have been satisfied; however, no length of any façade or roof line, that lacks variation in its material, color and/or form, measured horizontally, shall exceed 50 horizontal feet. Architectural features shall be incorporated to emphasize building features such as entries, corners, and the organization of units, as well as to convey a distinctive architectural style. Architectural features may include, but are not limited to:

i. Balconies, porches, or stoops;

ii. Bay or box windows with a minimum 12-inch projection from the facade plane;

iii. Dormers;

iv. Arcades;

v. Variation in window sizes and shapes;

vi. Vertical elements that demarcate building components; or

vii. Eaves with exposed rafters or a minimum six-inch projection from the façade plane.

Figure 19.7.6-F: BUILDING "STEP-DOWN"

(c) Distinct Building Designs

(1) Developments with multiple residential buildings shall incorporate a variety of distinct building designs in accordance with Table 19.7.6-3, Distinct Building Designs.

TABLE 19.7.6-3: DISTINCT BUILDING DESIGNS	
NUMBER OF BUILDINGS IN DEVELOPMENT	**MINIMUM NUMBER OF DISTINCT BUILDING DESIGNS**
3-10	2
11-20	3
21 or more	1 per every 6 buildings

(2) "Distinct" shall be defined to mean that a building's footprint or length is noticeably different, and a building's elevation differs from other building elevations in the façade articulation measures listed above in subsection 4(b). Mirror images of the same configuration do not meet the definition of "distinct." For the purposes of this standard, buildings and other structures that are accessory to the principal multifamily residential buildings (e.g., club house, leasing office, garage buildings) shall not count towards the number of distinct building designs required.

(d) Height

Multifamily residential buildings located within 100 feet of property occupied by or zoned for single-family detached residential use shall not exceed 35 feet in height. The height of a multi story structure shall "step-down" adjacent to lower-intensity districts to a height comparable to the height of the adjacent building, if the adjacent building is shorter. See Figure 19.7.6-F.

(e) Massing

(1) Buildings taller than 3 stories shall have a distinct "base" and "cap."

(2) Larger buildings shall be designed to break up the overall mass so that the building can be read as a series of distinct forms.

(f) Roof Forms

(1) Parapet walls fronting a street shall include three-dimensional cornice treatments or a belt course with a minimum width of six inches to provide visual relief.

(2) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

(3) All roof vents, pipes, other roof penetrations and attachments, and equipment (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall not extend above the ridgeline and shall be painted or architecturally integrated with the roof design and color, to the maximum practical extent.

(4) Wood roofs are prohibited and asphalt shingles must be proposed with sufficient justification that aesthetics are preserved despite their use.

(g) Access to Units

Shared front entries or stairways shall be permitted only for groupings of two to four units per floor. Long, exterior balconies served by one or two stairways in a single, continuous path are prohibited.

(h) Garage and Carport Standards

(1) Location

To the maximum extent feasible, detached garages, carports, and garage entries shall not be located between a multiple-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.

(2) Size

Detached garages and carports shall be limited to eight spaces per structure to avoid a continuous row of carports or garages. No more than eight garage doors may appear on any multifamily building elevation containing front doors.

(3) Separation

A minimum of two uncovered parking spaces or a landscape finger (See 19.7.5.D.5(b)) shall be located between covered parking structures or garages.

(4) Design

i. The plane of garage doors, in groupings or singularly, shall be offset and/or separated from the planes of adjacent garage

doors to visually and physically break the expanse of rows of doors.

ii. Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details.

iii. Carports shall be painted a color from the color palette of the development. Lights shall be shielded from spilling onto adjacent property.

(5) Parking Structures

Underground parking, structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multi-family developments.

[~~4. Facade Standards~~

~~(a) Each facade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least five feet, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 50 horizontal feet.~~

~~(b) Each facade shall be articulated through the incorporation of at least five or more of the following:~~

~~(1) Balconies;~~

~~(2) Bay or box windows with a minimum 12-inch projection from the facade plane;~~

~~(3) Porches or covered entries;~~

~~(4) Dormers;~~

~~(5) Variations in materials;~~

~~(6) Variations in colors;~~

~~(7) Variations in roof forms;~~

~~(8) Variation in window sizes and shapes;~~

~~(9) Vertical elements that demarcate building components; or~~

~~(10) Eaves with exposed rafters or a minimum six-inch projection from the facade plane.~~

~~5. Height~~

~~Multifamily residential buildings located within 100 feet of property occupied by or zoned for single-family detached residential use shall not exceed 35 feet in height. The height of a multi-story structure shall "step-down" adjacent to lower-intensity districts to a height comparable to the height of the adjacent building, if the adjacent building is shorter. See Figure 19.7.6-F.~~

~~6. Roof Forms~~

~~(a)~~ ~~Parapet walls fronting a street shall include three-dimensional cornice treatments or a belt course with a minimum width of six inches to provide visual relief.~~

~~(b)~~ ~~Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.~~

~~(c)~~ ~~All roof vents, pipes, other roof penetrations and attachments, and equipment (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall not extend above the ridgeline and shall be painted or architecturally integrated with the roof design and color, to the maximum practical extent.~~

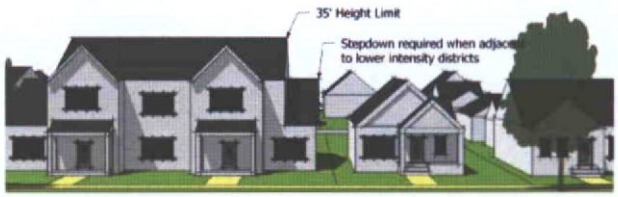
~~(d)~~ ~~Asphalt shingle and wood roofs are prohibited.~~

~~7.~~ ~~**Access to Units**~~

~~Shared front entries or stairways shall be permitted only for groupings of two to four units. Long, exterior balconies served by one or two stairways in a single, continuous path are prohibited.~~

~~8.~~ ~~**Garage and Carport Standards**~~

~~(a)~~ ~~Location~~



~~Figure 19.7.6-F: BUILDING "STEP-DOWN"~~

~~To the maximum extent feasible, detached garages, carports, and garage entries shall not be located between a multiple-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.~~

~~(b)~~ ~~Size~~

~~Detached garages and carports shall be limited to eight spaces per structure to avoid a continuous row of carports or garages. No more than eight garage doors may appear on any multifamily building elevation containing front doors, and the plane of each garage door shall be offset at least 18 inches from the plane of the adjacent doors. A minimum of two uncovered parking spaces or a landscape finger (See 19.7.5.D.5(b)) shall be located between covered parking structures or garages.~~

~~(c)~~ ~~Design~~

~~Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details. Carports shall be painted a color from the color palette of the development. Lights shall be shielded from spilling onto adjacent property.~~

~~(d)~~ ~~Parking Structures~~

~~Underground parking, structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multi-family developments.~~

~~9. Perimeter Landscaping~~

~~(a)~~ ~~Perimeter landscaping shall be provided around multifamily developments in~~ accordance with the standards in Section 19.7.5, Landscaping and Screening, and ~~the following:~~

~~(1) Landscape strips at least 20 feet deep (measured from back of curb) shall be maintained along arterial streets. Sidewalks may be located within the landscape strips. In addition, a ten-foot-wide buffer yard planted with 24-inch-box trees, at a minimum spacing of 15 feet, shall be maintained adjacent to any residential land with a less intensive zoning district classification. See Table 19.7.5-3, *Minimum Buffer Width.*~~

~~(2) Perimeter landscaping areas may be counted as part of the overall common open space requirement in Section 19.7.2, *Common Open Space.*~~

~~10. Wall Standards~~

~~If perimeter walls are constructed within or around a multifamily development, they shall comply with the following:~~

~~(a) Perimeter walls shall meet the following requirements:~~

~~(1) Be a maximum of six feet tall (except as required for traffic visibility);~~

~~(2) Include detail variations such as pilasters, decorative caps, or decorative iron cut-outs;~~

~~(3) Have a maximum height of eight feet for areas adjacent to areas occupied by or zoned for single-family residential or commercial development; and~~

~~(4) Be a minimum six-foot-tall when adjacent to property occupied by or zoned for single-family residential dwellings.~~

~~(b) Perimeter walls, end walls, return walls, and common area walls shall incorporate decorative materials such as split-face block, slump stone, stucco finish, or iron pickets.~~

~~11. CPTED Design Requirements~~

~~To meet the City's adopted Crime Prevention Through Environmental Design Standards (CPTED), all multifamily development shall comply with the following standards:~~

~~(a) Mailboxes shall be located in high-visibility and/or well-lit areas.~~

~~(b) Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have vision panels to view into the room before entering.~~

~~(c) The community laundry room shall have a minimum of five minimum maintainable foot candles (MMFC) at all times and not have an interior light switch.~~

~~(d) Any wall or fence serving as a barrier for an existing or future swimming pool or spa must comply with the Building Code and CPTED requirements at time of~~

~~construction, regardless of when the swimming pool or spa may have been constructed. Pool areas shall provide a minimum of ten MMFC from dusk to dawn.]~~