

ORDINANCE NO. 3275  
(ZOA-15-500094 – Development Code Update 2015)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 - DEVELOPMENT CODE - OF THE HENDERSON MUNICIPAL CODE BY AMENDING PORTIONS OF CHAPTERS 19.2, 19.4, 19.5, 19.6, 19.7, 19.8, AND 19.12 TO MAKE VARIOUS CORRECTIONS, REVISIONS AND UPDATES AS NECESSARY, AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and

WHEREAS, the City of Henderson adopted a new zoning ordinance on January 19, 2010; and

WHEREAS, a zoning ordinance is considered a "living document" and will invariably need amending to make minor corrections, revisions, and updates as necessary; and

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

SECTION 1. Chapters 19.2, 19.4, 19.5, 19.6, 19.7, 19.8, and 19.12 of the Henderson Development Code are hereby amended, as represented in Exhibit A, hereto attached consisting of 66 pages.

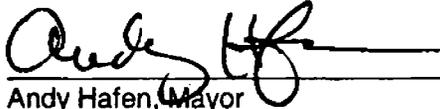
SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. 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clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.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 5. 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 July 10, 2015, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 7<sup>TH</sup> DAY OF JULY, 2015.



  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 16, 2015, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on July 7, 2015, 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 July 7, 2015, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:      Andy Hafen, Mayor  
                                 Councilmembers:  
                                 Sam Bateman  
                                 Debra March  
                                 John F. Marz  
                                 Gerri Schroder

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



  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

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

Exhibit A  
ZOA-15-500094 - Proposed Amendments  
Henderson Development Code (Title 19)



# Zoning Ordinance Text Amendment

The City of Henderson

Application Form

Project Name Development Code Update - Quarterly Update

Amendment to Henderson Development Code Section Various Sections of Title 19

Explain the intent of the request, including specific revised language (if applicable): Amend Title 19 code section to clarify sections, grammatical corrections, update Code sections

Multiple horizontal lines for providing additional details or comments.

<b>Applicant</b>	Name <u>Community Development &amp; Services</u>	Company <u>COH</u>
	Address <u>240 Water St</u>	City <u>Henderson</u>
<b>Contact Person</b>	State <u>NV</u> Zip Code <u>89015</u> Phone ( <u>702-267-1500</u> )	E-mail _____
	Name <u>Scott Majewski</u>	Company <u>COH</u>
	Address <u>240 Water St.</u>	City <u>Henderson</u>
	State <u>NV</u> Zip Code <u>89015</u> Phone ( <u>702-267-1512</u> )	E-mail <u>scott.majewski@cityofhenderson.gov</u>
	Fax ( <u>702-267-1501</u> )	Alternate Phone ( ) _____
<small>The person listed as contact will be contacted to attend staff reviews, answer questions regarding this application, provide additional information when necessary, and will receive a copy of the staff report prior to the Planning Commission meeting.</small>		

*[Handwritten Signature]*  
Owner Signature

MICHAEL TASSI  
Print Name

*State of Nevada County of Clark*  
This instrument was acknowledged before me *by Michael Tassi*  
on *April 1, 2015*  
*Nanci Waters*  
Signature



NANCI WATERS  
NOTARY PUBLIC  
STATE OF NEVADA  
APPT. No. 14-14140-1  
MY APPT. EXPIRES JULY 19, 2018

For Office Use Only										
CZOA#	2	0	1	5	5	0	0	0	9	4
Accepted by	<i>SEM</i>									
Date	<i>3/10/15</i>									

2015 DEVELOPMENT CODE UPDATE	
Section	Description
Table 19.2.9-2	Remove note 5 in Table: not applicable to RS-8 standards
19.4.6.G.5(f)(5)i	Fix typo in code, should be 500 feet not 5,000 feet.
Tables in 19.4.8	Update Figure references in 19.4.8, revision minimum grade, to maximum grade
19.4.8.F.12(a)(3) and Figures 19.4.8-C and D	Revise figure to be consistent with 19.4.8.F.12(a)(3) text
19.5.3.B.3	Revise Multi-Family definition to include 2 or more units
19.5.3.B.4/5	Clean up and/or clarify single-family detached in MR/MC districts
19.5.4.L	Revise Institutional Uses parking calculations
19.5.4.S	Utility Corridor Update - Add into code per NRS requirements
19.5.4.T.3.b.3	Revise development to subdivision; Exclude cell towers in RS-1/RS-2 districts
Table 19.5.5-2	Medical Marijuana Establishments - Minimum Separation clarification per written interpretation; clarify public park
19.12.4	Add definition of Resort village. Not referenced in Title 19, but in Title 4
19.5.5.B.2	Add new use of Community Gardens
19.5.5.H.2(c)	Revise Microbrewery standards from gallons to barrels
19.5.5.GG.1	Change "C" to "S" for IL, IP, and IG general retail sales. 15% rule is in play.
19.5.6.D.1	Revise definition of Communication Facilities, allow equipment such as satellite dishes, tower equipment, etc.
Figure 19.5.7-A	Revise figure - rear yard setback of accessory structure to 5 feet (top left lot of exhibit)
19.5.8.D.9(b)(2)	Change timeframe to be consistent with Title 15.60.040 (12 months to 18 months) and allow a one-time extension of 6-months
19.5.8.D.13	Temporary Sales Trailer - revise standards removing reference of holding tank, allow port-o-potties
19.6.3.A/19.5.4.T	Update cell tower regulations -require pre-meeting prior to submittal of an entitlement application
19.6.6.A.12	Use Permits - provide criteria and clarification for an extensions of time vs. a closure plan submittal
19.6.10.C	Add criteria for distance separation analysis application process
19.7.4.K.5	Revise carport obstructions
19.7.4.J.4 (c) and (d)	Revise driveway sight visibility zones to comply with CCUSD standards
19.7.4.K.13	Bike parking updates - add short-term and long-term standards
19.7.6.B.4(a)(6)i	Reduce the required third car garage off-set dimension
19.7.6.C.13	Revise reference for "Affordable Housing" to be consistent with 19.12 definition
19.7.6.D.7	Rural Neighborhood Protections Standards - need to relocate and make easier to find in code
19.7.8.E.3(e)	LED lighting - clarify the use of LED lighting other than accent lighting
19.7.8.G.3	Revise Golf Course maintenance hours
19.8.9.I.3	Election sign height - revise height to be consistent with SVZ heights
19.12.4	Revise definition of monument sign and include maximum height
19.12.4	Revised definition of Recreational Vehicle. Title 17 reference no longer valid

Table 19.2.9-2  
Form Requirements in the RS-8 District

TABLE 19.2.9-2: FORM REQUIREMENTS IN THE RS-8 DISTRICT				
STANDARD	USE TYPE			
	SINGLE-FAMILY DETACHED (STREET-LOADED)	SINGLE-FAMILY DETACHED (ALLEY-LOADED) {1}	SINGLE-FAMILY ATTACHED	MIXED-USE AND NONRESIDENTIAL {2}
Maximum density (units/gross acre)	8	8	8	8
Lot area (sq ft)	4,000 min.	3,000 min.	2,000 per lot min., plus additional 1,000 per unit	15,000 max.
Lot width, min (ft)	None			
Front setbacks, min (ft) {3}	10	10	10	10
Corner side setbacks, min/max (ft)	10 / 30	10 / 30	10 / 25	10 / 25
Interior side setbacks, min (ft)	5	5	0 (5 between end units of buildings)	3; 10 from residential
Rear setbacks, min (ft)	10	5	10 (5 from alley)	3; 10 from residential
Garage setback from alley, max/min (ft) {4}	N/A	5 / 18	5 / 18	5 / N/A
Lot coverage, max (%)	None			35 (excludes outdoor seating/gathering spaces)
Building spacing (residential-nonres), min (ft)	20			
Locational standards	None			Limited to corner lots; applicant shall designate location at time of entitlement application
Building square footage (max sq ft)	None			2,500
Maximum percentage of single-family attached per block	60%			
<p><b>NOTES:</b></p> <p>{1} Cluster homes are subject to the single-family detached (alley-loaded) standards for purposes of this table.</p> <p>{2} Nonresidential and mixed-uses are subject to concept plan review requirements in Section 19.6.3.A.3, and planned unit development overlay requirements in Section 19.4.5, and may be subject to the residential compatibility standards in Section 19.7.6.D.6.</p> <p>{3} Also see Section 19.7.6.B, <i>Single-Family Residential Design Standards</i>.</p> <p>{4} Alley loaded garages may not have less than a three-foot rear yard setback.</p> <p><del>{5} Corner lots for residential uses that are less than 10,000 square feet shall have a minimum width of 5 feet more than the minimum lot width otherwise required by the underlying zoning district.</del></p>				

19.4.6.G.5(f)(5)i

Gaming Enterprise Overlay

**4. Limits on Conditions of Approval**

No conditions of approval of a G overlay shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable base district regulations, unless specifically approved by the City Council.

**5. Findings**

At the hearing, the applicant must prove by clear and convincing evidence that:

- (a) The roads, water, sanitation, utilities, and related services to the location are adequate.
- (b) The proposed establishment will not unduly impact public services, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods.
- (c) The proposed establishment will enhance, expand, and stabilize employment and the local economy.
- (d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive.
- (e) The proposed establishment will not be detrimental to the health, safety, or general welfare of the community or be incompatible with the surrounding area.
- (f) On the date that the application was filed:
  - (1) The property line of the proposed establishment was at least 5,000 feet from the property line of a developed residential district as defined in NRS 463.3086(9)(a).
  - (2) The property line of the proposed establishment was at least 5,000 feet from the property line of a public school, private school, or structure used primarily for religious services or worship.
  - (3) The proposed establishment will not adversely affect:
    - i. Any developed residential district unit whose property line is within 7,500 feet of the property line of the proposed establishment.
    - ii. A public school, private school, or structure used primarily for religious purposes, whose property line is within 5,000 feet of the property line of the proposed establishment.
  - (4) The provisions of Subsections (1)-(3) above shall not apply in the event:
    - i. A proposed G overlay is located entirely within a Master Plan overlay district or Planned Community district of 1,000 acres or more and such Master Plan overlay district or Planned Community district or G overlay would be either:
      - 1. Established on or before January 1, 2008; or
      - 2. Located within a redevelopment district.
    - ii. An expansion is proposed of an existing G overlay in existence as of September 18, 2007.

19.4.6.G.5(f)(5)i

Gaming Enterprise Overlay

iii. A proposed G overlay is within 1,500 feet of existing or future alignment of the centerline of Las Vegas Boulevard, as amended, contains a minimum of 25 acres, a minimum of 500 hotel rooms and meets all other criteria of a resort hotel as defined by Title 4 of the HMC.

(5) An application filed pursuant to Subsection (4) of this section shall require proof that on the date the application was filed:

i. The property line of the proposed establishment was at least [~~5,000~~] 500 feet from the property line of a developed residential district.

ii. The property line of the proposed establishment was at least 1,500 feet from the property line of a public school, private school, or structure primarily for religious services or worship.

iii. The proposed establishment will not adversely affect:

1. Any developed residential district whose property line is within 2,500 feet of the property line of the proposed establishment.

2. A public school, private school, or structure used primarily for religious purposes, whose property line is within 2,500 feet of the property line of the proposed establishment.

**6. Reapplication**

If the City Council denies a petition submitted pursuant to this section, it shall not consider another petition concerning the same location or any portion thereof for one year after the date of the denial.

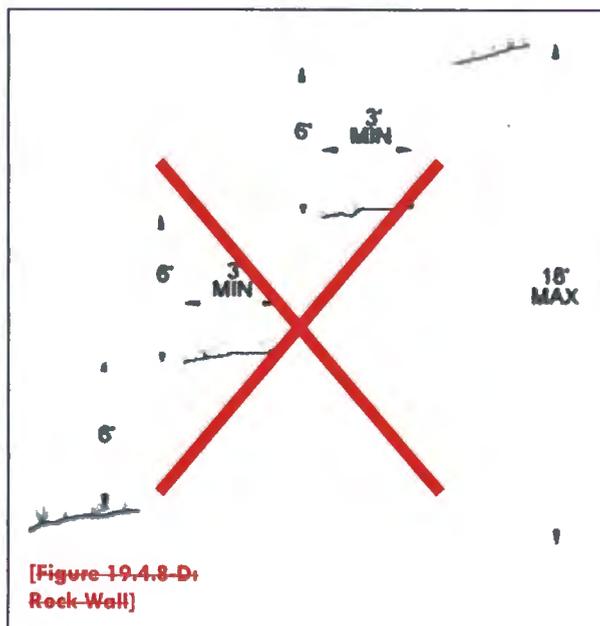
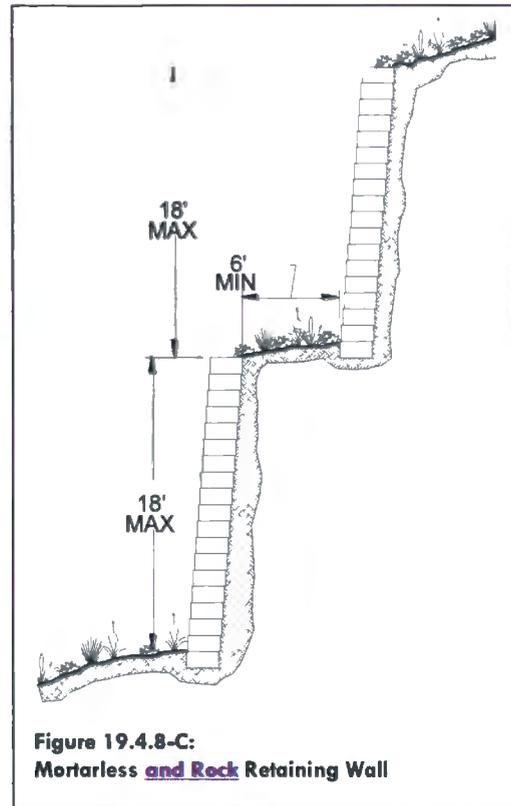
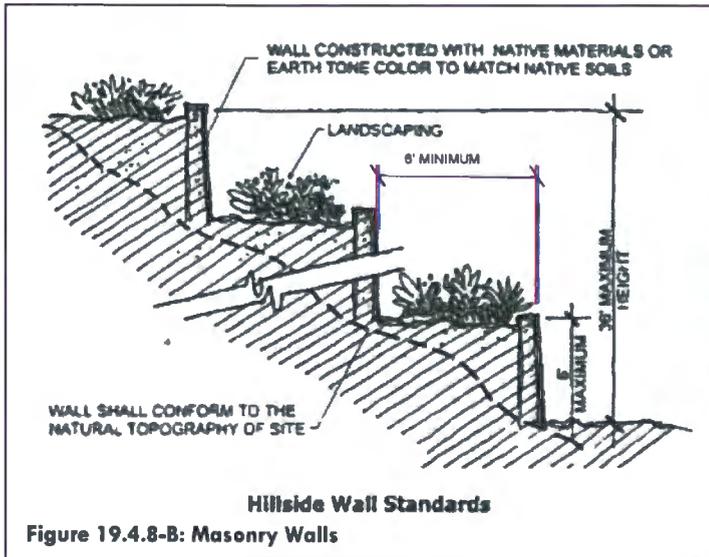
19.4.8.F.12(a)(3) and Figures 19.4.8-B, 19.4.8-C and 19.4.8-D  
Hillside Overlay - Morterless and Rock Retaining Wall

**12. Wall Standards**

The intent of wall standards is to reduce the visual impact of screening and retaining methods used on hillside developments. Specific criteria for design includes:

- (a) The maximum combined height of retaining walls is 36 feet.
  - (1) Masonry walls for each six feet of vertical height, a six-foot horizontal offset shall be provided. (Figure 19.4.8-B.)
  - (2) Mortarless and groutless concrete masonry retaining walls for each 18-foot vertical maximum height a six-foot horizontal offset shall be provided. (Figure 19.4.8-C.)
  - (3) Rock wall for each 18-foot vertical maximum height a 6-foot horizontal offset shall be provided. [~~Figure 19.4.8-D.~~] **(Figure 19.4.8-C.)**
  - (4) A horizontal distance of 42 feet is required before another wall may begin unless otherwise approved through the Planned Unit Development (PUD) process.
  - (5) Offsets between walls must be sloped so that nuisance water flows do not overtop the wall.
  - (6) Offsets between the walls must be landscaped. Landscaping must be approved by the Community Development Director.
- (b) Walls shall conform to the topography of the site.
- (c) Walls with a change in alignment shall, to the greatest practical extent, incorporate the use of graduating steps rather than sharp corners.
- (d) Walls shall either incorporate the use of native materials or be earth-tone colors to match the native soils. All rockery walls must be varnished unless it can be demonstrated to the satisfaction of the Community Development Director that revarnishing would not fulfill the intent of this subsection.
- (e) The use of wrought iron or other similar open materials is encouraged for security walls, such as for pools.
- (f) Perimeter walls shall be permitted around the entire lot or parcel.
- (g) Perimeter walls shall not exceed a maximum height of 32 inches solid block and 40 inches wrought iron or a maximum of 72 inches wrought iron and no solid block.

19.4.8.F.12(a)(3) and Figures 19.4.8-B, 19.4.8-C and 19.4.8-D  
 Hillside Overlay - Mortarless and Rock Retaining Wall



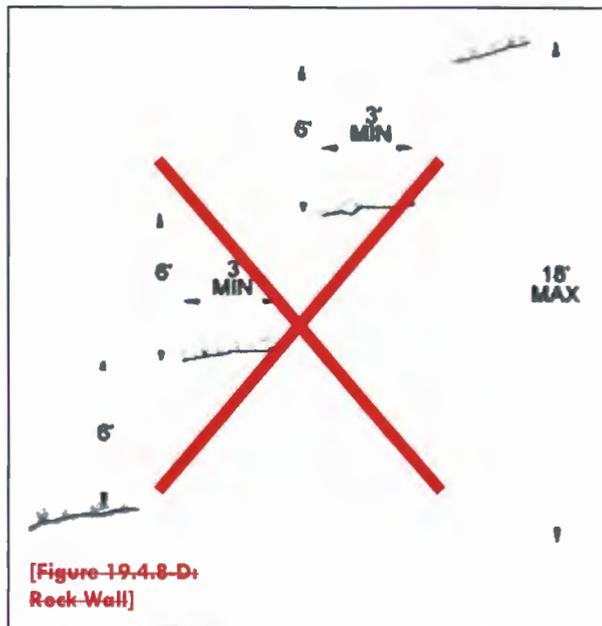
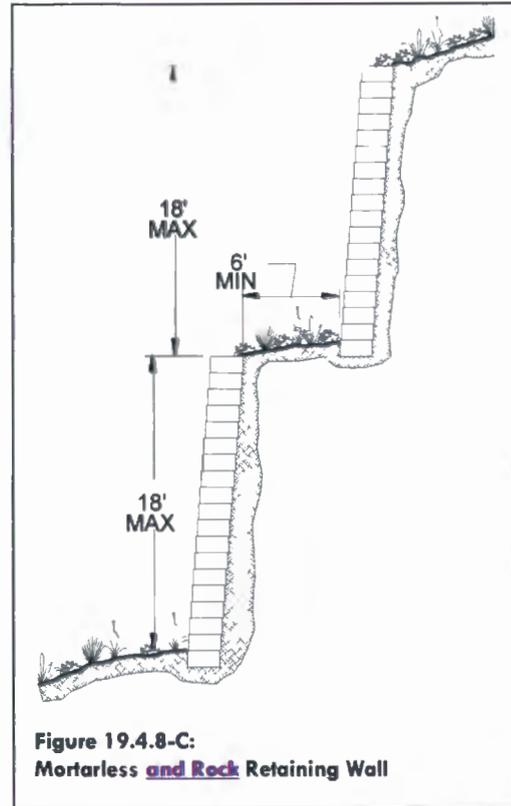
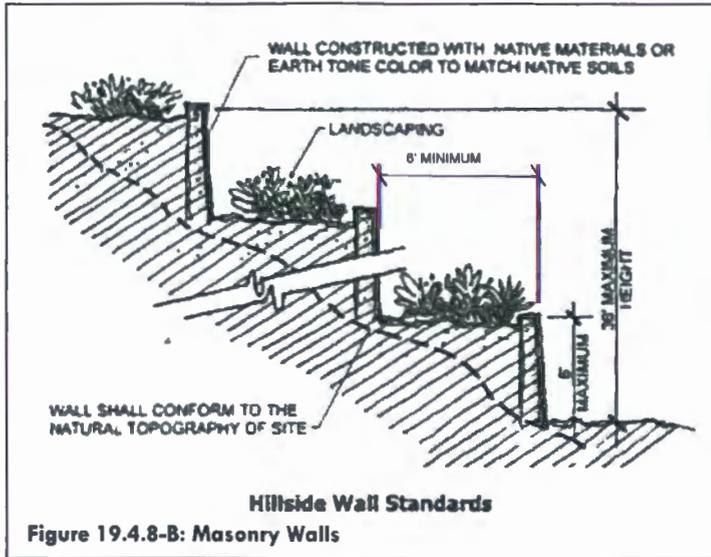
19.4.8.F.12(a)(3) and Figures 19.4.8-B, 19.4.8-C and 19.4.8-D  
Hillside Overlay - Mortarless and Rock Retaining Wall

**12. Wall Standards**

The intent of wall standards is to reduce the visual impact of screening and retaining methods used on hillside developments. Specific criteria for design includes:

- (a) The maximum combined height of retaining walls is 36 feet.
  - (1) Masonry walls for each six feet of vertical height, a six-foot horizontal offset shall be provided. (Figure 19.4.8-B.)
  - (2) Mortarless and groutless concrete masonry retaining walls for each 18-foot vertical maximum height a six-foot horizontal offset shall be provided. (Figure 19.4.8-C.)
  - (3) Rock wall for each 18-foot vertical maximum height a 6-foot horizontal offset shall be provided. [~~Figure 19.4.8-D.~~] **(Figure 19.4.8-C.)**
  - (4) A horizontal distance of 42 feet is required before another wall may begin unless otherwise approved through the Planned Unit Development (PUD) process.
  - (5) Offsets between walls must be sloped so that nuisance water flows do not overtop the wall.
  - (6) Offsets between the walls must be landscaped. Landscaping must be approved by the Community Development Director.
- (b) Walls shall conform to the topography of the site.
- (c) Walls with a change in alignment shall, to the greatest practical extent, incorporate the use of graduating steps rather than sharp corners.
- (d) Walls shall either incorporate the use of native materials or be earth-tone colors to match the native soils. All rockery walls must be varnished unless it can be demonstrated to the satisfaction of the Community Development Director that revarnishing would not fulfill the intent of this subsection.
- (e) The use of wrought iron or other similar open materials is encouraged for security walls, such as for pools.
- (f) Perimeter walls shall be permitted around the entire lot or parcel.
- (g) Perimeter walls shall not exceed a maximum height of 32 inches solid block and 40 inches wrought iron or a maximum of 72 inches wrought iron and no solid block.

19.4.8.F.12(a)(3) and Figures 19.4.8-B, 19.4.8-C and 19.4.8-D  
 Hillside Overlay - Mortarless and Rock Retaining Wall



19.5.3.B.3  
Multifamily definition

3. Dwelling, Multifamily

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

(a) Definition

~~[A building containing seven or more dwelling units, each of which includes a separate household.]~~ A building containing two or more dwelling units on one lot, each of which includes a separate household, including duplexes, condominiums, townhouses, row houses or apartments.

(b) Standards

(1) All Districts

Multifamily dwellings shall comply with the multifamily design standards in Section 19.7.6.C., *Multifamily Residential Design Standards*.

(2) CT District

- i. Multifamily uses are allowed only with a conditional use permit as part of a mixed-use project.
- ii. Household living areas may not occupy more than 20 percent of the CT-zoned area of the subject development or master plan.

(c) Off-Street Parking Requirement

(1) Residential and nonresidential districts

- i. 1.5 spaces per 1-bedroom unit
- ii. 2 spaces per 2-bedroom unit
- iii. 2.5 spaces per 3-bedroom unit
- iv. 3 spaces per 4-bedroom unit
- v. Plus additional 0.25 space per unit for guest parking

(d) Off-Street Loading Group

None.

19.5.3.B.4 and B.5  
Single-Family Dwelling in M districts

4. Dwelling, Single-Family Attached

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

(a) Definition

Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall.

(b) Standards

(1) All Districts

Single-family attached dwellings shall comply with the applicable standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.

(2) M Districts

Single-family attached dwellings shall only be developed in conjunction with a commercial component when in an M zoning district. Single-family attached dwellings shall not be a stand-alone project in an M zoning district.

(c) Off-Street Parking Requirement

2 spaces per dwelling unit.

(d) Off-Street Loading Group

None.

5. Dwelling, Single-Family Detached

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

(a) Definition

A residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or

19.5.3.B.4 and B.5

Single-Family Dwelling in M districts

portable housing. This term includes "manufactured home," which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or more sections and designed to be used with or without a permanent foundation that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq).

(b) Standards

(1) All Districts

- i. Single-family detached dwellings shall comply with the applicable standards in Section 19.7.6.B, Single-Family Residential Design Standards.
- ii. Manufactured homes shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq) and subject to Section 19.7.6.B.6.

(2) M[~~E~~] Districts

- i. Single-family detached dwellings are not allowed along the Boulder Highway frontage.
- ii. Single-family detached dwellings shall only be developed in conjunction with a commercial component when in an M zoning district. Single-family detached dwellings shall not be a stand-alone project in an M zoning district.

(c) Off-Street Parking Requirement

2 spaces per dwelling unit.

(d) 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**

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

**(c) Off-Street Parking Requirement**

~~[1 space per 100 square feet of assembly area plus 1]~~ 0.7 space per bed or dwelling unit.

**(d) Off-Street Loading Group**

Group One (Section 19.7.4.D)

**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

19.5.4.L

Institutional Housing – Parking requirements

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.

(c) Off-Street Parking Requirement

~~[1 space per 100 square feet of assembly area plus]~~ 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

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

19.5.4.L

Institutional Housing – Parking requirements

- (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) ~~[Residential and nonresidential districts: 1 space per bed plus 1 space per 100 square feet of assembly area]~~ 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 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.
- (c) Off-Street Parking Requirement
  - (1) Residential and nonresidential districts: 1 space per bed~~[/unit]~~ or dwelling unit. ~~[plus 1 space per 100 square feet of assembly area]~~
- (d) Off-Street Loading Group
  - Group One (Section 19.7.4.D)

19.5.4.L

Institutional Housing – Parking requirements

5. Skilled Nursing Facility/Hospice

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	
		C	C						P	P	P	

(a) Definition

A facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician. These facilities are designed for those individuals who need health supervision, but not hospitalization. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided, but surgical and emergency medical services are not permitted.

(b) Off-Street Parking Requirement

1 space per 2 beds ~~[plus 1 space per 100 square feet of assembly area]~~ or alternate amount as approved through a parking study conducted by a certified professional engineer.

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.4.S

Utility: Major – Utility Corridor

**S. UTILITY: MAJOR**

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

**1. Definition**

Generating plants, renewable energy generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

**2. Standards**

- (a) The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.
- (b) Unless excepted in accordance with Section 15.18.22 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.
- (c) Transmission lines and associated structures proposed to be located within an adopted Above Ground Utility Corridor shall be processed administratively in accordance with 19.6.6.B.5 (a).
- (c) Transmission lines and associated structures proposed to be located outside an adopted Above Ground Utility Corridor shall be processed as a Conditional Use Permit as outlined in Section 19.6.6.A.
- (e) Renewable energy generating plants shall be screened to minimize visual, noise and other impacts on residential development.

**3. Off-Street Parking Requirement**

Schedule "C" (Section 19.7.4.C.3)

**4. Off-Street Loading Group**

Group One (Section 19.7.4.D)

19.5.4.T.3.b.3

Wireless Communication Facilities

3. Alternative Tower Structure

RESIDENTIAL										DOWNTOWN RESIDENTIAL				
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	DRL	DRM	DRH	DP
[€]	[€]	C	C	C	C	C	C	C	C	C				S
COMMERCIAL						INDUSTRIAL			MIXED-USE			DWNTWN		
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	DCC	DHC	PS
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

(a) Definition

A wireless communications tower that may or may not include separate antennas that is designed to camouflage or conceal its presence through its design and placement. Alternative tower structures may be designed to appear as trees, clock towers, bell steeples, light standards, chimneys, or similar projections.

(b) Standards

(1) General Standards

See Section 19.5.4.T.4, *General Standards for Wireless Communication Facilities*.

(2) Separation

The following separation requirements shall apply to all alternative tower structures.

- i. Alternative tower structure separation shall be measured from the base of the tower to the lot line of the adjoining land use.
- ii. Alternative tower structures shall be separated from all adjoining residential land uses at a ratio of one to one (height to separation). There is no separation requirement from nonresidential land uses; only zoning district setbacks apply.

The Community Development Director may reduce the standard separation requirements if the goals of this Code would be better served.

(3) Residential Districts

An alternative tower structure proposed in a residential zoning district shall be subject to conditional use permit review and approval and, in addition, shall be subject to the following standards:

- i. The tower shall not be located on a lot occupied by a single-family dwelling.
- ii. The tower shall not reduce the required amount of common open space for a development or subdivision except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.

19.5.4.T.3.b.3

Wireless Communication Facilities

- iii. The tower shall be located on the perimeter of a development or subdivision.
- iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.

**(4) Towers that Exceed Base District Height**

If an alternative tower structure in any district not located on City of Henderson property is proposed to exceed ten feet above the base zoning district maximum height limit, a conditional use permit will be required. The separation requirements for alternative tower structures in this section shall apply.

Table 19.5.5-2  
 Medical Marijuana Establishment - Minimum Separation

Table 19.5.5-2 Minimum Separation [1]				
Medical Marijuana Establishment	Protected Uses			Separation between Medical Marijuana Dispensaries (feet)[3]
	Separation to School (feet)[2]	Separation to Community Facility (feet)	Separation to public park or public playground (feet) [4]	
Cultivation Facility	1,000	300	1,000	
Dispensary	1,000	300	1,000	5,280
Infusion or Manufacturing	1,000	300	1,000	
Independent Testing Laboratory	1,000	300	1,000	

Note: The separation from a medical marijuana establishment to a protected use, is for a protected use that existed or occupied on the date on which the application for the proposed medical marijuana establishment was submitted to the State Health Division.

[1] Distance shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana establishment to the property line of the protected use. If both the proposed medical marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the closest exterior wall(s) of the building or portion thereof of the proposed medical marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

[2] Means a public or private school that provides formal education traditionally associated with preschool through grade 12.

[3] Distance separation between medical marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed medical marijuana dispensary to ~~[the property line]~~ the closest exterior walls of the building or portion thereof of the established medical marijuana dispensary. This distance may be waived by City Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

[4] For purposes of this section, "public park or public playground" includes privately owned and/or maintained Parks that are made available for public purposes.

## **19.12.4 DEFINED TERMS**

### **RESORT VILLAGE**

Means a pedestrian-oriented, mixed use project of at least five acres located in a MC district, MR district or CT zoning district and within a master-planned development which also contains a resort hotel. The resort village must be adjacent to the resort hotel and developed in accordance with the purposes and intent of the MC, MR or CT district as set forth in Title 19. A resort village located outside of the Las Vegas Boulevard gaming corridor or in the rural Clark County gaming zone, as such terms are defined in Nevada Revised Statutes Chapter 463, shall not contain more than three taverns. Each of such taverns may be licensed to operate a maximum of 15 slot machines. Parking is to be located predominately at the perimeter of the resort village with no more than one percent of the parking located in the interior of the resort village. These restrictions do not include any parking reserved for the exclusive use of residents of the resort village. Such resident parking must be restricted from public use.

### **RETAINING WALL**

A wall designed and constructed to withstand lateral earth and hydrostatic pressures.

19.5.5.B.2  
Community Garden

**B. AGRICULTURE[~~:-CROP PRODUCTION~~]**

**1. CROP PRODUCTION**

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	

**[1-] a. Definition**

The production, keeping, or maintenance for sale or lease of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or land devoted to a soil conservation or forestry management program.

**[2-] b. Standards**

Crop production uses located in a residential base zoning district may not include onsite retail sales or leasing.

**[3-] c. Off-Street Parking Requirement**

None.

**[4-] d. Off-Street Loading Group**

None.

**2. COMMUNITY GARDEN**

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
<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>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
COMMERCIAL					INDUSTRIAL				MIXED-USE			
<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>	<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>	

**a. Definition**

Land designated for gardening by a community-based organization or other group of people, with the intent of harvesting to include but not limited to: vegetables, fruits, floral, trees and herbs for personal consumption or for sales or distribution to the community on a limited basis. This term does not include a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

19.5.5.B.2

Community Garden

**b. Standards**

- (1) Power equipment use shall be limited to between 7am to 7pm or dusk, whichever is later, and shall comply with Section 19.7.8.G, Noise.**
- (2) A storage shed or shade structure is a permitted structure with setbacks designed for accessory structures, see Section 19.5.7. Maximum height of a storage shed and/or shade structure shall be 12 feet.**
- (3) No more than one identification sign is permitted in the area. Maximum square footage of sign shall be nine square feet.**
- (4) On site incidental sales of crops grown are permitted through a conditional use permit only.**
- (5) In a residential district, hours of operation shall be from 7am to 7pm or dusk, whichever is later, unless different hours are approved through a conditional use permit.**
- (6) Site may only be enclosed by wrought-iron fencing a maximum of 8 feet in height. Solid block walls are prohibited, unless already existing.**
- (7) Sites over one acre require a conditional use permit.**

**c. Off-Street Parking Requirement**

**If on-site sales, parking will be determined through the conditional use permit application process.**

**d. Off-Street Loading Group**

**None**

19.5.5.H.2(c)  
Brewpub/Microbrewery/Craft Distillery

19.5.5

H. BREW PUB/MICROBREWERY/CRAFT DISTILLERY

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	C				S	C	C	C	

1. Definition

An establishment that manufacturers malt beverages and sells those malt beverages at retail; or manufactures distilled spirits (per NRS Chapter 597). Sample products made on site may be offered at no cost to visitors.

2. Standards

(a) All Districts

- (1) Brew pubs/microbreweries/craft distilleries are subject to the minimum separation requirements for taverns. See Section 19.5.5.O.3, Eating And Drinking Establishment: Tavern.
- (2) Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses (same requirements as for a Tavern), and all Title 4 requirements for the subject use.
- (3) Brew pubs/microbreweries/craft distilleries located in and owned or operated by a nonrestricted or limited gaming licensee shall be covered under the licensee's nonrestricted/limited gaming establishment's liquor license.
- (4) A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery/craft distillery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.
- (5) A brew pub/microbrewery/craft distillery establishment may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of their customers, provided they comply with the standards for such accessory uses in Section 19.5.7.D.8.
- (6) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, General Standards for Alcohol and Liquor Uses and Live Entertainment.
- (7) Distance separations and exemptions for taverns shall also apply to brew pubs/microbreweries/craft distilleries. See Section 19.5.5.O.3(b)(2).
- (8) Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, Restricted Gaming and Title 4.32. An applicant

19.5.5.H.2(c)

Brewpub/Microbrewery/Craft Distillery

shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.

(b) CT District

Brew pubs/microbreweries/craft distilleries are allowed only as part of a mixed-use project.

(c) IP District

(1) Brew pubs/microbreweries that manufacture malt beverages shall ~~[be to]~~ produce no more than ~~[allowed under]~~ 15,000 ~~[gallons]~~ barrels on an annual basis.

(2) Brew pubs/microbreweries/craft distilleries must be located in a stand alone building or end unit of a multi-tenant building.

(3) Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.

3. **Off-Street Parking Requirement**

(a) Nonresidential districts: 1 space per every 100 square feet of indoor and outdoor customer service area.

4. **Off-Street Loading Group**

Group One (Section 19.7.4.D)

19.5.6.D.1

Communication Facility

**D. COMMUNICATION FACILITIES**

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	C		P	P	P				

**1. Definition**

Broadcasting, recording, and other communication services accomplished through electronic mechanisms, but excluding Utilities, Major and Wireless Communication Facilities. This classification includes radio, television, or recording studios, telephone switching centers, telegraph offices, and similar uses. ~~[within an enclosed building. This classification excludes communication towers and other large outdoor communication facility equipment.]~~

**2. Standards**

(a) All exterior support equipment must be screened from public view with a minimum decorative 8-foot tall wall and landscaping.

~~{2-}~~ **3. Off-Street Parking Requirement**

1 space per 500 square feet (Manned Facility)

~~{3-}~~ **4. Off-Street Loading Requirement**

Group Two (Section 19.7.4.D)

19.5.5.GG.1

Retail Sales and Service

### 19.5.5. COMMERCIAL USES

#### GG. RETAIL SALES AND SERVICE

##### 1. 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
COMMERCIAL					INDUSTRIAL			MIXED-USE				
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P		[C] S	[C] S	[C] S	P	P	P	

Figure 19.5.7-A  
Accessory Structure Setbacks

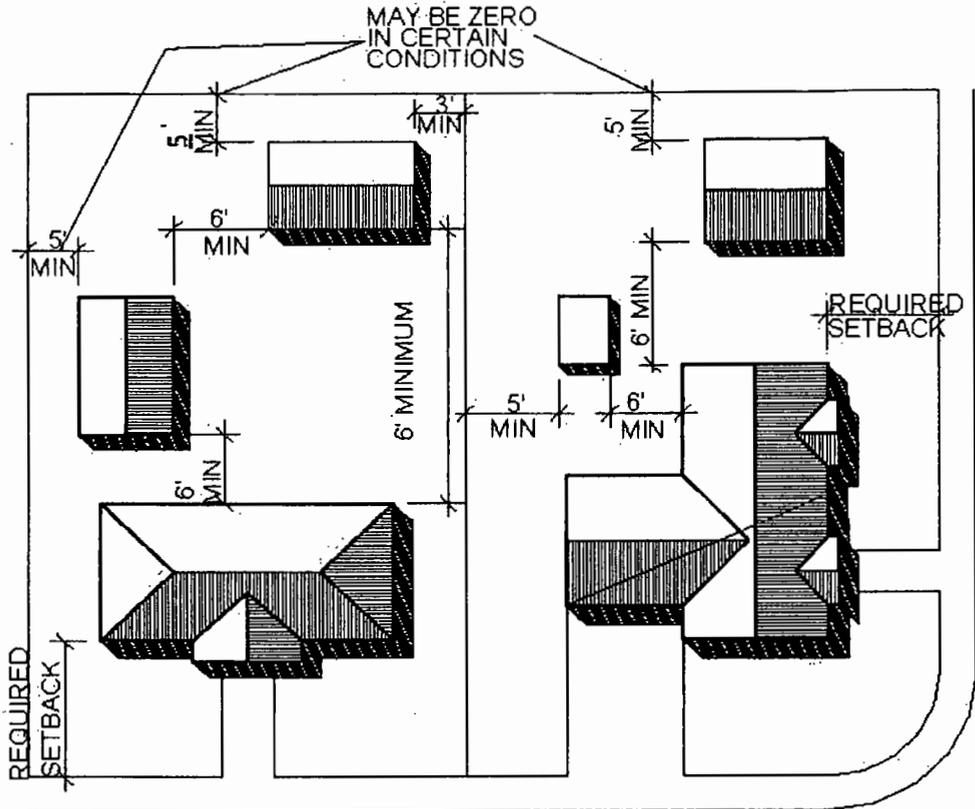


Figure 19.57-A: Accessory Structure Setbacks

19.5.8.D.9(b)(2)  
 Temporary Dwelling Unit

9. Temporary Dwelling Unit

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		S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

(a) Definition

A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.

(b) Standards

Up to one temporary dwelling unit (consisting of a manufactured home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in accordance with the following standards:

- (1) Temporary dwelling units may only be sited and occupied in accordance with the standards in Section 15.60.040 of the HMC; and
- (2) Except as authorized by HMC Section 15.60.040, the temporary dwelling unit may be in place for a maximum period of **[+2] 18 months. The property owner may request a single six-month extension of time, subject to approval of the Building Official.**

Temporary Real Estate Sales Office

13. Temporary Real Estate Sales Office

(a) Onsite

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	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	S

(b) Offsite

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

(c) Definition

A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.

(d) Standards

Temporary sales offices serving residential subdivisions shall be operated in accordance with the following standards:

(1) Purpose

The primary use of a temporary sales office shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility, except that additional sites under construction by the same developer up to two miles away may be represented, subject to the maximum duration limitation applicable to the initially approved subdivision.

(2) Maximum Duration

- i. The Community Development staff may approve an onsite temporary sales office for a maximum of 12 months, unless an extension of time application is approved.
- ii. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.

19.5.8.D.13

Temporary Real Estate Sales Office

- iii. The Planning Commission may approve, as a conditional use, an offsite temporary sales office for a period of longer than 30 days, up to a maximum of six months.

(3) Authorization for Offsite Location

- i. The proposed location must be within one mile of the nearest portion of the first phase of the subject subdivision, with public access to the interior of the first phase either unavailable or unsafe as the result of conditions beyond the control of the developer.
- ii. To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a recorded final map, has completed all onsite grading for at least the first phase, and has commenced construction of at least five dwelling units.

(4) Appearance

The temporary locations may be established using a "Gelco-style" modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not permitted as temporary sales offices.

(5) Configuration

- i. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.
- ii. Parking shall be provided at a minimum ratio of one space for each 100 square feet of gross floor area, but in no case shall less than six spaces be provided.
- iii. Off-street parking areas shall be paved or improved with an alternate material approved by the Public Works Department.
- iv. Water-efficient landscaping shall be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of the required landscaping material may be in above-ground containers.
- v. Indoor sanitary facilities shall be provided when and where sewer and water service are available.
- vi. ~~[Sewer and water service may be provided by temporary connection or through other non-permanent facilities such as holding tanks, provided such temporary tanks or supply facilities are completely screened from public view in a manner consistent with the temporary office structure. Temporary holding tanks require a letter from Utility Services to the Health District.]~~ When water and sewer service are not available to the proposed site, portable restroom facilities may be provided. Water and sewer must be connected to City infrastructure when available.

19.5.8.D.13

Temporary Real Estate Sales Office

**Portable restrooms shall not be visible from public right-of-way and shall be secured on-site.**

**(6) Removal**

Immediately following the end of the time period granted for operation, all sales office facilities must be removed from the site, and the site returned to a safe and clean condition and be graded in a manner consistent with requirements for drainage and dust controls established by the Public Works Department.

## 19.12.4 - Defined Terms

### Recreational Vehicle

#### **19.12.4 DEFINED TERMS**

##### **RECREATIONAL VEHICLE**

~~[As defined in Chapter 17 of the Henderson Municipal Code.]~~ A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes and converted trucks or buses.

##### **RECYCLABLE MATERIALS**

Solid waste including, but not limited to, newspaper, corrugated cardboard, aluminum, yard debris, (i.e. vegetation, green waste), office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste which is intended for reuse, remanufacture, or reconstruction for the purpose of using the altered form.

**A. PRELIMINARY APPLICATION PROCEDURES**

The procedures in this section shall apply to all applications for development permits or approvals under this Code at the beginning of the review process, unless otherwise stated.

**1. Authority to File Applications**

Applications for review and approval under this Code may be initiated by any of the following:

- (a) Petition of all the owners of the land that is the subject of the application.
- (b) The owners' authorized agent(s).
- (c) The official representatives of a homeowner's or property-owner's association in a master-planned development where the master developer has ceded control of the development to the association.
- (d) A lot owner or developer of a portion of a master-planned development provided the application is limited to the land under their ownership or control.
- (e) City of Henderson staff acting under the direction of the Planning Commission or City Council.
- (f) Public or private utility providers.

**COMMENTARY**

When a review or decision-making body initiates action under the Henderson Development Code, it does so without prejudice toward the outcome.

**2. Form of Application and Application Filing Fees**

Applications required under this chapter shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee amount that has been established by the City Council. Fees are not required with applications submitted by the City Council, Planning Commission, Clark County School District, or City agencies or staff. Application fees are nonrefundable, unless otherwise expressly stated.

**3. Concept Plans**

**(a) Purpose**

The purpose for the concept plan is to allow for a general review of a proposed development before a formal application is submitted.

**(b) Applicability**

Unless waived by the Community Development and Services Director, concept plan review by the Development Review Committee shall be required prior to submission of an application for:

- (1) Comprehensive Plan future land use map amendments (Section 19.6.4.A);
- (2) Rezoning to Planned Unit Developments (PUD) or to the Master Plan (MP) Overlay (Section 19.6.4.D);
- (3) A use with 50,000 square feet or more of floor area (Section 19.6.6.B.3);
- (4) Redevelopment on lots within the redevelopment overlay (Section 19.6.6.C, Redevelopment Area Review, and Section 19.4.7, Redevelopment Overlay);

19.6.3.A.3(b)

Wireless Communication – Pre-meeting requirement

- (5) Projects of Significant Impact (subsection (4) below);
- (6) Projects of Regional Significance (subsection (5) below); and
- (7) Hillside projects, or projects with slopes greater than 15 percent; and
- (8) Any Wireless Communication Facility, as defined by Section 19.5.4.T.**

(c) Pre-Application Meetings

Applicants are entitled and encouraged to schedule and attend pre-application meetings with the Community Development Department staff prior to submitting a concept plan application for review under this Code.

19.6.6.A

Conditional Use Permits - Extensions of Time vs. Closure Plan

12. Lapse of Approval

- (a) Except as otherwise provided herein, a conditional use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
- (1) A building permit other than a grading permit, has been issued and construction diligently pursued toward completion of the building.
  - (2) A certificate of occupancy has been issued.
  - (3) The use is established, and maintained.
  - (4) The conditional use permit is renewed.
- (b) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.
- (c) Except as otherwise provided herein, a [A] conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified by the City Council as part of a closure plan.
- ~~(d) A conditional use permit for a casino project shall also lapse upon termination of the project or expiration of the building permit.~~
- ~~(d)~~~~(e)~~ A conditional use permit for a medical marijuana establishment shall not be effective until the licensee has received State of Nevada approval and approval of a business license from the City of Henderson.
- (e) The process by which a conditional use may be extended is set forth below:
- (1) The Community Development and Services Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development and Services Director.
  - (2) Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.
- (f) The process by which a discontinued use may be extended is set forth below. Uses can only be extended at the location for which they were originally approved:
- (1) Established Use  
Any established use, defined as a use that was approved and opened for business, which is anticipated to be discontinued for more than 180 days, may be extended as a part of an approved closure plan processed through the Community Development and Services Department, which requires City Council action. The closure plan must specify the period of time for the extension of the established use. The closure plan does not extend a business license, any business license extension shall be processed through Business Licensing Department procedures.
  - (2) Non-Established Use

## 19.6.6.A

### Conditional Use Permits - Extensions of Time vs. Closure Plan

Any non-established use, defined as a use that was approved but never opened for business, may be extended through the extension of time process described in 19.6.6.A.11(e). The extension of time must specify the period of time for the extension of the non-established use. The closure plan does not extend a business license, any business license extension shall be processed through Business Licensing Department procedures.

#### ~~[(13)]~~ **Extensions of Time**

~~The Community Development Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.]~~

#### ~~[(14)]~~ **13. Transferability**

The status of a conditional use permit is not affected by changes of tenancy, ownership, or management.

A conditional use permit for a medical marijuana establishment shall not be transferable to another location, tenant, ownership or management. (Refer to NRS)

#### ~~[(15)]~~ **14. Amendments**

A request for changes in conditions of approval of a conditional use permit or a change to development plans that would affect a condition of approval shall be processed in the same manner as the original application. The Community Development Director shall be authorized to approve minor modifications that have no potential for significant offsite impacts, provided that they do not involve any of the following:

- (d) A five percent or greater increase in building height;
- (e) A five percent or greater increase in floor area or building coverage when calculated on a total, aggregate project basis; or
- (f) A five percent decrease in common open space.

#### ~~[(16)]~~ **15. Successive Applications**

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

#### ~~[(17)]~~ **16. Complaints Regarding Approved Conditional Use Permits**

Complaints regarding approved conditional use permits shall be processed in accordance with the provisions of Chapter 19.11: *Enforcement*.

19.6.6.A

Conditional Use Permits - Extensions of Time vs. Closure Plan

[18] **17 Business Licenses**

Approval of conditional use permits does not guarantee the issuance or approval of a business license. Licensure must be sought, reviewed, and approved separately in accordance with all applicable Title 4 regulations for said license.

**C. DISTANCE SEPARATION ANALYSIS**

**1. Applicability**

A distance separation analysis is utilized to measure the distances between a proposed use and a protected use, as defined by this Code. This analysis is used to determine if the proposed use meets the required distance separation from one or more protected uses and if waivers, if applicable, are needed for the proposed use to proceed. The distance separation analysis shall be completed by city staff.

**2. Application Filing**

Applications for distance separation analysis shall be submitted to the Community Development and Services Director.

**3. Community Development Review and Report**

The Community Development and Services Director or designee shall review each proposed distance separation analysis application, 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 final determination to the applicant.

**4. Notice of Decision**

Within seven working days of submittal of a complete application, the Community Development and Services Director or designee shall provide notice of the decision to the applicant and all other parties who have made a written request for notification.

**5. Lapse of Approval**

- a. A distance separation analysis determination for liquor and massage/reflexology uses shall lapse 90 days from notice of decision.
- b. A distance separation analysis determination for medical marijuana establishment uses shall lapse 120 days from notice of decision.

**6. Appeals**

Appeals of the Community Development and Services Director's or designee's distance separation analysis determination shall be made to the Planning Commission in accordance with the appeal procedures of Section 19.6.9.E, Appeals.

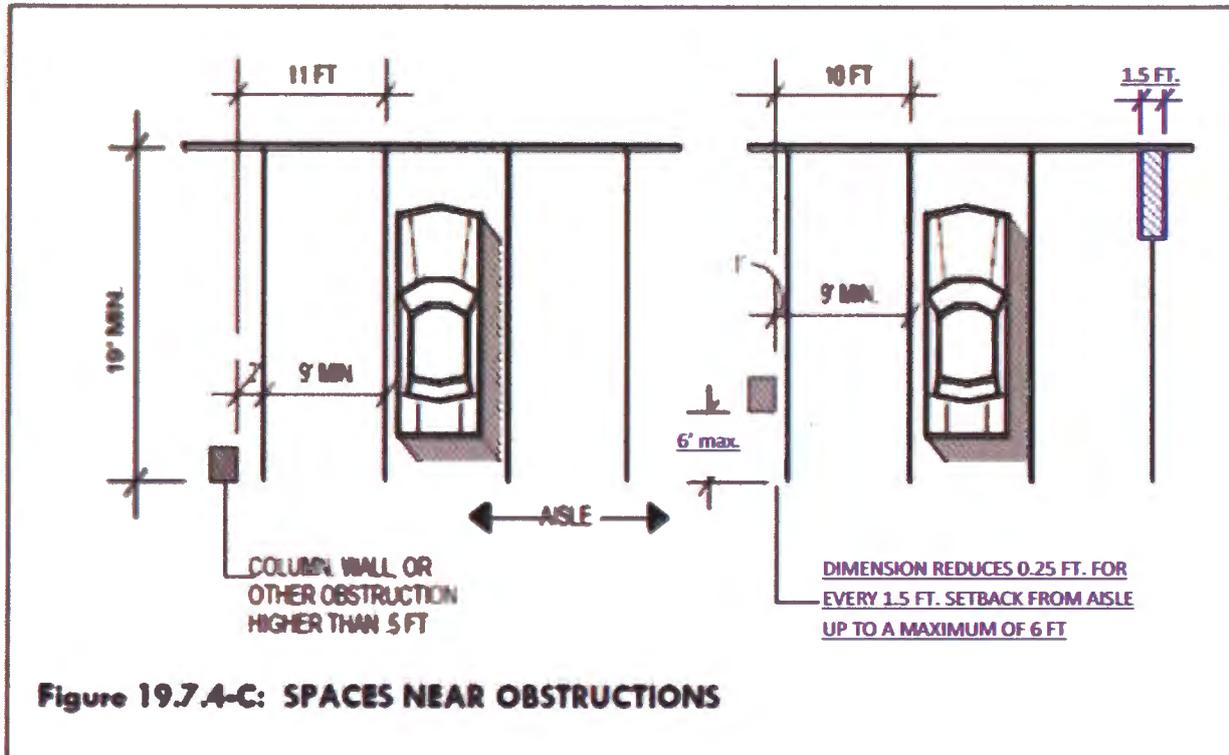
19.7.4.K.5

Dimensions and Design - Carports

19.7.4.K DIMENSIONS AND DESIGN

5. Spaces Near Obstructions

When the side of a parking space adjoins a wall, column or other obstruction that is taller than six inches, the width of the parking space must be increased by two feet on the obstructed side, provided that the increase may be reduced by three inches for each 18 [+2] inches up to a maximum of ~~four~~ six feet of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space. This provision does not apply to support columns located along the front third (6 foot 4 inches) of a parking space in a parking garage or under a carport, provided the column encroaches no more than 9 inches into the parking space. See Figure 19.7.4-C.



19.7.4.J.4(c) and (d)  
Driveway Sight Visibility Zones

4. Driveways

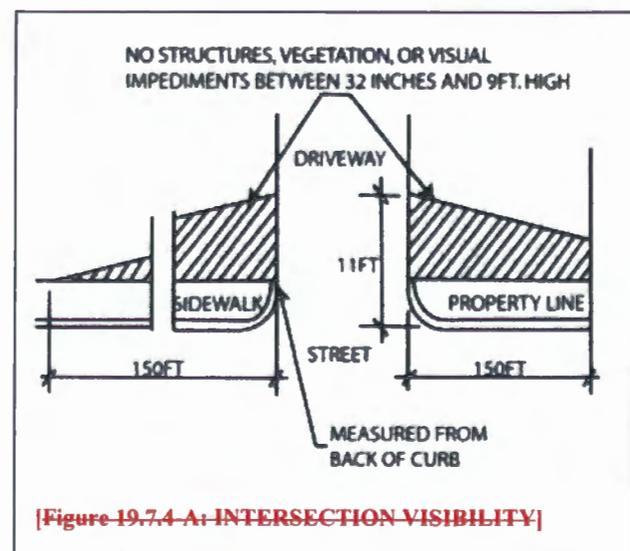
(c) Visibility

Visibility of a driveway crossing a street property line may not be blocked ~~[between]~~ above a height of ~~32~~ 24 inches within the sight visibility zone, as referenced by the Clark County Uniform Standard Drawings for Sight Visibility Zones at Intersections. ~~[and nine feet for a depth of 11 feet from the back of curb except that in the DCC zoning district the depth is ten feet from the back of curb. This driveway visibility zone extends along the edge of the right-of-way on either side of the driveway for a distance of 150 feet or to the nearest property line intersecting the street property line, whichever is less. (Site clearance triangles for streets and alleys less than 48 feet in width that intersect another street must be measured in the same manner as site triangles for driveways.)]~~

(d) Intersection Corner Clearance

Driveways near the intersections of streets shall comply with the Clark County Uniform Standard Drawings for Sight Visibility Zones at Intersections.~~[80 feet or more in width must be spaced a minimum distance of 200 feet as measured from centerline of driveway to centerline of street for driveways located on the approach side of the intersection. That distance is increased to 275 feet for driveways located on the departure side of the intersection (Figure 19.7.4-A.)]~~ Exceptions to this requirement must be approved by the Public Works Director.

[Remove Figure 19.7.4-A below]



19.7.4.K.13  
Bicycle Parking

13. Bicycle Parking Required

- (a) ~~[All vehicle parking facilities requiring less than 20 parking spaces shall provide at least one bicycle rack where no less than four bikes may be accommodated.]~~

**PURPOSE**

Safe and accessible bike parking is essential to the city's vision of becoming a Bike Friendly Community and providing a truly multi-modal transportation system. By providing safe and adequate bike parking facilities for visitors and employees, they will feel more comfortable utilizing a bicycle to commute and visit commercial centers. In addition, by encouraging more bicycling throughout the City, it will help to reduce motor vehicle usage and pollution within the community.

Bicycle parking will need to be designed not only to provide a safe and secure location for bike parking, but also to be visually attractive to help provide a sense of character and uniqueness.

- (b) ~~[Nonresidential and mixed-use development vehicle parking facilities requiring 20 or more parking spaces shall provide bicycle parking to accommodate a minimum of four bicycles plus one additional bicycle space for each additional ten spaces required in the lot. Residential development vehicle parking facilities requiring 20 or more parking spaces shall provide bicycle parking to accommodate a minimum of four bicycles plus one additional bicycle space for each additional twenty spaces required.]~~

**BICYCLE PARKING RATIOS**

All development within the City shall provide at least one bicycle rack where no less than four bikes may be accommodated.

All bicycle parking must be easily accessible to visitors and employees. Two types of bike parking must be provided for all new development: 1. A short term bicycle parking area must be provided near the main entrance to a building allowing for high visibility and easy access. 2. A long term bicycle parking area must also be provided on site. Long term

Table 19.7.4-9 Bicycle Parking Ratios		
Use Types	(minimum spaces per 1,000 sq. ft. of floor area)	
	Long-Term	Short-Term
Non-Residential Use Type		
General or professional offices	0.30	0.06
Arts/crafts studios		
Technical offices, research labs	0.22	0.06
Banks, financial offices (ground floor)	0.30	0.50
Retail stores, consumer service	0.10	0.60
Food and convenience stores	0.10	1.00
Entertainment, recreation		
Restaurants, bars	0.20	1.00
Theaters, gathering halls	0.08	1.00
Churches	0.08	0.50
Medical clinics/offices	0.30	0.50
Industrial uses	0.10	N/A
Hospitals	0.20	0.10
College or university academic or administrative facilities	0.20	0.05

bicycle parking areas may be located within a building to allow for a secure parking facility, but may be located outside. If long term bicycle parking is

located outside the building, it is recommended the long term bike parking area be enclosed within a secure location and covered to help protect the bicycles.

Short term and long term bicycle parking shall be provided at the ratios specified in Table 19.7.4-9 Bicycle Parking Ratios:

(c) **LOCATION AND DESIGN**

**Short term** bicycle racks shall be distributed throughout the site and placed either within 50 feet of the primary entrance(s) of the building(s) they are intended to serve and/or adjacent to a trail corridor where applicable. If applicable, bicycle racks shall be located outside of the required Clear Area, as defined in Section 19.7.7.G.1. The Community Development Director may approve alternate location(s) with sufficient justification. All racks shall be located with visibility and security as a primary factor.

(d) Bicycle racks may be unique in design but must have the following characteristics:

- (1) Support the frame of the bicycle at two places and not just one wheel;
- (2) Allow the frame and one wheel to be locked to the rack when both wheels are left on the bike;
- (3) Allow the frame and both wheels to be locked to the rack if the front wheel is removed;
- (4) Racks must be placed so as not to block entrances or interfere with pedestrian traffic flow in or out of a building. If placed on a sidewalk or within a pedestrian walkway, a minimum 5 feet clear space must be maintained.

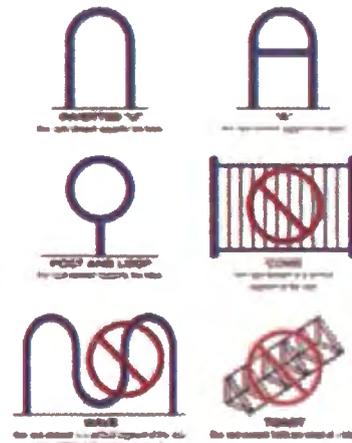


FIGURE 19.7.4-F BIKE RACK DESIGNS

An inverted U, post and loop, or "A" type bicycle rack is preferred as shown in Figure 19.7.4-F, but proposed alternatives may be considered if they are able to meet the characteristics listed above.

- (e) Bicycle parking spaces must have adequate spacing to allow for accessibility without having to move another bicycle. Allow a minimum of 30 inches between bicycle racks when mounted in a row as shown in Figure 19.7.4-G. If multiple rows of bicycle racks are installed, allow for a minimum aisle width of 48 inches measured from tip to tip of bike tires across the space between the rows of bike racks as shown in Figure 19.7.4-H.

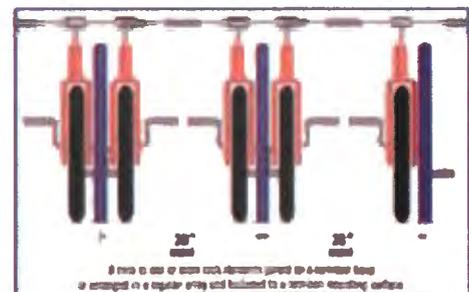


FIGURE 19.7.4-G BIKE RACK SPACING

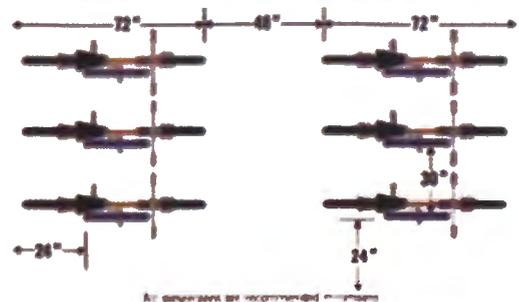


FIGURE 19.7.4-H BIKE RACK ROW PARKING

19.7.6.B.4(a)(6)i

Building Design Standards – Single-family residential

## **19.7.6. BUILDING DESIGN STANDARDS**

### **B. SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS**

#### **4. Garages**

- (6) When multiple garage doors on the same facade are used, a minimum separation of at least one foot shall be provided between each garage door.
- i. Where three-car garages are allowed, the third car stall shall be provided as:

  1. A Tandem;
  2. The garages can be separated with two stalls having front access and a third stall being side-loaded; or
  3. The third stall shall project or be recessed [five] three (~~5~~) feet from the front plane of the remainder of the garage.

### 19.7.6.C.13

#### Density Bonus - Affordable Housing Definition

##### Sec. 19.7.6.C.13

#### 13. Density Bonus

An increase in the maximum density allowed in a multifamily zoning district may be requested if the proposed development is considered affordable housing [~~units affordable to households earning less than 120 percent of the Clark County Area Median Income~~] (as defined in Section 19.12, Definitions) and/or an age-restricted senior multifamily development, pursuant to the following:

## 19.7.6.D.7

### Rural Neighborhood Protections

#### ~~(4)~~ Z. Rural Neighborhood Protection Standards

The decision-making body shall be authorized to impose standards that are necessary to reduce or minimize adverse impacts on adjacent rural neighborhoods for parcels within 500 feet of a rural neighborhood as defined by Sec. 19.4.10. In addition to the Operational Compatibility Standards as outlined in Sec. 19.7.6.D.6(i), minimum standards shall include, but shall not be limited to, the following:

- ~~(1)~~(a) Require all applicants to seek neighborhood input through neighborhood meetings prior to presentation of any plan to the Planning Commission.
- ~~(2)~~(b) Require the integration of existing and proposed equestrian and multiple-use trail systems, open space, and parks.
- ~~(3)~~(c) Require new residential development to front local residential rights-of-way, not arterial streets.
- ~~(4)~~(d) Require planned unit developments for all projects in excess of five (5) acres.
- ~~(5)~~(e) Require the first row of houses across the street from or backing up to a rural neighborhood to have a maximum density of four units per acre, be single story, have a lot width that is comparable to adjacent rural neighborhood lots, and have setbacks that meet or exceed RS-6 setbacks.
- ~~(6)~~(f) Require maximum 8-foot-tall lampposts that are architecturally integrated with the design of the subdivision in the front yard of each home within 500 feet of a rural neighborhood per Public Works' specifications.
- ~~(7)~~(g) Require developments abutting a rural neighborhood to maintain the same perimeter street sections, rural street lighting, and rural roadside trail provisions as those properties located in adjacent rural neighborhoods.
- ~~(8)~~(h) Require applicants to install landscaping within adjacent arterial street medians.
- ~~(9)~~(i) Homes should either face or back up to a rural neighborhood area to ensure a minimum separation of 25 feet.
- ~~(10)~~(j) If a natural or manmade barrier exists, such as a drainage channel, overhead transmission line, a minimum 8-foot-high block wall with landscaping in accordance with Sec. 19.7.5.C, or any topographical feature that prohibits vehicular and pedestrian access to an adjacent rural neighborhood, then the requirements of paragraph ~~[5]~~[5]e above shall not apply.

19.7.8.E

Glare and Lighting - Accent Lighting

**3. Accent Lighting**

- (e) Neon and Light Emitting Diode (LED) lighting may be used as ~~[shall be considered]~~ accent lighting pursuant to ~~[in]~~ this ordinance and is permitted to accent architectural elements of nonresidential structures subject to the following standards:
- (1) Neon or LED accent lighting shall only be used to accent architectural elements of nonresidential structures.
  - (2) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
  - (3) Neon or LED accent lighting shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
  - (4) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
  - (5) Neon or LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75 percent of the entire building liner façade length.

19.7.8.G  
Golf Course Maintenance Hours

**G. NOISE**

**1. General**

All uses and activities (except publicly owned airports and railroads) shall comply with Chapter 8.84 of the City Code, and the maximum sound pressure level radiated by any use or facility shall not exceed the values shown in Table 19.7.8-2:

TABLE 19.7.8-2: MAXIMUM SOUND PRESSURE LEVELS			
Receiving Property Land Use	Time of Day	Background Level (dBA) Outdoors	Maximum Permitted Sound Level (dBA) Outdoors
Residential property, or residential portion of a multi-use property	7:00 am to 9:00 pm	(Leq14) 62-64	65-Daytime
	9:00 pm to 7:00 am	(Leq10) 53-59	60-Nighttime
	24 hours	(L90) 60	(L10) 70 (Not to exceed greater than 15 min. in a 24-hour period)
Industrial	5:00 am to 8:00 pm	(Leq15) 68-71	73-Daytime
	8:00 pm to 5:00 am	(Leq9) 68-73	73-Nighttime
	24 hours	(L90) 68	(L10) 73 (Not to exceed greater than 15 min. in a 24-hour period)
Commercial	5:00 am to 8:00 pm	(Leq15) 72-75	75-Daytime
	8:00 pm to 5:00 am	(Leq9) 70-73	73-Nighttime
	24 hours	(L90) 68	(L10) 77 (Not to exceed greater than 15 min. in a 24-hour period)

Note – Golf course maintenance equipment is exempted from the requirements of Table 19.7.8-2. See Additional Standards for Specific Operations and Activities below for requirements.

**(1) Measurement Point**

The sound level shall be measured at the lot line of the property on which the sound is generated.

**(2) Sound Level Measurement**

Noise levels shall be measured with a sound level meter or noise dosimeter that meets the current requirements outlined in the American National Standards Institute (ANSI) Specification for Sound Level Meter, S1.4 (1983) Type S2A, and set to use the A-weighted network with slow meter response.

**2. Additional Standards for Specific Operations and Activities**

**(1) Outdoor Paging Systems**

Such systems shall not be permitted within 1,000 feet of any noncommercial or nonindustrial zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, and public or semipublic use property line. This standard shall not apply to drive-up

## 19.7.8.G

### Golf Course Maintenance Hours

windows or remote speaker systems at financial institutions, pharmacies, drive-through restaurants, and similar uses where cashiers and customers have direct face-to-face contact, where automated volume control technology is used, where drive aisles are adjacent to the primary structure, or where the remote appliance is located under a porte-cochere attached to the primary building.

(2) Refuse Collection/Loading

No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside of or within 500 feet of a residential use.

(3) Truck/Rail Loading

No truck or rail loading area established after October 6, 1998, shall be allowed to be in operation within 250 feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m., unless within a fully enclosed building.

3. **Lawn Maintenance Equipment and Power Tools / Golf Course Maintenance**

No person shall operate or use or cause to be operated or used any lawn care device or power tool before 6:00 a.m. and after 7:00 p.m. or sunset, whichever occurs later, or at any time in such a way as to create a "noise disturbance." The provisions contained in this paragraph shall not apply to an employee of the Public Works, Parks and Recreation Department. ~~[of parks and recreation, or to a person engaging in private golf course lawn maintenance, who operates or uses or causes to be operated or used any lawn maintenance equipment between the hours of 6:00 a.m. and 8:00 a.m. in any location more than 300 feet from a residential property. The distance of 300 feet shall be measured in a straight line from the point on the exterior wall of such residential property nearest to any point in the location at which such lawn maintenance is undertaken.]~~

Golf course lawn maintenance equipment may be operated 30 minutes prior to sunrise until 8:00 p.m. daily.

4. **Exemptions**

The following operations and activities are exempted from the limitations of this section:

(1) Emergency Power Generators

Emergency power generators that are installed as backup power supplies at hospitals, nursing and retirement homes, office buildings, or similar large-occupancy structures. Operation is permitted only when they operate in emergency situations when normal electric service is interrupted and during scheduled routine testing periods limited to such duration as to confirm proper functionality. Because of their infrequent use, and the great expense normally incurred to attenuate these noise sources, they are

## 19.7.8.G

### Golf Course Maintenance Hours

exempt from this ordinance during emergency operation. Routine testing must take place between the hours of 8:00 a.m. and 8:00 p.m. and shall not continue longer than 30 minutes per testing period. This exemption applies only to those generators that are used to provide emergency power in emergency situations or as required by the City of Henderson Fire Department. Generators not used for these purposes are required to meet the sound level limits established in Section 19.7.8.G.1, General.

**(2) Emergency Work**

Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from eminent danger, following a fire, accident, or natural disaster.

**(3) Aircraft and Trains**

Sound produced by aircraft in flight or operation at an airport, or railroad equipment in operation on railroad rights-of-way.

**(4) Permitted Activities**

Any activities that generate noise for which a permit was issued under the specifications outlined in this chapter or Title 8.84.

19.8.9.1.3  
Election Sign Height

I. TEMPORARY OFF-PREMISES ELECTION SIGNS

3. Location

Temporary off-premises election signs must not visually block any area within a street right-of-way or be located within the site visibility zone when taller than 24 ~~the area within 15 feet behind any street curb from a height of 32 inches to 108 inches above the curb, or edge of pavement where~~ ~~Where no curb exists, the 15-foot measurement must be made from the edge of the street pavement.~~ Where no curb exists, measurement must be made from the edge of the travel way.

Signs may not be placed on private property without the property owner's or authorized agents written consent. Written consent shall be provided to the city upon request. Signs may not be placed, posted or otherwise affixed within public right-of-way, medians or upon any public property and on any site with construction fencing.

#### 19.12.4 Defined Terms

##### Monument Sign

##### **SIGN, MONUMENT**

A low-profile freestanding sign with a solid base resting on the ground and typically incorporating the design and building materials complementary to the architectural theme of the buildings on the same property. A monument sign shall be not taller than 6 feet above grade.



## 12. Lapse of Approval

- (a) Except as otherwise provided herein, a conditional use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
- (1) A building permit other than a grading permit, has been issued and construction diligently pursued toward completion of the building.
  - (2) A certificate of occupancy has been issued.
  - (3) The use is established, and maintained.
  - (4) The conditional use permit is renewed.
- (b) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.
- (c) Except as otherwise provided herein, a [A] conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified by the City Council as part of a closure plan.
- ~~(d) — A conditional use permit for a casino project shall also lapse upon termination of the project or expiration of the building permit.]~~
- ~~(d)~~(e) A conditional use permit for a medical marijuana establishment shall not be effective until the licensee has received State of Nevada approval and approval of a business license from the City of Henderson.
- (e) The process by which a conditional use maybe extended is set forth below:
- (1) The Community Development and Services Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development and Services Director.

(2) Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.

(f) The process by which a discontinued use may be extended is set forth below. Uses can only be extended at the location for which they were originally approved:

(1) Established Use

Any established use, defined as a use that was approved and opened for business, which is anticipated to be discontinued for more than 180 days, may be extended as a part of an approved closure plan processed through the Community Development and Services Department, which requires City Council action. The closure plan must specify the period of time for the extension of the established use. The closure plan does not extend a business license, any business license extension shall be processed through Business Licensing Department procedures.

(2) Non-Established Use

Any non-established use, defined as a use that was approved but never opened for business, may be extended through the extension of time process described in 19.6.6.A.12(e). The extension of time must specify the period of time for the extension of the non-established use. The closure plan does not extend a business license, any business license extension shall be processed through Business Licensing Department procedures.

~~[(13) Extensions of Time~~

~~The Community Development Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development Director. Additional extensions of time may be approved by the Planning Commission, whose decision~~

~~may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.]~~

**[14] 13. Transferability**

The status of a conditional use permit is not affected by changes of tenancy, ownership, or management.

A conditional use permit for a medical marijuana establishment shall not be transferable to another location, tenant, ownership or management. (Refer to NRS)

**[15] 14. Amendments**

A request for changes in conditions of approval of a conditional use permit or a change to development plans that would affect a condition of approval shall be processed in the same manner as the original application. The Community Development Director shall be authorized to approve minor modifications that have no potential for significant offsite impacts, provided that they do not involve any of the following:

- (d) A five percent or greater increase in building height;
- (e) A five percent or greater increase in floor area or building coverage when calculated on a total, aggregate project basis; or
- (f) A five percent decrease in common open space.

**[16] 15. Successive Applications**

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

**[17] 16. Complaints Regarding Approved Conditional Use Permits**

Complaints regarding approved conditional use permits shall be processed in accordance with the provisions of Chapter 19.11: *Enforcement*.

19.6.6.A

Conditional Use Permits - Extensions of Time vs. Closure Plan

[18] 17.Business Licenses

Approval of conditional use permits does not guarantee the issuance or approval of a business license. Licensure must be sought, reviewed, and approved separately in accordance with all applicable Title 4 regulations for said license.

13. Bicycle Parking Required

- (a) ~~[All vehicle parking facilities requiring less than 20 parking spaces shall provide at least one bicycle rack where no less than four bikes may be accommodated.]~~

**PURPOSE**

Safe and accessible bike parking is essential to the city's vision of becoming a Bike Friendly Community and providing a truly multi-model transportation system. By providing safe and adequate bike parking facilities for visitors and employees, they will feel more comfortable utilizing a bicycle to commute and visit commercial centers. In addition, by encouraging more bicycling throughout the City, it will help to reduce motor vehicle usage and pollution within the community.

Bicycle parking will need to be designed not only to provide a safe and secure location for bike parking, but also to be visually attractive to help provide a sense of character and uniqueness.

- (b) ~~[Nonresidential and mixed-use development vehicle parking facilities requiring 20 or more parking spaces shall provide bicycle parking to accommodate a minimum of four bicycles plus one additional bicycle space for each additional ten spaces required in the lot. Residential development vehicle parking facilities requiring 20 or more parking spaces shall provide bicycle parking to accommodate a minimum of four bicycles plus one additional bicycle space for each additional twenty spaces required.]~~

Table 19.7.4-9 Bicycle Parking Ratios

**BICYCLE PARKING RATIOS**

19.7.4.K.13  
Bicycle Parking

All non residential, mixed use or a multi family residential development with more than 20 required parking spaces within the City shall provide at least one bicycle rack where no less than four bikes may be accommodated.

All bicycle parking must be easily accessible to visitors and employees. Two types of bike parking must be provided for all new development: 1. A short term bicycle parking area must be provided near

the main entrance to a building allowing for high visibility and easy access. 2. A long term bicycle parking area must also be provided on site. Long term bicycle parking areas may be located within a building to allow for a secure parking facility, but may be located outside. If long term bicycle parking is located outside the building, it is recommended the long term bike parking area be enclosed within a secure location and covered to help protect the bicycles.

Short term and long term bicycle parking shall be provided at the ratios specified in Table 19.7.4-9 Bicycle Parking Ratios:

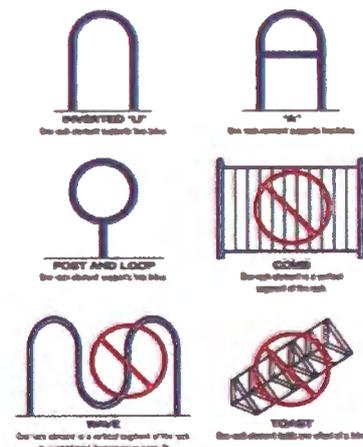
Use Types	(minimum spaces per 1,000 sq. ft. of floor area)	
	Long-Term	Short-Term
<b>Non-Residential Use Type</b>		
General or professional offices	0.30	0.06
Arts/crafts studios		
Technical offices, research labs	0.22	0.06
Banks, financial offices (ground floor)	0.30	0.50
Retail stores, consumer service	0.10	0.60
Food and convenience stores	0.10	1.00
Entertainment, recreation		
Restaurants, bars	0.20	1.00
Theaters, gathering halls	0.08	1.00
Churches	0.08	0.50
Medical clinics/offices	0.30	0.50
Industrial uses	0.10	N/A
Hospitals	0.20	0.10
College or university academic or administrative facilities	0.20	0.05

(c) **LOCATION AND DESIGN**

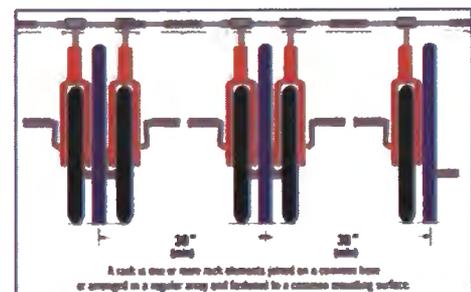
**Short term** bicycle racks shall be distributed throughout the site and placed either within 50 feet of the primary entrance(s) of the building(s) they are intended to serve and/or adjacent to a trail corridor where applicable. If applicable, bicycle racks shall be located outside of the required Clear Area, as defined in Section 19.7.7.G.1. The Community Development Director may approve alternate location(s) with sufficient justification. All racks shall be located with visibility and security as a primary factor.

(d) Bicycle racks may be unique in design but must have the following characteristics:

- (1) Support the frame of the bicycle at two places and not just one wheel;
- (2) Allow the frame and one wheel to be locked to the rack when both wheels are left on the bike;
- (3) Allow the frame and both wheels to be locked to the rack if the front wheel is removed;
- (4) Racks must be placed so as not to block entrances or interfere with pedestrian traffic flow in or out of a building. If placed on a sidewalk or within a pedestrian walkway, a minimum 5 feet clear space must be maintained.



**FIGURE 19.7.4-F BIKE RACK DESIGNS**

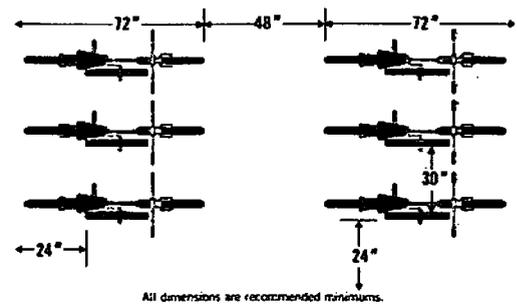


**FIGURE 19.7.4-G BIKE RACK SPACING**

An inverted U, post and loop, or “A” type bicycle rack is preferred as shown in Figure 19.7.4-F, but proposed alternatives may be considered if they are able to meet the characteristics listed above.

19.7.4.K.13  
Bicycle Parking

- (e) Bicycle parking spaces must have adequate spacing to allow for accessibility without having to move another bicycle. Allow a minimum of 30 inches between bicycle racks when mounted in a row as shown in Figure 19.7.4-G. If multiple rows of bicycle racks are installed, allow for a minimum aisle width of 48 inches measured from tip to tip of bike tires across the space between the rows of bike racks as shown in Figure 19.7.4-H.



**FIGURE 19.7.4-H BIKE RACK ROW PARKING**

19.7.8.G  
Golf Course Maintenance Hours

G. NOISE

1. General

All uses and activities (except publicly owned airports and railroads) shall comply with Chapter 8.84 of the City Code, and the maximum sound pressure level radiated by any use or facility shall not exceed the values shown in Table 19.7.8-2:

TABLE 19.7.8-2: MAXIMUM SOUND PRESSURE LEVELS			
Receiving Property Land Use	Time of Day	Background Level (dBA) Outdoors	Maximum Permitted Sound Level (dBA) Outdoors
Residential property, or residential portion of a multi-use property	7:00 am to 9:00 pm	(Leq14) 62-64	65-Daytime
	9:00 pm to 7:00 am	(Leq10) 53-59	60-Nighttime
	24 hours	(L90) 60	(L10) 70 (Not to exceed greater than 15 min. in a 24-hour period)
Industrial	5:00 am to 8:00 pm	(Leq15) 68-71	73-Daytime
	8:00 pm to 5:00 am	(Leq9) 68-73	73-Nighttime
	24 hours	(L90) 68	(L10) 73 (Not to exceed greater than 15 min. in a 24-hour period)
Commercial	5:00 am to 8:00 pm	(Leq15) 72-75	75-Daytime
	8:00 pm to 5:00 am	(Leq9) 70-73	73-Nighttime
	24 hours	(L90) 68	(L10) 77 (Not to exceed greater than 15 min. in a 24-hour period)

Note - Golf course maintenance equipment is exempted from the requirements of Table 19.7.8-2. See Additional Standards for Specific Operations and Activities below for requirements.

(1) Measurement Point

The sound level shall be measured at the lot line of the property on which the sound is generated.

(2) Sound Level Measurement

Noise levels shall be measured with a sound level meter or noise dosimeter that meets the current requirements outlined in the American National Standards Institute (ANSI) Specification for Sound Level Meter, S1.4 (1983) Type S2A, and set to use the A-weighted network with slow meter response.

**2. Additional Standards for Specific Operations and Activities**

**(1) Outdoor Paging Systems**

Such systems shall not be permitted within 1,000 feet of any noncommercial or nonindustrial zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, and public or semipublic use property line. This standard shall not apply to drive-up windows or remote speaker systems at financial institutions, pharmacies, drive-through restaurants, and similar uses where cashiers and customers have direct face-to-face contact, where automated volume control technology is used, where drive aisles are adjacent to the primary structure, or where the remote appliance is located under a porte-cochere attached to the primary building.

**(2) Refuse Collection/Loading**

No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside of or within 500 feet of a residential use.

(3) Truck/Rail Loading

No truck or rail loading area established after October 6, 1998, shall be allowed to be in operation within 250 feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m., unless within a fully enclosed building.

3. **Lawn Maintenance Equipment and Power Tools / Golf Course Maintenance**

No person shall operate or use or cause to be operated or used any lawn care device or power tool before 6:00 a.m. and after 7:00 p.m. or sunset, whichever occurs later, or at any time in such a way as to create a "noise disturbance." The provisions contained in this paragraph shall not apply to an employee of the Public Works, Parks and Recreation Department. ~~[of parks and recreation, or to a person engaging in private golf course lawn maintenance, who operates or uses or causes to be operated or used any lawn maintenance equipment between the hours of 6:00 a.m. and 8:00 a.m. in any location more than 300 feet from a residential property. The distance of 300 feet shall be measured in a straight line from the point on the exterior wall of such residential property nearest to any point in the location at which such lawn maintenance is undertaken.]~~

Golf course lawn maintenance equipment may be operated daily from sunrise or 6:00 a.m. (whichever is earlier), until sunset. Daily sunrise/sunset times are determined by the United States Naval Observatory.

4. **Exemptions**

The following operations and activities are exempted from the limitations of this section:

(1) **Emergency Power Generators**

#### 19.7.8.G

##### Golf Course Maintenance Hours

Emergency power generators that are installed as backup power supplies at hospitals, nursing and retirement homes, office buildings, or similar large-occupancy structures. Operation is permitted only when they operate in emergency situations when normal electric service is interrupted and during scheduled routine testing periods limited to such duration as to confirm proper functionality. Because of their infrequent use, and the great expense normally incurred to attenuate these noise sources, they are exempt from this ordinance during emergency operation. Routine testing must take place between the hours of 8:00 a.m. and 8:00 p.m. and shall not continue longer than 30 minutes per testing period. This exemption applies only to those generators that are used to provide emergency power in emergency situations or as required by the City of Henderson Fire Department. Generators not used for these purposes are required to meet the sound level limits established in Section 19.7.8.G.1, General.

#### (2) Emergency Work

Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from eminent danger, following a fire, accident, or natural disaster.

#### (3) Aircraft and Trains

Sound produced by aircraft in flight or operation at an airport, or railroad equipment in operation on railroad rights-of-way.

#### (4) Permitted Activities

Any activities that generate noise for which a permit was issued under the specifications outlined in this chapter or Title 8.84.