

# CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

## 19.7.1. GENERAL PROVISIONS

### A. GENERAL INTENT

This Chapter includes standards for developing property or establishing new uses of property within the City of Henderson, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the *Comprehensive Plan* vision for a more attractive, efficient, and livable community.

### B. APPLICABILITY

#### 1. General Applicability

Unless exempted under subsection 2 below, or unless otherwise provided in this Chapter, this chapter shall apply to the following types of development:

- (a) New construction;
- (b) Any project that involves demolition of an existing primary building and the construction of a new primary building; and
- (c) Any “substantial renovation” project, which is defined for purposes of this Chapter to include any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area; or the addition of new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of calculation, the increase in floor area shall be aggregated over a three-year period.

#### 2. Exemptions

The following are exempt from this Chapter:

- (a) Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Code, provided that a building permit is obtained within the time limit specified by the entitlement and that onsite construction commences in accordance with the site plan within one year of permit issuance;
- (b) Single-family residential development on lots recorded prior to the effective date of this Code; and
- (c) Development, as defined in Chapter 19.12 of this Code, under an approved master plan, planned unit development, or development agreement. If a new MP or PUD is established for a particular property following the effective date of this Code, this Chapter shall serve as the “baseline” for the development of any development or design standards to be incorporated into the plan.

## **19.7.2. COMMON OPEN SPACE**

### **A. PURPOSE**

Common open spaces are set aside for the use and enjoyment of a development's residents, employees, or users. Common open space serves numerous purposes, including preservation of natural areas and resources, ensuring greater resident access to open areas and recreation, reducing the heat island effect, enhancing storm water quality, and providing public health benefits. Goals and requirements for common open space complement this Code's requirements for dedicated parks and open spaces, and serve similar purposes.

### **B. APPLICABILITY**

This Section 19.7.2 shall apply to all development in the city that meets the following criteria:

#### **1. Residential Development**

All residential developments and subdivisions containing five or more dwelling units in the RS-8, RM-10, RM-16, RMH, RH-24, or RH-36 districts, except the RN overlay.

#### **2. Nonresidential Development and Mixed-Use**

Nonresidential and mixed-use developments having one or more of the following attributes:

- (a) Two or more buildings;
- (b) Two or more residential units;
- (c) A gross building area exceeding 5,000 square feet; or
- (d) A site or lot exceeding three acres in size.

### **C. STANDARDS**

#### **1. Amount of Common Open Space Required**

Development subject to this section shall set aside at least the minimum amounts of common open space listed in Table 19.7.2-1, *Common Open Space Required*:

<b>TABLE 19.7.2-1: COMMON OPEN SPACE REQUIRED</b>	
<b>DISTRICT TYPE</b>	<b>MINIMUM COMMON OPEN SPACE REQUIRED</b>
RS-8, RM-10, RMH Districts	700 sq ft per dwelling unit
RM-16, RH-24, RH-36 Districts	500 sq ft per dwelling unit
Nonresidential Development (excluding the DCC and DHC districts)	For buildings exceeding 5,000 sq ft, 250 sq ft per 1,000 sq ft
Mixed-use Districts	1,000 sq ft per 25,000 sq ft of lot area or 65 sq ft per dwelling unit, whichever is greater.

#### **2. Areas Counted as Common Open Space**

The features and areas identified in Figure 19.7.2-A, *Common Open Space Configuration*, shall be credited towards the common open space requirements of this section:

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<b>FIGURE 19.7.2-A: COMMON OPEN SPACE CONFIGURATION</b>		
<b>AREA COUNTED AS COMMON OPEN SPACE</b>	<b>DESCRIPTION</b>	<b>DESIGN REQUIREMENTS</b>
<p><b>NATURAL FEATURES</b></p> 	<p>Includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Undisturbed desert habitat;</li> <li>2. Flood hazard and conveyance areas (either maintained in, or restored to, natural state);</li> <li>3. Drainage channels, lakes, dry stream beds, washes, and arroyos;</li> <li>4. Hillsides and exposed slopes of 15% or more; and</li> <li>5. Wildlife habitat areas for threatened and endangered species.</li> </ol>	<p>Where natural features exist, the subdivider, developer, or owner shall give priority to their preservation as common open space. Placement of a conservation easement over the protected natural feature areas is encouraged. In reviewing the proposed location of common open spaces, the Community Development and Services Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected.</p> <p>Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.</p>
<p><b>ACTIVE RECREATIONAL AREAS</b></p> 	<p>Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, and jogging trails.</p>	<p>Active recreation areas may occupy up to 100 percent of the common open space area in the downtown and mixed-use districts.</p> <p>Land shall be compact and contiguous unless the land is used to link or continue an existing or planned open space resource. Landscaping shall be planned along all rights-of-way to provide a buffer to surrounding areas.</p>
<p><b>FORMAL PLANTINGS, PUBLIC ART, AND GARDENS</b></p> 	<p>Formally planned and regularly maintained open areas that provide passive recreation opportunities including arranged plantings, gardens, gazebos or similar structures, sculpture, and other forms of public art.</p>	<p>Roof gardens are also acceptable.</p>
<p><b>SQUARES, FORECOURTS, PLAZAS, AND PARKS</b></p> 	<p>Squares, forecourts, plazas, and parks provide active and passive recreational opportunities as to emphasize important places, intersections, or centers. These spaces are intended to serve an entire neighborhood or group of neighborhoods or commercial development.</p>	<p>Where provided, such features shall have a minimum size of 200 square feet and a maximum size of one acre.</p> <p>Surrounding buildings shall be oriented toward the square, forecourt, or park when possible and a connection shall be made to surrounding development.</p>
<p><b>REQUIRED LANDSCAPE AREAS</b></p> 	<p>Required landscape areas serve as a buffer to surrounding areas. Except for landscaped areas within parking lots and areas occupied by street trees within sidewalks, and except within mixed-use zoning districts, all areas occupied by required landscaping may count as common open space, including landscaped areas located within a ROW allowed per Table 19.7.5-2.</p>	<p>See general landscape standards in Section 19.7.5.</p>

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<b>FIGURE 19.7.2-A: COMMON OPEN SPACE CONFIGURATION</b>		
<b>AREA COUNTED AS COMMON OPEN SPACE</b>	<b>DESCRIPTION</b>	<b>DESIGN REQUIREMENTS</b>
<p><b>PUBLIC ACCESS EASEMENTS</b></p> 	<p>Public access easements, which often combine utility easements with paths or trails, are available for recreational activities such as walking, running, and biking.</p>	<p>Must include at least one improved access from a public sidewalk, street, trail, or easement that includes signage designating the access point.</p> <p>A trail or other amenity/amenities must be provided in the full length of an easement to qualify under this category.</p> <p>A public access easement shall be recorded for pedestrian accesses.</p>

**3. Areas Not Credited**

Lands within the following areas shall not be counted towards required common open space:

- (a) Private yards not subject to a permanent open space or conservation easement acceptable to the City;
- (b) Travel lane and sidewalk improvements within public or private rights-of-way;
- (c) Open parking areas and driveways for dwellings or commercial uses;
- (d) Land covered by structures not intended solely for recreational uses;
- (e) Designated outdoor storage areas; and
- (f) Balconies.

**4. Design Standards for Common Open Space**

Land set aside for required common open space shall meet the following standards:

- (a) Location
 

Where relevant and appropriate, open space shall be located to be readily accessible and usable by residents and users of the development. To the maximum practical extent, a portion of the open space should provide focal points for the development.
- (b) Access
 

Common open space areas shall abut at least one direct road access, public or private, or shall have pedestrian access if road access is not feasible.
- (c) Configuration
  - (1) Common open space may be configured to be contiguous or dispersed throughout the site as long as each space has a minimum width and depth of 20 feet and a minimum area of 1,000 square feet, with the exception

of the Required Landscape Areas and Public Access Easements categories.

- (2) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the common open space shall, to the maximum extent practical, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

(d) Provision in Multi-Phase Developments

- (1) Development proposed in phases shall be considered as a single development for the purposes of applying the common open space standards.
- (2) Development shall not be phased to avoid the minimum common open space required in this subsection.
- (3) Common open space must be proportionate to phasing of development and approved through a common open space phasing plan.

(e) Landscaping

The City shall approve all common open space landscaping plans. Natural turf is not an allowable plant material within medians, streetscapes, parking lots, entryways, and perimeter landscaping. Natural turf may be allowed within usable common open space per 19.7.2.C.4(f)(2). All future development will be negotiated in a way to ensure compliance with present-day turf codes and drought ordinances to ensure landscaping is sustainable for the future.

(f) Use of Common Open Space Areas

- (1) The following minimum percentages of the total required common open space shall be usable. For purposes of this requirement, usable common open space includes areas classified as active recreational areas; formal plantings, public art, and gardens; squares, forecourts, plazas, and parks; or public access easements:
  - i. RS-8, RM-10, and RMH Districts: 40 percent
  - ii. RM-16, RH-24, and RH-36 Districts: 70 percent
- (2) Usable common open space areas in all residential developments must include an active recreation component; the size and design must be approved by the Community Development and Services Director (or final decision-making body as outlined by this Code).
  - i. Usable common open space that includes natural turf must comply with the following standards:
    1. The natural turf area must have a minimum width and depth of 30 feet and a minimum area of 1,500 square feet.
    2. Natural turf shall not be installed closer than ten (10) feet to any street (back of curb) and three (3) feet to any sidewalk.

3. Natural turf cannot be installed at entryways to residential neighborhoods or subdivisions where other recreational amenities do not exist.
- (3) In mixed-use districts, the following open space standards apply:
- i. Complying open space areas must have a minimum width and depth of 20 feet and a minimum area of 1,000 square feet.
  - ii. The following open space features may be used to satisfy the requirement:
    1. Patio or plaza with seating, landscaping and other unique features;
    2. Landscaped mini-parks;
    3. Rooftop or community garden;
    4. Similar features as approved by the Community Development and Services Director or designee.
- (4) Common open space required by this section shall not be disturbed, developed, or improved with any structures or buildings, except for the limited purposes allowed below:
- i. Facilities for active recreation (equipment for such uses shall be indicated on the site and/or subdivision landscape/amenity plan provided by the developer);
  - ii. Common open spaces may include passive recreational and educational purposes approved by the City, including but not limited to, walking, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education, and wildlife habitat protection; and
  - iii. For the Natural Features category, the clearing of underbrush and debris and the provision of walks, fences, restrooms and similar features are allowed.
- (5) For all other categories, the provision of walks, fences, restrooms, shade structures, picnic shelters, benches, and similar features are allowed as approved through an amenities plan.

## **5. Ownership**

### **(a) Method of Ownership**

Common open space areas, which may include walkways with public access easements, shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.

### **(b) Declaration of Covenants and Restrictions**

If common open space is to be deeded to a property owner's association, then the applicant shall record a declaration of covenants and restrictions that shall:

- (1) Govern the use of the common open space;
- (2) Run with the land in perpetuity; and
- (3) Provide for a lien on the property to secure collections of assessments levied by the association.

(c) Private Ownership

If common open space is to be privately owned, then it shall have deed restrictions that:

- (1) Provide that the common open space shall be maintained and preserved as open space and shall not be used for yards, lawns, or buildings;
- (2) Run with the land in perpetuity; and
- (3) Indicate that the City and owners of land in the development have a right to enforce the deed restrictions.

(d) Maintenance of Common Open Space

Common open space areas, which may include walkways with public access easements, shall be maintained per approved plans (i.e. civil plans or landscape plans). In the event that common open space areas are not maintained in reasonable order and condition in accordance with the approved site plan, then the City may serve written notice of the deficiencies upon the association or the owners or residents of the development. If the deficiencies cited by the City have not been corrected within 30 days after written notice, then the department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the common open space. The entire cost of correction shall be a lien upon each of the properties from the date that the lien is filed in the County Recorder's office.

(e) Management of Common Open Space in Planned Developments

In addition to the standards of this section, management of common open space in a planned development shall be subject to NRS 278A.130 to 278A.190, inclusive.

### **19.7.3. CIRCULATION AND MOBILITY**

#### **A. PURPOSE**

The purpose of this section is to support the creation of a highly connected transportation system within the City in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development, and free up arterial capacity to better serve regional long-distance travel needs. These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

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**B. APPLICABILITY**

The standards in this section shall apply to all development in the City.

**C. CIRCULATION PLAN**

Except for new detached and attached single-family residential uses with less than five (parcel map) dwellings, or property of one-half acre or less zoned nonresidential or mixed-use, all new development and redevelopment in the City shall prepare a circulation plan.

1. The circulation plan shall address street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.
2. The Community Development and Services Director may waive the requirement for a circulation plan on a case-by-case basis in the event that a new development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.
3. A circulation plan shall be submitted with a PUD, master plan, tentative map, or application for zoning or design review, as appropriate.

**D. STREET CONNECTIVITY**

1. Internal Street Connectivity

- (a) Circulation plans for development on lots in the downtown districts shall provide for multiple connections to the existing City street network wherever possible.
- (b) Except for lots within the downtown districts, all development applications required to prepare a circulation plan shall demonstrate internal street connectivity through the use of a connectivity index, in accordance with the following standards.

- (1) All development shall achieve a connectivity index score in accordance with Table 19.7.3-1, Minimum Connectivity Index Score:

<b>TABLE 19.7.3-1: MINIMUM CONNECTIVITY INDEX SCORE</b>	
<b>BASE ZONING DISTRICT</b>	<b>MINIMUM INDEX SCORE</b>
RS-1, RS-2, DH, RMH, PS	1.4
RS-4, RS-6, RS-8, RM-10, RM-16 (single-family attached only)	1.4
MC, MR, MN, PC	1.65

- (2) The required connectivity index standard may be reduced by the Community Development and Services Director through the administrative adjustment process (Section 19.6.9.B) if the applicant demonstrates it is impossible or impracticable to achieve due to:
  - i. Topographic conditions;
  - ii. Natural features;
  - iii. Adjacent existing development patterns; or

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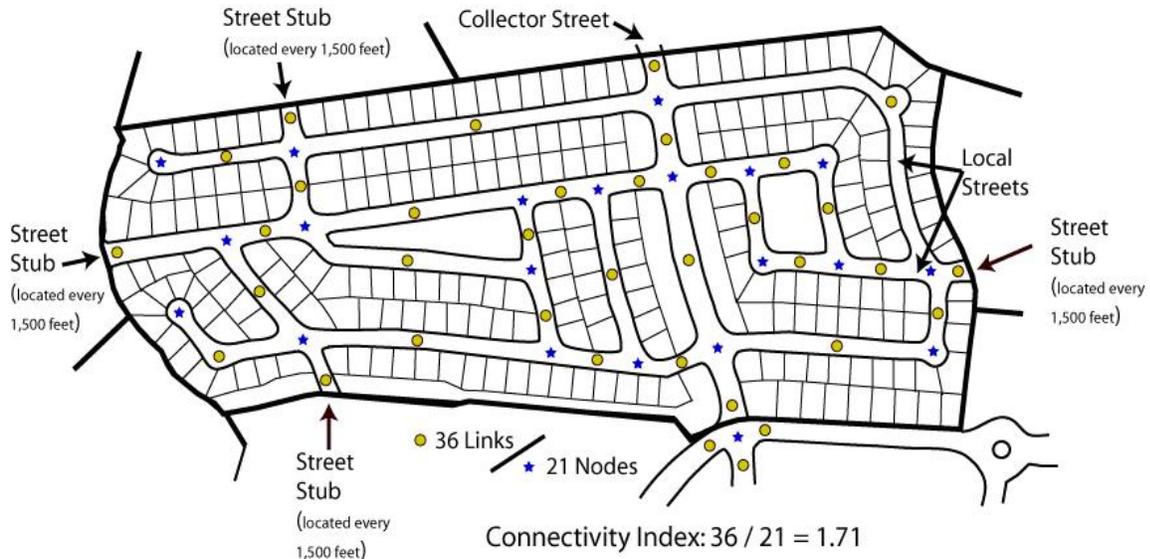
- iv. Other site limitations as agreed upon by the applicant and Community Development and Services.
- (3) The connectivity index for a development shall be calculated by dividing its links by its nodes.
  - i. Nodes (shown as stars in Figure 19.7.3-A) exist at street intersections and cul-de-sac heads within the development.
  - ii. Links (shown as circles in Figure 19.7.3-A) are stretches of road that connect nodes.
- (4) For purposes of calculating the index for a development:
  - i. One link beyond every node that exists in the development and provides access to the street network shall be included in the index calculation. Street stub-outs are considered as links.
  - ii. Temporary dead-end streets internal to a development, gated streets, private streets in gated sections, or alleys shall not be counted as links.
  - iii. Temporary dead-end streets terminating at the perimeter of a development shall be counted as a link.

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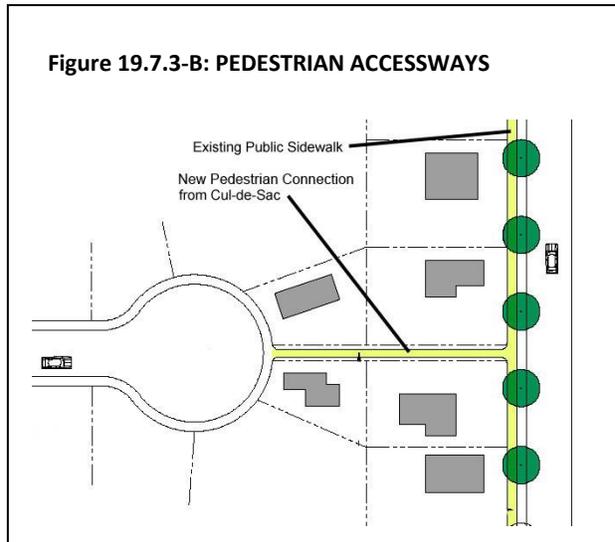
**Figure 19.7.3-A: Connectivity Index**

This figure provides an example of how to calculate the connectivity index. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore, the connectivity index is 1.71 ( $36/21 = 1.71$ ). In addition, each side of the development includes at least one street stub or connection to the greater street system every 1,500 feet.



- iv. An additional  $\frac{1}{2}$  link shall be included in the index calculation for each:
  1. Pedestrian connection through a cul-de-sac or as determined by the Community Development and Services Director, and
  2. Additional un-gated vehicular connection (beyond the first) to an arterial or collector street.
- v. An additional  $\frac{1}{4}$  link shall be included in the index calculation for each roadway segment where homes face amenitized open space, parks or natural area.

**Figure 19.7.3-B: PEDESTRIAN ACCESSWAYS**



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- (5) Whenever cul-de-sac streets (or “knuckles”) are created, at least one eight-foot-wide lighted pedestrian access easement shall be provided, to the maximum extent practical, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway. See Figure 19.7.3-B. Such pedestrian connections may be used in the connectivity index calculation per 19.7.3.D.1(b).(4)(iv).
- (6) All stub streets and temporary dead-end streets greater than 150 feet in length shall terminate in a cul-de-sac.

#### 2. External Street Connectivity

In addition to the internal street connectivity requirements, circulation plans for all new development, except for lots within the downtown districts, shall maintain external street connectivity in accordance with the following standards:

- (a) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections. Traffic-calming measures, such as but not limited to diverters, street gardens, and curvilinear alignments, shall be integrated into the development to mitigate the impact of potential future cut-through traffic.
- (b) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands, as determined by the Community Development and Services Director. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, the H overlay, or other unique site conditions preventing a street connection in the opinion of the Community Development and Services Director.
- (c) Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Community Development and Services Director and Public Works Parks and Recreation Director.
- (d) Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.
- (e) Shared commercial/residential connections with arterials shall be primarily oriented towards commercial centers.
- (f) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words “STREET MAY BE EXTENDED BY THE AUTHORITY OF THE CITY OF HENDERSON” to inform property owners.
- (g) The Final Map and a disclosure for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

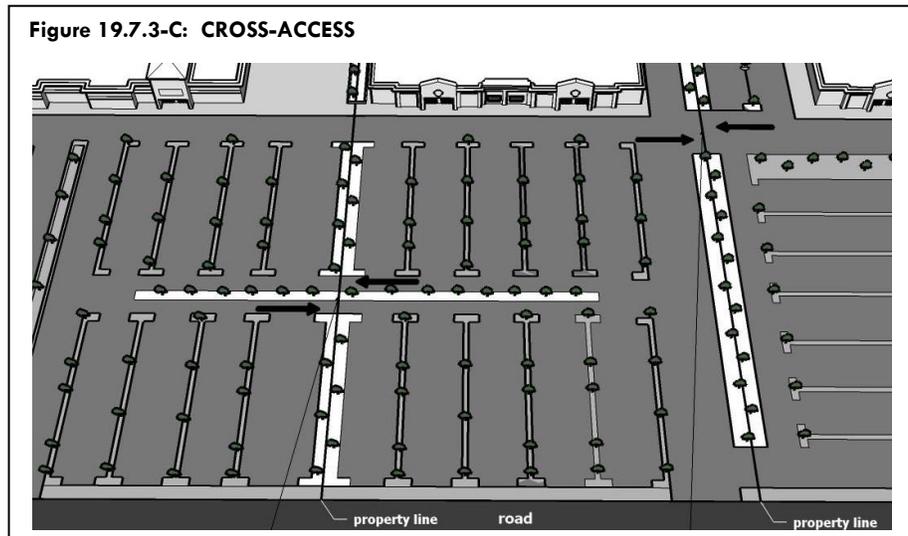
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#### E. CROSS-ACCESS BETWEEN ADJACENT USES

To encourage shared parking and shared access points on public streets, circulation plans prepared for all new nonresidential and mixed-use development shall comply with the following standards:

1. Internal vehicular circulation areas shall be designed to allow for cross-access with adjacent lots that have nonresidential or mixed uses.
2. A stub for future cross-access shall be provided from the vehicular use area to all adjacent vacant land designated for nonresidential or mixed-use development.
3. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 24 feet or through two one-way aisles each with a minimum width of 12 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket. Shown on Figure 19.7.3-C.
4. When cross-access for vehicles is deemed impractical by the Community Development and Services and Public Works Parks and Recreation Directors on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if pedestrian connections are provided between adjacent developments or land uses, either at the street frontage or internal within the site.
5. A cross-access easement must be recorded prior to issuance of a building permit for the development, unless otherwise approved by the Community Development and Services Director.



6. Pedestrian access from adjacent residential areas shall be provided by incorporating wall/gate and landscape openings which connect pedestrians to the adjacent commercial development. These openings can be locked assuming the residential development is provided access via keys or touchpad entry system.

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**F. PEDESTRIAN CIRCULATION**

The pedestrian circulation routes must be shown on the site plan submitted for a Design Review and shall address pedestrian circulation in accordance with the following standards:

**1. Sidewalks Required**

Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets, cul-de-sacs, and private streets), and within and along the frontage of all new development or redevelopment, per the Master Transportation Plan or as approved by the Public Works Parks and Recreation Director. This requirement shall not apply within the MC district, where a larger sidewalk requirement applies; or to local streets in districts within the RN overlay, where an established cross-section without sidewalks has been approved; or in steep-slope areas where sidewalks on one side of the street may be approved by the Community Development and Services Director to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

**2. Onsite Pedestrian Connections**

(a) All commercial, industrial, multifamily, and mixed-use development shall provide a network of onsite pedestrian walkways with a minimum width of five feet to and between the following areas:

- (1) Entrances to each building on the site, including pad site buildings;
- (2) Public sidewalks or walkways on adjacent properties and along public rights-of-way that extend to the boundaries shared with the subject development;
- (3) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities; and



**Figure 19.7.3-D: EXAMPLES OF PEDESTRIAN CONNECTIONS**

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- (4) Adjacent parks, trails, schools, and recreation centers.
- (5) Adjacent non-residential development, as determined by the Community Development and Services Director.
- (6) All non-residential development, except those exempted in 19.7.5.D.1, shall provide at least one continuous landscaped pedestrian walkway from the right-of-way to the building entrance walkway or sidewalk adjacent to the building. This walkway shall be separated from all vehicular movement except where drive aisle crossings are necessary. Design of this landscaped pedestrian walkway can be found in 19.7.3.F.6.

(b) Identify pedestrian walkways and crosswalks to motorists and pedestrians through the use of one or more of the following methods: (Figure 19.7.3-D.)

- (1) Changing paving material, patterns, or paving color;
- (2) Changing paving height;
- (3) Decorative bollards;
- (4) Painted crosswalks;
- (5) Raised median walkways with landscaped buffers; or
- (6) Stamped asphalt.

**COMMENTARY:**  
Easements to provide rights of access between adjacent properties must be recorded prior to project occupancy.

All non-standard paving methods listed that are installed within the public right-of-way require a revocable permit.

(c) Emphasize pedestrian circulation routes with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the desert elements. See Figure 19.7.3-E. Techniques shall include one or more of the following:

- (1) Arcades, porticos, or other shade structures;
- (2) Pedestrian light features,
- (3) Bollards,
- (4) Seat walls or benches;
- (5) Drinking water fountains; or
- (6) Landscape planters.

(d) Sites larger than five acres shall be divided into smaller units through the use of pedestrian walkways, private drives, and other vehicular circulation routes. Breaking up such sites need not require any subdivision of the site or creation of a separate legal description(s).

(e) To the extent practical, drainage facilities should be similarly designed with pedestrian amenities on



**Figure 19.7.3-E: PEDESTRIAN CIRCULATION**

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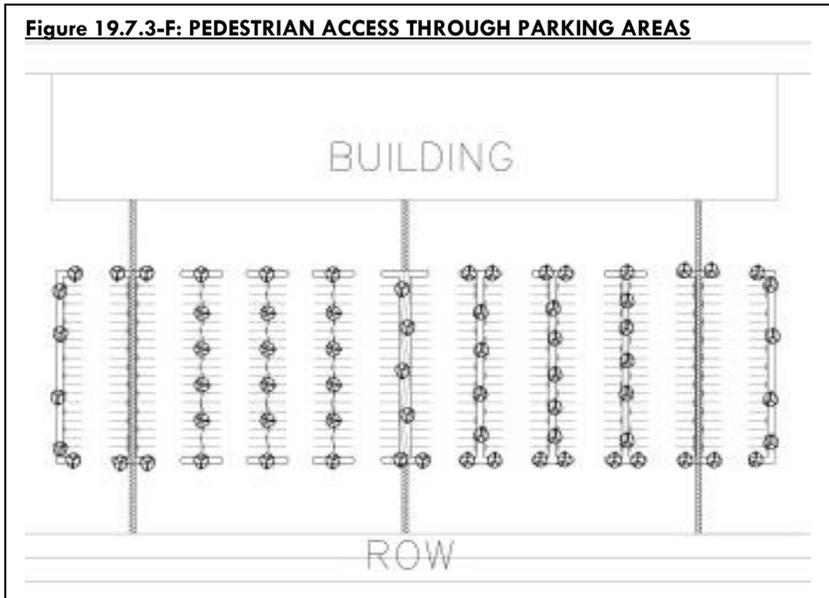
the same sites. Drainage facilities must be designed per Section 1500 (Structural Best Management Practices) of the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual.

**3. Pedestrian Access Through Parking Areas**

All surface parking lots in non-residential developments must include pedestrian walkways at an interval of every four driving aisles, except those exempted in 19.7.5.D.1.

At least one primary continuous landscaped walkway must be provided from the street, through the parking lot, to the primary building entrance (or to a sidewalk providing access to the primary building entrance). The primary continuous pedestrian landscaped walkway must be located central to the site or as close to the primary building entrance as possible. The design of the continuous pedestrian landscaped walkways must comply with Section 19.7.3.F.6(a).

The secondary pedestrian walkways must be provided at an interval of every fourth parking row, using the location of the primary continuous pedestrian landscaped walkway as a starting point. These walkways must be located between abutting rows of parking spaces. The design of the secondary pedestrian walkways must comply with Section 19.7.3.F.6(b).



**4. Pedestrian Access Through Parking Garages**

Pedestrian walkways must be provided through parking garages from the parking area to the abutting public right-of-way and/or to the primary entrance of the building served by the parking. Pedestrian walkways may not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

**5. Overhead Weather Protection and Shade**

Commercial, mixed-use, and industrial development shall provide overhead weather protection and shade structures pursuant to Section 19.7.6.D.3(h), *Response to the Climate*.

**6. Standards for Pedestrian Improvements**

General Pedestrian Walkway Standards

- (a) Required Primary Continuous Pedestrian Walkways must:
  - (1) Be at least eleven feet in width and include:

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### SECTION 19.7.3 CIRCULATION AND MOBILITY | 19.7.3.F PEDESTRIAN CIRCULATION

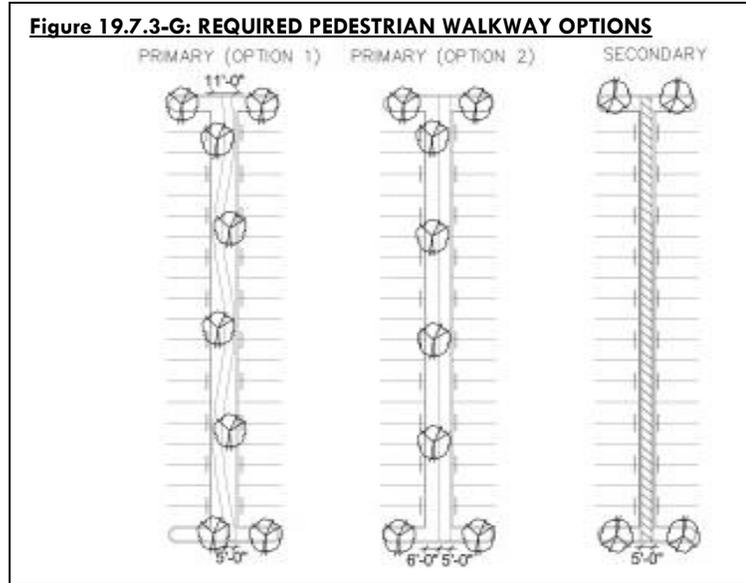
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- i. A five-foot sidewalk;
  - ii. A minimum six-foot-wide continuous landscaped strip adjacent to the sidewalk. Planting quantities and layout shall be per Section 19.7.5.E.2.
    1. If the landscape is less than eight feet wide, a structural soil compound must be used to ensure proper root growth.
    2. A sidewalk may be placed between two landscape strips, assuming at least one of the landscape strips is a minimum of six feet wide.
    3. A meandering sidewalk may be placed between two landscape strips, assuming the plants are planted on the larger of the two landscaped strips.
- (2) When crossing with drive aisles, all walkways must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
  - (3) Have adequate lighting for security and safety;
  - (4) Be centrally located on the subject property. If multiple continuous pedestrian landscaped walkways are proposed within a single development, they may be generally dispersed throughout the site;
  - (5) Be ADA accessible; and
  - (6) Not include barriers that limit pedestrian access between the subject property and adjacent properties.
  - (7) Wheel stops are required adjacent to the Required Primary Continuous Pedestrian Landscaped Walkway. Wheel stops may be staggered as long as each parking space has a portion of a wheel stop.
  - (8) All landscape planter design shall comply with Section 1500 (Structural Best Management Practices) of the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual and the Southern Nevada Regional Planning Coalition's Regional Plant List.
- (b) Required Secondary Pedestrian Walkways must:
- (1) Be at least five feet in width;
  - (2) Be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
  - (3) Have adequate lighting for security and safety;
  - (4) Must be located at an interval of every fourth parking row using, to the greatest extent possible, the required primary continuous pedestrian landscaped walkway as a starting point;
  - (5) Be ADA accessible; and
  - (6) Not include barriers that limit pedestrian access between the subject property and adjacent properties.

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- (7) If raised curbing is not utilized to separate the walkway from the parking spaces, wheel stops must be provided within each parking space abutting the walkway. Wheel stops may be staggered as long as each parking space has a portion of a wheel stop.



## **19.7.4. PARKING AND LOADING**

### **A. PURPOSE**

The regulations of this section are intended to help ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. Additional parking standards for mixed-use districts can be found in Section 19.7.7.G.1(f).

### **B. APPLICABILITY**

#### **1. New Development**

Every building or land use established, every existing building enlarged, and every existing use expanded must provide off-street parking and loading areas in accordance with the minimum parking requirements set forth in Sections 19.5.3 through 19.5.6. Existing parking and loading spaces may not be reduced below the minimums required by Sections 19.5.3 through 19.5.6.

#### **2. Expansions and Enlargements**

The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. In the case of such expansions or enlargements, additional off-street parking and loading spaces are required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal at least 75 percent of the minimum required ratio as defined in Sections 19.5.3 through 19.5.6.

#### **3. Change of Use**

Off-street parking and loading must be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in Sections 19.5.3 through 19.5.6.

#### **4. Phased Projects**

In projects being developed in phases, the future phases left undeveloped must either be fenced off from vehicular traffic entirely or separated by a 6" curb and in no instance may be used as a parking area if left unpaved.

If there is intent to use an area planned for future phases as an interim parking lot, that area must be paved and striped to Code parking lot standards. Parking lot landscaping would not be required within the phased area.

#### **5. Exemptions**

For exemptions to downtown district parking and loading spaces, refer to Section 19.7.4.F.8.

### **C. OFF-STREET PARKING SCHEDULES**

#### **1. Minimum Off-Street Parking Requirements**

The minimum off-street parking requirements for uses allowed by this Code are listed with the use-specific standards for the particular use in Chapter 19.5: *Use Regulations*.

**2. Schedule “B”**

Use subject to Off-Street Parking Schedule “B” (Sections 19.5.3 – 19.5.6) must provide the minimum number of off-street parking spaces indicated in Table 19.7.4-1, *Off-Street Parking Schedule B*.

<b>TABLE 19.7.4.C-1: OFF-STREET PARKING SCHEDULE B</b>	
ACTIVITY	NUMBER OF SPACES REQUIRED
Office or Administrative Area	1 per 300 square feet
Indoor Sales Area	1 per 200 square feet
Outdoor Sales, Display, or Storage Area (3,000 square feet or less)	1 per 750 square feet
Outdoor Sales, Display, or Storage Area (over 3,000 square feet)	1 per 1,000 square feet
Indoor Storage/Warehousing/Vehicle Repair/Manufacturing Area	
1 - 3,000 square feet	1 per 250 square feet
3,001 - 5,000 square feet	1 per 500 square feet
5,001 – 10,000 square feet	1 per 750 square feet
10,001 and greater	1 per 1,250 square feet

**3. Schedule “C”**

Use subject to Off-Street Parking Schedule “C” (Sections 19.5.3 – 19.5.6) have widely varying parking and loading demand characteristics, making it very difficult to specify a single appropriate off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule “C” standards, the Community Development and Services Director is authorized to apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. The study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Community Development and Services Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

**D. OFF-STREET LOADING**

**1. Loading Spaces Required**

Off-street loading spaces must be provided in accordance with Section 19.5.3–19.5.6 and Table 19.7.4-2, *Off-Street Loading Schedule*:

<b>TABLE 19.7.4-2: OFF-STREET LOADING SCHEDULE</b>		
<b>GROSS FLOOR AREA</b>	<b>MINIMUM NUMBER OF SPACES REQUIRED</b>	
	<b>TYPE A</b>	<b>TYPE B</b>
<b>LOADING GROUP 1</b>		
0 – 5,000 square feet	N/A	N/A
5,001 – 15,000 square feet	N/A	1
15,001 – 50,000 square feet	N/A	2
50,001 +	N/A	3
<b>LOADING GROUP 2</b>		
0 – 10,000 square feet	1	N/A
10,001 – 20,000 square feet	N/A	1
20,001 +	1	1
<b>LOADING GROUP 3</b>		
0 – 30,000 square feet	N/A	1
30,001 – 100,000 square feet	N/A	2
100,001 +	N/A	3
NOTES: Type A: 10-foot minimum width, 20-foot minimum length, and 10-foot minimum vertical clearance. Type B: 12-foot minimum width, 35-foot minimum length, and 14-foot minimum vertical clearance.		

**2. Surfacing and Maintenance**

Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights unless otherwise approved by the Public Works Parks and Recreation Director.

**3. Design and Location Requirements**

- (a) At no time may goods be loaded or unloaded from the right-of-way of a collector or arterial street.
- (b) No part of any vehicle may extend into the right-of-way of a collector or arterial street or block any public sidewalk while being loaded or unloaded.
- (c) On a site adjoining an alley, a required loading space must be accessible from the alley unless alternate access is approved by the Public Works Parks and Recreation Director.
- (d) A required loading space must be accessible without backing a vehicle across a street property line unless the Public Works Parks and Recreation Director determines that provision of turnaround space is infeasible and approves alternate access.
- (e) A loading space must not intrude into any portion of a required drive aisle, ADA-accessible route, or fire lane.
- (f) An occupied loading space must not prevent access to a required parking space.

- (g) Loading spaces must be designed so that parking maneuvers, such as backing into the loading area, do not occur in the public right-of-way.
- (h) Exterior loading areas must be screened on three sides by a building, solid decorative screen wall at least eight feet in height, and landscaping at least five feet in width, adjacent to the screen wall.
- (i) Loading spaces must be located a minimum of 50 feet from any property with a residential land use.
- (j) Required off-street loading spaces must be on the site of the use served or on an adjoining site and must not be located in a required setback.

## **E. CALCULATIONS**

The following rules apply when calculating off-street parking and loading requirements:

### **1. Multiple Uses**

Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

### **2. Fractions**

When measurements of the number of required spaces result in a fractional number, the result must be rounded up to the next higher whole number.

### **3. Area Measurements**

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area.

### **4. Occupancy- or Capacity-Based Standards**

For the purpose of calculating parking requirements based on employees, students, residents, or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

### **5. Unlisted Uses**

Upon receiving a development application for a use not expressly listed in this section or within Chapter 19.5: *Use Regulations*, the Community Development and Services Director is authorized to apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of the requirements that apply to Schedule "C" uses, in accordance with Section 19.7.4.C.3.

### **6. Reserved Parking**

All required parking spaces must be free, unfettered, and permanently available to all users. They must also be maintained for public-parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the minimum number of spaces required by this Development Code may be reserved—covered or uncovered—for specific users.

**7. Parking within Rights-of-Way**

Parking within the right-of-way is deemed excess parking and does not count toward meeting minimum off-street parking requirements. Unless otherwise expressly stated, all required parking must be located on the project site of the use or development that the parking is required to serve.

**F. OFF-STREET PARKING ALTERNATIVES**

**1. Scope**

This section authorizes several alternatives to strict compliance with the parking regulations of this chapter.

**2. Applicability**

Applicants seeking approval of an alternative parking plan through the waiver or administrative adjustment processes must secure approval of such plan in accordance with the provisions of this section. Alternative parking plans may be approved in all zoning districts.

**3. General**

**(a) Procedure**

Alternative parking plans must be reviewed and approved in accordance with the administrative adjustment procedures of Section 19.6.9.B.

**(b) Recordation of Approved Plans**

An attested copy of an approved alternative parking plan and approval letter must be recorded with the Clark County Recorder. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant must provide proof of recordation prior to approval of a certificate of occupancy.

**(c) Violations**

Violations of an approved alternative parking plan constitute a violation of the Development Code and will be subject to the enforcement and penalty provisions of Chapter 19.11: Enforcement.

**4. Offsite Parking**

The Community Development and Services Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the offsite parking complies with all of the following standards.

**(a) Ineligible Activities**

Offsite parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off site.

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**(b)** Location

No offsite parking space may be located more than 1,000 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote-parking shuttle-bus service is provided. Offsite parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.

**(c)** Zoning Classification

Offsite parking areas require the same or a more intensive zoning classification than required for the use served.

**(d)** Agreement for Offsite Parking

In the event that an offsite parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must guarantee the use of the offsite parking area for at least ten years. An attested copy of the agreement between the owners of record must be submitted to the Community Development and Services Director for review and approval. Recordation of the approved agreement by the applicant must take place before issuance of a building permit or certificate of occupancy for any use to be served by the offsite parking area. An offsite parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Sections 19.5.3 through 19.5.6. No use may be continued if the parking is removed unless substitute parking facilities are provided, and the Community Development and Services Director must be notified at least 60 days prior to the termination of a lease for offsite parking.

**5. Shared Parking**

The Community Development and Services Director may approve shared-parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

**(a)** Location

Shared-parking spaces must be located within 1,000 feet of the primary entrance of all uses served, unless remote-parking shuttle-bus service is provided.

**(b)** Zoning Classification

Shared-parking areas require the same or a more intensive zoning classification than required for the use served.

**(c)** Shared-parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared-parking analysis prepared by a qualified professional to the Community Development and Services Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Community Development and Services Director and be made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

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**(d)** Agreement for Shared Parking

A shared-parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Community Development and Services Director for review and approval. Recordation of the approved agreement by the applicant must take place before issuance of a building permit for any use to be served by the offsite parking area. A shared-parking agreement may be terminated only if all required off-street parking spaces will be provided, in accordance with the requirements in Sections 19.5.3 through 19.5.6.

**6. Valet Parking**

The Community Development and Services Director may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements if:

- (a)** A valet-parking plan must be reviewed and approved in accordance with design review procedures if a plan was not submitted with the entitlement application that created the development.
- (b)** All parking areas, except allowed tandem and stacked-parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked parking may be authorized by the Community Development and Services Director in valet-parking facilities and other parking lots with a parking attendant.
- (c)** No more than 50 percent of the minimum required parking spaces for the development may be designated for valet spaces.
- (d)** Valet parking must be designed so that direct access is not from a public street or alley. Direct access must be provided from an internal drive aisle that serves the development. The valet-parking design may not restrict pedestrian and vehicular circulation within the development.
- (e)** The development must provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.
- (f)** The valet parking area may not be located within 200 feet of the public entrance of a building within the development. If the parking configuration does not allow compliance with this separation requirement, such as in parking garages, valet parking must be located in the farthest spaces from any public entrance as approved by the Community Development and Services Director.

**7. Parking-reduction Incentives**

**(a)** Transit Accessibility

The Community Development and Services Director may authorize up to a 10 percent reduction in the number of off-street parking spaces required for uses located within 1,000 feet of a bus rapid transit-stop.

The Community Development and Services Director may authorize up to a five-percent reduction if the developer provides a bus stop with shelter adjacent to the site with a walkway that connects the bus shelter to the primary building entrance.

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The applicant must provide confirmation from the Regional Transportation Commission of Southern Nevada (RTC) that indicates the RTC will use the facility.

**(b)** Multifamily Residential in Mixed-Use Building

Multifamily residential incorporated as part of a vertically-oriented mixed-use building shall provide a minimum of 1.5 spaces per dwelling unit. No parking study shall be required unless it is combined with another credit request.

**(c)** Transportation Demand Management

The Community Development and Services Director and/or Public Works Parks and Recreation Director may approve a Transportation Demand Management plan (TDM plan) as a means of reducing the minimum number of off-street parking spaces required for large employers (defined for purposes of this section as those with at least 500 employees) within a nonresidential or mixed-use development with a minimum overall area of ten acres.

**(1)** Required TDM Plan

A TDM plan shall be reviewed and approved in accordance with the applicable entitlement application to allow up to a 15 percent reduction. The TDM plan must include facts and/or projections (i.e., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, Development Code minimum-parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion.

**(2)** Transportation Demand Management Activities

The TDM plan must provide a minimum of three of the following transportation demand management activities in order to qualify for a reduction in otherwise required minimum off-street parking ratios:

- i.** Establish a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus routes, bus schedules and maps, and alternative commute log (bicycle, pedestrian, carpool, vanpool, etc.).
- ii.** Disclose in writing to all employees transportation information and educational materials.
- iii.** Coordinate the formation of, but not limited to, carpooling, vanpooling, ridesharing, guaranteed ride home, teleworking, and/or shuttle service programs.
- iv.** Create a Preferential Parking Management Plan that specifically marks spaces for each registered carpool and/or vanpool vehicle, located near building entrances or in other preferential locations.
- v.** Institute off-peak work schedules, allowing employees to arrive and depart at times other than the peak morning commute period. The peak morning commute period is defined as 7:00–9:00 a.m. and the peak evening commute period is defined as 5:00–7:00 p.m.

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- vi. Establish an office location within the development, staffed by the transportation coordinator that makes transportation and ride-sharing information available to employees, residents, and nonresidents.
- vii. Alternative transportation demand management activities may be approved by the Community Development and Services and Public Works Parks and Recreation Directors as a means of complying with the parking reduction incentive provisions of this subsection.

#### (3) Transportation Program Manager/Coordinator

- i. The applicant must appoint a program coordinator to oversee transportation demand management activities.
- ii. The program coordinator must be registered with the Regional Transportation Commission of Southern Nevada's TDM program, Club Ride Commuter Services, to promote the use of alternative commute modes and reduce single occupancy vehicle use.
- iii. The transportation coordinator must be appointed prior to issuance of a building permit or certificate of occupancy for the buildings to be served by the transportation demand management program.

#### (4) TDM Annual Report

The program coordinator must provide a report annually to the Public Works Parks and Recreation Director that details the implementation strategies for the TDM plan as approved by the appropriate decision-making body for the subject entitlement application. The report may include the following:

- i. A description of the transportation management activities efforts;
- ii. A list of current tenants and number of employees for each tenant;
- iii. A parking-reduction analysis based on employee and/or resident use of ridership programs or alternative transportation options;
- iv. Changes to the TDM plan to increase ridership; and
- v. Employee transportation survey.

#### (5) Recordation

A copy of the approved TDM plan shall be recorded with the Clark County Recorder's Office. Recordation of the TDM plan must take place prior to issuance of a building permit for the development to be served by the plan. The TDM plan shall be recorded against the property, and the applicant and/or successors of interest shall be responsible for the plan in perpetuity on the property.

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**(6)** Enforcement

In the event that: (1) the program coordinator fails to submit a report to the Public Works Parks and Recreation Director in a timely fashion not to exceed 60 days after the annual report deadline or (2) the applicant no longer implements the program, the TDM plan shall be considered terminated and the required off-street parking spaces must be provided in accordance with requirements in Sections 19.5.3 through 19.5.6.

**(7)** Amendments

Minor amendments to approved TDM plans shall be approved administratively in accordance with Section 19.6.9.B, *Administrative Adjustments*. The Community Development and Services Director and/or Public Works Parks and Recreation Director may approve a major amendment to an approved TDM plan following the same process required for the initial approval.

**(d)** Special Facilities for Bicycle Commuters

The Community Development and Services Director may authorize up to a five percent reduction in the number of required off-street parking spaces for developments or uses that provide both of the following:

- (1)** Enclosed (indoor or locker), secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and
- (2)** Employee shower and dressing areas for employees.

**(e)** On-Street Parking Credit

If there are parking spaces provided on a public street that abuts the property, one-half of the parking may be counted toward the off-street parking requirement of a building or use on the site.

The on-street parking shall be free of charge during business hours for credit towards the fulfillment of the off-street parking requirement.

**(f)** Other Eligible Alternatives

The Community Development and Services Director may approve any other parking-reduction incentive that reduces minimum off-street parking requirements in exchange for strategies that will effectively reduce parking demand on the site of the subject development provided the alternative does not result in a modification that is greater than a ten percent modification of the off-street parking standards found in this chapter. Such alternatives may only be approved if the applicant demonstrates to the satisfaction of the Community Development and Services Director that the proposed plan will do at least as good a job protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design than would strict compliance with the otherwise applicable off-street parking standards.

**(g)** Maximum Reduction Allowed

Total cumulative reductions to the minimum off-street parking requirements through the application of any combination of the potential credits and reductions listed

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above shall not exceed 15 percent, as determined by the Community Development and Services Director.

#### **8. Mixed-Use Districts Parking**

In all mixed-use districts, off-street parking is prohibited between the principal street and the corresponding street-facing facade line.

#### **9. Commuter Ride Lot**

The Community Development and Services Director may approve commuter ride lot facilities on a site upon which a principal use is located, or site where the commuter ride lot is the primary use, if the facility complies with the following standards.

##### **(a) Commuter Ride Lot (CRL) Plan**

A Commuter Ride Lot (CRL) plan shall be reviewed and approved in accordance with the design review procedures if a plan was not submitted with the entitlement application that created the development, if on a shared facility. The CRL plan must include a justification letter demonstrating compatibility of uses on-site, proposed number and location of parking spaces, lighting, operating hours and peak business parking periods for the principal use and commuter ride lot, vending stands and/or machines not to exceed 120 square feet, operating characteristics of the commuter program (i.e. signage, parking stall striping, pick-up and drop-off schedules), landscaping, and screening.

##### **(b) Location**

Facility must be located on a street as identified by the Master Transportation Plan. Commuter ride lots must be located on a surfaced and improved off-street parking area for a developed site, or site where the commuter ride lot is the primary use. No commuter ride lot shall be located closer than 15 feet from an existing residential dwelling unit on adjacent parcels. Commuter ride lots shall be located in the nonresidential parking areas of the development. Commuter ride lots in conjunction with a residential use (i.e. single-family detached, single-family attached, and multi-family, etc.) as defined by this Development Code are prohibited, unless part of a mixed-use development. Commuter ride lots shall not be located on a parcel with residential zoning designation.

##### **(c) Ineligible Activities**

Vehicles may not be stored on-site for a period of exceeding 24 hours or longer.

##### **(d) Procedure**

Parking that is above and beyond the minimum off-street requirement for a developed site that is provided for the use of a commuter ride lot, the facility shall be reviewed and approved in accordance with the design review application procedures of Section 19.6.6.B. A conditional use permit is required when the commuter ride lot reduces the parking below the minimum off-street requirement for the principal use.

##### **(e) Agreement for Commuter Ride Lot**

A CRL plan will be enforced through a written agreement among the owners of record and entity operating the commuter ride lot facility. The agreement must guarantee the implementation, maintenance, and lapse of approval of the CRL

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SECTION 19.7.4 PARKING AND LOADING | 19.7.4.H VEHICLE STACKING AREAS

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plan. An attested copy of the agreement between the owners of record shall be recorded with the Clark County Recorder’s Office. Recordation of the CRL Plan shall take place prior to submittal of the applicable entitlement application to operate the commuter ride lot facility. A copy of the recorded agreement shall be provided to the Community Development and Services Department.

**(f) Violations**

Violations of an approved CRL plan constitute a violation of the Development Code and will be subject to the enforcement and penalty provisions of Chapter 19.11: Enforcement.

**10. Fees In Lieu of Parking**

Within parking districts established by the City Council, off-street parking requirements for nonresidential uses may be satisfied by payment of an in-lieu parking fee established by the City Council. Such payment must be made before issuance of a building permit or a certificate of occupancy. Fee revenue must be used to provide public parking in the vicinity of the use. The City is not obligated to provide more than 20 spaces and then only with the express approval of the City Council. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

**G. USE OF OFF-STREET PARKING AREAS**

**1. Nonresidential Districts**

Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

**2. Residential Districts**

- (a)** Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition.
- (b)** In addition to the standard driveway parking spaces provided in conjunction with any single-family residence, one additional off-street parking or storage space for one recreational vehicle or one passenger vehicle may be provided within any front yard or street side setback area provided any vehicle does not exceed eight feet in height or 25 feet in length. Such parking or storage space must be finished in concrete, asphalt, or a similar paved surface.

**H. VEHICLE STACKING AREAS**

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the Public Works Parks and Recreation Director.

**1. Queuing Studies**

The Public Works Parks and Recreation Director is authorized to require the submittal of a queuing study when deemed necessary to competently measure the vehicle stacking (queuing) demands of a proposed use.

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**2. Minimum Number of Spaces**

Unless otherwise required by the Public Works Parks and Recreation Director or the Community Development and Services Director, off-street stacking spaces must be provided in accordance with Table 19.7.4-3, *Vehicle Stacking Requirements*:

<b>TABLE 19.7.4-3: VEHICLE STACKING REQUIREMENTS</b>		
<b>ACTIVITY TYPE</b>	<b>MINIMUM STACKING SPACES</b>	<b>MEASURED FROM</b>
Bank Teller Lane	4	Teller or Window
Automated Teller Machine	3	Teller
Restaurant, Drive-Through	8	Pick-Up Window to Drive-Through Lane Entrance
Car Wash Stall, Automatic	4	Entrance
Car Wash Stall, Self-Service	3	Entrance
Gasoline Pump	1	In addition to the space required at each accessible side of a gasoline pump, one stacking space at one end of Pump Island for each accessible side of the pump island.
Dry Cleaner, Drive-Through	3	Drop-Off/Pick-Up Window
Other	Determined by Public Works Parks and Recreation Director based on traffic/queuing study	

**3. Design and Layout**

Required stacking spaces are subject to the following design and layout standards.

**(a) Size**

Stacking spaces must be a minimum of eight feet by 20 feet in size.

**(b) Location**

Stacking spaces may not impede required fire lanes, onsite or offsite traffic movements or movements into or out of off-street parking spaces.

**(c) Design**

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Community Development and Services Director for traffic movement and safety. Vehicle stacking areas must also comply any applicable standards set forth in Chapter 19.5.

**I. ACCESSIBLE PARKING FOR PERSONS WITH PHYSICAL DISABILITIES**

**1. General**

A portion of the total number of required off-street parking spaces in each off-street parking area must be designated, located, and reserved for use by persons with physical disabilities, in accordance with the regulations of this section.

**2. Number of Spaces**

The minimum number of accessible spaces to be provided is established as a portion of the total number of off-street parking spaces provided, as determined from the following schedule. Parking spaces reserved for persons with disabilities are counted toward

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fulfilling off-street parking standards, and shall be provided in accordance with Table 19.7.4-4, *Accessible Parking Requirements*.

<b>TABLE 19.7.4-4: ACCESSIBLE PARKING REQUIREMENTS</b>		
<b>TOTAL PARKING SPACES PROVIDED</b>	<b>MINIMUM NUMBER OF ACCESSIBLE SPACES (INCLUDING VAN-ACCESSIBLE)</b>	<b>MINIMUM NUMBER OF VAN-ACCESSIBLE SPACES</b>
1–25	1	1
26–50	2	1
51–75	3	1
76–100	4	1
101–150	5	1
151–200	6	1
201–300	7	1
301–400	8	1
401–500	9	2
501–1,000	2% of total spaces	1 out of every 6 accessible spaces
Over 1,000	20 + 1 per each 100 spaces, or fraction thereof, over 1,000	

**3. Minimum Dimensions**

All parking spaces reserved for persons with disabilities must have a minimum eight-foot width and must have an adjacent access aisle as follows:

**(a) Car-Accessible Spaces**

Car-accessible spaces must have at least a five-foot-wide access aisle located abutting the designated parking space.

**(b) Van-Accessible Spaces**

Van-accessible spaces must have at least an eight-foot-wide access aisle located abutting the designated parking space.

**4. Location of Spaces**

Required spaces for persons with disabilities must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

**5. Signs and Marking**

Required spaces for persons with disabilities must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level.

**J. PARKING LOCATION AND LAYOUT**

**1. Location**

Except as otherwise expressly provided in this Development Code, required off-street parking and loading spaces must be located on the same lot as the principal use (Section 19.7.4.F, *Off-Street Parking Alternatives*).

**2. Setbacks**

In an RM, RH, C, or I district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or sight-distance triangles.

**3. Access**

(a) All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion unless it is physically impossible to provide for such access. An alley may be used as maneuvering space for access to off-street parking and a 20-foot credit may be granted for back-up space.

(b) When an off-street parking area does not abut a public street, there must be provided an access drive not less than 24 feet in width for two-way traffic, connecting the off-street parking area with a public street. The access drive must be paved in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turnaround is not possible, a turnaround must be provided as required by the Fire Chief.

(c) Entrances and exits are subject to the approval of the Public Works Parks and Recreation Director in accordance with encroachment regulations of the City and the Standard Drawings and Specifications. All driveways must be at least 26 feet from the point of curvature at intersections unless this requirement is waived by the Public Works Parks and Recreation Director.

**4. Driveways**

(a) Widths

Driveway entrances must conform to the Standard Drawings and Specifications and must have the minimum widths listed in Table 19.7.4-5, measured from back-of-curb to back-of-curb, plus a minimum of 18 inches additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

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TABLE 19.7.4-5: DRIVEWAY WIDTH		
USE SERVED	NUMBER OF SPACES	MINIMUM WIDTH (FEET)
RESIDENTIAL	6 or Less	10
	7+	12 if 1-way 20 if 2-way
NONRESIDENTIAL TO INCLUDE DP DISTRICTS	24 or Less	16 if 1-way 32 if 2-way
	25+	24 if 1-way 32 if 2-way

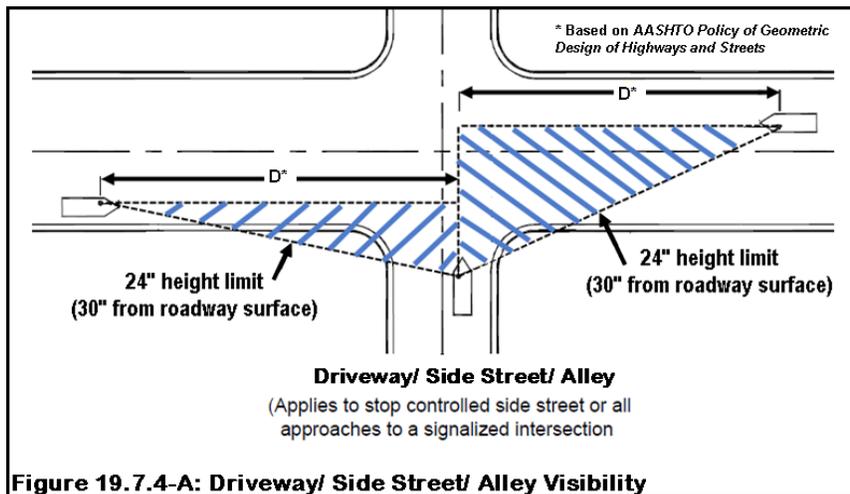
NOTE:  
The Community Development and Services Director, in consultation with the Public Works Parks and Recreation Director, may require driveways in excess of these widths where unusual traffic, grade or site conditions prevail. The Public Works Parks and Recreation Director may require driveways to be constructed with full-curb returns and handicapped ramps, as opposed to simple-curb depression. Private driveways and drive aisles shall comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.

**(b) Spacing**

Driveways serving the same parking facility shall comply with the Standard Drawings and Specifications as required by the Regional Transportation Commission of Southern Nevada.

**(c) Visibility**

Sight visibility must be provided at all driveways, side streets or alleys intersecting a public or private street in accordance with the most recent version of *AASHTO Policy of Geometric Design of Highways and Streets*. No structures, vegetation, or visual impediments above a height of 24 inches shall be located within the sight visibility zone. See Figure 19.7.4-A.



**Figure 19.7.4-A: Driveway/ Side Street/ Alley Visibility**

**(d) Intersection Corner Clearance**

Driveways near the intersections of streets shall comply with the Clark County Uniform Standard Drawings. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Director.

(e) Alignment

Driveway centerline shall be perpendicular to the intersecting street centerline.  
Driveway throat curbing shall be parallel to the driveway centerline.

**5. Common Driveways**

Common driveways are required between developing parcels. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Director and/or the Community Development and Services Director.

**6. Number of Driveways**

No more than two driveways are allowed along the property frontage of any street. If the driveway spacing cannot be met, then only one drive will be allowed. Additional driveways require approval from the Public Works Parks and Recreation Director. See also Section 19.7.3.E, *Cross-Access Between Adjacent Uses*.

**7. Driveway Spacing**

Driveways into commercial, business park, office complex, and warehouse developments that generate more than 500 vehicle trips per day must be spaced 200 feet centerline to centerline for driveways accessing major collector streets and 300 feet centerline to centerline for driveways accessing minor arterial and greater right-of-way streets.

**8. Right-Turn Lanes**

For minor arterials or larger, right-turn lanes may be required for driveways that are projected to have 50 to 99 entering vehicles during the development's peak hour, and right-turn lanes will be required for all driveways that are projected to have 100 entering vehicles or more during the development's peak hour. Right-turn lanes may also be required as determined by the Public Works Parks and Recreation Director.

**9. Driveway Throat Depths**

Driveway throat depths of at least 50 feet are required for all driveways on major collectors. Driveway throat depths of 100 feet are required for all driveways on minor arterial or greater rights-of-way. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Director. Additional throat depth may be required at each driveway generating 100 or more entering vehicles during the development's peak hour as determined by the Public Works Parks and Recreation Director.

**10. Channelized Medians at Median Openings**

Any median opening providing access to a driveway may be closed or channelized with a median in order to restrict the driveway to right-turn only or left-turn only movements as determined by the Public Works Parks and Recreation Director to reduce the risk of any potential traffic hazards.

**K. DIMENSIONS AND DESIGN**

**1. General**

Required off-street parking spaces shall comply with the minimum dimensional standards in Table 19.7.4-6, *Parking Space Dimensions*:

<b>TABLE 19.7.4-6: PARKING SPACE DIMENSIONS</b>		
<b>USE</b>	<b>TYPE OF SPACE</b>	<b>DIMENSIONS (FEET)</b>
Residential	In Garage/Carport	See Section 19.7.4.K.9
Residential	Uncovered	9 x 19 {1}
Nonresidential	Angle	9 x 19 {1}
All	Parallel	8 x 23
{1} When stalls are rotated at an angle of less than 90 degrees, the Community Development and Services Director may require that stall depths perpendicular to the drive aisle increase by up to one foot.		

**2. Compact Spaces**

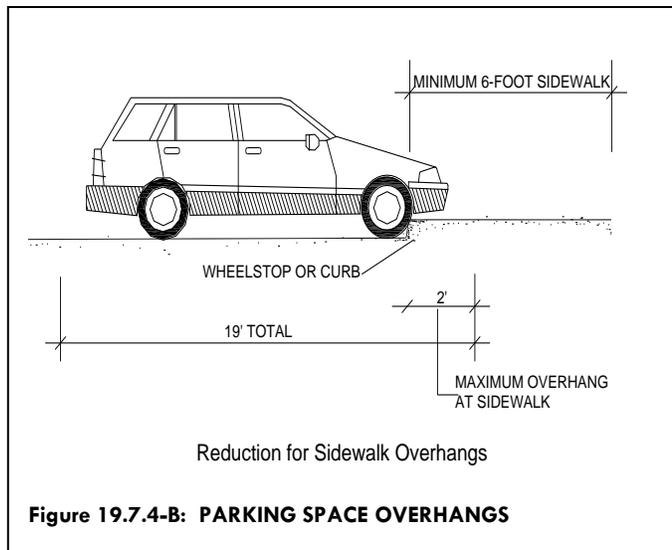
The Community Development and Services Director is authorized to approve the use of compact parking spaces for up to 50 percent of employee parking if the need for compact parking spaces is supported by a parking study that has been prepared by the applicant. Compact parking spaces must have minimum dimensions of 8.5 feet by 18 feet. Compact parking spaces must be designated by signs or other approved markings.

**3. Vertical Clearance**

All off-street parking spaces must have a minimum overhead vertical clearance of seven feet, except that an entrance may be 6.67 feet, and the front five feet of a parking space serving a residential use may have a minimum vertical clearance of 4.5 feet.

**4. Reduction for Planter and Sidewalk Overhangs**

When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided. When a parking space abuts a sidewalk with a minimum width of six feet, the front two feet of the required parking space length may overhang the sidewalk in accordance with Figure 19.7.4-B.



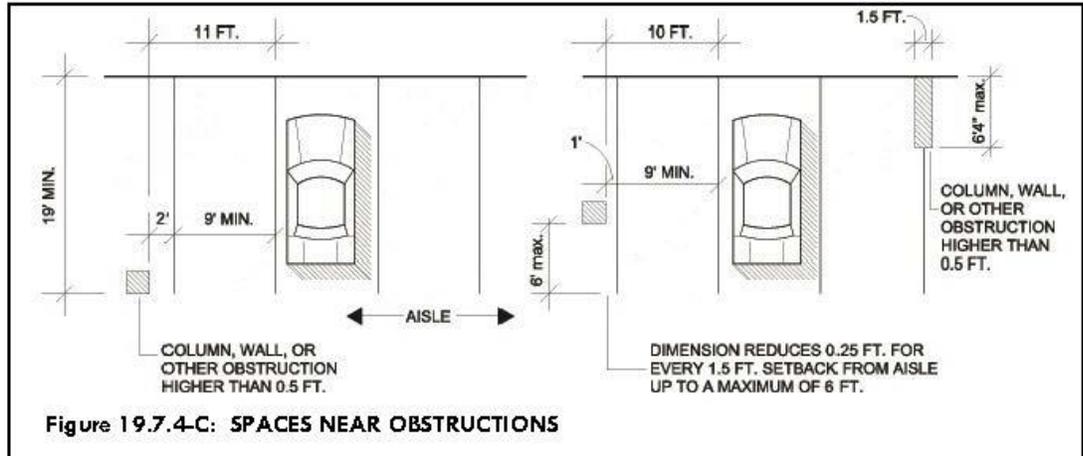
**5. Spaces Near Obstructions**

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

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.4 PARKING AND LOADING | 19.7.4.K DIMENSIONS AND DESIGN

inches up to a maximum of 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 feet 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.

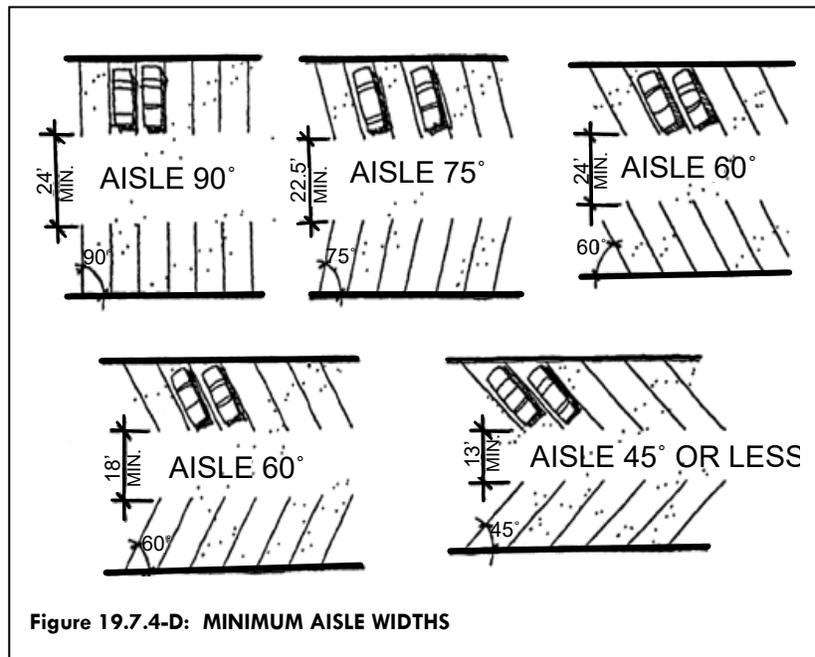


**6. Aisle Widths**

Aisle widths adjoining off-street parking spaces must comply with the dimensional standards in Table 19.7.4-7, *Minimum Aisle Width for Specified Parking Angle*:

<b>TABLE 19.7.4-7: MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLE (FEET)</b>				
<b>INCREASE IN PARKING SPACE WIDTH (FEET)</b>	<b>90°</b>	<b>75°</b>	<b>60°</b>	<b>45° OR LESS</b>
0.00	24	22.5	18	13
0.50	23	20.5	-	-
1.00+	22	-	-	-

NOTES:  
 {1} Required fire lanes must have a minimum width of 24 feet with a vertical clearance of 13.5 feet. Except for 24-foot-wide fire lanes, aisles designed for two-way traffic must have the minimum width shown in the chart above or 20 feet, whichever is greater.  
 {2} At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle must extend 2 feet beyond the required width of the parking space.



**7. Markings**

- (a) Each required off-street parking space and off-street parking facility must be identified by surface markings and must be maintained in a manner so as to be readily visible and accessible at all times. Such markings must be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Marking required to be maintained in a highly visible condition includes striping, directional arrows, lettering on signs and in handicapped-designated areas, and field color.
- (b) One-way and two-way access into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe the length of the access. This requirement does not apply to aisles.

**8. Surfacing and Maintenance**

All off-street parking areas must be paved and kept in a dust-free condition at all times.

**9. Garages and Carports in Residential Districts**

The following standards apply to driveways, garages, and carports in all R, MC, MN, and MR zoning districts, whether they are accessory structures or part of a principal structure.

**(a) Driveways**

Driveways must be paved in conformance with the Standard Drawings and Specifications and must have widths and clearances prescribed by Section 19.7.4.J.4, Driveways.

**(b) Garage Dimensions**

Residential garages must have the minimum interior dimensions identified in Table 19.7.4-8, *Garage Dimensions*:

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.4 PARKING AND LOADING | 19.7.4.K DIMENSIONS AND DESIGN

<b>TABLE 19.7.4-8: GARAGE DIMENSIONS</b>	
<b>GARAGE TYPE</b>	<b>MINIMUM INTERIOR DIMENSIONS (WIDTH X LENGTH) (FEET)</b>
<b>WITHOUT APPLIANCES</b>	
1-Car Garage	10 x 22
2-Car Garage	20 x 22
3-Car Garage	27.5 x 22
<b>WITH APPLIANCES AT SIDE</b>	
1-Car Garage	14 x 22
2-Car Garage	23 x 22
3-Car Garage	31.5 x 22
<b>WITH APPLIANCES AT FRONT, REAR, OR CORNER</b>	
1-Car Garage	10 x 24
2-Car Garage	20 x 24
3-Car Garage	27.5 x 24
<p>NOTES:</p> <p>{1} No interior door shall open into garage space unless the door will fully open without encroaching into the above-specified areas.</p> <p>{2} Appliances include but are not limited to water heaters, water softeners, and washers/dryers.</p> <p>{3} Minimum dimensions for tandem garage stalls shall be as required for a one-car garage.</p> <p>{4} If appliance alcoves are provided outside the required parking area, garage dimensions can be reduced to "without appliances" standard.</p>	

**(c) Carport Dimensions**

Carports must measure at least nine feet by 19 feet, measured from the inside face of support to the inside face of opposite support. The carport roof must cover the entire 19-foot length of the space and the carport shall not extend into or over a fire lane.

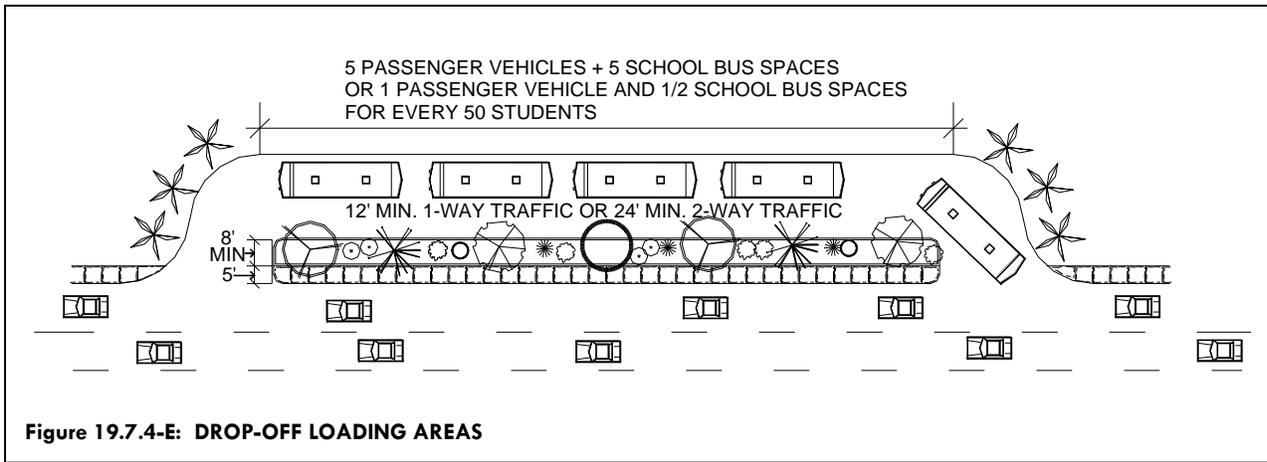
**10. Passenger Drop-Off Areas**

- (a)** All public and private schools, general day care and large-family day care uses, institutional uses, and recreational uses must provide an onsite area for drop-offs and pick-ups.
- (b)** A traffic circulation plan must be submitted to the Community Development and Services Director and the Public Works Parks and Recreation Director for review and approval prior to issuance of any permits for the use. The traffic circulation plan must describe proposed measures for ensuring safe and efficient traffic circulation on site and in the area surrounding the subject site. The plan must also include information about the number of enrollees or users, the hours of operation and peak loading and unloading times, the projected number of vehicles that will be using the loading and unloading area, plans for directing traffic within the area and other safety measures, and other information deemed necessary by the Community Development and Services Director and the Public Works Parks and Recreation Director.

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- (c) Required drop-off and pick-up areas for public or private schools must include at least: (1) five automobiles and five school bus spaces, or (2) one automobile and 1/2 school bus space for every 50 students, whichever results in the greater number of spaces. No more than 12 automobile or bus spaces are required for any size school facility. Required drop-off and pick-up area for day care uses must provide at least one drop-off/pick-up space and maneuvering area to allow vehicles to drop-off/pick-up children and exit the site without backing out onto a public street identified on the Master Transportation Plan, in accordance with Figure 19.7.4-E, and Community Development and Services and Public Works Parks and Recreation Departments' approval.



- (d) Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but they must be located far enough off the roadway so that they do not cause traffic to stop. Exceptions to these standards may be allowed only as expressly approved by the Community Development and Services Director and Public Works Parks and Recreation Director.
- (e) Minimum widths for drop-off areas combined with access drives are 12 feet for one-way traffic and 24 feet for two-way traffic.
- (f) Drop-off and pick-up areas for schools public or private adjacent to the public right-of-way are required to maintain an eight-foot minimum separation from the right-of-way to the drop-off and pick-up areas.

**11. Off-Street Parking Area Screening**

Off-street parking areas must be screened in accordance with the standards of Section 19.7.5.D, *Parking Lot Landscaping and Screening*.

**12. Parking Garages**

**(a) Applicability**

The parking garage design standards of this section apply to all parking garages in all zoning districts except as otherwise expressly stated.

**(b) Exterior Design**

**(1) Appearance and Materials**

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### SECTION 19.7.4 PARKING AND LOADING | 19.7.4.K DIMENSIONS AND DESIGN

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- i. Exterior walls of parking garages that are visible from public rights-of-way must be architecturally designed to integrate and be compatible with other buildings on the site. Blank walls are not allowed.
- ii. Vertical and horizontal design elements, such as off-sets, reveals, or projecting ribs at least one-foot wide must be incorporated into the exterior facade design in order to create a repeating pattern at or no greater than 30 feet.
- iii. The exterior facade must maintain a horizontal line on every level or floor. The sloping nature of the interior structure, necessary in the design of parking garages, may not be repeated on the exterior facade.
- iv. Stairwells shall be constructed internal to the building.
- v. Interior lights shall be shielded so as to not be visible from the exterior.

#### (2) Enclosure Requirements

Each level of the parking garage, including the ground level, must maintain a solid and continuous wall of at least 42 inches in height, as measured from the driving surface of each level.

#### (c) Pedestrian Entrances

Pedestrian entrances to stairways, elevator lobbies, vestibules, or passageways that lead directly to parking aisles within the garage must be clearly distinguished from vehicle entrance and exit points, using signage, awnings, and lighting.

#### (d) CPTED Design Requirements

- (1) All underground parking areas shall install and maintain emergency call boxes.
- (2) All underground parking interior walls shall be painted white.
- (3) All residential parking within a mixed-use development shall have controlled access.
- (4) Areas beneath stairwells shall be fully enclosed or restricted-access.
- (5) All stairwells shall be lit with two MMFC at all times.
- (6) Public restrooms are not allowed in parking structures.

### 13. Bicycle Parking Required

#### (a) Purpose

Safe and accessible bicycle parking is essential to the City's vision of becoming a Bicycle Friendly Community and providing a truly multi-modal transportation system. By providing safe and adequate bicycle 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.

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

**(b) Bicycle Parking Ratios**

- (1)** All non-residential, mixed-use, or multifamily residential developments shall provide at least one short-term bicycle rack that will accommodate at least two bicycles.
- (2)** All bicycle parking must be easily accessible to visitors and employees. Two types of bicycle parking must be provided for all new development:
  - i.** A short-term bicycle parking area must be provided near the main entrance to a building allowing for high visibility and easy access, and
  - ii.** 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, or may be located outside. If long-term bicycle parking is located outside the building, it is recommended that long-term bicycle parking areas be enclosed within a secure location and covered to help protect bicycles.
- (3)** Bicycle parking shall be provided at the ratios specified in Table 19.7.4-9; *Bicycle Parking Ratios*, and shall be rounded up to the nearest whole number.

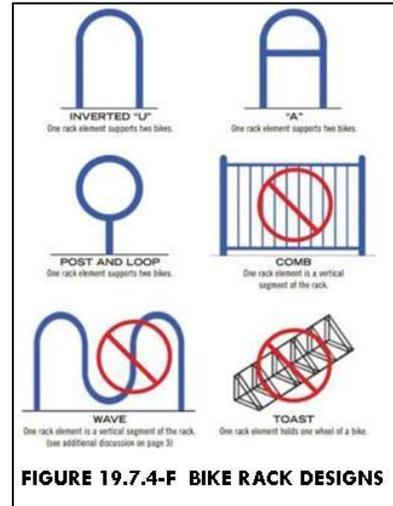
<b>TABLE 19.7.4-9 BICYCLE PARKING RATIOS</b>		
USE TYPES	(MINIMUM SPACES PER 1,000 SQ. FT. OF FLOOR AREA)	
Non-Residential Use Type	Long-Term	Short-Term
General or professional offices	0.30	0.06
Arts/crafts studios		
Technical offices, research labs	0.22	0.06
Banks, financial offices (ground floor)	0.30	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
Residential Use Type		
Multifamily residential	1 per 4 units	N/A

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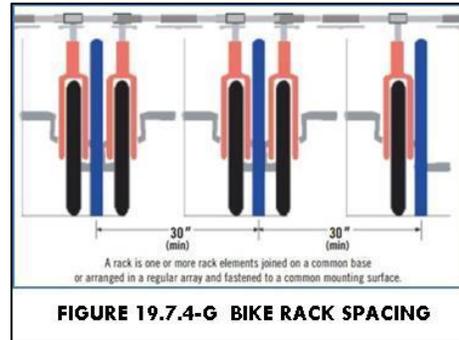
(c) Location and Design

- (1) 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 and Services Director may approve alternate location(s) with sufficient justification. All racks shall be located with visibility and security as a primary factor.



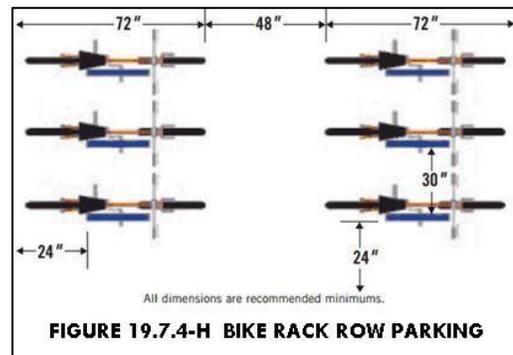
- (2) Bicycle racks may be unique in design but must have the following characteristics:

- i. Support the frame of the bicycle at two places and not just one wheel;
- ii. Allow the frame and one wheel to be locked to the rack when both wheels are left on the bike;
- iii. Allow the frame and both wheels to be locked to the rack if the front wheel is removed;
- iv. 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.



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.

- (d) 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.

## 19.7.5. LANDSCAPING AND SCREENING

### A. PURPOSE

This section sets out the minimum landscaping and screening requirements for development within the City of Henderson. See HMC Title 14.14 (*Conservation*) for further landscape and irrigation regulations and restrictions, as defined in that Title.

### B. SITE LANDSCAPING

#### 1. Landscape Planting Area

Site landscape planting areas shall be provided in accordance with the Table 19.7.5-1, *Minimum Site Landscaping Requirement by Zoning District*:

TABLE 19.7.5-1: MINIMUM SITE LANDSCAPING REQUIREMENT BY ZONING DISTRICT (PERCENT OF LOT)		
CN, CO, CC, CH, CA, IL, IG, IP, PS	CT	NONRESIDENTIAL USES IN R DISTRICTS
15	20	15

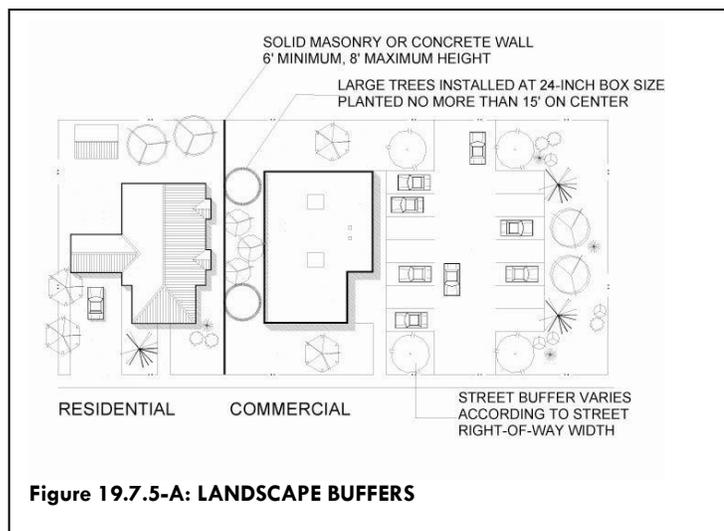
#### 2. Industrial Zones

Yard, storage, and dock areas, separated by masonry fencing a minimum of eight feet in height, may be excluded when calculating site landscaping requirements.

### C. PERIMETER LANDSCAPE BUFFERS

#### 1. Applicability

Perimeter landscape buffers shall be provided abutting street rights-of-way and parcels abutting other sites in accordance with the standards of this subsection. If landscaping material is required in the right-of-way, onsite perimeter landscape buffers may be reduced adjacent to that right-of-way through a waiver with acceptable provision of compensating benefit.



**Figure 19.7.5-A: LANDSCAPE BUFFERS**

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.C PERIMETER LANDSCAPE BUFFERS

**2. Relationship to Other Landscaping Standards**

Landscaping provided to meet a project’s perimeter landscape buffer requirements of this section may be counted towards meeting the project’s site landscaping requirements. Parking lot landscaping may also be counted towards meeting the project’s site landscaping requirements.

**3. Buffer Width**

(a) Except in the mixed-use districts, the minimum width of required landscape buffers shall be in accordance with Table 19.7.5-2, *Pedestrian and Amenity Zone*, and Figure 19.7.5-A, *Landscape Buffers*. Buffers in the mixed-use districts shall be provided pursuant to subsection C.4 below.

TABLE 19.7.5-2: PEDESTRIAN AND AMENITY ZONE		
Street Type		Pedestrian and Amenity Zone (Minimum width) {1}{2}{3}{4}{5}{6}
Minor Collector {7}	Overall	18 feet
	Walkway	6 feet
	Amenity/Planting	12 feet
Major Collector {7}	Overall	23 feet
	Walkway	6 feet
	Amenity/Planting	17 feet
Minor Arterial	Overall	30 feet
	Walkway	10 feet
	Amenity/Planting	20 feet
Major Arterial	Overall	30 feet
	Walkway	10 feet
	Amenity/Planting	20 feet

**NOTES:**

General: Buffer width may be reduced by the Community Development and Services Director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in unconstrained areas such that the “average” buffer width complies with the minimum width requirement. No reduction in width shall be administratively allowed below 50 percent of the required minimum (e.g., if 20 feet required, reduction cannot exceed 10 feet). The required on-site buffer width along a public ROW may be reduced by the Community Development and Services Director up to 50% where landscaping, trail, or open space improvements are required by the City to be provided within the ROW, so long as the total required buffer width is still provided. The buffer along Boulder Highway adjacent to the Boulder Highway linear park may be reduced to 0 feet.

{1} Pedestrian and Amenity zone width measured from back of curb and includes a minimum of 5 feet of public right-of-way width for all streets listed on the Master Transportation Plan. Required walkway width as required by the Master Transportation Plan unless a different walkway standard applies (i.e., in the mixed-use districts). The right-of-way width within the Pedestrian and Amenity Zone shall be landscaped unless otherwise approved by the Community Development & Services Director.

{2} Does not apply within Rural Neighborhood Overlay, Very-Low Density Land Use designations, and Planned Community zoning districts.

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{3} Lake Mead Parkway includes a 10-foot-wide detached sidewalk located six feet from the back-of-curb. Plants, materials, and design shall be per the Lake Mead Parkway Improvement Program Manual.  
 {4} For any state highway that does not have stand-alone landscape requirements, the minimum requirements for a major arterial will be applied.  
 {5} Infill development and retrofits to existing development are subject to Public Works Parks and Recreation Director.  
 {6} For Mixed Use zoning districts, see 19.7.5.C.4 and 19.7.7.C  
 {7} Minimum 8 ft. walkway is required adjacent to all schools.

- (b) For any street not listed in Table 19.7.5-2, a minimum of 7 feet of landscaping is required.

TABLE 19.7.5-3 ABUTTING PARCEL SITE BUFFER WIDTHS		
Development Zoning District	Abutting Parcel (Land Use Designation)	
	RES	NONRESIDENTIAL OR MIXED-USE
Residential	10 {1}	N/A
Nonresidential	15 {1}	5
Downtown	N/A	N/A
Mixed-Use	See Section 19.7.5.C.4	
<p><b>NOTES:</b>                      General: Buffer width may be reduced by the Community Development and Services Director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in unconstrained areas such that the “average” buffer width complies with the minimum width requirement. No reduction in width shall be administratively allowed below 50 percent of the required minimum (e.g., if 15 feet required, reduction cannot exceed 7.5 feet). The required on-site buffer width along a public ROW may be reduced by the Community Development and Services Director up to 50% where landscaping, trail, or open space improvements are required by the City to be provided within the ROW, so long as the total required buffer width is still provided. The buffer along Boulder Highway adjacent to the Boulder Highway linear park may be reduced to 0 feet.                      {1} Buffer requires large trees installed at 24-inch-box size planted an average of 15 feet on-center when adjacent land use is lower intensity.</p>		

**4. Perimeter Landscape Buffers in Mixed-Use Districts**

(a) Buffer Width

Required perimeter landscape buffer widths vary by location within the mixed-use districts. The minimum width of required landscape buffers shall be as follows:

- (1) MN District: See Table 19.7.5-3
- (2) MR District:
  - i. No perimeter landscape buffer is required adjacent to the street right-of-way.
  - ii. Portion of property that abuts a residential land use: 25 feet.
  - iii. Portion of property that abuts a non-residential land use: 5 feet.
- (3) MC District:
  - i. Portion of property that abuts the Boulder Highway Linear Park: none required, with exception of required parking lot screening.
  - ii. Portion of property that abuts the corridor but not the Boulder Highway Linear Park: 25 feet, except where buildings are

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placed within the Build-to-zone and no landscape buffer shall be required between the property line and the building façade.

- iii. Portion of property that abuts a residential land use: 25 feet.
- iv. Portion of property that abuts a non-residential land use: 5 feet.
- v. All other street frontages within the mixed-use districts: 10 feet.

**(b) Features Allowed in Perimeter Landscape Buffer**

In the mixed-use districts, the front/corner perimeter landscape buffer may include the following in addition to the required landscaping, subject to the approval by the Community Development and Services Director:

- (1) Street furniture (e.g., benches);
- (2) Hardscape (e.g., brick pavers, scored concrete); and
- (3) Trees protected by structures (e.g., tree grates and curbs).

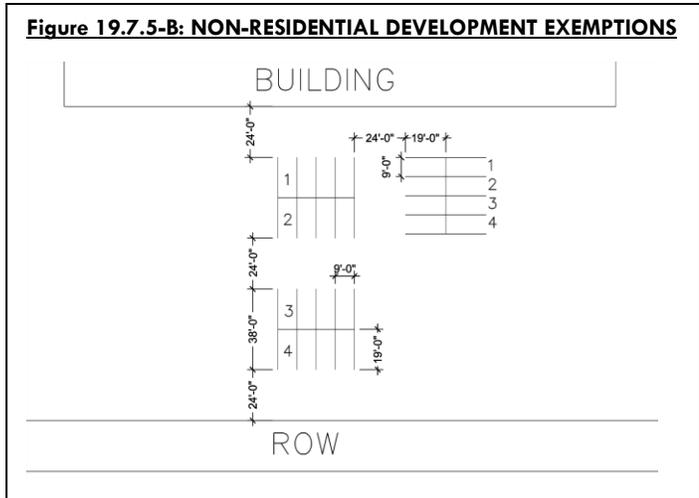
**D. PARKING LOT LANDSCAPING AND SCREENING**

**1. Applicability**

The interior parking lot landscaping standards of this section shall apply to all off-street parking lots except those exempted below. They shall not apply to vehicle/equipment storage lots. Perimeter landscaping is required in all parking lots, regardless of size.

**(a) Parking lots containing twenty or less off-street parking spaces.**

**(b) Non-residential developments with less than four rows of parking depth. In the instances of double-loaded parking, each individual row of parking will be counted as a single row, whether it is provided as single- or double-loaded parking or any combination of the two. See figure 19.7.5-B.**



**2. Relationship to Other Landscaping Standards**

Landscaping provided to meet the parking lot landscaping requirements of this section may be counted towards meeting a project's required site landscaping, but shall not count towards meeting the applicable common open space requirement.

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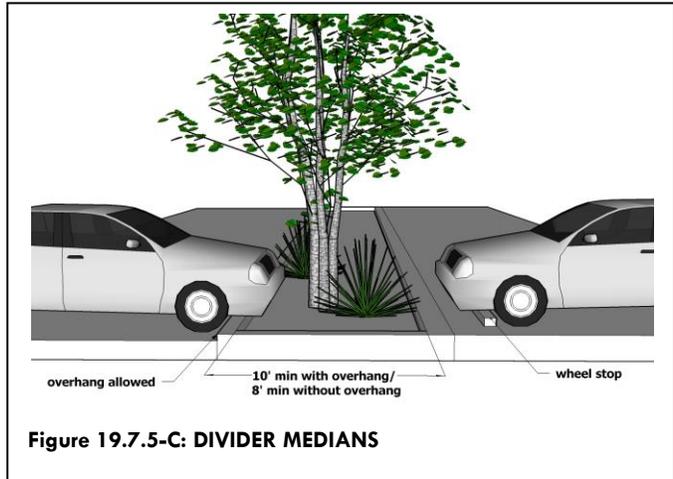
**SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.D PARKING LOT LANDSCAPING AND SCREENING**

**3. Terminal Islands**

Landscaped terminal islands shall be provided at the end of each parking row. Terminal islands shall have minimum interior dimensions of at least eight feet in width and 30 feet in length.

**4. Divider Medians**

Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall have a minimum interior dimension of eight feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum interior dimension shall be ten feet. See Figure 19.7.5-C.



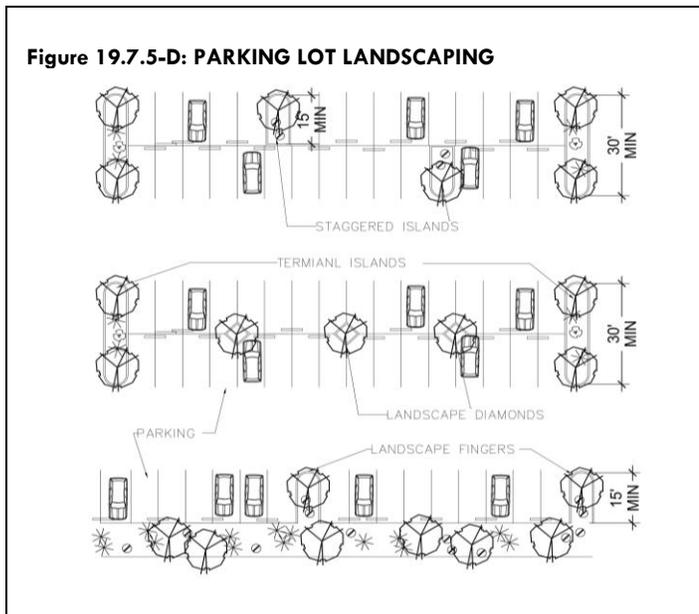
**5. Pedestrian Walkways**

Pedestrian walkways must be installed between abutting rows of parking per Section 19.7.3.F.3.

**6. Landscape Diamonds, Staggered Islands, and Fingers**

(a) Landscape diamonds with a minimum interior dimension of six feet shall be provided every four parking spaces within the interior parking lot, except where divider medians are provided in accordance with Figure 19.7.5-C. Upon approval of the Community Development and Services Director, trees may be omitted from the diamonds only if covered parking structures are provided and would interfere with the trees. Shrubs/ground cover must still be provided per Code. In the event the structures are later removed, trees must be installed at that time per the requirements of this Code.

(b) Staggered landscape islands with a minimum interior dimension of eight feet wide and 13 feet long shall be provided every six parking spaces within the interior parking lot. Upon approval of the Community Development and Services Director, trees may be omitted from the



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portions of the parking lot where covered parking structures are provided and would interfere with the trees. Shrubs/ground cover must still be provided per Code. In the event the structures are later removed, trees must be installed at that time per the requirements of this Code.

- (c) Landscape fingers shall be provided every ten spaces around the perimeter of the parking lot. Landscape fingers shall have a minimum interior dimension of eight feet in width and 15 feet in length.

**7. Parking Lot Screening**

All surface parking lots visible from the public realm shall be screened using one of the following methods, unless otherwise noted below:

**(a) Methods**

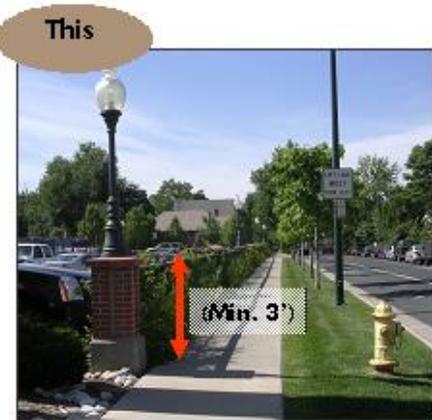
- (1) A low masonry wall at least three feet and no more than four feet in height (with any fencing over three feet being transparent – e.g., wrought iron), in combination with landscaping (see Figure 19.7.5-E);
- (2) An ornamental metal fence in combination with landscaping;
- (3) A hedge at least three feet and no more than four feet in height at maturity consisting of a double row of shrubs planted three feet on center in a triangular pattern; or
- (4) Berming of the grade to at least 2 ½ feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center.

**(b) Criteria**

To satisfy the above standards:

- (1) Landscaping shall be planted between the wall/fence and the public right-of-way, sidewalk, or boundary.
- (2) Walls, fences, and landscaping shall not exceed four feet in height to adequately screen most car headlights while maintaining clear visibility into and out of the parking lot.
- (3) All parking lot screening devices shall comply with sight-visibility-zone requirements at street intersections, per Standard Drawing No. 201.2. Sight visibility zones for driveways shall be provided per Section 19.7.4.J.4(c) of the Code.

**Figure 19.7.5-E: PARKING LOT SCREENING**



**E. PLANT UNITS**

**1. Perimeter Landscape Buffers and Non-Buffer Areas**

Unless otherwise expressly stated, a minimum of one shrub shall be provided per 80 square feet of landscape buffer, and a minimum of one tree shall be provided per 20 linear feet of landscape buffer. Trees are not required to be planted every 20 feet on center. The Community Development and Services Director may allow plant and tree clustering subject to approval. Natural turf is not allowed within perimeter landscape buffers.

**2. Parking Lot Landscaping**

No natural turf shall be allowed within interior parking lot landscape areas. All plant units must comply with the Arizona Nursery Association and the SNRPC Regional Plant List.

- (a) Terminal Islands – A minimum of two large shade trees installed at 24-inch-box size and four five-gallon shrubs.
- (b) Divider Medians and Pedestrian Walkways – A minimum one large shade tree installed at 24-inch-box size every 20 linear feet and one shrub every 80 square feet.
- (c) Landscape Diamonds – A minimum one large shade tree installed at 24-inch-box size.
- (d) Landscape Fingers – A minimum one large shade tree installed at 24-inch-box size and three five-gallon shrubs.
- (e) Staggered Landscape Islands – A minimum one large shade tree installed at 24-inch-box size.

**3. Residential**

- (a) A minimum of two trees (small, medium, or large) installed at 24-inch-box size, seven five-gallon shrubs and seven one-gallon groundcovers shall be provided for each residential front yard. Custom homes in designated rural neighborhoods and custom home lots with no design standards shall be exempt from this standard.
- (b) Alternatives to the two-tree requirement may be approved by the Community Development and Services Director. Decisions will be based on the available open soil area in a front yard.
- (c) The installation of new natural turf in residential front yards is prohibited. See HMC Section 14.14.050.

**4. Other Areas**

All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with groundcover or other appropriate landscape treatment including, but not limited to, decorative rock or decomposed granite. Up to ten percent of the required landscape area that is not dedicated to trees or shrubs may be occupied by hardscape materials, provided such areas are shaded by trees, canopies, or other shade devices. The underlying slope of all areas covered with rock mulch shall not exceed 3:1. If the slope exceeds 3:1, rip-rap must be used, which is rock with a diameter of six to nine inches. Alternatives to this may be approved by the Community Development and Services Director.

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.F LANDSCAPE MATERIAL STANDARDS

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#### 5. Administrative Adjustments

The Community Development and Services Director may approve administrative adjustments of up to 20 percent of the plant unit standards in this section pursuant to Section 19.6.9.B, *Administrative Adjustment*, based upon provision of usable open spaces, shaded walkways, courtyards, and other similar features.

#### 6. Landscape Restrictions Within Municipal Utility Easements

Landscape planting areas in designated municipal utility easements may not be required to provide the minimum number of trees to satisfy the applicable standards of Section 19.7.5.E of the Code. Large shrubs as identified within the SNRPC Regional Plant List shall be required to be substituted at a ratio of one-to-one to offset the reduction in trees within the landscape planting area, in addition to the shrubs planted to satisfy the standard of the applicable section. Alternatives to this may be approved by the Directors of the Community Development and Services and Utility Services departments.

#### 7. Landscape Within Right-of-Way

New natural turf shall not be installed in a median or landscape element within a public or private right-of-way. Landscaping provided within a public or private right-of-way must not conflict with the safe use of the right-of-way, and no plant materials within required sight visibility zones shall exceed 24 inches in height at mature growth.

### F. LANDSCAPE MATERIAL STANDARDS

The following standards shall be considered the minimum required standards for all trees, shrubs, and landscape material installed to satisfy the requirements of this section.

#### 1. Landscape Material Restrictions

All development shall comply with the landscape material restrictions in HMC Section 14.14.050.

#### 2. Restrictions on Water-Efficient Landscaping Prohibited

Any person(s) or association(s), regardless of date of establishment, is prohibited from imposing private covenants, restrictions, deed clauses, or other agreements, between the parties that prevent person(s) from utilizing water-efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate design-review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping, such as referenced in this Title, as amended.

#### 3. General Design

Plant materials shall be selected and/or placed for: energy efficiency and water efficiency; adaptability and relationship to the desert environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets to achieve a desirable microclimate and minimize energy demand.

##### (a) Plant Varieties

Minimum three tree varieties and five shrub varieties shall be provided for each project.

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**(b) Hardscape**

Landscape design may integrate hardscape (plazas, courtyards, trails, etc.) and landscaping, which may be counted towards the overall project's site landscaping requirements at the discretion of the Community Development and Services Director.

**4. Preparation of Landscape Plans**

All landscape plans detailing proposed installation and irrigation systems shall be prepared by a landscape architect registered in the State of Nevada, or by one of the exceptions to the landscape architect provided in NRS 623A.070, which include the following:

- (a)** Owners of property who make plans, specifications, or drawings for their own property;
- (b)** Any person engaged in the practice of architecture who is registered pursuant to the provisions of Chapter 623 of NRS;
- (c)** A contractor licensed pursuant to the provisions of Chapter 624 of NRS who provides his own drawings for his own construction activities;
- (d)** Any person who is licensed as a civil engineer pursuant to the provisions of Chapter 625 of NRS; or
- (e)** Any person who designs, manufactures, or sells irrigation equipment and provides instructions pertaining to the mechanical erection and installation of the equipment but does not install the equipment.

This requirement shall not apply to conceptual landscape plans or site plans.

**5. Plant Quality**

Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the SNRPC Regional Plant List. Plants shall be nursery-grown and adapted to the local area. No artificial plants or vegetation shall be used to meet any standards of this section, except in the discretion of the Community Development and Services Director, limited amounts of high-quality artificial turf may be allowed to meet the requirements of this section.

**6. Plant Sizes and Specifications**

- (a) Trees**
  - (1)** Outside the downtown districts, trees planted to satisfy the standards of this section shall have a minimum box size of 24 inches. Within the downtown districts, trees planted to satisfy the standards of this section shall have a minimum box size of 36 inches.
  - (2)** At maturity, shade tree canopies in commercial, industrial, semipublic, multifamily, and mixed-use developments shall be pruned to provide a minimum clearance of seven feet from the ground.
  - (3)** Installed trees shall meet the minimum size and surface area size requirements in Table 19.7.5-4.

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<b>TABLE 19.7.5-4: TREE CANOPY SIZE AND MINIMUM REQUIRED SURFACE AREA</b>		
<b>RECOMMENDED TREE SPECIES SIZE CATEGORIES</b>	<b>AVERAGE CANOPY SIZE (AT MATURITY)</b>	<b>MINIMUM REQUIRED SURFACE AREA (PER TREE)</b>
Small Canopy	16 feet by 16 feet	81 square feet (9 feet by 9 feet)
Medium Canopy	22 feet by 22 feet	121 square feet (11 feet by 11 feet)
Large Canopy	28 feet by 28 feet	196 square feet (14 feet by 14 feet)

**(b) Shrubs**

- (1) Shrubs planted to satisfy the standards of this section shall have a minimum container size of five gallons.
- (2) When planted adjacent to sidewalks, shrubs shall not exceed three feet at maturity in commercial, industrial, semipublic, multifamily, and mixed-use developments.

**(c) Groundcover**

Groundcovers planted to satisfy the standards of this section shall have a minimum container size of one gallon.

**(d) Barrier Plants**

**(1) Size**

Barrier plants planted to satisfy the standards of this section shall have a minimum container size of five gallons.

**(2) Location**

In commercial and industrial developments, barrier plants should be used below and to the sides of windows and adjacent perimeter walls, fences, and other building walls.

**(e) Natural Turf**

The natural turf limitations contained in this section are intended to increase the use of water-efficient vegetation. Landscaping shall be designed, and landscaping material shall be chosen and installed so as to ensure that within three years of normal growth, at least 50 percent of the area covered by non-turf landscaping will consist of water-efficient vegetation. Natural turf is not an allowable plant material within public or private common open space, unless it meets the definition of usable per 19.7.2.C.4(f)(2). This includes medians, streetscapes, parking lots, entryways, and perimeter landscaping.

**(1) Downtown, Nonresidential, and Mixed-Use Zoning Districts**

- i. The installation of new natural turf in nonresidential, and mixed-use developments, including common areas of residential neighborhoods that do not meet the definition of usable per 19.7.2.C.4(f)(2), is prohibited. This provision shall not apply to golf courses, or public or private schools or parks. Natural turf areas in public or private schools or parks shall be limited to active or programmed recreation areas such as sports fields.

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- ii. Natural turf areas shall not be located within ten (10) feet of any street (back of curb) or within three (3) feet of a sidewalk, curb, or building wall.
- iii. The maximum slope of a turf area shall not exceed 25 percent. Regardless of slope, turf areas are to be graded to prevent run-off onto sidewalks and driveways.
- iv. Natural turf in recreation areas such as parks should utilize water efficient species such as Bermuda.

#### (2) Single-Family Residential

- i. The use of drought-tolerant landscaping materials is encouraged in residential front, side, and rear yards.
- ii. The installation of new natural turf in residential front yards is prohibited. See HMC Section 14.14.050.

#### (3) Golf Courses

Golf courses shall be limited to a maximum of 90 acres of natural turf for 18 holes and ten (10) acres of natural turf for a driving range. This natural turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the Department of Utility Services that irrigation of natural turf, in excess of the amount specified, will have no significant impact on water resources or peak demand delivery capacity, because water for the additional natural turf will be provided by one or more of the following methods:

- i. Water provided from applicants' own well, appurtenant, or transferred water rights that can be legally used to irrigate the property on which the golf course is developed.
- ii. Water provided by the City of Henderson. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the Department of Utility Services to offset the impacts on water resources and system delivery capacity in an amount equivalent to two times the amount of water used by the natural turf. Golf courses shall be subject to water budgeting per HMC Section 14.14.040.
- iii. Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the groundwater at his sole cost or may compensate the City of Henderson Department of Utility Services to develop groundwater pursuant to an agreement with the City of Henderson Department of Utility Services. Both parties must have executed the agreement at the time of application.
- iv. Nonpotable water is provided at the discretion of the City of Henderson. The applicant must demonstrate water-efficient planning and practices to qualify for nonpotable water from the City.

The restrictions for natural turf area shall not apply to any golf course property that is the subject of a development agreement between the

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

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City of Henderson and the owner or former owner of the property provided the development agreement is in effect as of July 3, 2001 and the development agreement has not been canceled at the time of commencement of construction of the golf course.

**(f) Other Ground Treatments**

Rock mulch shall be installed and maintained at a minimum depth of 2 inches and a maximum depth of 4 inches on all planted areas except where groundcover plants are fully established.

**(g) Species**

Tree and plant species provided to meet the landscaping and screening standards of this section shall comply with the SNRPC Regional Plant List.

**G. INSTALLATION, MAINTENANCE, AND IRRIGATION**

**1. Installation**

**(a) General**

All landscaping shall be installed according to International Society of Arboriculture (ISA) in a manner designed to encourage vigorous growth. All landscape material and irrigation improvements shall be in place prior to issuance of the final certificate of occupancy unless the Community Development and Services Director approves an extension or the applicant provides a landscape bond satisfactory to the Community Development and Services Director prior to the extension being granted.

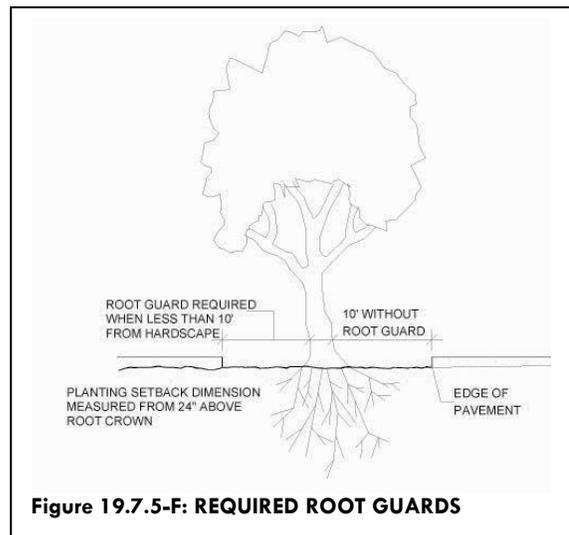
**(b) Root Guards**

Root guards shall protect hardscape from trees planted within ten feet of public improvements within the public right-of-way in accordance with Figure 19.7.5-F, *Required Root Guards*. Root guards shall be shown on final stamped landscape drawings submitted as part of the building permit process.

**2. Maintenance**

Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:

**(a)** Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping



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### SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.H MECHANICAL EQUIPMENT SCREENING

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shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.

- (b) The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition.
- (c) The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.

#### 3. Irrigation

Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system. A back-flow prevention device shall be provided in accordance with the currently adopted Uniform Design and Construction Standards. Gray-water systems are prohibited per Title 14.

### H. MECHANICAL EQUIPMENT SCREENING

#### 1. Applicability

The standards of this section shall apply to all of the following:

- (a) Electrical and gas-powered mechanical equipment.
- (b) Ductwork and major plumbing lines used to heat, cool, or ventilate.
- (c) Power systems for the building or site upon which the equipment is located.
- (d) Roof and/or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these mechanical equipment screening standards. The standards of this section are not intended to impede systems that use solar or wind energy to reduce the costs of energy, if such systems are otherwise in compliance with applicable building codes and zoning requirements.

#### 2. Screening Standards

For all developments other than single-family residential, the following mechanical equipment screening standards shall apply to the maximum practical extent.

##### (a) Roof-Mounted Mechanical Equipment

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment is prohibited on single-family residential dwellings.

##### (b) Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.J LOADING AND ACCESS AREAS-DESIGN AND SCREENING

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(c) **Ground-Mounted Mechanical Equipment**

Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.

**3. Alternate Screening**

Mechanical equipment that is not screened in full compliance with the screening standards of this section shall be reviewed in accordance with the design review procedures of Section 19.6.6.B, *Design Review*. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.

**I. DUMPSTER SCREENING**

Trash dumpsters and other waste/recycling containers serving multifamily or nonresidential uses shall be screened in accordance with the following standards.

**1. Design and Other Specifications**

Dumpsters or other trash receptacles shall be screened from public view on three sides by a solid wall at least six feet in height and on the fourth side by a solid gate at least five feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

**2. Setbacks**

Except in downtown zoning districts, all enclosures shall be located a minimum of 50 feet from residential zoning districts and from the property lines of sites containing existing or proposed residential, school, licensed day care, and park and recreation facilities.

**3. CPTED Design Requirements**

- (a) No dumpsters or other trash enclosures shall be located within a parking structure.
- (b) The bottom of trash enclosure gates shall be a minimum of six inches from the ground and a maximum of eight inches above the ground.

**J. LOADING AND ACCESS AREAS-DESIGN AND SCREENING**

In nonresidential and mixed-use zoning districts, commercial and industrial buildings with rear or side vehicular access shall maintain adequate room for loading docks, loading spaces, customer pick-up areas, trash enclosures (and their setbacks), vaults, transformer pads, other utility service boxes, and all ground-mounted mechanical equipment. Beyond the physical boundaries of the docks and other such adjacent circulation impediments, property owners shall provide and maintain a minimum setback of 34 feet from all property lines. Within this minimum 34-foot setback, the 24 feet closest to the building and its adjacent circulation impediments shall remain clear at all times, and the ten feet nearest the property line shall be available for vaults, transformer pads, and other above- and below-ground utility service boxes. Areas within ten feet of property lines that are not used for utility boxes shall be landscaped with minimum 24-inch box pine trees, planted 15 feet on center. Alternate plant materials may be approved by the

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.K FENCES AND WALLS

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Community Development and Services Director provided the alternate materials result in equivalent immediate and long-term screening.

**K. FENCES AND WALLS**

Unless otherwise expressly provided for in this Code or unless expressly provided for in conjunction with the approval of a conditional use permit, fences and walls shall comply with the following general standards:

**1. All Zoning Districts**

**(a) Sight Visibility Zones**

In addition to the standards listed below for various zoning districts, sight visibility zones for street intersections shall be provided per Standard Drawing No. 201.2. Sight visibility zones for driveways shall be provided per Section 19.7.4.J.4.

**(b) Access Gates**

- (1)** Access gates shall be in accordance with CPTED guidelines and approved by the Building & Fire Safety Department.
- (2)** All access gates shall be built from materials that are not conducive to vandalism.

**(c) Materials and Design**

- (1)** Fences and walls shall complement the design of the associated building(s) in terms of their color, materials, and scale.
- (2)** Chain-link fencing and smooth-face concrete masonry units (CMU) are prohibited, except as authorized for vacant property below and in Section 19.7.5.K.2.
- (3)** All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks shall require caps; exposed tops of walls are not permitted. Solid CMU blocks may be used to satisfy this requirement. "Slurry caps" do not satisfy this requirement.

**(d) Fence or Wall Height**

Fence or wall heights shall be measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

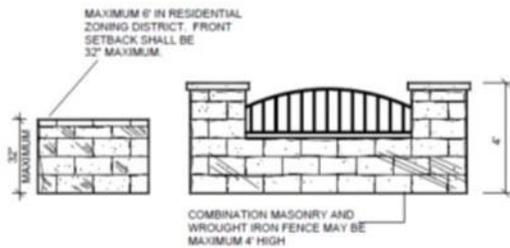
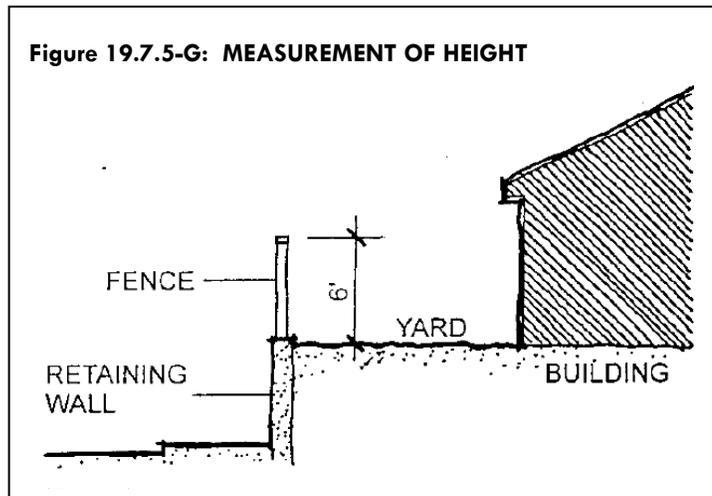
**(e) Vacant Property**

Vacant property may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized dumping or vehicular soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant property shall not be construed to allow use of the property for outdoor storage. A building permit for a chain-link fence shall be obtained from the Building & Fire Safety Department and shall be reviewed as necessary by the Public Works Parks and Recreation department prior to issuance to ensure that the fence does not create or intensify any drainage problems.

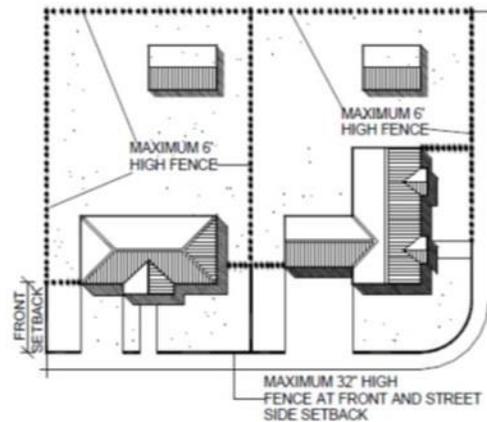
**2. Residential Zoning Districts**

**(a) Maximum Fence Heights**

Except as otherwise permitted in this Code, the maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall be six feet (eight feet adjacent to commercial development), except in required front setbacks, where the maximum height of a solid fence or wall shall be 32 inches and the maximum height of a chain-link or wrought-iron fence shall be four feet. The maximum height for fences/walls for entry gates at the residential subdivision entrance shall be eight feet. All other entry features or designs must be approved through a design review or planned unit development. Smooth-face concrete masonry units (CMU) are permitted only in the RS-1 and RS-2 zoning districts and may be visible from rights-of-way. Smooth-face concrete masonry units (CMU) in all other residential zoning districts may be constructed as interior walls and may not face rights-of-way. Walls to be constructed in existing communities shall match as closely as possible to other existing walls.



**Figure 19.7.5-H: FENCES**



**Figure 19.7.5-I: RESIDENTIAL FENCES**

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.L SLOPES AND GRADING

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**(b) Sport/Tennis Court Screen/Fence**

**(1) RS-1/RS-2 Districts**

- i. Screening or fencing for sports/tennis courts is permitted in the rear or side yard area.
- ii. Structures and/or fencing may exceed the height of six feet but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation.
- iii. Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

For sport/tennis court lighting, see Sec. 19.7.8.E, *Glare and Lighting*.

**(2) RS-4/RS-6 Districts**

Screening or fencing for sport/tennis courts shall meet all of the following criteria:

- i. Approval of a conditional use permit;
- ii. Minimum lot size of 10,000 square feet, and located in the rear or side yard area;
- iii. Structures and/or fencing may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation; and
- iv. Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

For sport/tennis court lighting, see Sec. 19.7.8.E, *Glare and Lighting*.

**(c) Removal or Replacement**

Perimeter walls may only be removed or replaced in accordance with the Property Maintenance Code Section 15.12.030(E).

**3. Commercial, Mixed-Use, and Industrial Zoning Districts**

- (a)** The maximum height of a fence or wall in a commercial, mixed-use, or industrial zoning district shall be eight feet, or up to 12 feet under certain circumstances where additional height is required to secure storage areas.
- (b)** Fencing and/or walls located within the front or corner side setback, or abutting open space, parks, and trails shall be limited to a maximum of three feet in height, except where an increased height is necessary to meet screening requirements of this Code.

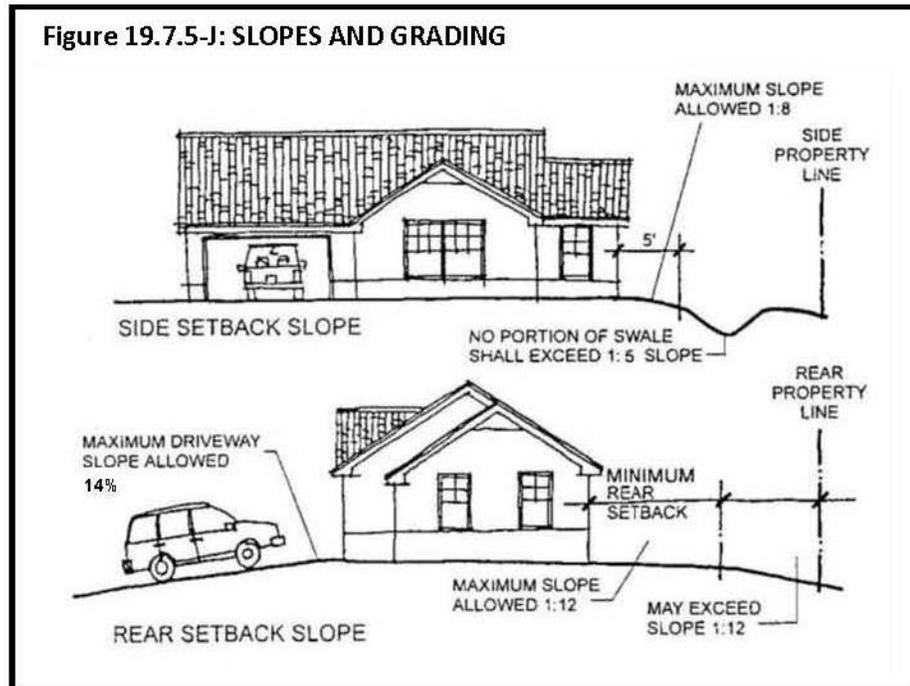
**L. SLOPES AND GRADING**

- 1.** Unless otherwise approved by the Community Development and Services Director or specified in the Henderson Municipal Code (HMC), on RS zoned lots less than 12,000 square feet in area, the slope of the first 15 feet of the rear yard area or rear yard

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.5 LANDSCAPING AND SCREENING | 19.7.5.L SLOPES AND GRADING

required by the underlying zoning district shall not exceed one foot of vertical change per 12 feet of horizontal run, measured from the house outward. Retaining walls may be used to create terracing; however, terraced portions may not exceed the specified 1:12 slope. If the total rear yard area is greater in horizontal dimension than the minimum required zoning setback, the remainder of the yard area beyond the minimum required setback may exceed the 1:12 slope. See Figure 19.7.5-J.



2. Unless otherwise approved by the Community Development and Services Director or specified in the HMC, on RS zoned lots smaller than 12,000 square feet, the slope of the first five feet of side yard area or any side yard required by the underlying zoning district, whichever is smaller, shall not exceed one foot of vertical change per eight feet of horizontal run, measured from the dwelling outward. A swale may lie within this area; however, in no instance shall either side of the swale exceed a slope of one foot vertical per five feet of horizontal change.
3. Unless otherwise approved by the Community Development and Services Director or unless otherwise specified in the HMC, no driveway or parking space intended to satisfy the off-street parking requirements of this Code shall exceed 14 percent.
4. Applications for any residential planned unit development or tentative map within the city may be subject to additional exhibits being required as part of the application process. Such exhibits shall clearly demonstrate the resulting grade elevation differentials that would result between neighboring properties and the subject property of such application(s). The City will consider the impact of the proposed grade elevation differentials on adjacent property and, if significant negative impacts are found, will recommend that the proposed grades be modified or that the negative impacts be mitigated.
5. In residential districts where lots are created by parcel map(s) or by any process other than the tentative map/final map process, the import of fill shall not result in the maximum finished floor elevation for individual lots being greater than two feet above the minimum

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### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.A GENERAL PROVISIONS

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elevation otherwise required by the applicable standards found in the Regional Flood Control District's "Hydrologic Criteria and Drainage Design Manual." Exceptions to this standard shall be approved by the design review procedures set forth in Section 19.6.6.B.

## 19.7.6. BUILDING DESIGN STANDARDS

### A. GENERAL PROVISIONS

#### 1. Purpose and Intent

These design standards are intended to protect and preserve the quality and character of the built environment in Henderson. More specifically, this section is intended to:

- (a) Encourage high-quality development as a strategy for investing in the City's future;
- (b) Emphasize Henderson's unique community character;
- (c) Maintain and enhance the quality of life for the City's citizens;
- (d) Shape the City's appearance, aesthetic quality, and spatial form;
- (e) Reinforce the civic pride of citizens through appropriate development;
- (f) Protect and enhance property values;
- (g) Minimize negative impacts on the natural environment and support sustainable development patterns;
- (h) Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;
- (i) Encourage a pedestrian- and bicyclist-friendly environment; and
- (j) Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

#### 2. Section Organization

- (a) Subsection 19.7.1, General Provisions, sets out the purpose, intent, applicability, and timing of review for compliance with these standards for all forms of development in the City.
- (b) Subsection 19.7.6.B, Single-Family Residential Design Standards, establishes the design standards for any single-family detached residential dwelling, any mansion apartment dwelling, and any building that contains up to six single-family attached dwellings.
- (c) Subsection 19.7.6.C, Multifamily Residential Design Standards, establishes the design standards for multifamily residential dwellings, and any building that contains seven or more single-family attached dwellings.
- (d) Subsection 19.7.6.D, Commercial, Mixed-Use, and Industrial Design Standards, establishes the design standards for all commercial and mixed-use structures in all districts, and industrial structures in the IL and IP districts.

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

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- (e) Subsection 19.7.6.E, Infill Design Standards, establishes design standards for any new development proposed on a lot that abuts existing, conforming development on at least three sides, and is located within any of the following districts: any RS district, any RM district, or the CN district.

#### 3. Conflict

These design standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Community Development and Services Director, shall control in cases where standards conflict.

#### 4. Time of Review

Review of proposed development for compliance with the standards in this section shall occur at the time of zoning, PUD, or MP overlay application (Section 19.6.4.C and D), or design review (Section 19.6.6.B), as appropriate.

### B. SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

#### 1. Applicability

The standards in this subsection apply to the development of any single-family detached residential dwelling, any mansion apartment dwelling, and any building that contains up to six single-family attached dwellings.

#### 2. Site Design and Building Orientation

##### (a) Primary Entrance Orientation

- (1) Mansion apartments and attached residential development on corner lots may include primary entrances that face primary and secondary streets as well as common open space.
- (2) In order to encourage the development of dwelling units that open directly onto the street, applicants for mansion apartments and single-family attached residential development may request that the front building setback requirements for such buildings be reduced or eliminated through the administrative adjustment process, if the primary entrances for the dwelling units will open directly onto a major collector or minor arterial as shown on the Master Transportation Plan.

##### (b) Driveways and Curb Cuts

Driveway access from the street shall not be permitted when a lot has access to a rear alley. Driveways are allowed on lots with rear alleys for multi-unit buildings that provide common access to off-street parking areas.

##### (c) Access to Schools

- (1) Developer shall provide interim pedestrian pathways within the public right-of-way if adjacent vacant or undeveloped land impedes pedestrian and bicycle access to a school site.
- (2) Pedestrian access must be provided on at least two sides of the development, unless physical barriers or other site constraints make secondary access impractical, as determined by the Community Development and Services Director.

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

**3. Building Design**

**(a) Architectural Variability**

- (1) For all development involving five or more contiguous lots, there shall be multiple “distinctly different” front facade designs. The number of required different front facade designs shall be in accordance with Table 19.7.6-1, Architectural Variability:

<b>TABLE 19.7.6-1: ARCHITECTURAL VARIABILITY</b>	
<b>TOTAL NUMBER OF DWELLING UNITS</b>	<b>MINIMUM NUMBER OF FACADE DESIGNS</b>
5-10	2
11-20	4
21-40	5
41-70	6
71-100	7
101+	8 + 1 per every additional 50 units beyond 101

- (2) Compliance with these standards may be determined during zoning application, PUD application, master plan review, or design review stage, as appropriate.
- (3) “Distinctly different” shall be defined to mean that a single-family dwelling’s elevation must differ from other house elevations in at least four of the measures listed below in subsection (b), Facade Articulation. Mirror images of the same configuration do not meet the definition of “distinctly different.”
- (4) No more than two houses shall be of the same front facade design as any other house directly adjacent along the same block face.

**(b) Facade Articulation**

All building elevations that face a street or a cluster driveway shall employ varied articulation of wall surfaces (see Figure 19.7.6-A). Facade wall surfaces shall be articulated through the use of at least four of the following techniques:

- (1) A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;
- (2) Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;
- (3) Use of balconies, overhangs, or covered patios;
- (4) Variations in roof lines, such as a gable or dormer;
- (5) Door and/or window placement, provided windows are similar in size and orientation as those found on most of the dwellings on the same block;



## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

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- (6) Change from adjacent properties in the width of the front facade by two feet or more;
- (7) Variation in the location and proportion of front porches;
- (8) Variation in the location and/or proportion of garages and garage doors; or
- (9) Other techniques determined as appropriate by the Community Development and Services Director.

(c) Side and Rear Articulation

The intent of the standards below is to prevent large expanses of blank walls. All side and rear elevations shall incorporate at least two of the techniques below on all floors:

- (1) A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;
- (2) Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;
- (3) Window trim as required by 19.7.6.B.3(f);
- (4) Shutter accents on upper story windows;
- (5) Wainscoting along first 6 feet of side of homes;
- (6) Potting ledges;
- (7) Recessed windows a minimum of 12 inches;
- (8) Bay windows;
- (9) Window grids (between the glass) as appropriate to architecture with a minimum of two grids per pane in each direction; or
- (10) Other techniques as determined appropriate by the Community Development and Services Director.

Facades less than ten feet from the parallel façade of adjacent houses are exempt from this subsection except for second and third story facades adjacent to single-story facades.

(d) Materials

- (1) Front facade materials shall not change at outside corners and shall continue along side elevations for at least two feet beyond the outside corner.
- (2) Front facade materials, colors, and architectural embellishments shall continue along any side elevation abutting a street right-of-way, open space, or a cluster driveway to a natural termination point as determined by the Community Development and Services Director or a minimum of 10 feet; such natural termination point may be a minimum 6-foot high decorative wall or fence.

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### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

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(3) Material changes shall occur around windows, doors, cornices, corners, or as a repetitive pattern on a facade.

(4) Corrugated metal finish is prohibited.

(e) Roof Penetrations and Equipment

All roof vents, pipes, other roof penetrations and attachments, and equipment (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall be painted or architecturally integrated with the roof design and color, to the maximum practical extent.

(f) Window Treatments

All windows on all elevations shall be designed with either:

(1) Pop-out trim surrounding window;

(2) Header and sill trim;

(3) Shutter accents;

(4) Awnings appropriate to architecture;

(5) Recession of a minimum of 12 inches; or

(6) Other techniques as determined appropriate by the Community Development and Services Director.

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

**4. Garages**

**(a) Garages on greater than 40-foot wide lots:**

- (1)** Street-facing garages shall be recessed a minimum of six feet behind the first-floor front facade plane of the dwelling they serve. See Figure 19.7.6-B.
- (2)** Street-facing garages shall be located at least 20 linear feet from the front property line.
- (3)** Porches with a minimum area of 36 square feet and a minimum depth of 6 feet may be counted as the front façade plane.
- (4)** A front, walled courtyard may be utilized in lieu of the 6-foot garage recess if it meets the following standards:



- i.** The courtyard must project a minimum of 10 feet in front of the face of the garage.
- ii.** The minimum courtyard width is 10 feet.
- iii.** If within a required front or corner side yard setback, the courtyard wall must be 32 inches in height with pilasters of a maximum height of 4 feet. If it is outside of a required front or corner side yard setback the maximum height is 6 feet.
- iv.** Courtyard walls must be constructed of decorative, solid masonry (stone, brick, painted stucco, etc.) that utilizes similar design, materials, and colors as the house. Exposed concrete block, including splitface or slumpstone, is not acceptable. The wall must be architecturally integrated with the house.



- (5)** Houses with garages facing streets or private drives shall include a minimum of at least three architectural features on the elevation that includes the garage door(s). Examples of such features include, but are not limited to, the following:
  - i.** Garage detached from principal dwelling and recessed at least ten feet behind the rear elevation (counts as two architectural features) (see Figure 19.7.6-C);
  - ii.** Garage doors painted an accent or contrasting color;
  - iii.** Ornamental architecturally enhanced garage door face (e.g., more than wood grain appearance);
  - iv.** Ornamental light fixtures flanking the doors;

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- v. Arbor or trellis flanking garage doors;
  - vi. Columns flanking doors;
  - vii. Portico treatment;
  - viii. Windows in the garage door (equal to quantity of vehicle spaces within garage);
  - ix. Dormers;
  - x. Overhangs over at least the entire length of the garage door with a minimum depth of 12 inches;
  - xi. Eaves with exposed rafters and/or with a minimum six-inch projection from the facade plane;
  - xii. Roof line changes;
  - xiii. Decorative gable vent covers; or
  - xiv. Dentil or other molding.
- (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 three (3) feet from the front plane of the remainder of the garage.
- (7) Side-loaded garages shall contain a minimum of one window, with a minimum size of 12 square feet, in the garage wall facing the street.
- (b) Garages on less than or equal to 40-foot wide lots:
- (1) Varying lot shapes, including pie shaped, lots on curves, and corner lots, which increases the lot width above the threshold for the garage standards designation do not necessitate the use of the standards for greater than 40-foot wide lots. Community Development and Services Director or designee has final determination.
  - (2) Street-facing garages shall be located at least 20 linear feet from the front property line.
  - (3) Garage Door Color
    - Double width garage doors that do not incorporate an Enhanced Garage Design as described below must be a contrasting color to the main color of the structure or be of a very similar color value to the structure secondary/accent colors.

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### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS



- (4) Elements from the following categories shall be included in the design of each dwelling/lot. A minimum total of three (3) elements from sub-sections i and/or ii, and a minimum of one (1) element from sub-section iii.
- i. Decorative Driveway Materials and Treatments
    1. Stained/colored concrete – medium and darker colors preferred
    2. Stamped concrete – must also be stained/colored
    3. Decorative pavers – contrasting patterns preferred
    4. Landscaped center strip between tire track pads (xeriscape, ground cover, artificial turf)
      - a. Maximum tire track pad width; eighteen (18) inches.
  - ii. Enhanced Garage Design
    1. “Carriage” style doors as appropriate to the selected architectural style of the home.
    2. Windows in patterned/paneled doors as appropriate to the selected architectural style of the home.
      - a. One row of windows with one window per column of panels.
      - b. Window to occupy at least 75% of the individual panel area.
    3. Shallow arched or other non-rectangular door opening as appropriate to selected architectural style.
    4. Split door – separate door for each garage parking space with minimum of one (1) foot between door openings.
    5. Deep recessed door from surrounding face of structure for substantial shadow line – minimum recess of eighteen (18”) inches.

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.B SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

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6. Exterior trim or surrounds around door frame(s) as appropriate to the selected architectural style.
7. Full width architectural elements in front of garage door. Elements shall be of a depth and design that are appropriate to the selected architectural style of the house. Examples include:
  - a. Attached or free-standing trellis structure.
  - b. Extension of ground level porch roofline.

#### iii. Massing

1. Include at least three different planes on front façade, including projecting or “pop-out” portions—minimum offset of eighteen (18) inches between planes.
2. One-story garage (or partial garage) element with deep overhang roof element for deep shadow line. Such element shall project a minimum of eight (8) feet from a taller recessed element.
3. Minimum garage offset of four (4) feet behind the face of living space or covered front porch. Minimum usable porch width must be six (6) feet.
4. Roofed or partially roofed balcony over garage. Balcony shall have a minimum depth of five (5) and a minimum width of eight (8) feet.

#### (c) Garage Dimensions

Garages shall meet the requirements of Section 19.7.4.K.9, *Garages and Carports in Residential Districts*.

## 5. Standards for Manufactured Homes

A manufactured home on an individual lot, outside of a mobile home subdivision or mobile home park, is permitted as a single-family detached dwelling provided it complies with the following standards:

#### (a) Configuration

Manufactured homes shall:

- (1) Be permanently affixed to the lot by means of a permanent foundation;
- (2) Be manufactured within the five years immediately preceding the date on which it is affixed to the residential lot;
- (3) Consist of more than one section;
- (4) Include at least 1,200 square feet of living area;
- (5) Consist of at least five sides or corners, with the smallest side or corner measuring a minimum of five feet; and
- (6) Have a minimum width and depth of 20 feet.

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### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.C MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

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**(b) Exterior Finish**

- (1) The exterior finish shall be architecturally integrated with the homes in the immediate vicinity. This includes roofing and building design.
- (2) The exterior finish shall be or give the appearance of stucco, masonry, horizontal wood siding, or metal siding.
- (3) All siding shall be horizontal lap and shall have decorative features such as window and door trim or vents.
- (4) An elevated foundation must be masked with the same exterior finish used on the home or decorative masonry wainscoting. All masking must be extended to within six inches of grade.

**(c) Roofing**

- (1) Material shall be or give the appearance of asphalt shingles, tile, or wood, but actual wood shall not be used as a material.
- (2) Roofing material must be different in color and material than that of the exterior finish of the house so as to create contrast.
- (3) Roofs shall maintain a minimum pitch of 3:12. Roofing may be allowed at 2:12 as long as a minimum of 75 percent of the roofing area is 3:12.
- (4) Flat roofs may be allowed provided they represent a specific architectural style and include a parapet that screens the roof.

**6. Conversion to Nonresidential Use**

Conversion of any existing single-family attached or mansion apartment use from residential to nonresidential use shall require issuance of a conditional use permit.

**C. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS**

**1. General Purpose and Intent**

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

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

**2. Applicability**

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

## CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

### SECTION 19.7.6 BUILDING DESIGN STANDARDS | 19.7.6.C MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

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#### 3. Site Design and Building Organization

##### (a) Intent

- (1) Provide landscape, open space, and amenity areas that are both usable to residents of the development and beautify the development in general;
- (2) Provide convenient pedestrian circulation throughout the development and connections to surrounding developments;
- (3) Provide appropriate buffering to/from adjacent uses;
- (4) Provide convenient and adequate resident and guest parking and household-related services (see Section 19.7.6.C.3(d));
- (5) Activate street frontages with interesting building design, landscaping, and pedestrian amenities; and
- (6) Create an interesting and dynamic street scene through deliberate placement and arrangement of buildings on the site and along frontages.

##### (b) Pedestrian and Vehicular Access

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

- (1) A minimum of one secondary point of vehicular ingress/egress into a multifamily development shall be required in accordance with City of Henderson specifications;
- (2) No vehicular access from a multifamily development shall be provided on a local street serving existing single-family detached development; however, emergency vehicle access may be provided, as appropriate in accordance with City of Henderson specifications; and
- (3) Pedestrian access is required in accordance with Subsection C.3(i)(4) below.

##### (c) Relationship to the Street

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

##### (d) Arrangement of Buildings

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

##### (e) Household-Related Services or Amenities

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

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**(f)** Common Open Space

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

- (1) Clusters of buildings shall be arranged to frame, enclose, and/or highlight views into or onto common open spaces or recreational amenities;
- (2) Common open space areas shall be designed to create diverse and usable spaces. Common open space areas for multifamily developments shall be designed to provide a variety of active and passive experiences for residents. This may be accomplished through the incorporation of:
  - i. Swimming pools, sports courts, and other outdoor recreational facilities;
  - ii. Roof terraces;
  - iii. Community gardens;
  - iv. Playgrounds and open play areas;
  - v. Picnic or barbeque areas;
  - vi. Group gathering spaces designed for programmed events (e.g., movie or game nights);
  - vii. Soft surface walking paths;
  - viii. Landscaped patios with tables and seating; and/or
  - ix. Other amenities, as approved by the Community Development and Services Director;
- (3) No more than 50 percent of the total required common and/or usable open space area within a multifamily development shall be dedicated to any single purpose;
- (4) Buildings and streets, rather than surface parking, shall be primarily used to define the edges of common open space areas;
- (5) Shade elements, including but not limited to pergolas, arcades, and large street/shade trees, as defined by the SNRPC Regional Plant List, shall be incorporated into the design of common open space areas;
- (6) Common open space areas throughout the development shall be designed to function as a physically and visually integrated network of spaces that include formal plantings and gardens, pedestrian amenities, and active or passive recreational opportunities.

**(g)** CPTED Design Requirements

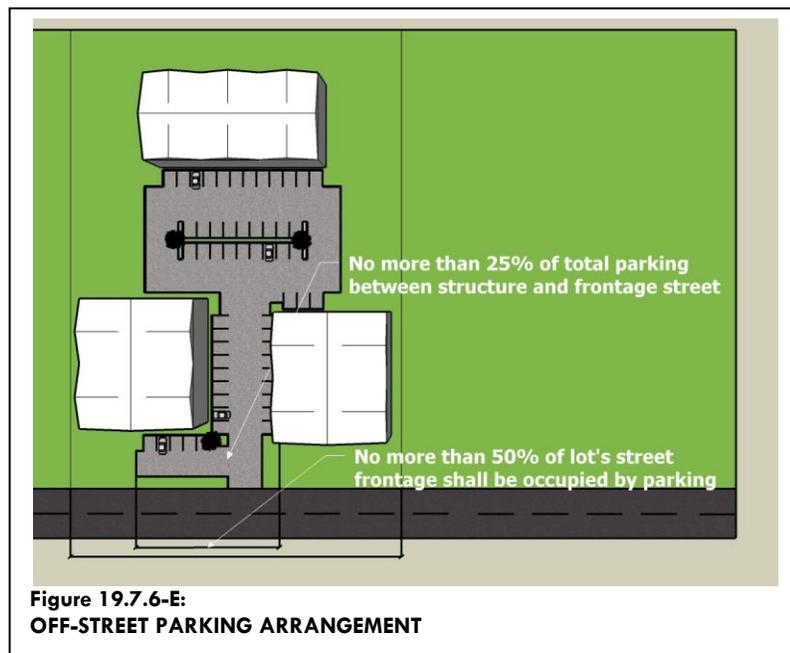
To meet the City's adopted Crime Prevention Through Environmental Design (CPTED) standards, all multifamily development shall comply with the following standards:

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

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- (2) Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have vision panels to view into the room before entering.
  - (3) The community laundry room shall have a minimum of five minimum maintainable foot candles (MMFC) at all times; and
  - (4) Any wall or fence serving as a barrier for an existing or future swimming pool or spa must comply with HMC Section 15.44, *Swimming Pool Code*, and CPTED requirements at time of construction, regardless of when the swimming pool or spa may have been constructed. Pool areas shall provide a minimum of ten MMFC from dusk to dawn.
- (h) Off-Street Surface Parking Location
- (1) In addition to the standards in Section 19.7.4.J, *Parking Location, Layout, and Design*, buildings shall comply with the following: No more than 25 percent of the total off-street surface parking may be located between the structures and adjacent streets.
  - (2) Off-street surface parking shall be designed to minimize its visibility from any public or private street, whether by locating it internal to the site or by careful and deliberate screening methods.
  - (3) All onsite parking areas shall be located within 150 feet of the unit to be served.
  - (4) Surface parking areas shall be configured into smaller subgroupings to the maximum extent practical as a means of dispersing parking across the site and minimize the visual dominance of surface parking.



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(i) Perimeter Landscaping

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

(j) Fencing and Wall Standards

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

(1) Height

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

- i. Exceptions are necessary to meet site visibility requirements in Section 19.7.5.K;
- ii. Walls that are adjacent to areas occupied by or zoned for commercial development shall be a maximum of eight feet tall; and
- iii. Walls that are adjacent to property occupied by or zoned for single-family residential dwellings shall be a minimum of six feet and maximum of eight feet tall.

(2) Materials

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

(3) Visual Interest

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

- i. Structural pilasters, varied materials, columns, or other features that provide vertical relief;
- ii. Incorporation of a combination of solid and open materials;
- iii. Offsets in the horizontal plane of the fence or wall; and/or
- iv. Street trees, plantings, or other landscape enhancements specifically designed or placed to break up the visual length of the fence or wall.

(4) Pedestrian Access

Perimeter fencing and walls shall include pedestrian access points that connect the interior walkways of the multifamily development to adjacent neighborhoods and services, parks, open space or trail networks, and/or

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to the adjacent street. One pedestrian access point shall be provided for every two buildings that are located along the frontage or every 500 feet, whichever is greater; at least one pedestrian access point is required per frontage. Alternative spacing may be approved by the Community Development and Services Director where topographic or other site constraints exist.

**(k)** Access to Schools

- (1) Developer shall provide interim pedestrian pathways within the public right-of-way if adjacent vacant or undeveloped land impedes pedestrian and bicycle access to a school site.
- (2) Pedestrian access must be provided in at least two locations, unless physical barriers or other site constraints make secondary access impractical, as determined by the Community Development and Services Director.

**4. Building Design and Variety**

**(a)** Intent

- (1) Enhance the character and visual interest of a multifamily development through the use of varied architectural elements, building heights, colors and materials, the number of building designs, and other features.
- (2) Prevent blank building facades and repetitive building forms while promoting creativity and flexibility in the design of multifamily buildings.
- (3) Maximize variety in design where there are multiple buildings within a development, avoiding a predominance of any one building type.
- (4) Vary the development type and pattern between neighboring multifamily developments to avoid repetitive architectural designs or forms.

**(b)** Façade Articulation

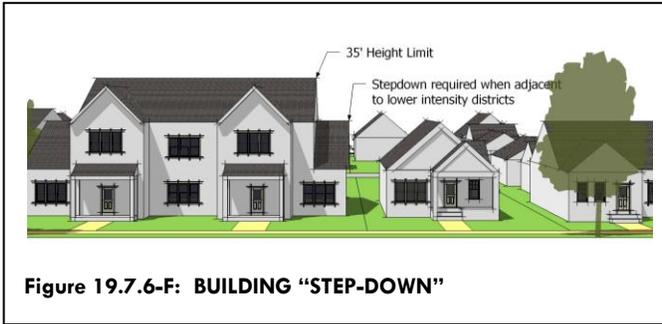
- (1) All sides of a multifamily building shall display a similar level of quality and architectural detailing as on the front façade. Each façade shall be articulated through variations in the following elements:
  - i. Color and use of materials;
  - ii. Rooflines, through the use of sloping roofs, modulated building heights, gables, crossed gables, dormers, and other roofing details;
  - iii. Wall planes that are offset from the main building façade to provide additional articulation to the building mass; and
  - iv. Centralized ground-floor entrances that are proportionate to the overall scale of the building and/or ground floor entrances to individual units.
- (2) Each application for development shall demonstrate how the above requirements have been satisfied; however, no length of any façade or roof line that lacks variation in its material, color and/or form, measured horizontally, shall exceed 50 horizontal feet. Architectural features shall

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be incorporated to emphasize building features such as entries, corners, and the organization of units, as well as to convey a distinctive architectural style. Architectural features may include, but are not limited to:

- i. Balconies, porches, or stoops;
- ii. Bay or box windows with a minimum 12-inch projection from the façade plane;



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

- iii. Dormers;
- iv. Arcades;
- v. Variation in window sizes and shapes;
- vi. Vertical elements that demarcate building components; or
- vii. Eaves with exposed rafters or a minimum six-inch projection from the façade plane.

(c) Distinct Building Designs

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

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

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

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**(d)** Height

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

**(e)** Massing

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

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

**(f)** Roof Forms

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

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

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

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

**(g)** Access to Units

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

**(h)** Garage and Carport Standards

**(1)** Location

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

**(2)** Size

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

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**(3) Separation**

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

**(4) Design**

- i. The plane of garage doors, in groupings or singularly, shall be offset and/or separated from the planes of adjacent garage doors to visually and physically break the expanse of rows of doors.
- ii. Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details.
- iii. Carports shall be painted a color from the color palette of the development. Lights shall be shielded from spilling onto adjacent property.

**(5) Parking Structures**

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

**5. Conversion to Nonresidential Use**

Conversion of any existing multi-family use from residential to nonresidential use shall require issuance of a conditional use permit.

**6. Density Bonus**

An increase in the maximum density allowed in a multi-family zoning district may be requested if the proposed development is considered affordable housing (as defined in Section 19.12, *Definitions*) and/or an age-restricted senior multi-family development, pursuant to the following:

- (a)** Up to 20% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested.
- (b)** Above 20% up to 35% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested. Additionally, a minimum of 5 locational criteria from this Section must be met, and a minimum of 3 on-site amenities from this Section must be provided.
- (c)** Above 35% up to 50% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested. Additionally, a minimum of 7 locational criteria from this Section must be met, a minimum of 5 on-site amenities from this Section must be provided, and approval of a Conditional Use Permit is required.
- (d)** Up to 20% density bonus for senior housing may be granted with no income or affordability restrictions. Additional density may be approved through a Conditional Use Permit up to a maximum bonus of 50%.

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DENSITY BONUS	NUMBER OF AFFORDABLE UNITS	LOCATIONAL CRITERIA	ON-SITE CRITERIA	DEVELOPER INCENTIVES	CUP
Up to 20%	Equal to or greater than density bonus	None	None	None	No
20-35%	Equal to or greater than density bonus	5	3	None	No
35-50%	Equal to or greater than density bonus	7	5	None	Yes
Up to 20% (senior, not affordable)	N/A	None	None	None	*

\* A conditional use permit is required only when the bonus requested is above 20%.

**(1) Locational Criteria**

Projects requesting an increase in density shall be located within a 1/4-mile walk for affordable developments, or a 1/8-mile walk for senior housing developments, of the following:

- i. Transit corridor/mass transit stop
- ii. Grocery store
- iii. Other daily-need retail uses
- iv. Restaurants
- v. Libraries
- vi. Movie theaters
- vii. Laundry services
- viii. Banks
- ix. Medical offices
- x. Professional offices
- xi. Hospitals
- xii. Accommodations (hotel/motel)
- xiii. Recreational uses (bowling alleys, etc.)
- xiv. Fitness centers/athletic clubs
- xv. Public parks
- xvi. Other locational criteria as approved

**(2) On-Site Amenities**

Projects requesting an increase in density shall provide a minimum number of the following on-site amenities:

- i. Fitness center/athletic club
- ii. Fitness instruction
- iii. Instructional classes

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- iv. Garden/pool
- v. Bocce ball court
- vi. Shuffleboard
- vii. Media room/theater
- viii. Card room
- ix. Provide transport to medical appointments, grocery stores, casinos, etc.
- x. LEED certification (suggest trade for increase in height, parking, open space, etc.)
- xi. Courtyards with amenities such as game tables, group seating, individual meditation spaces, yoga yards, pool, barbeque, community gardens, walking paths, and dog runs
- xii. Other on-site amenities as approved

**(3) Developer Incentives**

The following items may be used as a compensating benefit for waiver requests. These items are developer incentives provided to the City and shall be located within ¼ mile of project.

- i. Improvements to nearby parks
- ii. Investment in libraries or other public facilities/services
- iii. Donations to local charities that provide services to low-income/seniors
- iv. Improvements to public facilities
- v. Rehabilitate other building(s) nearby
- vi. Develop in low-income areas in exchange for density bonus
- vii. Develop open space and trails
- viii. Other developer incentives as proposed/approved

## **D. COMMERCIAL, MIXED-USE, AND INDUSTRIAL DESIGN STANDARDS**

### **1. Applicability**

The standards in this subsection apply to all commercial and mixed-use structures in all districts, and to industrial structures in the IL and IP districts, unless otherwise provided by this Code.

### **2. Site Design and Building Organization**

**(a) Building Organization**

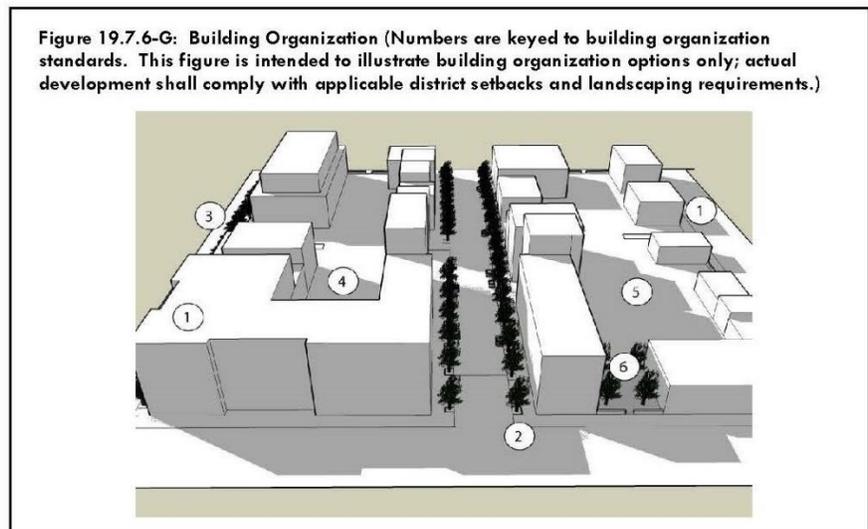
Developments comprised of multiple buildings and/or totaling 100,000 square feet or more shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by placing the building wall at the back

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of the sidewalk edge (or “building to” the sidewalk or required landscape buffer), and by using building walls to frame and enclose:

- (1) The corners of street intersections or entry points into the development;
- (2) A "main street" pedestrian or vehicle access corridor within the development site;
- (3) A parkway street or frontage road that parallels the corridor;
- (4) A linear park or trail corridor that parallels the corridor;
- (5) Parking areas, public spaces, or other site amenities on at least three sides; or
- (6) A plaza, pocket park, square, or other outdoor gathering space for pedestrians between buildings or within the build-to zone. See Figure 19.7.6-G.



#### (b) Access

- (1) Development shall be configured to consolidate and minimize the number of new access points on arterial streets.
- (2) Access drives or onsite streets shall not be configured to align with accessways serving adjacent residential developments unless physical or environmental constraints require this alignment.
- (3) All commercial driveway entries shall be a minimum of 32 feet in width.

#### (c) Orientation

- (1) All buildings shall be oriented so that the front facade faces an adjacent street.
- (2) In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one operable entrance and one or more transparent windows.

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- (3) Developments are encouraged to situate buildings at the street frontage, locating parking to the side and rear of buildings to avoid views of large, paved parking areas from public rights-of-way.

**(d) Block Pattern**

The layout of any development site five acres in size or larger shall be designed to reinforce a pattern of individual blocks.

- (1) Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting to adjacent streets and mirroring the scale and orientation of adjacent blocks (for residential areas of the activity center).
- (2) On large sites or where block consolidation is proposed (by right-of-way abandonment), special consideration shall be given to pedestrian and vehicular circulation patterns and access to surrounding neighborhoods.
- (3) New development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 660 feet by 660 feet. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private.

**(e) Outparcel Development**

- (1) To the maximum extent practical, outparcels and their buildings shall be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.
- (2) Spaces between buildings on outparcels shall provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas. See Figure 19.7.6-H.

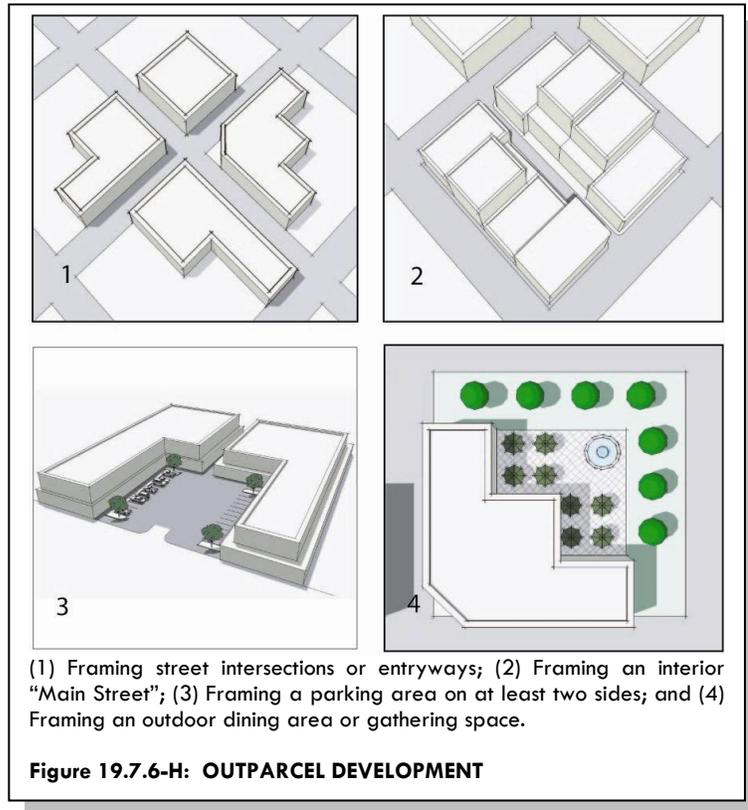
**(f) Building Entrances**

Structures shall have clearly defined, highly visible architectural fronts that include at least two of the following design features:

- (1) Canopies, porticos, archways, arcades or similar overhang above the entrance to provide visual interest and protect pedestrians;
- (2) Entry recesses/projections;
- (3) Raised corniced parapets above the entrance;
- (4) Gables or peaked roof forms above the entrance;
- (5) Architectural details, such as tile work and moldings, integrated into the building structure and above or directly adjacent to the entrance; or
- (6) Outdoor pedestrian features such as seat walls and landscaping, or permanent landscape planters with integrated benches.

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**(g) Loading and Service Areas**

Loading and service areas shall be placed to the sides or rear of a structure, or shall be integrated within the building's architecture as a means of minimizing their appearance.

**(h) Residential Uses**

Residential uses shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses. This shall be achieved by ensuring that residential uses meet at least one of the following:

- (1) Residential uses are vertically located above street-level commercial uses;
- (2) Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood;
- (3) Limit the use of block walls internally that separate residential and nonresidential uses from each other; and
- (4) Provide a pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

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**3. Building Design**

**(a) Four-Sided Architecture**

All sides of a building that are visible from a public street, public right-of-way, or other area to which the public has legal access shall feature a similar level of architectural detail reflecting the front facade.

**(b) Facade Standards**

The following facade standards are intended to prevent large, undifferentiated wall surfaces that are easily visible from neighboring properties or the public right-of-way:

- (1) The building facade shall be visually divided into individual bays that are a maximum of 30 feet in width. No blank wall area or facade shall exceed more than 30 feet in horizontal or vertical direction. Building facades shall include two or more of the following treatments, as illustrated in the following table:

<b>TABLE 19.7.6-4: DISTINCT BUILDING DESIGNS</b>		
<b>Building Length (ft)</b>	<b>Number of Facade Treatments Required: IL and IP Districts</b>	<b>Number of Façade Treatments Required: All Other Districts</b>
0-30	2	2
31-60	3	4
61-90	4	6
90+	5	8

- (2) The required treatments shall be utilized to reduce the perceived scale of the building and shall be drawn from the following list:
  - i. Reveals;
  - ii. Projections;
  - iii. Offsets (measuring at least four feet in depth);
  - iv. A vertical architectural treatment (a minimum of 12 inches in width);
  - v. Color, texture or material change (including, but not limited to, brick or stone);
  - vi. Architectural banding;
  - vii. Awnings;
  - viii. Treillage with vines;
  - ix. Decorative parapet (arched, gabled, stepped, etc.) or cornice treatments;
  - x. Covered walkways;
  - xi. Variations in roof forms and/or roof heights;
  - xii. Deep-set windows with mullions or decorative glazing;

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- xiii.** Ground-level arcades or upper balconies/galleries;
  - xiv.** Columns or pillars;
  - xv.** Marble or tile accents;
  - xvi.** Art work or bas relief; or
  - xvii.** Other facade treatments as agreed to by the Community Development and Services Director.
- (3)** Innovative and attractive designs that deviate from the standards above may be approved at the discretion of the Community Development and Services Director through the design review or planned unit development/master plan process.
- (4)** Sample facade treatments are illustrated on the following page in Figure 19.7.6-l.

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covered walkway, projection



awnings, bas relief



offsets (at least 4' in depth)



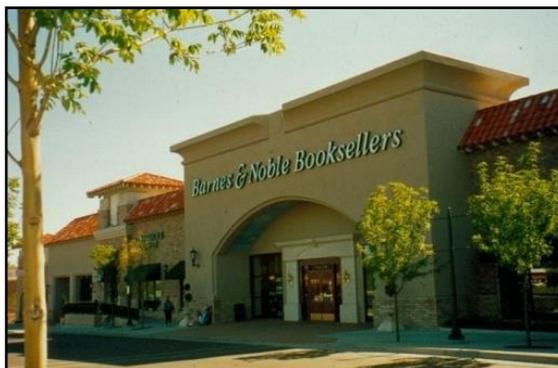
treillage with vines



vertical articulation treatment (min. 12" in width), color texture or material change



reveals, decorative parapet or cornice treatments, variations in roof forms and/or roof heights



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ground-level arcades or upper balconies/ galleries, columns or pillars, marble or tile accents

deep-set windows with mullions or decorative glazing, architectural banding



Figure 19.7.6-I: Example Facade Treatments

#### (c) Base, Middle, and Cap

Buildings with three or more stories shall incorporate a base, middle, and cap described as follows:

- (1) The base shall include an entryway with transparent windows, and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two inches and a height of at least four inches;
- (2) The middle shall include a minimum of 50 percent of the vertical height of the building and may include windows and/or balconies; and
- (3) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang. See Figure 19.7.6-J.

#### (d) Roof Forms

The roof form standards in this subsection shall apply to the full length of any roof.

- (1) Roof lines shall be varied and designed to further minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design. Variations in roof design may be achieved by use of the following methods:
  - i. Decorative parapets (a minimum of three feet in height, maximum of one-third the supporting wall height);
  - ii. Overhang eaves (extending a minimum of three feet beyond the supporting wall);
  - iii. Three-dimensional cornice treatments (a minimum of 12 inches high);
  - iv. Three or more roof planes per facade.

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- (2) All roof vents, pipes, antennas, satellite dishes, other roof penetrations and equipment (except chimneys) shall comply with Section 19.7.5.H.2(a), Roof-Mounted Mechanical Equipment.
- (3) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.



(e) Color

Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades found in projects in the immediate area that have been approved pursuant to the City’s design review procedures or that are found in the natural terrestrial environment.

(f) Unified Design

- (1) If a building or center has a primary theme, that theme should be used around the entire building. This can include, but is not limited to, the use of tile accents, stucco designs, awnings, cornice treatments, stepped parapets, treillage with vines, textured materials such as stone or brick, planters, or colored panels.

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(2) The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.

(g) **Materials**

(1) Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture shall be utilized to ensure that enough similarity exists for the building to be compatible despite the differences in materials.

(2) Metal and aluminum siding, plywood siding, plastic tile, color integral or painted precision architectural concrete block, painted split-face block, painted slumpstone building walls, and pre-engineered metal buildings are prohibited unless approved by the Community Development and Services Director.

(h) **Response to the Climate**

(1) All development shall provide shaded walkways, as defined in this Code, along at least 50 percent of all building facades adjacent to or facing primary walkways leading to building entrances, pedestrian connectivity routes, and usable common open space.

(2) On sites of 15 acres or more, shaded walkways shall constitute a minimum of 30 percent of the sidewalks within sites containing multiple buildings. Options include awnings, arcades, other similar structures, or shade trees planted at 30-foot intervals, unless a smaller interval is required to comply with other sections of this Code.

(3) Buildings shall be oriented to minimize direct solar exposure on the primary building facade and areas of high pedestrian activity.

(4) If subject to design review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the design review decision.

#### 4. **Building Elements**

(a) **Downspouts and Overflows**

All downspouts and overflow drains shall be incorporated into exterior building walls or architectural projections and shall not be visible on the exterior of the building.

(b) **Vision Panels**

Vision panels are designed to allow outside surveillance prior to the exit of any person from the service exit of a building. Except for docks or cargo entrances designed for large cargo distribution, vision panels shall be constructed to allow a

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person to view the exterior area prior to leaving the protection of the interior space. Vision panels shall not allow a person to view the interior of the building from the exterior. Vision panels shall comply with the following standards:

**(1) Location**

- i. The vision panel (glass portion of the door) shall be center-mounted and placed no more than 63 inches from the bottom of the door.
- ii. Variations on this size may be permitted as long as a person cannot insert an arm in the event the glass is removed.

**(2) Size**

- i. Solid metal, wood, or composite material doorways in commercial, industrial, or semipublic buildings shall be installed with burglar-resistant glass not to exceed four inches by four inches in size.
- ii. Wide-angle viewers may be substituted for vision panels if a person can stand several feet from the door and view the exterior of the building; however, outside lighting must not hinder the view due to glare.

**5. Conversion of Residential Uses to Nonresidential Uses**

The conversion of any residential structure to a nonresidential use shall require design review in accordance with Section 19.6.6.B or other application as determined by the Community Development Director, to ensure compatibility with the intent of this Code.

**6. Residential Compatibility Standards**

**(a) Applicability**

The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in the RS-4, RS-6, RS-8, RM-10, and RM-16 districts.

**(b) Use Limitations**

Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:

- (1)** Public address systems;
- (2)** Outdoor storage; and
- (3)** Uses providing delivery services via large tractor trailers (not including package delivery services such as Federal Express or UPS).

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**(c) Off-Street Parking**

- (1)** Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
  - i.** Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
  - ii.** Adjacent to lot lines abutting nonresidential development;
  - iii.** Adjacent to lot lines abutting mixed-use development;
  - iv.** On a lot's corner side;
  - v.** Behind the building;
  - vi.** In front of the building; or
  - vii.** Adjacent to lot lines abutting residential uses.
- (2)** In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.

**(d) Landscaping/Screening**

- (1)** A solid masonry or concrete wall with a minimum height of six feet and a maximum height of eight feet shall be provided to screen nonresidential uses from adjoining property with a residential land use designation as specified by the Comprehensive Plan or as designated by another local entity when adjacent to the corporate limits. Solid walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed 32 inches in height. In lieu of a wall, the Community Development and Services Director may approve landscaping alternatives to meet this requirement, including berms, hedges, or a combination of wall and landscaping. See Figure 19.7.6-K.
- (2)** Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.

**(e) Exterior Lighting**

Exterior lighting shall:

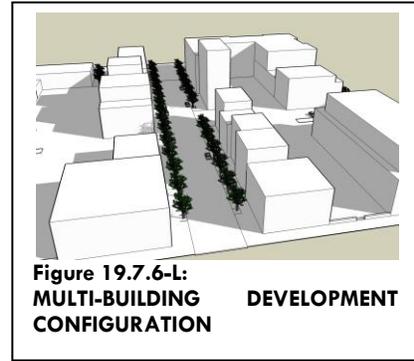
- (1)** Have a maximum pole height of 20 feet within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 30 feet in all other locations;
- (2)** Be fully-shielded;



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- (3) Be configured so that the source of illumination is not visible;
- (4) Be directed away from adjacent lots in residential districts; and
- (5) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing residential use.

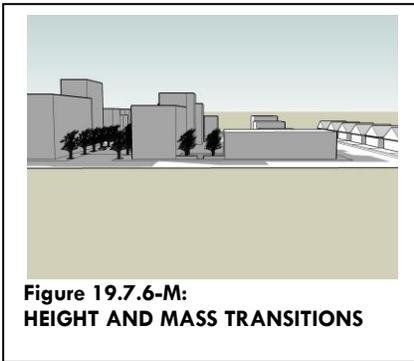


**(f) Multi-Building Developments**

- (1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses. See Figure 19.7.6-L.
- (2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential land uses.

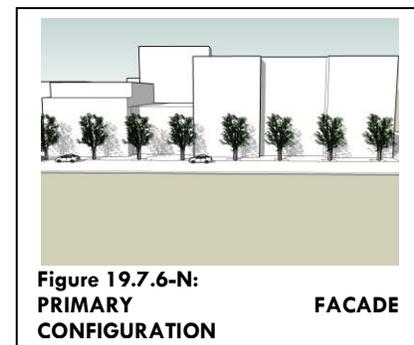
**(g) Building Design**

- (1) Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses. See Figure 19.7.6-M.
- (2) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.
- (3) Except in downtown zoning districts, any nonresidential structure that is located within 100 feet of a residential use shall maintain a setback from the residential use equal to the height of the nonresidential structure.



**(h) Facade Configuration**

- (1) Primary facades of nonresidential and mixed-use structures that face residential districts shall be configured as a series of two or more storefronts. See Figure 19.7.6-N.
- (2) Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places



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these functions farther from adjacent residential uses.

- (3) Windows shall be arranged to avoid direct lines-of-site into abutting residential uses.

(i) Operation

- (1) Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.
- (2) Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 11:00 p.m.
- (3) Alternate hours of activities may be approved through the conditional use permit process.

(j) Additional Operational Compatibility Standards

As a condition of approval of any discretionary approval of any nonresidential use located within 500 feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potentially adverse impacts on residential property. Such conditions may include, but shall not be limited to, the following:

- (1) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare.
- (2) Placement of trash receptacles.
- (3) Location of loading and delivery areas.
- (4) Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities.
- (5) Additional landscaping and buffering.
- (6) Preservation of natural lighting and solar access.
- (7) Ventilation and control of odors and fumes.

**7. 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(j), minimum standards shall include, but shall not be limited to, the following:

- (a) Require all applicants to seek neighborhood input through neighborhood meetings prior to presentation of any plan to the Planning Commission.
- (b) Require the integration of existing and proposed equestrian and multiple-use trail systems, open space, and parks.
- (c) Require new residential development to front local residential rights-of-way, not arterial streets.

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- (d) Require planned unit developments for all projects in excess of five (5) acres.
- (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.
- (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 Parks and Recreation's specifications.
- (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.
- (h) Require applicants to install landscaping within adjacent arterial street medians.
- (i) Homes should either face or back up to a rural neighborhood area to ensure a minimum separation of 25 feet.
- (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 (e) above shall not apply.

#### E. SCHOOL DESIGN STANDARDS

The Henderson Strong Comprehensive Plan calls for siting and designing schools in a manner that positively influences students' learning environment. The Plan prioritizes locations and designs that allow a maximum number of students to walk or bike to school; safe and efficient multimodal access, parking, and circulation; separation from noise and environmental pollution; integration with neighborhood parks and community services; and sufficient space for outdoor recreation. The following criteria are intended to address those goals, and failure to meet any one requirement shall result in a CUP being required in any district for which the school is otherwise standard pursuant to HMC 19.5.4.P.2:

1. Facades shall comply with standards from 19.7.6.D.3 except as otherwise specifically provided herein.
2. The maximum total length of any façade shall be 200 feet. Multistory structures are recommended. Size and scale should be appropriate for the surrounding neighborhood, including a student capacity that would not be expected to generate automobile traffic impacts beyond what could be effectively mitigated per the approved Traffic Impact Study.
3. All sides of a building shall feature the same level of architectural detail as the front façade.
4. Building entrances must be prominent on street-facing façade(s), maximizing visibility.
5. Building orientation should maximize opportunities for shade and solar energy.
6. At least 150 square feet of programmable outdoor recreation area for each student shall be located on school site or on adjacent park which students may access pursuant to an existing shared use agreement. Vegetated rooftop play areas, school gardens, and spaces featuring vertical gardens can be considered.

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7. Landscaping, landscaping with a berm, a low screen wall with landscaping, vertical gardens, hedges, or other similar feature(s) approved by the Community Development and Services Director shall serve to buffer school site from adjacent roadways.
8. A landscaped buffer of at least 10 feet shall serve to buffer school site from commercial use(s).
9. Site must have pedestrian access on at least three sides, or at least two if one is not feasible due to existing structures, vehicular access on at least two sides, and separate drop-off areas for buses, vehicles, and active modes of transportation such that vehicle traffic does not interfere with foot or bike traffic.
10. Dedicated lanes for school-side private vehicle drop-off and pick-up shall be on site.  
  
On-site pickup and drop-off facilities, timing, queuing, and related programming may be subject to conditions to ensure compatibility with surrounding uses, efficient vehicular travel surrounding the site, and pedestrian safety and circulation.
11. Required parking stalls may not interfere with queuing for pick-up/drop-off and vice-versa. A school site with a parking area of four or less parking stalls in depth between the building and the right-of-way, whether the parking is oriented parallel or perpendicular to the main entrance of the building, must provide at least one continuous pedestrian walkway from the right-of-way to the building entrance walkway or sidewalk adjacent to the building. This walkway shall be separated from all vehicular movement except where drive aisle crossings are necessary.  
  
Design of this landscaped pedestrian walkway shall be 11 feet in width and must include a 5-foot-wide walkway and an adjacent 6-foot-wide landscape strip. The landscape strip must include a minimum of one large shade tree installed at 24-inch box size every 20 linear feet. Pavement markings and other traffic control measures shall be placed throughout the school site and parking lots to guide pedestrians and bicyclists and minimize vehicular conflicts.
12. The pedestrian circulation routes must be shown on the site plan submitted for a Design Review. On-site pedestrian paths and bicycle lanes shall provide direct access to off-site pedestrian and bicycle connections and shall have amenities to improve the bicycle, pedestrian, and bus arrival experience. Amenities could include student art and murals, bike storage, shade, benches, lighting, and drinking fountains along pathways and waiting areas to create comfort and a sense of place.
13. Locations for future portable classroom structures must be shown on original site design plan.

#### F. INFILL DESIGN STANDARDS

##### 1. Applicability

The infill standards in this subsection apply when any new development is proposed on a lot that abuts existing development on at least three sides, and is located within any of the following districts: any RS district, any RM district, or the CN district.

##### 2. Bulk and Dimensional Characteristics

(a) New development subject to these infill standards shall:

- (1) Maintain a front setback that is within 125 percent of the average front setback of the existing buildings along the same block face;

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- (2) Be within 125 percent of the average height of the closest three principal structures, but shall not exceed the maximum height for the district where located;
  - (3) Maintain a consistent orientation relative to the front lot line as structures along the same block face; and
  - (4) Maintain side setbacks that are within 200 percent of lots along the same block face.
- (b) A lot's block face shall be the one adjacent to the street from which the lot derives its street address unless the Community Development and Services Director determines that an alternative block face is more appropriate.

#### 3. Building and Site Features

Development subject to these infill standards shall respect and reinforce the character found on surrounding buildings, including:

- (a) The placement and orientation of garages and other accessory structures in relation to the habitable portion of the structure;
- (b) Size, shape, and alignment of windows and doors;
- (c) Roof shape, pitch, and overhangs or eaves;
- (d) Provision of front porches or porticos;
- (e) Exterior building materials and details; and
- (f) Location of off-street parking.

#### 4. Transitions between Development

Infill development projects with multiple buildings shall be configured to locate the most intense and highest buildings to the core of the site and establish a continuum where building height, mass, and intensity diminishes from the core towards the edge of the site.

#### 5. Compliance with Other Design Standards

Development subject to these infill standards shall also be subject to all other applicable design standards in this section.

### G. CONDOMINIUM CONVERSIONS

#### 1. Purpose

The purpose of this subsection is to safeguard the public health, safety, convenience, and general welfare, and to bring about orderly, coordinated development by establishing minimum standards of design and improvement of any condominium conversion in the City.

#### 2. Application

- (a) Applications for condominium conversion shall be submitted to the Community Development and Services Director. Concept plan review pursuant to Section 19.6.3.A.3 is required prior to application submittal.
- (b) The filing of a tentative subdivision map for the conversion of apartments to condominium ownership shall follow the procedures in Section 19.6.5.D, Tentative Maps.

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- (c) Condominium conversions of more than six units shall also require the filing of an application for a PUD overlay district pursuant to Section 19.6.4.D. The following information shall be incorporated into the application for review:
  - (1) Number of stories and height of each building.
  - (2) Density in dwelling units per acre.
  - (3) Total number of parking spaces and stall and aisle sizes.
  - (4) Area of site to be covered by structures and area to be landscaped.
  - (5) Floor area per unit.
  - (6) Type of construction.
  - (7) Location of trash enclosures.
  - (8) Rental history and project profile.
  - (9) Building and Grounds Condition Report.

#### 3. Condominium Conversion Standards

- (a) Parking Requirements

The project shall conform to all applicable parking requirements of Section 19.7.4, Parking and Loading.

- (b) Utilities, Location, and Metering

The purpose of this subsection is to ensure that the utility services are provided in accordance with all local utility requirements and the following:

- (1) Location

Each dwelling unit shall be served by gas and/or electric services. No common gas or electrical connection or service shall be allowed. Easements for gas and/or electric lines shall be provided in the common ownership area where lateral service connections shall take place.

- (2) Undergrounding

All new onsite and offsite minor utilities except switch boxes, transformer boxes, and cap banks across property frontage shall be underground.

- (3) Metering

Each dwelling unit that provides gas and/or electric service shall be separately metered for gas and/or electricity. A plan for the equitable sharing of communal water metering and other shared utilities shall be included in the covenants, conditions, and restrictions.

- (c) Refurbishing, Restoration, and Fire Protection

- (1) All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, and driveways shall be refurbished and restored to meet the minimum standards of the City Building Code at the time the building was constructed. Landscaping shall comply with current Code requirements as practical.

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(2) Smoke alarms shall be installed within dwelling units and designed to operate in accordance with the applicable Code. Smoke alarms shall be interconnected, shall receive their primary power from the building wiring, and shall be equipped with a battery backup. Within sleeping rooms in accessible units or within designated accessible units, smoke alarms shall include a visual notification device to notify hearing-impaired occupants.

(d) Contingency Fees

(1) As required by NRS 116.310395, the developer shall create a contingency or reserve fund for condominium conversions to provide a surety or performance guarantee for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community, as well as to protect the general welfare, public health, and safety of the community.

(2) Upon the close of escrow for each unit, the applicant shall convey to the property owners' association's contingency fund a minimum fee of \$200 per dwelling unit. When 50 percent or more of the total units in the project have been sold, the applicant, within 30 days, shall convey such fee for each of the unsold units. Such funds shall be used solely and exclusively as a contingency fund for emergencies that may arise relating to common open space, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the property owners' association.

(e) Property Owners' Association

Prior to recordation of a final map, the applicant shall submit a copy of the owner's association's (i.e., Property Owners' Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and (if applicable), resident agent to the Community Development and Services Departments.

#### 4. Conversions

In addition to the requirements and procedures set forth in other sections of this Code, applicants for conversions shall provide the following information and comply with the following regulations:

(a) Rental History and Project Profile

A statement of specific information concerning characteristics of the project, consisting of the following:

- (1) Monthly vacancy rate for the development during the preceding three years.
- (2) Proposed sale price of each unit.
- (3) Proposed property owners' association fee.
- (4) Summary of units that meet the extended lease arrangements criteria set forth in this subsection.

(b) Building and Grounds Condition Report

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The applicant shall provide, at his or her own expense and in a format acceptable to the City, a Building and Grounds Condition Report prepared by a licensed civil engineer or licensed architect. The Building and Grounds Condition Report shall be provided to the building official and the Community Development and Services Director and shall contain the following information:

- (1) An evaluation of the condition of each building in the project, to include estimate of life expectancy of building components and systems (roof, exterior finishes, mechanical equipment, and appliances). Building components and systems with less than a five-year life expectancy shall be replaced prior to occupancy by the purchasing tenant.
- (2) An evaluation of the condition of all site features such as parking areas, accessory buildings, landscaped areas, driveways, sidewalks, carports, any amenities, fences, and utility systems.
- (3) Certification that all electrical, mechanical, plumbing, and fire/life safety systems are maintained in safe working order under the Building Codes that were applicable when the buildings were constructed. The report shall also include any notices of manufacturer recall(s).
- (4) A copy of this report shall be provided to each prospective buyer of a converted unit prior to opening an escrow account. Any deficiencies shall be corrected prior to recordation of a final map.

(c) Recommendation

- (1) The Community Development and Services Director, in conjunction with the Public Works Parks and Recreation Director and the building official, then shall evaluate the structures and grounds and make a recommendation as to what alterations to the buildings and grounds are necessary to ensure that any converted complex does not place an undue financial burden on the property owners' association.
- (2) Alterations that are required immediately shall be performed prior to final subdivision map approval. In the event an alteration does not require immediate completion, but will be necessary within three years of the date of final subdivision map approval, the Community Development and Services Director, in consultation with the Public Works Parks and Recreation Department, shall deposit in an account the estimated cost of the alteration in an amount sufficient to cover the cost for the use of the property owners' association.
- (3) This information and evaluation will be incorporated into the planned unit development permit review process for City Council evaluation.

(d) Noticing Requirements

- (1) A notice of intent to convert shall be delivered to each tenant by certified mail within 15 days after the planned unit development application is filed with the Community Development and Services Director.
- (2) The form of the notice shall be approved by the Community Development and Services Director and shall contain the following information:
  - i. Name and address of current owner.

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- ii. Name and address of proposed applicant.
  - iii. Approximate date on which the final subdivision map is to be filed.
  - iv. Notice of tenant's right of first refusal.
  - v. Notice of tenant's approximate vacation date.
  - vi. Notice of tenant's right to receive a relocation cost payment.
  - vii. Notice of special cases for extended lease arrangements.
  - viii. Notice of tenant's right to vacate the unit 120 days from the recordation of the final map.
- (3) The applicant shall submit a notarized certificate of mailing, including a list of all tenants that were noticed, to the Community Development and Services Director within 15 days after the planned unit development application is filed.
- (4) Any and all subsequent tenants shall be notified prior to lease signing of all items listed in section (2) above.
- (e) **Tenant's Right of First Refusal**
- Any present tenant(s) of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied, at the price offered the public. The right of first refusal shall extend for a period of at least 90 days after final map approval or initial offering for sale, whichever is later in time.
- (f) **Vacation of Units**
- Each non-purchasing tenant not in default under the obligation of the rental agreement or lease under which the unit is occupied shall have not less than 120 days from the recordation of the final map to vacate the premises.
- (g) **Extended Lease Arrangements**
- (1) Any non-purchasing tenant age 62 or older, or handicapped, shall be offered in writing an extended lease of six months for each year he or she has resided in the project, not to exceed five years. This lease will stipulate that the monthly rent on the unit so leased will increase only as much as the Consumer Price Index for the Western States, U.S. city average, all goods, all urban consumers, as calculated by the Bureau of Labor Statistics of the U.S. Department of Labor, or its successor index, herein referred to as CPI. Any non-purchasing tenant with two or more children under the age of 18 residing in the unit shall be offered in writing the same lease arrangements. The offer in writing shall be sent to the applicable non-purchasing tenants with the NRS-required, 120-day notice to vacate.
- (2) A tenant's rent shall not be increased within two months prior to a project application, nor shall rent be increased by more than the CPI for two years from the time of the filing of the project application or until relocation takes place.

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**(h)** Relocation Cost Payment

- (1) The applicant shall provide a one-time relocation cost payment of two times the monthly rent or \$2,000, whichever is greater, per unit, for all existing tenants whose tenancies have been terminated for the purpose of converting or selling their units, after receipt of the NRS-required, 120-day notice to vacate from the applicant.
- (2) Nothing in this section shall serve to excuse a landlord from any obligation to reimburse a tenant security deposit. Relocation fees shall be paid to tenants no later than 90 days following the NRS-required, 120-day notice to vacate.

**(i)** Tenant Incentives

The following incentives shall be offered by the applicant to tenants of the affected conversion:

- (1) The developer shall not penalize those tenants who wish to break their lease following receipt of the NRS-required, 120-day notice to vacate.
- (2) The developer shall refund the security deposits of all tenants who relocate from the property following receipt of the NRS-required, 120-day notice to vacate. However, the refund is subject to all lease provisions excluding any penalties for tenant-initiated termination. Developers shall comply with all requirements regarding refunding as provided by NRS. If the tenant enters into a lease at one of the developer's other rental properties, the security deposit will be applied towards the new apartment home subject to any deductions allowed by the lease.
- (3) No later than 90 days following the NRS-required, 120-day notice to vacate, the developer shall provide to the tenants a current list of City of Henderson apartment rental properties that have vacancies within the same general price range as the proposed conversion.
- (4) The developer shall contribute two percent of the sales price towards closing costs for any existing tenants who purchase a unit within the development.
- (5) For those tenants who are disabled, the developer shall establish a program where the units occupied by disabled tenants shall be offered to investor purchasers. Rents shall not increase until the end of the lease and then could only be increased at a rate no greater than the rate of increase of the CPI. This will allow the tenants to continue to occupy their units while paying rent to the new owner.
- (6) Working with Neighborhood Services, the developer shall host a "Home-Buyer Fair" at the property no later than 30 days after the NRS-required, 120-day notice to vacate has been issued. This event shall give tenants the opportunity to meet with various lenders and City of Henderson representatives to learn about the programs available.
- (7) The developer shall reserve a minimum of ten percent of the total number of units being converted to condominiums within the project boundaries as affordable/workforce attainable units (units affordable to households

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earning less than 120 percent of the Clark County Area Median Income). No less than 50 percent of these units shall be affordable as defined by HUD. Affordable units shall be distributed throughout the buildings within the project. The developer shall record a deed restriction on these affordable units to ensure their continued affordability.

- (8) The developer shall provide \$200 for each unit being converted to a condominium to the Condominium Incentive Fund (CIF) with the Neighborhood Services Department for its costs incurred in monitoring compliance with the obligations set forth within this section and in providing technical assistance to non-purchasing tenants in their relocation. This fee is to be paid to the City of Henderson at the sale of each unit.

(i) Required Findings of Fact

The City Council shall not approve an application, nor shall applications be accepted for, the conversion of apartments to condominiums unless the City Council finds that the current rental housing vacancy rate is above five percent in the Clark County area, as determined by the Center for Business and Economic Research (CBER) Quarterly Report.

(k) Considerations for Approval

City Council approval of an application for the conversion of apartments to condominiums shall be based upon consideration of all the following criteria:

- (1) Compliance with all provisions of this section.
- (2) Consistency with the policies of the Comprehensive Plan.
- (3) Determination that the proposed conversion will not create a shortage of rental housing such that an imbalance between rental and ownership housing exists.
- (4) Determination that the overall design and physical condition of the condominium conversion does not adversely impact the health, safety, and welfare of the community.

### **19.7.7. DISTRICT-SPECIFIC STANDARDS**

#### **A. APPLICABILITY**

The standards in this section apply to all allowable uses within the listed base zoning districts. Allowable uses shall also comply with the appropriate design standards in Section 19.7.6, *Building Design Standards*, and all other applicable requirements in this Code.

#### **B. CA: AUTO-MALL COMMERCIAL**

The following district-specific standards apply to all uses in the CA district.

##### **1. Nevada-Licensed Architect Required**

It is the intent that all dealerships and other non-automotive entities in the CA zoning district contribute to building a visibly prestigious mall. Professional planning and the creation of a pleasant shopping environment are essential. Every dealership shall retain one or more architects registered in Nevada. The customers' environment must be an upgrade beyond that frequently found in automobile dealerships. The intent of these standards is not to stifle design or to unnecessarily add cost to the dealerships and other non-automotive entities, but rather to guide them and their architects in establishing an integrity of design for the auto-mall and consistency of quality for the entire development.

##### **2. Dealerships**

- (a) Prior to any other use being permitted in a CA district, there shall be a minimum of five new car dealerships included in each CA zoning district.
- (b) Each of the required new car dealerships shall be on a minimum 200,000 square-foot site.

##### **3. Auto Display**

- (a) There shall be no racks, raised platforms, etc., that raise cars more than two feet above adjacent display areas or grade. There shall also be no racks that tilt cars in any way to show the underside, unless they are used inside a showroom or 60 feet back from the property line.
- (a) Display areas within the CA district shall use an enhanced paving material such as exposed aggregate, brick, stamped concrete, or a similar surface material approved by the Community Development and Services Director. Asphalt will not be accepted in these locations.
- (b) Automobile displays shall not be allowed on top of any building.

##### **4. Setbacks**

- (a) The following are excluded from setback provisions:
  - (1) Steps and walks.
  - (2) Driveways and associated curbs.
  - (3) Customer parking areas not less than ten feet from any lot lines and occupying not more than 50 percent of the required landscaping area.
  - (4) Signs approved in a master sign plan.
  - (5) Exterior lighting.

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- (b) In addition to the standard setbacks, the following uses shall maintain these additional setbacks:
  - (1) Sales or display buildings shall be set back a minimum of 35 feet from any property line.
  - (2) Hotel or related facility shall be 90 feet from any property line.

#### 5. Walls and Fences

- (a) All mechanical equipment, service, storage, and trash areas shall be screened from view from any street by a wall. Landscape screening alone shall not be deemed sufficient.
- (b) Perimeter walls shall be no less than eight feet and no greater than ten feet in height.

#### 6. Vehicle Storage

No materials, supplies or equipment, including firm-owned or firm-operated trucks, shall be stored in any area on a site except inside a closed building or behind a visual barrier or service area that screens the equipment from view of all public streets. The single exception shall be any vehicles that are part of the dealer's customer display.

#### 7. Noise Attenuation

All body-shop repair and compressor work shall only be performed in an enclosed area. Enclosed buildings are those buildings with activities totally contained within walls of the building and that have only adequate doors for ingress and egress incorporated. Air compressor exhaust stacks shall contain a muffling device. Noise attenuation shall meet all standards and ordinances of the City of Henderson. See Section 19.7.8.G.2(a), *Outdoor Paging Systems*.

#### 8. Flagpoles

A flagpole that is 1½ times the height of the nearest building shall be permitted. A flagpole flying a flag must be at a main vehicular or pedestrian access to a building or site.

### C. MIXED-USE DISTRICTS

#### 1. General Standards for All Mixed-Use Districts

- (a) Mix of Uses Encouraged

A diverse mix of commercial, office, residential, and civic uses is desired within the mixed-use districts. The appropriate mix of uses for each district will vary by its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites.

- (b) Streetscape Design and Character

- (1) Sidewalks Required

In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the MR district and MC district. Such sidewalks shall be at least 16 feet in width and no more than 18 feet in width, unless otherwise

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approved as part of the design review process. The 16-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 16-foot minimum requirement with a sidewalk easement provided. Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb where applicable, and a clear area.

**i. Street Tree/Furniture Area**

The street tree/furniture area shall have a minimum width of eight feet (from face-of-curb) and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility, and subject to applicable requirements of this Code and HMC.

**ii. Clear Area**

The clear area shall be a minimum width of eight feet, shall be constructed of concrete or an alternative hardscape material as approved by the Community Development and Services Director, and shall be located adjacent to the street tree/furniture area. The clear area shall be unobstructed by any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining, seating, or display areas. See Figure 19.7.7-F.

**iii. Transitions between MC or MR and Other Districts**

MC or MR district adjoining existing or proposed Non-Residential districts, approved with a 5-foot sidewalk, shall provide a sidewalk transition. Beginning 25-linear feet interior to the site from the shared property line, a development shall taper from the required minimum 16-foot wide sidewalk to 5-feet to the property line. The Community Development and Services and Public Works Parks and Recreation Directors may approve alternatives (i.e. plazas, gathering areas, passive recreational opportunities) in lieu of transitioning the sidewalk the minimum 25-foot linear distance.

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**(2) Alternative Configurations**

Alternative streetscape configurations and widths may be approved by the Community Development and Services Director where the above configurations are not feasible. For example, in residentially-oriented portions of the corridor a narrower sidewalk may be appropriate.

**(3) Building Placement**

At least 50 percent of the building facade facing a street or drive aisle must be brought up to the clear zone.

**(4) Relationship to Linear Park**

Developments with frontage abutting Boulder Highway shall refer to Section 4.2 of the Boulder Highway Corridor Landscape Design Manual to view typical cross-sections and determine the relationship between sidewalks and the Boulder Highway Corridor linear park. Specific standards shall be determined by the Community Development and Services Director as part of the development review process. Improvements within the right-of-way adjacent to the proposed development shall be shown on the site plan.

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#### (5) Outdoor Merchandise Displays

- i. Shall be limited to one display per business;
- ii. Shall occupy a space no larger than three feet wide and six feet in length;
- iii. Must be placed against the building the business operates from;
- iv. Shall be in compliance with clear area provisions, as specified above;
- v. Shall not be displayed during non-business hours;
- vi. Shall not be located where they obstruct the line of sight for passing motorists; and
- vii. Shall be identified on the site plan.

#### (6) Outdoor Dining Areas

- i. Must be placed against the building from which the business operates;
- ii. Shall be in compliance with clear area provisions, as specified above;
- iii. Shall not be located where they obstruct the line of sight for passing motorists; and
- iv. Shall be identified on the site plan.

#### (7) Public Right-of-Way

In the mixed-use districts, subject to an administratively issued revocable permit from the Public Works Parks and Recreation Director or designee, the following features may be located within a public right-of-way, subject to the limitations set forth:

- i. Trees, shrubs, flowers, fences, retaining walls, hedges, and other landscape features;
- ii. Balconies, stairs, attached balconies, overhangs, and awnings, provided such features maintain a minimum vertical clearance of 80 inches from finished grade and they do not extend beyond the curb face of an adjacent street or alley;
- iii. Cornices, eaves, reveals, columns, ribs, pilasters, or other similar architectural features provided no architectural foam is located within ten vertical feet of finished or street grade;
- iv. Signs, in accordance with all other applicable regulations of this Code; and
- v. Sidewalk cafes and associated street furniture.

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**(c) Minimum Transparency**

- (1) In all mixed-use districts, a minimum percentage of the total area of each nonresidential, street-level building facade that abuts a public street, transit corridor or station, plaza, park, or other public space, shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages shall vary by location as follows:
  - i. Development in corridor areas of the MC District: 35 percent
  - ii. All other development in mixed-use districts: 50 percent
- (2) For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and “street level” shall be measured from floor-plate to floor-plate. Glazing on all ground floor windows shall have a minimum Visible Light Transmittance of 0.65 and a maximum Visible Light Reflectance of 0.2, and black or mirrored glass is prohibited.
- (3) Glazing required by this Code should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required and encouraged by this Code, including awnings, shaded walkways, deeply recessed windows, and covered porches or arcades.
- (4) Transparent glazing required by this Code must be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except window blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

**(d) Pedestrian and Bicycle Circulation and Connections**

All buildings in mixed use districts shall:

- (1) Provide a direct pedestrian connection from the primary entrance to the adjacent public sidewalk using a walkway, breezeway, easement between buildings, or similar feature that is accessible to the public. Pedestrian connections shall not be along the periphery of the site (essentially forcing the pedestrian to walk around the building to access the main entrance); or



**Figure 19.7.7-G:  
SHADED WALKWAYS**

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- (2) Orient a primary entrance towards a trail corridor or transit station where applicable. See Figure 19.7.7-G.

- (e) Ground-Floor Uses

- (1) Intent

The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the MN, MC, and MR districts to promote a more active environment for pedestrians and support residential and office uses located within the same building (on upper floors) or nearby.

- (2) Standards

- i. Location

When uses from the Commercial Use Category in Section 19.5.5, *Commercial Uses*, are provided, such uses shall be concentrated adjacent to transit stops, major public spaces, along a trail corridor, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.

- ii. Parking Structures

Within the MN, MC, and MR districts parking structures shall be wrapped by retail, office, or residential uses along at least 60 percent of the ground-floor street frontage on all public and private streets.

## 2. Additional Standards for MC: Corridor/Community Mixed-Use District

- (a) MC District Boundaries

- (1) Mixed-Use Activity Centers

Within the MC district, properties designated as Mixed-Use Activity Centers are identified on the zoning map and generally encompass parcels or development located within 1,500 linear feet (approximately ¼ mile) of the intersecting centerlines of the primary streets that serve the center. Activity Centers are located where Boulder Highway intersects the following streets: Gibson, Galleria, Sunset, Warm Springs, Water Street, Lake Mead, Basic, Greenway, and Horizon.

- (2) Corridor

Any lot or site that is within the district but not within a designated Mixed-Use Activity Center is considered within the corridor for purposes of this Code.

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**(b)** Mix of Uses

In the MC district, a greater mix of uses should be located within the Mixed-Use Activity Centers (i.e., adjacent to bus rapid-transit stations) than outside of Mixed-Use Activity Centers and along the corridor. Single-use buildings are not allowed in areas zoned MC that are not along Boulder Highway.

**(c)** Relationship to Linear Park

Developments with frontage abutting Boulder Highway shall refer to Section 4.1 of the Boulder Highway Corridor Landscape Design Manual to view typical cross-sections and determine the required relationship between sidewalks and the Boulder Highway Corridor linear park.

**(d)** Connections to Transit Stations and Shared Use Paths

All buildings located adjacent to a transit route shall:

- (1)** Orient a primary entrance towards a trail corridor or transit station where applicable; or
- (2)** Provide a direct pedestrian connection from the primary entrance to the transit station and a trail corridor using a walkway, breezeway, or similar passageway between buildings that is accessible to the public, where applicable. Pedestrian connections shall not be along the periphery of the site (essentially forcing the pedestrian to walk around the building to access the main entrance from a trail corridor or transit station).

**3. Additional District-Specific Standards for the MN: Neighborhood Mixed-Use District**

The following district-specific standards apply to all uses in the MN district.

**(a)** Building Footprint

Establishment of single-tenant nonresidential buildings exceeding 5,000 square feet and multiple nonresidential tenant buildings exceeding 15,000 square feet shall require a conditional use permit in accordance with Section 19.6.6.A, Conditional Use Permits.

**(b)** No Park/Drive Zone

Parking, drive aisles, and/or drive-throughs shall not be permitted between the building and right-of-way.

**19.7.8. OPERATIONAL PERFORMANCE**

**A. AIR QUALITY**

The emission of dust, dirt, or smoke shall comply with the Clark County Department of Air Quality Regulations.

**B. COMBUSTIBLES AND EXPLOSIVES**

The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of HMC 15.32 and all applicable state and federal laws.

**C. GASES**

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with the Clark County Department of Air Quality Regulations and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

**D. HAZARDOUS MATERIALS**

**1. General**

- (a) The land use impacts for facilities that use hazardous materials in excess of the exempt amounts or maximum allowable quantities per control area as specified in the Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
- (b) A conditional use permit is required for the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Fire Code. Requirements and allowed amounts for fuel storage are specified below. Legal nonconforming uses located within the City of Henderson shall not be expanded unless a conditional use permit has been issued.
- (c) Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous as listed in NRS 459.3816 and stored in the quantity specified shall require City Council use permit approval in accordance with the public notice requirements and processing procedures set forth in NRS 278.147.
- (d) Any medical marijuana extraction processing, as part of an approved medical marijuana establishment – infusion/manufacturing use, shall require a conditional use permit. For medical marijuana extraction processing using flammable gases not listed in Henderson Municipal Code, Title 4.116, *Medical Marijuana – Regulations and Licenses*, additional reports must be submitted pursuant to 19.7.8.D.3, *Hazardous Materials, Additional Reports*.

**2. Fuel Storage**

- (a) Above-ground fuel storage shall comply with the following:
  - (1) Above-ground fuel storage of up to 500 gallons is permitted, subject to an approved fire installation permit.

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### SECTION 19.7.8 OPERATIONAL PERFORMANCE | 19.7.8.D HAZARDOUS MATERIALS

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- (2) Above-ground fuel storage with capacity greater than 500 gallons up to 2,500 gallons requires a design review for staff level decision.
  - (3) Above-ground fuel storage greater than 2,500 gallons requires a conditional use permit.
  - (4) Above-ground fuel storage with capacity greater than 500 gallons containing diesel, gasoline, or similar liquid or gas fuels shall meet or exceed UL2085 standards unless approved by the building official or the Fire Chief.
  - (5) Above-ground fuel storage that contains ultra-low sulphur diesel shall comply with the same Fire Code Standards for Class I liquids.
- (b) All above-ground storage tanks are subject to the issuance of the appropriate installation permit as required by the Fire Code, provided that:
- (1) Unless otherwise approved through design review, no above-ground storage shall be permitted in a front or unenclosed corner side yard;
  - (2) Storage containers, pumps, and other associated equipment shall be considered mechanical equipment for the purposes of screening pursuant to Section 19.7.5.H; and
  - (3) Propane tank screening shall be unenclosed for 50 percent of its perimeter.
- (c) The capacity limits referenced herein applies to the size of the tank or container where a single tank is proposed; and where multiple tanks are proposed, the capacity limit applies to the total aggregate above-ground storage capacity on the site.

### 3. Additional Reports

- (a) For any hazardous materials storage and fuel storage that requires a conditional use permit, the applicant may be required to submit additional reports to the Fire Chief and/or building official for approval or recommendation prior to being scheduled for a Planning Commission hearing. Reports may include, but are not limited to, those listed in Chapter 459 of the Nevada Administrative Code.
- (b) Medical marijuana extraction processes using flammable gas not specifically prescribed in the Henderson Municipal Code, or hazardous material as defined in the Henderson Fire Code, may be approved subject to submittal and approval of hazard analysis, risk assessment, and risk mitigation reports. These reports shall be prepared by an independent, qualified, industrial hygienist, or a Nevada licensed fire protection engineer as required by the Fire Chief. Subject to approval of the Fire Chief, other licensed professionals or experts that can demonstrate qualifications in the specific area through education, training, and experience may prepare the reports or assist in the preparation of the reports. Reports shall be submitted to the Fire Chief for approval prior to the conditional use permit being scheduled for a City Council hearing.
- (c) Hazard analysis, risk assessment, and risk mitigation reports shall be prepared and reviewed at the applicant's expense. The costs of any consultant services required by the City to review reports that exceed the City's technical expertise shall be paid by the applicant in an amount estimated by the Fire Chief, in advance of the technical review.

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#### E. GLARE AND LIGHTING

The glare and lighting standards of this section shall apply to all development, including public-owned facilities such as parks.

##### 1. Use of Reflective Glass

Mirrors or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street unless an applicant submits information demonstrating to the satisfaction of the Planning Commission and City Council that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.

##### 2. Outdoor Lighting

###### (a) Standards of Design (Commercial, Industrial, Semipublic, and Multifamily Projects)

The mounting of light fixtures shall be governed by the following:

- (1) Building-mounted light fixtures shall be attached to walls, and the top of the fixture shall not be lower than ten feet or higher than 18 feet above finished grade, except entry/exit lighting that may be positioned above the entry/exit.
- (2) Freestanding light fixtures shall not exceed 20 feet in height within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 35 feet in all other locations. For the purpose of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture. Outdoor lighting for court or field games exceeding 50 feet in height and within 300 feet of a residential district shall require approval of a conditional use permit.
- (3) The property owner is responsible for meeting minimum CPTED standards in providing illumination for all parking areas and walkways. Transitional lighting shall be provided for recreation/office buildings, swimming pools, laundry and mailrooms, ramadas, covered breezeways, and similar areas.
- (4) All exterior light shall be directed downward and away from adjoining property and shall be fully shielded to prevent unnecessary glare in order to conform with these standards. Light standards shall be shielded such that the lamp itself or the lamp image is not visible from outside the property perimeter. Light standards and shields shall be shown at the time of building permit review.
- (5) Trees and shrubs shall not interfere with the distribution of lighting.
- (6) All exterior fixtures shall be illuminated from dusk until dawn, unless otherwise designated.
- (7) Details of exterior lighting for commercial, industrial, semipublic, and multifamily developments shall be provided on the required landscape site plan. Photometric calculations shall be detailed on an exterior lighting plan unless waived. Photometric calculations shall be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on an Illumination Engineering

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Society (I.E.S.) file completed by an approved testing laboratory. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than ten feet at ground level and may also be required at six feet above ground level, depending on the applicable risk factors.

- (8) Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather- and vandal-resistant covering, a managed light source, directed down, to minimize glare and intrusiveness.
  - (9) White, full-spectrum “white light” shall be used, except when adjacent to a residential land use designation. This type of lighting includes metal halide, mercury vapor or other similar types of white light. The use of low-sodium vapor or high-pressure sodium vapor lighting is discouraged.
  - (10) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.
- (b) Minimum Illumination Standards (Commercial, Industrial, Semipublic, and Multifamily projects)
- (1) All minimum illumination guidelines listed in this section shall be maintained from ground level to a height of six feet. The minimum-to-maximum uniformity ratio may range up to 6:1 in acceptable layouts.
  - (2) The lighting levels specified are the minimum levels that are typically acceptable to meet the requirements of this section. In some circumstances, customer convenience, closed-circuit surveillance, and customer attraction may require a higher level of lighting. In addition, other factors particular to a certain geographic area may require a higher level of lighting than listed below.
  - (3) Proposed exterior plans shall meet the minimum levels of lighting listed below. The list below is not inclusive. For uses not listed in the table below, City of Henderson CPTED certified personnel shall be consulted for lighting standards. Note: Lighting in multi-level parking structures shall be evaluated on a case-by-case basis to minimize unnecessary glare to adjacent or nearby residential areas.
- (c) Single-family Residential Illumination Standards
- (1) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.
  - (2) Any lighting of sport/tennis courts shall not exceed 20 feet in height and be shielded to prevent light spillage off subject property. For Sport/Tennis Court screen/fence height, see Sec. 19.7.5.K, Fences and Walls.

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<b>TABLE 19.7.8-1 MINIMUM LIGHTING LEVELS</b>
<b>High-Risk Activity (4-5 FC)</b>
ATM
Pay phones
Gated community entries
Pedestrian tunnels and covered pedestrian walkways (breezeways)
All exterior entrances
Convenience stores/service stations
Covered parking (except parking structures)
Gaming facilities/casinos/taverns
Multifamily community laundry facilities
Multifamily pool facilities (10 FC all hours of darkness)
<b>Medium-High-Risk Activity (3-4 FC)</b>
Fast-food
Pharmacies
Loading docks/areas
Grocery stores/retail stores (24-hour, immediate parking area)
Liquor stores
Parking structures (10 FC daytime) (parking garages, multi-level)
<b>Medium-Risk Activity (2-3 FC)</b>
Commercial recreation and entertainment
Retail stores
Medical and business professional offices
Financial institutions
Eating and drinking establishments
Visitor accommodations
Hospitals
Enclosed stairwells
<b>Medium-Low-Risk Activity (1-2 FC)</b>
Multifamily housing
Industrial (night use)
Schools, public or private
Religious assembly
Warehousing and/or storage yards (night use)
<b>Low-Risk Activity (0.50-1 FC)</b>
Trails and pathways {1}
Vehicle/equipment sales, auctions, and rentals (after hours)
Industrial (day use)
Mini-storage
Multifamily walkways and cluster mailboxes
NOTE: All foot candles (FC) listed above shall be based upon minimum maintainable foot candles (MMFC).
{1} Trails and pathways may use Average Maintainable Foot Candles (AMFC).

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#### 3. Accent Lighting

- (a) Landscaping elements: Accent lighting onto landscaping and foliage may be permitted. All luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
- (b) Building Mounted Accent Lighting: Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
- (c) Ground Mounted Accent Lighting: Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs, or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
- (d) Pole Mounted Accent Lighting: Pole mounted accent lighting for a building is not permitted.
- (e) Neon and Light Emitting Diode (LED) lighting may be used as accent lighting pursuant to 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 linear façade length.

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**4. Industrial Operations**

Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

**5. Sport/Tennis Court Lighting in R and DRL districts**

Any lighting of sport/tennis courts shall not exceed 20 feet in height and be shielded to prevent light spillage off subject property. For Sport/Tennis Court screen/fence height, see Sec. 19.7.5.K, Fences and Walls.

**F. HEAT AND HUMIDITY**

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

**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:

<b>TABLE 19.7.8-2: MAXIMUM SOUND PRESSURE LEVELS</b>			
<b>Receiving Property Land Use</b>	<b>Time of Day</b>	<b>Background Level (dBA) Outdoors</b>	<b>Maximum Permitted Sound Level (dBA) Outdoors</b>
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 exempt from the requirements of Table 19.7.8-2. See Additional Standards for Specific Operations and Activities below for requirements.

**(a) Measurement Point**

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

**(b) 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**

**(a) 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.

**(b) 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.

**(c) 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**

**(a)** 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.

**(b)** 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:

**(a) 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 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

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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*.

**(b) 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.

**(c) Aircraft and Trains**

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

**(d) Permitted Activities**

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

**H. ODORS**

No person or business shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors that are measured in excess of the following limits:

1. For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
2. No violation shall occur provided that the person or business causing or allowing the emission of odorous air contaminants is employing the best available treatment, maintenance, and control currently available to maintain the lowest possible emission of odorous gases.

**I. RADIOACTIVE MATERIALS**

The use, handling, storage, and transportation of radioactive materials shall comply with all applicable local, state, and federal regulations, including the Fire Code. Compliance with HMC Title 15 shall be required.

**J. VIBRATION**

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m. or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

**K. EVIDENCE OF COMPLIANCE**

The Community Development Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the Community Development Director prior to issuance of a building permit and certificate of occupancy.

**L. OPERATION AND MAINTENANCE CLOSURE PLAN FOR GOLF COURSE, PARK, OPEN SPACE OR PS-ZONED LAND**

1. If any portion of a private golf course, park, open space or PS-zoned land discontinues daily operation or maintenance, the Community Development and Services Department

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may notify the property owners of the requirement to comply with this section by posting notice at the subject site and by certified mail. Within ten (10) days of receiving the notice from the City to comply with this section, the property owner shall meet with the Community Development and Services Department to discuss the proposed plans for the property, the process, and steps to ensure compliance with this section. Within 30 days of posting and mailing of the notice from the City to comply with this section, the property owner shall submit an Operation and Maintenance Closure Plan (the Plan), which shall be considered for final action by the City Council at a public meeting. The purpose of the Plan is to maintain the health, safety, aesthetic, economic and general welfare of those properties abutting the subject site, and to protect the neighborhoods against nuisances, blight and deterioration by establishing minimum requirements for the maintenance of the subject site. The Plan must ensure the property is maintained (i) to the same level as existing on the date of the discontinuance of operation or maintenance, or (ii) if in a state of disrepair on the date of discontinuance of operation or maintenance, at a level acceptable to the City pursuant to the requirements of Titles 15 and 19, until such time as a new property development plan is approved by City Council. The Plan at a minimum must:

- (a) Detail how existing structures and buildings, parking areas, greens, fairways, driving ranges, landscaping and plant materials, security lighting, water features, reservoirs and other applicable features located within the property will be maintained and secured in compliance with Titles 15 and 19;
- (b) Ensure that any existing water features be kept in clean operating condition, free of debris, algae, and stagnation;
- (c) Ensure that all irrigation systems shall be fully operational at all times and if in disrepair, repairs must be completed as promptly as possible;
- (d) Ensure that all exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes, tall grass, and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or which may likely become a fire hazard or result in a condition which may threaten the health and safety or welfare of adjacent property owners or occupants, and shall comply with Title 15.12;
- (e) Detail how the property will be monitored for compliance with the Plan and ensure any graffiti, trash, weeds, etc., are addressed promptly;
- (f) Provide security and monitoring details for the subject property;
- (g) Establish a service to receive comments or complaints from the public to contact regarding maintenance concerns. This information must be posted on the property in a conspicuous location, and provided via a mailing to all properties within 750 feet of the subject site, including to any advisory boards established by the City Council in the affected area and all registered property owners' associations, neighborhood associations, and City-appointed individuals serving as rural neighborhood representatives within that buffer area;
- (h) Provide documentation for any public access and utility easements and plans to ensure access is maintained;
- (i) Detail how all applicable federal, state and local permitting requirements will be met. Where reclaimed water is utilized, provide written documentation from the Nevada Division of Environmental Protection (NDEP) that confirms the State's

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- approval to maintain an active Groundwater Discharge Permit during the time period when discontinuance of daily operation or maintenance is proposed. Where such approval is not issued by NDEP, provide detail regarding how the property will be adequately maintained in accordance with the Plan, absent the allowance for such utilization of reclaimed water; and
- (i) Provide any additional items the City determines are necessary during its review of the Plan.
2. The property owner shall conduct a neighborhood meeting prior to the item being scheduled for a City Council meeting by City staff. The neighborhood meeting shall comply with these items:
- (a) The property owner holding the neighborhood meeting shall provide mailed notice of the meeting to the same notification area and recipients as for a Rezoning application that would be required pursuant to Section 19.6.3.B.4, *Public Notice*;
  - (b) Notification of the neighborhood meeting shall be provided by the applicant via first-class mail postmarked a minimum of ten days in advance of the meeting. Notification shall also be provided to Community Development and Services staff at least ten calendar days prior to the meeting date; and
  - (c) The Neighborhood Meeting shall comply with the standards as stated in Section 19.6.3.B.3.(a), 19.6.3.B.3.(d)(1), and 19.6.3.B.3.(d)(3) through (6).
3. Failure to comply with the provisions of this Section or the terms of the approved Plan will result in a fine of not less than \$500 per day per violation for each day the violation continues and could result in denial of any proposed development of the property as stated in Titles 19.6.4.D.1.h.7.iv, 19.6.4.D.2.h.14.iv, and 19.6.4.C.7.c.4. Nothing in this Section shall be deemed to limit the City's right to exercise remedies under Title 15. The City Council approved Plan may be recorded against the property at the property owner's expense.

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**19.7.9. MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

**A. PURPOSE**

The purpose of this section is to allow for applicants, by certificate of inclusion, to comply with the federal Endangered Species Act through the Incidental Take Permit issued to the county and implemented through the Multiple Species Habitat Conservation Plan (MSHCP) and Implementing Agreement. MSHCP Mitigation Fees collected are used to implement the terms of the Incidental Take Permit.

**B. IMPOSITION OF MITIGATION FEE**

Except as provided in Section 19.7.9.C, *Exemptions and Exceptions*, applicants for development permits shall pay the MSHCP Mitigation Fee of \$550 per gross disturbed acre or any portion thereof located within the parcel, as well as the area disturbed by related off-site improvements. No development permit shall be issued or approved without the payment of the mitigation fees required by this section.

**C. EXEMPTIONS AND EXCEPTIONS**

1. A mitigation fee shall not be required for the following types of development:
  - (a) Reconstruction of any structure damaged or destroyed by fire or other natural causes;
  - (b) Rehabilitation or remodeling of existing structures or existing off-site improvements;
  - (c) Disturbance of any lands, including lands conveyed from federal to private ownership, within the City of Henderson, which are covered by and are subject to the terms and conditions of a separate habitat conservation plan and incidental take permit approved and issued by the United States Fish & Wildlife Service. Such lands are not covered by or subject to the Incidental Take Permit.
2. Applicants for development permits who have paid per-acre fees pursuant to Section 7 of the federal Endangered Species Act may be required to pay a portion of the MSHCP Mitigation Fee as follows:
  - (a) If an applicant paid less than \$550 per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall pay the difference between \$550 per acre and the amount per acre paid in Section 7 fees. These acres shall be covered by and subject to the Incidental Take Permit.
  - (b) If an applicant paid \$550 or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall not pay the MSHCP Mitigation Fee for those acres. Those acres are not covered by or subject to the Incidental Take Permit.

**D. LAND DISTURBANCE/MITIGATION FEE FORM**

All applicants for development permits shall, before issuance thereof, complete a Land Disturbance/Mitigation Fee Form furnished by each Henderson department that issues development permits. The Land Disturbance/Mitigation Fee Form must be complete, signed by the applicant for the development permit, and contain, at a minimum, the following information:

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1. The assessor's parcel number.
2. The number of disturbed acres within the Parcel.
3. The area disturbed by related off-site improvements.
4. The amount of mitigation fees actually paid.

#### **E. COMPLIANCE REPORT FEES**

All applicants for development permits who are required to submit a Land Disturbance/Mitigation Fee Form shall pay processing fees per development permit to the Henderson Building and Safety Department, based on a fee schedule adopted by the City Council.

#### **F. FEE ADMINISTRATION**

All mitigation fees collected pursuant to the provisions of this ordinance shall be deposited into a special reserve fund. The fund, including interest and other income that accrues thereto, shall be expended solely for the implementation of the terms of the Incidental Take Permit and any amendments thereto.

#### **G. INCIDENTAL TAKE PERMIT**

1. All persons, firms, or entities located within Henderson that engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and Off Highway Vehicle activities shall comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit.
2. All persons, firms, or entities, their agents and employees that comply with the provisions of this ordinance are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued the Incidental Take Permit so long as such person, firm, or entity has complied and continues to comply with the applicable provisions of the Incidental Take Permit as it now exists or may hereinafter be amended.
3. All persons, firms or entities that are not required to pay a mitigation fee pursuant to the terms of this chapter, but that are otherwise in compliance with the applicable provisions of the Incidental Take Permit, as it now exists or hereinafter is amended, are hereby permitted to incidentally take any species covered by the Incidental Take Permit.
4. The certificate of inclusion that allows a person, firm or entity to comply with federal Endangered Species Act through the Incidental Take Permit, including the incidental take of species listed in the Incidental Take Permit shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsection 1, 2, or 3 hereof.

**19.7.10. RESIDENTIAL CONSTRUCTION TAX**

**A. IMPOSITION OF RATE OF RESIDENTIAL CONSTRUCTION TAX**

There is hereby imposed and shall accrue and be collected a residential construction tax, as provided for in this section, upon the privilege of constructing residential dwelling units, including, without limitation, conventionally constructed houses, apartments, mobile homes, nonresidential structures remodeled for use as dwelling space, room additions, mobile home parks, and mobile home estates within the city of Henderson. The residential construction tax shall be calculated at the current legal rate for each residential dwelling unit, per NRS. The residential construction tax shall not exceed \$1000 per unit as provided for in NRS.

**B. COLLECTION OF RESIDENTIAL CONSTRUCTION TAX**

Prior to the issuance of any building permit for the construction of any apartment house, residential dwelling unit, installation of a mobile home on any mobile home estates lot, development of any mobile home park, or prior to the issuance of any building permit for any residential addition or for the remodeling of any nonresidential structure for the purpose of residential dwelling use, the applicant for such building permit shall pay to the city of Henderson the residential construction tax in the amount specified per NRS.

**C. RESIDENTIAL CONSTRUCTION TAX FUND**

1. All of the residential construction tax that is collected pursuant to this section, and all of the interest that accrues thereon, shall forthwith be forwarded to the City Finance Director who shall credit the same to the special revenue fund that is created to receive and account for the same.
2. The money in such special revenue fund shall be accounted for separately according to the respective park districts from which it was derived and may be used in accordance with NRS.

**D. PARK DISTRICT BOUNDARIES**

The City shall be divided into park districts depicted on the map that is entitled “Park District Boundaries,” copies of which are maintained for public inspection in the Office of the City Clerk. Such park districts may, from time-to-time, be amended by the City Council by resolution that is duly passed, adopted, and approved.

**E. REFUND OF FEE**

Refund shall be as provided in Nevada Revised Statute or through a park agreement or a development agreement.

**F. PARTIAL CREDIT**

1. A developer shall be entitled to a partial credit toward the required residential construction tax, or waiver of the residential construction tax, if the City accepts public dedication for a “turnkey” park or determines that a developer has provided alternative recreational facilities of sufficient value to satisfy all or a portion of that developer’s land requirement, as set forth in this section.
2. The value of the credit available under this Section shall be determined by staff, subject to final approval by City Council, and shall be the approximate difference between the value of the recreational facilities proposed and the amount of expected value of the residential construction tax to be generated by the development.

**G. POSTING BOND FOR PARK OR RECREATION FACILITY IMPROVEMENTS**

A developer constructing a park or other recreation facilities as required by a park agreement or a development agreement shall post a bond as required by the City.

**H. TAXES IN ADDITION TO OTHER REAL ESTATE TAXES**

The residential construction tax that is provided for in this Section shall be in addition to any and all other real estate taxes that are imposed upon any real property that is the subject of the residential construction.

**19.7.11. SUSTAINABILITY**

**A. PURPOSE**

This section is intended to promote sustainable development within the city of Henderson by creating incentives for compact, mixed-use development patterns; encouraging solar and other alternative energy sources; promoting alternative means of transportation like bicycling and walking that can improve community health while helping reduce air pollution; protecting trees that absorb greenhouse gases and reduce storm water runoff and pollutants; and, encouraging water-efficient landscaping and protecting water resources.

**B. APPLICABILITY**

This section sets forth a range of site and building design options for sustainability to enhance other mandatory sustainability-related requirements integrated throughout this Code. For each development subject to this Chapter 19.7 (Section 19.7.1.B, *Applicability*), applicants shall select a sufficient number of sustainable site and building design options from Table 19.7.11-1 below to achieve the minimum number of points outlined for that type of development. Compliance with this section shall be determined as part of the entitlement review process.

**1. Nonresidential or Mixed-Use Development**

- (a) Nonresidential or mixed-use development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 42 points.
- (b) New buildings on partially-developed sites (such as pad sites) located in developments built before the adoption of this Code shall achieve a minimum score of 28 points. Eligibility shall be determined at the discretion of the Community Development Director.

**2. Multifamily Residential Development**

Multifamily residential development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 38 points.

**3. All Other Residential Development**

All other residential development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 31 points.

**4. Substantial Renovation**

Any “substantial renovation” project, which is defined for purposes of this chapter to include any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area; or the addition of

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new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of calculation, the increase in floor area shall be aggregated over a three-year period.

**5. Exemptions**

All buildings under 1,500 square feet are exempt from the requirements of this section unless otherwise determined by the Director of Community Development and Services. In addition, the following uses are exempt: major utilities, minor utilities, wireless communication facilities, cogeneration facilities, concrete production, construction storage yards, junkyards, mining and processing, recycling facilities, storage yards, and temporary uses.

**C. MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY**

<b>TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY</b>				
<b>SITE OR BUILDING DESIGN FEATURE</b>	<b>POINTS</b>	<b>DISTRICTS IN WHICH OPTION IS AVAILABLE</b>		
		<b>NONRES/MIXED USE</b>	<b>MULTI-FAMILY RESIDTL</b>	<b>OTHER RESIDTL</b>
<b>1. ENERGY</b>				
Intent: Encourage on-site renewable energy production; promote the design and construction of energy efficient buildings; reduce air, water, and land pollution from energy consumption; and, reduce the heat island effect				
<b>1.1 Renewable Energy Sources</b> Design and incorporate on-site renewable energy generation technologies such as solar, wind, geothermal, or biomass. Two points granted for each 1% of the project's annual electrical energy demand generated up to a maximum of 30 points.	2-30	*	*	*
<b>1.2 District Heating and Cooling</b> Design and incorporate into the project a district heating and/or cooling system for space conditioning and/or water heating of new buildings in the project (at least two buildings total must be connected).	4	*	*	
<b>1.3 Solar Orientation</b> Design and orient the project such that 50% or more of the blocks have one axis within plus or minus 15 degrees of geographical east/west, and the east/west length of those blocks are at least as long, or longer, as the north/south length of the block.  OR  Design and orient the project such that 50% or more of the project total building square footage (excluding existing buildings) such that the longer axis is within 15 degrees of geographical east/west axis.	3	*	*	*
<b>1.4 Shade Structures</b> Where appropriate, provide shade structures over windows/doors to minimize glare and unwanted solar heat gain. Such structures shall provide shading to at least 50% of the south- and west-facing glazing on June 21 at noon with one additional point granted for each additional 25% of the glazing shaded. Structures may include awnings, screens, louvers, architectural features, or similar devices.	2-4	*	*	*

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<b>TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY</b>				
<b>SITE OR BUILDING DESIGN FEATURE</b>	<b>POINTS</b>	<b>DISTRICTS IN WHICH OPTION IS AVAILABLE</b>		
		<b>NONRES/ MIXED USE</b>	<b>MULTI- FAMILY RESIDTL</b>	<b>OTHER RESIDTL</b>
<p><b>1.5 Heat Island Reduction</b> Use any combination of the following strategies for 50% of the non-roof impervious site landscape (including roads, sidewalks, courtyards, parking lots, and driveways).</p> <ul style="list-style-type: none"> <li>• Provide shade from open structures such as those supporting solar panels, canopied walkways, pergolas, all with a Solar Reflectance Index (SRI) of at least 29. (SRI is a measure of the roof's ability to reject solar heat; a higher SRI yields a cooler roofing choice.) (2 points)</li> <li>• Use paving materials with a Solar Reflectance Index (SRI) of at least 29. (1 point)</li> <li>• Use an open grid pavement system (at least 50% pervious). (2 points)</li> </ul>	1-5	*	*	*
<p><b>1.6 Cool Roofs</b> Use roofing materials that have a SRI equal to or greater than 78 for low-sloped roofs (&lt;2:12) or 29 for steep-sloped roofs (&gt;2:12) for a minimum of 75% of the roof surface of all new buildings within the project.</p> <p>OR</p> <p>Install a vegetated roof on a minimum of 50% of the total project roof area (exclusive of existing buildings). Any combination of SRI compliant and vegetated roof may be used, provided they collectively cover 75% of the total project roof area.</p>	2	*	*	*
<p><b>1.7 Covered Parking</b> Locate at least 20 percent of all off-street parking spaces under cover with one additional point granted for each additional 20% of covered parking up to a maximum of 100%.</p> <p>Note: Cover may be provided by a combination of tree canopy, a building, a deck, or a shade structure, or parking may be underground. Tree canopy coverage to be determined by mature shade trees selected from the SNRPC Regional Plant List.</p> <p>Any cover, roof, or shade used for this requirement must have a minimum Solar Reflectance Index of 78 for low-sloped roofs (&lt;2:12) or 29 for steep-sloped roofs (&gt;2:12).</p>	1-5	*	*	*
<p><b>1.8 Shaded Walkways</b> Provide shaded walkways along a minimum of 60% of all building facades adjacent to or facing streets, drive aisles, outdoor gathering spaces, or parking areas. One additional point granted for each additional 10% provided up to a total of 100%.</p> <p>Note: See base code requirements (50% shaded walkways) for commercial, mixed-use, and industrial buildings in Section 19.7.6.D.3.(h), <i>Response to the Climate</i>.</p> <p>Note: See definition of "shaded walkway" in Chapter 19.12, <i>Measurement and Definitions</i>.</p>	1-5	*		
<p><b>1.9 Solar-Ready Design</b></p> <ul style="list-style-type: none"> <li>• For stand-alone buildings, design and build the project so that it will readily accommodate the installation of solar photovoltaic panels or solar thermal hot water heating devices, including all necessary conduit, chases, roof penetrations, roof pitch, and orientation. (2 points)</li> <li>• For projects with multiple buildings, design and build at least 20% of the buildings to be solar-ready as described above. Two additional points granted for each additional 20% provided up to a total of 100% solar-ready buildings. (2-10 points)</li> <li>• For residential development, offer solar photovoltaic panels or solar thermal hot water heating as a design option. (2 points)</li> </ul>	2-10	*	*	*

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<p><b>1.10 Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>● Provide energy-efficient lighting such as compact fluorescent or LED lighting throughout a minimum of 75% of the project. (1 point)</li> <li>● Reduce solar heat gain through the use of glazing/fenestration with a U-factor less than .50 and a solar heat gain coefficient (SHGC) less than .30. (2 points)</li> <li>● Provide increased insulation to achieve a minimum R-19 in walls and R-38 in ceilings. (2 points)</li> <li>● Locate HVAC ductwork within conditioned space. (1 point)</li> <li>● Select high-efficiency HVAC equipment for the project. (2 points)</li> </ul>	1-8	*	*	*
<p><b>1.11 Green Power</b></p> <p>Provide at least 10% of the project's total energy consumption through renewable energy sources by engaging in a contract to purchase green power for at least two years. One additional point granted for each additional 10% of the project's total energy provided through green power up to a maximum of 50%. The renewable energy sources must be certified per the Center for Resource Solution's Green-e requirements.</p>	1-5	*	*	*
<p><b>2. RECYCLING AND WASTE REDUCTION</b></p> <p>Intent: Encourage recycling of household and commercial projects; reduce the amount of waste hauled to and disposed of in landfills; and, promote the reuse of materials.</p>				
<p><b>2.1 Waste Reduction - Construction</b></p> <p>Make provisions to recycle/salvage at least 50% of non-hazardous construction and demolition debris.</p>	3	*	*	*
<p><b>2.2 Waste Reduction – Composting</b></p> <p>Provide on-site composting station or location for all occupants.</p>	2	*	*	*
<p><b>2.3 Recycling Stations/Dumpsters</b></p> <p>As part of the project, include at least one station per building dedicated to the collection, separation, and storage of materials for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics, and metals.</p> <p>Establish a City-approved schedule and plan with the local trash hauler for retrieving the recyclable materials on a weekly basis.</p>	3	*	*	*
<p><b>2.4 Recycle Containers</b></p> <p>In mixed-use and nonresidential developments, include recycle containers adjacent with other waste-collection receptacles in areas accessible to pedestrians including streets, walkways, and common areas.</p>	2	*		
<p><b>2.5 Recycled Content in Infrastructure</b></p> <p>For new roadways, parking lots, sidewalks, and curbs (above-ground structured parking and underground parking are exempt from this option), any aggregate base and aggregate sub-base shall be at least 50% by volume recycled aggregate materials such as crushed Portland cement concrete and asphalt concrete.</p>	2	*	*	*
<p><b>3. URBAN DESIGN</b></p> <p>Intent: Encourage balanced land uses, new development near existing communities or public transportation infrastructure; support alternative transportation choices; and, improve the mental and physical health of the community by reducing work commute time and increasing time devoted to leisure, community activities, and family.</p>				

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<b>3.1 Proximity to Existing Infrastructure</b> Site new development so that at least 25% of the perimeter is contiguous with existing development that is already served by public infrastructure, including water, wastewater, roads, and electric. Replacement of or other on-location improvements to existing infrastructure may be considered existing for the purpose of this option.	3	*	*	*
<b>3.2 Floodplain Protection</b> For sites with portions located within a 100-year floodplain as defined and mapped by FEMA or the CCRFCD, develop only on portions of the site that are not in a 100-year flood zone or on portions that have been previously developed. Previously developed portions must be developed according to National Flood Insurance Program (NFIP) requirements.	1	*	*	*
<b>3.3 Use Mix</b> Include a minimum of three of the following use types: residential, office, commercial (besides office), or public/institutional. <ul style="list-style-type: none"> <li>• No use type shall amount to less than 10% or more than 80% of the total development gross floor area.</li> <li>• Individual phases of multiphase projects may have a lesser mix of uses if the applicant provides assurances acceptable to the City that later phases will produce the required mix of uses overall.</li> </ul>	3	*		
<b>3.4 Compact Development/Walkability</b> Locate at least 20% of dwelling units within ½ mile of a mixed-use development, commercial development, religious assembly use, park or school. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5		*	*
<b>3.5 Reduced Parking Footprint</b> Devote less than 25 percent of the impervious surface area, up to a maximum of five acres, to surface parking.	2	*	*	
<b>3.6 Workforce Housing</b> For developments with a residential component, include a proportionate amount of dwelling units priced for households earning between 80% and 120% of area medium income (AMI.) 1 point for 5% of units, 2 points for 10% of units, 3 points for 15% of units.	1-3	*	*	*
<b>4. URBAN NATURE</b> Intent: Provide a variety of appealing and comfortable open spaces close to work and home; encourage physical activity and time spent outdoors; support natural resource and habitat conservation; and, promote social networking, civic engagement, personal recreation, and other activities.				
<b>4.1 Minimum Open Space</b> Provide common open space that exceeds the base requirements of Section 19.7.2 by 10%. One additional point granted for each additional 10% up to a total of 40% above code.	1-4	*	*	*
<b>4.2 Access to Parks and Open Space</b> Locate or design the project so that a park, publicly-accessible open space, multi-use path, trail or plaza lies within ½ mile of 20% of planned and existing dwelling units and business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*
<b>4.3 Access to Active Recreation</b> Locate or design the project so that active public facilities (e.g., playfields, soccer, baseball, basketball, or other sports fields) totaling at least one acre, or a public indoor recreational facility, lies within ½ mile of 20% of dwelling units and/or business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*

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<p><b>4.4 Habitat Conservation - Avoidance</b>                      Locate the project on a site that does not have significant habitat. For the purposes of this and the following item, "significant habitat" includes:</p> <ul style="list-style-type: none"> <li>Habitat for species that are listed or are candidates for listing under state or federal endangered species acts;</li> <li>Locally or regionally significant habitat, or patches of natural vegetation at least 150 acres in size; and</li> <li>Habitat flagged for conservation under the Multiple Species Habitat Conservation Plan.</li> </ul>	3	*	*	*
<p><b>4.5 Habitat Conservation - Setback</b>                      For projects on a site that has significant habitat, design the site such that all development is a minimum of 100 feet away from such habitat. For the purposes of this item, "significant habitat" is defined in item 4.4 above.</p>	2	*	*	*
<p><b>4.6 Habitat Restoration</b>                      Using only native plants, restore pre-development native habitat on the project site in an area equal to or greater than 10% of the development footprint. Work with a qualified ecologist to ensure that restored areas will have habitat, including native species assemblages and hydrology that likely occurred in pre-development conditions.</p>	3	*	*	*
<p><b>4.7 Community Gardens</b>                      For residential or mixed-use projects, dedicate permanent and viable growing space and related facilities (such as greenhouses) within the project at a minimum of ten sq. ft. per dwelling unit for 20% of the project. Provide fencing, watering systems, soil, and/or garden bed enhancements (such as raised beds), secure storage space for garden tools, solar access, and pedestrian access for these spaces. One additional point granted for community garden space provided for each additional 20% of the project up to 100%.</p>	1-5	*	*	*
<p><b>4.8 Tree Canopy</b>                      Provide trees in an amount that exceeds the base requirements of Section 19.7.5, <i>Landscaping and Screening</i>, by 10%. One additional point granted for each additional 10% up to 50% above Code.</p>	1-5	*	*	*
<p><b>5. TRANSPORTATION</b>                      Intent: Promote public health by encouraging daily physical activity associated with alternative modes of transportation such as walking and bicycling; encourage the use of public transit; promote safe and efficient transportation; and, design parking facilities to minimize adverse environmental impacts to pedestrians.</p>				
<p><b>5.1 Proximity to Transit</b>                      Locate the project near existing or planned transit service so that at least 20% of dwelling units and business entrances within the project area are within ½ mile of transit stops. One additional point granted for each additional 20% of dwelling units and business entrances within a ½ half-mile distance up to a total of 100%</p>	1-5	*	*	*
<p><b>5.2 Carpool, Shared-Use and Low-emitting Vehicle Parking</b>                      For new nonresidential and mixed-use buildings, provide preferred parking spaces for carpool, shared-use, or low-emitting vehicles. Signage indicating carpool, shared-use, or low-emitting vehicle parking spaces must be provided, and the parking spaces must be located closest to the building entrance (exclusive of accessible parking spaces.)</p> <ul style="list-style-type: none"> <li>Provide parking spaces for carpool and/or shared-use vehicles equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2</li> </ul>	1-4	*		

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<p>points)</p> <ul style="list-style-type: none"> <li>Provide parking spaces for low-emitting vehicles (zero-emission vehicles, partial-zero emission vehicles, ultra-low emission vehicles, etc.) equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2 points)</li> </ul>				
<p><b>5.3 Pedestrian System</b> Design and build a project such that no block length exceeds 600 feet.</p> <ul style="list-style-type: none"> <li>If longer blocks are necessary, mid-block crossings shall be provided every 600 feet.</li> <li>Exceptions are permitted to avoid incursion into or damage to sensitive natural areas or to accommodate major institutional buildings or uses, such as hospitals, parks, or schools, or for infill developments where the street pattern is already established.</li> </ul>	5	*	*	*
<p><b>5.4 Interconnected Street Network</b> The development achieves a connectivity index score of 0.1 above the applicable base requirements of this Code. Two points granted for a score of 0.15 above the base requirements, and three points granted for a score of 0.2 above the base requirements.</p>	1-3	*	*	*
<p><b>5.5 Bicycle Circulation Systems</b> Build a network of on-site bicycle pathways that provide safe, continuous bicycle access to all uses within the development site and to land uses on adjacent properties.</p>	2	*	*	*
<p><b>5.6 Pedestrian/Bicycle Networks (master planned communities only)</b> Provide safe pedestrian and bicycle routes between major residential centers in a development and schools, churches, and other major community facilities and gathering places.</p> <ul style="list-style-type: none"> <li>Safety features shall include raised/marked pedestrian crossings, narrow streets, or streets with pedestrian medians, and similar features (1 point).</li> <li>Avoid erecting obstructions such as signage and utility poles in sidewalks (1 point).</li> <li>Provide separated grade crossings (1 point).</li> </ul>	1-3	*	*	*
<p><b>5.7 Facilities for Bicycle Commuters</b> In addition to the bicycle parking requirements in Section 19.7.4.K.13, provide the following:</p> <ul style="list-style-type: none"> <li>Indoor or self-contained bicycle storage lockers equal to a minimum of 5% of the vehicle parking spaces provided. (2 points)</li> <li>Shower and dressing areas for employees</li> </ul>	2-4	*	*	*
<p><b>5.8 Developer-sponsored Transit</b> For a minimum of three years, provide year-round, developer-sponsored transit service (vans, shuttles, or buses) from at least one central point in the project to major transit facilities and/or other major destinations such as a retail or employment center.</p>	5	*	*	*

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<p><b>5.9 Parking</b>                      Locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. Building entrances must be easily accessible from the public way. (2 points)                      OR                      Provide structured parking to meet 20% of the total parking requirement for nonresidential and multifamily residential projects.</p> <p>Two additional points will be granted for each additional 20% up to a total of 100%. In addition, as applicable, locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. (2-10 points)</p>	2-10	*	*	
<p><b>6. ENVIRONMENTAL HEALTH</b>                      Intent: Encourage the use of green building practices in the design, construction, or retrofit of buildings; promote the reuse of land by developing sites where development is complicated by environmental contamination; prevent pollution and erosion from stormwater runoff; and, improve nighttime visibility and reduce glare.</p>				
<p><b>6.1 Green Building</b></p> <ul style="list-style-type: none"> <li>Use green building materials (recycled materials, locally-produced materials, sustainably-harvested wood, etc.) in the construction of the project. (2 points)</li> <li>Use furniture made from recycled materials, locally-produced materials, sustainably-harvested wood, etc. in the project. (1 point)</li> <li>Use flooring made from recycled or rapidly renewable materials such as PET carpeting, bamboo, cork flooring, etc. in the project. (1 point)</li> </ul>	1-4	*	*	*
<p><b>6.2 Daylighting</b>                      Incorporate daylighting strategies into the design of the project to minimize the use of artificial lighting.</p>	2			
<p><b>6.3 Light Pollution Reduction</b>                      Reduce light pollution by using full cutoff exterior lighting and using downlighting only.</p>	2			
<p><b>7. WATER</b>                      Intent: Minimize water use in buildings to reduce impacts to natural water resources; and, minimize outdoor water use for landscape irrigation.</p>				
<p><b>7.1 Water-Efficient Landscape</b>                      Limit natural turf beyond base code requirements.</p> <ul style="list-style-type: none"> <li>Single-family residential: Natural turf limited to 25% of landscaped area</li> <li>Base code turf requirements are in Section 19.7.5.F.6(e).</li> </ul>	2			*
<p><b>7.2 Water-Efficient Plants</b>                      All landscaping plants, including those on green roofs, shall be selected from a list of water-efficient vegetation maintained by the City of Henderson. The use of native plants is strongly encouraged.</p>	2	*	*	*
<p><b>7.3 Landscape Irrigation System</b>                      Drip or subsurface irrigation systems shall be utilized for all landscape irrigation systems when irrigation is necessary. Drip irrigation systems must be equipped with pressure regulators, filters, and emitters. Each drip emitter must be rated at less than 20 gallons per hour (gph). (1 pt for drip, 2 pts for subsurface)</p>	1-2	*	*	*

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<p><b>7.4 Surface Treatments</b> Non-turf landscaped areas must be completely covered by a two-inch-minimum layer of air- and water-permeable mulch to reduce evaporation. Living groundcovers qualify as mulch provided the individual plants are installed at sufficient density to assure 100 percent ground coverage at maturity. If a weed barrier is used beneath the mulch, it must be manufactured to be air- and water-permeable to reduce evaporation and run-off.</p>	1	*	*	*
<p><b>7.5 Water-Efficient Buildings</b> Minimize indoor water use in new buildings and buildings undergoing major renovations as part of the project through any combination of the following:</p> <ul style="list-style-type: none"> <li>• Use low-flow plumbing fixtures such as toilets, urinals, faucets, and showerheads. (2 points)</li> <li>• Use of hot water recirculation system. (Cannot be used in conjunction with tankless water heater.) (2 points)</li> <li>• Use of a tankless water heater. (2 points)</li> <li>• Use of a solar water heater. (2 points)</li> </ul>	2-8	*	*	*
<p><b>8. ADDITIONAL STRATEGIES FOR SUSTAINABILITY</b> Intent: Implement strategies of existing above-code programs or explore and implement new, unique or innovative ways to increase the sustainability of the project and community.</p>				
<p><b>8.1 Above-Code Programs</b> Design and build the project to meet the standards of an above-code program such as LEED, Green Globes, Energy Star, Green Building Partnership, etc.</p>	10			
<p><b>8.2 Innovative Products or Strategies</b> Provide documentation of an innovative product or strategy that increases the sustainability of the project or community but is not provided in this Section.. Up to five Innovative Products or Strategies may be submitted for review. Points awarded at the discretion of the Director of Community Development based on the capacity of the proposed product or strategy to increase the sustainability of the project in any of the above categories. (1-5 points for each Innovative Strategy)</p>	1-25			

**CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS**

SECTION 19.7.13 LOCAL IMPROVEMENT DISTRICTS | 19.7.13.A PAYMENT OF ASSESSMENTS PRIOR TO ISSUANCE OF PERMITS

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**19.7.12. AIRSPACE COMPATIBILITY REQUIREMENTS**

**A. HEIGHT LIMITS**

Except as otherwise provided, no structure shall be permitted to be erected, altered or maintained within the City of Henderson that (a) would constitute a hazard to air navigation, or (b) would result in an increase to minimum flight altitudes during any phase of flight, or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations. However, nothing in this section shall be construed as prohibiting the construction, alteration or maintenance of any structure to a height up to 35 feet above the surface of the land or in any zone created by this Code which has received all necessary airspace approvals as required by the City of Henderson.

**B. NOTICES OF CONSTRUCTION OR ALTERATION**

Notice must be filed with the Federal Aviation Administration (FAA) if specifically requested by the FAA, or if any of the following types of construction or alterations are proposed:

1. Any construction or alteration that is more than 200 ft. above ground level at its site;
2. Any construction or alteration that meets other notification requirements as outlined by Title 14, Code of Federal Regulations, Part 77.

**19.7.13. LOCAL IMPROVEMENT DISTRICTS**

**A. PAYMENT OF ASSESSMENTS PRIOR TO ISSUANCE OF PERMITS**

1. A property within a City of Henderson local improvement district shall not receive zoning or land use entitlements, conditional use permits, building permits, or any permit for development, nor shall any land division be approved for such property, if any part of such property has been marked delinquent on the local improvement district's assessment roll pursuant to NRS 271.545.
2. Before a land division is approved, a property owner may be required to pay one future assessment installment prior to recordation.