

City of Henderson Development Code Update

Code Diagnosis

April 2019

Prepared for:



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The logo for Lisa Wise Consulting, Inc. (LWC) consists of the letters "LWC" in a white, sans-serif font, centered within a solid orange square.

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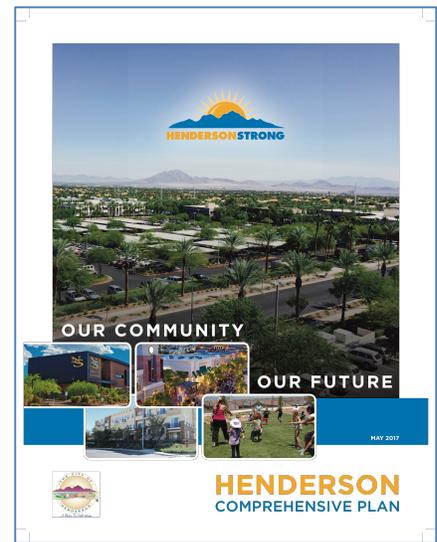
Introduction

The City of Henderson recently adopted the Henderson Strong Comprehensive Plan Update on July 11, 2017. Henderson Strong is the citywide planning document that communicates the vision, long-term goals and objectives that guide the physical development and orderly management of growth of the City for the next 20 years.

Henderson Strong was developed through an extensive public outreach process that reached approximately 26,000 residents. Their input made it clear that Henderson residents have high aspirations for their community – aspirations that can be achieved through thoughtful, consistent implementation of land use policies.

Development codes are one of the primary tools a city has for implementation of its Comprehensive Plan. A development code translates the policies related to a community’s vision for future growth into parcel-specific regulations, including land use regulations and development standards. The type and intensity of allowed land uses and the standards that shape the built environment are critical to achieving a Comprehensive Plan’s vision.

This project, the Development Code Update, is intended to comprehensively revise the Henderson Development Code, Title 19 of the Municipal Code, in order to appropriately shape future growth and implement the Comprehensive Plan, Henderson Strong. The overall objective of the project is to craft a new Development Code that:



- Is consistent with and implements Henderson Strong, *including the vision for priority areas*;
- Promotes high quality design *through clear and effective regulations*;
- Is modern and reflects the City’s current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, *increasing efficiency and predictability*;
- Complies with State and federal requirements and current case law; and
- Is clear, concise, understandable, and easy to use.

This Paper

As one of the first steps in the project process, City staff and the consultant, Lisa Wise Consulting, Inc. (LWC), evaluated existing Code issues that inhibit the community’s vision from being implemented and analyzed potential revisions and recommendations that should be considered as part of the update.

This paper summarizes the principal findings and conclusions of LWC’s work and recommends a number of ways that the existing Code could be improved to meet the objectives of the project. This paper is intended to distill key choices and present “big ideas” for the update, which will be further developed and refined as the draft standards and regulations are created.

The purpose of this paper is to identify ways to improve the City's Code, therefore the paper does not summarize or explain many of the positive and effective attributes of the existing standards and regulations. The reader should keep this in mind to avoid misconstruing LWC's conclusions and recommendations, and thinking that the Code is inherently flawed – which it is not.

Two key issue areas were identified; code usability and Henderson Strong implementation. Within each issue area, a number of items to address and recommendations for consideration are presented.

1. Code Usability
 - Organization and Style
 - Complexity
 - Redundancy
 - Lack of Clear Purpose Statements
 - Underutilized Graphics

2. Henderson Strong Implementation
 - Unrefined and Inadequate Zoning Districts
 - Insufficient Physical Form and Design Standards
 - Ineffective Use Regulations

Each of these issue areas are addressed in subsequent sections of this paper.

Next Steps

This paper will be the basis for a work session with the Planning Commission. Comments from the work session and further work with City staff will guide the preparation of a proposed annotated outline of the updated Code and administrative drafts of Code sections. The drafts will be presented in “modules” for subsequent review and additional meetings and work sessions will be scheduled with the City staff and Planning Commission to review milestone products.

What are Development Codes?

While Henderson Strong sets forth a wide-ranging and long-term vision for the City, the Development Code specifies how each individual property can be used to achieve those objectives. Development codes are the body of rules and regulations that control what is built on the ground and what occupies buildings and sites. They determine the form and character of development, such as the size and height of buildings, and include provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

A development code addresses two basic concerns:

- How to minimize the adverse effects that buildings or uses can have on surrounding neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

What Development Codes Contain

Development codes are used to implement the community goals expressed in a comprehensive plan and other land use plan documents. They typically contain the following:

- **Use Regulations.** Development codes specify permitted uses, uses required to meet specific standards or limitations, and prohibited uses. In this way, development codes determine the appropriate mix of compatible uses and how intense the uses can be.
- **Development and Design Standards.** Development codes reflect the desired physical character of the community in a set of development and design standards that control the height and massing of buildings, street frontage and architectural character, location of parking and driveways, “buffering” of uses, and landscaping needs.
- **Performance Standards.** Development codes often includes standards that control the “performance” of uses to ensure land use is compatible between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and storm water runoff.
- **Administrative Provisions.** Development codes include provisions for administration of the code and procedures for the review and decision on projects.

The use regulations, standards, and administrative provisions established in development codes provide neighbors with assurance of what land uses are allowed and to what scale they may be developed. Investors benefit from knowing exactly what can be done on a given parcel, and City staff benefits from more streamlined, predictable review processes.

The Basic Dilemma: Flexibility vs. Certainty

As the City considers how to most effectively update its Development Code, one issue will be finding the right balance between flexibility and certainty in order to best implement Henderson Strong. The dichotomy between these concepts creates tension for both frequent code users, such as elected and appointed officials and City staff, as well as homeowners, business owners, and others who may only use the Code a few times over the years they live or work in the City. All interested parties tend to prefer to know the rules and standards by which new development

will be judged – how are decisions made to approve, conditionally approve, or reject applications? For many, knowing the timeframe and criteria for approval is also important – who has appeal rights and when is a decision final so a project can proceed? For others, flexibility is important – the site or existing building may be unique, the design may be innovative and responsive, and/or the public benefits may be so compelling that some relief from underlying requirements may be appropriate. Perspectives of code users help inform the discussion about this challenge.

Users' Perspectives

Expectations about what development regulations should or should not do, and how far it should go are different depending on individual perspectives. Applicants view development codes differently than design professionals, and City staff perspectives sometimes differ from residents or elected officials. At the risk of over-simplification, the following sets expectations for different code users as a foundation for thinking about regulatory options for the Code update.

Applicants

Individuals applying to the City for an approval through a permit or land use review generally want to know the following:

- What can be done. I have a specific use in mind – is it allowed? Or, I don't have a specific use in mind, but am interested in implementing the highest and best use on my land – what is that, and is it allowed?
- The rules that the City follows for development review. These include use regulations, design guidelines, development standards, review procedures, and criteria for decision-making.
- The timeframe for decision-making and when the decision will be final. Is the decision final on the day approval is granted or is there a time period an applicant must wait before they can proceed with their project? This may also include an interest in the amount of time allotted to obtain a building permit or business license.
- Relief that can be requested if a regulation or standard constrains a design solution or otherwise limits what the applicant would like to do on their property. This often requires the need to distinguish and clarify limitations related to allowable uses from the desire to accommodate a design or improvement on a lot. Relief may be needed from development standards (e.g., setbacks or fence height limitations) or from performance requirements that relate to the impact of a use or building design on an adjacent lot.
- The importance of neighbor concerns in the decision-making process. If an applicant follows the rules, does the City have the right to require changes to the proposal solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "by-right" development applications from those requesting exceptions to the standards when reviewing and responding to community concerns?

Design Professionals

Architects and other design professionals typically have similar interests to the applicants, but because of their specific role in a project, they often have more targeted interests in the level

of flexibility the Code allows for site planning and architectural design. If the City would like to mandate certain design solutions, as opposed to “encouraging” a design type, the Code should state the desires clearly to avoid misunderstandings during the review process.

An example of a codified design solution is a requirement for windows or display spaces and a prohibition of blank walls on ground floor frontages. In this context, design professionals also tend to be interested in knowing whether the requirement is truly required, or if it is simply a guideline. If the statement is a regulation and the proposed project does not benefit from the additional required windows, it may be necessary to request a specific form of relief, which could be completed administratively as an adjustment or minor modification, or through a variance and public hearing process. Alternatively, if the statement is a design guideline, it may be possible to propose an alternative design solution that meets the guideline’s general intent without applying for some form of relief to waive the requirement.

Design professionals typically seek the following forms of flexibility:

- Relief from overly prescriptive standards, including setbacks, building height, massing, landscaping, parking location, and architectural design standards (e.g., colors, finishes, porch dimensions, roof pitches, etc.);
- Relief from provisions that constrain energy efficiency and water conservation;
- Relief for buildings with historic or architectural character; and
- Relief for uses or activities with unique needs.

City Staff and Officials

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the Comprehensive Plan and relevant Master Plans, and to further public policies;
- To reconcile competing priorities, as is frequently the case when implementing a Comprehensive Plan;
- To protect unique and special resources, which may include environmental resources, historic buildings, affordable housing, and special retail uses; and
- To approve a project seen as particularly beneficial to the community that may deviate from set standards.

Residents and Business Owners

While City staff and officials strive to respond to community concerns, residents and business owners sometimes have differing perspectives on development regulations, particularly if they feel their self-interest is not served. Many critical issues are decided when a Comprehensive Plan is prepared; however, as implementation details are worked out, community perspectives on the Comprehensive Plan direction may evolve, and there may not be consensus on all of the regulatory solutions proposed to implement the Comprehensive Plan.

Neighbors are interested in some level of certainty for what can be built so there are no surprises once construction begins; however, if concerns arise, neighbors also tend to be interested in the process for community input – how much flexibility does the City have to conditionally approve a project and what can be done to affect the final result?

Business owners tend to be interested in some level of certainty related to what can be expanded or adapted on their property, or what new uses or activities may be allowed. Being able to respond quickly to changing markets is also important, and lengthy review periods tend to hinder that objective.

Tradeoffs

As the City considers reform of the development code framework and an update of the regulations, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. Predictability.** Is the Code intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the Code or by practice?
- **Flexibility vs. Administrative Cost.** What are the costs to the applicant and opponents, and what is the City's tolerance for hearings?
- **Development Cost vs. Quality.** Standards should be written with an understanding of their effect on developers' and consumers' costs, and on the quality of the environment for the code user and community at large.
- **Preservation vs. Development.** Will a specific regulation stimulate or diminish change in uses, character, or appearance? Will adopting a new standard result in a proliferation of nonconformities? Could these considerations encourage or discourage investment?
- **Under Regulation vs. Over Regulation.** How does the community determine the right balance and find the most streamlined strategy to enable the desired outcome?

Striking the right balance between flexibility and predictability is usually challenging, and lessons from other communities can provide insight into potential best practices or mistakes. Overall, the goal is to balance all considerations effectively enough to achieve economic development, implement Henderson Strong, and streamline the usability of the Code.

Code Usability

The need to improve overall Code usability, organization, and clarity was a common observation noted during meetings with code users and City staff. Code users generally expressed that similar or thematic topics were often spread throughout the Code in separate locations and the sheer number of standards made it difficult to navigate and find what was applicable to a given project.

A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the Code.

Organization and Style

The City's existing Development Code, Title 19 of the Municipal Code, comprises of 12 chapters of nearly equal importance. It is organized to flow first from introductory provisions to district standards, then moving into use regulations, administration, and citywide standards (e.g., development and design standards, signs, subdivision standards, etc.). While the underlying structure is understandable by those with ample experience using the Code, the structure is not intuitive or obvious to the average code user.

Overall, the chapter order and hierarchy are not always intuitive, and sections that should be grouped together are often found far apart. For example, Chapter 19.6 (Administration), which describes procedures for the review of applications, is located in the middle of chapters that contain regulations related to the design and development of real property. Applicants interested in knowing what regulations apply to their project may stop looking once they reach a section describing permit procedures.

The organization of the Code can be improved in several ways, with the overall organization and formatting of the Code reflecting a systematic, consistent, and sound arrangement to facilitate understanding. Code provisions should be combined, consolidated, and reorganized so that the chapters and sections flow more logically and have an intuitive hierarchy. As a general rule, the most frequently consulted group of provisions should come before provisions less frequently consulted. Overall, the Code should progress from basic provisions in the beginning, to regulations of specific zoning districts, specific use standards, citywide standards (i.e., development and design standards, sign standards, and nonconformities), administrative chapters, and finally definitions.

A new level in the organizational hierarchy – Part – can be added to organize the chapters into logical groups intended to make the Development Code easier to navigate. For example, the chapters contained in the Development Code could be grouped into five parts as follows:

Existing Development Code Organization:

- 19.1: Introductory Provisions*
- 19.2: Residential Zoning Districts*
- 19.3: Nonresidential, Mixed-Use, and Special-Purpose Zoning Districts*
- 19.4: Overlays*
- 19.5: Use Regulations*
- 19.6: Administration*
- 19.7: Development and Design Standards*
- 19.8: Signs*
- 19.9: Subdivision Design and Improvements*
- 19.10: Nonconformities*
- 19.11: Enforcement*
- 19.12 Measurement and Definitions*

- Part 1: Introductory Provisions
- Part 2: District Regulations
- Part 3: Citywide Standards (including Specific Use Regulations, Development and Design Standards, Signs, and Subdivision Design and Improvements)
- Part 4: Administration and Enforcement (including Nonconformities)
- Part 5: Terms, Definitions, and Rules of Measurement

Finally, to help with usability, the Code should also be presented in a more legible way, including improvements to the appearance, wider text spacing, and overall branding consistency with other planning documents. The Code should also better utilize graphics, as discussed below.

PAGE HEADER

PROMINENT HEADINGS

CONSISTENT NUMBERING

TABLES

CROSS-REFERENCES

WHITE SPACE

ILLUSTRATIONS

PAGE NUMBER

Zoning Ordinance
District Regulations

19.08.050 District Standards

Table 19.08.050A: Building Placement

Setback Distance	Front ¹ A	Corner Side ¹ B	Interior Side C	Rear D
Min.	10 ft	10 ft	0 ft	10 ft
Max.	20 ft	20 ft	--	15 ft

Primary Building

Min. 10 ft 10 ft 0 ft 10 ft

Max. 20 ft 20 ft -- 15 ft

Miscellaneous

A building form with a chamfered corner is only allowed on corner lots and only if a corner entry is provided.

Notes:
¹ See Section 19.16.030 for additional setback standards.

Key for Diagram

- Lot Line
- Buildable Area
- Building Setback Line

19.08.060 Development Regulations

A. Parking Area Landscaped Setback. A landscaped setback at least 10 feet wide shall be provided between the parking area and the adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every 40 feet of the street frontage.

Figure 19.08.060.1: Parking Area Landscaped Setback

Complexity

The organization of the existing Code leaves standards of development spread out among various sections in unintuitive locations. Code users and City staff have conveyed that it can be challenging to ensure all regulations governing a project are being adhered to since there is not a comprehensive list of standards or appropriate cross-references within sections. Because standards are dispersed, code users are left with a fear of “hidden” regulations that may impact the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment.

“The Code is complex and confusing. You have to go back and forth between multiple sections to figure out what applies.” – Code User

Chapter 19.5 (Use Regulations) contains over 150 subsections, each dedicated to a single use. Each subsection includes a table indicating where the use is allowed, a definition, specific standards, and parking requirements. As a result, use definitions, standards, and parking requirements are spread out through more than 180 pages. There is no comprehensive list of uses or a list of all the uses allowed in a specific district. Code users and staff have stated that they rely on the master use table in the appendix rather than navigate this Chapter to determine whether a use is allowed. Having use definitions consolidated in one place and having one table with all of the use allowances for a district or set of districts makes it easier to determine and compare applicable use regulations.

Development standards are also dispersed throughout the Code. For example, development standards for mixed-use districts are set forth in Chapter 19.3 (Nonresidential, Mixed-Use, and Special-Purpose Zoning Districts), but specific physical form standards are included in Subsection 19.7.7.C (District-Specific Standards, Mixed-Use Districts). Additional standards only applicable to the Corridor/Community Mixed-Use District included at the end of Subsection 19.7.7.C. Also, Section 19.7.2 (Common Open Space) sets forth standards for development in specific residential zoning districts, yet there is no direct and clear mention of these standards in Chapter 19.2 (Residential Zoning Districts).

Related content should be organized together. Where standards apply solely to a particular set of base zoning districts, for instance, such as exceptions to front setbacks in residential districts, the standards should be grouped with the standards for that set of districts. Standards and other requirements that are applicable to specific uses or development citywide, such as parking or landscaping standards, should be grouped together. Rules governing the construction of language, interpretation of Code provisions, and rules of measurement should also be grouped together to serve as a reference section that clarifies any uncertainty regarding Code provisions, as described above. Consolidating related regulations into one section will help ensure that standards are logical and consistently interpreted and applied.

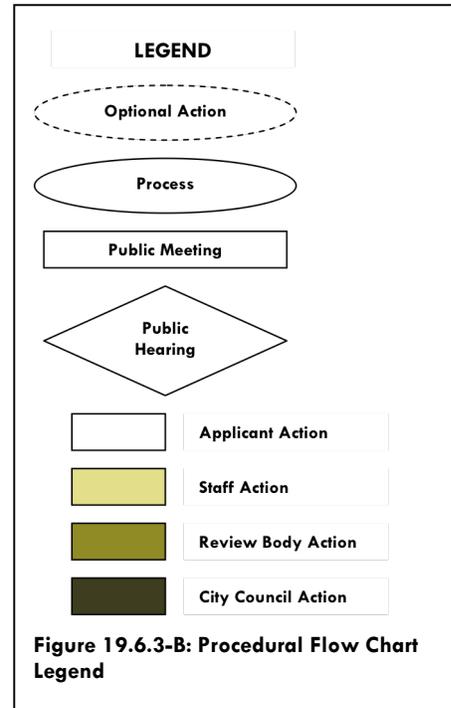
Redundancy

Repeating information using similar language can create uncertainty in the intent of the regulation and the hierarchy related to the understanding of which statement takes precedence. Duplication lengthens the text, introduces room for error when making future text amendments, and can be more challenging for City staff to administer. The Code contains several instances of duplication and unnecessary redundancy. For example, several of the Code chapters include a section for “Chapter Organization,” which describes rudimentary background information on the sections that follow. This information can intuitively be provided by the Code’s table of

contents and is not necessary to codify as its own section. Additionally, in Chapter 19.5 (Use Regulations), there is a requirement for all outside storage of materials, products, and equipment to be screened from neighboring properties and internal and external streets by a minimum eight-foot tall decorative block or comparable masonry. Throughout the Chapter, this requirement is stated 13 times with nearly the exact same language. When the Code includes repetitive information in nearly or exactly the same language, it is not always clear whether nuisances in wording or positioning are intended to accomplish different goals, or if they override each other entirely. This level of duplication adds bulk to the document and introduces confusion that may affect an applicant’s ability to develop and use a property.

Another example of unnecessary, sometimes misleading redundancy occurs when one section summarizes the requirements of another. Chapters 19.2 (Residential Zoning Districts) and 19.3 (Nonresidential, Mixed-Use, and Special-Purpose Zoning Districts) dedicate one to two pages for each zoning district setting forth purpose statements, illustrations, and development standards for each zoning district. At the end of each chapter, the district development standards are repeated in summary tables. The Code also includes a number of instances of commentary boxes, flow charts, and illustrations of ‘example’ development. While intended to be helpful, these ‘aids’ add to the bulk of the Code, can be misleading, and can cause confusion as to their legal standing where there are conflicts with the text of the Code itself. Summaries of the most common applicable standards, depictions of ‘example’ development, and flow charts of review procedures are more appropriate in user’s guides and handouts rather than codified as part of the Development Code.

Overall, the Code should function efficiently with the fewest number of provisions necessary to achieve its goals and implement the vision set forth in Henderson Strong. To this end, unnecessary sections and background information should be removed in order to avoid ambiguity and reduce the bulk of the Code. Consolidating common Code regulations will not only help code users navigate the information, but will also make it easier for City staff to administer.



COMMENTARY

When site plans are reviewed in conjunction with other forms of development approval, separate design review under the procedures of this section will not be required.

Flow charts and commentary boxes add to the bulk of the Code and are not necessary to be codified.

Lack of Purpose Statements

A common frustration expressed by code users was inconsistent interpretation of standards and regulations. Purpose statements, which effectively reflect the intended result of the stated regulations, can provide a common basis for interpretation by all code users. Many sets of standards include general purpose statements, but these are often not detailed enough to help code users with interpretations of the Code. For

“Add purpose statements to the beginning of sets of regulations so everyone understands the intent.” - Code User

example, Chapter 19.2 (Residential Zoning Districts) has a section for purpose and intent, then each zoning district has a loose description of the district, which sometimes includes specific requirements but can also be interpreted as somewhat of a purpose and intent statement. The intent of the individual description for each district can be challenging to understand for a first time code user, especially considering the inconsistent specific requirements listed in the description.

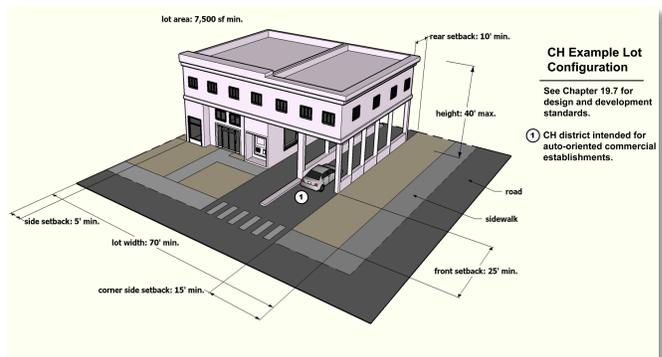
Providing clear, non-regulatory purpose statements for all sets of regulations can help explain the intent of the regulations and their relation to Henderson Strong. These statements also provide the objectives of the regulations and serve as a basis for findings required for action on discretionary permits. Without this clarification, planning staff and decision-makers can only enforce the letter of the law while speculating about how the regulations implement the City’s goals and policies. This lack of clarity can lead to inconsistent decisions and frustration for property owners and citizens alike.

Underutilized Graphics

In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, illustrations can clearly depict standards for measuring sign heights or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. While the Code includes a number of graphics throughout, some of them are not necessary or effective. For example, Chapters 19.2 (Residential Zoning Districts) and 19.3 (Nonresidential, Mixed-Use, and Special-Purpose Zoning Districts) include district-specific photos of example building forms and axonometric graphics that present an example lot configuration in perspective, with colors, callouts, and notes. It is unclear exactly what specific standard or provision is being illustrated or if the ‘example’ is a depiction of preferred development. Additionally, the photos used on each district-specific page are potentially problematic. Photos imply certain architectural styles or details may be desired, and often become dated overtime. Photos may also include aspects of site development that are inconsistent with other Code provisions such as landscaping and articulation requirements, which could create unnecessary confusion for the code user.



Figure 19.3.8-A: CH Example Building Form



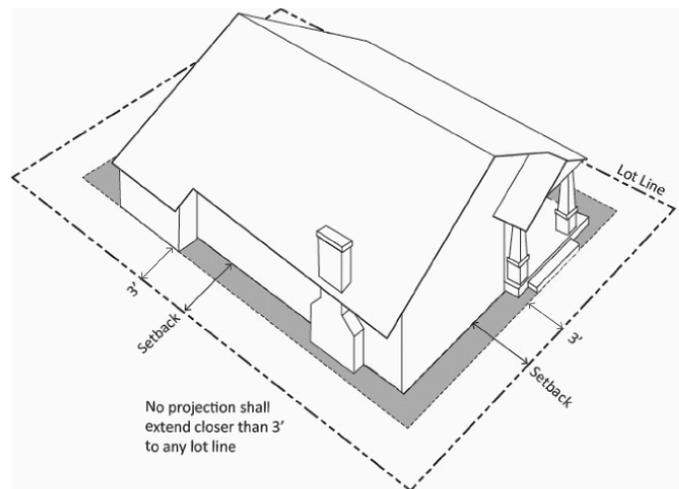
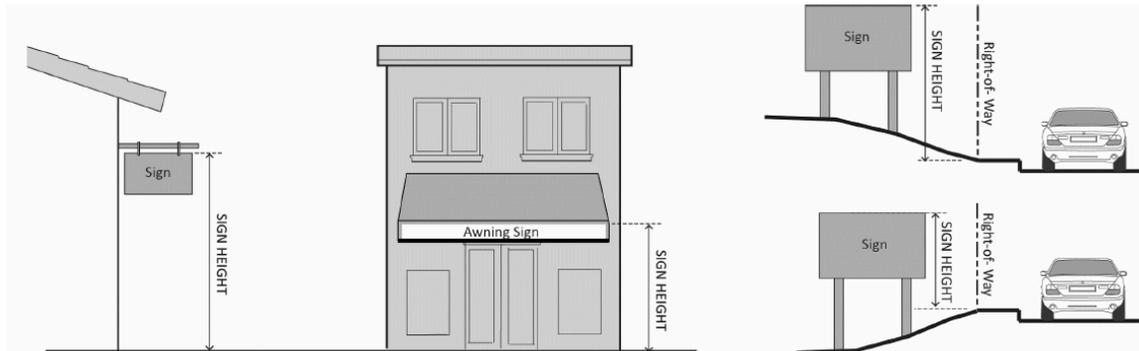
It's unclear if photos and graphics of "example building form" or "example lot configurations" are depictions of preferred development or specific standards.

When leveraged and utilized properly, graphics and illustrations can provide clarity for the purpose and intent of a given standard and provide a tool for City staff to use during project review and negotiations. The Code should include simplified, clear graphics that depict only what is necessary in order to clarify and streamline usability. Overall, graphics should be used

throughout the Code to strengthen written provisions. With visual clarification, fewer sections of the Code will be subject to competing or incorrect interpretations, and regulations can often be cleared of jargon which can obscure the Code's intent.

In general, code illustrations must adhere to the following principles in order to be effective:

- The graphic should convey the specific provisions to which it applies as simply as possible to facilitate interpretation;
- Graphics should reflect intended relationships, but show only dimensions that relate to the specific standard or provision being illustrated;
- The type of graphic - section, plan, axonometric, or combination of these - should depend on the specific standard being illustrated; and
- No implicit design style should be represented, but all graphics should have a consistent style and format, such as font type and size, name and section reference, labels, and dimensions.



Examples of clear, simple, and understandable code graphics.

Henderson Strong Implementation

Henderson Strong lays out a comprehensive set of policies and implementation actions to achieve the community's vision for the future:

"Henderson is an innovative, forward thinking city with a small town feel. Our neighborhoods are welcoming, connected, vibrant, and safe and offer a range of housing and transportation choices. Every resident has access to the city's exceptional education and broad economic opportunities. In Henderson, diverse cultures, traditions and stories are celebrated in an inclusive way. Our beloved network of parks, open spaces and trails integrates nature into the city and provides extraordinary recreational opportunities."



The plan incorporates many ideas from residents, City officials and staff, and others involved in the planning process. The challenge now is to translate the policies related to development controls and design into a user-friendly, legally adequate, and effective set of regulations and procedures that steer development to the most suitable places, responding to the community's desire to maintain and improve Henderson as a safe, diverse, vibrant, liveable, and prosperous community with vibrant corridors and mixed-use areas, robust local economy, and healthy neighborhoods.

Henderson Strong identifies four top priority areas for reinvestment and the redevelopment of complete communities: Lake Mead Parkway Corridor, Boulder Highway Corridor, Downtown Henderson, and West Henderson. Through careful planning and design, these areas and corridors are envisioned to evolve into activity hubs with clusters of commercial activity and walkable, complete street. Downtown Henderson and West Henderson already have targeted planning efforts and standards for development in the Downtown Master Plan and the West Henderson Land Use Plan, respectively. As such, the Code should focus particularly on enabling Henderson Strong's vision for the Boulder Highway Corridor and its relationship to the Lake Mead Parkway Corridor.

Boulder Highway Corridor

The Boulder Highway Corridor is the largest priority area in the City. The community supports a major transformation along the Corridor with specific interest in revitalization and focused efforts at key nodes. Although the Boulder Highway Corridor Investment Strategy, adopted in December 2008, shared this vision and established a land use framework and related standards to intended to implement the vision, the Corridor remains primarily as a landscape of strip commercial, residential, industrial and casino uses, with frequent curb cuts and inconsistent signage.

"Focused and more global efforts to improve the corridor should emphasize safety for all users, but especially pedestrians, bicyclists and transit riders. High capacity, high performance transit should provide connections between homes, good jobs, healthy food options, dining, entertainment and recreation." – Henderson Strong Priority Areas, Page 4

Perhaps the most significant overall shortcoming of the Code's ability to implement Henderson Strong is its complex and confusing structure, which is discussed in detail above. Simply

reorganizing the existing regulations would be a meaningful first step toward streamlining existing procedures. This action alone would make the Code's provisions much easier to locate, use, and understand. This section contains additional general observations about the effectiveness of the existing Code in implementing Henderson Strong, with specific focus on the Boulder Highway Corridor, as well as strategies for improving these aspects of the Code.

Unrefined and Inadequate Zoning Districts

Zoning districts create the framework for implementation of Henderson Strong goals and policies. Where Henderson Strong anticipates change or refinement of direction, such as in priority areas, new and/or revised districts may be needed. There is also opportunity for streamlining existing districts and eliminating those that are no longer necessary. In the interest of creating a concise and user-friendly Code, the total number of zoning districts should be minimized and districts that are no longer needed should be removed.

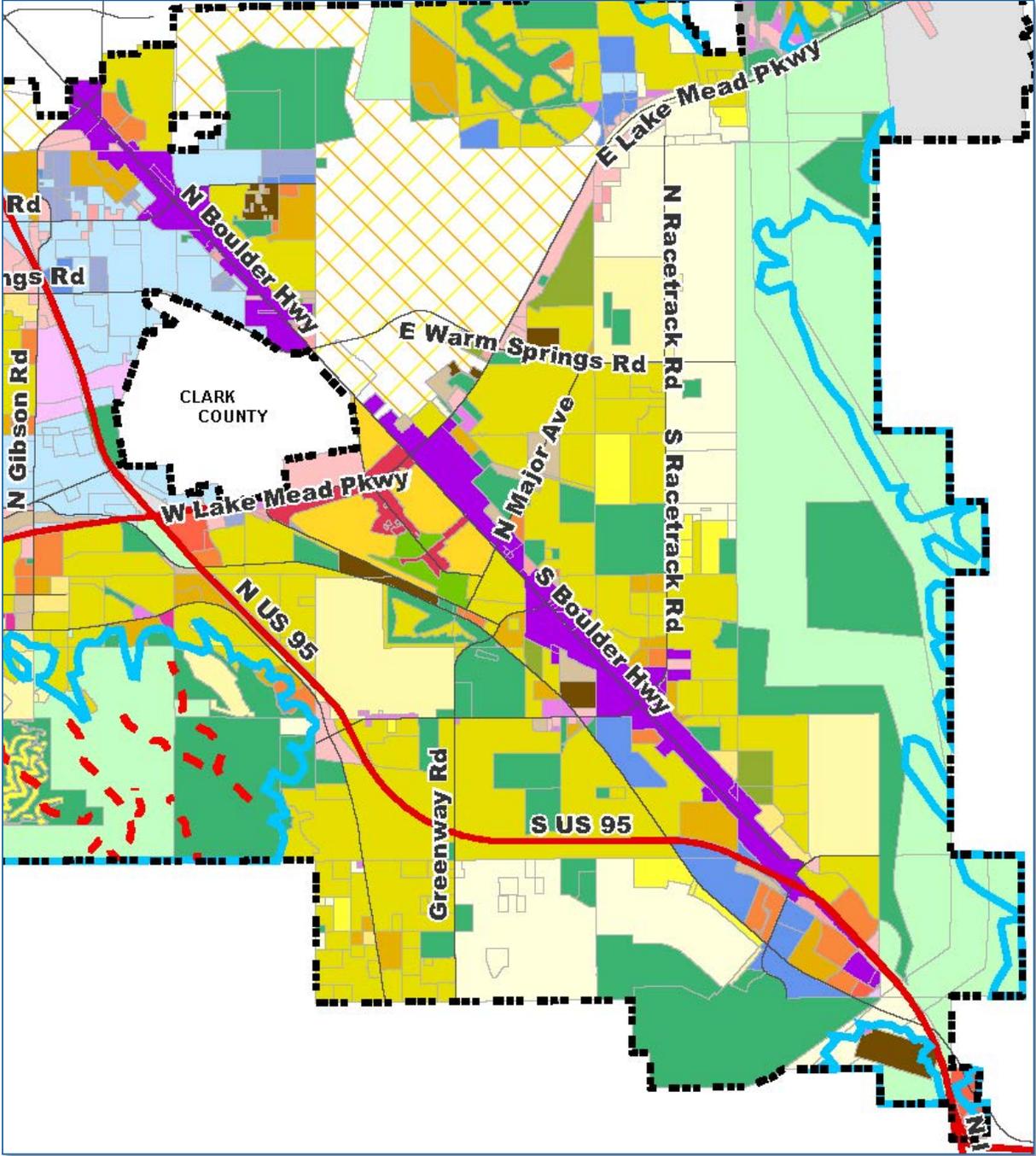
Generally, zoning codes include two types of zones or districts, base and overlay. "Base zones" or "base districts" set the basic regulations that apply within the geographic area that defines the district. This being said, a community may want to vary some of the regulations within the base district to respond to particular conditions within defined areas. "Overlay districts" are often used for this purpose. Overlay districts exist on top of base districts, and are applied in situations where modification of allowed uses or required standards is appropriate due to specific conditions, circumstance, or goals. Overlay districts can be geographically defined and mapped or can apply wherever specific conditions exist.

In order to effectively implement Henderson Strong, the City may need to consider adopting a limited number of new districts to supplement its existing zoning framework. New or refined districts may be aimed, for example, at implementing policies in the for mixed-use areas and corridors. The existing Code sets forth three mixed-use districts, but the development standards in each district are not producing the type of development consistent with the long-term vision in Henderson Strong.

One option for the creation of new districts is to directly follow Henderson Strong land use designations and boundaries; however, the mixed-use designations in Henderson Strong are distinguished primarily by density and do not reflect distinct development and context characteristics. Specifically, the Boulder Highway Corridor is designated as **Transit Oriented Development (TOD)** in the land use framework and zoned Community/Corridor Mixed-Use (MC). While the MC district distinguishes between corridor areas and activity centers, these two distinctions do not adequately address the varying conditions along the Corridor. Subdistricts could be created to address unique characteristics and needs of individual areas along the Corridor.

Existing overlay districts should be evaluated for their overall effectiveness and usability, and their usefulness in implementing Henderson Strong policies. The outcomes desired by some of the existing overlay districts may be achieved by incorporating requirements in the base district regulations. In interest of creating a concise and user-friendly Code, the total number of districts within the Code should be minimized.

Transit-oriented development (TOD) is the term used for compact, walkable, mixed-use development areas centered around key transit nodes and systems. By channeling development adjacent to transit nodes, TOD can provide individuals the opportunity to live in pedestrian-friendly areas, leveraging bus and other public transportation systems as the primary means of travel. TOD can also provide many benefits related to climate change, healthy living, and economic development, and is a notion strongly supported in Henderson Strong.



This excerpt from the Zoning Map depicts the Community/Corridor Mixed-Use District (shown in purple) zoned along the entirety of the Boulder Highway Corridor.

Insufficient Physical Form and Design Standards

In order to implement the goals and policies set forth in Henderson Strong, the Code will need to address form and design of new development, particularly in mixed-use areas. The existing Code includes Chapter 19.7 (Development and Design Standards), which outlines design-oriented standards for common open space, parking, landscaping, buildings, districts, and other considerations. Code users expressed that these standards and regulations are beneficial because they hold development in the City to a higher standard than other communities in Southern Nevada. However, the standards and regulations are multi-layered, complex, and difficult to navigate.

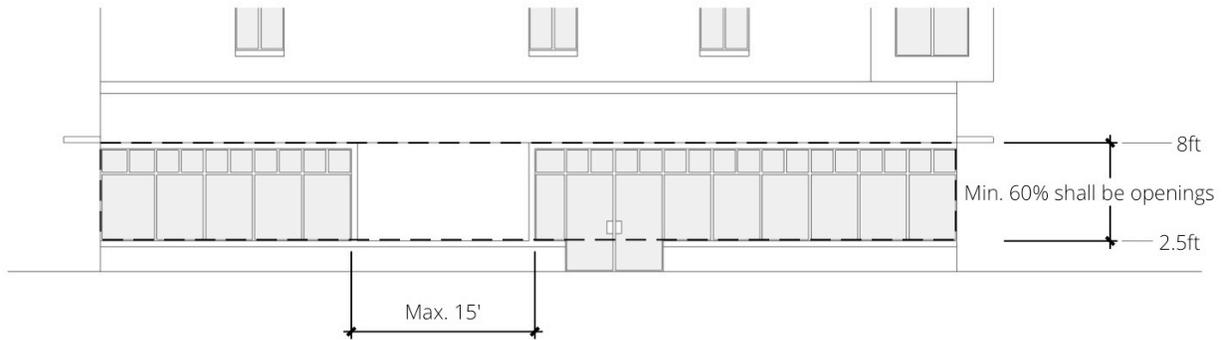
Development standards for mixed-use development are particularly problematic. For example, Section 19.7.6 (Building Design Standards) sets forth varying standards aimed at achieving a high-quality built environment, such as the many standards for site design and building organization in Subsection D.2 (Commercial, Mixed-Use, and Industrial Design Standards). These standards (building organization, access, orientation, block pattern, outparcel development, building entrances, loading and service areas, and residential uses) are too arduous and extensive to offer the code user or the City predictability in the process. The standards should be prioritized and simplified to produce a level of prescribed flexibility that results in the desired intent. Development standards applicable to the Boulder Highway Corridor are written with a vision of high intensity mixed-use development oriented toward the highway as a walkable, transit-oriented, linear parkway. While this may be appropriate in some areas of the Corridor, it is important to recognize that Boulder Highway remains a main automobile thoroughfare with some portions of the right-of-way measuring more than 200 feet wide and carrying thousands of vehicles per hour. It may make sense in some areas along the Corridor to orient development toward internal or side streets, while maintaining connections to the highway.

In general, the Code should include concise, clear physical form standards organized in an easily navigable way. The standards should focus on the following key considerations:

- Location of a building on a lot - where a building may or must be built to the street and where setbacks are required;
- Building massing;
- Façade design, form, and articulation;
- Orientation and placement of building entries;
- Transparency - pedestrian-level fenestration offering views into buildings and displays;
- Limitations on blank walls;
- Maximum height and/or number of stories;
- Location of parking screening;
- Landscaping; and
- Contextual compatibility - ensuring that new buildings fit amongst existing buildings.

Standards should be refined to enable the type of contextual character desired within various areas of the City, including the priority areas. In pedestrian-oriented areas, the objective should be to have buildings engage a street with an approachable frontage that shapes and focuses on the public realm. In less intense areas, development may be more auto-oriented, so

landscaping and screening may be important to help with potential compatibility issues between varying uses. Each district and priority area should have calibrated requirements with implementable and appropriate physical form standards that are well-organized in the overall Code structure.



An example of clear physical form standards depicted in a graphic.

Outdated Use Regulations

Use regulations detail the type of uses that are allowed, the review process, and specific limitations that apply to a particular activity or use. Use regulations have traditionally been used to separate incompatible land uses, minimize nuisances, and limit adverse effects on neighboring properties.

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for Code amendments to contain new and changing uses. Typically, this strategy includes the formulation of “use groups” that classify all land uses and activities according to common characteristics. The existing Code does this to a large extent, although the organizational issues of Chapter 19.5 (Use Regulations) discussed previously in the paper have caused usability problems. The existing Code groups uses into 6 distinct categories, including Residential, Public/Institutional, Commercial, Industrial, Accessory, and Temporary. While the Code is fairly effective in grouping uses with similar characteristics in the Residential, Public/Institutional, Commercial, and Industrial use groups, the Accessory and Temporary use groups contain a fairly exhaustive list of individual types of uses.

The changing nature of land use also warrants flexibility in regulation. Specialized operations and segregated uses are becoming less prevalent as operations and uses adapt to rapidly changing technology and market preferences. Traditionally, a company may have manufacturing in one place, an office somewhere else, and a shop in still another location. Increasingly, and particularly for smaller operations, functions are blending. By way of example, a craft brew establishment may brew and distribute beer, sell beer and brewery related merchandise, serve beer and food, and feature live entertainment. This type of operation



combines five traditionally separate uses: manufacturing, distribution, retail sales, eating and drinking, and entertainment.

The Development Code Update effort provides the opportunity to update the City's approach to use regulation to reflect modern uses, current development practices, and State and federal law. The updated regulations can address specific considerations for certain uses such as urban agriculture, artisan workspace, entertainment, and others. They can provide flexibility to allow for adaption to changing preferences, technology, and other circumstances. They can also support community objectives such as increased transit use, diversity of housing types, and vibrant mixed-use corridors.

Code users and staff expressed concern with the limiting nature of use allowances in mixed-use areas, particularly along Boulder Highway. Code users have stated that the land use regulations and density and intensity requirements are not supported by current market conditions, both for new development and for new uses to move into existing buildings. Allowing a wider range of appropriate uses in these areas will provide flexibility in the use of the property and promote the adaptive reuse of existing buildings.



The allowable uses within each zoning district should be evaluated for compatibility with the purpose of the district and Henderson Strong, and reflective of contemporary market conditions and use/development trends. In particular, use regulations in mixed-use districts should be evaluated to allow a broader range of combined uses, in order to allow flexibility, encourage investment, and reflect the changing nature of land use.