

BILL NO. 2007-74

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE ZONING PROVISIONS PERTAINING TO ADULT DAY CARE CENTERS AND FAMILY CHILD CARE HOMES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Updates the zoning provisions pertaining to adult day care centers and family child care homes.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by allowing the use "Adult Day Care Center" in certain residential zoning districts, in each case by means of Special Use Permit. In order to reflect the amendment, the entry for the use "Adult Day Care Center," as found in the "Institutional and Community Service" element of Table 2, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Adult Day Care Center	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	§	§	§	§	§		§	§	§	§	§		C	C	C	P	P	P	P	P	P
<p>Description: A facility that provides personal care and related services to more than 10 dependent adults in a supervised, protective, congregate setting during some portion of a 24-hour day. Services typically offered in conjunction with an adult day care center include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.</p> <p>Conditional Use Regulations:</p> <ol style="list-style-type: none"> The facility must comply on an ongoing basis with all governmental licensing requirements. Access to the facility shall be by means of a collector street or larger. The maximum lot coverage shall not exceed 50 percent. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits. [Common area shall be provided on the basis of a minimum of 15 square feet per client.] <u>Usable floor space per client shall comply with State regulations.</u> Where adult day care center properties have residential adjacency: <ol style="list-style-type: none"> An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area. The building entrance and access shall be oriented away from residential uses on local streets. Outdoor activity shall be limited to daylight hours. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property. The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m. <p>Minimum Special Use Permit Requirements:</p> <ol style="list-style-type: none"> <u>The facility must comply on an ongoing basis with all governmental licensing requirements.</u> <u>Access to the facility shall be by means of a collector street or larger.</u> <u>The maximum lot coverage shall not exceed 50 percent.</u> <u>The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits. Usable floor space per client shall comply with State regulations.</u> <u>Where adult day care center properties have residential adjacency:</u> <ol style="list-style-type: none"> <u>An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.</u> <u>The building entrance and access shall be oriented away from residential uses on local streets.</u> <u>Outdoor activity shall be limited to daylight hours.</u> <u>Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.</u> <u>The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.</u> <p>On-site Parking Requirement: One space for each staff member, plus one space for each [6 patrons.] 10 clients.</p>																					

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to amend the description of the use “Child Care – Family Home (1-6 Children).” In order to reflect the amendment, the entry for the use “Child Care – Family Home (1-6 Children),” as found in the “Institutional and Community Service” element of Table 2, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Child Care - Family Home (1-6 Children)	P	P	P	P	P	P	P	P	P	P	P										
	<p>Description: A residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of 6 children for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services[,], including the ability to provide care for up to 3 additional children before and after school hours.</p> <p>On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.</p>																				

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to amend the description of the use “Child Care – Family Home (7-12 Children).” In order to reflect the amendment, the entry for the use “Child Care – Family Home (7-12 Children),” as found in the “Institutional and Community Service” element of Table 2, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Child Care - Family Home (7-12 Children)	S	S	S	S	S	S	S	S	S	S	S										
	<p>Description: A residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of 7 children and a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services[,], including the ability to provide care for up to 3 additional children before and after school hours.</p> <p>Minimum Special Use Permit Requirements:</p> <ol style="list-style-type: none"> *1. The minimum lot size shall be 6500 square feet. *2. The site shall be designed so that all loading and unloading of passengers occurs on-site. *3. In order for this use to be conducted on a parcel developed with multi-family housing, the child care must be provided within a separate structure. *4. The use shall be subject to the child care regulations and standards of the Department of Finance and Business Services. 5. Access to the facility shall be by means of a right-of-way with a width of 60 feet or less. 6. The use of outdoor play areas shall be limited to the hours between 6:00 A.M. and 10:00 P.M. 7. All lighting shall be designed so it does not shine directly onto any abutting residential property. <p>On-site Parking Requirement: One space for each staff member, plus one space for each 6 children.</p>																				

SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the following term and its corresponding definition:

“Child Care – Group Home (1-6 Children)” means a residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of six children for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services[,], including the ability to provide care for up to three additional children before and after

1 school hours.

2 SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
4 the following term and its corresponding definition:

5 “Child Care – Group Home (7-12 Children)” means a residential dwelling used primarily as a
6 residence which also provides day or overnight care for a minimum of seven and a maximum of
7 twelve children for compensation. Such a use is subject to the child care regulations and standards
8 of the Department of Finance and Business Services, including the ability to provide care for up to
9 three additional children before and after school hours.

10 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
11 and 19.20.020 are deemed to be subchapters rather than sections.

12 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
19 invalid or ineffective.

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SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 11-7-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk