

BILL NO. 2008-42

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW FACILITIES THAT PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE, INCLUDING OVERNIGHT CARE, BY MEANS OF SPECIAL USE PERMIT IN THE C-M AND M ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Ricki Y. Barlow

Summary: Allows facilities that provide testing, treatment, or counseling for drug or alcohol abuse, including overnight care, by means of special use permit in the C-M and M Zoning Districts.

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 to specify that the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” is a permitted use in the C-M and M Zoning Districts, and to clarify that the use does not permit overnight stays. In order to reflect the amendment, the entry for the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse,” as found in the “Institutional and Community Service” element of the Land Use Tables, 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
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (Non-Overnight)																	S	S		IC1 P	IC2 P
	Description:																				
	A facility that: <ol style="list-style-type: none"> Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides <u>non-overnight</u> care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency. 																				
On-site Parking Requirement: One space for each 300 square feet of gross floor area.																					

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 allow the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse

(Overnight)” by means of special use permit in the C-M and M Zoning Districts. In order to reflect the amendment, the “Institutional and Community Service” element of Table 2 is amended to add a new entry for the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (Overnight),” reading 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
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (Overnight)																				S	S
Description: A facility that: <ol style="list-style-type: none"> Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment, which may include overnight care, related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency. 																					
On-site Parking Requirement: One and one-half spaces for each patient bed.																					

SECTION 3: 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 definition of the term “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” to read as follows:

“Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” means a facility that:

(1) Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment, which may or may not include overnight care, related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or

(2) Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

11 APPROVED:

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13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, CMC
City Clerk

17 APPROVED AS TO FORM:

18 Jamy G. Bettis 7-24-08
19 _____
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, 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