

1 FIRST AMENDMENT

2 BILL NO. 2010-22

3 ORDINANCE NO. 6098

4 AN ORDINANCE TO UPDATE THE CITY'S ZONING AND LICENSING REGULATIONS
5 THAT APPLY TO COMMUNITY RESIDENCES (COMMONLY REFERRED TO AS GROUP
6 HOMES) AND SIMILAR USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Updates the City's zoning and
7 licensing regulations that apply to community
8 residences (commonly referred to as group
9 homes) and similar uses.

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

11 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
12 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
13 deleting from the "Residential and Lodging" element thereof the entries for the uses "Group
14 Residential Care Facility," "Individual Residential Care Facility" and "Halfway House for Recovering
15 Alcohol and Drug Abusers."

16 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
17 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
18 amending the description of the use "Convalescent Care Facility/Nursing Home," as found in the
19 "Institutional and Community Service" element thereof, to read as follows:

20 **Description:**

21 A building or structure designed, used, or intended to be used to house and provide care for persons
22 who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or
23 other specialized treatment normally provided by a hospital. This use includes a "rest home" and
24 "nursing home," as well as a use that would qualify as a Community Residence except for the
25 limitation on the number of residents, but does not include an "assisted living apartment," "hospital"
26 or other medical facility that is specifically defined in Chapter 19.20.

27 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
28 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by

1 amending the description of the use "Facility for Transitional Living for Released Offenders," as
2 found in the "Institutional and Community Service" element thereof, to read as follows:

3 **Description:**

4 A dwelling unit of a residential character that provides housing and a living environment for up to 6
5 persons who have been released from prison and who require assistance with reintegration into the
6 community, other than such a residence that is operated or maintained by a state or local government
7 or an agency thereof. The use does not include a [halfway house for recovering alcohol and drug
8 abusers or a facility for the treatment of abuse of alcohol or drugs.] Transitional Community Residence
9 or a Facility for the Treatment of Abuse of Alcohol or Drugs. As used in this description, "person who
10 has been released from prison" means:

- 11 1. A parolee;
- 12 2. A person who is participating in:
 - 13 a. A judicial program pursuant to NRS 209.4886 or 213.625; or
 - 14 b. A correctional program pursuant to NRS 209.488 or 213.632;
- 15 3. A person who is supervised by the Division of Parole and Probation of the Department of
16 Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 17 4. A person who, within the past 20 years, has been released from prison by expiration of his
18 term of sentence.

19 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
20 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
21 amending the entry for the use "Facility for Transitional Living for Released Offenders," as found in
22 the "Institutional and Community Service" element thereof, so that the Minimum Special Use Permit
23 Requirements set forth therein read as follows:

- 24 *(1) The facility must comply on an ongoing basis with all governmental licensing requirements.
- 25 (2) The facility must be located on a parcel with a minimum size of 6500 square feet.
- 26 (3) The facility must be located on a parcel that is within 1500 feet of an existing bus stop served
27 by a regional bus system.
- 28 (4) Off-street parking shall be provided on the basis of at least 1 space per 5 residents, plus an

1 additional space for the administrator.

2 (5) Indoor common area shall be provided on the basis of a minimum of 15 square feet per
3 resident.

4 (6) The facility shall not be established or modified in a manner that would make it inconsistent
5 with the scale and architectural character of the neighborhood.

6 (7) No signage, graphics, display, or other visual representation that is visible from a public street
7 shall be used to identify to facility as a Facility for Transitional Living for Released Offenders.

8 (8) A facility may not be located closer than 1500 feet (measured by means of the shortest distance
9 from property line to property line) from another Facility for Transitional Living for Released
10 Offenders, a [Halfway House for Recovering Alcohol and Drug Abusers, a Group Residential Care
11 Facility,] Community Residence, church, synagogue, school, child care facility licensed for more than
12 twelve children, or City park.

13 (9) The number of occupants within a Facility for Transitional Living for Released Offenders shall
14 not exceed the following occupancy standards:

15 (a) For the first bedroom (deemed to be the largest bedroom), a maximum of 2 adults (18
16 years of age or older).

17 (b) For each bedroom thereafter:

18 (i) A maximum of 1 adult, for bedrooms less than 100 square feet in area; and

19 (ii) A maximum of 2 adults, for bedrooms 100 square feet in area or greater.

20 SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
21 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
22 adding to the "Residential and Lodging" element thereof an entry for the use "Community Residence
23 (including Family Community Residence and Transitional Community Residence)," reading as
24 follows:

25

USE: Community Residence (including Family Community Residence and Transitional Community Residence)																				
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
C	C	C	C	C	C	C	C	C	C	C	C			C		C	C			

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27
28

1 **Description:**

2 A residential family-like living arrangement for 5 to 10 unrelated individuals with disabilities who are in need of the mutual support
3 furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents
4 may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related
5 to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A
6 Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the
7 Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation
8 of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use
9 includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following:

- 10
- 11 1. Senior Citizen Apartment;
 - 12 2. Adult Day Care Center;
 - 13 3. Convalescent Care Facility/Nursing Home;
 - 14 4. Facility for Transitional Living for Released Offenders;
 - 15 5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
 - 16 6. Hospice;
 - 17 7. Sex Offender Counseling Facility;
 - 18 8. Boarding House or Rooming House;
 - 19 9. Any other group living arrangement for unrelated individuals who are not disabled; or
 - 20 10. Any of the following, as defined by NRS Chapter 449:
 - 21 a. Facilities for the Treatment of Drug and Alcohol Abuse;
 - 22 b. Modified Medical Detoxification Facilities;
 - 23 c. Transitional Living Facilities for Released Offenders;
 - 24 d. Facility for the Treatment of Narcotics; or
 - 25 e. Community Triage Center.

26 **Conditional Use Regulations:**

- 27
- 28 1. Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any other Community Residence (measured from property line to property line).
 2. Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an existing Community Residence, the minimum separation requirement is reduced to 100 feet from property line to property line.
 3. When the population of a proposed Community Residence is of such a nature that its location must be kept confidential for it to function successfully, such as a Community Residence for victims of domestic abuse, the minimum separation requirements set forth in Regulations 1 and 2 above shall not apply.
 4. A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counted toward the 10-person limit.
 5. A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code requirements for the dwelling type in question.
 6. If Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant must obtain that required license or certification before commencing operation of the Community Residence.
 7. When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-use development.
 8. The operator of a Transitional Community Residence:
 - a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation Alcoholics Anonymous or an equivalent program, or a rehabilitation program such as one supervised by a medical professional or recognized treatment;
 - b. Must prohibit the use of alcohol and illegal drugs by residents; and
 - c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement Manager residents are in compliance with this Regulation.
 9. Occupancy within a Community Residence shall not be made available to any individual whose tenancy would constitute a direct threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others.
 10. The Community Residence must be consistent with the scale and architectural character of the neighborhood.
 11. The Special Use Permit provisions of LVMC 19.04.040(B) shall not apply to Regulations 5 through 10 above.

- 1 12. In the case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under
2 Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that
3 one or more of the following conditions would occur:
- 4 a. The building to be occupied as a Community Residence would be established or modified in a manner that would make
5 it inconsistent with the scale and architectural character of the neighborhood;
 - 6 b. The proposed Community Residence, together with existing Community Residences, would alter the residential character
7 of the neighborhood by creating an institutional atmosphere due to the concentration of Community Residences on a block
8 or adjoining blocks; or
 - 9 c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.

6 **On-site Parking Requirement:** Two spaces per dwelling unit.

8 SECTION 6: Title 19, Chapter 4, Section 20, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **19.04.020:** (A) General. An accessory use or structure which is customarily incidental to the
11 principal use or structure, and is located on the same lot or tract of land shall be permitted as an
12 accessory use without being separately listed as a permitted use.

13 (B) Particular Accessory Uses. In any residential zoning district, each of the
14 following uses shall be considered an accessory use to the extent described, without being separately
15 listed in the Land Use Tables, provided in each case that the use is incidental to the property's use as
16 a dwelling and does not alter the character of its use as a dwelling of the character permitted in the
17 respective district:

18 (1) [The renting of rooms, providing of board, or both, for not more than
19 three unrelated persons, where no care is provided;

20 (2)] Garage or yard sales, provided that:

21 (a) No property may be offered for sale which has not been owned
22 and used by the occupant of the premises;

23 (b) No more than two garage or yard sales shall be conducted on the
24 premises in any calendar year;

25 (c) No garage or yard sale shall be conducted for longer than three
26 days duration;

27 (d) Garage or yard sales may be conducted during the daylight hours
28 only; and

1 (e) All signage shall conform to the provisions of LVMC
2 19.14.040(E).

3 [(3)] (2) On a single-family residential lot, the parking of a motor vehicle that
4 bears a sign advertising the vehicle for sale, provided that:

5 (a) The vehicle is:

6 (i) Owned by or registered to an owner or occupant of the
7 property;

8 (ii) Parked on an improved parking surface; and

9 (iii) Not being sold in connection with an automobile sales
10 business;

11 (b) The vehicle identification number is clearly visible from outside
12 the vehicle, if the vehicle was manufactured to include a visible vehicle identification number;

13 (c) No more than one vehicle is parked on the lot for purposes of
14 display and sale at any one time; and

15 (d) No more than two vehicles are parked on the lot for purposes
16 of display and sale within a twelve month period.

17 (C) Unless otherwise permitted by this Title, any type of use listed in Subsection
18 (B) that exceeds the limitations set forth for that use in Subsection (B) does not qualify as an accessory
19 use and shall be deemed to be in violation of this Title.

20 SECTION 7: Title 19, Chapter 4, Section 40, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new subsections,
22 designated as Subsections (C) and (D), reading as follows:

23 (C) Conditional Use Verification. Uses that are permitted conditionally pursuant to this Section
24 are made subject to conditional use regulations, some of which are conditions that must be met before
25 a use may commence and others that represent ongoing requirements or limitations. In order for the
26 Department to verify compliance with applicable conditional use regulations, the Director may require
27 the submission of documentation regarding such compliance. For uses concerning which the Director
28 requires such documentation, the submission shall be in the form of a Conditional Use Verification

1 provided by the Department. Within the time period for submission established by the Department,
2 the form must be signed, notarized and acknowledged, and filed with the Department. The form must
3 be signed by the owner of record of the property for which the verification is sought; provided
4 however, that such submission is also sufficient if it is signed and acknowledged by a lessee, a contract
5 purchaser or an optionee of the property upon which such conditional use is maintained. However,
6 interest in such property must exist in a written agreement with the owner of record attached to which
7 is a copy of the submission and in which the owner of record has authorized the lessee, contract
8 purchaser or optionee to sign the submission.

9 (D) Noncompliance. Whether or not the Director requires the submittal of a Conditional Use
10 Verification under Subsection (C) of this Section, each person or entity maintaining, operating or
11 permitting a conditional use must comply with all provisions of this Title. Failure to comply with this
12 Section or with any other requirement of this Title pertaining to conditional uses shall be grounds for
13 enforcement action pursuant to LVMC 19.00.070 against the person or entity that owns the property
14 or the person or entity that operates the conditional use.

15 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the definitions of the
17 terms "Group Residential Care Facility," "Halfway House for Recovering Alcohol and Drug Abusers,"
18 "Handicap," and "Individual Residential Care Facility."

19 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term
21 "Convalescent Care Facility/Nursing Home" to read as follows:

22 "Convalescent Care Facility/Nursing Home" means a building or structure designed, used, or intended
23 to be used to house and provide care for persons who have a chronic physical or mental illness or
24 infirmity, but who do not need medical, surgical or other specialized treatment normally provided by
25 a hospital. The term includes a "rest home" and "nursing home," as well as a use that would qualify
26 as a Community Residence except for the limitation on the number of residents, but does not include
27 an "assisted living apartment," "hospital" or other medical facility that is specifically defined in this
28 Chapter.

1 SECTION 10: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Facility
3 for Transitional Living for Released Offenders” to read as follows:

4 “Facility for Transitional Living for Released Offenders” means a dwelling unit of a residential
5 character that provides housing and a living environment for up to six persons who have been released
6 from prison and who require assistance with reintegration into the community, other than such a
7 residence that is operated or maintained by a state or local government or an agency thereof. The term
8 does not include a [halfway house for recovering alcohol and drug abusers or a facility for the
9 treatment of abuse of alcohol or drugs.] Transitional Community Residence or a Facility for the
10 Treatment of Abuse of Alcohol or Drugs. As used in this definition, “person who has been released
11 from prison” means:

- 12 (1) A parolee;
- 13 (2) A person who is participating in:
- 14 (a) A judicial program pursuant to NRS 209.4886 or 213.625; or
- 15 (b) A correctional program pursuant to NRS 209.488 or 213.632;
- 16 (3) A person who is supervised by the Division of Parole and Probation of the Department
17 of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 18 (4) A person who, within the past twenty years, has been released from prison by
19 expiration of his term of sentence.

20 SECTION 11: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Family”
22 to read as follows:

23 “Family” means, [two or more persons customarily living together and occupying a dwelling unit.]
24 with respect to the occupancy of a dwelling unit:

- 25 (1) One or more individuals related by blood, marriage, adoption, guardianship or legal
26 custody; or
- 27 (2) No more than four unrelated individuals living together as a single housekeeping unit.

28 SECTION 12: Title 19, Chapter 00, Section 70, Subsection (C), of the Municipal Code

1 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 (C) Violation—Administrative Action. For any violation of this Title, or of any approval granted
3 or condition of approval imposed hereunder, the City may pursue administrative action to:

4 (1) [review,] Review, modify, suspend, or revoke a zoning approval or permit issued
5 hereunder[.];

6 (2) Require the discontinuance of a use operating as a conditional use under Section
7 19.04.040; or

8 (3) As an alternative to requiring discontinuance under Paragraph (2) above, require that
9 a use operating as a conditional use under Section 19.04.040 comply with additional conditions or
10 limitations.

11 SECTION 13: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the following terms, together
13 with their corresponding definitions:

14 “Community Residence” means a residential family-like living arrangement for five to ten unrelated
15 individuals with disabilities who are in need of the mutual support furnished by other residents, as well
16 as the support services, if any, provided by the operator of the Community Residence. Residents may
17 be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or
18 rehabilitative services related to the needs of the residents. Interrelationships among residents are an
19 essential component of a Community Residence. A Community Residence shall be considered a
20 residential use of property for purposes of all zoning and building codes. However, the Fire Marshal,
21 pursuant to and consistent with the City’s Fire Code, may require enhanced fire protection, including
22 the installation of fire sprinklers and other mitigating measures, where one or more residents have a
23 lessened ability to ambulate adequately. The term includes a Family Community Residence and a
24 Transitional Community Residence, but does not include any of the following:

25 (1) Senior Citizen Apartment;

26 (2) Adult Day Care Center;

27 (3) Convalescent Care Facility/Nursing Home;

28 (4) Facility for Transitional Living for Released Offenders;

- 1 (5) Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
- 2 (6) Hospice;
- 3 (7) Sex Offender Counseling Facility;
- 4 (8) Boarding or Rooming House;
- 5 (9) Any other group living arrangement for unrelated individuals who are not disabled;
- 6 (10) Any of the following, as defined by NRS Chapter 449:
 - 7 (a) Facilities for the Treatment of Drug and Alcohol Abuse;
 - 8 (b) Modified Medical Detoxification Facilities;
 - 9 (c) Transitional Living Facilities for Released Offenders;
 - 10 (d) Facility for the Treatment of Narcotics; or
 - 11 (e) Community Triage Center.

12 “Disability” or “disabilities” refers to:

- 13 (1) A physical or mental impairment which substantially limits one or more of such
- 14 person’s major life activities;
- 15 (2) A record of having such impairment; or
- 16 (3) Being regarded as having such an impairment.

17 The terms are intended to be coextensive with the terms “handicap” and “disability” as set forth in
18 Federal fair housing legislation and other Federal legislation protecting individuals with a handicap
19 or disability. The terms include the impairment associated with recovery from alcohol and drug abuse,
20 but do not include impairment caused by current, illegal use of, or addiction to a controlled substance.

21 “Family Community Residence” means a Community Residence other than a Transitional Community
22 Residence.

23 “Transitional Community Residence” means a Community Residence that provides housing and a
24 living environment for recovering alcohol and drug abusers and is operated to facilitate their
25 reintegration into the community, but does not provide any treatment for alcohol or drug abuse.

26 SECTION 14: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of Las
27 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.04.060:** Businesses within the following licensing categories shall pay a two hundred dollars

1 annual business license fee, as set forth below:

2 **Adult day care facility**, which is an establishment operated and maintained to provide care,
3 for not more than twelve hours at a time, on a temporary or permanent basis for aged or infirm
4 persons.

5 **Advertising or marketing service**, which is any business engaged in the act of designing,
6 producing and disseminating information to the general public, including public relations activities
7 on behalf of persons or businesses.

8 **Auto broker**, which is any person who, for a fee or any other consideration, offers to provide
9 to another person the service of arranging, negotiating or assisting in the purchase of a new or used
10 vehicle which has not been registered by the broker.

11 **Automobile leasing**, which is any business that leases automobiles or any other kind of motor
12 vehicle that is required to be licensed by the Department of Motor Vehicles and Public Safety.

13 **Babysitting service**, which is any business whose employees are sent to a home or lodging
14 establishment to care for one or more children who reside there. Each principal of the business and
15 each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a
16 health card pursuant to regulations of the Health District.

17 **Bail agent or bail enforcement agent**, which is any person who is authorized, employed or
18 contracted by a surety or bail agent to do any of the following:

19 (A) Solicit bail transactions;
20 (B) Execute or countersign undertakings of bail;
21 (C) Pledge currency, money orders or cashier's checks as security for a bail bond
22 in connection with judicial proceedings and receive or be promised money or other things of value
23 therefor;

24 (D) Enforce the terms and conditions of a defendant's release from custody on bail
25 in a criminal proceeding; or

26 (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and
27 bail enforcement agent is required to have an appropriate State license issued in accordance with NRS
28 Chapter 697 before doing business in the City.

1 **Body piercing**, which is any business that pierces the skin for the purpose of inserting rings,
2 loops, studs or other implements, or which engages in the sale of those items for use in connection
3 with body piercing.

4 **Environmental analysis**, which is any business that tests or analyzes the quality or content
5 of soil, water, atmosphere, or other elements related to the environment.

6 **Health and fitness club**, which is any business that is open to the general public and that
7 provides the use of equipment or facilities for the maintenance or development of physical fitness or
8 the control of weight.

9 **Insurance adjuster**, which is any person who is licensed or required to be licensed as an
10 adjuster under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether
11 acting as an owner, officer, associate, member or employee of a business.

12 **Insurance agency**, which is any business whose agents, brokers, or adjusters transact
13 insurance subject to the regulations of NRS 679A. The license fee for this category includes the first
14 agent, broker or adjuster who otherwise would be required to be pay a license fee under this Section
15 as a sales or service agent or representative.

16 **Managed health care organization**, which is any person who provides, arranges, pays for,
17 or reimburses for the provision of any element of health care services and who controls the amounts
18 to be paid to health care providers by a managed care program.

19 **Management or consulting service**, which is any person or firm that conducts budgeting,
20 management counseling, consulting service or promoting for another.

21 **Merchandise broker**, which is any person who acts as an agent for others in negotiating
22 contracts, purchases, the sale of goods, wares or services and who does not take possession of the
23 merchandise.

24 **Photography business**, which is any business that takes photographs for eventual sale to a
25 client or customer of the business.

26 **Remote motor vehicle rental**, which is an automobile ticket rental agency or transportation
27 rental agency location with no vehicles on site.

28 **[Residential facility for groups**, which is a facility as defined in NRS 449.017.]

1 **Residential home care provider**, which is any person who provides or contracts to provide
2 medical supervision, general care, nursing or housekeeping services to the sick, injured or dependent
3 within a home setting, whether on a temporary or permanent basis.

4 **Sales or service agent or representative**, which is any person who sells, solicits, negotiates,
5 offers or performs on behalf of another person the transaction of any instrument or finance related
6 service, including but not limited to insurance, financial or investment advice, securities or similar
7 activities, whether the instrument or service is in possession of the agent or representative and whether
8 the agent or representative is an employee or under contract to perform these activities.

9 **Wire service**, which is any person who engages in the business of transmitting or receiving
10 funds by means of a communication system in which the transmission and reception stations are
11 directly connected by one or more telephones or computers.

12 **Youth employment organization**, which is any for-profit or nonprofit organization whose
13 primary purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location.
14 Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each
15 organization must comply with State Labor Commission regulations and must first obtain the written
16 consent of the parent or legal guardian of each minor before they are hired.

17 SECTION 15: The provisions of Section 5 of this Ordinance setting forth the
18 circumstances under which Community Residences are allowed shall be deemed to apply:

19 (A) Within each of the following special purpose districts not listed in the Land Use
20 Tables to the same extent that they apply to the most-similar zoning district listed in the Land Use
21 Tables:

- 22 (1) Planned Community District;
- 23 (2) Residential Planned Development District; and
- 24 (3) Planned Development District.

25 (B) Within any special area plan adopted by the City, whether or not such a plan
26 specifically allows Community Residences otherwise.

27 SECTION 16: For purposes of Section 2.100(3) of the City Charter, LVMC 19.00.070,
28 19.04.010, 19.04.040 and 19.20.020 are deemed to be subchapters rather than sections.

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

9 SECTION 18: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 19: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 21ST day of July, 2010.

20 APPROVED:

21 By 
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 
25 BEVERLY K. BRIDGES, MMC
City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 7-21-10
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 19th day of May, 2010 and referred to the City Council for consideration on the 21st
3 day of July, 2010 which was a regular meeting of said Council; that at said regular
4 meeting, the proposed ordinance was read by title to the City Council as amended and
5 adopted by the following vote:

6 VOTING "AYE": Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow and
Anthony

7 VOTING "NAY": Mayor Goodman

8 EXCUSED: None

9 ABSTAINED: None

10 DID NOT VOTE: None

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BEVERLY K. BRIDGES, MMC City Clerk
18
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26

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

2010 JUL 30 A 10:55

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6510633

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/24/2010 to 07/24/2010, on the following days:

07/24/2010

FIRST AMENDMENT
BILL NO. 2010-22
ORDINANCE NO. 6098

AN ORDINANCE TO UPDATE THE CITY'S ZONING AND LICENSING REGULATIONS THAT APPLY TO COMMUNITY RESIDENCES (COMMONLY REFERRED TO AS GROUP HOMES) AND SIMILAR USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney.

Summary: Updates the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of May 2010 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of July 2010, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and was adopted by the following vote:

VOTING "AYE": Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow, and Anthony
VOTING "NAY": Mayor Goodman
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 24, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

26th day of July, 2010.

Emily Gonzalez
Notary Public

 **EMILY GONZALEZ**
Notary Public State of Nevada
No. 09-8940-1
My appt. exp. Nov. 13, 2012

BILL NO. 2010-22

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S ZONING AND LICENSING REGULATIONS THAT APPLY TO COMMUNITY RESIDENCES (COMMONLY REFERRED TO AS GROUP HOMES) AND SIMILAR USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Updates the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses.

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 deleting from the "Residential and Lodging" element thereof the entries for the uses "Group Residential Care Facility," "Individual Residential Care Facility" and "Halfway House for Recovering Alcohol and Drug Abusers."

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 by amending the description of the use "Convalescent Care Facility/Nursing Home," as found in the "Institutional and Community Service" element thereof, to read as follows:

Description:

A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. This use includes a "rest home" and "nursing home," as well as a use that would qualify as a Community Residence except for the limitation on the number of residents, but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in Chapter 19.20:

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 by amending the description of the use "Facility for Transitional Living for Released Offenders," as

1 found in the “Institutional and Community Service” element thereof, to read as follows:

2 **Description:**

3 A dwelling unit of a residential character that provides housing and a living environment for up to 6
4 persons who have been released from prison and who require assistance with reintegration into the
5 community, other than such a residence that is operated or maintained by a state or local government
6 or an agency thereof. The use does not include a [halfway house for recovering alcohol and drug
7 abusers or a facility for the treatment of abuse of alcohol or drugs.] Transitional Community Residence
8 or a Facility for the Treatment of Abuse of Alcohol or Drugs. As used in this description, “person who
9 has been released from prison” means:

- 10 1. A parolee;
- 11 2. A person who is participating in:
 - 12 a. A judicial program pursuant to NRS 209.4886 or 213.625; or
 - 13 b. A correctional program pursuant to NRS 209.488 or 213.632;
- 14 3. A person who is supervised by the Division of Parole and Probation of the Department of
15 Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 16 4. A person who, within the past 20 years, has been released from prison by expiration of his
17 term of sentence.

18 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
19 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
20 amending the entry for the use “Facility for Transitional Living for Released Offenders,” as found in
21 the “Institutional and Community Service” element thereof, so that the Minimum Special Use Permit
22 Requirements set forth therein read as follows:

- 23 *(1) The facility must comply on an ongoing basis with all governmental licensing requirements.
- 24 (2) The facility must be located on a parcel with a minimum size of 6500 square feet.
- 25 (3) The facility must be located on a parcel that is within 1500 feet of an existing bus stop served
26 by a regional bus system.
- 27 (4) Off-street parking shall be provided on the basis of at least 1 space per 5 residents, plus an
28 additional space for the administrator.

1 (5) Indoor common area shall be provided on the basis of a minimum of 15 square feet per
2 resident.

3 (6) The facility shall not be established or modified in a manner that would make it inconsistent
4 with the scale and architectural character of the neighborhood.

5 (7) No signage, graphics, display, or other visual representation that is visible from a public street
6 shall be used to identify to facility as a Facility for Transitional Living for Released Offenders.

7 (8) A facility may not be located closer than 1500 feet (measured by means of the shortest distance
8 from property line to property line) from another Facility for Transitional Living for Released
9 Offenders, a [Halfway House for Recovering Alcohol and Drug Abusers, a Group Residential Care
10 Facility,] Community Residence, church, synagogue, school, child care facility licensed for more than
11 twelve children, or City park.

12 (9) The number of occupants within a Facility for Transitional Living for Released Offenders shall
13 not exceed the following occupancy standards:

14 (a) For the first bedroom (deemed to be the largest bedroom), a maximum of 2 adults (18
15 years of age or older).

16 (b) For each bedroom thereafter:

17 (i) A maximum of 1 adult, for bedrooms less than 100 square feet in area; and

18 (ii) A maximum of 2 adults, for bedrooms 100 square feet in area or greater.

19 SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
20 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
21 adding to the "Residential and Lodging" element thereof an entry for the use "Community Residence
22 (including Family Community Residence and Transitional Community Residence)," reading as
23 follows:

USE: Community Residence (including Family Community Residence and Transitional Community Residence)																				
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
C	C	C	C	C	C	C	C	C	C	C	C			C		C	C			
Description: A residential family-like living arrangement for 5 to 10 unrelated individuals with disabilities who are in need of the mutual support																				

1 furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents
2 may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related
3 to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A
4 Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the
5 Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation
6 of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use
7 includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following:

- 8 1. Senior Citizen Apartment;
- 9 2. Adult Day Care Center;
- 10 3. Convalescent Care Facility/Nursing Home;
- 11 4. Facility for Transitional Living for Released Offenders;
- 12 5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
- 13 6. Hospice;
- 14 7. Sex Offender Counseling Facility;
- 15 8. Boarding House or Rooming House;
- 16 9. Any other group living arrangement for unrelated individuals who are not disabled; or
- 17 10. Any of the following, as defined by NRS Chapter 449:
 - 18 a. Facilities for the Treatment of Drug and Alcohol Abuse;
 - 19 b. Modified Medical Detoxification Facilities;
 - 20 c. Transitional Living Facilities for Released Offenders;
 - 21 d. Facility for the Treatment of Narcotics; or
 - 22 e. Community Triage Center.

23 **Conditional Use Regulations:**

- 24 1. Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any
25 other Community Residence (measured from property line to property line).
- 26 2. Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an
27 existing Community Residence, the minimum separation requirement is reduced to 100 feet from property line to property line.
- 28 3. When the population of a proposed Community Residence is of such a nature that its location must be kept confidential for it
to function successfully, such as a Community Residence for victims of domestic abuse, the minimum separation requirements
set forth in Regulations 1 and 2 above shall not apply.
4. A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being
counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counted
toward the 10-person limit.
5. A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code
requirements for the dwelling type in question.
6. If Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant
must obtain that required license or certification before commencing operation of the Community Residence.
7. When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-
use development.
8. The operator of a Transitional Community Residence:
 - a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation
Alcoholics Anonymous or an equivalent program, or a rehabilitation program such as one supervised by a medical
professional or recognized treatment;
 - b. Must prohibit the use of alcohol and illegal drugs by residents; and
 - c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement
Manager residents are in compliance with this Regulation.
9. Occupancy within a Community Residence shall not be made available to any individual whose tenancy would constitute a direct
threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact
that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a
person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others.
10. The Community Residence must be consistent with the scale and architectural character of the neighborhood.
11. The Special Use Permit provisions of LVMC 19.04.040(B) shall not apply to Regulations 5 through 10 above.
12. In the case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under
Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that

1 one or more of the following conditions would occur:

- 2 a. The building to be occupied as a Community Residence would be established or modified in a manner that would make
3 it inconsistent with the scale and architectural character of the neighborhood;
- 4 b. The proposed Community Residence, together with existing Community Residences, would alter the residential character
5 of the neighborhood by creating an institutional atmosphere due to the concentration of Community Residences on a block
6 or adjoining blocks; or
- 7 c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.

8 **On-site Parking Requirement:** Two spaces per dwelling unit.

9 SECTION 6: Title 19, Chapter 4, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **19.04.020:** (A) General. An accessory use or structure which is customarily incidental to the
12 principal use or structure, and is located on the same lot or tract of land shall be permitted as an
13 accessory use without being separately listed as a permitted use.

14 (B) Particular Accessory Uses. In any residential zoning district, each of the
15 following uses shall be considered an accessory use to the extent described, without being separately
16 listed in the Land Use Tables, provided in each case that the use is incidental to the property's use as
17 a dwelling and does not alter the character of its use as a dwelling of the character permitted in the
18 respective district:

19 (1) [The renting of rooms, providing of board, or both, for not more than
20 three unrelated persons, where no care is provided;

21 (2)] Garage or yard sales, provided that:

22 (a) No property may be offered for sale which has not been owned
23 and used by the occupant of the premises;

24 (b) No more than two garage or yard sales shall be conducted on the
25 premises in any calendar year;

26 (c) No garage or yard sale shall be conducted for longer than three
27 days duration;

28 (d) Garage or yard sales may be conducted during the daylight hours
only; and

(e) All signage shall conform to the provisions of LVMC

1 19.14.040(E).

2 [~~(3)~~] (2) On a single-family residential lot, the parking of a motor vehicle that
3 bears a sign advertising the vehicle for sale, provided that:

4 (a) The vehicle is:

5 (i) Owned by or registered to an owner or occupant of the
6 property;

7 (ii) Parked on an improved parking surface; and

8 (iii) Not being sold in connection with an automobile sales
9 business;

10 (b) The vehicle identification number is clearly visible from outside
11 the vehicle, if the vehicle was manufactured to include a visible vehicle identification number;

12 (c) No more than one vehicle is parked on the lot for purposes of
13 display and sale at any one time; and

14 (d) No more than two vehicles are parked on the lot for purposes
15 of display and sale within a twelve month period.

16 (C) Unless otherwise permitted by this Title, any type of use listed in Subsection
17 (B) that exceeds the limitations set forth for that use in Subsection (B) does not qualify as an accessory
18 use and shall be deemed to be in violation of this Title.

19 SECTION 7: Title 19, Chapter 4, Section 40, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new subsections,
21 designated as Subsections (C) and (D), reading as follows:

22 (C) Conditional Use Verification. Uses that are permitted conditionally pursuant to this Section
23 are made subject to conditional use regulations, some of which are conditions that must be met before
24 a use may commence and others that represent ongoing requirements or limitations. In order for the
25 Department to verify compliance with applicable conditional use regulations, the Director may require
26 the submission of documentation regarding such compliance. For uses concerning which the Director
27 requires such documentation, the submission shall be in the form of a Conditional Use Verification
28 provided by the Department. Within the time period for submission established by the Department,

1 the form must be signed, notarized and acknowledged, and filed with the Department. The form must
2 be signed by the owner of record of the property for which the verification is sought; provided
3 however, that such submission is also sufficient if it is signed and acknowledged by a lessee, a contract
4 purchaser or an optionee of the property upon which such conditional use is maintained. However,
5 interest in such property must exist in a written agreement with the owner of record attached to which
6 is a copy of the submission and in which the owner of record has authorized the lessee, contract
7 purchaser or optionee to sign the submission.

8 (D) Noncompliance. Whether or not the Director requires the submittal of a Conditional Use
9 Verification under Subsection (C) of this Section, each person or entity maintaining, operating or
10 permitting a conditional use must comply with all provisions of this Title. Failure to comply with this
11 Section or with any other requirement of this Title pertaining to conditional uses shall be grounds for
12 enforcement action pursuant to LVMC 19.00.070 against the person or entity that owns the property
13 or the person or entity that operates the conditional use.

14 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the definitions of the
16 terms "Group Residential Care Facility," "Halfway House for Recovering Alcohol and Drug Abusers,"
17 "Handicap," and "Individual Residential Care Facility."

18 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term
20 "Convalescent Care Facility/Nursing Home" to read as follows:

21 "Convalescent Care Facility/Nursing Home" means a building or structure designed, used, or intended
22 to be used to house and provide care for persons who have a chronic physical or mental illness or
23 infirmity, but who do not need medical, surgical or other specialized treatment normally provided by
24 a hospital. The term includes a "rest home" and "nursing home," as well as a use that would qualify
25 as a Community Residence except for the limitation on the number of residents, but does not include
26 an "assisted living apartment," "hospital" or other medical facility that is specifically defined in this
27 Chapter.

28 SECTION 10: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Facility
2 for Transitional Living for Released Offenders” to read as follows:

3 “Facility for Transitional Living for Released Offenders” means a dwelling unit of a residential
4 character that provides housing and a living environment for up to six persons who have been released
5 from prison and who require assistance with reintegration into the community, other than such a
6 residence that is operated or maintained by a state or local government or an agency thereof. The term
7 does not include a [halfway house for recovering alcohol and drug abusers or a facility for the
8 treatment of abuse of alcohol or drugs.] Transitional Community Residence or a Facility for the
9 Treatment of Abuse of Alcohol or Drugs. As used in this definition, “person who has been released
10 from prison” means:

- 11 (1) A parolee;
- 12 (2) A person who is participating in:
 - 13 (a) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - 14 (b) A correctional program pursuant to NRS 209.488 or 213.632;
- 15 (3) A person who is supervised by the Division of Parole and Probation of the Department
16 of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 17 (4) A person who, within the past twenty years, has been released from prison by
18 expiration of his term of sentence.

19 SECTION 11: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Family”
21 to read as follows:

22 “Family” means, [two or more persons customarily living together and occupying a dwelling unit.]
23 with respect to the occupancy of a dwelling unit:

- 24 (1) One or more individuals related by blood, marriage, adoption, guardianship or legal
25 custody; or
- 26 (2) No more than four unrelated individuals living together as a single housekeeping unit.

27 SECTION 12: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the following terms, together

1 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Facility
2 for Transitional Living for Released Offenders” to read as follows:

3 “Facility for Transitional Living for Released Offenders” means a dwelling unit of a residential
4 character that provides housing and a living environment for up to six persons who have been released
5 from prison and who require assistance with reintegration into the community, other than such a
6 residence that is operated or maintained by a state or local government or an agency thereof. The term
7 does not include a [halfway house for recovering alcohol and drug abusers or a facility for the
8 treatment of abuse of alcohol or drugs.] Transitional Community Residence or a Facility for the
9 Treatment of Abuse of Alcohol or Drugs. As used in this definition, “person who has been released
10 from prison” means:

- 11 (1) A parolee;
- 12 (2) A person who is participating in:
 - 13 (a) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - 14 (b) A correctional program pursuant to NRS 209.488 or 213.632;
- 15 (3) A person who is supervised by the Division of Parole and Probation of the Department
16 of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
- 17 (4) A person who, within the past twenty years, has been released from prison by
18 expiration of his term of sentence.

19 SECTION 11: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Family”
21 to read as follows:

22 “Family” means, [two or more persons customarily living together and occupying a dwelling unit.]
23 with respect to the occupancy of a dwelling unit:

- 24 (1) One or more individuals related by blood, marriage, adoption, guardianship or legal
25 custody; or
- 26 (2) No more than four unrelated individuals living together as a single housekeeping unit.

27 SECTION 12: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the following terms, together

1 with their corresponding definitions:

2 “Community Residence” means a residential family-like living arrangement for five to ten unrelated
3 individuals with disabilities who are in need of the mutual support furnished by other residents, as well
4 as the support services, if any, provided by the operator of the Community Residence. Residents may
5 be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or
6 rehabilitative services related to the needs of the residents. Interrelationships among residents are an
7 essential component of a Community Residence. A Community Residence shall be considered a
8 residential use of property for purposes of all zoning and building codes. However, the Fire Marshal,
9 pursuant to and consistent with the City’s Fire Code, may require enhanced fire protection, including
10 the installation of fire sprinklers and other mitigating measures, where one or more residents have a
11 lessened ability to ambulate adequately. The term includes a Family Community Residence and a
12 Transitional Community Residence, but does not include any of the following:

- 13 (1) Senior Citizen Apartment;
- 14 (2) Adult Day Care Center;
- 15 (3) Convalescent Care Facility/Nursing Home;
- 16 (4) Facility for Transitional Living for Released Offenders;
- 17 (5) Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
- 18 (6) Hospice;
- 19 (7) Sex Offender Counseling Facility;
- 20 (8) Boarding or Rooming House;
- 21 (9) Any other group living arrangement for unrelated individuals who are not disabled;
- 22 (10) Any of the following, as defined by NRS Chapter 449:
 - 23 (a) Facilities for the Treatment of Drug and Alcohol Abuse;
 - 24 (b) Modified Medical Detoxification Facilities;
 - 25 (c) Transitional Living Facilities for Released Offenders;
 - 26 (d) Facility for the Treatment of Narcotics; or
 - 27 (e) Community Triage Center.

28 “Disability” or “disabilities” refers to:

1 (1) A physical or mental impairment which substantially limits one or more of such
2 person's major life activities;

3 (2) A record of having such impairment; or

4 (3) Being regarded as having such an impairment.

5 The terms are intended to be coextensive with the terms "handicap" and "disability" as set forth in
6 Federal fair housing legislation and other Federal legislation protecting individuals with a handicap
7 or disability. The terms include the impairment associated with recovery from alcohol and drug abuse,
8 but do not include impairment caused by current, illegal use of, or addiction to a controlled substance.

9 "Family Community Residence" means a Community Residence other than a Transitional Community
10 Residence.

11 "Transitional Community Residence" means a Community Residence that provides housing and a
12 living environment for recovering alcohol and drug abusers and is operated to facilitate their
13 reintegration into the community, but does not provide any treatment for alcohol or drug abuse.

14 SECTION 13: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.04.060:** Businesses within the following licensing categories shall pay a two hundred dollars
17 annual business license fee, as set forth below:

18 **Adult day care facility**, which is an establishment operated and maintained to provide care,
19 for not more than twelve hours at a time, on a temporary or permanent basis for aged or infirm
20 persons.

21 **Advertising or marketing service**, which is any business engaged in the act of designing,
22 producing and disseminating information to the general public, including public relations activities
23 on behalf of persons or businesses.

24 **Auto broker**, which is any person who, for a fee or any other consideration, offers to provide
25 to another person the service of arranging, negotiating or assisting in the purchase of a new or used
26 vehicle which has not been registered by the broker.

27 **Automobile leasing**, which is any business that leases automobiles or any other kind of motor
28 vehicle that is required to be licensed by the Department of Motor Vehicles and Public Safety.

1 **Babysitting service**, which is any business whose employees are sent to a home or lodging
2 establishment to care for one or more children who reside there. Each principal of the business and
3 each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a
4 health card pursuant to regulations of the Health District.

5 **Bail agent or bail enforcement agent**, which is any person who is authorized, employed or
6 contracted by a surety or bail agent to do any of the following:

7 (A) Solicit bail transactions;

8 (B) Execute or countersign undertakings of bail;

9 (C) Pledge currency, money orders or cashier's checks as security for a bail bond
10 in connection with judicial proceedings and receive or be promised money or other things of value
11 therefor;

12 (D) Enforce the terms and conditions of a defendant's release from custody on bail
13 in a criminal proceeding; or

14 (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and
15 bail enforcement agent is required to have an appropriate State license issued in accordance with NRS
16 Chapter 697 before doing business in the City.

17 **Body piercing**, which is any business that pierces the skin for the purpose of inserting rings,
18 loops, studs or other implements, or which engages in the sale of those items for use in connection
19 with body piercing.

20 **Environmental analysis**, which is any business that tests or analyzes the quality or content
21 of soil, water, atmosphere, or other elements related to the environment.

22 **Health and fitness club**, which is any business that is open to the general public and that
23 provides the use of equipment or facilities for the maintenance or development of physical fitness or
24 the control of weight.

25 **Insurance adjuster**, which is any person who is licensed or required to be licensed as an
26 adjuster under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether
27 acting as an owner, officer, associate, member or employee of a business.

28 **Insurance agency**, which is any business whose agents, brokers, or adjusters transact

1 insurance subject to the regulations of NRS 679A. The license fee for this category includes the first
2 agent, broker or adjuster who otherwise would be required to be pay a license fee under this Section
3 as a sales or service agent or representative.

4 **Managed health care organization**, which is any person who provides, arranges, pays for,
5 or reimburses for the provision of any element of health care services and who controls the amounts
6 to be paid to health care providers by a managed care program.

7 **Management or consulting service**, which is any person or firm that conducts budgeting,
8 management counseling, consulting service or promoting for another.

9 **Merchandise broker**, which is any person who acts as an agent for others in negotiating
10 contracts, purchases, the sale of goods, wares or services and who does not take possession of the
11 merchandise.

12 **Photography business**, which is any business that takes photographs for eventual sale to a
13 client or customer of the business.

14 **Remote motor vehicle rental**, which is an automobile ticket rental agency or transportation
15 rental agency location with no vehicles on site.

16 **[Residential facility for groups**, which is a facility as defined in NRS 449.017.]

17 **Residential home care provider**, which is any person who provides or contracts to provide
18 medical supervision, general care, nursing or housekeeping services to the sick, injured or dependent
19 within a home setting, whether on a temporary or permanent basis.

20 **Sales or service agent or representative**, which is any person who sells, solicits, negotiates,
21 offers or performs on behalf of another person the transaction of any instrument or finance related
22 service, including but not limited to insurance, financial or investment advice, securities or similar
23 activities, whether the instrument or service is in possession of the agent or representative and whether
24 the agent or representative is an employee or under contract to perform these activities.

25 **Wire service**, which is any person who engages in the business of transmitting or receiving
26 funds by means of a communication system in which the transmission and reception stations are
27 directly connected by one or more telephones or computers.

28 **Youth employment organization**, which is any for-profit or nonprofit organization whose

1 primary purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location.
2 Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each
3 organization must comply with State Labor Commission regulations and must first obtain the written
4 consent of the parent or legal guardian of each minor before they are hired.

5 SECTION 14: The provisions of Section 5 of this Ordinance setting forth the
6 circumstances under which Community Residences are allowed shall be deemed to apply:

7 (A) Within each of the following special purpose districts not listed in the Land Use
8 Tables to the same extent that they apply to the most-similar zoning district listed in the Land Use
9 Tables:

- 10 (1) Planned Community District;
- 11 (2) Residential Planned Development District; and
- 12 (3) Planned Development District.

13 (B) Within any special area plan adopted by the City, whether or not such a plan
14 specifically allows Community Residences otherwise.

15 SECTION 15: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
16 19.04.040 and 19.20.020 are deemed to be subchapters rather than sections.

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

25 SECTION 17: Whenever in this ordinance any act is prohibited or is made or declared
26 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
27 required or the failure to do any act is made or declared to be unlawful or an offense or a
28 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall

1 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
2 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
3 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

4 SECTION 18: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

8 APPROVED:

9
10 By _____
OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:
15 Valsted 5-11-2010
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 _____, 2010, 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 _____, 2010, 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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

28

**BUSINESS IMPACT STATEMENT
BILL NO. 2010-22**

**Updates the City's zoning and licensing regulations that apply to community residences
(commonly referred to as group homes) and similar uses**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-22, that will update the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments were solicited

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

Any affected businesses will not be subject to licensing by the City.

Direct effects:

Any affected businesses will not be subject to licensing by the City.

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost identified

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: May 11, 2010