

1 **BILL NO. 2004-72**

2 **ORDINANCE NO. 5735**

3 **AN ORDINANCE TO REVISE THE STANDARDS FOR CONVERTING PUBLIC STREETS INTO**
4 **PRIVATE STREETS IN EXISTING SUBDIVISIONS, AND TO PROVIDE FOR OTHER**
5 **RELATED MATTERS.**

6 **Sponsored by: Councilwoman Janet Moncrief**

Summary: Revises the standards for converting public streets into private streets in existing subdivisions.

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

9 **SECTION 1: Title 19, Chapter 4, Section 40, Subsection (C), is hereby amended by**
10 **amending the subdivision entitled "Private Streets" to read as follows:**

11 **PRIVATE STREETS [ALL RESIDENTIAL DISTRICTS]**

12 **(1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following**
13 **provisions only if:**

14 **(a) The streets are public streets within an existing subdivision that are proposed to be**
15 **converted to private streets; and**

16 **(b) All the lots within the subdivision conform to the minimum lot size requirements of**
17 **Title 19.**

18 **(2) Design and Construction Standards. Unless otherwise approved by the City Council or**
19 **otherwise provided by means of a specific regulation governing private streets, every private street**
20 **shall conform to the same standards that govern the design and construction of public streets.**

21 **(3) Access Restrictions. The entrances to all private streets must be marked with a sign stating**
22 **that it is a private street. Guard houses, access control gates and cross arms may be constructed. All**
23 **restricted access entrances shall be manned twenty four hours every day or provide an alternative**
24 **means of ensuring access to the subdivision by the City and other emergency and utility service**
25 **providers with appropriate identification. If the association fails to maintain reliable access as**
26 **required to provide City services, the City may enter the subdivision and remove any gate or device**
27 **which is a barrier to access at the sole expense of the association. The association documents shall**
28 **contain provisions in conformity with this paragraph which may not be amended without the written**



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1 consent of the City.

2 (4) Access Restricted Entrance Design Standards. Any private street which has access control
3 gates or cross arms must be of a break-away design. A turn-around space must be located in front of
4 any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any
5 guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of
6 fourteen feet in height above the road surface.

7 (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used,
8 maintained, or constructed as private streets. Also, the Department may deny the creation of any other
9 private street if it is determined that the private street would have any of the following effects:

- 10 (a) Negatively affect traffic circulation on public streets;
- 11 (b) Impair access to property either on-site or off site to the subdivision;
- 12 (c) Impair access to or from public facilities including schools, parks and libraries; or
- 13 (d) Delay the response time of emergency vehicles.

14 (6) Property Owners' Associations Required. Subdivisions developed with private streets must
15 have a mandatory property owners' association which includes all property served by private streets.
16 The association shall own and be responsible for the maintenance of private streets and appurtenances.
17 The association documents must establish a reserve fund for the maintenance of streets and other
18 improvements. Such documents are subject to review and approval by the City to ensure that adequate
19 provision for maintenance has been made.

20 (7) Private Street [Lot.] Requirements. Private streets [shall be constructed] must be located on
21 property that is separately owned by a property owners' association[.] or is subject to perpetual access
22 easements running in favor of the owners of lots within the subdivision. Private streets must include
23 provision for appropriate easements to be granted to the City and to other utility providers allowing
24 necessary use and access for utilities and the maintenance thereof. The [easement shall] easements
25 must also provide the City and protective service providers with the same right of access they would
26 have if the streets were public streets.

27 (8) Waiver of Services. The subdivision final map, property deeds and property owners
28 association documents shall note that certain City services shall not be provided on private streets.

1 Among the services which will not be provided are: routine police patrols, enforcement of traffic and
2 parking ordinances, preparation of accident reports and other services which may not be reasonably
3 or properly available within a particular development. All private regulatory signs shall conform to
4 State of Nevada regulations.

5 (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets
6 that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of
7 Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special
8 Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not
9 waivable in connection with a Special Use Permit approval.

10 SECTION 2: In Section 1 of this Ordinance, the brackets that follow the title of the
11 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
12 of indicating the applicable districts. Brackets appearing elsewhere in Section 1 do indicate deleted
13 matter.

14 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
15 is deemed to be a subchapter rather than a section.

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

24 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...
26 ...
27 ...
28 ...


1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 18th day of December, 2004.

4 APPROVED:

5
6 By 
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 10-20-04
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 3rd day of November, 2004, and referred to a committee for
3 recommendation; thereafter the committee reported favorably on said ordinance on the 1st
4 day of December, 2004, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as first read and
6 adopted by the following vote:

7 VOTING "AYE": ,Councilmembers Reese, Brown, Weekly, Mack, Moncrief and
8 Wolfson

9 VOTING "NAY": None

10 EXCUSED: None

11 ABSTAINED: Mayor Goodman

12 APPROVED:

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14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 _____
19 BARBARA JO RONEMUS, City Clerk
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2004 NOV 29 P 2:47

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
3707812

2296311LV

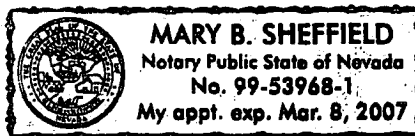
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/19/2004 to 11/19/2004, on the following days: NOV. 19, 2004

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23

day of November 2004

Mary B. Sheffield
Notary Public



BILL NO. 2004-72
AN ORDINANCE TO REVISE THE STANDARDS FOR CONVERTING PUBLIC STREETS INTO PRIVATE STREETS IN EXISTING SUBDIVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.
Sponsored by: Councilwoman Janet Moncrief
Summary: Revises the standards for converting public streets into private streets in existing subdivisions.
At the City Council meeting of NOVEMBER 3, 2004 BILL NO. 2004-72 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE
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: November 19, 2004
LV Review-Journal

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AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

2004 DEC 15 A 11:57

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
3732252

2296311LV

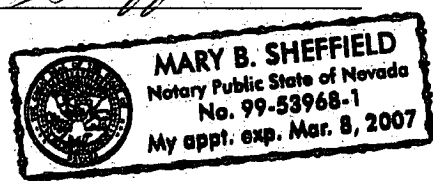
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/04/2004 to 12/04/2004, on the following days: DEC. 4, 2004

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9

day of December 2004

Mary B. Sheffield
Notary Public



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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of November 2004 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of December 2004, 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 first introduced and adopted by the following vote:
VOTING "AYE": Councilmembers Reese, Brown, Weekly, Mack, Moncrief, and Wolfson
VOTING "NAY": NONE
EXCUSED: NONE
ABSTAINING: Mayor Goodman
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: December 4, 2004
LV Review-Journal