

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MONDAY, JANUARY 5, 2004
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 1/21/2004 CITY COUNCIL MEETING.

1. ABEYANCE ITEM -- Bill No. 2003-103 -- Prohibits the use of residential streets for the test-driving of vehicles offered for sale or lease by a vehicle dealership. Sponsored by: Councilwoman Janet Moncrief and Mayor Oscar B. Goodman
2. Bill No. 2003-107 -- Annexation No. A-0017-02 (A) -- Property location: On the southeast corner of Rainbow Boulevard and Atwood Avenue; Petitioned by: Dr. Carol Barlow; Acreage: 1.18 acres; Zoned: C-P (County zoning), O (City equivalent). Sponsored by: Councilman Michael Mack
3. Bill No. 2003-108 -- Annexation No. ANX-3103 -- Property location: On the southwest corner of Coke Street and Horse Drive; Petitioned by: Coke Maggie LLC; Acreage: 5.94 acres; Zoned: R-E (County zoning), U (RNP) (City equivalent). Sponsored by: Councilman Michael Mack
4. Bill No. 2003-109 -- Requires mobile food vendors to attach a City issued identification number to their vending vehicle, and conditions their operations within one thousand feet of a licensed concession stand located in a City park. Proposed by: Mark Vincent, Director of Finance and Business Services
5. Bill No. 2003-110 -- Imposes a new requirement for the display of ice cream truck business licenses, prohibits the transfer of such licenses, repeals the requirement that ice cream trucks be inspected annually by the City, and conditions their operations within one thousand feet of a licensed concession stand located in a City park. Proposed by: Mark Vincent, Director of Finance and Business Services
6. Bill No. 2003-111 -- Allows mixed-use developments by means of special use permit throughout the Neighborhood Revitalization Area established by the Las Vegas 2020 Master Plan. Proposed by: Robert S. Genzer, Director of Planning and Development
7. Bill No. 2003-112 -- Establishes the circumstances under which the use "temporary real estate sales office" may be permitted as a conditional use in various commercial and industrial districts. Proposed by: Robert S. Genzer, Director of Planning and Development

CITIZENS PARTICIPATION. ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall Plaza, Special Outside Posting Bulletin Board; Court Clerk's Office Bulletin Board, City Hall Plaza;
Las Vegas Library, 833 Las Vegas Boulevard North; Senior Citizens Center, 450 E. Bonanza;
Clark County Government Center, 500 S. Grand Central Parkway

AFFIDAVIT OF MAILING

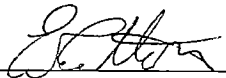
(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

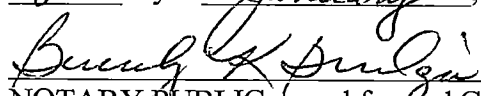
Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **26th** day of **December, 2003**, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **5th** day of **January, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Certified Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.



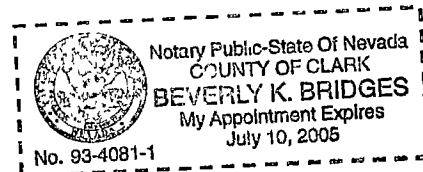
SIGNATURE

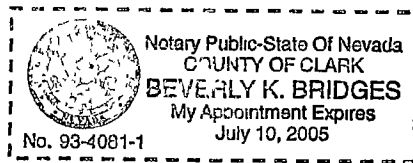
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

8th day of January, 2004


NOTARY PUBLIC in and for said County and State





City of Las Vegas

RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

City Hall Plaza, Posting Board

Court Clerk's Bulletin Board, City Hall

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

(4:03)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2003-103 – Prohibits the use of residential streets for the test-driving of vehicles offered for sale or lease by a vehicle dealership. Sponsored by: Councilwoman Janet Moncrief and Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In some areas of the City, customers and employees of vehicle dealerships use nearby residential streets for the test-driving of vehicles that are being offered for sale or lease. This bill will generally prohibit that practice and, in addition to traditional enforcement tools, will provide that violations by dealership personnel may result in license disciplinary action.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-103

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-103 be HELD IN ABEYANCE to 1/20/2004. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open. COUNCILWOMAN MONCRIEF advised that the bill needed to be abeyed for two weeks.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04)

1 **BILL NO. 2003-103**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO PROHIBIT THE USE OF RESIDENTIAL STREETS FOR THE TEST-**
4 **DRIVING OF VEHICLES OFFERED FOR SALE OR LEASE BY A VEHICLE DEALERSHIP,**
5 **AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Sponsored by: Councilwoman Janet Moncrief
Mayor Oscar B. Goodman

Summary: Prohibits the use of residential streets
for the test-driving of vehicles offered for sale or
lease by a vehicle dealership.

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

9 **SECTION 1:** Title 11, Chapter 22, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 160,
11 reading as follows:

12 **11.22.160:** (A) It is unlawful for:

13 (1) A customer or potential customer of a motor vehicle dealership to test-
14 drive a vehicle on a residential street; or

15 (2) An employee of a motor vehicle dealership to allow a customer or
16 potential customer of the dealership to test-drive a vehicle on a residential street.

17 (B) Disciplinary action may be taken against the license of any dealership whose
18 employees allow customers or potential customers of the dealership to test-drive vehicles on a
19 residential street.

20 (C) For purposes of this Section:

21 (1) "Residential street" means a street within a residential area that has a
22 right-of-way width of less than eighty feet.

23 (2) "Test-drive a vehicle," with respect to a customer, potential customer,
24 or employee of a motor vehicle dealership, means to test-drive a vehicle that is being offered for sale
25 or lease by that dealership.

26 (3) "Test-drive a vehicle on a residential street" does not include the
27 necessary use of a residential street to gain access to, or return to, a street that is not a residential street,
28 provided that travel on the residential street for that limited purpose does not exceed a speed of fifteen

1 of fifteen miles per hour.

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

10 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
11 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
12 required or the failure to do any act is made or declared to be unlawful or an offense or a
13 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
14 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
15 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
16 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

17 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steele 11-5-03
28 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2003, 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 ____, 2003, 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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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-107 – Annexation No. A-0017-02 (A) – Property location: On the southeast corner of Rainbow Boulevard and Atwood Avenue; Petitioned by: Dr. Carol Barlow; Acreage: 1.18 acres; Zoned: C-P (County zoning), O (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southeast corner of Rainbow Boulevard and Atwood Avenue. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 30, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-107 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-107 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED advised that the bill was in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04)

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8 **BILL NO. 2003-107**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (A-0017-02 (A))

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the southeast corner
of Rainbow Boulevard and Atwood Avenue.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 The North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southwest
21 Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Southwest
Quarter (SW 1/4) of Section 11, Township 20 South, Range 60 East, M.D.M.,
22 in the County of Clark, State of Nevada.

23 SECTION 2: The City Council hereby determines that the described territory
24 meets the requirements provided by law for annexation to the City for the following reasons:

- 25 A. The area to be annexed was contiguous to the City's boundaries at the
26 time the annexation proceedings were instituted;
- 27 B. More than one-eighth (1/8) of the aggregate external boundaries of
28 the area are contiguous to the City;

1 C. The territory proposed to be annexed is not included within the
2 boundaries of another incorporated city or within the boundaries of
3 any unincorporated town as those boundaries existed as of July 1,
4 1983;

5 D. The City is eligible to annex the described territory since the
6 landowners have signed a petition constituting one hundred percent
7 (100%) of the owners of record of individual lots or parcels of land
8 within the annexation area.

9 SECTION 3: The City will provide police protection through the Las Vegas
10 Metropolitan Police Department, fire protection, street maintenance, and library services
11 immediately upon annexation. Garbage collection by the company franchised by the City
12 will also be provided immediately. The City sanitary sewer system will serve the proposed
13 annexation area. Any connection to or extension of this sewer line to serve the annexation
14 area shall be at the expense of the landowners. Other services, such as participation in the
15 City's recreational programs, special education classes and programs, public works planning,
16 building inspections, and other City services will also be available immediately. Utilities
17 such as gas, electricity, telephone, and water are provided by private utility companies and
18 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
19 sidewalks and street lights which are not in place at the time of annexation will be installed
20 in the presently developed areas upon the request of the property owners and at their expense
21 by means of special assessment districts. Such improvements will be extended into the
22 undeveloped areas as development takes place and the need therefor arises, and will be
23 located according to the needs of the area at that time. Such installations will also be made
24 at the expense of the property owners, either by means of special assessment districts or as
25 prerequisites to the approval of subdivision plats, building permits or other land use or
26 development applications.

27 SECTION 4: The annexation of the described territory shall become
28 effective on the 30th day of January, 2004, and on that date the City will have the funds

1 appropriated in sufficient amount to finance the extension into the described territory of
2 police protection, fire protection, street maintenance, street sweeping, and street lighting
3 maintenance.

4 SECTION 5: The described territory, together with the inhabitants and
5 property thereof, shall, from and after the 30th day of January, 2004, be subject to all debts,
6 laws, ordinances and regulations in force in the City and shall be entitled to the same
7 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
8 levied by the City.

9 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
10 an accurate map or plat of the described territory and to record the map or plat, together with
11 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
12 Nevada, which recording shall be done prior to the 30th day of January, 2004.

13 SECTION 7: The described territory, which previously has been zoned C-P
14 (County of Clark classification), is hereby classified as O (City of Las Vegas classification),
15 which is deemed to be the City equivalent of the County classification.

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

25 SECTION 9: All ordinances or parts of ordinances, sections, subsections,

26 ...

27 ...

28 ...

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____,
4 2004.

5 APPROVED:

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7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 12-3-03
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of ____, 2003, and referred to the following committee
3 composed of ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2004, which was a ____ meeting of said Council; that
6 at said ____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

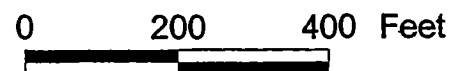
10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-108 – Annexation No. ANX-3103 – Property location: On the southwest corner of Coke Street and Horse Drive; Petitioned by: Coke Maggie LLC; Acreage: 5.94 acres; Zoned: R-E (County zoning), U (RNP) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Coke Street and Horse Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 30, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-108 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-108 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that the bill was in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04 – 4:05)

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8 **BILL NO. 2003-108**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3103).

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the southwest corner
of Coke Street and Horse Drive.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 The North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Northeast
21 Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 9, Township
19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada,
22 being Lot 1 and Lot 2 as shown on LAND DIVISION 70-87, recorded March
18, 1988 in Book 880318 as Instrument Number 00829 of Clark County,
23 Nevada Records, together with adjacent half street right of way of
CONOUGH LANE (30.00 feet wide as measured from centerline thereof),
24 half street right of way of HORSE DRIVE (40.00 feet wide as measured from
centerline thereof) and half street right of way of COKE STREET (30.00 feet
25 wide as measured from centerline thereof), also together with the 20.00 foot
radius spandrel area in the northwest corner of said Lot 1, and together with
26 the 20.00 foot radius spandrel area in the northeast corner of said Lot 2.

27 SECTION 2: The City Council hereby determines that the described territory
28 meets the requirements provided by law for annexation to the City for the following reasons:

- 1 A. The area to be annexed was contiguous to the City's boundaries at the
2 time the annexation proceedings were instituted;
- 3 B. More than one-eighth (1/8) of the aggregate external boundaries of
4 the area are contiguous to the City;
- 5 C. The territory proposed to be annexed is not included within the
6 boundaries of another incorporated city or within the boundaries of
7 any unincorporated town as those boundaries existed as of July 1,
8 1983;
- 9 D. The City is eligible to annex the described territory since the
10 landowners have signed a petition constituting one hundred percent
11 (100%) of the owners of record of individual lots or parcels of land
12 within the annexation area.

13 SECTION 3: The City will provide police protection through the Las Vegas
14 Metropolitan Police Department, fire protection, street maintenance, and library services
15 immediately upon annexation. Garbage collection by the company franchised by the City
16 will also be provided immediately. The City sanitary sewer system will serve the proposed
17 annexation area. Any connection to or extension of this sewer line to serve the annexation
18 area shall be at the expense of the landowners. Other services, such as participation in the
19 City's recreational programs, special education classes and programs, public works planning,
20 building inspections, and other City services will also be available immediately. Utilities
21 such as gas, electricity, telephone, and water are provided by private utility companies and
22 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
23 sidewalks and street lights which are not in place at the time of annexation will be installed
24 in the presently developed areas upon the request of the property owners and at their expense
25 by means of special assessment districts. Such improvements will be extended into the
26 undeveloped areas as development takes place and the need therefor arises, and will be
27 located according to the needs of the area at that time. Such installations will also be made
28 at the expense of the property owners, either by means of special assessment districts or as

1 prerequisites to the approval of subdivision plats, building permits or other land use or
2 development applications.

3 SECTION 4: The annexation of the described territory shall become
4 effective on the 30th day of January, 2004, and on that date the City will have the funds
5 appropriated in sufficient amount to finance the extension into the described territory of
6 police protection, fire protection, street maintenance, street sweeping, and street lighting
7 maintenance.

8 SECTION 5: The described territory, together with the inhabitants and
9 property thereof, shall, from and after the 30th day of January, 2004, be subject to all debts,
10 laws, ordinances and regulations in force in the City and shall be entitled to the same
11 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
12 levied by the City.

13 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
14 an accurate map or plat of the described territory and to record the map or plat, together with
15 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
16 Nevada, which recording shall be done prior to the 30th day of January, 2004.

17 SECTION 7: The described territory, which previously has been zoned R-E
18 (County of Clark classification), is hereby classified as U (RNP) (City of Las Vegas
19 classification), which is deemed to be the City equivalent of the County classification.

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

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

4 PASSED, ADOPTED and APPROVED this _____ day of _____,
5 2004.

6 APPROVED:

7
8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 12-3-03
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2003, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

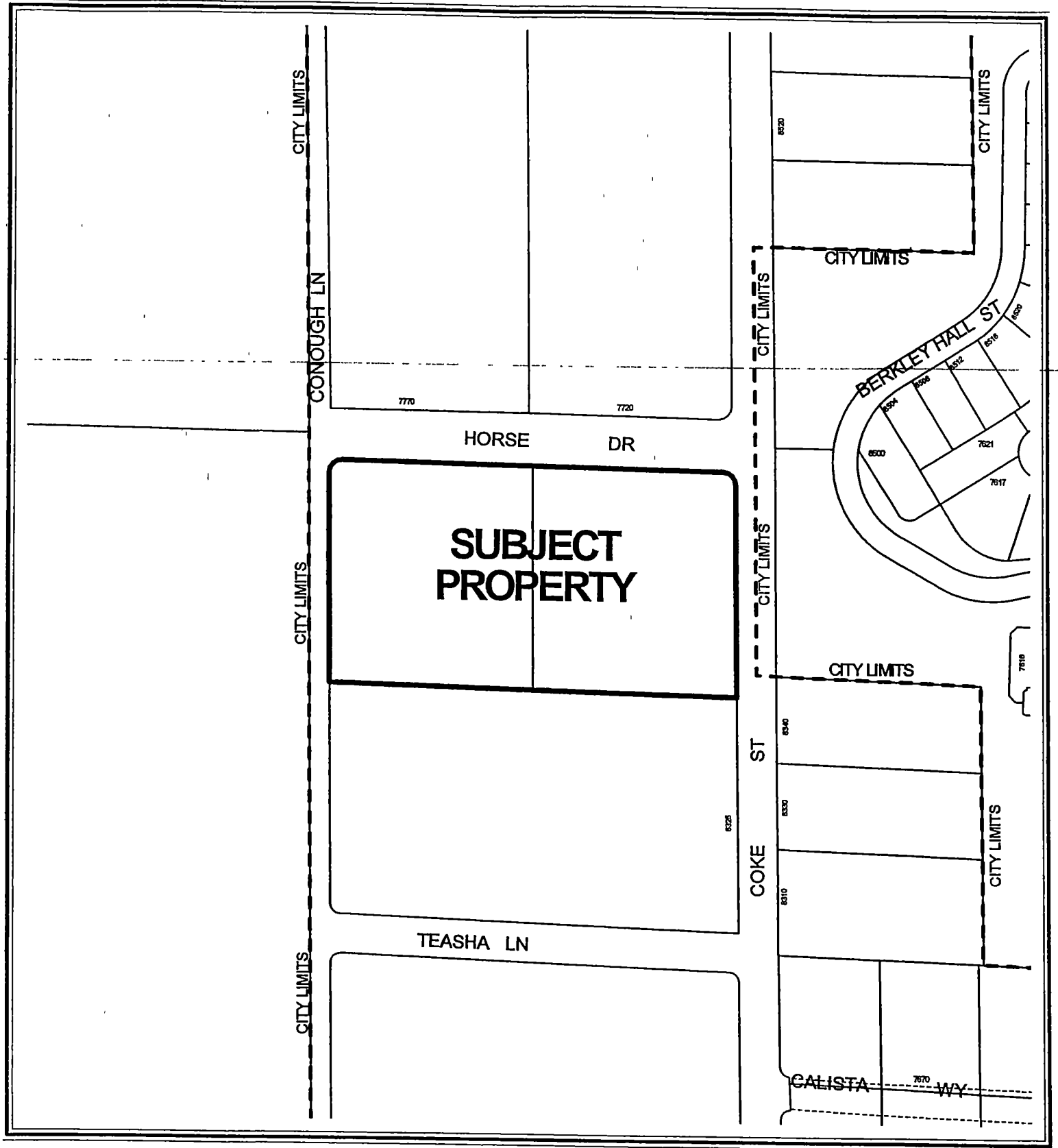
10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk
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CASE: ANX-3103

0 100 200 Feet



AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:****NEW BILL:**

Bill No. 2003-109 – Requires mobile food vendors to attach a City issued identification number to their vending vehicle, and conditions their operations within one thousand feet of a licensed concession stand located in a City park. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

This bill will prohibit a mobile food vendor from operating within one thousand feet of a licensed concession stand located in a City park when the concession stand is open for business. Additionally, this bill prohibits the transfer of a mobile food vendor license, and requires that the identification number assigned by the City to a mobile food vendor vehicle be displayed in such a manner on the rear, upper left corner area of the vehicle that it can be easily read from a distance of ten feet.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-109

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-109 be forwarded to the Full Council with a "Do Pass" recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

JIM DiFIORE, Manager of Business Services, explained that this amendment to the existing code would preclude a mobile food vendor from having a concession within 1,000 feet of a City

RECOMMENDING COMMITTEE MEETING OF JANUARY 5, 2004
Item 4 – Bill No. 2003-109

MINUTES – Continued:

park when the concession is open for business. It would also clarify that license identification must be provided by the Department of Business Services of a color, size and placement that can be easily read from a distance of 10 feet.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:05 – 4:06)

1-44

1 **BILL NO. 2003-109**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE IDENTIFICATION AND OPERATIONAL REQUIREMENTS**
4 **OF MOBILE FOOD VENDORS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

5 Proposed by: Mark Vincent,
6 Director Finance and Business Services

Summary: Requires mobile food vendors to
attach a City issued identification number to
their vending vehicle, and conditions their
operations within one thousand feet of a licensed
concession stand located in a City park.

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

10 **SECTION 1:** Title 6, Chapter 55, Section 70, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.55.070:** (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food
13 vendor shall:

14 (1) Have any exclusive right to any location upon the streets, sidewalks,
15 alleys, or public grounds of the City;

16 (2) [Operate at a stationary] Vend at any location for a period greater than
17 thirty minutes; or

18 (3) [Operate] Vend in any congested area where the operation will impede
19 pedestrian or vehicle traffic.

20 (B) The provisions of Subsection (A) of this Section do not apply to the operation
21 of a mobile food vendor at a particular location if and to the extent the vendor is operating at that
22 location pursuant to a contractual arrangement with the City.

23 **SECTION 2:** Title 6, Chapter 55, Section 90, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.55.090:** It is unlawful for any mobile food vendor to:

26 (A) Vend or park a vehicle to be used for vending within one thousand feet of the
27 outside perimeter of school property during the hours that a school is in session or within one hour
28 after the final session of the school has closed;

1 (B) Vend earlier than ten a.m., nor later than seven p.m. or one-half hour after
2 sunset, whichever occurs first; provided, however, that the provisions of this Subsection do not apply
3 to any mobile food vendor while it is [serving a] vending at a bona fide construction job or a
4 commercial place of business;

5 (C) Consume alcoholic beverages while vending[.]; or

6 (D) Vend within one thousand feet of a licensed concession stand located within
7 a City park when the concession stand is open for business.

8 SECTION 3: Title 6, Chapter 55, Section-110, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 6.55.110: (A) Any person required to have a mobile food vendor license must display in a
11 conspicuous manner, on the rear, upper [left-hand] left corner area of each vehicle to be used for
12 vending, [a vehicle sticker which contains the name of the mobile food vendor business, the business
13 license number issued by the Department and, if applicable, the license plate number issued to the
14 vehicle by the Nevada Department of Motor Vehicles.] an identification number provided by the
15 Director. The display shall be of such color, size and placement that the identification number can
16 be easily read at a distance of ten feet.

17 (B) A mobile food vendor license is not transferable.

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

26 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
27 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
28 required or the failure to do any act is made or declared to be unlawful or an offense or a

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

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

8 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

9 APPROVED:

10
11 By _____
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 Jerry G. Bellis 12-03-03
17 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 _____, 2003, 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 _____, 2004, 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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12 APPROVED:

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14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-110 – Imposes a new requirement for the display of ice cream truck business licenses, prohibits the transfer of such licenses, repeals the requirement that ice cream trucks be inspected annually by the City, and conditions their operations within one thousand feet of a licensed concession stand located in a City park. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Currently, an ice cream truck (vehicle) must be inspected annually by the City in addition to meeting Health District certification requirements. This bill repeals the City's annual inspection requirement. This bill prohibits a vehicle's operation within one thousand feet of a licensed concession stand in a City park when the concession stand is open for business, its operation at the same location more than once a day, and its operation for longer than thirty minutes at any one location. The vehicle's City identification number must be readable from ten feet.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-110

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-110 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF JANUARY 5, 2004
Item 5 – Bill No. 2003-110

MINUTES – Continued:

JIM DiFIORE, Manager of Business Services, indicated that this companion to the previous bill removes the requirement for annual City inspections primarily because they are semi-annually inspected by the Clark County Health District under more stringent standards. The City may rely on those inspections. It does not eliminate the initial licensing inspection or the underlying provisions for which the inspection was made, including good working conditions, entry and exit into the truck operates, advertising decals and prices appear only on the vending side of the truck and not facing the street and that all windows are clear of signs and obstructions. It also prohibits a licensed ice cream truck from vending within 1,000 feet of a licensed concession stand within a City park. Lastly, the bill prohibits a truck from vending in any one spot for longer than 30 minutes each day. Past practice has been to park on one side of the street and then simply move to the other side of the street to misuse the law.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06 – 4:08)

1-75

1 **BILL NO. 2003-110**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE LICENSING AND OPERATIONAL REQUIREMENTS OF**
4 **ICE CREAM TRUCK BUSINESSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

5 Proposed by: Mark Vincent,
6 Director of Finance and Business Services

Summary: Imposes a new requirement for the
display of ice cream truck business licenses,
prohibits the transfer of such licenses, repeals
the requirement that ice cream trucks be
7 inspected annually by the City, and conditions
8 their operations within one thousand feet of a
licensed concession stand located in a City park.

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

11 **SECTION 1:** Title 6, Chapter 47, Section 40, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.47.040:** In addition to and independent of any licensing or certification requirement of the
14 Health District, an ice cream truck must first be inspected and certified by the Department before a
15 business license may be issued for the operation of that truck. [Each ice cream truck must be
16 inspected annually by the Department, and the applicant or licensee shall pay an inspection fee of fifty
17 dollars for the inspection.] The applicant shall pay an inspection fee of fifty dollars for the inspection.

18 If an ice cream truck does not pass inspection, the applicant or licensee shall pay a reinspection fee
19 of twenty-five dollars for each subsequent inspection until the truck is certified.

20 **SECTION 2:** Title 6, Chapter 47, Section 60, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.47.060:** Each ice cream truck business license issued by the Department shall be subject to the
23 requirements and limitations set forth in this Chapter and any other conditions specifically imposed
24 upon the license. A license is not transferable [unless the transfer is approved by the City Council].
25 The annual license fee for each person required to have an ice cream truck license shall be one
26 hundred dollars for each ice cream truck.

27 **SECTION 3:** Title 6, Chapter 47, Section 70, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.47.070:** No person shall:

2 (A) Vend on any street at a location where the speed limit is greater than
3 twenty-five miles per hour.

4 (B) Vend from an ice cream truck which is parked or stopped on a street within
5 seventy-five feet of an intersection.

6 (C) Vend on a street except from the side of the truck away from moving traffic and
7 as near as possible to the right-hand curb or edge of the street.

8 (D) Vend to a person standing in the roadway.

9 (E) Vend on a street unless there is a clear view of the ice cream truck for a distance
10 of two hundred feet in each direction.

11 (F) Vend on a street unless the safety equipment described in Subsection (C) of
12 Section 6.47.100 is activated a minimum of fifty feet before the ice cream truck stops to vend and for
13 a minimum of fifty feet after operation of the ice cream truck resumes.

14 (G) Drive an ice cream truck on a street in reverse in order to vend.

15 (H) Stop on a street to vend within two hundred feet of any ice cream truck that has
16 already stopped to vend on that street or another.

17 (I) Vend any item other than the prepackaged food items described in Subsection
18 (C) of Section 6.47.010 of this Chapter.

19 (J) Vend or park an ice cream truck within one thousand feet of [any property used
20 as] the outside perimeter of an elementary or middle school property until one hour after the end of
21 the regular school day; provided, however, that the foregoing prohibition shall not apply on days when
22 school is not in session nor on school property when vending has been approved in writing by the
23 principal.

24 (K) Vend earlier than ten a.m., nor later than seven p.m. or one-half hour after
25 sunset, whichever occurs first.

26 (L) [Vend at any location for more than thirty minutes at a time, except as otherwise
27 permitted under a contractual arrangement with the City regarding a specific location.] Vend at the
28 same location more than once a day or for longer than thirty minutes at any one location, except as

1 otherwise permitted under a contractual arrangement with the City regarding a specific location.

2 (M) Consume alcoholic beverages or be intoxicated while vending.

3 (N) Vend within one thousand feet of a licensed concession stand located within
4 a City park when the concession stand is open for business.

5 SECTION 4: Title 6, Chapter 47, Section 90, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.47.090:** Each ice cream truck shall have prominently displayed, on the [sides and back thereof,]
8 upper left corner of the back of the vehicle, an identification number provided by the Director. The
9 display shall be of such color, size and placement that the identification number can be easily read at
10 a distance of ten feet.

11 SECTION 5: Title 6, Chapter 47, Section 100, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.47.100:** (A) A licensee shall maintain each of the licensee's ice cream trucks in such a
14 condition that:

- 15 (1) All doors, windows, hoods and trunks open and close securely;
16 (2) The exterior of the ice cream truck is clean and in good repair;
17 (3) Advertising decals and price lists are placed only on the vending side
18 of the ice cream trucks and use a maximum area of twenty-four square feet; and
19 (4) All windows are clear of signs and other obstructions.

20 (B) A licensee shall ensure the installation of, and shall maintain in good operating
21 condition, the following safety equipment on each of the licensee's ice cream trucks:

22 (1) Warning signs painted or mounted on the front and back of each truck,
23 with the words "CHILDREN CROSSING" appearing on a display that is eight inches high by
24 forty-eight inches wide. At least one additional sign shall be painted or mounted on the rear of each
25 truck above the first sign and shall read "WARNING" in English and "PRECAUCIÓN" in Spanish.
26 All lettering shall be black lettering, at least four inches high, on a yellow background with a black
27 one-inch border around each sign; and

28 (2) A convex mirror mounted on the front and rear of the vehicle so that

1 the driver, in his normal sitting position, can see the area in front of the truck obscured by the hood
2 and an area in the rear extending across the truck and four feet to the rear of the bumper.

3 (C) A licensee shall ensure the installation of, and shall maintain in good operating
4 condition, the following additional safety equipment on each of the licensee's ice cream trucks:

5 (1) A flashing amber warning light on the roof as required by NRS 484.582;

6 (2) A signal arm that can be extended horizontally from the left side of the
7 truck duplicating the design, size and specifications established by the Director. This arm shall be
8 yellow in color and contain on the rearward surface two alternately flashing amber lights three to five
9 inches in diameter visible at three hundred feet to the rear in normal sunlight upon a straight level
10 street. The bottom of the signal arm shall be forty-two inches above the street;

11 (3) Standard vehicle warning flashers; and

12 (4) Any other safety equipment required by the Nevada Revised Statutes.

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

21 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
22 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
23 required or the failure to do any act is made or declared to be unlawful or an offense or a
24 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
25 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
26 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
27 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

28 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Larry G. Bellis 12-03-03
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2003, 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 _____, 2004, 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: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-111 – Allows mixed-use developments by means of special use permit throughout the Neighborhood Revitalization Area established by the Las Vegas 2020 Master Plan. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City's zoning regulations currently allow mixed-use developments by means of special use permit within the Downtown Redevelopment Area. This bill will expand the number of potential locations for this type of development, providing that the use may be allowed by means of special use permit throughout the larger Neighborhood Revitalization Area, as established by the Las Vegas 2020 Master Plan.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-111

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-111 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARGO WHEELER, Deputy Director of Planning and Development Department, outlined the expansion of the area where application can be made for mixed use beyond the Downtown Centennial Plan area to that bounded by the south, west, north City limits and approximately Rainbow Boulevard. The area is identified in the General Plan as a revitalization area. The bill will permit mixed-use proposals within the area.

RECOMMENDING COMMITTEE MEETING OF JANUARY 5, 2004
Item 6 – Bill No. 2003-111

MINUTES – Continued:

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 – 4:09)

1-143

BILL NO. 2003-111

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW MIXED-USE DEVELOPMENTS BY MEANS OF SPECIAL USE PERMIT THROUGHOUT THE NEIGHBORHOOD REVITALIZATION AREA ESTABLISHED BY THE LAS VEGAS 2020 MASTER PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development

Summary: Allows mixed-use developments by means of special use permit throughout the Neighborhood Revitalization Area established by the Las Vegas 2020 Master Plan.

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

SECTION 1: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "MIXED-USE" to read as follows:

MIXED-USE [R-3, R-4, P-R, N-S, O, C-1 and C-2] (Limited Area)

[(1)] (1) Within the [Downtown Las Vegas Redevelopment Area, as established by Ordinance No. 3218 and] Neighborhood Revitalization Area, as that area is depicted in the Las Vegas 2020 Master Plan adopted by Ordinance No. 5250, as it may be amended from time to time:

(a) Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of Special Use Permit within a P-R, N-S, O, C-1, or a C-2 Zoning District; and

(b) Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be permitted by means of Special Use Permit within an R-3 or R-4 Zoning District.

2. When residential and nonresidential uses are approved for a single parcel:

(a) The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and

(b) The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

SECTION 2: In Section 1 of this Ordinance, the brackets that follow the title of the

1 subdivision being amended are not intended to indicate deleted matter, but instead are used as the
2 means of indicating the applicable districts.

3 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.050
4 is deemed to be a subchapter rather than a section.

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

13 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

17 APPROVED:

18
19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 12-3-03
26 _____
27 Date
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, 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 _____, 2004, 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:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-112 – Establishes the circumstances under which the use “temporary real estate sales office” may be permitted as a conditional use in various commercial and industrial districts. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☐

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Temporary real estate sales offices currently are permitted to be located within and in connection with traditional subdivision developments, but there is no provision for the use in commercial and industrial districts. This bill establishes the parameters for the use in those districts.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-112

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-112 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARGO WHEELER, Deputy Director of Planning and Development Department, explained that this bill is somewhat related to the previous bill since there is currently no provision for temporary real estate sales offices within commercial zones, even though mixed use sales do have real estate sales. This will allow for that type of use to do residential sales within a mixed-use project.

No one appeared in opposition and there was no further discussion.

RECOMMENDING COMMITTEE MEETING OF JANUARY 5, 2004
Item 7 – Bill No. 2003-112

MINUTES – Continued:

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:09 – 4:10)

1-170

BILL NO. 2003-112

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE USE "TEMPORARY REAL ESTATE SALES OFFICE" MAY BE PERMITTED AS A CONDITIONAL USE IN VARIOUS COMMERCIAL AND INDUSTRIAL DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development

Summary: Establishes the circumstances under which the use "temporary real estate sales office" may be permitted as a conditional use in various commercial and industrial 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 provide that the use "Temporary Real Estate Sales Office" is a conditional use in the P-R, N-S, O, C-D, C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the "Temporary Uses" element of Table 2, as it pertains to Commercial and Industrial Districts only, is amended to read as follows:

TEMPORARY USES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Temporary Real Estate Sales Office	[P] C	[P] C	[P] C	C	[P] C	[P] C		[P] C	[P] C

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "TEMPORARY REAL ESTATE SALES OFFICE" to read as follows, with (in this Section only) the brackets ([]) being part of the ordinance text and the braces ({ }) indicating deleted material:
TEMPORARY REAL ESTATE SALES OFFICE {[ALL RESIDENTIAL DISTRICTS]}

(1) Within any residential district:

(a) The use may be located within a model home or trailer;

(b) The sales activity shall be limited to lots within the subdivision in which the model home or trailer is located; and

1 (c) The use shall not be permitted to operate until the requirements of LVMC 18.28.010
2 have been met, including the approval of a final subdivision map.

3 (2) Within any commercial or industrial district:

4 (a) The use may be located within a trailer or an existing commercial structure; and

5 (b) The use shall not be permitted to operate and is not entitled to a certificate of
6 occupancy until a Site Development Plan has been approved for the development to which the sales
7 pertains.

8 {(1)} (3) If the temporary real estate sales office is a model home{,} or is conducted from a
9 commercial structure, the use shall expire two years from the date of building permit approval or
10 whenever sales are completed, whichever occurs first. If the temporary real estate sales office is a
11 trailer, the use shall expire six months from the date of approval by the Department of Building and
12 Safety.

13 {(2)} (4) Upon termination of the use, all temporary access improvements from this site to the
14 abutting street(s) shall be removed and replaced with permanent access improvements that meet all
15 City standards, as required by the Department of Public Works.

16 {(3)} (5) Pursuant to LVMC 18.12.310, direct vehicular access from primary and secondary
17 street(s) through the back of bordering lots is prohibited unless approval is granted by the Director of
18 Planning and Development.

19 {(4)} (6) All development must be in conformance with the submitted plot plan and floor plan.

20 {(5)} (7) Any signage for this use must first be approved in writing by the Planning and
21 Development Department.

22 {(6)} (8) A minimum of five paved on-site parking spaces shall be provided, and the spaces
23 provided shall be in compliance with ADA parking requirements{,} and LVMC Chapter 19.10. In any
24 commercial or industrial district, the Director may waive one or more of the required on-site spaces
25 if an equivalent number of on-street parking spaces is available on a street that directly abuts the lot
26 on which the use is located.

27 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term

1 "Temporary Real Estate Sales Office" to read as follows:

2 "Temporary Real Estate Sales Office" means an office operating at a fixed location within an existing
3 model home, [or] trailer or commercial structure which is used temporarily for the purpose of [home
4 sales within the subdivision in which the model home or trailer is located.] real estate sales.

5 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
6 19.04.040 and 19.20.020 are deemed to be subchapters rather than sections.

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

15 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
16 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
17 1983 Edition, in conflict herewith are hereby repealed.

18 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

19 APPROVED:

20
21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:

26
27 Valsted 12-3-03
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2003, 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 _____, 2004, 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: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15

16

ATTEST:

17

BARBARA JO RONEMUS, City Clerk

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**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JANUARY 5, 2004**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

MARTIN FRENCH spoke regarding Bill 2003-103 and stated that the bill appears to be directed toward the sale of vehicles and not test-driving vehicles being serviced. Those test drives also utilize the park as well as the residential streets. COUNCILWOMAN MONCRIEF requested that he speak with her liaison.

(4:10 – 4:11)

1-192

THE MEETING ADJOURNED AT 4:11 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

January 22, 2004