

# City of Las Vegas

RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>  
DECEMBER 4, 2007  
4:00 P.M.

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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2007-69 - Annexation No. ANX-23635 – Property location: At 4505 Balsam Street; Petitioned by: Scott Ashjian; Acreage: 1 acre; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown
4. Bill No. 2007-70 – Annexation No. ANX-23637 – Property location: At 4633 Balsam Street; Petitioned by: Jose R. Pineda; Acreage: 0.89 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown
5. Bill No. 2007-71 – Annexation No. ANX-23639 – Property location: At 4515 Balsam Street; Petitioned by: Jon S. Ashjian; Acreage: 1.62 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown
6. Bill No. 2007-72 – Updates certain Municipal Code provisions pertaining to the Municipal Court. Proposed by: James P. Carmany, Municipal Court Administrator
7. Bill No. 2007-73 – Clarifies the zoning treatment of manufactured homes. Sponsored by: Councilman Steven D. Ross
8. Bill No. 2007-74 – Updates the zoning provisions pertaining to adult day care centers and family child care homes. Sponsored by: Councilman Larry Brown

# City of Las Vegas

9. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

## 10. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: 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 Clerk's Bulletin Board, City Hall Plaza, 2<sup>nd</sup> Floor Skybridge  
Bulletin Board, City Hall Plaza, (next door to Metro Records)  
Las Vegas Library, 833 Las Vegas Boulevard North  
Clark County Government Center, 500 S. Grand Central Parkway  
Grant Sawyer Building, 555 E. Washington Avenue







**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

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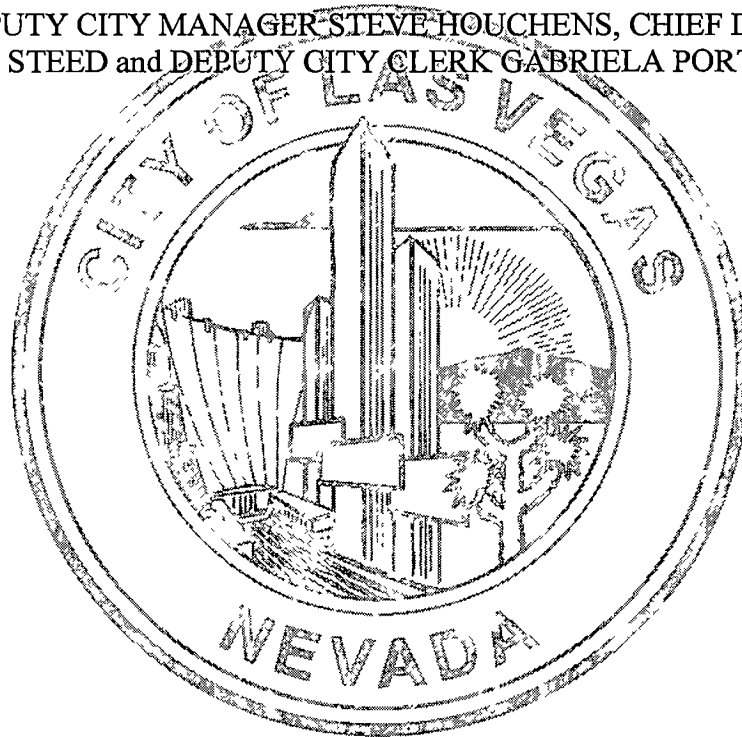
**DEPARTMENT: CITY CLERK**  
**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**  
**CALL TO ORDER**

Minutes:  
COUNCILWOMAN TARKANIAN called the meeting to order at 4:01 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

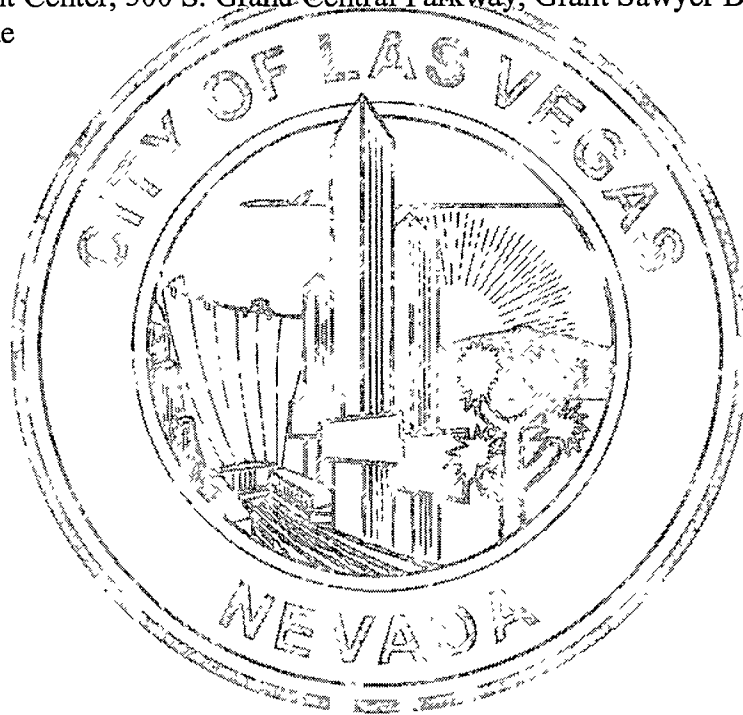
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**DEPARTMENT: CITY CLERK**  
**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**  
**ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW**

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge Bulletin Board, City Hall Plaza (next door to Metro Records), Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center, 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-69 - Annexation No. ANX-23635 – Property location: At 4505 Balsam Street; Petitioned by: Scott Ashjian; Acreage: 1 acre; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located at 4505 Balsam Street. 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 (December 28, 2007) 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. 2007-69 and Location Map

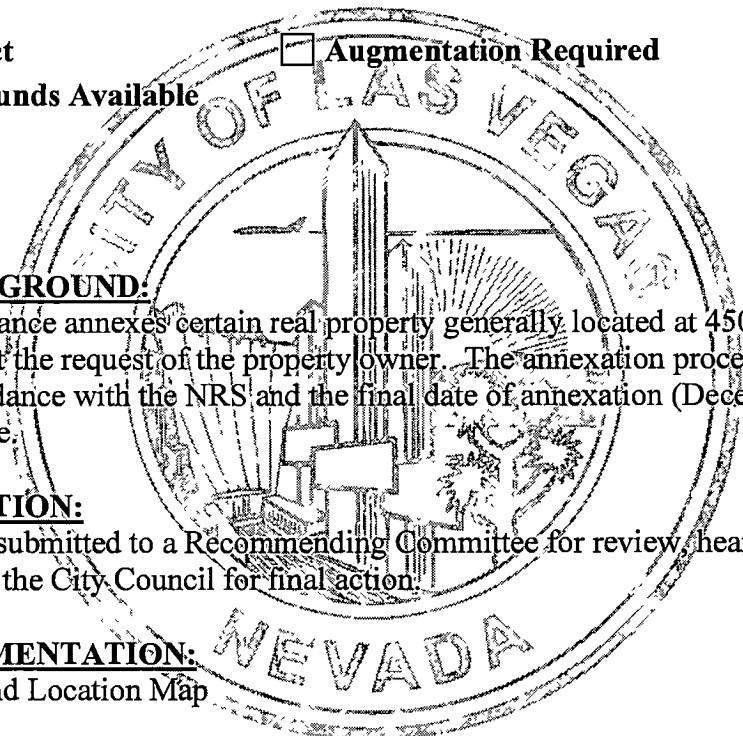
Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this routine item involved a small-parcel owner petitioning for annexation. He recommended approval.



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**BILL NO. 2007-69**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-23635)

Sponsored by: Councilman Larry Brown      Summary: Annexes property described generally as located at 4505 Balsam Street, approximately 588 feet south of the Red Coach Avenue alignment.

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

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

That portion of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, described as follows.

The east 512.00 feet of the south 85.00 feet of the South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3.

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

A. The area to be annexed was contiguous to the City's boundaries at the

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time the annexation proceedings were instituted;

- B. More than one-eighth (1/8) of the aggregate external boundaries of the area are contiguous to the City;
- C. The territory proposed to be annexed is not included within the boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983;
- D. The City is eligible to annex the described territory since the landowners have signed a petition constituting one hundred percent (100%) of the owners of record of individual lots or parcels of land within the annexation area.

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

1 development applications.

2 SECTION 4: The annexation of the described territory shall become  
3 effective on the 28th day of December, 2007, and on that date the City will have the funds  
4 appropriated in sufficient amount to finance the extension into the described territory of  
5 police protection, fire protection, street maintenance, street sweeping, and street lighting  
6 maintenance.

7 SECTION 5: The described territory, together with the inhabitants and  
8 property thereof, shall, from and after the 28th day of December, 2007, be subject to all  
9 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same  
10 privileges and benefits as other parts of the City, and shall be subject to municipal taxes  
11 levied by the City.

12 SECTION 6: The City Engineer is hereby instructed to cause to be prepared  
13 an accurate map or plat of the described territory and to record the map or plat, together with  
14 a certified copy of this ordinance, in the office of the County Recorder of Clark County,  
15 Nevada, which recording shall be done prior to the 28th day of December, 2007.

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

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

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

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC  
City Clerk

APPROVED AS TO FORM:

Valsted      11-1-07  
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2007, 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 \_\_\_\_\_, 2007, 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": \_\_\_\_\_

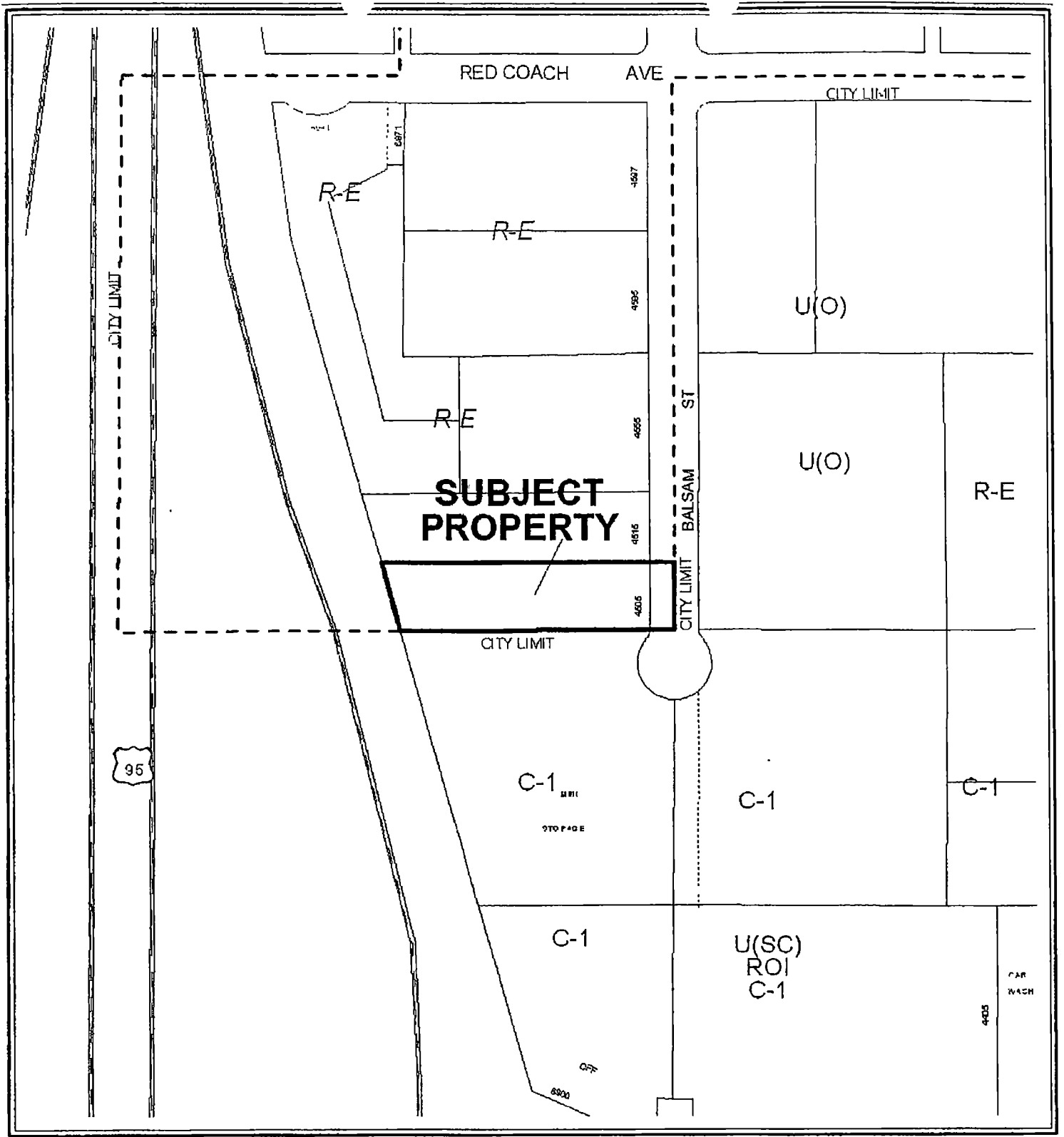
10 ABSENT: \_\_\_\_\_

11 APPROVED:

13 By \_\_\_\_\_  
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
18 City Clerk  
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CASE: ANX-23635



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-70 – Annexation No. ANX-23637 – Property location: At 4633 Balsam Street; Petitioned by: Jose R. Pineda; Acreage: 0.89 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located at 4633 Balsam Street. 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 (December 28, 2007) 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. 2007-70 and Location Map

Motion made by RICKI Y. BARLOW to Approve as Do Pass

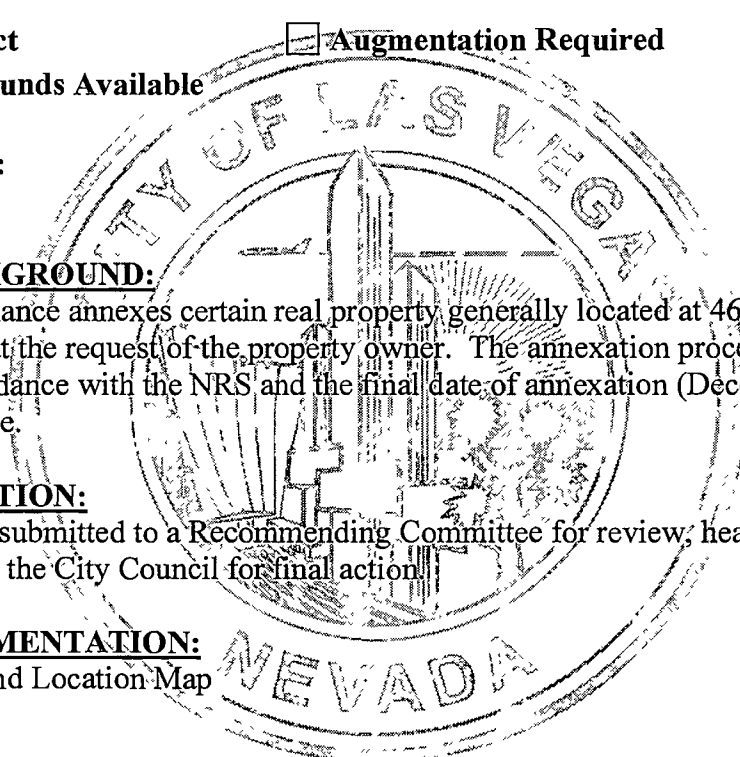
Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this routine item involved a property owner petitioning for annexation. He recommended approval.

COUNCILMAN BARLOW confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that property owners will tie into City sewer and water service, and that will increase revenue for the City.



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**BILL NO. 2007-70**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-23637)

Sponsored by: Councilman Larry Brown      Summary: Annexes property described generally as located at 4633 Balsam Street, approximately 175 feet north of the Red Coach Avenue alignment.

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

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

That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being LOT 14 in BLOCK 1 and the adjacent half street right of way of BALSAM STREET (30.00 feet wide as measured from centerline thereof) and the adjacent east half of the 20.00 foot wide back alley as shown on Book 6 of Plats, Page 99 BRIDLE PATH ESTATES of Clark County, Nevada Records.

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

- A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;

1 B. More than one-eighth (1/8) of the aggregate external boundaries of  
2 the area are contiguous to the City;

3 C. The territory proposed to be annexed is not included within the  
4 boundaries of another incorporated city or within the boundaries of  
5 any unincorporated town as those boundaries existed as of July 1,  
6 1983;

7 D. The City is eligible to annex the described territory since the  
8 landowners have signed a petition constituting one hundred percent  
9 (100%) of the owners of record of individual lots or parcels of land  
10 within the annexation area.

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

1           SECTION 4: The annexation of the described territory shall become  
2 effective on the 28th day of December, 2007, and on that date the City will have the funds  
3 appropriated in sufficient amount to finance the extension into the described territory of  
4 police protection, fire protection, street maintenance, street sweeping, and street lighting  
5 maintenance.

6           SECTION 5. The described territory, together with the inhabitants and  
7 property thereof, shall, from and after the 28th day of December, 2007, be subject to all  
8 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same  
9 privileges and benefits as other parts of the City, and shall be subject to municipal taxes  
10 levied by the City.

11           SECTION 6: The City Engineer is hereby instructed to cause to be prepared  
12 an accurate map or plat of the described territory and to record the map or plat, together with  
13 a certified copy of this ordinance, in the office of the County Recorder of Clark County,  
14 Nevada, which recording shall be done prior to the 28th day of December, 2007.

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

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

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

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC  
City Clerk

APPROVED AS TO FORM:

Val Heed      11-1-07  
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2007, 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 \_\_\_\_\_, 2007, 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": \_\_\_\_\_

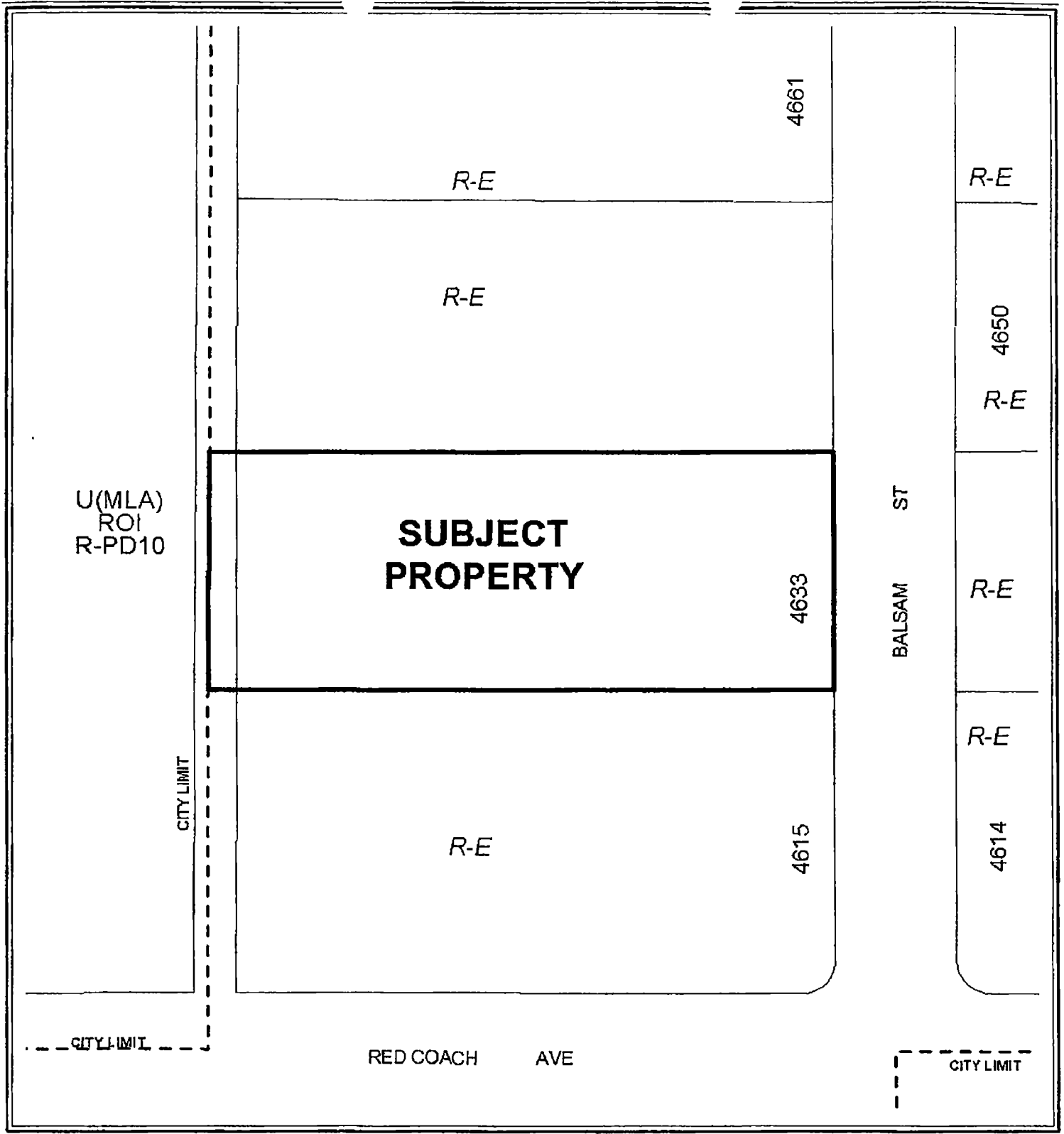
10 ABSENT: \_\_\_\_\_

11 APPROVED:

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13 By \_\_\_\_\_  
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
18 City Clerk  
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CASE: ANX-23637



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-71 – Annexation No. ANX-23639 – Property location: At 4515 Balsam Street; Petitioned by: Jon S. Ashjian; Acreage: 1.62 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

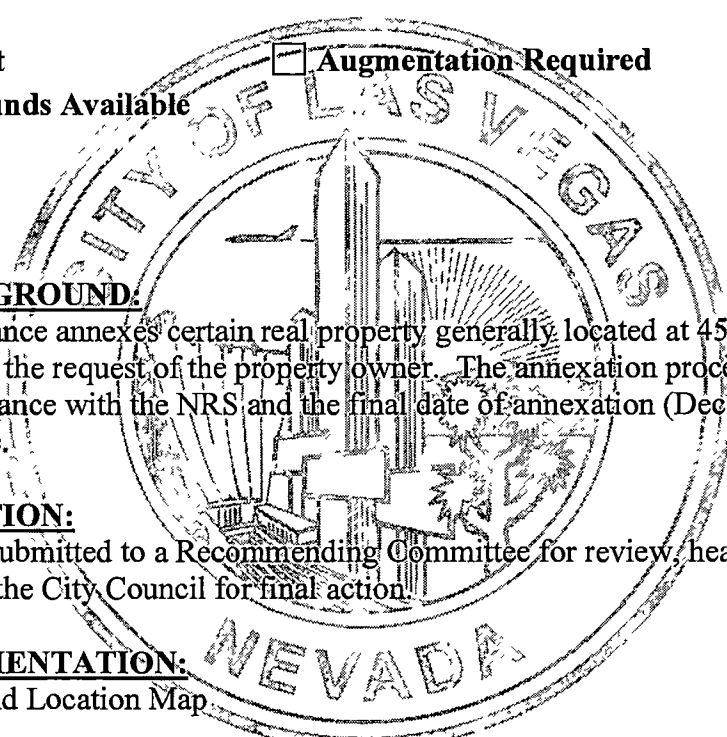
The proposed ordinance annexes certain real property generally located at 4515 Balsam Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (December 28, 2007) is set by this ordinance.

**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. 2007- 71 and Location Map



Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this routine item involved a property owner of a single parcel who is petitioning for annexation. He recommended approval.

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**BILL NO. 2007-71**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-23639)

Sponsored by: Councilman Larry Brown      Summary: Annexes property described generally as located at 4515 Balsam Street, approximately 508 feet south of the Red Coach Avenue alignment.

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

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

That portion of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, described as follows:

The South Half (S 1/2) of the South Half (S 1/2) of Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3.

EXCEPTING THEREFROM the south 85.00 feet of the east 512.00 feet of the South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3.

SECTION 2: The City Council hereby determines that the described territory

1 meets the requirements provided by law for annexation to the City for the following reasons:

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

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

1 at the expense of the property owners, either by means of special assessment districts or as  
2 prerequisites to the approval of subdivision plats, building permits or other land use or  
3 development applications.

4 SECTION 4: The annexation of the described territory shall become  
5 effective on the 28th day of December, 2007, and on that date the City will have the funds  
6 appropriated in sufficient amount to finance the extension into the described territory of  
7 police protection, fire protection, street maintenance, street sweeping, and street lighting  
8 maintenance.

9 SECTION 5: The described territory, together with the inhabitants and  
10 property thereof, shall, from and after the 28th day of December, 2007, be subject to all  
11 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same  
12 privileges and benefits as other parts of the City, and shall be subject to municipal taxes  
13 levied by the City.

14 SECTION 6: The City Engineer is hereby instructed to cause to be prepared  
15 an accurate map or plat of the described territory and to record the map or plat, together with  
16 a certified copy of this ordinance, in the office of the County Recorder of Clark County,  
17 Nevada, which recording shall be done prior to the 28th day of December, 2007.

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

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

1 or ineffective

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

5 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_,  
6 2007.

7 APPROVED:

8  
9 By OSCAR B. GOODMAN, Mayor

10 ATTEST:

11  
12 BEVERLY K. BRIDGES, CMC  
13 City Clerk

14 APPROVED AS TO FORM:

15 *Vat Head* 11-1-07  
16 Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2007, 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 \_\_\_\_\_, 2007, 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: \_\_\_\_\_

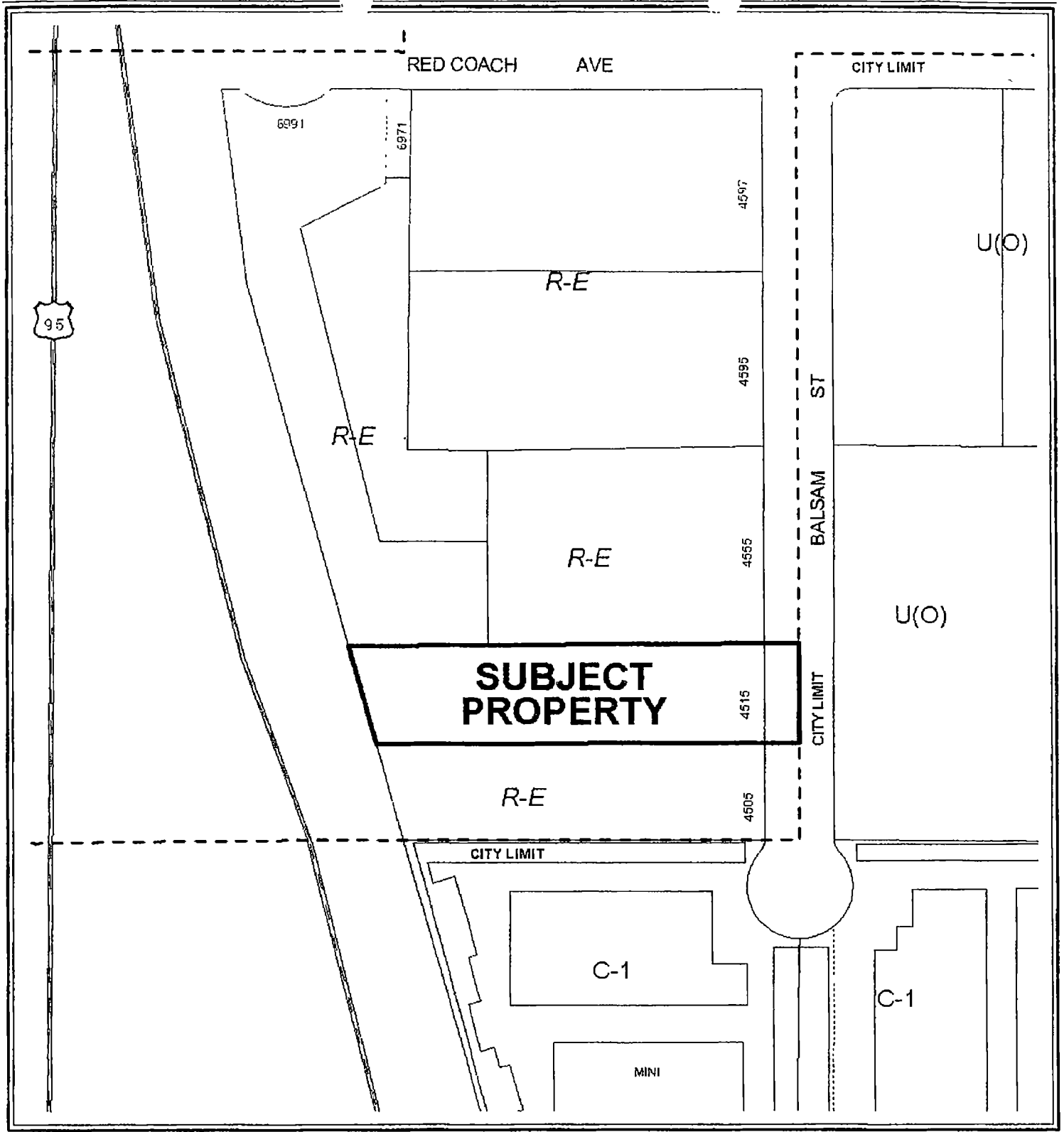
11 APPROVED:

13 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

14 ATTEST:

16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
City Clerk

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02040 Feet



CASE: ANX-23639



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-72 – Updates certain Municipal Code provisions pertaining to the Municipal Court. Proposed by: James P. Carmany, Municipal Court Administrator

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill is a “housekeeping” measure that will update obsolete Code provisions regarding the location of the Municipal Court and the terms of Municipal Court Judges.

**RECOMMENDATION:**

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

**BACKUP DOCUMENTATION:**

1. Bill No. 2007-72
2. Business Impact Statement

Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

**Minutes:**

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this is a clean-up bill to bring the Las Vegas Municipal Code up to date. It will reflect the relocation of the Court to the Regional Justice Center and the six-year terms for the judges. He recommended approval.

1 **BILL NO. 2007-72**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE TO UPDATE CERTAIN MUNICIPAL CODE PROVISIONS PERTAINING TO**  
4 **THE MUNICIPAL COURT, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

5 **Proposed by:** James P. Carmany, Municipal Court Administrator      **Summary:** Updates certain Municipal Code  
6 provisions pertaining to the Municipal Court.

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

9 **SECTION 1:** Title 2, Chapter 26, Section 10, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **2.26.010:** (A) There shall be a Municipal Court of the City consisting of six departments. The  
12 departments shall be numbered 1 through 6, and a duly elected and qualified Judge shall preside over  
13 each department.

14 (B) The Municipal Court shall be held in the facilities [provided at Las Vegas City  
15 Hall and at such other facilities as may be] designated by the Court Administrator.

16 (C) The Municipal Court shall be a court of record effective December 1, 1995.

17 **SECTION 2:** Title 2, Chapter 26, Section 20, of the Municipal Code of the City of  
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **2.26.020:** The term of office of Municipal Court Judges shall be for [four years; the Judges for  
20 Department 1, Department 4 and Department 6 will be elected at the primary and general elections  
21 of May and June, 1991, and the Judges for Department 2, Department 3 and Department 5 having been  
22 elected at the primary and general elections of May and June, 1989.] six years, except as otherwise  
23 provided by the City Council pursuant to Section 4.010 of the City Charter.

24 **SECTION 3:** If any section, subsection, subdivision, paragraph, sentence, clause or  
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
3 invalid or ineffective.

4 SECTION 4: 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 \_\_\_\_\_, 2007.

8 APPROVED:

9  
10 By \_\_\_\_\_  
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:  
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14 \_\_\_\_\_  
15 BEVERLY K. BRIDGES, CMC  
16 City Clerk

17 APPROVED AS TO FORM:  
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19 \_\_\_\_\_  
20 *Val Steed* 11-6-07  
21 \_\_\_\_\_  
22 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 \_\_\_\_\_, 2007, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2007, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

13

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

14

15 ATTEST:

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BEVERLY K. BRIDGES, CMC  
City Clerk

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**BUSINESS IMPACT STATEMENT**

**BILL NO. 2007-72**

**(Updates certain Municipal Code provisions pertaining to the Municipal Court.)**

This business impact statement was prepared pursuant to NRS 237 090 to address the impact of a proposed ordinance, Bill No. 2007-72, that would update certain Municipal Code provisions pertaining to the Municipal Court.

**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.**

Not applicable

**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

**Beneficial effects:**

None

**Direct effects:**

None

**Indirect effects:**

None

**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

**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: November 6, 2007

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-73 – Clarifies the zoning treatment of manufactured homes. Sponsored by: Councilman Steven D. Ross

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

As required by State law, City zoning regulations treat manufactured homes the same as other single-family detached dwellings under certain conditions. There has been confusion about whether or not the regulations allow manufactured homes in the R-MH District to be attached to the land and thus become “real property.” Although the zoning regulations do not address the issue, it has been decided to clarify the conditions under which manufactured homes are allowed in various districts, and to indicate that zoning terms do not decide the status of a manufactured home as “real property.”

**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. 2007-73

Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

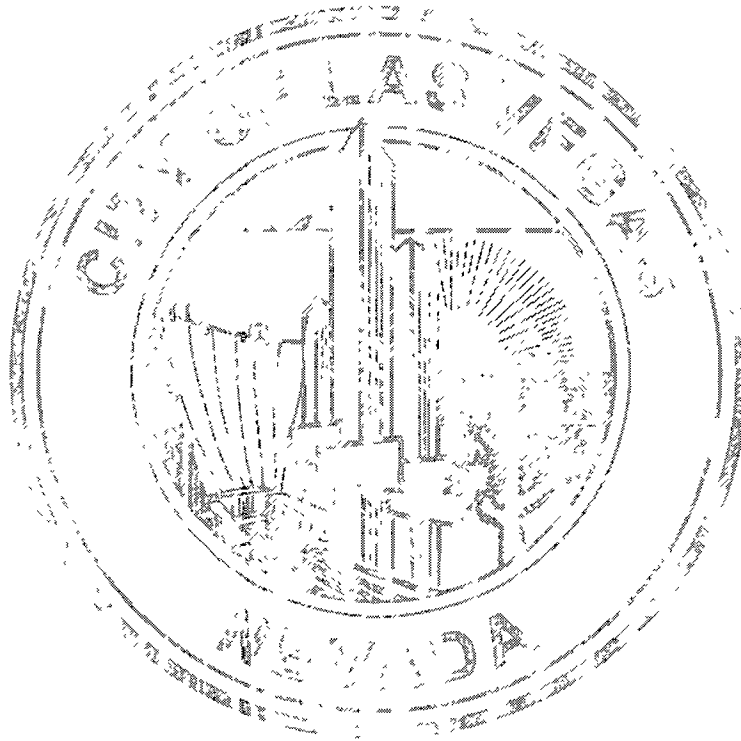
**Minutes:**

MARGO WHEELER, Director of Planning and Development, explained that this allows manufactured homes to be treated as single-family dwellings. There have been problems with loans for these types of structures. The setbacks will be established as 15 feet for the front, ten

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

feet for the rear and allow manufactured homes in a manufactured home zoning, which is appropriate.

COUNCILMAN BARLOW outlined problems experienced with perception and placement of manufactured homes. He is pleased with the corrections.



BILL NO. 2007-73

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO CLARIFY THE ZONING TREATMENT OF MANUFACTURED HOMES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross      Summary: Clarifies the zoning treatment of manufactured homes.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to revise the name and description of the use "Manufactured Home (Qualifying for Treatment as Single Family Detached Dwelling)" so as to clarify its intent; to indicate that the use is allowed as a conditional use in the R-MH Zoning District; and to conform the conditional use regulations to State law. In order to reflect the amendment, the "Residential and Lodging" element of the Land Use Tables is amended by amending the entry for the use to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Manufactured Home (Qualifying for Zoning Treatment as Single Family Detached Dwelling)	C	C	C	C	C	C	C	C	C	C	C										
	<p><b>Description:</b> A structure (as defined in NRS 489 113) that meets the Conditional Use Regulations listed below   <u>in order to qualify for State-law zoning treatment as a Single Family Detached Dwelling.</u></p> <p><b>Conditional Use Regulations:</b></p> <p>i In order to qualify for <u>State-law zoning</u> treatment as a Single Family Detached Dwelling, a manufactured home must</p> <ul style="list-style-type: none"> <li>a. Have been constructed or manufactured within the [5] 6 years immediately preceding the date on which it is affixed to the residential lot;</li> <li>b. Consist of at least 1200 square feet of living area, unless the Director approves a reduction in size,</li> <li>c. Be permanently affixed to the residential lot,</li> <li>d. Have its foundation masked architecturally or by landscaping, berming or planters, and</li> <li>e. Be demonstrated to be compatible with homes in the immediate vicinity, in terms of siding material, roofing, color, building configuration, design features, etc</li> </ul> <p><b>On-site Parking Requirement:</b> Two spaces per site</p>																				

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to revise the name and description of the use "Manufactured Home (Not Qualifying for Treatment as Single Family

1 Detached Dwelling)” so as to clarify its intent. In order to reflect the amendment, the “Residential and  
 2 Lodging” element of the Land Use Tables is amended by amending the entry for the use to read as  
 3 follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Manufactured Home (Not Qualifying for Zoning Treatment as Single Family Detached Dwelling)											P	C									
	<p><b>Description:</b>            A structure (as defined in NRS 489 113) that does not qualify for <u>State-law zoning</u> treatment as a Single Family Detached Dwelling  <u>The fact that a structure does not qualify for State-law zoning treatment as a Single Family Detached Dwelling does not preclude it from being so treated for other purposes, or from being permanently affixed to a residential lot.</u></p> <p><b>Conditional Use Regulations:</b>            1 No sales or display of manufactured homes is permitted, except for            a. The sale in-place, by the owner or his agent, of a manufactured home that has previously been located and continuously occupied in that mobile home park by the owner.            b. The sale in-place, by a manufactured home dealer, of a manufactured home that has previously been located and continuously occupied in that mobile home park by the owner of the home and that has been taken as a trade-in or purchased from the owner            c. The placement of a manufactured home within a mobile home park for the purpose of sale or display, or both, as a sales model only</p> <p>For purposes of this Conditional Use Regulation 1, a financial institution that has succeeded to the interest in a manufactured home of its owner, through foreclosure, shall be deemed to be the agent of the owner</p> <p><b>On-site Parking Requirement:</b> Two spaces per site</p>																				

16 SECTION 3: Title 19, Chapter 8, Section 40, Subsection (C), of the Municipal Code of the  
 17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 1 included therein,  
 18 with no amendment to the Table’s accompanying notes, to read as follows:

19 **Table 1. Single-Family Residential District Development Standards**

STANDARD	U	R-A	R-E	R-D	R-1	R-CL	R-MH	R-MHP
Min Lot Size (s.f.)	20,000	40,000	20,000	11,000	6,500	3,500 <sup>2</sup>	6,500	4,000
Dwelling Units per Lot	1	1	1	1	1	1	1	1
Min. Lot Width (ft.)	100 <sup>6</sup>	100 <sup>6</sup>	100 <sup>6</sup>	90 <sup>6</sup>	65 <sup>6</sup>	35 <sup>3,6</sup>	65 <sup>6</sup>	45 <sup>6</sup>
Min Front Yard Setback (ft )	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>	25	20	14 <sup>4</sup>	[20] 15	5
Min Side Yard Setback (ft )	10 <sup>7</sup>	10 <sup>7</sup>	10 <sup>7</sup>	10 <sup>7</sup>	5 <sup>7</sup>	10 <sup>5,7</sup>	5 <sup>7</sup>	5 <sup>7</sup>
Min. Corner Side Yard Setback (ft )	15 <sup>7</sup>	15 <sup>7</sup>	15 <sup>7</sup>	15 <sup>7</sup>	15 <sup>7</sup>	10 <sup>7</sup>	10 <sup>7</sup>	5 <sup>7</sup>
Min. Rear Yard Setback (ft )	35 <sup>7</sup>	35 <sup>7</sup>	35 <sup>7</sup>	30 <sup>7</sup>	15 <sup>7</sup>	10 <sup>7</sup>	[15] 10 <sup>7</sup>	5 <sup>7</sup>
Max. Lot Coverage	NA	NA	NA	NA	50%	50%	50%	NA
Max Building Height (ft )	2 stories or 35 feet, whichever is less							

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

4 "Manufactured Home" means a structure as defined in NRS 489.113. A manufactured home may or  
5 may not qualify for State-law zoning treatment as a single-family detached dwelling pursuant to Table  
6 2, as adopted in Section 19 04.010.

7 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,  
8 19.08.040 and 19.20.020 are deemed to be subchapters rather than sections.

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

17 SECTION 7: 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 \_\_\_\_\_, 2007.

21 APPROVED:  
22  
23 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

24 ATTEST:  
25  
26 \_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk

27 APPROVED AS TO FORM:  
28 Val Steed 11-6-07  
Date

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

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

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By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

14

15 ATTEST:

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\_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2007-74 – Updates the zoning provisions pertaining to adult day care centers and family child care homes. Sponsored by: Councilman Larry Brown

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will adjust the zoning regulations regarding family child care homes to conform them to licensing regulations. The bill will also allow adult day care centers by means of special use permit in certain residential zoning districts, subject to minimum requirements to ensure compatibility.

**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. 2007-74

Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

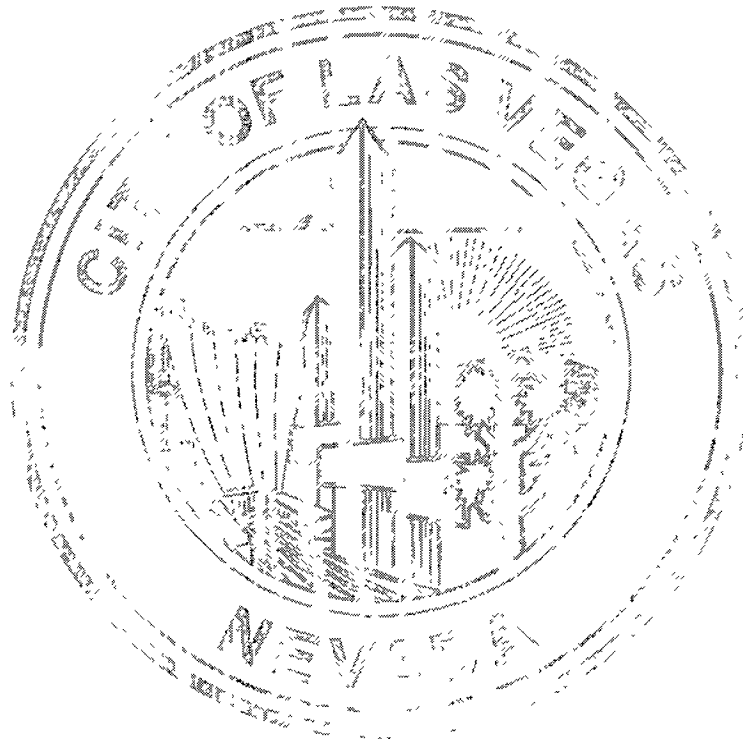
LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

**Minutes:**

MARGO WHEELER, Director of Planning and Development, outlined the difficulty with the category of adult daycare facilities created by the City in 2006. This bill will permit the use, subject to a special use permit, in residential zones and meet state statutes. The parking requirement will be one for every ten clients for this use. The special use permit will include notification of neighbors and a public hearing.

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

COUNCILWOMAN TARKANIAN discussed the addition of the last sentence with MS. WHEELER and CHIEF DEPUTY CITY ATTORNEY STEED that included additional family members before and after school. At this time, COUNCILWOMAN TARKANIAN was comfortable including the six children for day care and three added, for total of nine after school hours. CHIEF DEPUTY CITY ATTORNEY VAL STEED added that that was subject to licensing approval. A specific licensing condition might prohibit that.



BILL NO. 2007-74

ORDINANCE NO. \_\_\_\_\_

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

Sponsored by: Councilman Larry Brown

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

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

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

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	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
Adult Day Care Center	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		C	C	C	P	P	P	P	P	P
<b>Description:</b> A facility that provides personal care and related services to more than 10 dependent adults in a supervised, protective, congregate setting during some portion of a 24-hour day. Services typically offered in conjunction with an adult day care center include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.																					
<b>Conditional Use Regulations</b> <ol style="list-style-type: none"> <li>1 The facility must comply on an ongoing basis with all governmental licensing requirements.</li> <li>2 Access to the facility shall be by means of a collector street or larger.</li> <li>3 The maximum lot coverage shall not exceed 50 percent.</li> <li>4 The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.</li> <li>5 [Common area shall be provided on the basis of a minimum of 15 square feet per client.] <u>Usable floor space per client shall comply with State regulations.</u></li> <li>6 Where adult day care center properties have residential adjacency:                         <ol style="list-style-type: none"> <li>a An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.</li> <li>b The building entrance and access shall be oriented away from residential uses on local streets.</li> <li>c Outdoor activity shall be limited to daylight hours.</li> <li>d Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.</li> </ol> </li> <li>7 The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.</li> </ol>																					
<b>Minimum Special Use Permit Requirements</b> <ol style="list-style-type: none"> <li>1 The facility must comply on an ongoing basis with all governmental licensing requirements.</li> <li>2 Access to the facility shall be by means of a collector street or larger.</li> <li>3 The maximum lot coverage shall not exceed 50 percent.</li> <li>4 The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.</li> <li>5 Usable floor space per client shall comply with State regulations.</li> <li>6 Where adult day care center properties have residential adjacency:                         <ol style="list-style-type: none"> <li>a An eight foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.</li> <li>b The building entrance and access shall be oriented away from residential uses on local streets.</li> <li>c Outdoor activity shall be limited to daylight hours.</li> <li>d Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.</li> </ol> </li> <li>7 The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.</li> </ol>																					
<b>On-site Parking Requirement:</b> One space for each staff member, plus one space for each [6 patrons] 10 clients.																					

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

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

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

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Child Care - Family Home (7-12 Children)	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
	S	S	S	S	S	S	S	S	S	S	S										
<b>Description.</b> A residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of 7 children and a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services[.], including the ability to provide care for up to 3 additional children before and after school hours.																					
<b>Minimum Special Use Permit Requirements:</b> *1 The minimum lot size shall be 6500 square feet *2 The site shall be designed so that all loading and unloading of passengers occurs on-site *3 In order for this use to be conducted on a parcel developed with multi-family housing, the child care must be provided within a separate structure *4 The use shall be subject to the child care regulations and standards of the Department of Finance and Business Services 5 Access to the facility shall be by means of a right-of-way with a width of 60 feet or less 6 The use of outdoor play areas shall be limited to the hours between 6 00 A.M. and 10 00 P.M. 7 All lighting shall be designed so it does not shine directly onto any abutting residential property																					
<b>On-site Parking Requirement:</b> One space for each staff member, plus one space for each 6 children																					

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

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

1 school hours.

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

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

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

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

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1 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,  
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

5 APPROVED:

6  
7 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

8 ATTEST:

9  
10 \_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed      11-7-07  
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 \_\_\_\_\_, 2007, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2007, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_  
9 VOTING "NAY": \_\_\_\_\_  
10 ABSENT: \_\_\_\_\_

11  
12 APPROVED:

13  
14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:  
16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**CITIZENS PARTICIPATION:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

Minutes:

None.



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 4, 2007**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

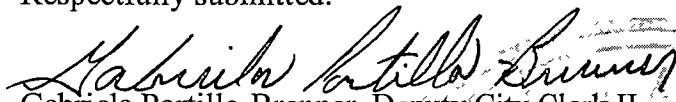
Consent  Discussion

**SUBJECT:**  
**ADJOURNMENT**

Minutes:

The meeting was adjourned at 4:11 p.m.

Respectfully submitted:



Gabriela Portillo-Brenner, Deputy City Clerk II.

December 6, 2007

