

**BILL NO. 2010-8**

**ORDINANCE NO. 6083**

AN ORDINANCE TO UPDATE THE ZONING PROVISIONS PERTAINING TO CHILD CARE FACILITIES TO MAKE THEM CONSISTENT WITH EACH OTHER AND WITH APPLICABLE LICENSING PROVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler,  
Director of Planning and Development

Summary: Updates the zoning provisions pertaining to child care facilities to make them consistent with each other and with applicable licensing provisions.

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 as set forth in Section 2 of this Ordinance.

SECTION 2: The entries for the uses “Child Care – Family Home (1-6 Children),” “Child Care – Family Home (7-12 Children)” and “Child Care Center,” as found in the “Institutional and Community Service” element of Table 2, are hereby amended to read respectively as follows:

<b>USE: [Child Care - Family Home (1-6 Children)] <u>Child Care - Family Home</u></b>																				
<b>RESIDENTIAL</b>												<b>COMMERCIAL</b>					<b>INDUSTRIAL</b>			
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] <u>State of Nevada</u> .																				
<b>On-site Parking Requirement:</b> No additional parking required beyond that which is required for the principal use on the site.																				

<b>USE: [Child Care - Family Home (7-12 Children)] <u>Child Care - Group Home</u></b>																				
<b>RESIDENTIAL</b>												<b>COMMERCIAL</b>					<b>INDUSTRIAL</b>			
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											
<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																				



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Finance and Business Services, including the ability to provide care for up to 3 additional children before and after school hours) State of Nevada.

**Minimum Special Use Permit Requirements:**

- \*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.] State of Nevada.
- 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.

**On-site Parking Requirement:** One space for each staff member, plus one space for each 6 children..

**USE: Child Care Center**

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
S	S	S	S				S	S	S	S	S	C	C	C	P	P	P	P	P	P

**Description:**  
Any commercial facility which provides day or overnight care for more than 12 children. Such a use is subject to the child care regulations and standards of the [Department of Finance and Business Services.] State of Nevada.

**Conditional Use Regulations:**

- 1. Access to the child care center shall be by means of a collector street or larger.
- 2. The maximum lot coverage shall not exceed 30 percent.
- 3. 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.
- 4. Where structures or play areas have residential adjacency:
  - a. An 8-foot high block wall shall be installed along the common property line, with an additional buffer of evergreen trees along the play area. The trees shall be a minimum of 24-inch box, shall be installed at a minimum of 20 feet on center, and shall be a variety that will grow together to form a visual screen.
  - b. The building entrance and access shall be oriented away from residential uses on local streets.
  - c. Outdoor play shall be limited to daylight hours.
  - d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.

**On-site Parking Requirement:** One space for each staff member, plus one space for each 10 children.

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definitions of the terms “Child Care – Group Home (1-6 Children),” “Child Care – Group Home (7-12 Children)” and “Child Care Center” to read respectively as follows:

[“Child Care – Group Home (1-6 Children)”] “Child Care – Family Home” means a residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of

1 six children for compensation. Such a use is subject to the child care regulations and standards of the  
2 [Department of Finance and Business Services, including the ability to provide care for up to three  
3 additional children before and after school hours.] State of Nevada.

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

9 “Child Care Center” means any commercial facility which provides day or overnight care for more  
10 than twelve children. Such a use is subject to the child care regulations and standards of the  
11 [Department of Finance and Business Services.] State of Nevada.

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

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

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SECTION 6: 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 17<sup>th</sup> day of February, 2010.

APPROVED:

By   
OSCAR B. GOODMAN, Mayor

ATTEST:

  
BEVERLY K. BRIDGES, MMC  
City Clerk

APPROVED AS TO FORM:

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20<sup>th</sup> day of January, 2010, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17<sup>th</sup> day of February, 2010, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

- VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow and Anthony
- VOTING "NAY": None
- EXCUSED: None
- ABSTAINED: None
- DID NOT VOTE: None

APPROVED:  
  
\_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:  
  
\_\_\_\_\_  
BEVERLY K. BRIDGES, MMC City Clerk

AFFP DISTRICT COURT  
Clark County, Nevada

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CITY CLERK

AFFIDAVIT OF PUBLICATION

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STATE OF NEVADA)  
COUNTY OF CLARK) SS:

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

LV CITY CLERK 2296311LV 6060458

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/05/2010 to 02/05/2010, on the following days:

02/05/2010

BILL NO. 2010-8

AN ORDINANCE TO UPDATE THE ZONING PROVISIONS PERTAINING TO CHILD CARE FACILITIES TO MAKE THEM CONSISTENT WITH EACH OTHER AND WITH APPLICABLE LICENSING PROVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Updates the zoning provisions pertaining to child care facilities to make them consistent with each other and with applicable licensing provisions.

At the City Council meeting of JANUARY 20, 2010  
BILL NO. 2010-8 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: February 5, 2010  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 5th day of Feb., 2010.

Emily Gonzalez  
Notary Public



AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

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STATE OF NEVADA)  
COUNTY OF CLARK) SS:

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

LV CITY CLERK 2296311LV 6102070

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/20/2010 to 02/20/2010, on the following days:

02/20/2010

BILL NO. 2010-8  
ORDINANCE NO. 6083

AN ORDINANCE TO UPDATE THE ZONING PROVISIONS PERTAINING TO CHILD CARE FACILITIES TO MAKE THEM CONSISTENT WITH EACH OTHER AND WITH APPLICABLE LICENSING PROVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler,  
Director of Planning and Development

Summary: Updates the zoning provisions pertaining to child care facilities to make them consistent with each other and with applicable licensing provisions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of January 2010 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of February 2010, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

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

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: February 20, 2010  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
20th day of Feb., 2010.

Emily Gonzalez  
Notary Public

