



Group Home Requirements

Business Licensing –

If the facility/home is operated for profit it is subject to all City ordinances and applicable laws, including City business licenses requirements, Building Code, Fire Code, and land use requirements. If the locations are operated by nonprofit organizations as defined in NLVMC 5.02.001 they are exempt from City licensing requirements. However, they must comply with all City ordinances and applicable laws. Applicants must provide proof of local licensure or verification that a license is not required before a state license from the Bureau will be issued.

Building Code –

Group homes can change a dwelling unit's occupancy classification, depending on number and types of occupants. However, most group homes would remain a residential classification and would not require substantial changes to the residential structure.

Planning and Zoning -

Most regulations concerning group homes within the City of North Las Vegas are in the zoning ordinance. Most group homes are classified as a conditional use. In North Las Vegas a conditional use is allowed if the applicant meets certain conditions. It is an administrative act conducted by city staff. A special use permit, including a public hearing, is used if the applicant requests waivers from the conditions.

The following is the zoning classification (title 17) for state licensed facility types that could be considered types of group living.

State Defined Term

Facility for the treatment of abuse of alcohol or drugs

Halfway house for recovering alcohol and drug users

Residential facility for groups

Facility for hospice care

Facility for transitional living for release offenders

Home for individual residential care

City Defined Term

Halfway house for recovering alcohol and drug abusers

Halfway house for recovering alcohol and drug abusers

Group Care Facility

Convalescent Home

Transitional Housing

Single-Family Home

Conditional Use Permit

Halfway house for recovering alcohol and drug abusers- in all Residential Districts

Group Care Facility – in all Residential Districts

Special Use Permit

Convalescent Home – in some Residential Districts (R-CL, R-2, R-3, R-4, RA/R-2, RA/R-3)

Child Care Facility – Dependent on size

Residential Health Care Facilities – in Commercial Districts (C-1, C-2, C-3)

Transitional Housing – in Multifamily Residential Districts (R-3, R-4, RA/R-2, RA/R-3)

**EXHIBIT E – GroupHomes
Document consists of 6 pages.
Entire Exhibit provided.
Meeting Date: 03-24-10**

17.12.020 Definitions

“Group Care Facility” means a single, residential structure having common kitchen facilities occupied by persons who may or may not have physical, mental, emotional or social problems and living together for the purpose of training, observation, common support of a combination thereof. Group Care Facility includes “residential facilities for groups” as defined in Section 449.017 of the Nevada Revised Statute Section 449.017. Group Care Facility does not include individual residential care, “Halfway House for Recovering Alcohol and Drug Abuser” or “Transitional Housing.”

“Halfway House for Recovering Alcohol and Drug Abuser” means a residential structure which provides housing for recovering alcohol and drug abusers. Halfway House for Recovering Alcohol and Drug Abuser includes “homes for recovering alcohol and drug abusers” as defined in Section 449.008 of the Nevada Revised Statutes. The term does not include “Transitional Housing.”

“Transitional Housing” means a residential structure having common kitchen facilities occupied by persons on probation or parole. Transitional housing shall include “Transitional housing for released offenders” as defined by NRS 449.0055. This term does not include “Lodging House,” “Convalescent Home,” or “Group Care Facility.”

“Convalescent Home” means a building or structure designed, used or intended to be used to house and provide care for the sick, ill or infirm persons, where no surgical treatment is given. It is intended that this definition shall generally cover buildings, structures and designed for chronically ill or infirmed who do not require the specialized treatment provided in the hospital. The word “convalescent home” as used in this chapter includes nursing homes and rest homes.

“Family” includes the following if living together as a single housekeeping unit within a dwelling unit:

1. An individual living alone;
2. Two or more persons related by blood or marriage;
3. One or more handicapped persons together with caretakers or house parents;
4. A group, of which not more than six individuals, shall be related to any other individual in the group.

“Child Care Facility” means a use where care is provided for unrelated children subject to the requirements of the state of Nevada. Categories allowed include:

1. Family day care home: capacity of one to four children;
2. Family home: capacity of five to six children;
3. Group home: capacity of seven to twelve (12) children;
4. Child care center: capacity of more than twelve (12) children.

Before and after school care may be provided for not more than three children in all of the above categories with approval by the city business licensing division or the state of Nevada, whichever has jurisdiction over the care facility

The following is a Definition based on Department Policy:

“Residential Health Care Facilities” means a building or structure designed, used or intended to be used to provide congregate care facilities for residents in commercial land use areas. Residential health care facility as used in this chapter generally refers to assisted living centers.

ORDINANCE NO. 2387

17.24.025 **Conditional Uses**

A. **Purpose.**

A conditional use is a use that because of special requirements or characteristics may be allowed in a particular zoning district only after review of the impact the use presents on neighboring properties and demonstrated compliance with certain conditions. Conditional uses may be approved administratively, with a valid building permit or business license application. A use approved as a conditional use is subject to, and shall comply with:

1. The conditional use regulations that are listed in this section for that particular use; and
2. Any other applicable requirements of Title 17.
3. Compliance with all Business License requirements or an approved Building Permit must accompany any Conditional Use Permit.

B. **Special Use Permit Required.**

Except as otherwise specifically provided regarding a particular use, when one or more of the itemized conditional use regulations cannot or will not be met, a Special Use Permit is required for the use. Approval of such a Special Use Permit may be conditioned on requirements beyond those that are itemized as conditional use regulations for that use.

C. **Regulations for Specific Conditional Uses.**

1. **Group Care Facility**
 - a. The facility must comply on an ongoing basis with all governmental licensing requirements. This condition cannot be waived.
 - b. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.
 - c. Off-street parking shall be provided on the basis of at least one space per three residents, plus an additional space for each employee.
 - d. Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident.
 - e. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood, including applicable development standards and design guidelines.
 - f. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Group Residential Care Facility.

- g. A facility may not be located closer than one thousand five hundred (1,500) feet (measured by means of the shortest distance from property line to property line) from another Group Residential Care Facility, a Facility for Transitional Living, or a Halfway House for Recovering Alcohol and Drug Abusers. However, a waiver of the distance limitation may be granted by the Planning Commission with approval of Special Use Permit upon finding that an adequate barrier exists between a Group Residential Care Facility and another Group Residential Care Facility, a Facility for Transitional Living, or a Halfway House for Recovering Alcohol and Drug Abusers. An adequate barrier is defined as: an improved drainage facility, Clark County Interstate 215, US Interstate 15, other constructed roadway with a minimum width of one hundred twenty (120) feet. The boundary limits of these streets, freeways and freeway crossovers are as defined by the official city of North Las Vegas, Nevada Department of Transportation and Clark County right-of-way maps for such roadways, respectively:

Additionally, the applicant must demonstrate to the satisfaction of the Planning Commission that:

- (a) Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;
 - (b) The location of the proposed facility in proximity to other facilities whose location is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;
 - (c) The proposed facility will be operated in compliance with Condition Aa@;
 - (d) The proposed facility will comply with Conditions Ab@ through Af@ and Condition Ah@, unless any such condition has been waived in connection with the approval of a Special Use Permit; and
- h. The number of occupants within a Group Residential Care Facility shall not exceed the following occupancy standards:
- (1) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
 - (2) For each bedroom thereafter:
 - (a) A maximum of one adult, for bedrooms less than one hundred square feet in area; and
 - (b) A maximum of two adults, for bedrooms one hundred square feet in area or greater.
- i. In connection with approval of a Special Use Permit, the City may waive any of the occupancy standards in Condition Ah@ for disabled adults if the applicant demonstrates that:
- (1) There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants.

- (2) The facility is adequate to accommodate the number of residents requested including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.

2. Halfway House for Recovering Alcohol and Drug Abusers

- a. The facility must comply on an ongoing basis with all governmental licensing requirements. This condition cannot be waived.
- b. Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility operator shall produce evidence satisfactory to the Director that the facility is in compliance with this condition. This condition cannot be waived.
- c. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.
- d. The facility must be located on a parcel that is within one thousand five hundred feet of an existing bus stop served by a regional bus system.
- e. Off-street parking shall be provided on the basis of at least one space per three residents, plus an additional space for each employee.
- f. Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident.
- g. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood, including applicable development standards and design guidelines.
- h. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.
- i. A facility may not be located closer than one thousand five hundred (1,500) feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living or a Group Residential Care Facility. However, a waiver of the distance limitation may be granted by the Planning Commission with approval of a Special Use Permit upon finding that an adequate barrier exists between a Halfway House for Recovering Alcohol and Drug Abusers and another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living or a Group Residential Care Facility. An adequate barrier is defined as: an improved drainage facility, Clark County Interstate 215, US Interstate 15, other constructed roadway with a minimum width of one hundred

twenty (120) feet. The boundary limits of these streets, freeways and freeway crossovers are as defined by the official city of North Las Vegas, Nevada Department of Transportation and Clark County right-of-way maps for such roadways, respectively:

Additionally, the applicant must demonstrate to the satisfaction of the Planning Commission that:

- (a) Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;
 - (b) The location of the proposed facility in proximity to other facilities whose location is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;
 - (c) The proposed facility will be operated in compliance with Conditions Aa@ and Ab@.
 - (d) The proposed facility will comply with conditions Ac@ through Ah@ and Condition Aj@, unless any such condition has been waived in connection with the approval of a Special Use Permit.
- j. The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards:
- (1) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
 - (2) For each bedroom thereafter;
 - (a) A maximum of one adult, for bedrooms less than one hundred square feet in area; and
 - (b) A maximum of two adults, for bedrooms one hundred square feet in area or greater.