

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **36**

SUBJECT: Ordinance No. 2439 (ZOA-05-08); an Ordinance amendment initiated by the City of North Las Vegas to amend Title 17 (Zoning Ordinance), Sections 17.24.080, and 17.28.050, regarding additional security measures for commercial and industrial zoned properties.

REQUESTED BY: City of North Las Vegas

RECOMMENDATION OR RECOMMENDED MOTION: It is recommended that on March 19, 2008, Council introduce Ordinance No. 2439 and approve Ordinance No. 2439 on April 2, 2008.

FISCAL IMPACT:

Amount: \$

Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

At the meeting of February 27, 2008, the Planning Commission unanimously recommended approval (7-0 vote) of the proposed ordinance amendment. Commissioner Dean Leavitt made the motion to approve and Commissioner Harry Shull seconded the motion.

The zoning ordinance amendment would allow an individual to request additional security measures through consideration of a special use permit. Additional security measures can include, but are not limited to razor wire, or barbed wire fencing for commercial and industrial properties within the C-1, C-2, C-3, M-1, M-2, and M-3 Districts.

The Planning and Zoning Department recommended approval of the proposed amendment.

Attachments:

Ordinance Number 2439

Staff Report


Excerpt from the Planning Commission Minutes

LIST CITY COUNCIL GOAL(S):
Planned and Quality Growth.

PREPARED BY:

**RESPECTFULLY
SUBMITTED:**

**CITY COUNCIL
MEETING DATE:**


Frank A. Fiori, AICP
Acting Planning and Zoning Director


Gregory E. Rose
City Manager

March 19, 2008
April 2, 2008

ORDINANCE NO. 2439

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-05-08); AMENDING SECTION 17.24.080 AND 17.28.050 IN REGARDS TO PROVISIONS FOR ADDITIONAL SECURITY MEASURES FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES ORDAIN THAT TITLE 17 BE AMENDED AS FOLLOWS:

Add Section 17.24.080.J. Security Measures:

Additional security measures require approval of a special use permit by the City Council. A special use permit may only be requested in commercial and industrial properties zoned C-1, C-2, C-3, M-1, M-2, and M-3. Additional security measures may include, but are not limited to razor wire, or barbed wire fencing. In addition to those requirements listed within Title 17.28.050.C.2.b, any request must demonstrate all of the following:

- a. The use of additional security measures are necessary to safe guard the property against unauthorized entry, to protect stored goods and products from theft and/or other unauthorized handling.
- b. If the additional security measures are proposed to be installed on a shared property line, all property owners must sign the application for the request.
- c. The applicant must demonstrate that other alternatives are not available such as but not limited to the employment of a security guard, security services or the installation of a specialty designed wrought iron fence making it difficult to climb in or out of the property.
- d. The proposed security measures must be supported by an approved CPTED, Crime Prevention Through Environmental Design analysis.

Modify Section 17.24.080.C.1.c:

Barbed wire, razor wire and electrical fences are prohibited in all districts, unless otherwise approved per Section 17.24.080.J.

Delete Section 17.24.080.C.1.d:

Modify Section 17.24.080.E.2:

Fences and walls in industrial districts shall not exceed twelve (12.00') feet in overall height. Boundary-line fences abutting residential districts shall not be greater than eight (8) feet in height, as measured from the residential side of the property line. Perimeter walls around individual buildings and/or industrial parks shall be decorative and match the building(s) in material(s) and color(s).

Modify Section 17.28.050.B.5:

Special use permits for the following uses shall be forwarded to the city council for final action following a public hearing and recommendation by the planning commission:

- a. Hotels;
- b. Motels;
- c. Schools;
- d. Pawnshops;
- e. Deferred deposit loan facilities;
- f. Auto title loan facilities;
- g. Short-term loan facilities;
- h. Additional Security Measures

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2008.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

MICHAEL L. MONTANDON, MAYOR

ATTEST:

KAREN L. STORMS, CMC, CITY CLERK

#11) ZOA-05-08
ZONING ORDINANCE AMENDMENT
PUBLIC HEARING

STAFF REPORT

To: Planning Commission
Item: ZOA-05-08

Meeting Date: February 27, 2008
Prepared by: Naveen Potti

GENERAL INFORMATION:

Applicant: City of North Las Vegas

Requested Action: To amend the Zoning Ordinance by adding provisions for additional security measures such, but not limited to razor and barbed wire fencing in commercial and industrial districts.

BACKGROUND INFORMATION:

Per the direction of the City Council, staff has prepared amendments to Title 17 that would allow an individual to request additional security measures through consideration of a special use permit. Additional security measures can include, but are not limited to razor wire, or barbed wire fencing for commercial and industrial properties within the C-1, C-2, C-3, M-1, M-2, and M-3 Districts. Currently, all commercial and industrial districts prohibit the use of razor wire or electrical fencing and only the industrial districts allow barbed wire provided it is not adjacent to residential properties.

ANALYSIS:

While the approval of additional security measures may be necessary at times, it may not be warranted in all circumstances. Therefore, any request should take into account the surrounding area and other alternatives that could be used to help safe guard the property; while at the same time protecting the public health and safety of people and animals that could be seriously injured by the methods installed by the applicant. Other alternatives could include the employment of a security guard, security services or the installation of wrought iron that curves at the top to make it difficult to climb in or out of the property.

Additionally, if the request proposes to install the security measures on the property line, all property owners should be required to sign the application. Otherwise, the applicant would need to ensure the proposed security devices were installed completely on their own property. Furthermore, a CPTED, Crime Prevention Through Environmental Design analysis should also be required prior, and those recommendations be presented for consideration by the Planning Commission.

RECOMMENDATION:

The Planning and Zoning Department recommends that ZOA-05-08 be approved and Title 17 amended as follows:

Italics = additions to the ordinance ~~Strikeout~~ = deletions from the ordinance

Add Section 17.24.080.J. ***Security Measures:***

Additional security measures require approval of a special use permit by the City Council. A special use permit may only be requested in commercial and industrial properties zoned C-1, C-2, C-3, M-1, M-2, and M-3. Additional security measures may include, but are not limited to razor wire, or barbed wire fencing. In addition to those requirements listed within Title 17.28.050.C.2.b, any request must demonstrate all of the following:

- a. ***The use of additional security measures are necessary to safe guard the property against unauthorized entry, to protect stored goods and products from theft and/or other unauthorized handling.***
- b. ***If the additional security measures are proposed to be installed on a shared property line, all property owners must sign the application for the request.***
- c. ***The applicant must demonstrate that other alternatives are not available such as but not limited to the employment of a security guard, security services or the installation of a specialty designed wrought iron fence making it difficult to climb in or out of the property.***
- d. ***The proposed security measures must be supported by an approved CPTED, Crime Prevention Through Environmental Design analysis.***

Modify Section 17.24.080.C.1.c:

Barbed wire, ***razor wire and electrical*** fences shall be ~~are~~ prohibited ***in all districts, except in M-1, M-2 and M-3 districts, provided the lowest barbed strand is at least six feet above grade. unless otherwise approved per Section 17.24.080.J.***

Delete Section 17.24.080.C.1.d:

Modify Section 17.24.080.E.2:

Fences and walls in industrial districts shall not exceed twelve (12.00') feet in overall height. Boundary-line fences abutting residential districts shall not be greater than eight

(8) feet in height, as measured from the residential side of the property line. ~~Barbed wire shall not be permitted along said boundary lines.~~ Perimeter walls around individual buildings and/or industrial parks shall be decorative and match the building(s) in material(s) and color(s).

Modify Section 17.28.050.B.5:

5. Special use permits for the following uses shall be forwarded to the city council for final action following a public hearing and recommendation by the planning commission:

- a. Hotels;
- b. Motels;
- c. Schools;
- d. Pawnshops;
- e. Deferred deposit loan facilities;
- f. Auto title loan facilities;
- g. Short-term loan facilities;
- h. *Additional Security Measures***

11. ZOA-05-08 (34299) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (SECTIONS 17.24.080 AND 17.28.050) REGARDING ADDITIONAL SECURITY MEASURES FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Robert Eastman, Principal Planner who explained the additional security measures would include, but not be limited to razor wire, barbed wire, and/or electrical fencing. This would be allowed with a special use permit in all commercial and industrial districts. The applicant would need to show that other methods were not suitable and this was the best option available and would need to submit and show t they had worked with the Police Department and worked on a Crime Prevention Through Environmental Design (CPTED) analysis to support their claim. They also would need permission and approval from adjacent property owners, if it was on the property line or the additional fencing would need to be located solely on their property. Staff was recommending that ZOA-05-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Chairman Brown asked how this type of security was currently obtained. Mr. Eastman responded razor wire was currently not allowed.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None