



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 26, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-23148 - APPLICANT: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Title 19.04.080 is hereby amended as follows;

19.04.080 SIMILAR AND PROHIBITED USES

A. Unlisted Uses

The uses permitted in this Chapter are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this Chapter are prohibited. However, additional new and unlisted uses may be permitted by the Director if the Director finds that the use is similar to other uses listed in the same zoning district.

B. Appeals

An applicant who is aggrieved by the decision of the Director with respect to the allowability of an unlisted use may appeal the decision to the City Council. The appeal shall be filed in the office of the City Clerk, with a copy to be filed in the office of Department of Planning and Development. Unless otherwise stated in the Councils action, the determination of the Council with respect to the appeal shall constitute a permanent and consistent interpretative decision which the Director shall apply in all future instances.

C. Conditions

When considering requests to permit a new or unlisted land use as being similar to a listed use, the Planning Director or City Council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate. Based upon such consideration, the Director or Council, in approving a request under this Section, may impose Appropriate and reasonable conditions designed to ensure compatibility and consistency of uses.

D. Authorization of New Uses

New uses which have been permitted by the Director or City Council, pursuant to the Section shall be added by ordinance amendment on a periodic basis.

E. Uses Expressly Prohibited.

Without limiting the general applicability of Subsection (A) of this Section, the following uses are expressly prohibited in any residential zoning district:

- (1) Short-term vacation rental.
2. Title 19.20.020 is hereby amended by adding, at the appropriate location the following term and its corresponding definition:

Short-term vacation rental means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days.

**** STAFF REPORT ****

APPLICATION REQUEST

Discussion and possible action to amend Title 19.20.020 to add the term Short term vacation rental and its corresponding definition. Also, discussion and possible action to amend Title 19.04.080 to add subsection (E) prohibiting short term vacation rentals in any residential zoning district.

EXECUTIVE SUMMARY

The proposed amendment will formally establish the term Short term vacation rental and its subsequent definition in Title 19, and will prohibit the use in residential neighborhoods. Short-term rentals have created a concern over the lack of neighborhood stability due to their transitory nature. The proposed amendment will maintain the character of the neighborhoods as well as protect its residents.

BACKGROUND INFORMATION

Currently, Title 19.20.020 does not contain the term Short term vacation rental or a definition correlating to the term. As such, regulating short-term rentals in residential neighborhoods has been accomplished through an interpretation of the term Dwelling Unit. The following portion of the definition of dwelling unit in Title 19 has been the basis of the interpretation prohibiting short term rentals in residential neighborhoods, one or more rooms for the exclusive use of a single family maintaining the household. The problem with the interpretation is the definition of dwelling unit does not specifically refer to short-term rentals. The proposed amendment will define and provide clear regulations of short-term rentals.

ANALYSIS

Currently, advertisements on the internet are offering short term rentals in residential neighborhoods within Las Vegas. There are several existing facilities that offer short-term housing and others that are anticipated to offer such accommodations in the near future. Short-term rentals create unfair competition with hotels and cause potential deleterious impacts to the community.

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Short-term rental housing impacts the affordability of units by encouraging high turn-over and may encourage owners to convert existing long-term units to higher priced short-term rentals. Due to the transitory nature of short-term rentals, and its essentially commercial operational characteristics, the use can adversely impact residential neighborhoods. Impacts include increased traffic, noise, trash, and intensity of operation based on the services provided in such facilities. These impacts could lead to a deterioration of the neighborhood character and disrupt the quality of life within residential areas. Residents in a more cohesive environment who interact with their neighbors are more inclined to maintain the quality and character of the neighborhood and share a sense of neighborhood pride. Introducing a transitory, commercial operation into a residential neighborhood may breakdown neighborhood stability and residential character. Such a use would be inconsistent with the Zoning Ordinance, which serves to maintain and protect the existing character and quality of life in residential neighborhoods.

The provision of a definition of short-term rental is necessary. This amendment is intended to remain consistent with the zoning ordinance by prohibiting a commercial use in a residential zone, thus maintaining our neighborhoods character, affordability, and safety amongst residents.

Short-term rental differs from long term rental in the length of stay. Long-term rental represents establishing a residence and maintaining a household for longer than 31 days. This amendment will not affect long term rentals. Property owners will continue to be allowed to rent out single family homes to tenants so long as the tenant maintains the household for longer than 31 days. The amendment is meant to prohibit and deter nightly or weekend rentals to vacationers and visitors in single family neighborhoods.

The proposed changes are as follows:

Code Section	Existing	Proposed
19.04.080 (E) Similar and Prohibited Uses	None	Specifically prohibits short-term rentals in residential neighborhoods
19.20.020 Definitions	None	Adds a definition for Short term vacation rental.

FINDINGS

Please note the following findings relative to the proposed amendment:

- The proposed amendment will formally establish the term Short-term vacation rental and its subsequent definition in Title 19.
- Text in 19.04.080 will be amended to prohibit short term vacation rentals in any residential zoning district.
- The proposed amendment will maintain and protect the character of residential neighborhoods.

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NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0