



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 4, 2007

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
NEW BILL

Bill No. 2007-50 Amends the City zoning regulations to prohibit short-term vacation rentals in any residential zoning District. Sponsored by: Councilwoman Lois Tarkanian and Councilman Steve Wolfson

Fiscal Impact

- No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the City's zoning regulations to specifically prohibit within any residential district the use short-term vacation rental. The use is defined as the 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. This type of use is not allowed now, but enforcement has been difficult without a specific prohibition. The prohibition is similar to measures adopted by Clark County and the City of Henderson.

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. 2007-50
2. Submitted at meeting - Opposition letter by Charleston Neighborhood Preservation

Motion made by RICKI Y. BARLOW to Approve as a 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:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED reported that this bill was crafted in response to situations throughout the Valley wherein people rent homes in residential areas for commercial use, such as transient lodging, etc. As a matter of background, he indicated that the City has

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accumulative and inclusive zoning ordinances. This means that instead of every zoning district having a list of all the uses that are and are not permitted, it starts with the most restrictive zone and sets forth the permitted uses within that zone, and adds more uses as the zones gradually become less restrictive. The exception to that rule, under most circumstances, is the mixture of residential and commercial uses. Although, the Council has adopted ordinances that allow mixed-use categories, under certain circumstances, there are specific rules for those.

The inclusive part of the zoning ordinance prohibits all the uses that are not specifically allowed; thus, already prohibiting the subject use because residential properties cannot be used for commercial purposes. But, because it would be difficult to prove what happens in a residential district, staff has emulated other jurisdictions and drafted language to prohibit commercial uses in residential zones, including the lease or rent of a residential property for commercial uses. Therefore, the use was defined to make property within residential zoning districts not available for commercial use for lodging purposes for a period less than 31 days, prohibiting people from renting their properties like motels/hotels.

COUNCILMAN BARLOW asked how the ordinance of Clark County and the City of Henderson differ from this proposed ordinance. CHIEF CITY ATTORNEY STEED indicated that Henderson uses a code, which states that short-term vacation rentals are not permitted in residential districts for three consecutive days or less, and the County defines it similarly.

COUNCILWOMAN TARKANIAN pointed out that this proposed ordinance only pertains to areas zoned residential. CHIEF DEPUTY CITY ATTORNEY STEED affirmed her statement.

COUNCILWOMAN TARKANIAN stated that the ordinance language is simple and straightforward. It resulted from ongoing problems in wards 1 and 2 that soon spread to the other wards as well. She explained that on one occasion a nice residential home was used in her ward for a movie screening party, for which over 75 cars parked in the neighborhood, with one van parked in the driveway displaying obscene language. These homes are usually owned by people who live outside of Nevada. She expressed her support of this ordinance, noting that it will help streamline the law throughout the Valley. Failure to comply will constitute a misdemeanor, with a fine not to exceed \$1,000 or six months in jail.

JUANITA CLARK, representing the Charleston Neighborhood Preservation group, read a letter in opposition from Charleston Neighborhood Preservation. A copy of the letter was made a part of the minutes.

TED RUSSELL, Las Vegas resident, said that a similar law has been the subject of controversy in nice neighborhoods in New Jersey for over 50 years. This bill contains standard language used throughout local jurisdictions, and in jurisdictions throughout the nation. Although it will not eliminate all the problems, it will help. It is inappropriate to rent residential properties for commercial parties.

COUNCILWOMAN TARKANIAN noted that she was proud to sponsor the bill, adding that she could provide a list of 50 homes that have had problems.

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MS. CLARK commented that the only reason someone from the Charleston Neighborhood Preservation group would call COUNCILWOMAN TARKANIAN's office is because it would probably be considered the right place to call. She wondered if the calls COUNCILWOMAN TARKANIAN received were for disturbing the peace. COUNCILWOMAN TARKANIAN indicated that on one occasion former COUNCILMAN FRANK HAWKINS and she were out at 1:00 a.m. in response to a complaint about a party house. After many discussions with the police, it was determined that this would be the best solution.

See the Citizens Participation portion of this agenda for related discussion.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

