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**PROPOSED FIRST AMENDMENT**

**BILL NO. 2010-34**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO UPDATE THE PROVISIONS REGARDING THE ON-SITE PARKING, STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Revises the provisions regarding the on-site parking, storage and repair of vehicles in residential districts.

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 by amending the Conditional Use Regulations for the use "Vehicle Parking, Storage or Repair in Residential Zoning Districts," as found in the "Auto and Marine Related" element of Table 2, to read as follows:

**Conditional Use Regulations:**

1. Except as otherwise provided in Regulations 2 to [13,] 14, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same is accessory and incidental to the use of the property for residential purposes and does not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. Unless stored or parked within a completely enclosed building, [The] the motor vehicles shall be stored[: ] or parked:
  - [a. Within a completely enclosed structure;
  - b. In the front yard, either on an approved driveway, or on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length and width of the vehicle; or
  - c. In the side yard, either obscured by a 6 foot-high fence to adequately screen the

Submitted at City Council

Date 10/6/10 Item 66

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vehicles from view, stored on an approved driveway, or stored on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length of the vehicle; provided, however, that the vehicle storage complies with the other provisions set out in Regulations 1 to 13, inclusive.]

a. In the front yard, either:

i. On an approved driveway;

ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness;

iii. On concrete or asphaltic paving that extends the full length and width of the vehicle; or

iv. On a surface of decomposed granite no less than 2 inches thick, defined with borders, but this alternative is available only on lots with a zoning designation of R-A or R-E; or

b. In the side yard, either:

i. Obscured by a 6 foot high fence to permanently screen the vehicles from view;

ii. On an approved driveway;

iii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness; or

iv. On concrete or asphaltic paving that extends the full length and width of the vehicle;

provided, however, that the vehicle storage or parking complies with the other provisions set out in Regulations 1 to 14, inclusive.

2. Except as otherwise provided in Regulation 10 below, on a single family residential lot:

a. No more than 3 operable vehicles may be stored, or one vehicle per 1250 square feet of lot area, whichever allows the greater number of vehicles;

b. No more than 50 percent of the front yard area may be used for the storage or parking of vehicles; and

c. No more than [6 vehicles, whether operable or inoperable] one inoperable vehicle may

1 be stored at one time.

2 d. No stored vehicles may be utilized for storing items of personal property, and the area  
3 under each vehicle must be kept free of debris and vegetation.

4 3. [In any residential district,] Unless stored or parked within a completely enclosed building, a  
5 recreational vehicle or trailer, or combination thereof, may be stored or parked only as follows:

6 [a. Within an enclosed structure;

7 b. In a rear yard, if stored on a surface of concrete or asphaltic paving, gravel or chat  
8 which extends the full length and width of the stored item;

9 c. In a front yard, provided that:

10 i. The side and rear yards are not reasonably accessible for storage purposes. A  
11 corner lot shall be deemed to have reasonable access, and the existence of a  
12 fence or block wall, by itself, shall not be deemed to prevent reasonable access  
13 to the side or rear yards; or

14 ii. The recreational vehicle or trailer, or combination thereof, is stored entirely in  
15 the yard area with no portion of the unit located closer than one foot from an  
16 adjacent public street or sidewalk; and

17 iii. The recreational vehicle or trailer, or combination thereof, is stored on a  
18 surface of concrete or asphaltic paving that is adjacent and parallel to an  
19 approved driveway and that extends the full length and width of the stored  
20 item.

21 d. In a side yard, if the recreational vehicle or trailer, or combination thereof, does not  
22 extend closer to the street than the front of the main building on the property, and if it  
23 is stored on a surface of concrete or asphaltic paving that is adjacent and parallel to an  
24 approved driveway and that extends the full length of the stored item.]

25 a. In a rear yard, either:

26 i. On a surface of pavers or other blocks of uniform appearance that are at least  
27 2 inches in thickness;

28 iii. On a surface of decomposed granite no less than 2 inches thick, defined with

1                   borders; or

2           iv.     On concrete or asphaltic paving, gravel or chat that extends the full length and  
3                   width of the vehicle, trailer or combination;

4       b.     In a front yard, but only on lots with a zoning designation of R-A, R-E, R-D or R-1,  
5             and in each case provided that the recreational vehicle or trailer, or combination  
6             thereof, is stored either on a surface of pavers or other blocks of uniform appearance  
7             that are at least 2 inches in thickness; on concrete or asphaltic paving that extends the  
8             full length and width of the vehicle, trailer or combination; or on a surface of  
9             decomposed granite no less than 2 inches thick, defined with borders (provided,  
10            however, that this third alternative is available only on lots with a zoning designation  
11            of R-A or R-E). Additionally, on a lot with a size of .2 acres or less, no recreational  
12            vehicle or trailer, or combination thereof, may be stored or parked in a front yard if it  
13            exceeds 24 feet in length. Finally, in no event may a recreational vehicle or trailer, or  
14            combination thereof, be stored or parked in a front yard in any district described in this  
15            Subparagraph (b) unless at least one of the following conditions is met:

16           i.     The recreational vehicle or trailer, or combination thereof, is stored entirely in  
17                 the yard area with no portion of the unit located closer than 2 feet from an  
18                 adjacent public street or sidewalk; or

19           ii.    It is demonstrated that the side and rear yards are not reasonably accessible for  
20                 storage purposes. A corner lot shall be deemed to have reasonable access, and  
21                 the existence of a fence or block wall, by itself, shall not be deemed to prevent  
22                 reasonable access to the side or rear yards;

23       c.     In a side yard, either:

24           i.     Permanently screened from view from the public street by a 6 foot wall, with  
25                 a 5 foot gate;

26           ii.    On a surface of pavers or other blocks of uniform appearance that are at least  
27                 2 inches in thickness; or

28           iii.   On concrete or asphaltic paving that extends the full length and width of the

- 1                    vehicle;
- 2        d.     If it is not connected to any electrical or sewer service for more than 24 consecutive
- 3                hours;
- 4        e.     If it is not used for dwelling purposes;
- 5        f.     If it is not used for the storage of goods, materials or equipment, other than those items
- 6                considered to be part of the recreational vehicle and are related to the immediate use
- 7                and enjoyment thereof; and
- 8        g.     Its use is in full compliance with applicable provisions of the Fire Code and other
- 9                technical codes.
- 10    [4.    Any vehicle being repaired, stored or parked for more than 4 hours on property in a residential
- 11                district shall have a manufacturers rated carrying capacity not to exceed one ton, and any
- 12                vehicle being repaired must be owned by a permanent resident at the location where the repair
- 13                takes place, except as provided in Regulation 9 below.]
- 14    4.     Except as provided in Regulation 9 below:
- 15                a.     No vehicle may be repaired, stored or parked for more than 4 consecutive hours if its
- 16                manufacturer's rated carrying capacity exceeds one ton.
- 17                b.     No vehicle may be repaired unless it is owned by a permanent resident at the location
- 18                where the repair takes place.
- 19                c.     On a parcel within a single-family residential district, not more than one passenger
- 20                vehicle with commercial advertising displayed thereon may be stored or parked.
- 21    5.     Except as otherwise provided in Regulation 10 below:
- 22                a.     Any vehicle that is [located in a residential district and is] in mechanically inoperable
- 23                condition shall be stored or repaired in a garage, shed or other enclosure; in a
- 24                driveway; or in a rear yard that is enclosed by a 6 foot[-]high fence to [adequately]
- 25                permanently screen the vehicle from view; provided, however, that if the abutting
- 26                property is undeveloped, the fencing shall not be required until the adjacent property
- 27                is developed.
- 28                b.     [In a residential district, no] No repair outside of an enclosure may occur later than 9:00

- 1 p.m. or earlier than 7:00 a.m.
- 2 6. Except as otherwise provided in Regulation 10 below:
- 3 a. [In a residential district, no] No more than one vehicle that is in a mechanically
- 4 inoperable condition shall be stored or repaired at any time outside of a fully enclosed
- 5 building on the premises, and there shall be no repair of vehicles or storage of
- 6 mechanically inoperable vehicles in the side yards.
- 7 b. A vehicle shall not be stored in a mechanically inoperable condition [in a residential
- 8 district] for more than [90] 60 days.
- 9 c. No repair may be performed on any motor vehicle, including a recreational vehicle,
- 10 within the front yard, including any driveway area, unless the repair is a "normal,
- 11 reasonable and customary repair" as defined in Regulation 14 below.
- 12 d. No more than 4 vehicles may be repaired on the same parcel within any 12-month
- 13 period.
- 14 7. There shall be no storage of junked vehicles, or parts thereof, [, in any residential district.]
- 15 Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall
- 16 not be permitted in the front or side yards but shall be permitted in the rear yard only if such
- 17 storage is either fully enclosed by a 6 foot[-]high fence to [adequately] permanently screen the
- 18 parts from view, or in a fully enclosed building; provided, however, that if the abutting
- 19 property is undeveloped, the fence or enclosed building shall not be required until the adjacent
- 20 property is developed. No more than 200 square feet of space shall be used for the storage of
- 21 serviceable parts.
- 22 8. [On any lot within a residential district, the] The following are prohibited, except in connection
- 23 with an approved construction yard or except as necessary to perform grading or construction
- 24 work on the premises pursuant to a development permit:
- 25 a. The repair or storage of any vehicle whose primary function is other than the
- 26 transportation of passengers, including but not limited to forklifts, backhoes, tractors,
- 27 tow trucks and similar types of machinery, construction or industrial equipment; or
- 28 b. Unless for the sole purpose of loading or unloading passengers or goods, [The parking,

1 for more than 4 hours,] the parking or standing of any vehicle whose primary function  
2 is other than the transportation of passengers, including but not limited to forklifts,  
3 backhoes, tractors, tow trucks and similar types of machinery, construction or  
4 industrial equipment.

5 9. Nothing in Regulations 1 to [13,] 14, inclusive, shall be construed to permit the operation of  
6 a business as defined in Title 6. There shall be no repair, restoration or modification of non-  
7 owned vehicles for money or barter, [on residential property.] However, nothing in  
8 Regulations 1 to [13,] 14, inclusive, prohibits the temporary emergency repair of owned or  
9 non-owned vehicles which have become mechanically inoperable while on the property or in  
10 the street.

11 10. On any [residential] lot owned by a member of a duly-recognized organization of automobile  
12 collectors or restorers, the owner may exceed the limitations on vehicle storage and repair set  
13 forth in Regulations 2, 5(a) and 6 above with respect to the restoration, refurbishing or  
14 rebuilding of his or her own classic or antique vehicle if any such vehicle is covered with a  
15 fitted full-vehicle pullover cover when it is not being worked on[.], the vehicle's tires are  
16 inflated, and the area under the vehicle is kept free of debris and vegetation.

17 11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to [13,] 14,  
18 inclusive, any person responsible for or engaged in the parking, storage, repair, restoration or  
19 modification of any vehicle shall, upon request, provide to any authorized enforcement officer:

- 20 a. Evidence regarding the operability of the vehicle, as well as the ownership of the  
21 vehicle, such as current registration, title, bill of sale or other documentation[;] from  
22 an authority responsible for motor vehicle regulation;
- 23 b. As applicable to the exception set forth in Regulation 10, evidence [sufficient to  
24 indicate] regarding the person's membership in a duly-recognized organization of  
25 automobile collectors or restorers; and
- 26 c. As applicable to the exception set forth in Regulation 10, evidence [sufficient to  
27 indicate that] regarding the extent to which the vehicle or vehicles in question are  
28 actually and currently in the process of being restored, refurbished or rebuilt.

12. No vehicle may be parked or stored in a driveway unless:

- a. All tires or wheels that support the vehicle are in contact with the driveway; or
- b. Where any such tire or wheel is not in contact with the driveway, the vehicle at that location is resting on a jack stand or wheel ramp that is designed and manufactured for the purpose of temporarily supporting a vehicle.

[12.] 13. The provisions of Regulations 1 to [13,] 14, inclusive, shall apply to any person in control or lawful possession of any real property, [within a residential district,] including an owner, tenant, occupant, lessee or otherwise.

[13.] 14. For purposes of [Regulations 1 and 3, an "approved driveway"] these Regulations:

- a. "Approved driveway" means a driveway that complies with all applicable curb cut requirements that have been established by the City.
- b. "Mechanically inoperable," with respect to a motor vehicle, means that the vehicle is inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street or highway because one or more component parts necessary for such movement or lawful operation are lacking or have been damaged or deteriorated so as to become inoperative. Such component parts include without limitation the engine, transmission, wheels, tires, doors, windshield and windows.
- c. "Normal, reasonable and customary repairs," with respect to a motor vehicle, means incidental repairs or service, including changing flat tires; repairing or servicing the electrical or ignition system; replacing hoses; cleaning or replacing filters; installing minor accessories; and adding or replacing lubricants, coolants, refrigerants, or hydraulics system fluids.

SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 is deemed to be a subchapter rather than a section.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the



1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
4 invalid or ineffective.

5 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared  
6 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
7 required or the failure to do any act is made or declared to be unlawful or an offense or a  
8 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
9 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
10 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
11 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

12 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,  
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

16 APPROVED:

17 By \_\_\_\_\_  
18 OSCAR B. GOODMAN, Mayor

19 ATTEST:

20 \_\_\_\_\_  
21 BEVERLY K. BRIDGES, MMC  
City Clerk

22 APPROVED AS TO FORM:

23 \_\_\_\_\_  
24 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2010, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2010, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as amended and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11

12

APPROVED:

13

14

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 \_\_\_\_\_  
BEVERLY K. BRIDGES, MMC  
City Clerk

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