

City of Las Vegas City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - TXT-36330 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: NO RECOMMENDATION

- Title 19.04.010 is hereby amended as follows:

19.04.010 LAND USE TABLES

**Table 2 Land Use Table
Auto & Marine Related**

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Vehicle Parking, Storage or Repair in Residential Zoning Districts	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	C	C	C	C	C	C	C	C	C	C	C	C									
	Description: The parking, storage or repair of vehicles as an accessory use in residential zoning districts																				
Conditional Use Regulations:																					
1. Except as otherwise provided in Regulations 2 to 13, 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. The motor vehicles shall be stored <u>or parked</u>: a. Within a completely enclosed structure; b. In the front yard, either on an approved driveway, or on a surface of uniform pavers of at least two inches in thickness, <u>decomposed granite no less than two-inches thick; defined with borders, or 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</u> c. In the side yard, either obscured by a 6 foothigh fence to <u>adequately permanently</u> screen the vehicles from view, stored <u>or parked</u> on an approved driveway, or stored <u>or parked</u> on a surface of uniform pavers of at least two inches in thickness, decomposed granite no less than two-inches thick; defined with borders, or concrete or asphaltic paving <u>that is adjacent and parallel to an approved driveway and that extends the full length and width of the vehicle;</u> provided, however, that the vehicle storage complies with the other provisions set out in Regulations 1 to 13, 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 <u>or parking</u> of vehicles; and c. No more than 6 vehicles, whether operable or inoperable may be stored at one time, <u>with the exception of R-E and R-A zoned properties, which may store up to a maximum of 9 vehicles, recreational vehicles or trailers, at one time. All stored vehicles must be operable, with tires inflated, not utilized for storage, and the under-carriage is free of debris or vegetation.</u> 3. In any residential district, a recreational vehicle or trailer, or combination thereof, may be stored <u>or parked</u> only as follows: a. Within an enclosed structure; b. In a rear yard, if stored on a surface of uniform pavers of at least two inches in thickness, <u>decomposed granite no less than two-inches thick,</u> concrete or asphaltic paving, gravel or chat which extends the full length and width of the stored item; c. In a front yard, provided that <u>the recreation vehicle or trailer is not over 24-feet in length on all properties under 0.20 acres and that:</u> i. The side and rear yards are not reasonably accessible for storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards; or																					

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- ii. The recreational vehicle or trailer, or combination thereof, is stored entirely in the yard area with no portion of the unit located closer than one foot from an adjacent public street or sidewalk; and
- iii. The recreational vehicle or trailer, or combination thereof, is stored on a surface of uniform pavers of at least two inches in thickness, decomposed granite no less than two-inches thick, concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length and width of the stored item.
- d. In a side yard, if the recreational vehicle or trailer, or combination thereof, ~~does not extend closer to the street than the front of the main building on the property, and if it is enclosed by a 6-foot wall, including a 5-foot gate to permanently screen from public view, or stored on a surface of uniform pavers of at least two inches in thickness, decomposed granite no less than two-inches thick with defined borders, concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length and width of the stored item~~
- e. A recreational vehicle shall not be:
 - i. Connected to sewer lines or electricity for more than 24 hours. Adopted Fire Code prohibits use of extension cords to service watercraft or recreational vehicles and therefore use of same is prohibited;
 - ii. Used for storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle related to the immediate use and enjoyment thereof; or
 - iii. Used for dwelling purposes.
- 4. Any vehicle being repaired, stored or parked for more than 4 hours on property in a residential district shall:
 - a. ~~have a manufacturers rated carrying capacity not to exceed one ton, and~~
 - b. any vehicle being repaired must be owned by a permanent resident at the location where the repair takes place, except as provided in Regulation 9 below; and
 - c. Not more than one passenger vehicle with commercial advertising displayed thereon, may be stored or parked on or off-site at a residential location.
- 5. Except as otherwise provided in Regulation 10 below:
 - a. Any vehicle that is located in a residential district and is in mechanically inoperable condition shall be stored or repaired in a garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a 6 foot-high fence to adequately permanently screen the vehicle from view; provided, however, that if the abutting property is undeveloped, the fencing shall not be required until the adjacent property is developed.
 - b. In a residential district, no repair outside of an enclosure may occur later than 9:00 p.m. or earlier than 7:00 a.m.
 - c. While stored in the driveway, no part of the vehicle shall be higher than 6 inches from the ground without tire securely bolted to the vehicle.
- 6. Except as otherwise provided in Regulation 10 below:
 - a. In a residential district, no more than one vehicle that is in a mechanically inoperable condition shall be stored or repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair of vehicles or storage of mechanically inoperable vehicles in the side yards.
 - b. A vehicle shall not be stored in a mechanically inoperable condition in a residential district for more than ~~90~~ 60 days.
 - c. There shall be no major motor vehicle repair performed on any motor vehicle, including recreational vehicles, within the front yard of any residential property, including the driveway area.
 - d. There shall be no more than a total of four vehicles repaired in any 12-month period at any residential location.
- 7. There shall be no storage of junked vehicles, or parts thereof, in any residential district. Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6 foothigh fence to adequately permanently screen the parts from view, or in a fully enclosed building; provided, however, that if the abutting property is undeveloped, the fence or enclosed building shall not be required until the adjacent property is developed. No more than 200 square feet of space shall be used for the storage of serviceable parts.
- 8. On any lot within a residential district, the following are prohibited, except in connection with an approved construction yard or except as necessary to perform grading or construction work on the premises pursuant to a development permit:
 - a. The repair or storage of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment; or
 - b. The parking or standing, for more than 4 hours, unless for the sole purpose of loading or unloading passengers or goods, of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment.
- 9. Nothing in Regulations 1 to 13, inclusive, shall be construed to permit the operation of a business as defined in Title 6. There shall be no repair, restoration or modification of non-owned vehicles for money or barter on residential property. However, nothing in Regulations 1 to 13, inclusive, prohibits the temporary emergency repair of owned or non-owned vehicles which have become mechanically inoperable while on the property or in the street.
- 10. On any residential lot owned by a member of a duly-recognized organization of automobile collectors or restorers, the owner may exceed the limitations on vehicle storage and repair set forth in Regulations 2, 5(a) and 6 above with respect to the restoration, refurbishing or rebuilding of his or her own classic or antique vehicle if any such vehicle is covered with a fitted full-vehicle pullover cover when it is not being worked on, tires are inflated and the area under the vehicle is kept free of debris and vegetation.
- 11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to 13, inclusive, any person engaged in the parking, storage, repair, restoration or modification of any vehicle shall, upon request, provide to any authorized enforcement officer:
 - a. Evidence regarding sufficient to demonstrate proof of operability and the ownership of the vehicle, such as current registration, title, bill of sale with permanent resident shown as buyer or other Nevada state department of motor vehicle documentation;
 - b. As applicable to the exception set forth in Regulation 10, evidence sufficient to indicate the persons membership in a duly-recognized organization of automobile collectors or restorers; and
 - c. As applicable to the exception set forth in Regulation 10, evidence sufficient to indicate that the vehicle or vehicles in question are actually and currently in the process of being restored, refurbished or rebuilt.

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	12. The provisions of Regulations 1 to 13, 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. For purposes of Regulations 1 and 3 to 12, inclusive, the following terms and phrases shall have the meaning given herein: a. an approved Approved driveway means a driveway that complies with all applicable curb cut requirements that have been established by the City. b. Mechanically inoperable means any vehicle that is inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street or highway due to removal, damage to, or deterioration of, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or windows or, any other component part necessary for such movement or lawful operation. c. Normal, reasonable and customary repairs means incidental repairs or service to motor vehicles 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.
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal residential use on the site.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04.010 to modify Conditional Use Regulations for the Vehicle Parking, Storage, or Repair in Residential Zoning Districts use related to recreational vehicle parking, parking surface material and defining mechanically inoperable.

ANALYSIS

The proposed amendment makes clarifications related to the parking, storing, and repair of motor vehicles in residential districts. The modifications and refinements are intended to make the city's requirements more easily understood. Additionally, the changes proposed will improve code enforcement efforts by providing clearer language and reducing areas of confusion.

Among other things the amendment will reintroduce decomposed granite as an approved driveway and parking surface material; specify that stored vehicles be operable, with tires inflated, not used for storage and that the under-carriage be free of debris and vegetation; allow nine vehicles on R-E lots where six was the maximum; and list out more detailed parking and storage requirements for recreational vehicles.

The proposed amendment will make a number of clarifications and provide more specifics regarding how vehicles may be parked, stored, and repaired on residential property. These changes to Title 19 have been advocated by the city's Neighborhood Response Division. As the proposed changes are more of a code enforcement concern and less of a land use concern, staff has no recommendation regarding the adoption of this amendment.

FINDINGS

The proposed text amendment will accomplish the following:

- Clarify requirements for the parking, storing and repairing of vehicles in residential zoning districts by refining certain standard and introducing increased specificity to others.
- Reintroduce decomposed granite as an appropriate driveway and parking area material in residential districts.
- Reduce the time that a mechanically inoperable vehicle may be stored in a residential zone from 90 days to 60 days and limit the number of vehicles that may be repaired to four within a 12 month time period.

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The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.020 Table 2 Vehicle Parking, Storage or Repair in Residential Zoning Districts		
Conditional Use Regulation 1	• No provision is made for the use of pavers or decomposed granite for surface material for parking or vehicle storage • Requires stored vehicle in a front yard to be on surface that is adjacent and parallel to an approved driveway	• Adds pavers and decomposed granite of not less than 2-inch thickness to the list of surfacing material for storing or parking a vehicle • Removes the requirement that a parking or storage surface be adjacent and parallel to an approved driveway
Conditional Use Regulation 2	• Limits the maximum number of vehicles to 6 at any one time regardless of size	• Adds an exception to allow a maximum of 9 vehicles in R-A and R-E districts where 6 was the maximum • Adds a requirement that all stored vehicles be operable, with inflated tires; not utilized for storage; and that the under-carriage be free of debris and vegetation
Conditional Use Regulation 3	• No provision is made for the use of decomposed granite for surface material for parking or storage of recreation vehicles • No specification is given regarding the size of a recreation vehicle that may be stored in the front yard • Recreation vehicles in the front yard area may be stored no closer than one foot from an adjacent street or sidewalk • Limitations on recreation vehicle activity/use while parked or stored is not specified	• Adds decomposed granite of not less than 2-inch thickness to the list of surfacing material for storing or parking a recreation vehicle • Limits a trailer or recreation vehicle in the front yard on property less than 0.2 acres to 24 feet • Revises standard to two feet from an adjacent street or sidewalk • Adds limitations on recreation vehicles such that they can't have power or sewer hookups; be used for storage; or be used for dwelling purposes

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Conditional Use Regulation 4	• Limitation on vehicles to be stored, repaired or parked for more than 4 hours to a manufacture rated carrying capacity 1 ton or less • No limitation on the number of passenger vehicles with commercial content allowed parked or stored	• Revises limitation to not exceed 10,000 pounds gross vehicle weight with the exception of a recreational vehicle or trailer • Adds limitation on the number of passenger vehicles with commercial advertising displayed to 1 such vehicle
Conditional Use Regulation 5	• Fencing is required to be adequate to screen the inoperable vehicle from view • No provision is made for the height from the ground that a vehicle may be without tires securely in place	• Revised to require that fencing is to permanently screen inoperable vehicles from view • Adds a requirement that limits a vehicle to a height of 6 inches from the ground unless tires are bolted on
Conditional Use Regulation 6	• Limits the length of time a mechanically inoperable vehicle may be stored in a residential district to 90 days • No provision is made limiting where major motor vehicle repair may be performed • No provision is made limiting the number of vehicles that may be repaired within a 12 month period	• Reduces the length of time a mechanically inoperable vehicle may be stored in a residential district to 60 days • Adds a requirement that any major motor vehicle repair not be done in the front yard area, including the driveway • Adds a limitation that no more than 4 motor vehicles may be repaired in any 12 month period
Conditional Use Regulation 7	• Fencing is required to be adequate to screen parts from view	• Revised to require that fencing is to permanently screen parts from view
Conditional Use Regulation 8	• Parking for up to 4 hours is allowed for vehicles whose primary function is other than the transportation of passengers in a residential district	• Revised to remove the time allowance and indicate that vehicles whose primary function is other than the transportation of passengers may only park or stand if they are loading or unloading passengers or goods

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Conditional Use Regulation 10	• No provision is made to require that a vehicle being restored or refurbished by a member of a duly recognized organization for such to be free of under carriage debris and vegetation or that the tires be inflated	• Adds a requirement that tires be inflated and the undercarriage be free of debris and vegetation for cars being restored or refurbished
Conditional Use Regulation 11	• No provision is made to the address of the owner of a vehicle to appear on a bill of sale or specifying what other type of documentation is required to provide evidence of ownership	• Revises the inspection requirements to include that a bill of sale include the permanent resident shown as buyer and that other non-specified documentation must be from the Nevada Department of Motor Vehicles • Adds a requirement that evidence be provided to demonstrate vehicle operability
Conditional Use Regulation 13	• No definition is given for Mechanically inoperable or Normal, reasonable and customary repairs	• Adds definitions for Mechanically inoperable and Normal, reasonable and customary repairs

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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