



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: TXT-47865 - TEXT AMENDMENT - PUBLIC HEARING -

APPLICANT/OWNER: CITY OF LAS VEGAS

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-47865	Staff recommends APPROVAL.	n/a

**** PROPOSED AMENDMENTS ****

1. Title 19.12.070 is hereby amended by amending the entry for “Short-Term Residential Rental” to read as follows:

Short-Term Residential Rental

Description: The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleep purposes, wherein any individual guest rents or occupies the unit for a period of less than 31 consecutive calendar days. This use does not include a “Community Residence,” “Facility for Transitional Living for Released Offenders,” or other similar facilities which qualify as other types of dwelling units defined in this Title.

Conditional Use Regulations:

1. The operator must obtain a permit license from the Business Services Licensing Division to operate the use. ~~The use must be operated by either the property owner or a property manager who holds a permit to engage in property management pursuant to NRS Chapter 645. For a use to be operated by the property owner, a separate permit must be obtained for each rental. For a use to be operated by a property manager, the permit shall be an annual permit, renewable annually at the discretion of the Division, subject to the provisions of Condition Use Regulation 6. In each case the operator shall pay such fee as the Division may establish for the permit. A copy of the permit, including all conditions established or imposed pursuant to Conditional Use Regulation 4, shall be posted in a conspicuous place within the rented premises.~~

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2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees. ~~However, a permit issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise required by LVMC 6.46.020.~~
3. The use must comply with the City's noise regulations as they apply to residential uses.
4. ~~In connection with the issuance of a permit under Conditional Use Regulation 1, the Business Services Division may establish additional conditions on the use, including without limitation a time limit on outdoor activities and a limit on the number of occupants and guests that are on the premises at any one time. In addition, at any time following issuance of the permit, the Division may impose additional conditions on, or otherwise amend, the permit. The permit may be revoked or suspended immediately for noncompliance with these regulations or with applicable permit conditions, at which time the use permitted as a conditional use shall immediately cease.~~
5. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.
6. ~~The operator shall notify the Business Services Division of any change in the operator's telephone number and other contact information. Any change in operator shall require the issuance of a new permit.~~
7. ~~The operator must be available at all times to respond to law enforcement authorities and to concerns from neighborhood residents, and to take remedial action in the event of noncompliance with law or with permit conditions.~~

On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site.

2. Title 19.18.020 is hereby amended by amending the entry for "Short-Term Residential Rental" to read as follows:

Short-Term Residential Rental. The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleep purposes, wherein any individual guest rents or occupies the unit for a period of less than 31 consecutive calendar days. This term does not include a "Community Residence," "Facility for Transitional Living for Released Offenders," or other similar facilities which qualify as other types of dwelling units defined in this Title.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend LVMC 19.12.070 and 19.18.020 regarding the Short-Term Residential Rental use by revising the description, requirements and definition to update regulations associated with the use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/07/07	The City Council adopted Ordinance #5943 which amended LVMC Title 19 (Zoning Ordinance) to define “Short-term vacation rental” and to prohibit such a use within residential districts. The Planning Commission recommended approval of the Text Amendment (TXT-23148), which was heard at the City Council as Bill Number 2007-50. Staff had no recommendation.
01/16/08	The City Council adopted Ordinance #5963 which temporarily suspended enforcement of Ordinance #5943 prohibiting short-term vacation rentals in residential districts. This amendment was heard at the City Council as Bill Number 2007-79.
03/05/08	The City Council adopted Ordinance #5977 which amended LVMC Title 19 (Zoning Ordinance) to make provisions for the “Short-Term Residential Rental” use as a conditional use in most residential districts. This amendment was heard at the City Council as Bill Number 2008-14.

ANALYSIS

During the August 1, 2012 meeting of the Las Vegas City Council, Council members heard a report from the Director of the Department of Planning regarding the status of Short-Term Residential Rental Ordinance. As a part of that presentation, staff outlined enforcement related concerns which included complaints related to noise/disruptions, unlicensed properties, and parking issues. Staff presented options to address community concerns including:

- Setting occupancy limits;
- Establishing vehicle parking limits;
- Noise restrictions beyond those currently applicable under LVMC Title 9;

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- Requirement to prominently post contact information;
- Create civil penalties and revocation procedures for chronic violators; and/or

As a part of the discussion among the Council members, staff was directed to provide for more stringent regulations related to this use and work to strengthen the enforcement relationship among the City's Code Enforcement and Business Licensing Divisions and the Las Vegas Metropolitan Police Department. This proposed amendment along with those proposed for inclusion in LVMC Title 6 (which have been attached to this item as TXT-47865 Supplemental.pdf) are intended to meet that Council direction related to providing more stringent regulations for this land use/business activity.

The amendment as proposed would eliminate various conditional use regulations for the Short-Term Residential Rental use under LVMC Title 19, the Unified Development Code, (UDC) and instead address those concerns under LVMC Title 6, Business Taxes, Licenses and Regulations. Currently, this use is only specifically regulated under the UDC but requires the operator of the activity to obtain a permit and pay applicable taxes and fees to the Business Licensing Division. Since no license currently exists for the business activity which corresponds to this land use, new permits must be issued each time an operator of a short-term residential rental use wishes to rent the property. This generates redundant land use reviews and creates additional burdens on the operator that would not normally exist for other types of stationary business activities. This proposed amendment to the UDC is part of a larger amendment proposal that will be submitted to the City Council for consideration and will include the introduction of specific licensing regulations in Title 6 that will address the various non-land use related impacts of this type of activity.

The following table highlights the existing condition as required for the use by the UDC and indicates whether it is being retained as a land use condition (19), eliminated from those conditions (19), and/or will be addressed by the proposed Title 6 regulations (6):

Current requirements related to the Short-Term Residential Rental use (UDC)	Condition Status
The operator must obtain a permit from the Business Services Division to operate the use	19
The use must be operated by either the property owner or a property manager who holds a permit to engage in property management pursuant to NRS Chapter 645. For a use to be operated by the property owner, a separate permit must be obtained for each rental. For a use to be operated by a property manager, the permit shall be an annual permit, renewable annually at the discretion of the Division, subject to the provisions of Conditional Use Regulation 6. In each case the operator shall pay such fee as the Division may establish for the permit. A copy of the permit, including all conditions established or imposed pursuant to Conditional Use Regulation 4, shall be posted in a conspicuous place within the rented premises.	19 6

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The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees.	19 6
However, a permit issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise required by LVMC 6.46.020	19 6
The use must comply with the City's noise regulations as they apply to residential uses	19 6
In connection with the issuance of a permit under Conditional Use Regulation 1, the Business Services Division may establish additional conditions on the use, including without limitation a time limit on outdoor activities and a limit on the number of occupants and guests that are on the premises at any one time.	19 6
In addition, at any time following issuance of the permit, the Division may impose additional conditions on, or otherwise amend, the permit. The permit may be revoked or suspended immediately for noncompliance with these regulations or with applicable permit conditions, at which time the use permitted as a conditional use shall immediately cease.	19 6
Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.	19 6
The operator shall notify the Business Services Division of any change in the operator's telephone number and other contact information. Any change in operator shall require the issuance of a new permit.	19 6
The operator must be available at all times to respond to law enforcement authorities and to concerns from neighborhood residents, and to take remedial action in the event of noncompliance with law or with permit conditions.	19 6

Table Key: 19 Condition remains in the land use regulations (UDC)
 19 Requirement eliminated from land use regulations (UDC)
 6 Addressed by proposed business licensing regulations (Title 6)

In addition to the regulations that are proposed for elimination from the UDC and subsequent inclusion in Title 6, the Title 6 regulations as proposed include, but aren't limited to:

- Requiring the appropriate licenses to perform the activity;
- Outlining the licensing application process and fees;
- Outlining the application of the applicable room taxes;
- Providing for the imposition of civil penalties for violations and the ability of the Director to suspend or revoke a license for violations of the Code or conditions imposed on the license; and

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- Providing limitations on the number of occupants of any short-term residential rental with the absolute maximum being 12 people overnight in a home with at least 5 bedrooms.

FINDINGS

The proposed text amendment is intended to achieve the following:

- Eliminate non-land use related regulations from the conditional use requirements for the Short-Term Residential Rental use; and
- Align with the introduction of business licensing regulations for a new license category, Short-Term Residential Rental, meant to address the non-land use related impacts of this type of business activity.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
19.12.070 Permissible Use Descriptions and Applicable Conditions and Requirements - <i>Short-Term Residential Rental</i>	Conditional use regulations for the use include both land use and non-land use related regulations. Non-land use regulations include: • Specifics for other types of permits or licenses that an operator must have; and • Details about the obligation to provide information to the Business Licensing Division	Eliminates all conditional use regulations that don't address land use related requirements, leaving conditions that require: • An operator to obtain a license from the City and comply with any governmental licensing and regulatory requirements; and • Compliance with the City's noise ordinance and applicable vehicle parking regulations
19.18.020 Words and Terms Defined - <i>Short-Term Residential Rental</i>	Defines the use without addressing the fact that there are some uses that might have some overlap with the current definition	Amends the definition to specify that the term does not include a "Community Residence," "Facility for Transitional Living for Released Offenders," or other similar facilities which qualify as other types of dwelling units defined in Title 19

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0