



AGENDA MEMO - PLANNING

SPECIAL PLANNING COMMISSION MEETING DATE: AUGUST 14, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
TXT-73989	Staff has NO RECOMMENDATION.	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

NOTICES MAILED Newspaper Notification Only

APPROVALS 0

PROTESTS 0

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**** PROPOSED AMENDMENTS ****

1. Title 19.12.070 is hereby amended by amending the "Short-Term Residential Rental" use 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 sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit or one or more individual rooms within 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 any other facility with dwelling units that is specifically defined in Chapter 19.18. For purposes of this Title, this use does not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential rental use.

Conditional Use Regulations:

1. The operator must obtain a business license to operate the use.
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.
3. The use must comply with the City's noise regulations as they apply to residential uses.
4. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured from property line to property line); except as provided for in Condition 9, for units within a multifamily residential or within the residential component of a mixed-use development.
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. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Conditional Use Regulation associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.

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7. On any particular parcel, the use is limited to a single residential dwelling unit that is occupied by its owner during each period the unit is rented and that has no more than three bedrooms, with a maximum occupancy not to exceed the limits set forth in LVMC 6.75.090. For purposes of the preceding sentence, "owner" includes any person who is listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity. The dwelling unit is presumed to have the number of bedrooms indicated in the records of the Clark County Assessor's Office that pertain to that unit, but that presumption may be rebutted by inspection or other competent evidence.
8. The use is allowed in the P-0, 0, C-1, C-2 and C-PB Zoning Districts only in connection with the residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming use.
9. In a multifamily residential or within the residential component of a mixed-use development no more than 5% of the units may be used as Short Term Residential Rental.

Minimum Special Use Permit Requirements:

- * 1. The operator must obtain a business license to operate the use.
- * 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.
- * 3. The use must comply with the City's noise regulations as they apply to residential uses, as well as any applicable provisions of the Municipal Code that may pertain to odor nuisances,
- * 4. 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
- * 5. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Minimum Special Use Permit Requirement or other condition of approval associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.
- * 6. The use is allowed in the P-0, 0, C-1, C-2 and C-PB Zoning Districts only in connection with the residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming use.
- * 7. The maximum occupancy of the residential dwelling unit shall not exceed the limits provided for in LVMC 6.75.090.

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8. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured from property line to property line); except as provided for in Condition 9, for units within a multifamily residential or within the residential component of a mixed-use development.

9. In a multifamily residential or within the residential component of a mixed-use development no more than 5% of the units may be used as Short Term Residential Rental.

On-site Parking Requirement: For any short-term residential rental that has no more than 5 bedrooms, no additional parking is required beyond that which is required for the principal use on the site. For units with more than 5 bedrooms, 1 additional space shall be required for every 2 additional bedrooms or fractional portion thereof.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend LVMC Chapters 19.12 Permitted Uses and 19.18 Definitions and Measures to provide updated standards and a definition for a Short-Term Residential Rental use in Mixed-Use and Multi-Family Residential developments, and to provide for other related matters.

ANALYSIS

Since 2007, the city of Las Vegas has adopted six ordinances to address the influx of Short-Term Residential Rentals since the rise of the “sharing economy.” These have ranged from outright prohibition to allowing them under very specific conditions and requirements. In 2015 the city introduced distance separations between Short-Term Residential Rental uses. The intent of the distance separation was to minimize the impacts on the city’s neighborhoods by limiting the use to about one Short-Term Residential Rental per block. At the time the distance separation was introduced, the focus was on single family residential neighborhoods, which was where most of the permits and licenses had been requested. This did not take into account the vertical nature of Mixed-Use and Multi-Family Residential developments and limited the number of units that could potentially be approved without a waiver for a Short-Term Residential Rental to one unit no matter how many units are a part of the development. The proposed amendment will allow a maximum of 5% of the units within multifamily residential or within the residential component of a mixed-use development to be used as a Short-Term Residential Rental use. Each unit proposed to be used as a Short-Term Residential Rental use will need to be individual entitled for that use. In addition to the proposed amendment to LVMC Title 19 when this item moves forward to Council for consideration it will include additional licensing requirements specific to units within multifamily residential or within the residential component of a mixed-use development that include:

- Operators shall participate in a building-wide security plan.
- License must surrender upon sale of residence or property.
- Applicant must obtain a \$2,000,000 Liability Policy adding the City of Las Vegas as an additional insured.

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FINDINGS

This amendment will accomplish the following:

1. Exempt a Mixed-Use or Multi-Family Residential developments from the application of the 660-foot distance separation in favor of limiting the number of units within the development that can operate as Short-Term Residential Rentals.
2. Limit the portion of a Mixed-Use or Multi-Family Residential developments that can operate as Short-Term Residential Rentals to 5% of the total residential units in the development.