



Planning Commission Agenda Item

Date: May 11, 2022

Item No: 23.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Robert Eastman

SUBJECT: ZOA-02-2022 CITY OF NORTH LAS VEGAS (Public Hearing).
Applicant: City of North Las Vegas. Request: An amendment to Title 17 (Zoning Ordinance) to modify the short term rental requirements, and providing for other matters properly related thereto. (For possible action)

RECOMMENDATION: APPROVAL

PROJECT DESCRIPTION:

The City is proposing an amendment to Title 17 (Zoning Ordinance) to amend the short term rental requirements to be in compliance with Assembly Bill 363 passed during the 2021 Nevada State Legislature.

BACKGROUND INFORMATION:

Previous Actions
On October 20, 2020, City Council approved Ordinance 3040 (ZOA-02-2020) allowing the operations of a short-term rental with the approval of a Conditional Use Permit.

RELATED APPLICATIONS:

Application #	Application Request
N/A	

DEPARTMENT COMMENTS:

Public Works:	No comment.
Police:	No comment.
Fire:	No comment.
Clark County School District:	No comment.
Clark County Department of Aviation:	No comment.

ANALYSIS:

In 2020, the City is adopted Ordinance No. 3040, which was an amendment to Title 17 (Zoning Ordinance) amending the accessory use table and definition section to allow for the operation of short-term rentals (STR's) in residential zoning classifications subject to requirements and the approval of a conditional use permit. Since adoption of the ordinance one hundred sixty four (164) conditional permits have been approved.

The Nevada State Legislature passed a bill (AB363) during the 2021 legislative session amending the existing law regarding transient lodging (NRS 268.0195) referred to as short-term rentals in Title 17 of the Municipal Code. The amendment to state law established various requirements that apply in county whose population is 700,000 or more (currently Clark County) and in a city whose located within the county whose population is 700,000 or more (currently Henderson, Las Vegas and North Las Vegas).

Modifications to the City's regulations regarding Short Term Rentals resulting from the passage of AB 363 include: (Chapter modified)

- Removing the waiver provision from the 660 foot distance separation requirement. The state regulations establish a minimum separation distance between short term rentals of 660 feet without any provisions for a waiver. (Title 17)
- Established a 2,500 foot separation requirement to resort hotels. (Title 17)
- Requiring a minimum stay for an owner-occupied short-term rental as one (1) night and a minimum of two (2) nights for non-owner occupied (Title 5)
- Created various definitions such as transient lodging, accommodations facilitator, and party (Title 5)
- Created a maximum occupancy for every short term rental as 16 persons. The City is proposing a slightly different definition of 2 persons per bedroom up to a maximum of 10 persons. (Title 5)
- Prohibit the use of mobile homes, RV's, travel trailers, tents, vehicles and other similar non-permanent structures as short-term rentals (Title 17)
- Prohibit use of multi-family (apartments) as short-term rentals (Title 17)
- Establish specific requirements for trash and security for the rental of the residential unit or a room within the unit (Titles 8 & 17)
- Require a fee structure for civil penalties for violations to the ordinance (Title 8)

The majority of the required modifications are placed within the Business Licensing chapter (Title 5) section of the city regulations, however Title 8 also has an amendment for violations and civil penalties. In addition to the changes required by NRS, staff is recommending some additional modifications. Requirements that are tied to the annual

review and licensing have been relocated from Title 17 to Title 5. These include the “Good Neighbor” brochure and the self-inspection checklist.

Note: Within Ordinance 3127 language shown in ~~Red strike-out~~ is proposed to be deleted, and language shown in Red is new language.

16. Short-term Rentals: (Violations of any of these requirements, may result in a revocation of the business license.)

- a. Only the property owner may apply for the Conditional Use Permit.
~~and Business License.~~
 - ~~i. Property owners applying for the Conditional Use Permit and Business License must demonstrate ownership of the residence for at least one year if applying within 60 days of the adoption of the short-term rental ordinance.~~
 - ~~ii. Prior to issuance of a business license, the property owner is required to send a copy of the City’s “Good Neighbor” brochure to all property owners within 200 feet of the short-term rental and any associated homeowners association (HOA) or community management company. The “Good Neighbor” brochure and a notarized affidavit demonstrating compliance with the notification requirement must be submitted as part of the initial business license application. Furthermore, the “Good Neighbor” brochure must be sent to all property owners within 200 feet of the short-term rental and to any associated HOA or community management company annually, and a notarized affidavit demonstrating compliance with the notification requirement shall be submitted as part of the annual business license renewal.~~
- b. With the exception of owner-occupied units where multiple individual room rentals are permitted, only one reservation for the whole residential dwelling unit at a time is allowed.
- c. ~~With the exception of the first 60 days after adoption of the short-term rental ordinance,~~ The proposed short-term rental must comply with the 660-foot separation requirement between all other existing or proposed short-term rentals and the 2,500-foot separation from resort hotels. This requirement may be waived if the applicant can justify that an adequate barrier exists between the proposed short-term rental and all other existing or proposed short-term rentals. Distance shall be measured from the front door of the proposed short-term rental unit to the nearest property line to which it must be

~~separated. Exception: The separation requirement does not apply to multi-family units within the same complex.~~

- d. A notarized letter on letterhead from the homeowner's association is required authorizing the short-term rental at the time of the Conditional Use Permit application.
- ~~e. A self-inspection checklist must be submitted at the time of business license application, and annually thereafter.~~
- f. Noise monitoring equipment with a minimum 30-day recording capability must be installed outdoors in the common areas (e.g. pool/spa; backyard; porch; patio) of the short-term rental. ~~A notarized affidavit demonstrating compliance is required as part of the business license application.~~
- g. Noise levels shall not exceed sixty-five (65) decibels as measured at the property line of the short-term rental unit. In addition, the short-term rental must comply with the City's noise regulations as they apply to residential uses.
- h. Owners must ensure that renters are aware of the solid waste receptacle rules in the NLVMC 8.20.120 through NLVMC 8.20.150. The owner is responsible for ensuring that garbage at the short-term rental is disposed of appropriately.
- i. As part of the Conditional Use Permit application, the owner shall provide to the City a security plan for the use of the short-term rental. The owner is responsible for equipping the property with appropriate security measures to reasonably ensure the safety of short-term renters.
- j. Guest parking is only allowed in the garage, driveway, or on a public street. Vehicles of guests shall not obstruct traffic or access to other properties in the area.
- ~~k. A business license and the "Good Neighbor" brochure are required to be posted in residence.~~
- l. Short-term rentals are only allowed within multi-family zoning classifications if the units are individually mapped. ~~No more than 50 percent of the units or eight (8) units, whichever is less within a duplex, condominium, or townhouse development may be utilized for short-term rentals. Short-term rentals are prohibited in apartment buildings.~~

- m. Mobile homes, RVs, travel trailers, tents, vehicles and similar non-permanent structures may not be used as a short-term rental.
- n. Individual room rentals are only permitted if the residential dwelling unit is owner-occupied and the owner is renting rooms within the residence. For short-term rentals where rooms are being rented within the residence, the applicant must submit a floor plan of the residential dwelling unit with the application. ~~With the exception of owner-occupied units where multiple individual room rentals are permitted, only one reservation for the whole residential dwelling unit at a time is allowed.~~
- o. Short-term rentals are to be used for overnight accommodations only and shall not be used for weddings, parties, sales events, or other similar events.
- ~~p. Short-term rentals are prohibited in HUD Section 8 Housing Choice Voucher Program rental units.~~
- ~~q. Short-term rentals are considered "transient lodging" for the purposes of North Las Vegas Municipal Code Section 5.22.010(F).~~

Waiver of Separation Requirements

~~A waiver of the distance separation requirements may be granted administratively as part of the conditional use permit, as appropriate, under the following circumstance:~~

- ~~(1) An adequate barrier exists between the two short-term rentals.~~

~~An "adequate barrier" for a short-term rental is defined as: an improved drainage facility; Interstate 15; Clark County 215 Beltway; other roadway with a minimum width of 120 feet as shown on the Master Plan of Streets and Highways; railroad right-of-way; physical feature or topographical feature that prevents vehicular and pedestrian access between the short-term rentals; a commercial center; or a minimum ten (10) acre public park.~~

It should be noted that the Master Planned communities such as Aliante; Valley Vista; and The Villages of Tule Springs were / are being developed with previous codes that have been frozen. Therefore, this amendment and short-term rentals regulations do not apply to these communities. The frozen codes for the three master planned communities do not have any provisions for short-term rentals and therefore, short term rentals are not permitted within these communities.

City Staff is recommending that the Zoning Ordinance be amended to incorporate the language and requirements for short-term rentals. The approval of this Ordinance will align the City with other jurisdictions with similar requirements and be in compliance with AB 363. Staff recommends that ZOA-02-2022 be forwarded to the City Council with a recommendation of approval.

ATTACHMENT:

Proposed Ordinance No. 3127 (Title 17)

Proposed Ordinance No. 3123 (Title 5)

Proposed Ordinance NO. 3128 (Title 8)