

Item #7B

**City of Carson City
Agenda Report**

Date Submitted: January 6, 2009

Agenda Date Requested: January 15, 2009

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. ____, an ordinance amending the Carson City Municipal Code Title 18 Zoning, Chapter 18.16, Development Standards Division 2 Parking and Loading, by amending Section 2.3, General Parking Requirements, to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities, and other matters properly related thereto. (ZCA-08-095)

Staff Summary: The proposed amendment would clarify that it is permitted for commercial vehicles to be parked in residential neighborhoods for active loading and unloading, construction, repair, service and similar activities.

Type of Action Requested:

- Resolution
- Formal Action/Motion
- Ordinance-First Reading
- Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on October 29, 2008 by a vote of 7 Ayes, 0 Nays.

Recommended Board Action: I move to introduce, on first reading, Bill No. ____, an ordinance amending the Carson City Municipal Code Title 18 Zoning, Chapter 18.16, Development Standards Division 2 Parking and Loading, by amending Section 2.3, General Parking Requirements, to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities, based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments. See the attached memo and Planning Commission staff report for more explanation.

Applicable Statute, Code, Policy, Rule or Regulation: 18.02.075 Zoning Code Amendments

Fiscal Impact: N/A


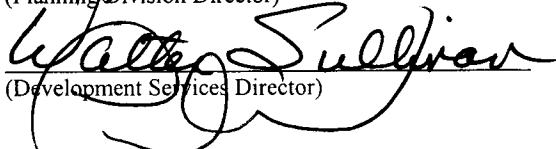

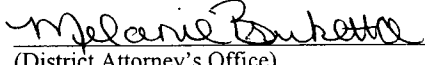
Explanation of Impact: N/A

Funding Source: N/A

- Alternatives:** 1) Continue the first reading to the next Board of Supervisors meeting.
2) Deny the ordinance and refer the matter back to the Planning Commission.

- Supporting Material:**
- 1) Ordinance
 - 2) Staff memo
 - 3) Planning Commission Case Record
 - 4) Public comments

Prepared By: Janice Brod, Management Assistant V

Reviewed By:  Date: 1/6/09
(Planning Division Director)
 Date: 1/06/09
(Development Services Director)
 Date: 1/6/09
(City Manager)
 Date: 1-6-09
(District Attorney's Office)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____ _____

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2009-_____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 2 PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES; AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That the Carson City Municipal Code Chapter 18.16, Development Standards, Section 2, Parking and Loading, Subsection 2.3, General Parking Requirements, is hereby amended, in part, as follows:

2.3 General Parking Requirements.

1. Any off-street parking area which abuts or faces a single-family, two-family, or multi-family residential district or residential use shall provide screening meeting the Director's approval along the side abutting or fronting on such residential district or use.
2. In residential and office districts, required parking for residential uses may be located within the front and/or street side yard setback outside of sight distance clearance area. All other uses may provide parking lots in the front or street side yards, provided said parking lot is located at least six feet behind the front and street side property lines, meets sight distance requirements, and provided the area between the parking lot and the property line is landscaped and is not surfaced in whole or in part with concrete, asphalt or other surface material except to provide driveway access to the parking area and walkways. In all other zoning districts, parking lots are not required to be set back from property lines unless required to do so by use or variance permit conditions. Sight distance requirements must be met in all zoning districts.
3. Businesses with parking lots are required to provide a lot with a hard surface such as asphalt, concrete, turf stone type pavers or other material approved by the Director. Gravel and other similar materials are permitted for storage and display areas only.
4. If there is no parking area available on the building site, off-street parking as required by this Division may be provided on a parcel within 300 feet of the building site upon first securing a Special Use Permit in each case. Upon submittal of accredited documentation (e.g. ITE or the latest version of Smart Growth Parking Best Practices), the Director may accept a modification of the distance criteria as specified herein and parking solution provided, or may request Commission approval of such a modification.

5. Parking areas shall be used solely for automobile parking with no permanent sales, storage of inoperable, unlicensed vehicles, repair work, dismantling or servicing of any kind. Parking areas shall not be used for overnight sleeping or camping.
6. Driveways or other areas required to move cars in or out of parking spaces shall not be considered in meeting off-street parking requirements. Tandem spaces shall only be authorized for individual mobile home units within mobile home parks, RV parks and planned unit developments, or as otherwise specifically permitted by the Development Standards.
7. When the required number of off-street spaces results in a fractional space, fractions up to one-half shall be disregarded, and fractions one-half and over shall require an additional space.
8. Open parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking of guests.
9. No truck, commercial trailer or vehicular equipment of a commercial or industrial nature shall be parked in any district except:
 - a. Where permitted as a use in a zoning district; or
 - b. A commercial panel van or pickup truck, when used for personal transportation;
 - c. On residential parcels one acre or larger in size, a commercial panel van or pickup truck is permitted with height not to exceed 10 feet; length not to exceed 22 feet; and shall not be parked within a setback area. Vehicles shall be screened from view from any sidewalk, roadway or adjacent parcel;
 - d. When a person is engaged in the restoration of a vehicle of historic significance and that vehicle is not being used for commercial purposes.
 - e. When actually and expeditiously engaged in the loading or unloading of merchandise or when such vehicle is being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood.**
10. No parking of trailers or vehicles larger than a commercial panel van or pickup truck within a public right-of-way shall be permitted within any district, except as specified in 9, directly above.
11. Owners of public and private parking lots shall not allow recreational vehicles to park and to be occupied for living and/or sleeping purposes.
12. Recreational vehicles shall not be parked for living purposes except in approved recreational vehicle parks or where authorized in accord with CCMC 18.05 (Trailers, Mobilehomes, RV's and Commercial Coaches).

13. When an existing building or buildings within the Residential Office, General Office or Redevelopment District are converted to a use requiring more parking than the existing use, on-street curb parking may be considered as part of the required parking, provided all of the following are met:
- a. Adequate off-street space is not available, or the Commission determines that strict compliance with requirements would adversely affect the character of the neighborhood;
 - b. At least 50% of the required parking shall be provided off street;
 - c. Allowable on-street parking shall be restricted to 50% curb parking space adjacent to the exterior boundaries of the subject property;
 - d. On-street parking may not be deducted from the total off-street parking requirements for car, truck or trailer rental agencies or property zoned air industrial park;
 - e. Allowable on-street parking may not be located upon streets which are designated as arterials in the Master Plan;
 - f. All required parking for new construction must be located off street.
14. When ongoing maintenance requires the restriping or altering of a parking lot, no changes shall be allowed without the approval of the Director.

SECTION II:

No other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2009.

PROPOSED BY Supervisor _____

PASSED _____, 2009.

VOTE:

AYES:

NAYS:

ABSENT:

BOB CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2009.



Carson City Planning Division

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MEMORANDUM

Board of Supervisors Meeting of January 15, 2009

TO: Mayor and Supervisors

FROM: Lee Plemel, Director *LP*

DATE: January 6, 2009

SUBJECT: Ordinance for Commercial Vehicle Parking in Residential Neighborhoods

At the Board of Supervisors meeting of November 20, 2008, an ordinance that included several modifications to Title 18 of the Carson City Municipal Code (CCMC) was introduced. However, as part of that action, the Board removed a section modifying CCMC 18.16, Division 2.3 (General Parking Requirements), which addressed an exception to the prohibition of parking commercial vehicles in a residential area. The Board also directed staff to contact and work with several residents who spoke at the meeting to see if concerns with the proposed ordinance can be addressed.

Planning staff contacted the residents who spoke at the November 20 Board of Supervisors meeting and offered to meet with them as a group or individually. (Staff did not have contact information for one couple that spoke but asked one of their neighbors to pass along the message and invite them to a meeting.) Staff had three meetings and numerous email and phone discussions with six of the eight interested persons. From these meetings, there was a general consensus that the proposed ordinance is appropriate for its specific purpose, with minor changes to the verbiage as presented in the attached ordinance. Other concerns that remain are discussed briefly below.

The proposed amendment to the Development Standards, General Parking Requirements, in the Carson City Municipal Code would add language that would allow for temporary parking of truck, trailer or equipment of a commercial nature in residential districts for deliveries, service calls, and similar activities. Currently the CCMC has no mechanism to allow for such temporary parking of commercial vehicles. Following is a brief summary of some of the issues and discussion with some concerned citizens.

- The proposed ordinance regarding temporary parking for loading, service calls, etc., does not supersede the Home Occupation provisions of CCMC 18.05.045, which prohibits the parking of an occupant's commercial vehicle at the residence and limits commercial deliveries to that residence.
- The proposed ordinance would not allow "24/7" parking of a commercial vehicle at a residence, even with a valid building permit. The language specifically says "actively and expeditiously engaged" in construction activities, etc., to address this.

- As noted above, the proposed language is intended to clarify when it is appropriate for commercial vehicles to be in a residential area. It is also intended to prevent frivolous complaints against such activities. No one is arguing that the activities described in the proposed language are inappropriate in a residential neighborhood, per se. Some citizen's concerns remain, however, about the types of personal vehicles permitted within residential neighborhoods that may be characterized as "commercial." This includes larger trucks and trailers and similar types of vehicles. Currently, the municipal code allows a personal "panel van," defined as not exceeding seven feet in height, 20 feet in length or 9,500 pounds, to be parked at a residence. It also allows a truck not exceeding 10 feet in height or 22 feet in length on residential parcels of one acre or larger. In discussions with staff on this issue, two citizens believe these types of vehicles should not be allowed on residential parcels and the codes relating to them should be changed and clarified. However, they agreed the proposed ordinance addresses a separate issue and should be addressed separately. Staff also noted that this issue of personal vehicles parked on-site is a much bigger citywide issue than the proposed ordinance intends to address.

Staff recommends approval of the proposed ordinance based upon the discussion above and the Planning Commission's recommendation of approval of the proposed ordinance.

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments and Zoning Code Amendments.

1. *The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.*

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by providing clarification of the provisions of the specific section of the code.

2. *The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.*

Rationale: The proposed amendments make no changes to the code that would have an impact on permitted uses. The proposed change would allow activities that already occur on a daily basis throughout the city. Therefore, the proposed amendments will have no detrimental impacts to properties within Carson City.

3. *The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.*

Rationale: The proposed amendments will have no impact on existing or planned public services or facilities since the changes are merely administrative in nature and will have no impact on any physical facilities within the city.