

Item # 86

**City of Carson City
Agenda Report**

Date Submitted: July 10, 2007

Agenda Date Requested: July 19, 2007

Time Requested: 10 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 18.03, Definitions, Section 18.03.010, Words And Terms Defined, to modify the definition of "guest building" to include attached guest buildings; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, amending Section 1.4, Guest Building Development, to establish regulations for the height, setbacks, occupancy, design and use of guest buildings on single-family residential properties. (File ZCA-07-085).

Staff Summary: "Guest buildings" are permitted on single-family lots. The proposed amendment is to create standards for the construction of guest buildings to limit size and include other design considerations to minimize impacts to surrounding properties and neighborhoods.

Type of Action Requested:

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

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval June 27, 2007, by a vote of 7 Ayes and 0 nay.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words And Terms Defined, to modify the definition of "guest building" to include attached guest buildings; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, amending Section 1.4, Guest Building Development, to establish regulations for the height, setbacks, occupancy, design and use of guest buildings on single-family residential properties, 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.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.03 (Zoning Code Amendments).

Fiscal Impact: N/A
Explanation of Impact: N/A
Funding Source: N/A

Alternatives: 1) Refer the matter back to Planning Commission for further review, or, 2) Deny the ordinance

Supporting Material:

- 1) Ordinance
- 2) Planning Commission Case Record
- 3) Staff Report to Planning Commission

Prepared By: Donna Fuller, Administrative Services Manager


Reviewed By:




For (Walter Sullivan, Planning Director) Date: 7/10/07



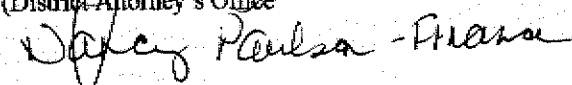
(Larry Werner, Development Services Director/City Engineer) Date: 7/10/07



(Linda Ritter, City Manager) Date: 7/10/07



(District Attorney's Office) Date: July 10, 2007



Nancy Paulson - Finance Date: 7/10/07

Board Action Taken:

Motion: _____

1) _____	Aye/Nay
2) _____	_____

(Vote Recorded By)

BILL NO. ____

ORDINANCE NO. 2007-_____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "GUEST BUILDING" TO INCLUDE ATTACHED GUEST BUILDINGS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.4, GUEST BUILDING DEVELOPMENT, TO ESTABLISH REGULATIONS FOR THE HEIGHT, SETBACKS, OCCUPANCY, DESIGN AND USE OF GUEST BUILDINGS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.03 (Definitions), Section 18.03.010 (Words and Terms Defined) of the Carson City Municipal Code is hereby amended, in part, to modify the definitions of "Guest Building" as follows (underlined text is added, stricken text is deleted):

18.03.010 Words and Terms Defined.

Guest Building means a dwelling unit on the same lot as the primary dwelling unit [~~but physically separate from~~] and ancillary to the primary dwelling unit. [~~An accessory dwelling unit~~] A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and includes habitable detached structures that may or may not include cooking facilities and which is used exclusively for housing the family members of [~~a single family~~] the primary residence and their non-paying guests. A manufactured or mobilehome is not considered a guest building in SF6, SF12, SF21, SF1A, SF2A, or SF5A zoning districts. A recreational vehicle is not allowed as a guest building in any zoning district.

SECTION II:

That Division 1 (Land Use and Site Design) of Chapter 18.16 (Development Standards), Division 1.4 (Guest Building Development) of the Carson City Municipal Code is hereby amended, as follows (added text is underlined, stricken text is deleted):

1.4 Guest Building Development.

Guest building refers to a dwelling unit on the same lot as the primary dwelling unit and ancillary to it. A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. ~~[A detached guest building shall not exceed 50% of the floor area of the main unit excluding the basement.]~~ Typical uses include guest houses, second units, extended family housing and caretaker's quarters.

1.4.1 A site plan shall be submitted indicating the following:

- a. Location of primary residential structure with setback distances, distance to guest building and other accessory structures.
- b. Location of all public and private utilities and/or well and septic tank/leach field.
- c. Access to primary residential structure and guest building.
- ~~d. Statement that the guest building is an accessory position on the lot and is used exclusively for housing members of a single family or their non-paying guests.]~~
- e.d. Zoning, size of lot, assessors parcel number, north arrow, scale, location of other outbuildings.

1.4.2 Recordation. ~~[A standard form shall be recorded that specified the information contained in Section 1.4.1 and any other information deemed pertinent by Planning [and Community Development.]~~ The property owner shall, prior to the issuance of a certificate of occupancy for the building permit, record a deed restriction against the subject property with the City Recorder's Office stating the guest building occupation limitations contained in Section 1.4.10.

1.4.3 Existing Guest Buildings. Existing guest buildings may expand to include a kitchen facility only upon full compliance with the provisions of this Division. Approval of a building permit is required if the structure itself is being altered.

1.4.4 Maximum size. Guest building living space gross floor area shall not exceed 50 percent of the assessed floor area of the main residence, excluding garages, basements and other accessory structures, or the following limitations, whichever is less:

- a. In the SF6, MH6, SF12 and MH12 zoning districts, a maximum of 700 square feet.
- b. In all other single family residential districts, a maximum of 1,000 square feet.

1.4.5 Required setbacks. All guest buildings shall meet the same setbacks as required for the primary residence on the lot, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.6 Maximum building height. The guest building shall meet the maximum height requirements of the zoning district in which it is located, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.7 Required Parking. A minimum of one off-street parking space or, for guest buildings with multiple bedrooms, one parking per bedroom shall be provided outside of the required front-yard setback area in addition to the required parking for the main residential use. In the SF6, MH6, SF12 and MH12 zoning districts, the guest parking must be provided on a paved surface.

1.4.8 Site design.

a. Architectural design and materials for a guest building shall be consistent and compatible with the design and materials of the main structure, including but not limited to roof pitch, roof materials, siding materials and color, and other architectural features.

b. Only one entrance may be visible from the street frontage.

1.4.9 Modifications to these provisions.

a. The above guest building provisions relating to size, height and site design may only be modified by approval of a Special Use Permit.

b. The above guest building provisions relating to setbacks and parking may only be modified by approval of a Variance.

1.4.10 Guest building occupation. A guest building may only be occupied by the family members of the primary residence, as defined by Title 18 of the Carson City Municipal Code, and their non-paying guests. Guest buildings may not be rented as secondary dwelling units.

SECTION III:

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

PROPOSED on _____, 2007.

PROPOSED BY Supervisor _____

PASSED _____, 2007.

VOTE: AYES:

NAYS:

ABSENT:

MARV TEIXEIRA, 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 2007.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: June 27, 2007

AGENDA ITEM NO.: H-11

APPLICANT(s) NAME: n/a
PROPERTY OWNER(s): n/a

FILE NO.: ZCA-07-085

ASSESSOR PARCEL NO(s): n/a
ADDRESS: n/a

APPLICANT'S REQUEST: Action to recommend to the Board of Supervisors an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definitions of "guest building" to include attached dwelling units in the definition; and amending Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, adding Section 1.19, Guest Building Development Standards, to establish regulations for the height, setbacks, occupancy, design and use of guest buildings on single-family residential properties, and other matters properly related thereto.

COMMISSIONERS PRESENT: REYNOLDS VANCE BISBEE
 MULLET PEERY KIMBROUGH SEMMENS

STAFF REPORT PRESENTED BY: Lee Plemel REPORT ATTACHED
STAFF RECOMMENDATION: APPROVAL DENIAL
APPLICANT REPRESENTED BY: staff

APPLICANT/AGENT PRESENT APPLICANT/AGENT SPOKE APPLICANT/AGENT NOT PRESENT APPLICANT/AGENT DID NOT SPEAK

PERSONS SPOKE IN FAVOR OF THE PROPOSAL PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Option A was selected

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL

WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: Vance SECOND: Semmens PASSED: 7 /AYE 0 /NO 0 /DQ 0 /AB

SCHEDULED FOR THE BOARD OF SUPERVISORS DATE: July 19, 2007

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JUNE 27, 2007

FILE NO: ZCA-07-085

AGENDA ITEM: H-11

STAFF AUTHOR: Lee Plemel, AICP, Principal Planner

REQUEST: An ordinance amending Division 1.4, Guest Building Development, of the Development Standards to establish design standards for the construction of guest buildings.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-07-085, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words And Terms Defined, to modify the definition of "guest building" to include attached guest buildings; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, amending Section 1.4, Guest Building Development, to establish regulations for the height, setbacks, occupancy, design and use of guest buildings on single-family residential properties, with Alternative ["A" or "B"] for occupancy of guest buildings as presented in the staff report, based on the findings contained in the staff report."

DISCUSSION

The purpose of this ordinance is to develop more complete standards for the construction of "guest buildings" on single-family residential lots. The desire for more complete standards is the result of issues and concerns raised during the Planning Commission review of Special Use Permits for several recent "accessory structures" that were to be used as guest buildings. The proposed ordinance has been prepared based upon prior discussion at the April Planning Commission meeting regarding potential regulations for guest buildings.

Guest buildings are a permitted accessory use to a primary residential use within the ½-acre and larger parcel size residential zoning districts. Guest buildings are a conditional use, requiring a Special Use Permit, within the Single-Family and Mobile Home 6,000 and 12,000 zoning districts. There is no proposed change to these requirements. Under the proposed ordinance, guest buildings would always require a Special Use Permit within the Single Family and Mobile Home 6,000 and 12,000 zoning districts and would continue to be permitted within other residential zoning districts subject to meeting all of the proposed standards.

Guest buildings are secondary dwelling units that are accessory to a main residence on a single-family lot. Current Carson City Municipal Code (CCMC) standards limit the use of guest buildings to family members of the primary residence and non-paying guests (no rentals), but lack other standards such as maximum dwelling size, parking and other design requirements. Following is a brief summary and discussion of the various aspects of proposed regulations as included in the attached draft ordinance (Attachment 1).

Chapter 18.03, Definitions

The current definition of guest building includes only detached ("physically separate") structures. Staff believes this language dates back to when guest buildings could not have full kitchen facilities. The proposed modification deletes the language regarding "physically separate" structures since guest buildings may be attached and are defined more precisely as having separate living facilities.

The "Alternative B" deletion of language regarding the limitation of occupancy is discussed further below in section 1.19(7), Owner Occupation.

Section 1.19(1), Maximum Size

The intent of having a maximum guest building size is to ensure that they are truly "accessory" to the main dwelling and to minimize impacts to surrounding properties. The current limitation to size is that detached structures that exceed 50% of the main structure size (including garage) require an Administrative Permit approval and structures that exceed 75% of the main structure size require approval of a Special Use Permit. Under the proposed ordinance, all guest buildings exceeding 50% of the assessed floor area of the main residence would require Special Use Permit approval.

The proposed size limits are based on the size of the main residence, allowing up to 50% of the assessed floor area of the main residence, and based on the zoning district in which it is located (700 or 1,000 square feet maximum depending on zoning). For example, in the Single Family One Acre (SF1A) zoning district a property with a 1,600 square foot main residence would be permitted to have an 800 square foot guest building (50% of 1,600 = 800). If the same property had a 3,000 square foot main residence, the maximum guest building size would be 1,000 square feet because 50% of 3,000 (= 1,500) exceeds the maximum permitted guest building size of 1,000 square feet in the SF1A zoning district.

Section 1.19(2), Required Setbacks

Presently, detached guest building setbacks are regulated in the same manner as other "accessory structures," such as a detached garage, which allows such structures to have reduced setbacks to five feet in certain zoning districts where the accessory building does not exceed 400 square feet. Attached guest buildings have to meet the same setbacks as the main residence. Staff proposes to clarify that all guest buildings, regardless of size and whether or not they are attached or detached, must meet the primary residence setbacks required by the zoning district in which they are located. Additionally, staff recommends that any second story elements of a guest building should maintain a 20-foot setback from adjacent properties to minimize impacts to adjacent property owners.

Section 1.19(3), Maximum Building Height

Presently, the height of accessory structures is limited to the maximum height permitted within the applicable zoning district. Based upon comment at the prior Planning Commission meeting on this issue, the proposed ordinance retains this maximum height limitation so that guest buildings could, for example, be constructed over a detached garage. However, as noted above, staff recommends that any second story elements of a guest building maintain a 20-foot setback from adjacent properties to minimize impacts on adjacent property owners.

Section 1.19(4), Required Parking

There is presently no parking requirement for guest buildings. Staff recommends a requirement of one parking space per bedroom (one for a "studio" flat) which must be paved and provided outside the front-yard setback area. It is assumed that larger guest buildings with more than one bedroom could accommodate more guests. Therefore, staff recommends requiring the additional parking spaces based upon the number of bedrooms to minimize potential impacts to surrounding properties. It should be noted that the two required parking spaces for the main residence do not have to be outside the front-yard setback area. If a garage is provided with a main residence, it may be counted toward the required parking for the guest building as long as there is additional on-site parking available for the main residence.

Section 1.19(5), Site Design

There are presently no standards relating to design of guest buildings. In order to ensure that guest buildings are complementary and accessory to the main residence on the property, staff recommends requirements for the guest building to be consistent in architecture and design with the main residence. Additionally, the ordinance requires that only one entrance may be visible from the street in order to avoid the appearance of the property containing a duplex.

Section 1.19(6), Modifications to the Code Provisions

This section sets forth the procedures by which modifications to the above standards may be requested. Generally, a Special Use Permit would be required to deviate from the guest building requirements. A Variance would be required to reduce setbacks or the number of required parking spaces (consistent with procedures under current code).

Section 1.19(7) Alternative A: Guest Building Occupation; or Alternative B: Owner Occupation

The issue of retaining the status quo of limiting guest building occupancy to the family of the primary residence and their non-paying guests (Alternative A) versus modifying the standards to require the property owner to reside on-site but allow the rental of the guest building to those other than "non-paying" guests (Alternative B) was debated but not clearly resolved at the April Planning Commission meeting. Staff requests that the Planning Commission choose one of these alternatives, based upon discussion at the meeting, in the motion making a recommendation to the Board of Supervisors on the ordinance. In both instances it is recommended to require a deed restriction with the construction of guest building to inform future property owners of the limitations. Following is a brief discussion on the two alternatives.

Alternative A, Single Family and Non-Paying Guests Only (status quo): If, based on discussion at the meeting, the Planning Commission elects to maintain the status quo of limiting the use of guest buildings to the family residing in the main residence and their non-paying guests, the Commission should choose Alternative A. In prior discussions with the Planning Commission, concerns were expressed about the potential increase in "density" that this could create in existing single-family residential neighborhoods. Limiting the occupancy to the family of the main residence and their non-paying guests minimizes this potential. This alternative also includes the requirement of recording a deed restriction to inform future property owners of the limitations of occupancy of the guest building.

Staff has received phone calls from former Planning Commissioners in favor of Alternative A to retain the existing regulations on guest building occupancy. Concerns are related to the neighborhood character and subverting the "single-family" nature of single-family residential zoning districts.

Alternative B, Owner Occupancy: Guest buildings, also called "accessory dwellings," are widely allowed throughout jurisdictions in Nevada and across the country. Of the jurisdictions researched by staff in Nevada and California, none has regulations as to who is allowed to occupy the guest building.

With the additional regulations that are being considered with this ordinance, the Planning Commission may consider allowing new provisions that require the property owner to live on site rather than limiting occupancy of the property to the family of the main residence and their non-paying guests. While this would allow the rental of guest buildings, having the owner on-site would ensure some level of monitoring and responsibility for activities occurring on the parcel. If the owner did not live on the property, only a single family and their guests could occupy the main

residence and guest building. Under no circumstances under this provision could both the main residence and the guest building be rented to separate families.

The other regulations within the code, particular those limiting the size of the guest dwelling, minimize the impacts to surrounding property owners. It could also be argued that the impacts to a neighborhood are essentially the same whether or not someone is paying rent to the owner for a room on the property or is living there free of charge (and is virtually impossible to monitor and enforce).

Additional provisions in this alternative section of the code clearly state that existing guest buildings would remain restricted to the family and non-paying guests, and they may only fall under the new provisions if they meet full compliance with the current standards, including recording a deed restriction for future owners to be aware of the restrictions. Also, a provision is included that gives the Planning Commission the ability to limit the occupancy of guest buildings where it does not meet the standards of the code, for example when it is larger than permitted by the standards.

Under the provisions of Alternative A, guest buildings can offer several benefits to property owners and communities including:

- A cost-effective means of serving community growth through the use of existing infrastructure
- Providing relatively affordable housing alternatives
- Providing a means for purchasers of new or existing homes to pay their home loans (making home purchase more affordable)
- Providing security for homeowners living alone.

However, while the Master Plan identifies the establishment of accessory dwelling to address housing needs, it should be noted that the Master Plan is a long-range planning document and it may not be the appropriate time to implement such regulations. If the status quo is maintained at this time, the issue of accessory dwelling occupancy could be addressed again in the future when the dynamics of housing needs change within Carson City.

Other Potential Regulations

A minimum lot size requirement for a lot to have a guest building was discussed with the Planning Commission previously. Based on comments from Commissioners, staff believes that the regulations of size, setbacks, parking and others adequately address the issue. It is likely that some parcels would be too small to meet all the requirements, especially for parking, and someone in that situation would have to come to the Planning Commission to request approval in that situation, anyway. Therefore, staff recommends omitting any minimum lot size requirements.

PUBLIC COMMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of June 15, 2007, no written comments have been received either in support or opposition of this application. One verbal comment from a local contractor/resident expressed strong opposition to allowing rental of guest buildings. Any additional comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

No written comments from other city department comments were received.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Code Amendments).

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map 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 consistent with and promotes the following goals and policies of the Master Plan:

- Policy 2.2c, Accessory Dwellings – Encourage opportunities for accessory dwelling units within established neighborhoods as a means of promoting affordable housing and increasing citywide housing diversity. Accessory dwellings should be limited in size and should be designed to be compatible with the primary dwelling and the surrounding neighborhood context.
Staff comment: The proposed ordinance provides for size limitations and design elements to promote compatibility with existing neighborhoods. [For Alternative B:] The ordinance also promotes affordable housing by providing housing alternatives.
- Policy 6.2a, 9.3b, Neighborhood Compatibility – Ensure the infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context.
Staff comment: The proposed ordinance provides for size limitations and design elements to promote compatibility with existing neighborhoods where no standards for guest buildings currently exist.
- [For Alternative B:] Action Plan, Implementation Strategy 2.2c – Include appropriate standards in the Municipal Code for permitting and construction of attached or detached accessory dwelling units and that allow rental of the units.

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 amendment includes standards for guest buildings, which are already permitted by the Carson City Municipal Code, that will ensure a higher degree of compatibility with surrounding properties over current standards, including limitations on size and new design standards.

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.***

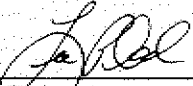
Rationale: The proposed amendment will have no impact on existing or planned public services or facilities in that guest buildings are already permitted accessory to a main residence and can be adequately served by all applicable services.

Attachments:

- 1) Draft ordinance

Respectfully submitted,

PLANNING DIVISION



Lee Plemel, AICP, Principal Planner

BILL NO. ____

ORDINANCE NO. 2007-_____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "GUEST BUILDING" TO INCLUDE ATTACHED GUEST BUILDINGS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.4, GUEST BUILDING DEVELOPMENT, TO ESTABLISH REGULATIONS FOR THE HEIGHT, SETBACKS, OCCUPANCY, DESIGN AND USE OF GUEST BUILDINGS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.03 (Definitions), Section 18.03.010 (Words and Terms Defined) of the Carson City Municipal Code is hereby amended, in part, to modify the definitions of "Guest Building" as follows (underlined text is added, stricken text is deleted):

18.03.010 Words and Terms Defined.

Guest Building means a dwelling unit on the same lot as the primary dwelling unit [~~but physically separate from~~] and ancillary to the primary dwelling unit. [~~An accessory dwelling unit~~] A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and includes habitable detached structures that may or may not include cooking facilities **[Alternative A:]** and which is used exclusively for housing the family members of [~~a single family~~] the primary residence and their non-paying guests

[Alternative B:] [~~and which is used exclusively for housing members of a single-family or their non-paying guests~~].

A manufactured or mobilehome is not considered a guest building in SF6, SF12, SF21, SF1A, SF2A, or SF5A zoning districts. A recreational vehicle is not allowed as a guest building in any zoning district.

SECTION II:

That Division 1 (Land Use and Site Design) of Chapter 18.16 (Development Standards), Division 1.4 (Guest Building Development) of the Carson City Municipal Code is hereby amended, as follows (added text is underlined, stricken text is deleted):

1.4 Guest Building Development.

Guest building refers to a dwelling unit on the same lot as the primary dwelling unit and ancillary to it. A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. ~~[A detached guest building shall not exceed 50% of the floor area of the main unit excluding the basement.]~~ Typical uses include guest houses, second units, extended family housing and caretaker's quarters.

1.4.1 A site plan shall be submitted indicating the following:

- a. Location of primary residential structure with setback distances, distance to guest building and other accessory structures.
- b. Location of all public and private utilities and/or well and septic tank/leach field.
- c. Access to primary residential structure and guest building.

~~[d. Statement that the guest building is an accessory position on the lot and is used exclusively for housing members of a single family or their non-paying guests.]~~

~~[e]~~ d. Zoning, size of lot, assessors parcel number, north arrow, scale, location of other outbuildings.

1.4.2 Recordation. ~~[A standard form shall be recorded that specified the information contained in Section 1.4.1 and any other information deemed pertinent by Planning [and Community Development.]~~ The property owner shall, prior to the issuance of a certificate of occupancy for the building permit, record a deed restriction against the subject property with the City Recorder's Office stating the guest building occupation limitations contained in Section 1.4.10.

1.4.3 Existing Guest Buildings. Existing guest buildings may expand to include a kitchen facility only upon full compliance with the provisions of this Division. Approval of a building permit is required if the structure itself is being altered.

1.4.4 Maximum size. Guest building living space gross floor area shall not exceed 50 percent of the assessed floor area of the main residence, excluding garages, basements and other accessory structures, or the following limitations, whichever is less:

- a. In the SF6, MH6, SF12 and MH12 zoning districts, a maximum of 700 square feet.
- b. In all other single family residential districts, a maximum of 1,000 square feet.

1.4.5 Required setbacks. All guest buildings shall meet the same setbacks as required for the primary residence on the lot, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.6 Maximum building height. The guest building shall meet the maximum height requirements of the zoning district in which it is located, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.7 Required Parking. A minimum of one off-street parking space or, for guest buildings with multiple bedrooms, one parking per bedroom shall be provided outside of the required front-yard setback area, on a paved surface, in addition to the required parking for the main residential use.

1.4.8 Site design.

a. Architectural design and materials for a guest building shall be consistent and compatible with the design and materials of the main structure, including but not limited to roof pitch, roof materials, siding materials and color, and other architectural features.

b. Only one entrance may be visible from the street frontage.

1.4.9 Modifications to these provisions.

a. The above guest building provisions relating to size, height and site design may only be modified by approval of a Special Use Permit.

b. The above guest building provisions relating to setbacks and parking may only be modified by approval of a Variance.

[1.4.10. Alternative A:]

1.4.10 Guest building occupation. A guest building may only be occupied by the family members of the primary residence, as defined by Title 18 of the Carson City Municipal Code, and their non-paying guests. Guest buildings may not be rented as secondary dwelling units.

[7. Alternative B:]

1.4.10 Owner occupation.

a. The owner of the property shall reside on-site in either the primary residence or guest building. If the property owner does not reside on the premises, the entire property may only be occupied by one family, as defined in the Carson City Municipal Code, and their non-paying guests.

b. Where a Special Use Permit is required for a guest building that does not meet the provisions of this Division, the Commission may limit occupancy of the guest building to the family members of the primary residence and their non-paying guests.

- c. Existing guest buildings approved prior to the adoption of the standards within this Division may only be occupied by the family members of the primary residence and their non-paying guests. The provisions for owner occupation of the premises in subparagraph (a), above, only apply upon full compliance with the provisions of this Division.

SECTION III:

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

PROPOSED on _____, 2007.

PROPOSED BY Supervisor _____

PASSED _____, 2007.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

MARV TEIXEIRA, 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 2007.