

Item # 130

**City of Carson City
Agenda Report**

Date Submitted: August 7, 2007

Agenda Date Requested: August 16, 2007

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Planning Division

Subject Title: Action to approve a moratorium from approving Adult Entertainment Facilities. The length of the moratorium is 90 days. The purpose for the moratorium is to revise CCMC Title 18, specifically 18.03.010 Definitions-Adult Entertainment Facilities. The moratorium will promote the public's general health, safety and welfare, and will permit the staff to focus on the effective preparation of applicable sections of Title 18, the Zoning Ordinance.
(File MISC-07-092)

Staff Summary: The purpose for this action is to place a 90 day moratorium for approving Adult Entertainment Facilities, and time to revise CCMC Title 18.03.010 Definitions-Adult Entertainment Facilities.

Type of Action Requested:

- Resolution
- Formal Action/Motion
- Ordinance
- Other

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval June 27, 2007 by the Carson City Planning Commission by a vote of 7 Ayes, 0 Nays.

Recommended Board Action: I move to approve a moratorium from approving Adult Entertainment Facilities. The length of the moratorium is 90 days. The purpose for the moratorium is to revise CCMC Title 18, specifically 18.03.010 Definitions-Adult Entertainment Facilities. The moratorium will promote the public's general health, safety and welfare, and will permit the staff to focus on the effective preparation of applicable sections of Title 18, the Zoning Ordinance.

Explanation for Recommended Board Action: The Board of Supervisors has the authority to approve all moratoriums in Carson City.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 18.03.010

Fiscal Impact: N/A

Explanation of Impact: N/A

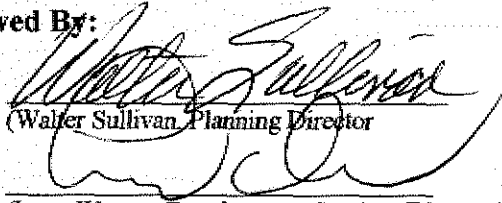
Funding Source: N/A

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

Supporting Material: Staff Report
Case Record

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:


(Walter Sullivan, Planning Director)

Date: 8/2/07

(Larry Werner, Development Services Director/City Engineer)

Date: 8/7/07


(Linda Ritter, City Manager)

Date: 8-7-07


(District Attorney's Office)

Date: 8-7-07

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

DATE: August 16, 2007
TO: Board of Supervisors
FROM: Planning Director *WB*
SUBJECT: 90 Day Moratorium on Approvals of Adult Entertainment Facilities

As required by CCMC Section 18.02.120 Moratorium, after the Planning Commission's report has been forwarded to the Board, notice of the Board's hearing must occur. This has been completed. After the completion of the public hearing by the Board, the Board may declare a moratorium by a simple majority vote of the Board members in attendance.

In declaring a moratorium, the Board shall, at a minimum, affirm the findings contained in the Planning Commission's recommendation or make findings of fact on their own, as noted in Section 5 of CCMC 18.02.120. Staff has included findings in the Recommended Board Action similar to the Planning Commission's.

Should the moratorium be approved by the Board, the period of time requested by staff is 90 days to revise by appropriate sections of Title 18 and return to the Planning Commission and Board of Supervisors for approval of the revisions.

PLANNING DIVISION • 2621 Northgate Lane, Suite 62 • Carson City, Nevada 89706
Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us



Carson City, Nevada 89713

Pub: August 2, 2007

Ad#03526298

AND SEPARATE PROP-
ERTY, dated 04/13/2005
and recorded 04/18/2005,
as Instrument No.

as provided therein, and
the unpaid balance of the
Note secured by said
Deed of Trust with inter-
est thereon as provided
in said Note, plus fees,
charges and expenses of
the Trustee and of the
trusts created by said
Deed of Trust. The lender
is unable to validate the
condition, defects or dis-
closure issues of said
property and Buyer
waives the disclosure re-
quirements under NRS
113.130 by purchasing at
this sale and signing said
receipt. If the Trustee is
unable to convey title for
any reason, the success-
ful bidder's sale and ex-
clusive remedy shall be
the return of monies paid
to the Trustee, and the
successful bidder shall

In the First Judicial District
Court of the State of
Nevada in and for
Carson City

BERENICE DE LA CRUZ
Plaintiff

vs.
ANTONIO DE LA CRUZ
Defendant

SUMMONS

THE STATE OF NEVADA
SENDS GREETINGS TO
THE ABOVE-NAMED
DEFENDANT:
NOTICE! YOU HAVE
BEEN SUED. THE
COURT MAY DECIDE
AGAINST YOU WITH-
OUT YOUR BEING
HEARD UNLESS YOU
RESPOND WITHIN 20
DAYS. READ THE IN-
FORMATION BELOW.

Legal and
Public Notices 1000

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Public Notices 1000

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Public Notices 1000

INVITATION TO BID

Sealed bids will be received by the Nevada State Public Works Board for:

**Project: ADA Entrance and Connecting Structure Nevada State Museum,
600 North Carson Street, Carson City, Nevada.**

SPWB Project No. 05-C27, 07-C01 & 05-S02(C).

Bids will be received and opened at the following location, date, and time:

Bid Opening Location: 515 East Musser Street, Suite 102, Carson City,
Nevada 89701
Bid Opening Date: August 30, 2007
Bid Opening Time: 2:00 p.m. (local time)

Such sealed bids as are received will be opened and read publicly at the above lo-
cation, date, and time by a representative of the State Public Works Board. Bids
must be submitted on the Bid Form supplied with the plans and specifications.

Bid documents may be examined at the following locations:

The State Public Works Board Office, (above), the Consultant's Office (address
list-
ed below), and at the Builders Exchanges listed below.

Consultant: Oxoby Architecture
Address: 1497 U.S. Highway 395 North
Gardnerville, Nevada 89410
Phone: (775) 782-8743

Builders Exchanges:

Nevada Blue
9738 S. Virginia Street, Unit D
Reno, Nevada 89511

F.W. Dodge/McGraw Hill
150 N. Durango Suite 101
Las Vegas, Nevada 89145

Reno Builders Exchange
634 Ryland Street
Reno, Nevada 89502

Carl's Imaging Works
450 Sunshine Lane
Reno, Nevada 89502

Bid documents may be obtained at the office of the State Public Works Board,
(see above), by bona fide licensed General Contractors, contractors, major sub-
contractors and materialmen for a refundable deposit of SEVENTY FIVE DOL-
LARS (\$75.00) each, for a maximum of three (3) sets. All plan deposit checks
shall be made payable to "State of Nevada". Deposits will be refunded only when
all contract documents are returned in a satisfactory and reusable condition.

General Contractors, Subcontractors and/or others desiring to bid on this work
shall be licensed for this type of work and qualified by the Nevada State Con-
tractor's Board prior to the bid opening. Minority-owned or women-owned business
participation is specifically invited. Assistance in the preparation of all required
forms and documents will be provided upon request.

All bidders submitting bids to the State Public Works Board must be qualified as
bidders by the State Public Works Board prior to the bid opening. Information re-
garding applications to become a qualified bidder can be obtained by calling (775)
684-4141.

Prevailing wages must be paid on this project.

The estimate of construction cost for the base bid of this project is \$4,800,000.00.

A mandatory pre-bid walk will be conducted on August 16, 2007 at 10:00 a.m. at
the site.

The right is reserved by the Owner to reject any or all bids, or to accept the bid
deemed best for the interest of the State of Nevada.

Bid Protests:

In accordance with Nevada Revised Statutes Section 338.142, a person who bids
on a contract may file a notice of protest regarding the awarding of the contract
within 5 business days after the date the bids were opened. The protest must in-
clude a written statement specifying the reasons the applicable provisions of the
law were violated.

A person filing a notice of protest may be required, at the time the notice of protest
is filed, to post a bond with a good and solvent surety authorized to do business in
this state or submit other security, in a form approved by the public body, to the
public body who shall hold the bond or other security until a determination is made
on the protest.

A bond posted or other security submitted with a notice of protest must be in an
amount equal to the lesser of 25% of the total value of the bid submitted by the
person filing the notice of protest; or \$250,000.

By: Gustavo 'Gus' Nunez, P.E.
Manager, State Public Works Board

Pub: July 26, August 2, 9, 16, 23, 2007

Ad#03526211

Legal and
Public Notices 1000

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Public Notices 1000

**CARSON CITY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

You are hereby notified that the item listed below will
be considered by the Carson City Board of Super-
visors at their meeting beginning at 8:30 a.m. on Au-
gust 16, 2007, in the Sierra Room of the Community
Center, 851 East William Street, Carson City, NV.
Action regarding an appeal of the Planning Commis-
sion's denial of a special use permit, SUP-07-075, to
allow a billboard on property zoned General Com-
mercial (GC) located at 800 Old Clear Creek Road,
APN 009-302-09.
Further information may be obtained by calling the
Carson City Planning Division at 775-887-2180 or e-
mail the Planning Division at
www.planningdept@ci.carson-city.nv.us.

This notice is posted at the following location before
August 2, 2007.

City Hall, 201 North Carson Street.
Community Center - Sierra Room, 851 E. William St.
Building Division, 2621 Northgate Ln., Suite 6
Planning Division, 2621 Northgate Ln., Suite 62
Public Works, Corporate Yard Facility,
3304 Buttl Way.

Pub: August 2, 2007

Ad#03526283

Legal and
Public Notices 1000

Legal and
Public Notices 1000

**CARSON CITY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

You are hereby notified that the item listed below will
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City Board of Supervisors at their meeting beginning
at 8:30 a.m. on August 16, 2007, in the Sierra Room
of the Community Center, 851 East William Street,
Carson City, NV.

Action is to approve a moratorium from approving
Adult Entertainment Facilities. The length of the
moratorium is 90 days. The purpose of the moratori-
um is to revise CCMC Title 18, specifically 18.03.010
Definitions - Adult Entertainment Facilities. The defi-
nitions to Title 18, Section 18.03.010 involves the defi-
nitions of Adult Entertainment Facilities and will re-
write sections of said definitions. (MISC-07-092)

Further information may be obtained by calling the
Carson City Planning Division at 775-887-2180 or e-
mail the Planning Division at
www.planning_dept@ci.carson-city.nv.us.

This notice is posted at the following locations before
August 2, 2007

City Hall, 201 North Carson Street
Community Center - Sierra Room, 851 E.
William Street
Building Division, Permit Center - Northgate Complex,
2621 Northgate Ln., Suite 6
Planning Division, 2621 Northgate Ln., Suite 62
Public Works, Corporate Yard Facility, 3305 Buttl Way

Pub: August 2, 2007

Ad#03526282

Legal and Public Notices

Report to the Board



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

RECEIVED

JUL 27 2007

CARSON CITY
EXECUTIVE OFFICES

MEMO TO: Mayor and Board of Supervisors
City Manager

FROM: Planning Director *WS*

DATE: July 27, 2007

SUBJECT: 90-Day Moratorium on Approval of Adult Entertainment Facilities

Staff presented, at the June 27, 2007 Planning Commission meeting, a memorandum and resolution regarding a 90-day moratorium on the approval of adult entertainment facilities. Due to an error in noticing advertisement for the matter, staff determined it was better to begin the process over again. The moratorium is necessary to allow staff (the District Attorney's Office and Planning Division) to develop new ordinance language to address sections in Title 18 which staff considers weak as to the protection of the public's health, safety and general welfare.

The Commission received the staff report and discussion was held. Public testimony was requested and none was received (see draft of Planning Commission Minutes of June 27, 2007 meeting). The vote of the Commission to adopt the Planning Commission Resolution was 7 ayes, 0 nays for adoption.

The staff will schedule a public hearing before the Board on August 16, 2007. All required noticing will be completed prior to the meeting. At this meeting the Board will be requested to declare a 90-day moratorium regarding the approval of adult entertainment facilities for the purpose as stated above.

Should you have any questions, call me at 887-2180.

Enclosures: Planning Commission Staff Report and Copy of Signed Resolution
Draft Planning Commission Minutes of June 27, 2007
Copy of CCMC, Title 18, Section 18.02.120 and 18.03.010

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Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us

H-13



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

TO: Planning Commission

FROM: Walter A. Sullivan, Director
Planning Division *WAS*

DATE: June 27, 2007

SUBJECT: Resolution for a 90 Day Moratorium from Approving Adult Entertainment Facilities

Due to an error in a noticing advertisement for this matter, the process needs to start over at the Planning Commission level again. The matter has been properly noticed for the Commission and a resolution has been included for the Commission to adopt a second time.

RESOLUTION NO. 2007-PC-9

**A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS
A MORATORIUM FROM APPROVING ADULT ENTERTAINMENT
FACILITIES FOR A PERIOD OF 90 DAYS.**

WHEREAS, Carson City Municipal Code 18.02.120 sets forth the moratorium process for matters related to planning, zoning and land use issues; and

WHEREAS, the Planning Division intends to make possible revisions to applicable sections of the Master Plan and Title 18 relative to adult entertainment facilities and the primary purpose use of retail facilities; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of Carson City Municipal Code 18.02.120, and is in conformance with City and State legal requirements; and

WHEREAS, on June 27, 2007, the Planning Commission held a public hearing regarding the subject matter of this resolution, obtained public testimony, reviewed the city staff report and duly considered recommendations from staff.

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors a moratorium from approving adult entertainment facilities for a period of 90 days.

ADOPTED this 27th day of June, 2007

VOTE: AYES: John Peery
 Mark Kimbrough
 Connie Bisbee
 Craig Mullet
 Steve Reynolds
 Roy Semmens
 Bill Vance

NAYS: None

ABSENT: None



John Peery, Chairman

ATTEST:



Walter Sullivan,
Planning Director

CARSON CITY PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

You are hereby notified that the item listed below will be considered with action taken by the Carson City Planning Commission beginning at 3:30 pm on June 27, 2007, in the Sierra Room of the Community Center, 851 East William Street, Carson City, Nevada.

Action to approve a moratorium from approving Adult Entertainment Facilities. The length of the moratorium is 90 days. The purpose for the moratorium is to revise CCMC Title 18, specifically 18.03.010 Definitions -Adult Entertainment Facilities. The revision to Title 18, section 18.03.010 involves the definition of Adult Entertainment Facilities and will rewrite sections of said definition.

Further information may be obtained by calling the Carson City Planning Division at 775-887-2180, or email the Planning Division at plandept@ci.carson-city.nv.us

This notice has been posted at the following locations
before 5:00 pm on Friday, June 15, 2007:

City Hall, 201 North Carson Street
Carson City Library, 900 North Roop Street
Community Center-Sierra Room, 851 East William Street
Building Division, Permit Center - Northgate Complex, 2621 Northgate Lane, Suite 6
Planning Division, 2621 Northgate Lane, Suite 62
Dept. of Public Works, Corporate Yard Facility, 3505 Butti Way

This notice is also available on the Carson City Website at www.carson-city.nv.us
(What's Happening to Meeting Information to Agendas)

11, 13, 15, 19, 24, 27, 31, August 3, 7, 10, 12, 16
21, 25, 28, 31, September 4, 7, 11, 15, 19, 22, 25,
28, 30, 2007

**Legal and
Public Notices 1000**

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CARSON CITY PLANNING COMMISSION

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Further information may be obtained by calling the Carson City Planning Division at 775-887-2180, or email the Planning Division at plandept@ci.carson-city.nv.us

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- Carson City Library, 900 North Roop Street
- Community Center-Sierra Room, 851 East William Street
- Building Division, Permit Center - Northgate Complex, 2621 Northgate Lane, Suite 6
- Planning Division, 2621 Northgate Lane, Suite 62
- Dept. of Public Works, Corporate Yard Facility, 3505 Buttl Way

This notice is also available on the Carson City Website at www.carson-city.nv.us (What's Happening to Meeting Information to Agendas)

Pub: June 17, 2007

Ad#03525693

Call 77
MAS
Now
Huge,
www.ba
77

MINI Dac
8 wks,
males,
Blk & T
\$300 &

MINIATU
Pups, p
Female
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NOTE
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with the
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animal
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our read
that they
flags and
following
chasing a
*Purchase
*Be wary o
not list
number b
address o
*Never win
send a che
*Be sure to
pet at the
chase

From: Kathleen King
To: Walter Sullivan
Date: 7/10/2007 9:49:28 AM
Subject: Moratorium excerpt

Hi Walter,

The excerpt of minutes follows:

H-13. MISC-07-092 ACTION TO APPROVE A RESOLUTION FOR A MORATORIUM FROM APPROVING ADULT ENTERTAINMENT FACILITIES. THE LENGTH OF THE MORATORIUM IS 90 DAYS. THE PURPOSE FOR THE MORATORIUM IS TO REVISE CCMC TITLE 18, SPECIFICALLY 18.03.010 DEFINITIONS - ADULT ENTERTAINMENT FACILITIES. THE REVISION TO TITLE 18, SECTION 18.03.010 INVOLVES THE DEFINITION OF ADULT ENTERTAINMENT FACILITIES AND WILL REWRITE SECTIONS OF SAID DEFINITION (8:18:55) - Chairperson Peery introduced this item. Mr. Sullivan displayed the newspaper in which the legal notice was published, and noted the confusing method by which it was laid out on two different pages. In response to a question, he explained the purpose of this item to start the public noticing process "all over again." He provided an overview of the pertinent agenda materials.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Commissioner Reynolds moved to approve a moratorium from approving adult entertainment facilities for a period of 90 days for the purpose of revising CCMC Title 18, specifically Section 18.03.010, Definitions, Adult Entertainment Facilities; the revision to Title 18, Section 18.03.010 involves the definition of adult entertainment facilities and will rewrite the sections of said definition. Commissioner Semmens seconded the motion. Motion carried 7-0.

18.02.120 Moratorium. The Board may declare a moratorium on the acceptance and processing of planning applications, or permits for a specific type of application or a specific geographical area and for a specified length of time for the purposes of preparing City applications.

1. **Initiation.** Only the Board through resolution may initiate the process for declaring a moratorium for this purpose. The Commission may recommend a resolution to initiate the process for declaring a moratorium to the Board.
2. **Commission Hearing.** Should the Board initiate the process to declare a moratorium, prior to taking final action they shall first refer the matter to the Commission for a recommendation. The Commission shall then conduct a public hearing within forty-five (45) days from the date of referral by the Board.
3. **Notice of Commission Hearing.** Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Carson City not less than ten (10) days prior to the date of the public hearing to be conducted by the Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by
the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
4. **Commission Recommendation.** After completion of the public hearing by the Commission, it may recommend that the Board approve a moratorium, modify the extent and area of the moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a two-thirds (2/3) vote of the total membership of the Commission.
5. **Findings.** When making its recommendation for approval or modification, the Commission, shall, at a minimum, make the following findings of fact:
 - a. The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
 - b. The moratorium is necessary to permit the staff, Commission, Board and public to focus on the efficient and effective preparation of an amendment to the Master Plan; and
 - c. The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
6. **Commission Report.** Within forty-five (45) days of the action by the Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Commission shall be transmitted to the Board. Failure to report within the time limit provided in this Subsection or failure to schedule a hearing within forty-five (45) days of the date of referral of the matter by the Board to the Commission shall constitute a recommendation not to declare a moratorium.
7. **Board Hearing.** The Director shall schedule a public hearing before the Board within thirty (30) days of receipt of the report describing the Commission's action.
8. **Notice of Board Hearing.** Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Carson City not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what

the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.

9. **Required Vote.** After completion of the public hearing by the Board, it may declare a moratorium by a simple majority vote of the Board members in attendance.
10. **Affirmation of Findings.** In declaring a moratorium, the Board shall, at a minimum, affirm the findings of fact contained in the Commission's recommendation or, if the Commission did not make these findings, shall, at a minimum, make the findings of fact in Subsection 5 of this Section.
11. **Period in Effect.** A moratorium declared by the Board shall be in effect for a period of no less than ninety (90) days and no more than one hundred eighty (180) days from the date of effectuation. The Board may only extend the moratorium for an additional sixty (60) day period before holding another public hearing pursuant to the provisions of this Section.

18.03.010 Words and Terms Defined.

Abandoned means concerning a building or use, not having been developed or maintained for a stated period of time.

Abutting Commercial and Industrial Corridors to Carson City means all portions of property within 200 feet from U.S. Highway 50 East; William Street; U.S. Highway 395 or Carson Street lying between the Carson City county lines and the designated Carson City redevelopment area boundary.

Access means a clear and unobstructed usable approach of not less than 12 foot width (residential), 15 foot width (*one way commercial*), or 24 foot minimum width (*two way*) to a legally dedicated public way.

Accessory Building or Accessory Structure means a detached usual and customary building or structure associated with a permitted or conditional use, subordinate to the primary use on the same lot, including but not limited to storage, tool shop, children's playhouse, guest building, greenhouse, garage, swimming pools or similar structures 30 inches or more above ground. In calculating the size of an accessory structure, any space with a ceiling seven feet six inches or higher shall be considered habitable space and used in determining total size. An accessory building connected to a main building by a roof, breezeway or other means which is not habitable space is considered an accessory structure attached to a primary building. Each structure must meet standard setback requirements.

Accessory Farm Structure or Accessory Farm Building means a structure or building used for the housing of farm equipment or animals usually associated with a farm, including cows, horses, chickens, pigs, sheep, etc., including, but not limited to barns and coops.

Accessory Use means a use of the land that is associated with and dependent upon the existing permitted or conditional use of that parcel. An accessory use must not take place until the permitted or conditional use is established.

Action means the decision made by the reviewing authority on a land use application; the determination made and any conditions of approval.

Adjacent means, for purposes of determining setback requirements for adjacent uses, a parcel contiguous on any side or a parcel across a public or private right-of-way or access easement. Where an adjacent parcel is located across a public right-of-way, setback requirements shall be measured from the centerline of the right-of-way.

Adjacent means, for purposes of determining setback requirements, a parcel contiguous on any side or a parcel across a public or private right-of-way or access easement.

Adult Day Care Facility means an establishment in which supervised care is provided to adults.

Adult Entertainment Facility includes all theaters, bookstores, cabarets, model studios, out call business, or similar businesses which are established for the primary purpose of offering its patrons services, goods or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

1. For the purposes of this Chapter, "specified anatomical areas" shall include exposed human genitals, pubic region, buttock and female breast below a point immediately above the areola.
2. For purposes of this Chapter, "specified sexual activities" shall include any form of actual or simulated sexual intercourse, copulation, bestiality, masochism, and fondling or touching "specified anatomical areas."

3. No adult entertainment facility shall be located within 1,000 feet of a park, church, school, residential use district or other adult entertainment facility or in any general industrial district located west of the east boundary of Sections 21, 28 and 33 of T.16N., R.20 E., M.D.B & M., Sections 4, 9, 16, 21, 28 and 33 of T.15N., R.20 E., M.D.B & M., and Sections 4 and 9 of T.14N., R. 20 E.

Adult Performers means live performances, by adult persons which are characterized by either the exposure of specific anatomical areas and/or by specific sexual activities; with specific anatomical areas and specific sexual activities being defined by Subsections 1 and 2 above under "Adult Entertainment" and must only be performed in areas of Carson City in which the performances occur in compliance with Subsection 3 above, under "Adult Entertainment Facility".

Agricultural Services means uses including, but not limited to, feed lots, poultry production, dairies, pasturage, veterinarian, other animal services and similar uses.

Agricultural Uses means uses of the land for Christmas tree farms, truck farming, field crops, orchard crops, earthworm and grub raising, bees and animals in accord with Carson City Municipal Code Section 7.13 (Licensing and Regulations). Does not include a winery.

Air Rights means the right to use space above ground level.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Allotment means the document allowing an eligible party to obtain a building permit under the provisions of Chapter 15.01 of the Carson City Municipal Code prior to the effective date of this Chapter. In this Chapter, allotments may also be called "old allotments."

Alteration means any exterior change, addition or modification in construction or occupancy.

Ambulatory means any person, including one who uses a cane, walker, wheelchair or other similar device, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance. If questioned, a final decision regarding whether a person is ambulatory shall be made by the resident's physician.

Amenity means a natural or created feature that enhances the aesthetic quality, visual appeal, or attractiveness of a particular property, place or area.

Amusement Arcade means a place where three or more coin operated machines, devices, contrivances or games are provided for public amusement.

Amusement Device means any device which upon insertion of a coin, slug, token, plate, or disc or the payment of a consideration may be used by the public as a game, entertainment, amusement, test of skill and shall include pool tables, pinball machines, electronic games, fixed kiddie rides, mechanical bulls but shall not include radios or televisions.

Animal Boarding Facility means a structure, land or combination thereof used, designed or arranged for the boarding, breeding, and care of dogs, cats, pets, fowl, horses or other domestic animals, but exclusive of animals used for agriculture purposes.

MEMORANDUM

H-6

Date: April 25, 2007
To: Planning Commission
From: Planning Division
Re: Adult Entertainment Facilities Moratorium

Staff is requesting a moratorium on the approval of adult entertainment facilities in order for staff to amend the Carson City Municipal Code Section 18.03.010. The request to revise applicable sections of the Master Plan and Title 18 Zoning, Section 18.03.010 Definitions is necessary to place performance standards in said code section to promulgate the public's health, safety and welfare. Staff intends to revise aspects of the "primary purpose" use of a retail facility and accordingly, place performance standards as stated above.

In order to proceed with code revisions, staff is requesting a 90 day moratorium from the Board of Supervisors from approving adult entertainment facilities. A resolution recommending a moratorium from the Planning Commission is necessary pursuant to Carson City Municipal Code Section 18.02.120 (enclosed).

RECOMMENDED MOTION: "I MOVE TO ADOPT PLANNING COMMISSION RESOLUTION NUMBER ____ AND TO RECOMMEND TO THE BOARD OF SUPERVISORS A 90 DAY MORATORIUM FROM APPROVING ADULT ENTERTAINMENT FACILITIES IN ORDER FOR STAFF TO REVISE CARSON CITY MUNICIPAL CODE, TITLE 18 ZONING, TO INCLUDE PERFORMANCE STANDARDS WHICH WILL PROMOTE THE PUBLIC'S GENERAL HEALTH, SAFETY AND WELFARE, THAT THE MORATORIUM IS NECESSARY TO PERMIT STAFF TO FOCUS ON THE EFFECTIVE PREPARATION OF APPLICABLE SECTIONS OF THE MASTER PLAN AND MUNICIPAL CODE, TITLE 18 ZONING, WHICH IMPLEMENTS THE MASTER PLAN'S GOALS, AND THAT THE MORATORIUM IS NECESSARY BECAUSE CONTINUED DEVELOPMENT DURING THE PROPOSED MORATORIUM PERIOD COULD POSSIBLY RESULT IN DEVELOPMENT THAT MAY BE IN CONFLICT WITH THE PLAN AND ZONING TEXT AMENDMENT."

Enclosures: CCMC 18.02.120 Moratorium

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: June 27, 2007

AGENDA ITEM NO.: H-13

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

FILE NO.: MISC-07-092

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

APPLICANT'S REQUEST: Action to approve a moratorium from approving Adult Entertainment Facilities. The length of the moratorium is 90 days. The purpose for the moratorium is to revise CCMC Title 18, specifically 18.03.010 Definitions - Adult Entertainment Facilities. The revision to Title 18, Section 18.03.010 involves the definition of Adult Entertainment Facilities and will rewrite sections of said definition.

COMMISSIONERS PRESENT: [X] REYNOLDS [X] VANCE [X] BISBEE
[X] MULLET [X] PEERY [X] KIMBROUGH [X] SEMMENS

STAFF REPORT PRESENTED BY: Walt Sullivan [x] REPORT ATTACHED
STAFF RECOMMENDATION: [x] APPROVAL [] DENIAL
APPLICANT REPRESENTED BY: Staff

x APPLICANT/AGENT PRESENT x 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:

Mr. Sullivan explained that due to confusing newspaper display method, this item was brought back to the PC and provided an overview of the agenda materials

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL

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

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: August 16, 2007