

Item # 8E

**City of Carson City
Agenda Report**

Date Submitted: October 9, 2007

Agenda Date Requested: October 18, 2007

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 various provisions of 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 "Adult Entertainment Facility", delete "Video Rental" and add "Adult Merchandise Retail Establishment" definitions, and amending Chapter 18.16 Development Standards, Division 1 Land Use and Site Design, adding Section 1.19 Adult Merchandise Retail Performance Standards, to establish regulations for the Adult Merchandise Retail Establishment Commercial Properties and other matters properly related thereto, and based upon the findings for approval contained in the staff report and as agendized on the agenda and published in the newspaper. (File ZCA-07-135)

Staff Summary: This ordinance would amend the Carson City Municipal Code to modify the definition of Adult Entertainment Facilities, establish a definition for Adult Merchandise Retail Establishment and it's Performance Standards and other matters related thereto.

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 September 26, 2007, by a vote of 5:0:2.

Recommended Board Action: I move to recommend to the Board of Supervisors approval of ZCA-07-135, an ordinance amending various provisions of 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 "Adult Entertainment Facility", delete "Video Rental" and add "Adult Merchandise Retail Establishment" definitions, and amending Chapter 18.16 Development Standards, Division 1 Land Use and Site Design, adding Section 1.19 Adult Merchandise Retail Performance Standards, to establish regulations for the Adult Merchandise Retail Establishment Commercial Properties and other matters properly related thereto, and based upon the findings for approval contained in the staff report and as agendized on the agenda and published in the newspaper.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all zoning code amendments.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Municipal Code, Title 18, Zoning, Chapter 18.03, Definitions, Section 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: 1) Ordinance
2) Planning Commission Case Record
3) Staff Report to Planning Commission

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:


(Walter Sullivan, Planning Director)

Date: 10-08-07


(Larry Werner, Development Services Director/City Engineer)

Date: 10/8/07


(Linda Ritter, City Manager)

Date: 10-9-07


(District Attorney's Office)

Date: 10-9-07

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

ORDINANCE NO. 2007-_____

BILL NO. _____

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 "ADULT ENTERTAINMENT FACILITY", DELETE "VIDEO RENTAL" AND ADD AN "ADULT MERCHANDISE RETAIL ESTABLISHMENT" DEFINITION; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, ADDING SECTION 1.19, ADULT MERCHANDISE RETAIL ESTABLISHMENT PERFORMANCE STANDARDS, TO ESTABLISH REGULATIONS FOR THE ADULT MERCHANDISE RETAIL ESTABLISHMENT COMMERCIAL PROPERTIES, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION 1:

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 "Adult Entertainment Facility", delete "Video Rental" and add a definition for "Adult Merchandise Retail Establishment" and the addition of Development Standards, Division 1, Land Use and Site Design, Section 1.19, Adult Merchandise Retail Establishment Performance Standards as follows:

18.03.005 Definitions Generally. Except where specifically defined herein, all words used in this title shall carry their customary meanings as defined in Webster's dictionary. Words used in the present tense include the future, and the plural includes the singular; the word "shall" or "must" is always mandatory; the word "may" denotes a use of discretion in making a decision.

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, video stores, 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." This definition does not include Adult Merchandise Retail Establishments.

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 Merchandise Retail Establishment means any establishment having up to five percent or 200 square feet, whichever is less, of the retail floor area of the business that is identified for the display, sale, lease or rental of books, merchandise, periodicals, video tapes, video discs, computer discs, instruments, devices or paraphernalia which are distinguished or characterized by the emphasis on matter depicting, describing or relating to "specific sexual activities" and "specific anatomical areas". The merchandise must only be available for sale or lease for private use by the purchaser or lessee off the premises of the business.

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.

Animal Boarding or Kennel is a place where dogs, cats, and other domestic animals are housed, boarded, trained and groomed.

Animal Hospital means an establishment providing surgical, medical treatment, boarding, grooming and examination of domestic pets, and entirely within a building.

Animal Shelter means a place where animals are housed and may receive medical treatment rehabilitation.

Animal Slaughtering and Processing means a facility for slaughtering and processing of animals and the refining of their byproducts.

Antenna means a device by which electromagnetic waves are sent or received (whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable or other arrangement serving such purpose).

Antiques, Retail means any building used for the sale of any old and authentic object of personal property which was made, fabricated, or manufactured 60 or more years earlier and which has a unique appeal and enhanced value mainly because of its age and in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value.

Apartment means a room, or suite of rooms, within an apartment house which has facilities for the preparation of meals, is designed for and used or intended to be used by one family and is intended to be occupied on a rental basis with a rental period of at least one week.

Apartment House means a structure which contains three or more apartment dwelling units and which does not qualify as a condominium, townhouse dwelling or residence hotel.

Appliances means devices operated by electricity and designed for household use.

Archery Range means a facility (indoor or outdoor) in which the art, skill, or sport of shooting with a bow and arrow is conducted.

Architectural Feature means a decorative element intended to enhance the character of a structure and may be an integral part of the structure. Architectural features may include, but are not limited to, porches, eaves, or freestanding forms and monuments.

Area of Site means the total horizontal area within the property lines.

Art Gallery means a room or building devoted to the public exhibition and related sales of "one of a kind" works of art or reproductions of "one of a kind" art. May include paintings, sculptures, pottery, quilts and other unique objects created by artisans, especially as they relate to other cultures. The intent of this definition is not to include a gift shop business.

Art Store means a place where art merchandise and supplies are offered for sale.

Art Studio means a studio or work space for artists or artisans, including practicing the art of fine arts or skills in an applied art or craft.

Artist, Commercial means a creator of artistic works for monetary gain.

Asphalt or Concrete Batch Plant means a facility or area for the mixing of concrete or asphalt.

Assayer means one who practices the examination and/or the analysis of something.

Astrologer, Hypnotist, or Psychic Art & Science means any person who practices, teaches, or professes to practice the business of astrology, hypnotism, or the psychic arts and sciences for a fee, gift, donation, or otherwise. Psychic arts and sciences may include palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy.

Auction Sales means a sale of goods or property at which intended buyers bid against one another for individual items. Each item is sold to the bidder of the highest price.

Automobile Body Repair, Painting, Towing Service Garage means a building and premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

Automobile Detailing Shop means any building or premises used for washing and cleaning of passenger vehicles.

Automobile Dealerships, New means the use of any building, with an enclosed display area; land area, or other premises or portion thereof, for the display, sales or lease of new automobiles, trucks or vans and including warranty repair work and other repair work if the service work is conducted as an accessory use. Used car sales and recreational vehicle sales may be conducted at a lesser extent from the new automobile sales location but only as an accessory use.

Automobile Paint & Body Repair Shop means a facility for collision services including body, frame, or fender straightening or repair and painting of vehicles in an appropriate paint booth.

Automobile Parking Lot or Garage means all areas devoted to off-street parking spaces shall be so designed and be of such size that no automobile is required to back into a street to obtain egress. A parking garage is a structure of four walls and a roof which encloses parking spaces, each satisfying measurement requirements and all spaces being screened by curtain walls or ornamental screening. This definition does not preclude parking on the roofs of such garages if the above mentioned screening is provided.

Automobile Parts, New, Rebuilt & Accessory Sales Service means a facility for the retail sale and installation of lubricating oils, tires, filters and other new or rebuilt goods for use in motor vehicles. The resurfacing of rotors, pressing of bearings, grinding of brake drums, and similar activities are permitted as incidental uses.

Automobile Parts, Tires and Accessories means a structure or building of which the use of the sale of parts for automobiles, trucks, RV's and or trailers is conducted.

Automobile Pawn means the act of leaving an automobile with a pawnbroker for security against money borrowed.

Automobile Rental means a facility for the rental of new or used automobiles. Automobiles kept on the lot for rental purposes are not considered to be outside storage.

Automobile Repair means a location designed or used for the repair of automobiles, including mechanical repair, automobile maintenance, engine or transmission replacement or overhaul, and upholstery, but no paint or body work.

Automobile Retail means the use of any building, land or area for the display and sale of automobiles.

Automobile Sales Lot means the display for sale of two or more new or used vehicles on any parcel and requires a Carson City business license.

Automobile Service means an area used exclusively for retail sales of fuels or oils, having storage tanks and pumps located thereon and including minor automotive repairs and washing, but not including body repairs, battery rebuilding, engine rebuilding, or any other major automobile repair.

Automobile Wash (Full-Service) means a car wash facility, typically operated in conjunction with a gas station, which customarily employs automatic or semi-automatic methods of cleaning.

Automobile Wash (Self-Service) means a coin operated car wash facility operated by the customer and which does not utilize automobile conveyors or other automatic methods of cleaning.

Automobile Wrecking and Dismantling Yard means a facility where land is used for the dismantling or wrecking of motor vehicles and trailers required to be registered under the motor vehicle laws of the state of Nevada, including premises used in the storing, keeping, buying, selling, or dealing in dismantled, wrecked, inoperative or disabled vehicles or integral parts of component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperative vehicles and trailers, or parts thereof. Automobile dismantling shall not include the incidental storage of inoperative or dismantled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop while waiting for repair. Uses shall not be carried out within the required setback and a natural or artificial screen or buffer shall be provided to obscure the subject property from the street on which lands abut and from any opposite or adjoining properties.

Average Slope means the slope of land as determined by the following formula: $S = I \div D \times 100$, where: S is average slope; I is the difference between the highest and lowest contour lines of a topographical map for the parcel, in feet; D is the distance between the contour lines used in computing I, in feet; and 100 is the conversion factor into percentage. The average slope of a parcel is measured along a line located near the center of any area to be used for development.

Bakery means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

Ballroom means a large room for dancing.

Bank means an institution where money is deposited, kept, lent, or exchanged.

Bar means premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

Barber Shop means a shop in which a barber cuts hair and shaves or trims beards as an occupation.

Barns and Stables means a farm building use for storing farm products and sheltering livestock and domestic animals.

Beauty Shop means an establishment providing a personal service to men, women and children by shampooing, cutting, styling, tinting of hair, by giving manicures, procedures or facial treatments or by the use of cosmetic products.

Bed and Breakfast Inn means sleeping and dining accommodations designed for the motoring public, within a single-family dwelling, limited to a maximum of five guest bedrooms, with required parking to be located off street and providing meals exclusively to overnight guests or as limited by: Division 18.13 (Bed and Breakfast Inns) of the Carson City Municipal Code.

Billboard means outdoor advertising signs containing a message, commercial or otherwise, which is unrelated to the merchandise for sale or services performed by the person of business on whose property the sign is located, posted for a fee by the owner of the sign framework.

Billiards Hall means an establishment in which a game on an oblong cloth covered table with raised cushioned edges, in which a long tapered cue is used to hit small balls.

Blood Plasma Donor Center means a building used for the collection of human blood plasma from plasma donors. The term does not include a facility for the provision of medical care or treatment.

Board means Carson City Board of Supervisors.

Boarding and Rooming House means a building or portion thereof where, for compensation, meals and lodging are provided for more than two guests. (Not a motel or hotel.)

Boat and Trailer Sales Dealerships (New and Used) means the use of any building or lot for the display and sale of new or used boats, jet skis, or other marine vessels and trailers.

Boats and other Marine Products and Accessories means a marine retail sale establishment in which goods are sold primarily for use on boats and ships, but excludes uses in which fuel for boats and ships is the primary item sold.

Body Piercing means the practice of piercing holes in parts of the body so that rings and or studs can be inserted.

Bonding Company means a company that provides bonding and surety for another.

Bookbindery means an establishment that provides the art, trade, or profession of binding books.

Bookstore means a store where books are sold.

Boutique means a specialty shop selling clothing, soaps, gift ware, consignment clothing, greeting cards and similar merchandise, but does not include antiques, guns, coin, pawn, secondhand business or similar businesses.

Bowling Alley means a smooth, level wooden alley used for bowling.

Brew Pub means a business which contains a restaurant use occupying 51% or more of the gross floor area and which also contains a bar and retail or wholesale brewery use which occupies 49% or less of the gross floor area. For the purpose of this Section, a "restaurant" means a for-profit business which has as its principal purpose the preparation and serving of unpackaged food in a ready-to-consume state in individual servings to customers in the establishment. Brew pubs may be located in any historic district, any redevelopment district or as specifically authorized in this title. Brew pubs must operate in accordance with NRS Chapter 598.

Brokerage House means a business in which one acts as an agent for others in negotiating contracts, purchases, or sales in which a commission is paid to a broker.

Building means any structure (including membrane structures) having a roof supported by columns or walls and built for the shelter or used for the enclosure of persons, animals, chattels or property of any kind, including but not limited to awnings, carports, ramadas, or patios. See also Building, Primary and Building, Detached.

Building, Area means the total square footage for all spaces within the exterior walls of a building.

Building, Detached means a building surrounded on all sides by open space.

Building Height means the definition of building height as contained in the latest adopted version of the Building Code currently adopted by Carson City.

Building & Landscape Material/Lumber Yard means a facility for the sale of home, lawn and garden supplies, and construction materials such as brick, lumber, and other similar materials.

Building Line means that face, corner, wall or column of structure or building nearest the property line.

Building Maintenance Service and Sales means a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning, and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Building Materials means substances used in construction including lime, gypsum, brick, block, cement, concrete, tile, terra cotta, stone and plaster. (indoor only)

Building Materials and Lumber Yard means a building or structure in which building or construction and home improvement materials are offered or kept for sale.

Building Permit means a written approval issued by the building official pursuant to the latest edition of the Building Code adopted by Carson City that authorizes construction of any residential dwelling, building, or structure.

Building, Primary means a building devoted to the principal use of the lot on which it is situated. In the case of a residential use, "primary building" means a residence and garage, if both are fully enclosed, and attached by a common wall.

Building Setback means the distance between the property line and the building line of a structure on the property.

Bulk Building Materials means materials used in construction, improvement, or anything essential toward the completion of a building or structure for the use intended, which are purchased or sold in quantities described as units, pallets or bags, and are limited to the following materials or materials of a similar nature: lumber (including decking, timbers and railroad ties), plywood, particle board, siding, gypsum (sheet rock), fencing (wood and metal), roofing, cement block, cement, brick, stone, insulation and bulk landscape materials.

Bus Charter Service and Service Facility means any premises for the transient housing, parking, servicing or repair of motor-driven buses.

Bus Passenger Depot means an on site or on street temporary bus parking location for passenger loading and unloading, and loading and unloading of freight with available indoor passenger waiting area, restrooms, telephone, and open at least one hour before any scheduled bus and with appropriate signs directing customers to the services available.

Bus Line Office, Service and Storage means a facility for the storage, parking and service of motor-driven buses, and the administration and management of the business.

Cabana means any portable, demountable or permanent cabin, room, enclosure or other building erected, constructed or placed on any recreational vehicle on the same space in a recreational vehicle park.

Cafeteria means a restaurant in which customers are served at a counter and carry their meals on trays to tables.

Campground means a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes. See also "Recreational Vehicle Park".

Caretakers Quarters means an independent, self-contained dwelling unit located on the same lot as the principal use or structure and which provides residential accommodations for a property manager and/or property maintenance persons.

Carport means an accessory building having two or more open sides; also used by occupants of a recreational vehicle park.

Caterer means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, and does not include a food service establishment.

Cellular Communication Facility means a communication system that uses a network of short-range transmitters in overlapping zones and a central station to connect to telephone lines, which is not limited to a tower, pole, or similar structure which supports telecommunications antennae operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Cemetery means land used for burial of the dead, including columbariums, crematoriums, mausoleums and mortuaries.

Ceramic means any of various hard, brittle, heat and corrosion resistant materials made by shaping and then firing a nonmetallic mineral, such as clay at a high temperature.

Changeable Promotional Flag means any flag not fitting the definition found in Division 4, "Official Flag".

Child Care Facility means any place, home, institution or establishment in which more than five children are received, cared for or maintained for any period of time with or without compensation.

Christmas Tree Sales means a seasonal use of a piece of land for the retail sales of Christmas trees.

Church, Temple, House of Worship means any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. The term includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Title 18. The term does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

Civic Auditorium and Theater means a building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Cleaners, Commercial means a facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services, and other similar accounts, as well as rug and dry cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.

Clinic means an ambulatory health care building designed and used for the medical and surgical diagnosis or treatment of human patients on an outpatient basis. (Includes psychological evaluation, medical and dental.)

Club means an incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose.

Club, Supper and Amusement means an institution used or intended to be used for an association of persons, whether incorporated or unincorporated, for some common purpose, such as Lions, Elks, Rotary, or Shriner, but not including adult uses, or a group organized or primarily to render a service customarily carried on as a commercial enterprise, or only administrative offices supporting the club.

Code means the Carson City Municipal Code and references to the code are intended to convey that process under this Chapter in no way supersedes building, zoning or other provisions of local law, but is in addition thereto.

Coffee Shop means a small restaurant serving light meals and coffee.

Cold Storage Plant means a facility for the protective storage of items such as food or furs, in a refrigerated place.

Co-location means the use of a single mount by more than one carrier and/or several mounts on a building or structure by more than one carrier. Each service on a co-location is a separate wireless service facility.

Collectible Store means a business devoted to the public exhibition and related sales of new and previously owned limited edition works and reproductions of original artwork as denoted in the latest edition of the collectibles market guide and price index and/or other authoritative document as approved by the Director. "Collectible" refers to limited edition items such as, but not limited to, figurines, cottages, plates, dolls, ornaments, graphics, steins and bells.

Collection Agency means an establishment which specializes in the collection of monies owed.

College, University, or Seminary is an academic institution of higher learning beyond the level of secondary school. A seminary is an institution for the training of candidates for the priesthood, ministry, rabbinate or other religious order.

Commercial Amusement/Recreation (Inside) means an enclosed facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include, but are not limited to, bowling alleys, roller and ice skating rinks, game courts, swimming pools, walk-in theaters or physical fitness centers and gyms and video game arcades.

Commercial Amusement/Recreation (Outside) means an outdoor facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include, but are not limited to game courts, water slides, miniature golf courses, drive-in theaters, batting cages, practical/instructional fields, driving ranges and sports events, such as stadiums or arenas.

Commercial Coach means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commercial Dog Kennel means a structure in which dogs are kept, boarded, bred or trained for commercial gain.

Commission means Carson City Planning Commission.

Common Open Space areas are common areas open to the public which shall be designed for passive or active recreational use, but does not include driveways, streets and parking areas.

Communication Equipment Shelter means a structure designed principally to enclose equipment used in connection with wireless communication transmission, and/or reception.

Community Center, Private (Accessory) means a facility associated with a planned residential development or multi-family development which provides for community activities for residents of the development.

Community Clubhouse means a community building or portion thereof, used by a club.

Community Institutional (Non-Profit) means facilities provided by the municipality or by any other group or organization without profit or gain for such special purposes as a scout house, community meeting rooms, a community center, a drop-in center, an archaeological or fine arts museum, a public library, etc., but does not

include school activities, public or private parks, playgrounds, arenas, stadiums, hippodromes, swimming pools, skating rinks, commercial-recreational establishments or any class of group home.

Community Recreational Facility, Public means a facility which provides for community recreational activities and is available to the general public.

Community/Regional Commercial/Office means a single or combination of buildings owned or managed, in common, oriented to community or regional consumers providing merchandise, activities or services which may or may not be built around one or more department stores or offices and which collectively total 150,000 square feet in gross building area.

Concrete Batch Plant means an industrial facility used for the production of concrete or concrete products, used in building or construction, and includes facilities for the administration or management of the business,

Condominium means a multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas, and facilities are owned by all of the owners on a proportional, undivided basis.

Congregate Care Housing means a dwelling providing shelter and services for people, which may include living and sleeping facilities, meals, eating assistance, housekeeping, laundry services, dressing, room cleaning, medication reminders, nursing care, related medical services and personal care. Such facilities may also provide other services, such as counseling and transportation for routine social and medical appointments. Congregate Care Housing does not include a Single Family Dwelling pursuant to NRS 278.021.

Conservation and Wildlife Sanctuary means land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant-life and includes a forest reserve.

Consignment Shop means a retail outlet that stocks and sells goods on a sale-or-return basis, or as an agent selling on behalf of others and receiving a percentage.

Construction means any grading of land, installation of improvements, erection or placement of structures, or assembly of equipment or materials to be used in any of those activities.

Construction Coach means a structure without motive power which is designed and equipped for industrial, professional or commercial purposes as defined in Chapter 489 of NRS.

Construction Material Supply Yard means a facility for the storage of construction materials for a specific development.

Contractor's Equipment Yard means an unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. The area would allow for the storage of construction material and equipment customarily used in the trade carried on by the construction contractor.

Contractors' Plant, Shop & Storage Yard means a facility for the storage and maintenance of contractors' supplies and operational equipment. Offices are considered an accessory use.

Convenience Market or Store means any retail establishment offering for sale gas, prepackaged food products, household items, magazines, sandwiches and other freshly prepared foods for off

site consumption, and other goods commonly associated with the same, and having a gross floor area of less than 3,500 square feet.

Convention Facilities means a facility designed to accommodate any number of persons and used for conventions, seminars, conferences, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor display and food and beverage preparation and service for on premises consumption.

Copy Center means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

Corral means an unroofed enclosure used only for confining livestock.

Country Club, Private means a facility used for recreational or athletic purposes with limited membership and the use of which is primarily restricted to members and their guests. Accessory uses include retail and restaurant facilities, which do not have separate signage or advertising, and a club house.

Court means an unoccupied open space bounded on three or more sides by buildings.

Coverage means the percentage of the area of a lot upon which is built.

Crating and Hauling Depot and Storage means terminals with the capability of handling a larger variety of goods involving various forms of multi-modal shipping capabilities, such as rail to truck and truck to air.

Crematorium means a facility where corpses are cremated.

Crisis Care Facility means a building or part of a building which is used to provide temporary residence for persons requiring immediate emergency shelter and aid for a short period of time, including, but not limited to, hostels for battered or abused adults or children, hostels for youth requiring immediate emergency, temporary shelter and hostels for elderly persons.

Crop Storage means the use of land, structure or building for the purposes of storage of crops.

Cultural Resource includes, but is not limited to, architectural sites, objects, grounds, gardens, landscapes, structures and buildings.

Custom & Craft Work means a facility in which finished, personal, or household items which are either made to order or which involve considerable handwork are produced. Examples include, but are not limited to, textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting and other work or wood products on an individualized single item basis. The term does not include cabinet making, cabinet assembly, or the use of mechanized assembly line production.

Dairy means commercial establishments that process or sell milk and milk products.

Deed means a legal document conveying ownership of real property.

Delicatessen means a shop that sells cooked or prepared foods ready for serving.

Delivery Service means a service which provides the act of delivering or conveying.

Density means the number of families, individuals, dwelling units, households or housing structures per unit of land.

Department means the Carson City Planning and Community Development Department.

Department Store means a store organized into a number of individual departments selling a variety of merchandise, including, but not limited to, men's and woman's clothing and home furnishings.

Design means the design elements of a development site, including the planning and engineering of the following: street alignments, grades, widths; drainage and sanitary facilities and utilities including alignment and grades thereof; location and size of all easements and rights-of-way; lot size and configuration; traffic access; grading; land to be dedicated for parks or recreational purposes; building design and configuration; landscaping and open space; and other such specific physical requirements.

Detached means any building or structure that does not have a roof or wall in common with any other building or structure.

Detached Accessory Structure means a part of a main building or a separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use.

Development means any construction, excavation or improvement or any work requiring a building permit or a grading permit.

Development Project means a residential project of multiple dwelling units located on contiguous parcels and held in the ownership of one property owner or combination of property owners. A development project on contiguous parcels shall be considered the same project, even if approvals by the city were at different chronological times, and even if the separate phases of the project have different names, numbers or other means of identification.

Development Standards means the document adopted by the Board of Supervisors which provides for various standards for development including, but not limited to, project design, landscaping, parks, trail, mobilehome/RV parks, health, transportation, grading, storm drainage, water, wastewater, reclaimed water, mapping, improvement plans, permit processing, reports, testing and inspections. Process oriented standards are contained in Title 18. Design oriented standards are contained in the Development Standards, which is a codified document and parallel in authority to Title 18.

Director means the director of the Planning and Community Development Department or his designee.

Downtown Area means that area between Washington Street and Fifth Street and between Nevada and Stewart Streets.

Downtown Business District means an overlay district as shown on the official map entitled "Zoning Map of Carson City" on file in the office of the Director.

Driveway/Lot means a lot with a driveway located along the common property line of two parcels.

Drugstore means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where non medical products are sold as well.

Dry Cleaning means a process of receiving articles or goods of fabric to be subject to a process of dry cleaning, dry dyeing, cleaning and spotting, and stain removing. Machinery shall not be visible from the windows of the establishment and shall be screened. Self-contained systems shall meet clean air requirements.

Dwelling means any building or portion thereof used exclusively for residential purposes, but does not include hotels, clubs, boarding or rooming houses, or institutions. See also Dwelling, Single Family; Dwelling, Multi-Family; and Dwelling, Two-Family.

Dwelling, Attached means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Manufactured means a single family dwelling manufactured off site.

Dwelling, Multi-Family means a building designed and/or used to house three (3) or more families, living independently of each other.

Dwelling, Patio Home means a single-family detached dwelling, with open space setbacks on three sides and with a court.

Dwelling, Single Family means:

A building used to house not more than one family or a group of not more than four unrelated persons living together sharing a noncommercial single dwelling unit and common house keeping facilities: or

As provided for in NRS 278.021, a residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with house parents or guardians who need not be related to any of the persons with disabilities; and if applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity. "Residential facility for groups," has the meaning ascribed to it in NRS 449.017, which means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. The term includes, without limitation, an assisted living facility. The term does not include an establishment which provides care only during the day; a natural person who provides care for not more than two persons in his own home; a natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; a halfway house for recovering alcohol and drug abusers; or a facility funded by a division or program of the Department of Human Resources; or

As provided for in NRS 278.021, a home for individual residential care and has the meaning ascribed to it in NRS 449.0105, which means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include a halfway house for recovering alcohol and drug abusers; or

As provided for in NRS 278.021, a halfway house for recovering alcohol and drug abusers and has the meaning ascribed to it in NRS 449.008, which means a residence that provides housing and

a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse; or

As provided for in NRS 278.0209, includes factory built housing that has been built in compliance with the standards for single-family residential dwellings of the Building Code most recently adopted by the International Conference of Building Officials and is further defined at NRS 461.080 as a residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with regulations adopted by the Division, but does not include a mobile home or recreational vehicle park trailer; or

As provided for in NRS 278.02095, includes a manufactured home, defined at NRS 489.113, as a structure which is built on a permanent chassis and designed to be used with or without a permanent foundation as a dwelling when connected to utilities and transportable in one or more sections and eight feet or more in body width or 40 feet or more in body length when transported, or when erected on site, contains 320 square feet or more and the term includes the plumbing, heating, air-conditioning and electrical systems of the structure. The term includes any structure which meets the requirements of NRS 489.113 with a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § § 5401 et seq, or was built in compliance with the requirements of chapter 461 of NRS. The term does not include a recreational park trailer.

Dwelling, Townhouse means a row or cluster of at least three attached dwellings in which each dwelling is located on separately owned lot; each unit is separated by one or more common vertical walls; each unit has its own front and rear yard access; and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

Dwelling, Two-Family means a building containing not more than two kitchens, designed for and occupied exclusively by two families living independently of each other. Commonly referred to as a duplex living unit.

Embroidery Shop means an establishment in which the act or art of ornamentation of fabric with needlework is practiced.

Employment Agency means an agency whose business is to find jobs for people and find people qualified to fill jobs.

Engraver means one whom practices the art or technique of one that engraves from a plate or block.

Entitlement Certificate means a document issued by the city to allow a property owner to apply for a building permit for a residential structure that is subject to the provisions of this Chapter.

Equestrian Center means the use of lands, buildings, or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.

Equipment Rental means the rental of landscaping, construction or similar equipment such as riding lawnmowers or tillers, but not including earth moving equipment, such as front end loaders, dump trucks or other more intense commercial vehicles which are required to comply with the Nevada Department of Motor Vehicles regulations for licensing purposes.

Equipment Shelter means an enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. This equipment is connected to the antenna by cable. Equipment shelters are also called "base transceiver stations" for Personal Communications Systems (PCS).

Escrow Company means a company that handles money, property, deeds and or bonding into the custody of a third party for delivery to a grantee only after the fulfillment of specified conditions.

Essential Resource or Essential Service means a public facility, physical resource, natural resource, or public service provided to the community by the city through its police power, and administration of the public health, safety and welfare.

Establishment means a use, building, structure or premises which is used for business, office or commercial purposes.

Excavation means the mechanical removal of earth materials.

Extraction means to obtain or withdraw minerals, sand, rock, gravel, stone, earth or any similar material by breaking of the surface soil by physical or chemical process or may mean to separate a metal from ore.

Extraction Operation means an operation of which the extraction of minerals, including solids, such as ores and coal; liquids such as petroleum, and gases, such as natural gases, are conducted.

Facial Cosmetics Shading, Permanent means a process whereby permanent facial cosmetics are placed by implantation of tints to the skin of the face along the natural brow line, eyelash lines; or defining and brightening of normal coloration of lips. Does not include implanting of images of flowers, insects, geometric designs or any other "picture" that would not normally appear on the face.

Facility Site means a lot or parcel, or any part thereof, which is owned or leased by one or more personal communication wireless service providers and upon which one or more wireless communication facility(s) and required landscaping are located.

Factory Built Housing means a residential building, dwelling unit or habitable room thereof which is either wholly manufactured or in substantial part manufactured at an off site location to be wholly or partially assembled on site in accordance with regulations adopted pursuant to NRS 461.170, but shall not include a mobilehome.

Factory Outlet Store means a building or part of a building where the products manufactured by the industry are kept for wholesale or retail sale.

Fairground/Theme Park means land devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns and other accessory buildings, normally associated with such a use. A theme park is an entertainment or amusement facility built around one or more themes which may be historical architectural or cultural.

Fall Zone means the area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris or collapsing material.

Family means one person living alone, or two or more persons related by blood, marriage or legal adoption.

Farmer's Market means an indoor or outdoor commercial area providing retail sales booths for numerous merchants of produce and plant life. May provide arts and crafts booths accessory to the produce and plant life booth.

Fee Schedule means the schedule of fees which has been adopted by the Board of Supervisors and which authorizes the City to charge fees for the processing of applications and other activities in connection with zoning and development approval.

Feed Store means a retail sales facility where grain and other foodstuffs for animals and livestock is sold, including other implements and goods related to agricultural processes, but not including farm machinery.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Fill means the deposit of materials including dirt, rock, sand and gravel by a person on a parcel of land to create volume on the parcel.

Fire Station means a building for fire equipment and firefighters.

Flea Market means a building or part of a building where second hand goods, articles and antiques are offered or kept for sale at retail to the general public, but shall not include any other establishment otherwise defined or classified herein.

Floor Area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from centerline of division walls. Floor area includes: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces within headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breeze ways and open spaces.

Floor Area Ratio means the gross floor area of all buildings on a lot divided by the lot area.

Floor Area, Gross means the total square footage of all floors of a new structure.

Floor Area, Net means the total square footage of all non storage areas of a structure.

Florist means a retail store where flowers and plants or either in singular are sold or offered for sale to the public, and such use may include the incidental raising and arranging of flowers and plants for sale in the store.

Food Processing means a facility in which food for human consumption is provided in its final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

Fortune Telling means the art or practice of one whom claims to be able to predict future events.

Fraternal Association means a group of people formally organized for a common interest, usually cultural, religious or entertainment with regular meetings, rituals and formal written membership requirements.

Fuel Storage Tank Facility means a facility primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, gas or other similar flammable products in fuel storage tanks.

Full Service Beauty Salon means the business which performs cleansing, cutting, coloring and styling of the hair; trimming, conditioning, coloring and replacement of nails; and cleansing and toning of the face or similar activities.

Funeral Home means a building designed for the purpose of furnishing funeral supplies and services to the public, and includes facilities intended for the preparation of the dead human body for internment or cremation.

Gallery means a building or hall in which a collection of artistic works is displayed sold or auctioned.

Gaming means any legally constituted gambling enterprise authorized under the Nevada state law, other than slot machines when such machines are operated incidental to the conduct of a licensed retail business.

Gaming Establishment, Non-restricted means an establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required. For informational purposes, the term refers to an establishment whose gaming operations consist of 16 or more slot machines, or any number of slot machines together with any other game, gaming device, race book or sports pool establishment.

Gaming, Limited means 15 or less gaming machines in one commercial establishment.

Garage, Private means a sheltered or enclosed space designed and used for the storage of the motor vehicles, boats or other personal property of the residents of the premises.

Garden Supplies means lawn and garden equipment, furnishings and products associated with the cultivation of, but not limited to, flowers, vegetables, fruits and trees.

Garden Supply/Plant Nursery means a facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Gas Station Mini-mart means a facility associated with the sale of gasoline products, that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer.

Gasoline, Retail means the sale of natural gas, manufactured gas, propane gas or any mixture of any of them.

General Property Owner means a property owner that does not request placement in the development project category under 18.12 (Growth Management).

Gift Shop means a store selling small decorative or amusing items that are intended to be bought as gifts or souvenirs.

Golf Course means a tract of land laid out for at least nine holes for playing the game of golf, improved with trees, greens, fairways, hazards and that may include a clubhouse and shelter.

Golf Course and Driving Range means a public or private area operated for the purpose of playing golf, developing golfing techniques and may include a club house, miniature golf courses and recreational facilities.

Good Repair means maintaining the structural components of the structure, sufficient to prevent deterioration.

Government Facility means a facility, agency or area used for public purposes, and owned or operated by an instrumentality or agency of Federal, State or local government.

Grade means the degree of rise or descent of a sloping surface (see slope).

Grade, Finished means the average proposed level of the finished surface of the ground adjoining a building after all site development work has been completed.

Grade, Natural means the average proposed level of the finished surface of the ground adjoining a building prior to site development work.

Grading means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Grandfathered means the use was legally in existence at the time of the adoption of the original Carson City Land Use Ordinance, this title, or any amendment hereto.

Green House means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such green house, but can be sold directly from such lot at wholesale or retail.

Grocery Store means a building used for the sale primarily of food products and which specifically excludes the sale of specialty products as a principal use.

Gross Land Area means the total square footage or acreage of a parcel of land prior to subdivision, development, or offer of or acceptance of dedication of land area for access drainage and/or public utility easements and/or rights-of-way.

Guest Building means a dwelling unit on the same lot as the primary dwelling unit and ancillary to the primary 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 the primary residence and their nonpaying 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.

Gun Club, Skeet or Target Range means a facility for the sport of shooting at targets to test accuracy in rifle, pistol or archery practice owned or operated by a corporation, association, or individuals.

Gun Store means a retail establishment in which small hand held pistols to large piece artillery in addition to ammunition are sold.

Gunsmith means a maker or repairer of firearms.

Guyed Tower means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

HRC means the Historic Resources Commission.

Habitable Space means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hard Surfaced means six inches of decomposed granite or gravel graded and compacted to standards of the Development Engineering Department.

Hardware Store means a facility for the sale of home, lawn and garden supplies, tools, and construction materials such as brick, lumber and other similar materials.

Hazardous Waste or Material means a waste or material as defined by Carson City Municipal Code Section 12 of the Carson City Environmental Control Authority Ordinance.

Health and Fitness Club means a building in which facilities are provided for recreational athletic activities including, but not limited to, body building and exercise classes, and shall include associated facilities such as a sauna and solarium.

Hearing Examiner means the person appointed pursuant to this Chapter to review and make decisions on applications for proposed work and pursuant to NRS.

Hedge means a 100% sight-obscuring fence-like boundary formed by a dense row of shrubs or low growing mature trees.

Helipad means a facility for the landing and taking off of helicopters, but with no accessory gas sales, maintenance or other services.

Hillside Area means any parcel or development site having an existing average slope of 15% or greater.

Hillside Development Manual means a document created and adopted pursuant to this Chapter which contains technical specifications and requirements for development of parcels in areas governed by this Chapter. It is incorporated into the Development Standards, Division 7.

Home Improvement Center means a building and/or structures for the purpose of retail sale of all types of materials used in building construction and may include garden centers.

Home Occupation means a use customarily carried on by a dwelling occupant and incidental to the primary residential use, providing such residential character of the property is not changed and is operated in compliance with 18.05 (Home Occupation).

Horse Corral or Stable (Commercial) means a structure for the keeping of horses, mules, or ponies which are boarded for compensation.

Horse Corral or Stable (Private) means an accessory structure for the keeping of horses, mules, or ponies for the use of occupants of the premises.

Hospice means a home for the terminally ill.

Hospital means a building designed and used for the medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses, and supporting services such as gift shops, restaurants and laundromats. Rest homes, nursing homes, convalescent homes and clinics are not included.

Hotel or Hotel Suites means a building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests on a transient basis less than 28 consecutive days total.

1. **Hotel** - A building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area. A hotel may also contain restaurants, conference rooms and personal service shops.
2. **Hotel Suites** - A facility offering temporary lodging accommodations to the general public in which rooms or suites may include kitchen facilities and sitting rooms in addition to the sleeping room.

Hotel, Residence means a multi-dwelling unit for extended stay lodging consisting of efficiency units or suites for long-term occupancy up to a maximum of 180 days; customary hotel services such as linen, maid service, telephone and upkeep of furniture; and optional resident and guest amenities such as meeting rooms, club house and recreation facilities. The term does not include facilities which qualify as other types of dwelling units defined in this title.

Ice Cream Parlor means a small retail business in which a sweet frozen dessert or snack traditionally made with cream and egg yolks and flavored with a variety of fruits or other extracts are sold and eaten."

Impound Yard means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, junk yard, salvage yard or wrecking yard.

Improvement means a roadway, landscaping, utilities or any other structure.

Incineration and Reduction of Garbage, Offal, Dead Animals or Refuse means a device used to burn waste substances and in which all the combustion factors temperature, retention time, turbulence and combustion air, can be controlled.

Indoor Sport and Recreation means recreational uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades, electronic video games and indoor racquetball courts.

Insurance Company means a company which practices the business of providing insurance.

Interior Decorator means a person who practices or specializes in interior decoration.

Janitorial and Building Cleaning Service means an establishment primarily engaged in the provision of off-site maintenance and custodial services. Typical uses include carpet cleaning, janitorial, pest control and window cleaning.

Jewelry Store means an establishment which primarily sells new and used jewelry, or reconstitutes precious metal into jewelry forms which are sold at retail on the premises.

Junkyard means any space used for collecting, storage, abandonment or sale of junk, wastepaper, rags, scrap metal, discarded material or similar waste including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts or placement of one or more dismantled or partially dismantled vehicles.

Kennel means more than three dogs. One litter of unweaned pups is exempt.

Kiln means an oven for hardening, baking or drying substances.

Kitchen means a room containing such items as a stove, microwave, hot plate, or other cooking/heating devices used for cooking or the preparation of food.

Labor and Service Organizations means a group of workers from a particular job, industry, or employer identified by shared interests or purpose, for example, a business.

Laboratory means a facility for scientific research or the observation and testing of materials.

Lapidary Services means a service provided by a dealer who specializes in precious or semiprecious stones.

Lattice Tower means a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Launderette means a building or structure where coin-operated laundry machines, using water only, detergents and additives, are made available to the public for the purpose of laundry cleaning.

Library means a building containing printed and pictorial material for public use for purposes of study, reference and recreation.

Lithographer means one who practice the process in which the image configuration to be printed is rendered on a flat surface, as on stone or now chiefly on sheet zinc or aluminum, and treated so that only those areas to be printed will retain ink.

Livestock Raising means farm animals kept for use, propagation, or intended profit or gain, and without limiting the generality of the forgoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, goats, geese, mink and rabbits.

Loading Space means a parking space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials, each such space to be not less than 15 feet wide, 60 feet long with 14 feet height clearance.

Locksmith means one that repairs or makes locks.

Lodge or Fraternal Organization means a facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interest; but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship.

Lot means a distinct parcel of land divided with the intent to transfer ownership or for building one primary dwelling unit or structure.

Lot Area means that area of a horizontal plane bounded by the front, side and rear property lines including any portion of an easement which may exist within such property lines but exclusive of rights-of-way for street purposes. For the purpose of defining lot area, easements are included within the lot area for public utilities and private dead end driveways serving four or fewer lots. Private access easements serving more than four lots are not included in lot area. Minimum lot area includes all common parking, landscaping and building areas within a single project site that shares such common facilities and common access for the purposes of creating building envelope parcels, condominium parcels, or other similar subdivision or property within non-residential zoning districts.

Lot, Corner means a lot situated at the intersection of two or more streets, with frontage on at least two streets.

Lot Depth shall be the average distance between the front and rear lot lines measured in the direction of the side lot lines.

Lot, Double Frontage means a lot (not a corner lot) which adjoins two streets, which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street property lines shall be deemed front lot lines, unless designated otherwise on a recorded Final Map.

Lot, Flag means a lot having access or an easement to a public or private street by a narrow, private right-of-way.

Lot, Interior means a lot other than a corner lot.

Lot Line means a property line that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front shall be the dimension front on a street, except for a flag lot.

Lot Line, Rear means the property line opposite and most distant from the front property line.

Lot Line, Side means any property line perpendicular to a front or rear property line.

Lot, Minimum Area means the smallest lot area permissible in a particular zoning district on which a use or structure may be located.

Lot Width shall be the average distance between side lot lines measured at right angles to the lot depth.

Machine Shop means a workshop where various materials, especially metals, are cut, shaped and worked, often to tight specifications using machine tools.

Magazine Sales means the retail sale of publications issued at regular intervals, usually weekly or monthly, containing articles, stories, photographs, advertisements, and other features, with a page size that is usually smaller than that of a newspaper but larger than that of a book.

Main Building means a building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal dwelling located on that lot.

Maintenance means the upkeep of property, building, structures, amenities, parking facilities, landscaping, or lot including repair, painting, trimming, pruning, as well as watering and other on-going activities that are associated with maintenance.

Manufactured Building includes any modular building or any building constructed using one or more modular components.

Manufactured Home means a factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch, or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufacturing means the use of land, building or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Massage Therapy means the act of rubbing, kneading or otherwise touching the human body with the hands, feet or any device so as to stimulate circulation or make muscles supple, for a fee, gratuity or other consideration. Massage therapy includes "aesthetician" or "esthetician", as defined in NRS 664 Cosmetology. The term "massage" does not include acts, treatments or services within the meanings of "practice of medicine", "osteopathy," "chiropractic," "physical therapy" or "naturopathic healing" as defined by the Nevada Revised Statutes and does not include the offering of sexually oriented services.

Meal means unpackaged food prepared on site, but does not include muffins, fruit, desserts or similar items.

Mechanical Equipment Building means a structure which houses equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilation, air conditioning and similar purposes.

Median means a paved or planted area separating a street or highway into two or more lanes of travel in opposite directions.

Messenger Service means a place wherein communications or other items are taken for eventual delivery to another place, or have been already delivered from another place to be receive at said place, but in no event does said definition include a place where wages or bets are placed for delivery to another place where receipts from wages or bets have been delivered from other places."

Metal Storage Container means a fully enclosed unit, excluding semi-truck trailers, that houses storage items in the industrial, commercial and public districts. In addition, used temporarily at a construction site.

Miniature Golf Course means an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

Mobile Canteen means any vehicle in which food, beverages, frozen deserts or dairy products and mixes are prepared, processed or converted for human consumption and which is used to sell and

dispense food and beverages to customers from the unit. The requirements of Carson City Municipal Code 9.05.050 also apply.

Mobilehome means any non-motive but mobile facility with or without wheels, so designed and contrived to permit occupancy thereof, for permanent living or sleeping purposes, when connected to utilities. Mobilehome does not include a travel trailer, commercial coach, manufactured home, or any structure built in compliance with the requirements of Chapter 461 of the NRS.

Mobilehome Park means a plot of ground divided into spaces, under the ownership or management of one person, firm or corporation for the purpose of locating two or more Mobilehomes for dwelling or sleeping purposes, excluding the proprietor's unit.

Mobilehome Space means a portion of land within a mobilehome park for the placement of a single mobilehome and the exclusive use of its occupants.

Modular Building means an office, apartment, school, motel or other building, whether it is a total building or a room, which is either wholly manufactured or is in substantial part manufactured at an off site location to be wholly or partially assembled on site in accordance with regulations, adopted pursuant to Section 461.170 of the Nevada Revised Statutes, but does not include a mobilehome.

Modular Component means any closed unit of construction which bears or requires any electrical, plumbing, heating, air conditioning or any other mechanical connection.

Monopole means a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top. Vertical co-locations often have arrays at intermediate positions on the monopole.

Mortuary or Funeral Chapel means a facility in which bodies are prepared for burial or cremation; a facility where funeral services are conducted.

Motel means an establishment providing sleeping accommodations with the majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Mount means the structure or surface upon which antennas are mounted. There are four types of mounts:

1. Roof-mount: Mounted on the roof of a building.
2. Side-mount: Mounted on the side of a building.
3. Ground-mount: Mounted on the ground.
4. Structure-mount: Mounted on a structure other than a building.

Municipal Building means a structure or building in which services traditionally provided by local government, including water, sewer, roads, parks, police and fire protection are housed.

Municipal Garage means a structure opened or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

Museum means a building having public significance by reason of its architecture or former use of occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used

by members of the public viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Nightclubs means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are provided.

Nonconforming Building is a legally constructed building or structure which does not conform in its construction, area, yard, requirements or height to the regulations of the district in which it is located or to the requirement of the Building Code currently adopted by Carson City.

Nonconforming Use means the legally created use of a building, structure, or land which does not conform to the regulations of the district in which the use exists and a use for which the property owner has proved that alleged violations are legal nonconformities. Failure to prove this means that alleged violations are illegal and subject to prosecution. Proof submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the zoning code then in effect.

Nonflammable definition is as defined by the adopted Uniform Fire Code.

Nontoxic definition is as defined by the Carson City Health Department and Fire Code currently adopted by Carson City and regulations.

Notary Public means one legally empowered to witness and certify documents and take affidavits and depositions.

NRS means the Nevada Revised Statutes.

Nursery means a place where young trees or other plants are grown for transplanting or for sale, and may also include the sale of related accessory supplies.

Off-Site Parking means parking provided for a specific use but located on a site other than the one on which the specific use is located.

Off-Street Loading means designated areas on a development site for the loading and unloading of cargo adjacent to buildings and not in the public right-of-way.

Office means a building or part thereof, designed, intended or used for the practice of a profession, the business of administrative, professional or clerical operations, including administrative governmental functions or mortgage companies.

Office Park means a development which contains a number of separate office buildings, accessory and supporting uses and open space and which is designed, planned, constructed and managed on an integrated and coordinated basis.

Omnidirectional Antenna means a "whip" antenna, this thin rod beams and receives a signal in all directions.

Open Air Vending/Transient Sales Lot means an area that is used exclusively for the sale or taking of orders for any merchandise where such merchandise is displayed or sold in the open area; such activities are not part of the operation of an established business; and no permanent physical structures or facilities are used as integral parts of the sales or order-taking operations. The term includes the display or sale of merchandise in or in connection with a truck, trailer, or movable building of any type.

Open Space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common means land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

Open Space, Private means open space, which is normally limited to the use of the occupants of a single dwelling or building or property that abuts such open space.

Open Space, Public means open space owned and maintained by a public agency for the use and enjoyment of the general public.

Optician means one who makes lenses and eyeglasses.

Ordinary Maintenance or Repair means, in regard to cultural resources, the maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or to sustain the existing form, and that does not involve a material change in design, material or other appearance.

Other Qualifying Buildings means new or recently constructed buildings having architectural character consistent with the significant buildings on the cultural resources inventory project report shall qualify with the recommendation of the historic architecture review commission.

Outdoor Entertainment Facilities means a predominately spectator use conducted in open, partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.

Outdoor Recreational Facility means uses and facilities pertaining primarily to recreational activities that are carried on primarily outside of structures.

Outdoor Sales means the placement of goods for sale or for advertisement, outside of the building or structure.

Outdoor Sports and Recreation Facilities means a recreational use conducted in open, partially enclosed, screened facilities. Typical uses include archery range, driving ranges, miniature golf courses, swimming pools, tennis courts, outdoor racquetball courts and water parks.

Outside Storage means the use of a significant portion of a lot or area for the long-term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery, or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

Overlay Zone means a zoning district that is imposed on one or more underlying base zoning districts and which provides additional requirements and limitations beyond those required by the underlying zoning district.

Panel Antenna means a flat surface antenna usually deployed in three directional "sectors" (zero degrees to 120 degrees, 120 degrees to 240 degrees and 240 degrees to 360 degrees) and used to concentrate or beam the signal into (or from) that sector only.

Panel Van means a van not exceeding seven feet in height, 20 feet in length and maximum MG/VW rating 9500 pounds or less.

Parcel of Land means any unit legally created and subsequently recorded by the Carson City recorder and shown on the Carson City assessor's maps.

Park means a publicly owned area of land, usually with grass, trees, paths, sports fields, playgrounds, picnic areas, and other features for recreation and relaxation.

Parking, Commercial means a facility for parking that is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

Parking Space means a permanently maintained space on a lot or parcel, suitable for the parking of one automobile.

Pavilion means a light, sometimes ornamental roofed structure, used at parks or fairs for amusement or shelter.

Pawnshop means a business in which money is loaned on the security of pledges, deposits or other secured transactions in personal property.

Perfumery means an establishment that specializes in making or selling of perfume.

Permit Authority means the Planning and Community Development Department, or other City entity vested with responsibility for issuing and enforcing of building, sign or other permits governed by this Chapter.

Permitted Use means a use authorized or permitted alone or in conjunction with other uses in a specified district and subject to the limitations of the regulations of such use district.

Personal Communications Services (PCS) means an advanced form of radiotelephone services, capable of transmitting and receiving voice, data, text and video messaging. PCS operates in the 1850-1990 MHz range.

Personal Services means a facility for the sale of personal services or an establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, but not including personal storage. Typical personal services include barber/beauty shop, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe-deposit boxes, travel bureau, house cleaning services, weight reduction centers or florist (excluding greenhouses).

Personal Storage means a facility with enclosed storage space, divided into separate compartments, each no larger than 500 square feet in size, which is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.

Personal Storage/Retail/Office Complex means a mixed use project consisting of retail and/or office space, and mini-storage units. The retail/office space shall comprise a minimum of 60% of a lot's street frontage and shall be constructed prior to or concurrently with the mini-storage units. For the purpose of this Section, "mini-storage" means a building or group of buildings in a

controlled access compound that contains varying sizes of individual stalls or lockers for the storage of customer's goods or belongings.

Pet Shop means a retail establishment offering household pets for sale, and where all such creatures are housed within the building, but does not include a shop or place for breeding or overnight boarding of pets.

Pharmacy means a business where drugs or medicines are compounded or dispensed by state-licensed pharmacists and which may include retail sales of sundries such as stationery, magazines, cosmetic, and health items.

Photographer's Studio means a studio used primarily for somebody who takes photographs as a profession, hobby, or art form.

Planned Unit Development means an area of land controlled by a landowner, which is to be developed as a single entity for a number of residential, commercial and/or industrial units, the plan for which does not correspond in lot size, height or size of structure, density, lot coverage and required open space of the regulations established in any one district.

Post Office means the national organization or government department that is responsible for a country's mail service.

Previously-Owned Children's Merchandise Business shall mean a business whose primary use is the retail sale of used and new merchandise which is designed for the specific purpose of clothing, entertaining, educating and/or caring for persons under 18 years of age including but not limited to clothing, costumes, play equipment, books, furniture and toys.

Primary Use means the use for which a lot, structure or building or the major portion thereof, is designed. All primary uses require a permanent primary building on the parcel other than public parks, cemeteries or uses within the agriculture or conservation reserve districts.

Principal Dwelling Unit means the main dwelling unit on a parcel of land.

Printer means a person or company that prints books, newspapers, or magazines.

Private Club, Lodge, or Fraternal Organization.

1. **Club.** A facility of a private organization for the preparation and service of food and/or drink for members and their guests.
2. **Lodge or Fraternal Organization.** A facility for a special purpose organization for the sharing of sports, arts, literature, politics, or other similar interests; but not primarily for profit or to render a service that is customarily carried on as a business.

Professional Business means an establishment primarily engaged in rendering professional services to individuals and businesses on a fee or contract basis. Typical uses may include banking, financial institutions, stock brokerage, advertising, employment services, title company, etc.

Professional Occupation means the occupation of a licensed engineer, licensed architect, certified public accountant, attorney, real estate broker, doctor, dentist, optometrist or similar profession.

Prohibited Use means a use that is not permitted by any means in a particular zoning district.

Project List means the list of development projects which are eligible to make application for building permits from the development project category.

Property Owner means a person or entity who has fee title to a parcel(s) of real property in the consolidated municipality of Carson City.

Proposed Work means any construction, alteration, remodeling, restoration, rehabilitation, demolition or removal of the exterior of a building or structure, or the placement of signs or other activity affecting the exterior appearance of any building or structure or the placements of signs, fences, lighting, parking areas or site improvements, or any other activity affecting the exterior landscape features and spaces that characterize a property and its environment.

Public Areas means parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other publicly operated buildings; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

Public Community means facilities and uses that serve primarily a larger portion of Carson City.

Public Garage means a building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a commercial venture.

Public Hearing means a meeting, announced and advertised in advance and open to the public, in which members of the public have an opportunity to participate.

Public Improvement means any improvement, facility or service, together with its associated site or right-of-way necessary to provide transportation, drainage, utilities or similar essential services and facilities and that are usually owned and operated by a governmental agency.

Public Neighborhood means facilities and uses that serve only a small area of the city.

Public Notice means the advertisement of a public hearing in a paper of general circulation and through the mail, or the posting of a sign on property, each designed to indicate the time, date, place and nature of a public hearing.

Public Nursery means land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

Public or Private School means an educational institution for kindergarten, elementary, or secondary education, which is supported by a public, religious, or private organization.

Public Park or Playground means a park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a local or State level government entity.

Public Regional means federal, state and city facilities and uses whose main purpose is to sustain wide regional needs.

Public Right-of-Way means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

Public Utility means a regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the health, safety and welfare.

Publisher means a company or person that publishes products such as books, journals, or software.

Quarry means an open excavation from which stone or other material is extracted by blasting, cutting, or drilling.

Radio Broadcasting means a building or portion of a building used as a place for radio broadcasting.

Radio, TV, Microwave Communication Tower means a freestanding structure which supports antennae that transmit or receive any portion of the electromagnetic spectrum.

Ramada means any roof or shade structure installed, erected or used above a recreational vehicle and vehicle space or any portion thereof.

Real Estate Agents and Brokers means a person who buys, sells, and leases property on behalf of somebody else.

Recording Studio means a building or portion of a building used as a place to record music and videos. The term does not include broadcasting facilities.

Recreation means an activity that a person takes part in for pleasure or relaxation rather than as work.

Recreational Vehicle means the following:

1. Camping trailer: A folding temporary dwelling structure, mounted on wheels and designed for travel, recreational and vacation use and shall include its towing vehicle;
2. Motorhome: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self propelled vehicle;
3. Pickup coach/camper: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
4. Travel trailer: A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation and vacation use. It shall have a body width not exceeding eight and one-half feet, and a body length not exceeding 60 feet, including its towing vehicle.
5. Park Model;
6. A recreational vehicle is not allowed as a guest building in any zoning district.

Recreational Vehicle Park or campground means a parcel or tract of land containing one gross acre minimum land area, having as its principal use the transient rental of two or more spaces for recreational vehicles or camp spaces including accessory buildings and structures and uses. There will not be more than 30 spaces per acre. The term shall be synonymous with the term "campground". Use of land where unoccupied recreational vehicles are offered for sale or lease, or are stored, is not allowed in a recreational vehicle park.

Recreational Vehicle Repair means establishments primarily engaged in the provision of Recreational Vehicle repair services to individuals and households.

Recreational Vehicle Sales means the use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks, vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Recreational Vehicle Space means a lot or parcel of land in a recreational vehicle park or campground containing a net minimum area of 1,000 square feet for the placement of a single recreational vehicle or camping space for the exclusive use of its occupants for transient dwelling purposes, including permitted accessory uses and structures.

Recreational Vehicle Storage means the keeping, in an enclosed, 100% screened area, "RV's" in the same place for more than 24 hours.

Recycling Collection Center means a facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing or other items for recycling purposes conducted totally within an enclosed structure or container. The term does not include processing except for "can banks" that crush cans as they are deposited.

Recycling Operations means the process by which waste products are reduced to raw materials and transformed into new and often different products.

Refuse and Sewerage System means the entire system of sewer collection, treatment and disposal.

Rental Store means a facility for the rental of general merchandise to the general public. (See also "Video Rental".)

Repeater means a small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage from the primary sending and receiving site in a wireless communications network.

Required Land Area means the minimum area of a lot or parcel necessary to permit its use under the provisions of this title.

Required Width means the minimum area of a lot or parcel necessary to permit its use under the provisions of this title.

Resort means a group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge and convention facilities. Has at least 15% of its land area devoted to usable open space in addition to required landscaping.

Restaurant means a business establishment whose principal business is the preparing and selling of meals of unpackaged food to the customer in a ready to consume state in nondisposable containers, and where the customer consumes these meals while seated at a table within the restaurant building. Alcoholic beverages may be served accessory to food service in a restaurant.

Restaurant, Fast Food means an establishment that offers quick food service and nonalcoholic beverages, accomplished through a limited menu of items already prepared, or prepared, fried or

'griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at a table. Ordering or pickup of food may take place from an automobile or drive through window.

Retail Sales means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption but not for wholesale and rendering services incidental to the sale of such goods. Typical merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, groceries, convenience, specialty foods, toys, furniture, books, computers, stationery, hardware and similar consumer goods. The term also includes Secondhand Dealers but excludes Secondhand Businesses as defined in this title.

Revegetation means the stabilization of disturbed or graded soils by replanting with indigenous or other natural appearing plant materials.

Rezone means to change the zoning classification of particular lots or parcels of land.

Riding Academy means any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

Room means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchen, closets, hallways and porches.

Salvage or Reclamation of Products means a facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment which is not considered as another use under this Title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for recycling recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans and other products, which can be returned to a condition in which they may again be used for production.

Sandblasting means to clean, polish, or mark glass, metal, or a stone surface by applying a jet of pressurized air or steam mixed with sand or grit.

Sanitary Landfill means a site where waste material has been buried.

Sanitary Station means a facility used for removing and disposing of waste from recreational vehicle holding tanks.

Satellite Dish Antennae means any circular, dish shaped or similarly shaped structure designed to receive communications from orbiting satellites or other communication source, together with other equipment related to such purposes. Antennae with signs or lights affixed thereon shall be subject to regulations contained within Division 4 (Signs) of the Development Standards.

School means an institution of learning which offers instruction in the several branches of learning required to be taught in public and private schools of the state of Nevada.

School, (K-12) means a building or institution in which children and teenagers are taught, usually up to the age of 17.

School, College, University means an educational institution for higher learning that typically includes an undergraduate college and graduate schools in various disciplines, as well as medical and law schools and sometimes other professional.

School, Vocational means a building or institution that specializes in teaching a specific skill, especially a practical vocation, including, but not limited to, business, dance, music, martial arts, trade or traffic. The term includes a school where student classes are relayed to a remote location, with limited student time spent at the building.

Screening means a permanent method of visually screening or obscuring from view from any property, sidewalk or roadway, one abutting or nearby structure or use from another.

Secondhand Business means a business dealing in used merchandise or accepting donations of used merchandise for resale, but does not mean antiques, junkyard, pawn shop or secondhand dealers as otherwise defined in this title.

Secondhand Dealer means a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles if no more than 40% of the gross floor area of the business is devoted to the sale of used articles. The term Secondhand Dealer includes the sale of jewelry and scrap precious metals, but does not include the sale of junk in junkyards as defined in this Chapter, the sale of used cars or the sale of other items which the City determines do not fit within the intent of this term. The term does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise is permitted.

Security Service means a service employed by a private organization to guard and protect a building or other property.

Senior Citizen Home means a dwelling providing shelter and services for people (age 60 or older) which may include living and sleeping facilities, meals, eating assistance, housekeeping, laundry services, dressing, room cleaning, medication reminders, nursing care, related medical services and personal care. Such facilities may also provide other services, such as counseling and transportation for routine social and medical appointments. Senior Citizen Home does not include a Single Family Dwelling pursuant to NRS 278.021.

Setback means the distance that structures, buildings or uses must be removed from their property lines.

Setback Area, Front means a yard area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the required front setback line.

Setback Area, Rear means a yard area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the rear property line and the required rear yard setback line.

Setback Area, Required means that portion of a lot which is required to be unoccupied and unobstructed from the ground to the sky between a required setback line and the property line, except as otherwise provided in this Title.

Setback Area, Side means a yard area of which the width is measured between the side property line and the required side yard setback line and the depth is measured between the front yard setback line and the rear yard setback line.

Sewage Works Facility means any facility designed for the treatment of sewage, which is operated at a municipality, government agency, or utility for collection, treatment, and disposal of waste and the furnishing of potable water.

Sheriff's Office and Jail means a secure place for keeping people found guilty of minor crimes or awaiting legal judgment.

Shoeshine Stand means a place where the act of giving a clean or shiny finish to shoes by polishing them is done.

Shopping Center means a group of five or more commercial establishments planned and developed as a unit on a single parcel or commonly managed parcels of land.

Sight Distance Area means the area included within that triangular area between the property line and a diagonal line joining points of the edge of pavement line 40 feet from the point of their intersection, or, in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent 40 feet from the points of their intersection. The tangents referred to are those at the beginning and at the end of a curve at the corner.

Sight-Obscuring Fence or Wall means a permanent 100% sight-obscuring solid barrier with height of all bulk or stacked items not exceeding the highest portion of the fence or wall.

Sign Painting and Lettering means an establishment which specializes in the production of signs.

Silk-screening means a method of printing on paper or fabric in which ink is forced through areas of a silk screen that are not blocked out with an impermeable substance.

Similar Use means a use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking, and circulation, utility demands, environmental impacts, physical space needs and clientele.

Single Family Dwelling means:

A building used to house not more than one family or a group of not more than four unrelated persons living together sharing a noncommercial single dwelling unit and common house keeping facilities: or

As provided for in NRS 278.021, a residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with house parents or guardians who need not be related to any of the persons with disabilities; and if applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity. "Residential facility for groups," has the meaning ascribed to it in NRS 449.017, which means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. The term includes, without limitation, an assisted living facility. The term does not include an establishment which provides care only during the day; a natural person who provides care for not more than two persons in his own home; a natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; a halfway house for recovering alcohol and drug abusers; or a facility funded by a division or program of the Department of Human Resources; or

As provided for in NRS 278.021, a home for individual residential care and has the meaning ascribed to it in NRS 449.0105, which means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include a halfway house for recovering alcohol and drug abusers; or

As provided for in NRS 278.021, a halfway house for recovering alcohol and drug abusers and has the meaning ascribed to it in NRS 449.008, which means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse; or

As provided for in NRS 278.0209, includes factory built housing that has been built in compliance with the standards for single-family residential dwellings of the Building Code most recently adopted by the International Conference of Building Officials and is further defined at NRS 461.080 as a residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with regulations adopted by the Division, but does not include a mobile home or recreational vehicle park trailer; or

As provided for in NRS 278.02095, includes a manufactured home, defined at NRS 489.113, as a structure which is built on a permanent chassis and designed to be used with or without a permanent foundation as a dwelling when connected to utilities and transportable in one or more sections and eight feet or more in body width or 40 feet or more in body length when transported, or when erected on site, contains 320 square feet or more and the term includes the plumbing, heating, air-conditioning and electrical systems of the structure. The term includes any structure which meets the requirements of NRS 489.113 with a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq, or was built in compliance with the requirements of chapter 461 of NRS. The term does not include a recreational park trailer.

Skating Arena means a building or structure where skating and/or uses associated with skating may be conducted.

Skyline Area means an area at or near the highest points of a topographic feature and which area is designated as a skyline area on the skyline area map adopted pursuant to Division 7 (Hillside Development) of the Development Standards.

Social Services Center/Facility Offices means facilities providing social services directly to the community, such as food banks, blood banks, emergency shelters, crisis centers, etc.

Softscape Surface means a level area covered with turf, clover, sand or a similar material acceptable for use by young children.

Special Use Permit means a specific discretionary approval for a use which has been determined to have unique circumstances, be more intense or to have a potentially greater impact than a permitted use within the same zoning district.

Sports Arena means an indoor or outdoor area, surrounded by seating for spectators, where shows or sports events take place.

Stable means a building in which horses or livestock are sheltered or fed.

Stained Glass means glass that has been colored so that it can be used to make a mosaic picture, especially in a window. Stained glass may be made by enameling, burning pigments into the surface, or by fusing metallic oxides with it.

Standard Conditions means conditions which have been approved by the Commission or Board, and which are designed to be imposed as a matter of course, where applicable, on the approval of development projects.

Storage means to keep or store an item(s) for a period of 24 hours or longer in a given location for future use.

Storage Container means a fully enclosed unit, excluding semi-truck trailers, that houses storage items in the industrial, commercial and public districts. In addition, used temporarily at a construction site.

Story means that part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building, or as defined by the Building Code currently adopted by Carson City.

Street means a public thoroughfare which affords a primary means of access to abutting property.

Street Vendor means a vendor of consumable products (edible or flowers).

Streetscape means the visual image of a street, including the combination of buildings, parking, signs, hardscape and softscape.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and may include a root cellar or similar structure. Not included are residential fences, retaining walls, rockeries, decks not exceeding 30 inches in height above grade and similar improvements of a minor character.

Summer Camp means a place, usually residential, offering outdoor recreational activities and skill development for children during the summer.

Sundries means small miscellaneous items, often of too little value to be enumerated.

Tattoo Parlor means an establishment whose principal business activity is the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Taxidermist means one who practices the art or skill of preparing, stuffing, and presenting dead animal skins so that they appear lifelike.

Tea House or Tea Room means a small restaurant facility or accessory to a bed and breakfast use open to the public, serving items similar to soup, teas, coffees and sandwiches, limited to one meal per day.

Temporary Outdoor Sales and Activities means all outdoor sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, seasonal merchandise sales, conducted in parking areas, sidewalks, or space not enclosed by a building. Temporary outdoor sales may also include related activities designed for promotion such as music, food service or displays.

Temporary outdoor sales excludes sales of recreational vehicles, vehicles, boats and similar products when conducted at their regular permanently licensed place of business in accordance with applicable zoning district standards. Temporary outdoor sales are temporary in nature in Carson City and subject to time limitations and are by nature non-recurring daily events.

Tennis or Swimming Facility means an improved area used for the playing of tennis or swimming activities.

Testing Laboratory means a facility for scientific research and testing in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, fabrics, heat transfer, and research facilities.

Theater means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

Three-Sided Parcel means a parcel of land containing three property lines and is considered to have only a front yard and two side yards when determining setback requirements.

Tour Operator means a person or company that organizes package tours.

Tower means a structure or framework, or monopole, that is designed to support wireless communication transmitting, receiving and/or relaying antennas and/or equipment.

Towing Services means an establishment that provides for the removal and temporary storage of vehicles, but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles.

Tract Sales Office means a temporary tract or subdivision office located on the property to which it is appurtenant, and only authorized until the sale of homes in the subdivision is completed.

Trade School means a facility for instruction and training in trades or crafts such as auto repair, welding, bricklaying, machinery operation, or other similar trades or crafts which require the use of large equipment, or outdoor training activities, or both.

Trailer means a vehicle, other than a vehicle defined as Recreational Vehicle, that is without motor power and is designed for carrying persons, property, equipment, or other items on its own structure, including, but not limited to semi-trailers, utility trailers, flatbed trailers and hauling trailers.

Trailer Coach means any building, structure, or vehicle equipped with wheels to facilitate movement from place to place or to travel on a public thoroughfare, and designed, used, and maintained for human habitation. Such definition shall include automobiles or trucks where used for living or sleeping purposes.

Transfer means either:

1. The change of ownership of a parcel to which an entitlement certificate has been issued; or
2. The change of an entitlement certificate from the original parcel to which it was issued to a second parcel.

Transfer Station means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This site does not include an infectious waste incineration facility.

Transient Dwelling Purposes means the continual rental of a recreational vehicle space or spaces to same persons for a period not to exceed 28 days (short term) or 180 days (extended stay).

Transient Occupancy means occupancy of lodging facility on a nonpermanent basis, not to exceed 180 days.

Transit Passenger Facility means a facility for the loading and discharging of train or bus passengers.

Transition Zone means a zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zones, could be considered incompatible to each other.

Travel Agency means a business that arranges transportation, accommodations, and tours for travelers.

Truck, Pickup means a vehicle with a maximum height of 10 feet and length of 22 feet, with the capacity to carry a maximum of six passengers and containing an attached sided but unenclosed cargo area. Pickup trucks have the capacity to carry an enclosed camper in the unenclosed cargo area.

Truck Rental means a facility for the rental of new or used trucks. Trucks kept on the lot for rental purposes are not considered to be outside storage.

Truck Stop means a roadside station that sells fuel for trucks and may include a restaurant for truck drivers.

Trucking and Hauling Services means a building or a portion of a structure where cargo is stored or where trucks load and unload cargo on a regular basis.

Use Separations means areas of undeveloped property separating different land uses within a business park. The purpose of the use separation is to combine landscaping, drainage, security, and to provide adequate access to light, air, and physical separations between business, commercial and residential uses.

Utility Company means an agency or public franchise which provides the public with water, electricity, gas, heat, steam, communication, sewage collection or other similar service for a fee.

Utility Connection Fee also called sewer (and/or) water connection fee means that fee collected by the city pursuant to Carson City Municipal Code Chapters 12.01 and 12.03.

Utility Substations means an assembly of equipment for electrical, telephone, gas, or other utility company use to provide local distribution of services.

Variance means to request a departure from or not to be in full compliance with the provisions of the zoning ordinance requirements for a specific parcel, except for uses, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district. Because of special circumstances applicable to the property, strict application to the provisions of the development code standards and requirements deprives such

property of privileges enjoyed by others in the vicinity. A self imposed hardship is not a legitimate ground or reason for a variance approval.

Variety Store means a retail store that sells a wide range of inexpensive items.

Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn along a highway, except devices moved by human power or used exclusively upon stationary rails.

Vending Machine Operator means a business in which the primary use is the leasing of coin operated devices, which dispense a product or service without an attendant.

Veterinary Clinic means a place where animals are given medical care, and boarding of animals is limited to short term care incidental to the clinic use.

~~[Video Rental means rental of videos. No more than 20% of the total gross area of the store may be devoted to adult videos rated "X".]~~

Video Sales and Rental means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

Warehouse/Distribution Center means an enclosed structure for the storage of goods for distribution or transfer to another location.

Wastewater Treatment Facility means the facility or group of units used for the treatment of industrial or domestic wastewater from sewer systems, and for the reduction and handling of solids and gases removed from such wastes.

Watchman's Quarters means habitable unit ancillary to the primary use and used solely for security purposes, not to be rented.

Water Storage Facility means the system for collecting, storage and distribution of potable water from the source of supply to the consumer.

Wedding Chapel means an establishment that primarily provides the facilities and services for weddings on a commercial basis. Such facilities may include a chapel, dressing rooms, offices, reception facilities and gardens. This definition does not include churches and similar congregations where weddings are an ancillary use.

Whip Antenna means a very thin antenna, usually omnidirectional. Whip antennas have minimum silhouettes but also limited ranges.

Wholesale Sales means the sale of goods in large quantities for resale by a retailer.

Wholesale Showroom Facility means a building used primarily for the storage of goods and materials and secondarily for the display of merchandise for wholesale purchase.

Wildlife Park means a large enclosed area of land where wild animals wander relatively freely and people pay to drive around and observe them.

Wind Energy/Conversion Facility means a machine or facility that converts the kinetic energy in the wind into a useable form.

Winery means a place where wine is made and or sold.

Wireless Communication Facility means all equipment buildings, and structures with which a wireless communication service carrier broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof.

Wireless Communication Service Provider means an entity licensed by the Federal Communication Commission (FCC) to provide wireless communication services to individuals, businesses or institutions.

Wireless Communication Services means commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act.

Wrecking Yard means any place where more than one damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

Yard, Front means a yard lying between the main building and the front lot line and extending across the full width of the lot or parcel. The front yard of a corner lot may face either street frontage.

Yard, Side means a yard lying between the side lot line and the main building and extending from the front yard line to the rear yard line.

Yard, Rear means a yard between the main building and the rear lot line and extending across the full width of the lot or parcel. The rear yard of a corner lot is that portion of the lot opposite to the front yard.

Yard, Street Side means a yard, abutting a street and lying between the street side lot line and the main building and extending from the front yard line to the rear yard line.

Yards means an open space on the same lot or parcel with a building and extending from the building to the nearest lot line.

Youth Recreation Facility means an indoor or outdoor facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual youth recreation activities. Programs designed for the users may include leadership programs, education and career guidance, health and life skills, arts, sports, fitness, recreation, and other specialized youth programs.

Zoo means a park where live wild animals from different parts of the world are kept in cages or enclosures for people to come and see, and where they are bred and studied by scientists.

SECTION II:

That Division 1 of the Development Standards (Land Use and Site Design) of the Carson City Municipal Code, is hereby amended by adding Section 1.19 Adult Merchandise Retail Performance Standards to read as follows:

1.19 Adult Merchandise Retail Establishment Performance Standards

The following performance standards are mandatory requirements in the review of business licenses for Adult Merchandise Retail Establishments.

1. The floor area devoted to material defined in "Adult Merchandise Retail Establishment" does not exceed up to 5% of the total display or retail floor area of the business or 200 square feet, whichever is less;

2. The material is available only for sale or lease for private use by the purchaser or lessee outside and off the premises of the business;

3. The floor area devoted to material as defined in "Adult Merchandise Retail Establishment" is segregated by partition, separate entrance or otherwise obscured from casual observance by minors;

4. The floor area devoted to material defined in "Adult Merchandise Retail Establishment" is clearly signed to prohibit access to minors;

5. The floor area devoted to material defined in "Adult Merchandise Retail Establishment" is adequately staffed by persons over 18 years of age to assure monitoring of minors who may seek access to the restricted floor area;

6. The business does not advertise or hold itself out to the public in any way as being an adult merchandise retail establishment, whether by store window displays, signs or other means;

7. The business cannot be combined with any other area or business to result in an increase in the floor area devoted to this activity beyond the maximum specified in (1) above;

8. No product for sale or gift, picture or other graphic representation thereof, shall be displayed so as to be visible from the street or exterior of the building;

9. At the time of the business license request, the applicant shall provide a detailed site plan designating the proposed Adult Merchandise Retail Establishment area, as it relates to the total floor area of the business;

10. Adult Merchandise Retail Establishments established prior to November 7, 2007 which do not comply with the provisions of Division 1.19 Adult Merchandise Retail Establishment shall be deemed non-conforming and may continue to operate as approved by the criteria identified in their approved Carson City Business License.

11. Nonconforming Adult Merchandise Retail Establishments shall not relocate in Carson City unless the establishment comes into full compliance with the current code and development standards.

12. No Adult Merchandise Retail Establishment shall be located within 1,000 feet of any other Adult Merchandise Retail Establishment or Adult Entertainment Facility.

13. Location Criteria. Adult Merchandise Retail Establishments may be located only in Retail Commercial (RC), General Commercial (GC), Limited Industrial (LI), and General Industrial (GI) zoning districts and provided that the business comply with all performance standards.

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: September 26, 2007

AGENDA ITEM NO.: H-7

APPLICANT(s) NAME: Carson City
PROPERTY OWNER(s):

FILE NO.: ZCA-07-135

ASSESSOR PARCEL NO(s):
ADDRESS:

APPLICANT'S REQUEST: Action to consider a recommendation to the Board of Supervisors regarding Zoning Code Amendment, ZCA-07-133, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.030.2, Expansion of Nonconforming Building, by amending when the "expansion of a nonconforming building/use" will require Special Use Permit approval, and other matters properly related thereto.

COMMISSIONERS PRESENT: REYNOLDS VANCE BISBEE
 MULLET PEERY KIMBROUGH WENDELL

STAFF REPORT PRESENTED BY: Walter Sullivan
STAFF RECOMMENDATION: APPROVAL
APPLICANT REPRESENTED BY: N/A

REPORT ATTACHED
 DENIAL

 0 PERSONS SPOKE IN FAVOR OF THE PROPOSAL 0 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL

WITH THE FINDINGS OF THE STAFF REPORT AS MODIFIED

MOVED: Bisbee **SECOND:** Kimbrough **PASSED:** 5/AYE 0/NO 2/AB 0/ABSTAIN

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: October 18, 2007

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 26, 2007

FILE NO: ZCA-07-135

STAFF AUTHORS: Walter Sullivan, AICP, Planning Division Director
Jennifer Pruitt, AICP, Senior Planner
Heidi Eskew-Herrmann, AICP, Assistant Planner

REQUEST: An ordinance making various changes to the Carson City Municipal Code Section 18.03 (definitions) and the creation of a new section of Development Standards Division 1 (Land Use and Site Design), Section 1.19 Adult Merchandise Retail Performance standards and other sections of Title 18.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-07-135, an ordinance amending various provisions of 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 "Adult Entertainment Facility", "Video Rental" and the addition of "Adult Merchandise Retail Establishment" and the creation of a new section of Development Standards 1 (Land Use and Site Design), Section 1.19 Adult Merchandise Retail Performance Standards, as published on the agenda, based upon the findings for approval contained in the staff report.

BACKGROUND:

The proposed amendment is the result of several inquiries regarding Adult Merchandise Retail Establishments as accessory uses over the past year and as a result of the recent Adult Entertainment Moratorium. The current code does not specify development standards for Adult Merchandise Retail Establishments. This amendment will assist staff and the general public by creating performance standards specific to Adult Merchandise Retail Establishments. These standards have been identified to allow for consistency throughout Carson City with the regulation of Adult Merchandise Retail Establishments. Each proposed revision is discussed in more detail below.

DISCUSSION:

Following is a summary of each of the proposed code amendments as presented by ordinance section in the draft ordinance (Attachment A).

Section I – 18.03.010 Definitions "Adult Entertainment facility"

Section 18.03.010 (Definitions) "Adult Entertainment Facility":

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.

The proposed change as recommended by the Carson City District Attorney's office and Planning Division staff is to eliminate the word "primary" from the above text. The intent of the change is not to change the areas in Carson City which have been identified as appropriate locations for Adult Entertainment Facilities. However, the code amendments will allow Adult Merchandise Retail in Carson City with specific standards that can be enforced pursuant to the Carson City Municipal Code.

Section II – 18.03.010 Definitions the modification of "Video Rental"

Section 18.03.010 (Definitions) "Video Rental":

Video Rental means rental of videos. No more than ~~[20%]~~ five to 10% of the total gross area of the store or 200 square feet, whichever is less, may be devoted to adult videos rated "X".

This modification is required for the reason that within the proposed Adult Merchandise Retail Performance standards, the consistent allowance of five to 10% of the total gross floor area or 200 square feet, whichever is less, to be devoted to adult videos rated "X", will be consistent with the allowances noted in the proposed Adult Merchandise Retail establishment Performance Standards, Development Standards 1 (Land Use and Site Design), Section 1.19 .

Section III – 18.03.010 Definitions, the addition of "Adult Merchandise Retail Establishment"

Adult Merchandise Retail Establishment means any establishment having five to 10% or 200 square feet, whichever is less, of the retail floor area of the business that is identified for the display, sale, lease or rental of books, merchandise, periodicals, video tapes, video discs, computer discs, instruments, devices or paraphernalia which are distinguished or characterized by the emphasis on matter depicting, describing or relating to "specific sexual activities" and "specific anatomical areas".

Section IV – Development Standards 1 (Land Use and Site Design), the creation of a new Section 1.19 Adult Merchandise Retail Performance Standards.

1.19 Adult Merchandise Retail Performance Standards

The following performance standards shall be considered in review of business licenses for Adult Merchandise Retail Establishments in all permitted zoning districts, which are limited to Retail Commercial (RC), General Commercial (GC), Limited Industrial (LI), and General Industrial (GI).

A business in which material defined in the CCMC 18.03.010 (Definitions) of “Adult Merchandise Retail Establishment” is not characterized as an Adult Entertainment Facility if:

A. The floor area devoted to material defined in “Adult Merchandise Retail Establishment” must not exceed five to 10 % of the total display or retail floor area of the business or 200 square feet, whichever is less;

B. The material is available only for sale or lease for private use by the purchaser or lessee outside and off the premises of the business;

C. The floor area devoted to material as defined in “Adult Merchandise Retail Establishment” is segregated by partition, separate entrance or otherwise obscured from casual observance by minors;

D. The floor area devoted to material defined in “Adult Merchandise Retail Establishment” is clearly signed to prohibit access to minors;

E. The floor area devoted to material defined in “Adult Merchandise Retail Establishment” is adequately staffed by persons over 18 years of age to assure monitoring of minors who may seek access to the restricted floor area;

F. The business does not advertise or hold itself out to the public in any way as being an adult merchandise retail establishment, whether by store window displays, signs or other means;

G. The business cannot be combined with any other area or business to result in an increase in the floor area devoted to this activity beyond the maximum specified in (A) above;

H. No product for sale or gift, picture or other graphic representation thereof, shall be displayed so as to be visible from the street or exterior of the building;

I. At the time of the business license request, the applicant shall provide a detailed site plan designating the proposed Adult Merchandise Retail Establishment area, as it relates to the total floor area of the business;

J. Adult Merchandise Retail Establishments established prior to November 7, 2007 which do not comply with the provisions of Division 1.19 Adult Merchandise Retail Establishment shall be deemed non-conforming and may continue to operate as approved by the criteria identified in their approved Carson City Business License.

K. Nonconforming Adult Merchandise Retail Establishments shall not relocate or change ownership in Carson City unless the establishment comes into full compliance with the current code and development standards.

L. No Adult Merchandise Retail Establishment shall be located within 1,000 feet of any other Adult Merchandise Retail Establishment or Adult Entertainment Facility.

M. Location Criteria. Adult Merchandise Retail Establishments may be located only in Retail Commercial (RC), General Commercial (GC), Limited Industrial (LI), and General Industrial (GI) zoning districts and provided that the business comply with all performance standards.

Over the last year, the Planning Division has been asked to make determinations about the appropriateness of Adult Merchandise Retail Establishments as accessory uses in various zoning districts of Carson City. The addition of Adult Merchandise Retail Performance Standards is needed to clearly identify the criteria that Adult Merchandise Retail Establishments will be subject to at all times pursuant to the CCMC. At this time the CCMC has no standards for adult merchandise establishments. The Planning Division has researched this topic in the surrounding counties and the proposed regulations are similar in content.

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 September 20, 2007, no written comments have been received either in support or opposition of this application. Any 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 any other city departments were received.

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

FINDINGS: The following findings for approval are recommended by staff 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 in substantial compliance with the goals, policies and action programs of the Master Plan (in general) and by bringing the provisions of the specific sections of the code into conformance with other sections of Title 18 and promoting the Public Health, Safety and General Welfare, including those sections relating to the implementation of the Adult Merchandise Retail Establishment Performance Standards.

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 changes are for code consistency. The purpose statement of

Title 18 is to "promote the health, safety and general welfare of Carson City's citizens through implementation of the Carson City Master Plan and its elements (CCMC 18.02.015). Substantial case law and extensive legal studies support advancement of this type of municipal ordinance (see attached comments).

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 administrative in nature and will promote the community's health, safety and general welfare.

Attachments:

- 1) Draft ordinance

Respectfully submitted,

PLANNING DIVISION

Walter Sullivan, AICP
Planning Division Director


Jennifer Pruitt, AICP
Senior Planner

Heidi Eskew-Hermann, AICP
Assistant Planner