

Item # 8C

**City of Carson City
Agenda Report**

Date Submitted: October 9, 2007

Agenda Date Requested: October 18, 2007

Time Requested: 5 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 Carson City Municipal Code Title 18, Chapter 18.05, General Provisions, Section 18.05.030, Trailers, Mobilehome, Recreational Vehicles, Commercial Coaches and Storage Containers, to prohibit Tents, Trains, Boxcars, Semi-Truck Trailers, Passenger Coaches, Busses, Streetcar Bodies or similar enclosures and rolling stock in all residential zoning districts, and other matters properly related thereto. (File ZCA-07-132)

Staff Summary: This ordinance would modify the Carson City Municipal Code to prohibit trains, engines, boxcars, cabooses and other similar enclosures and rolling stock from all residential zoning districts in Carson City. The original intent of the code was to prohibit these types of enclosures in all residential zoning districts. Over the years, the code was changed to only prohibit storage and occupation. Staff would like to change the code back to reflect the original intent.

Type of Action Requested:

☐ Resolution

☐ Formal Action/Motion

☒ Ordinance - First Reading

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Planning Commission Action: Recommended approval September 26, 2007 by a vote of 4:0:3.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending a provision of the Carson City Municipal Code, Title 18, Zoning, Chapter 18.05, General Provisions, Section 18.05.030, Tents, Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers, to prohibit tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies, or similar enclosures and rolling stock from all residential zoning districts, based upon the findings for approval contained in the staff report.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

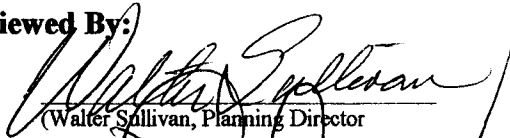
Funding Source: N/A

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

Supporting Material: 1) Ordinance
2) Case Record
3) Staff Report

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:


(Walter Sullivan, Planning Director)

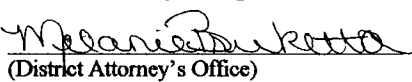
Date: 10-03-07


(Larry Werner, Development Services Director/City Engineer)

Date: 10/3/07


(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 18.05, GENERAL PROVISIONS, SECTION 18.05.030, TRAILERS, MOBILEHOMES, RECREATIONAL VEHICLES, COMMERCIAL COACHES AND STORAGE CONTAINERS, TO PROHIBIT TENTS, TRAINS, BOXCARS, SEMI-TRUCK TRAILERS, PASSENGER COACHES, BUSES, STREETCAR BODIES OR SIMILAR ENCLOSURES AND ROLLING STOCK IN ALL RESIDENTIAL ZONING DISTRICTS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.05 (General Provisions), Section 18.05.030 (Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers) of the Carson City Municipal Code is hereby amended, in part, to prohibit tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock in all residential zoning districts as follows (underlined text is added, stricken text is deleted):

18.05.030 Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers.

1. Except as otherwise provided in this Section:

a. No automobile, recreational vehicle, tent, train, boxcar, semi-truck trailer, passenger coach, bus, streetcar body or similar enclosure may be used or erected for storage or occupied for living or sleeping purposes in any use district.

b. Tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock are prohibited in all residential zoning districts.

~~{1.}~~ 2. a. A mobilehome may be used for permanent living or sleeping quarters only in a mobilehome park or mobilehome subdivision, and for temporary living quarters, where authorized by the Commission.

- b. A recreational vehicle may be used for temporary living or sleeping quarters only in a recreational vehicle park or where permitted by Title 10 and Title 13 of the Carson City Municipal Code. Parking lots are not considered recreational vehicle parks.
- c. Special Exception: Where approved by the Director pursuant to this section and requirements of NRS 278.315, a recreational vehicle may be used for temporary occupancy accessory to a single-family residence for the care of a person who has been documented as infirm, subject to the following conditions:
 - (1) Submittal of an application on a form approved by the Director, by a property owner desiring such a use.
 - (2) Submittal, in writing, of the results of an independent medical examination, of the infirm person, conducted by a physician licensed to practice in Nevada, who has not treated the infirm person in the last 12 months prior to the date of the application, establishing, to the satisfaction of the Director, that the infirm person is in need of care which can be facilitated by the placement of a recreational vehicle on a site under this section and that this section provides a temporary living location for a caregiver of or a person with a medically certifiable, handicapping, debilitating, or end of life issue that constitutes a serious infirmity.
 - (3) A recreational vehicle used for this purpose must be self-contained or connected to City utilities pursuant to section (5) below, and must have been manufactured within 15 years prior to the application unless otherwise approved by the Director.
 - (4) A recreational vehicle used for this purpose must meet all standards established by the State of Nevada for such recreational vehicles and must be placed in the side or rear yard of a lot providing screening, from the rights-of-way, easements and adjacent properties, providing fencing and screening to facilitate, preserve and protect privacy of adjacent neighbors.

The subject parcel must be a minimum of 12,000 square feet and the self-contained travel trailer or recreational vehicle must meet all yard setback requirements as required by Carson City Municipal Code for the applicable zoning district or by this section and must be placed in the side or rear yard of the property. The rear yard setback requirement, for applications under this section, in the Single Family 6,000 (SF6) and Mobile Home 6,000 (MH6) zoning districts shall be a minimum of 20 feet. The Director, on a case by case basis, may vary the lot size requirement, to a minimum of 6,000 square feet, based upon additional information submitted by the applicant

requesting a variance to land area and without any opposition by the adjacent neighbors.

- (5) All utility connections for the recreational vehicle shall be accomplished to the satisfaction of the Carson City Building and Safety Division and Public Works Division prior to occupancy. No generators are allowed to be utilized.
 - (6) Any recreational vehicle used for the purposes described in this section must be equipped with a functioning smoke detector, and if applicable, a propane gas detector. These detectors must be in compliance with the State of Nevada Manufactured Housing Division pursuant to Nevada Revised Statutes 489.701.
 - (7) Upon receipt of an application for the use described in this section, the Director shall give written notice of the application pursuant to NRS 278.315. The notice shall contain a description of the proposed use, and include time, date and location of the hearing at which the Director will consider the application.
 - (8) At the hearing conducted to consider the application, the Director shall receive and consider public comment, whether written or oral, in rendering his decision.
 - (9) The purpose of the use described in this section is to mitigate a hardship resulting from a documented infirmity. Financial hardship is not itself a sufficient basis for approving said use.
 - (10) The decision of the Director may be appealed as provided in Carson City Municipal Code Title 18.
 - (11) The Director's approval for the use of the self-contained travel trailer or recreational vehicle unit can be authorized for one year and upon submittal of an extension request prior to the first years expiration, may be continued. Should a change occur in the condition of the infirm for whom the care is being provided, or if the infirm ceases to reside at the subject property, or if the required documentation is not submitted in a timely fashion, then the authorization for the use of the unit for the infirm will be automatically cancelled. Upon cancellation of the authorization, the temporary unit must be removed from the site within 30 days after notification of the cancellation by the Planning ~~and Community Development Department~~ Division and utility disconnection shall be accomplished to the satisfaction of the Carson City Building and Safety Division and Public Works Division.
- d. A storage container or other similar enclosure is only allowed in the industrial districts, pursuant to Division 1 (Storage Containers) of the Development

Standards.

- e. Parking lots are not considered recreational vehicle parks.

[2.] 3. A commercial coach may be used for an office with the approval of a Special Use Permit. A Special Use Permit is not required when a commercial coach is used:

- a. As a construction office only at or within [~~one hundred feet (100')~~] feet of the site of a construction project and for the duration of the building permit. The applicant must obtain all required building permits for the proposed construction prior to the placement of a construction office. Where applicable, sewer/septic and water/well must be in service prior to use of the construction office. The placement of the construction office must meet applicable setback requirements. The construction office must not be utilized as living quarters. This authorization is valid for one [(4)] year, but may be extended by the Director for one [(4)] additional year upon the granting of a building permit renewal. The request for the additional time must be submitted prior to the expiration of the original permit time frame;
- b. As a temporary office space when accessory to an established business and in accordance with current adopted standards and:
 - (1) It will not be used for living quarters,
 - (2) The applicant must obtain all required building permits for the proposed construction prior to the placement of the temporary office coach,
 - (3) The authorization is only effective until permanent office space can be constructed and in no even longer than one [(4)] year,
 - (4) The placement of the temporary office coach must meet all setback requirements, and
 - (5) The authorization for the temporary office coach may be revoked by the Director for breach of any of the above conditions.

[3.] 4. A mobilehome may be used:

- a. As living quarters when the applicant is constructing a residence on the same parcel;
- b. As a temporary living quarters for miners or stockmen in conservation reserve and agricultural districts. Placement of the mobilehome must meet the requirements of the Fire, Planning and Community Development and other relevant departments. Authorization for this use is valid for one [(4)] year from date of approval and may receive a single one [(4)] year renewal

by the Director.

[4.] 5. The storage of an unoccupied mobilehome or recreational vehicle is permitted only on appropriate commercial or industrial zoned land. Storage of a recreational vehicle in an unoccupied state will also be permitted on the land of the legal owner of the recreational vehicle in any residential zone.

SECTION II:

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-3

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

FILE NO.: ZCA-07-132

ASSESSOR PARCEL NO(s):
ADDRESS:

APPLICANT'S REQUEST: To amend Carson City Municipal Code Title 18, Zoning, Chapter 18.05, General Provisions, by prohibiting trains, engines, boxcars, cabooses and other similar enclosures from being moved on-site, erected, occupied, or used for storage in any zoning district, and others matters property related thereto.

COMMISSIONERS PRESENT: ☒ REYNOLDS ☒ VANCE ☐ BISBEE

☐ MULLET ☒ PEERY ☒ KIMBROUGH ☐ WENDELL

STAFF REPORT PRESENTED BY: Heidi Eskew-Hermann

☒ **REPORT ATTACHED**

STAFF RECOMMENDATION: ☒ **APPROVAL**

☐ **DENIAL**

APPLICANT REPRESENTED BY: N/A

 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 AS ENUMERATED ON THE STAFF REPORT**

MOVED: Reynolds **SECOND:** Vance **PASSED:** 4/AYE 0/NO 3/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-07-132****STAFF AUTHOR:** Heidi Eskew-Herrmann, AICP, Assistant Planner

REQUEST: An ordinance amending the Carson City Municipal Code Section 18.05.030 (Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers) to prohibit tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock in all residential zoning districts.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-07-132, an ordinance amending a provision of the Carson City Municipal Code, Title 18, Zoning, Chapter 18.05, General Provisions, Section 18.05.030, Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers, to prohibit tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies, or similar enclosures and rolling stock from all residential zoning districts, 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 placing train boxcars, et al, in residential zoning districts over the past year. Further research of the past versions of the Carson City Municipal Code identified these types of enclosures as prohibited in all residential zoning districts, but over the years the Carson City code was changed to read that these enclosures or rolling stock are allowed as long as they are not used for storage or occupied as living quarters. The intent of the code was not to allow these enclosures in residential zoning districts, but the wording of the code changed to allow them under certain conditions. This amendment will assist staff and the general public by clarifying that these enclosures are prohibited in residential zoning districts. These standards have been identified to allow for consistency throughout Carson City. The proposed revision is discussed in more detail below.

DISCUSSION:

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

This modification is needed to clarify that the above mentioned enclosures are prohibited in all residential zoning districts. The Planning Division has researched this topic in the surrounding counties and the proposed regulations are similar in content.

18.05.030 Trailers, Mobilehomes, Recreational Vehicles, Commercial Coaches and Storage Containers.

1. Except as otherwise provided in this Section:
 - a. No automobile, recreational vehicle, tent, train, boxcar, semi-truck trailer, passenger coach, bus, streetcar body or similar enclosure may be used or

erected for storage or occupied for living or sleeping purposes in any use district.

- b. Tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock are prohibited in all residential zoning districts.

4. 2.

- a. A mobilehome may be used for permanent living or sleeping quarters only in a mobilehome park or mobilehome subdivision, and for temporary living quarters, where authorized by the Commission.
- b. A recreational vehicle may be used for temporary living or sleeping quarters only in a recreational vehicle park or where permitted by Title 10 and Title 13 of the Carson City Municipal Code. Parking lots are not considered recreational vehicle parks.
- c. Special Exception: Where approved by the Director pursuant to this section and requirements of NRS 278.315, a recreational vehicle may be used for temporary occupancy accessory to a single-family residence for the care of a person who has been documented as infirm, subject to the following conditions:
- (1) Submittal of an application on a form approved by the Director, by a property owner desiring such a use.
 - (2) Submittal, in writing, of the results of an independent medical examination, of the infirm person, conducted by a physician licensed to practice in Nevada, who has not treated the infirm person in the last 12 months prior to the date of the application, establishing, to the satisfaction of the Director, that the infirm person is in need of care which can be facilitated by the placement of a recreational vehicle on a site under this section and that this section provides a temporary living location for a caregiver of or a person with a medically certifiable, handicapping, debilitating, or end of life issue that constitutes a serious infirmity.
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- (8) At the hearing conducted to consider the application, the Director shall receive and consider public comment, whether written or oral, in rendering his decision.
- (9) The purpose of the use described in this section is to mitigate a hardship resulting from a documented infirmity. Financial hardship is not itself a sufficient basis for approving said use.
- (10) The decision of the Director may be appealed as provided in Carson City Municipal Code Title 18.
- (11) The Director's approval for the use of the self-contained travel trailer or recreational vehicle unit can be authorized for one year and upon submittal of an extension request prior to the first years expiration, may be continued. Should a change occur in the condition of the infirm for whom the care is being provided, or if the infirm ceases to reside at the subject property, or if the required documentation is not submitted in a timely fashion, then the authorization for the use of the

unit for the infirm will be automatically cancelled. Upon cancellation of the authorization, the temporary unit must be removed from the site within 30 days after notification of the cancellation by the Planning and Community Development Department and utility disconnection shall be accomplished to the satisfaction of the Carson City Building and Safety Division and Public Works Division.

- d. A storage container or other similar enclosure is only allowed in the industrial districts, pursuant to Division 1 (Storage Containers) of the Development Standards.
- e. Parking lots are not considered recreational vehicle parks.

~~2:~~ 3.

A commercial coach may be used for an office with the approval of a Special Use Permit. A Special Use Permit is not required when a commercial coach is used:

- a. As a construction office only at or within one hundred feet (100') of the site of a construction project and for the duration of the building permit. The applicant must obtain all required building permits for the proposed construction prior to the placement of a construction office. Where applicable, sewer/septic and water/well must be in service prior to use of the construction office. The placement of the construction office must meet applicable setback requirements. The construction office must not be utilized as living quarters. This authorization is valid for one (1) year, but may be extended by the Director for one (1) additional year upon the granting of a building permit renewal. The request for the additional time must be submitted prior to the expiration of the original permit time frame;
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 - b. As a temporary living quarters for miners or stockmen in conservation reserve and agricultural districts. Placement of the mobilehome must meet the requirements of the Fire, Planning and Community Development and other relevant departments. Authorization for this use is valid for one (1) year from date of approval and may receive a single one (1) year renewal by the Director.
4. 5. The storage of an unoccupied mobilehome or recreational vehicle is permitted only on appropriate commercial or industrial zoned land. Storage of a recreational vehicle in an unoccupied state will also be permitted on the land of the legal owner of the recreational vehicle in any residential zone.

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 by bringing the provisions of the specific sections of the code into conformance with other sections and the intent of the code.

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

Rationale: The proposed amendment makes no changes to the code that would have an impact on permitted uses. The proposed change is for code consistency and is primarily procedural in nature. Therefore, the proposed amendment will have no detrimental impact to properties within Carson City.

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

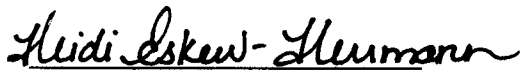
Rationale: The proposed amendment will have no impact on existing or planned public services or facilities since the change is merely administrative in nature and will have no impact on any physical facilities within the city.

Attachments:

- 1) Draft ordinance

Respectfully submitted,

PLANNING DIVISION



Heidi Eskew-Herrmann, AICP
Assistant Planner