

City of Carson City
Agenda Report

Item # 8A

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 adopt Bill No. 132 on second reading, Ordinance No. _____, an ordinance amending Carson City Municipal Code Title 17, Division of Land, Chapter 17.06, Final Subdivision Maps, by changing the time in which to record a final map from one year to two years after approval of a tentative map consistent with Nevada Revised Statutes (NRS); amending Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commission and Boards Application, by changing the time in which the City has to review a zoning application for completeness from 10 days to three days per NRS; amending Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.15, Manufactured Home Installation Within a Single Family Zoning District, by changing the maximum age of a manufactured home that may be placed from five years to six years per NRS; amending Chapter 18.16, Division 1, Section 1.11, Street Vendors, making changes to be consistent with other sections of the Municipal Code; and amending Chapter 18.16, Development Standards, Division 2, Parking and Loading, Section 2.3, General Parking Requirements, to clarify tandem parking requirements consistent with the Downtown Mixed-Use parking standards. (File ZCA-07-115)

Staff Summary: The proposed revisions to the Carson City Municipal Code Title 18 relating to zoning are intended to bring the code in compliance with certain provisions of NRS that were modified by the 2007 Nevada Legislature and to make other corrections to be consistent with NRS and other portions of the Municipal Code.

Type of Action Requested:

- | | |
|---|--|
| ☐ Resolution | ☒ Ordinance - Second Reading |
| ☐ Formal Action/Motion | ☐ Other (Specify) |

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

Planning Commission Action: Recommended approval August 29, 2007, by a vote of 7 Ayes and 0 nay.

Recommended Board Action: I move to adopt Bill No. 132 on second reading, Ordinance No. _____, an ordinance amending various provisions of the Carson City Municipal Code Section 17.06, Final Subdivision Maps, 18.02, Administrative Provisions, Development Standards Section 1.11, Street Vendors, Section 1.15, Manufactured Home Installation within a Single Family Zoning District, and Section 2.3, General Parking Requirements 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 code amendments.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

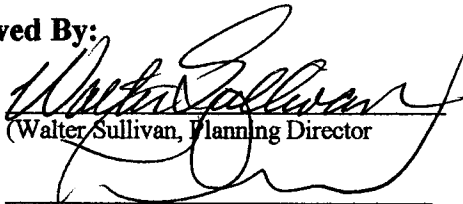
Funding Source: N/A

Alternatives: 1) Refer the matter back to Planning Commission for further review, or, 2) Deny with appropriate findings.

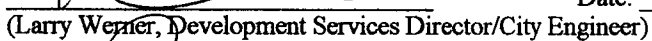
Supporting Material: 1) Ordinance

Prepared By: Donna Fuller, Administrative Services Manager

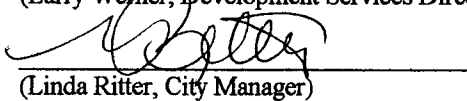
Reviewed By:


(Walter Sullivan, Planning Director)

Date: 10-3-07


(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)

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, CHAPTER 17.06, SUBDIVISION FINAL MAPS, BY CHANGING THE TIME IN WHICH TO RECORD A FINAL MAP FROM ONE YEAR TO TWO YEARS AFTER APPROVAL OF A TENTATIVE MAP CONSISTENT WITH NEVADA REVISED STATUTES (NRS); AMENDING TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.035, COMMISSION AND BOARD APPLICATIONS, BY CHANGING THE TIME IN WHICH THE CITY HAS TO REVIEW AN APPLICATION FOR COMPLETENESS FROM 10 DAYS TO THREE DAYS PER NRS; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.15, MANUFACTURED HOME INSTALLATION WITHIN A SINGLE FAMILY ZONING DISTRICT, BY CHANGING THE MAXIMUM AGE OF A MANUFACTURED HOME THAT MAY BE PLACED FROM FIVE YEARS TO SIX YEARS PER NRS; AMENDING CHAPTER 18.16, DIVISION 1, SECTION 1.11, STREET VENDORS, MAKING CHANGES TO BE CONSISTENT WITH OTHER SECTIONS OF THE MUNICIPAL CODE; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO CLARIFY TANDEM PARKING REQUIREMENTS CONSISTENT WITH THE DOWNTOWN MIXED-USE PARKING STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 17.06 (Subdivision Final Maps) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [stricken] text is deleted):

Chapter 17.06

SUBDIVISION FINAL MAPS

Sections:

17.06.005	Maps Submitted for Approval
17.06.010	Recording Fee
17.06.015	Time Limit for Recording
17.06.020	Marking
17.06.025	Title
17.06.030	Final Map Contents Required
17.06.035	Certificates Required
17.06.040	Disapproval of Any Maps, Respective of Any Prior Approval

17.06.005 Map Submittal for Approval.

1. Not less than ~~thirty (30)~~ days prior to the submittal of any Final Map for action by the Board the subdivider shall submit three ~~[(3)]~~ prints of the Final Map and one ~~[(1)]~~ copy of the closure calculations to the Director, along with all documents required as conditions of Tentative Map approval and a letter from the applicant requesting placement on the Board agenda. A fee as set by resolution of the Board shall cover the administrative costs of review and processing of the application. Two ~~[(2)]~~ prints of the submittal shall be forwarded to the City Engineer, who shall check the map as to accuracy of dimensions, placing of monuments, establishment of survey records, and conformance with the approved Tentative Map. If any errors or omissions are found on the prints of the Final Map submitted to the City, the map shall be returned to the subdivider or his engineer for correction and shall not be submitted for Board approval until such errors and omissions are corrected. The Final Map shall be submitted to the Director not less than seven ~~[(7)]~~ days prior to Board approval in order that the Director may obtain the signatures of city officials.
2. Data concerning construction plans, estimates of quantities, appropriate financial security meeting the requirements of the City shall also be required by the City when the situation warrants.
3. In addition to other fees and charges as required by law, the subdivider shall pay a checking fee as set by resolution of the Board. Such fee shall be due and payable at the time the Final Map is presented for checking to the Director.
4. Upon completion and checking by the City Engineer and Director, the original map shall be submitted to the Director. The Director will then request the Final Map be placed on the next available Board agenda for final approval. The Board may approve the map by fixing an affidavit on the original map and directing it to be recorded and entered as a legal document in the records of Carson City.
5. The Board shall refuse any Final Map approval when a report of error is made and shall continue to refuse to approve until all deficiencies are resolved.

17.06.010 Recording Fee. The City Recorder shall collect the fee required by NRS 278 for recording a final plat.

17.06.015 Time Limit for Recording. ~~[The Final Map of a subdivision shall be recorded within one year after the approval or conditional approval of the Tentative Map of said subdivision.]~~ **A final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved or the first of a series of final maps covering a portion of the approved tentative map must be approved by the Board for recording within two years after the approval of a tentative map unless a longer time is provided for in an approved development agreement with the City. If the subdivider elects to present a successive map in a series of phased final maps, the successive final map must be approved by the Board within one year of the recording of the preceding final map. The Board may grant an extension of not more than one year for any successive final map after the one-year period for presenting a successive final map has expired. Failure to [so record] obtain Board approval of a final map or any phase thereof within these time limits terminates all proceedings, requiring an entirely new Tentative Map submittal.**

17.06.020 Marking. The entire Final Map shall be clearly and legibly drawn or stamped in permanent ink upon good tracing linen or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Each sheet shall be ~~[twenty-~~

~~four by thirty-two (24"x 32")~~ **24 by 32** inches in size. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch [~~(1")~~] at the bottom, top, and right edge and two inches [~~(2")~~] at the left side on the [~~twenty-four~~] **24** inch [~~(24")~~] dimension. The exterior boundary of land included within the subdivision shall be indicated by a graphic border.

17.06.025 Title. Title to dedicated properties shall pass when the final subdivision plat is recorded. Parcel Maps and PUDs need separate instrument. If, at the time any highways are rejected, offer of dedication shall be deemed to remain open and the governing body may, by resolution, at any later date and without further action by the subdivider, rescind its action and open highways for public use, which same shall be recorded in the official City records.

17.06.030 Final Map Contents Required. Every Final Map shall show all data required for the Tentative Map except contour lines, position of buildings, relationship of highways beyond the area shown on the map and the proposed use of lots, and shall contain, in addition, the following data:

1. The map shall show all details clearly with the necessary information for the intelligent interpretation of the items and location of points, lines, and areas shown. All highways, streets, drives, walks, alleys, bikepaths, open space, parks, easements, and such other matters as may be required by the City Engineer, must be designated, and be definitely established with bearings and distances. The subdivision plat shall show bearings and lengths of all lines and the radius, central angle, length of curve, and tangent length for all curved lines. The calculated closures shall be mathematically exact to the nearest one-hundredth foot, and to one second angle. The scale shall be shown. Lettering shall be a minimum [~~(-)]~~ **0.1** inch. Ties shall be made to USCG control points; or Nevada State Coordinate System points established by the Nevada Department of Transportation (NDOT) or other engineers, whenever these controls are available. The map scale shall not be smaller than one hundred feet to one inch.
2. The location and description of monuments or other evidence found upon the ground and used in determining the boundaries of subdivisions. The exterior boundary of the land included within the subdivision shall be indicated by graphic border and all land within said boundary and boundaries not a part of the subdivision shall be marked "Not a Part". If other subdivisions adjoin, the map shall show sufficient corners of such, adequately identified to locate precisely the limits of the proposed subdivision.
3. The title of the Final Map shall be the name of the subdivision map as it appears on the approved Tentative Map, with all conditions satisfied, and shall be shown together with the scale used on each sheet of the Final Map and the number of the sheet to the total.
4. If any portion of the land within the boundaries of the Final Map is subject to flooding, inundation, storm flow conditions, geologic hazard or other hazard, the land so affected shall be clearly marked by a prominent note on each sheet.
5. A statement indicating whenever private covenants affecting the subdivision are to be recorded.
6. NRS 278.372 states that the map shall show the area of lots in acres if two [~~(2)~~] acres or over and in square feet in less than two [~~(2)~~] acres.
7. All revised sheets shall show the revision date.

17.06.035 Certificates Required. The following certificates and acknowledgments shall appear on the Final Map and may be combined when appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map.
2. A certificate signed and acknowledged as above, offering to dedicate for certain specified public uses those certain parcels of land which the parties desire so to dedicate.
3. A certificate by the surveyor responsible for the survey and Final Map, giving the date of the survey and stating that the survey was made by him or under his direction and that the survey is true and complete as shown, and bearing his registration number and seal.
4. A certificate by the City Engineer stating that he has examined the Final Map, that all provisions of law have been met, and that he is satisfied that the map is technically correct.
5. A certificate for execution by the City Clerk stating that the City has approved the map and accepted (or deferred) on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.
6. A certificate of the Director that the map conforms to the approved Tentative Map and that all conditions imposed upon such approval have been satisfied.
7. Proper certificates of a notary public, authorized to do business in the State of Nevada, as required.
8. Certificate of an authorized employee of the Health Division of the State Department of Health, Welfare, and Rehabilitation, indicating feasibility of a proper and adequate sewage disposal system and domestic water supply system.
9. Division of Water Resources Concerning Water Quantity certificate per NRS 278.377(b).
10. A certificate of title or policy of title insurance issued by a title company authorized by the laws of Nevada, that the map has been examined and that the subdivider offering the same is the owner of all lands so delineated, with the exception of dedicated highways shown to be abutting the land so delineated on the map.

17.06.040 Disapproval of Any Maps, Respective of Any Prior Approval. The Board may, by unanimous vote, disapprove any tentative or Final Map, notwithstanding prior approval by the Commission or any approval by the Board of any Tentative Map.

SECTION II:

That Chapter 18.02 (Administrative Provisions), Section 18.02.035 (Commission/Board Applications) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [stricken] text is deleted):

18.02.035 Commission/Board Applications.

1. Application Deadline. Should a person wish to apply for a Variance, a Special Use Permit, a Zoning Map Amendment, a Master Plan Amendment, Zoning Code Amendment, an abandonment of street or easement, an amendment to this Title, **a tentative subdivision or PUD map,** or an appeal of an administrative decision, a complete application for such

shall be filed with the Director no later than 42 days prior to the Planning Commission meeting at which the application will be heard.

2. Determination of a Complete Application. Within ~~[ten]~~ three working days after the Commission or Board application deadline, the Director shall determine whether the application is complete and forward written notice to the applicant of the determination. If it is determined that the application is not complete, the written notice shall specify the application's deficiencies **and describe the additional information required**. The Director shall take no further action on the application unless the deficiencies are remedied. An incomplete application shall only be scheduled for Commission or Board review upon the submittal of a complete application pursuant to the provisions of this section. If the Director fails to make a determination of completeness within ~~[ten]~~ three working days without the written concurrence of the applicant, the application is deemed complete. A determination of completeness shall not constitute a determination of compliance with other requirements of this title or NRS.
3. Processing of an Application. Following the determination of completeness of an application, the applicant shall tender the application fee. The Director shall review the application and prepare a report for the Commission or Board, as applicable, recommending approval, conditional approval, denial, or continuance for re-design. The Director shall schedule the application for public hearing within the time and in the manner required by this title, NRS, and administrative guidelines.
4. Official Filing Date. The time for processing and acting on Commission and Board applications as established by NRS or this title shall commence on the date that the application is deemed complete and the fees are paid. Material modifications of any application by the applicant following the filing of the application shall reestablish the time for processing and acting on the application upon the Director's determination that the modified application is complete.

SECTION III:

That Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.15 (Manufactured Home Installation Within a Single Family Zoning District) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [stricken] text is deleted):

1.15 Manufactured Home Installation within a Single Family Zoning District.

The following standards shall be used in the review of and the placement of a manufactured home in a Single Family Zoning District.

1. The manufactured home shall be permanently affixed to a residential lot and converted to real property. A foundation permit is required. Foundations are to be designed by a Nevada licensed engineer to meet Carson City's requirements for wind, snow and seismic zone.
2. The manufactured home shall be manufactured within ~~[five—(5)]~~ six years immediately preceding the date on which it is affixed to the single family zoned residential lot.

3. The owner/owner's agent shall provide written and photographic documentation that the manufactured home shall have:
 - a. Siding which is similar in color, material and appearance to the exterior siding primarily used on other single family residential dwellings in the immediate vicinity of the proposed location of the manufactured home.
 - b. Roof pitch/slope, eaves and roof covering which is consistent with those roofs primarily used on other single family residential dwellings in the immediate vicinity of the proposed location of the manufactured home.
 - c. Foundation that is masked architecturally with materials primarily used on other single family residential dwellings in the immediate vicinity of the proposed location of the manufactured home.
4. For the purpose of this chapter, the term "primarily" shall mean "51%" and the term "immediate vicinity" shall mean "within 300 feet" of the subject parcel, excluding commercial, multi-family and industrial development.
5. The manufactured home shall consist of more than one section.
6. The manufactured home shall consist of at least 1,200 square feet of living area.
7. The owner/owner's agent shall provide written documentation that the subject site is not located within:
 - a. An "A" flood zone.
 - b. The Historic District as recognized by Carson City pursuant to NRS 384.005 and NRS 384.100
8. The placement complies with all Covenants, Conditions and Restrictions (CC&R's) of the subdivision where the manufactured home is proposed to be placed. The owner/owner's agent shall provide a copy of the CC&R's or written documentation of the non-existence of CC&R's within the subject area.
9. If there are no single family residential dwelling units in the immediate vicinity, a minimum 4:12 roof pitch/slope is required and a minimum eave length of ~~[twelve]~~ 12 inches [(12")] is required.

SECTION IV:

That Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.11 (Street Vendors) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [stricken] text is deleted):

1.11 Street Vendors.

~~[Street vendors shall be considered in the Downtown Commercial district only after approval of a Special Use Permit by the Commission.]~~ The following minimum standards shall apply to all [such] requests for street vendor ~~[Special Use Permits]~~ **permits**.

- ~~[1. Only businesses licensed to do business within a building in the Downtown Commercial district may request consideration for a street vendor Special Use Permit.]~~
- [2] 1. Street vendors shall be approved at a specific, permanent location.
- [3] 2. Carts used for street vending shall be on wheels and the carts shall not be larger than three feet ~~[(3')]~~ by five feet ~~[(5')]~~.
- [4] 3. Only consumable products may be sold from a street vendor cart.
- [5] 4. If located within a city or state right-of-way, encroachment permits and liability insurance shall be required.
- [6] 5. If adjacent to or in front of a business not their own, the street vendor cart operator shall be responsible for obtaining permission of the affected business and property owner **and shall submit written evidence of such permission.**
- [7] 6. If adjacent to or in front of a property listed in the Carson City Historic District, review, approval and compliance with conditions of the HRC shall be required.
- [8] 7. Electrical and gas services require review and approval of the Building Department and the Fire Marshall.
- [9] 8. Approval of the Health Department is required for all food vendors.
- [10] 9. Other conditions deemed appropriate by the Commission **or Redevelopment Advisory Citizens Committee, as applicable, may be required** to mitigate any adverse impacts to adjoining properties and pedestrians.

SECTION V:

That Chapter 18.16 (Development Standards), Division 2 (Parking and Loading), Section 2.3 (General Parking Requirements) of the Carson City Municipal Code is hereby amended, in part, as follows (**bold, underlined** text is added, [stricken] text is deleted):

2.3 General Parking Requirements

6. Driveways or other areas required to move cars in or out of parking spaces shall not be considered in meeting off-street parking requirements. Tandem spaces shall only be authorized for individual mobile home units within mobile home parks, RV parks and planned unit developments, **or as otherwise specifically permitted by the Development Standards.**

SECTION VI:

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

PROPOSED on Sept. 20, 2007.

PROPOSED BY Supervisor Pete Livermore

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.