

Item # 7B

**City of Carson City
Agenda Report**

Date Submitted: July 29, 2008

Agenda Date Requested: August 7, 2008
Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to adopt Bill No. 128, on second reading, Ordinance No. _____, an ordinance amending Carson City Municipal Code Title 17, Division of Land, Subdivision of Land, Chapter 17.17 Residential Condominiums, Section, 17.17.070 Pace of Conversions by reducing the twice yearly requirement for vacancy rate determination to once yearly; amending Title 18.16, Development Standards, Division 1 Land Use and Site Design, Section 1.1 Architectural Design, 1.1.7 to add language regarding the exclusion of the screening requirement for roof-mounted solar panels; amending Section 1.3 Lighting Standards, 1.3.3(4) to modify light fixture height criteria when adjacent to residential zones; amending Section 1.14 Cornices, Porches and Projections into Setbacks to add language for clarification of encroachments into required setbacks for landing places, outside stairways, railings and guardrails; and amending Development Standards 2 Parking, Division 2.1.12 by deleting the inaccurate term of an Administrative Variance and adding the appropriate terminology of an Administrative Permit; including various technical corrections; and other matters properly related thereto. (File ZCA-08-056)

Staff Summary: The purpose of this Zoning Code Amendment is to delete the requirement for twice yearly vacancy rate determination by the Planning Division per the direction of the Planning Commission which will allow the vacancy rate to be determined by the Planning Division yearly; the inclusion of language specific to roof-mounted solar equipment; the inclusion of a graduated light fixture height requirement for commercial uses adjacent to residential zones; the clarification of text regarding encroachments into required setbacks for landing places, outside stairways, railings and guardrails; and the deletion of the inaccurate term of Administrative Variance and the addition of the appropriate terminology of Administrative Permit associated with drive-thru windows facing a street.

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 June 25, 2008, by a vote of 6 ayes, 0 nays, and 1 absent

Recommended Board Action: I move to adopt Bill No. 128, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code, Section

17.17.070; amending Title 18.16, Development Standards, Division, 1.1.7, 1.3.3(4), 1.14 and 2.1.12 as published on the agenda, including various technical corrections; based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments. See the attached memo and Planning Commission staff report for more explanation.

Applicable Statute, Code, Policy, Rule or Regulation: 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.
2) Deny the amendment

Supporting Material: 1) Ordinance

Prepared By: Janice Brod, Management Assistant I

Reviewed By:



(Planning Director)

Date: 7/28/08



(Development Services Director)

Date: 7/28/08



(City Manager)

Date: 7/29/08



(District Attorney's Office)

Date: 7/29/08

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

BILL NO. 128

ORDINANCE NO. 2008-_____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND AT CHAPTER 17.17 RESIDENTIAL CONDOMINIUMS, SECTION, 17.17.070 PACE OF CONVERSIONS BY REDUCING THE TWICE-YEARLY REQUIREMENT FOR VACANCY RATE DETERMINATION TO ONCE YEARLY; AMENDING TITLE 18.16, DEVELOPMENT STANDARDS DIVISION 1 LAND USE AND SITE DESIGN, SECTIONS 1.1 ARCHITECTURAL DESIGN, 1.1.7 TO ADD LANGUAGE REGARDING THE EXCLUSION OF THE SCREENING REQUIREMENT FOR ROOF-MOUNTED SOLAR PANELS; AMENDING SECTION 1.3 LIGHTING STANDARDS, 1.3.3 GENERAL REQUIREMENTS IN ALL COMMERCIAL AND INDUSTRIAL ZONES 1.3.3(4) TO MODIFY LIGHT FIXTURE HEIGHT CRITERIA WHEN ADJACENT TO RESIDENTIAL ZONES; AMENDING SECTION 1.14 CORNICES, PORCHES AND PROJECTIONS INTO SETBACKS, TO ADD LANGUAGE FOR CLARIFICATION OF ENCROACHMENTS INTO SETBACKS FOR LANDING PLACES, OUTSIDE STAIRWAYS, RAILINGS AND GUARDRAILS; AMENDING DEVELOPMENT STANDARDS DIVISION 2 PARKING AND LOADING, SECTION 2.1 ACCESS/CIRCULATION/PARKING 2.1.12 BY DELETING THE INACCURATE TERM OF AN ADMINISTRATIVE VARIANCE AND ADDING THE APPROPRIATE TERMINOLOGY OF AN ADMINISTRATIVE PERMIT; INCLUDING VARIOUS TECHNICAL CORRECTIONS; AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 17 Division of Land, Subdivision of Land Section 17.17 Residential Condominiums, Section 17.17.070 Pace of Conversions of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to modify the, in part, vacancy rate determination by the Planning Division from twice yearly to once yearly:

17.17.070 Pace of Conversions.

1. This Section applies only to conversions. Multi-unit rental housing shall not be converted into condominiums if the vacancy rate for multi-unit rental housing is lower than 3.25% as determined pursuant to Subsection 3 of this Section per category described below. A conversion which causes the vacancy rate to fall below 3.25% in the appropriate category shall not be permitted. The vacancy rate for each category is to be figured separately.
2. Multi-unit rental housing may be converted into condominiums even if the vacancy rate for the category in which the project falls is less than 3.25%, if 70% of the tenants residing in the rental housing project sign a statement approving of the conversion to condominiums.
3. The **multi-unit rental housing** vacancy rate shall be determined [~~twice-~~ once] yearly by the Planning [~~and Community Development~~] Division [~~on~~] by the 25th day of April [~~and October~~].

4. For the purposes of this Section, two categories of multi-unit rental housing are created. The categories are to be delimited in the following manner:
 - a. The division between the two categories will be based on the dollar value of 25% of the median income (figured on a monthly basis) of a household in Carson City as established by the United States Department of Housing and Urban Development.
 - b. Multi-unit rental housing units with average rents equal to or below this dollar value figure shall be in one category and multi-unit rental housing units with average rents above this dollar value figure shall be in the second category.
 - c. To be eligible to convert in either category, the average rent of all the units must have been in one category for one year prior to date of application for conversion. A developer shall attach to the application for conversion substantiation of rents collected for the year prior to application in the form of accounting records, such as income tax returns or a statement by a certified public account licensed in the State of Nevada.
5. No special use permit application for a condominium conversion shall be accepted for hearing by the Carson City Planning Commission unless the vacancy rate, as determined by this Section, permits conversion; or unless the condominium conversion project falls within the exception of Subsection (2) of this Section. Once a special use permit application for a condominium conversion project has been approved, the approval shall not subsequently be rescinded due to a change in the vacancy rate following the approval. Approval of the special use permit by the Planning Commission, however, shall not obligate the Board of Supervisors to approve any parcel map or subdivision plat pertaining to the conversion project.

SECTION II:

That Chapter 18.16 (Development Standards), Division 1 Land Use and Site Design, Section 1.1. Architecture Design, Section 1.1.7, of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to add language regarding the exclusion of Roof Mounted Solar Panels from the screening requirements and adding the requirement for screening of the mechanical and solar panel supports by appropriate measures:

- 1.1.7 [Roof] **Except as otherwise provided in this section, roof-mounted equipment within commercial, industrial, office, public or multi-family districts shall be screened from view from a public right-of-way and adjacent property through the use of architectural means such as parapet walls and equipment wells. Screening of roof-mounted equipment from view must be integrated into the building design. All equipment shall be located below the highest vertical element of the building. Wall-mounted air conditioning units shall be integrated into the design and/or screened. Roof-mounted solar panels are excluded from the requirement for screening. Roof-mounted mechanical support and accessory mechanical equipment for solar panels shall be screened architecturally and integrated to match the existing roof and/or building materials.**

On sites exhibiting topographic relief effecting visual screening capabilities, site-obscuring screening shall be provided to visually screen the equipment at a minimum of [~~one-hundred feet (100')~~] **100 feet** from the site.

SECTION III:

That Chapter 18.16 (Development Standards), Division 1 Land Use and Site Design, Section 1.3. Lighting Standards, 1.3.3. General Requirements in All Commercial and Industrial Zones, of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted) to modify light fixture height criteria when adjacent to residential zones:

1.3.3 General Requirements in All Commercial and Industrial Zones.

Light. All nonresidential uses shall provide lighting within public parking areas and access ways to provide safety and security. All light sources shall be located and installed in such a way as to prevent spillover lighting onto adjoining properties and glare to the sky. The following provisions shall apply to all proposed development:

1. Any lighting facilities shall be so installed as to project light downward and away from adjoining properties and glare to the sky, with the exception of accent lighting, which is limited to a maximum upward angle of 45 degrees. Site lighting trespass onto adjacent locations and the night sky shall be minimized. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover. All light fixtures, except street lights, shall be located, aimed or shielded so as to minimize stray light trespassing beyond property boundaries.
2. All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is installed as designed. Fixtures, which are International Dark Sky Association approved such as Dark Sky Friendly or equivalent, with full cutoff lighting for area and wall pack fixtures are recommended. Sag, convex, drop lenses and luminaries with open bulbs are prohibited.
3. If elevations of buildings are proposed for accent illumination, drawings and a photometric plan shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations and the aiming points. The maximum upward angle is 45 degrees.
4. Light standards, light poles and wall pack lighting **adjacent to residential zones** shall **be limited in height as follows: Fixtures shall not exceed an overall height of 12 feet [~~in overall height~~] within 75 [~~100~~] feet, 16 feet within 100 feet, 20 feet within 125 feet, 24 feet within 150 feet and 28 feet within 175 feet** of property line, or center of street, whichever is closer, **when** adjacent to residential zones. Additional height may be permitted by the Director provided such lights are a sharp cutoff lighting system. Illumination levels at the property line of a project shall be reduced

by the use of house side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the project.

5. No permanent rotating searchlights shall be permitted in any regulatory zone, except that an Administrative Permit may be issued by the Director for a period not to exceed three days for a temporary searchlight. The Administrative Permit shall be limited to a minimum of three times in one calendar year. This prohibition shall not apply to the Carson City Airport.
6. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. A photometric plan is required on all projects with building size of 50,000 square feet or larger and may also be required at the discretion of the Director.
7. For all projects where the total initial output of the proposed lighting equals or exceed 100,000 lumen, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted and reviewed, approval for use of a certificate of occupancy shall not be issued for the project.
8. Exterior lighting installations shall include timers, dimmers, sensors or photocell controllers that turn the lights off during daylight hours or when lighting is not needed, which will reduce unnecessary lighting, as practical. Businesses are encouraged to turn lighting down or off when businesses are not open.
9. Glare. Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided by incorporating overhangs and awnings, using building materials and colors which are less reflective for exterior walls and roof surfaces, controlling angles of reflection and placing landscaping and screening in appropriate locations.

SECTION IV:

That Chapter 18.16 (Development Standards), Division 1 Land Use and Site Design, Section 1.14 Cornices, Porches and Projections into Setbacks of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to clarify encroachments into required setbacks for landing places, outside stairways, railings and guardrails and to clarify eaves may encroach up to three feet only over stairways, railings and guardrails which are also encroaching:

1.14 Cornices, Porches and Projections into Setbacks.

1. Cornices, eaves, canopies, fireplaces, decks 30 inches high or less, bay windows and similar architectural features, but not including flat walls, may extend into any required setback a distance not to exceed two feet.

2. Uncovered porches [~~landing places or outside stairways~~] may project not more than three feet into any required side yard setback, and not more than six feet into any required front or rear yard setback. Unenclosed covered porches with decks 30 inches high or less may project into the front yard setback no more than eight feet provided they are no less than five feet from a front or street side property line; and do not impede sight distance area. All construction must comply with the Building Code currently adopted by Carson City.

3. **Landing places, outside stairways, railings and guardrails may project not more than three feet into any required front, side, street side or rear yard setback. Eaves over the encroaching landing places, outside stairways, railings or guardrails may extend, only over areas of encroachment, up to a maximum of three feet into any required front, side, street side or rear yard setback.**

SECTION V:

That Chapter 18.16 (Development Standards), Division 2 Parking and Loading, Section 2.1 Access/Circulation/Parking, Subsection 2.1.12 of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to delete the inaccurate terminology of Administrative Variance and adding the appropriate terminology of Administrative Permit.

- 2.1.12. Drive-thru windows shall not front a street. If unavoidable due to site constraints, an Administrative **Permit** [~~Variance~~] application shall be required to address screening with landscape berms, or other mitigation. Holding/stacking lanes shall be a minimum of 80 feet for drive-thru windows.

SECTION VI:

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

PROPOSED on _____, 2008.

PROPOSED BY Supervisor _____

PASSED _____, 2008.

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 2008.