#6

City of Carson City
Agenda Report

Date Submitted: November 10, 2008

Agenda Date Requested: November 20, 2008
Time Requested: 10 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 the Carson City Municipal Code Title 18 Zoning, Chapter 18.02.080 Special Use Permit (Conditional Uses), to allow the Planning Commission to extend the expiration date of Special Use Permit approvals; amending Chapter 18.02.085 Variances, to allow the Planning Commission to extend the expiration date of Variance approvals; amending Chapter 18.05 General Provisions, Section 18.05.055 Accessory Structures, to clarify when an Administrative Permit is required; amending Chapter 18.16 Development Standards Division 1 Land Use Site and Design, Section 1.17 Multi-Family Apartment Development Standards to modify and clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 units or less; amending Development Standards Division 1.18 Residential Development Standards in Non-Residential Districts to modify and clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 units or less; amending Development Standards Division 2 Parking and Loading, Section 2.3 General Parking Requirements to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities; and making various technical corrections and other matters properly related thereto. (ZCA-08-095)

Staff Summary: The proposed amendments would allow the Planning Commission to extend the expiration period for Special Use Permits and Variances beyond the present maximum of two years; amendment to 18.05.055 is to clarify when an Administrative Permit is required for accessory structures; amendment to DS 1.17 is to clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 units or less; amendment to DS 1.18 is to clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 units or less and amendment to DS 2.3 is to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities.

Type of Action Requested:

( ) Resolution
( ) Formal Action/Motion
(X) Ordinance-First Reading
( ) Other (Specify)

Does This Action Require A Business Impact Statement: ( ) Yes (X) No

Planning Commission Action: Recommended approval on October 29, 2008 by a vote of 7 Ayes, 0 Nays and 0 Absent.

Recommended Board Action: "I move to introduce, on first reading, Bill No._____, an ordinance amending various portions the Carson City Municipal Code, Title 18, including amendments relating to the provisions for Special Use Permits, Variances, Accessory Structures, Multi Family Apartment Development Standards, Multi Family Apartment Development Standards in Non-Residential Districts, General Parking Requirements and including various technical corrections, as published on the agenda, 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 back to staff and Planning Commission for further review
2) Deny

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

Prepared By: Janice Brod, Management Assistant I

Reviewed By:

_____ Date: 11/10/08
(Planning Division Director)

_____ Date: 11/10/08
(Development Services Director)

_____ Date: 11-10-08
(City Manager)

_____ Date: 11-10-08
(District Attorney's Office)

Board Action Taken:

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

_____
(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2008-_____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, BY AMENDING SECTION 18.02.080, SPECIAL USE PERMIT (CONDITIONAL USES), TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF SPECIAL USE PERMIT APPROVALS; BY AMENDING SECTION 18.02.085, VARIANCES, TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF VARIANCE APPROVALS; CHAPTER 18.05, GENERAL PROVISIONS, BY AMENDING SECTION 18.05.055, ACCESSORY STRUCTURES, TO CLARIFY WHEN AN ADMINISTRATIVE PERMIT IS REQUIRED; CHAPTER 18.16, DEVEPLOPMENT STANDARDS DIVISION 1 LAND USE SITE AND DESIGN, BY AMENDING SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI FAMILY APARTMENT UNITS, SPECIFICALLY PROJECTS OF 10 DWELLING UNITS OR LESS; CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 1 LAND USE SITE AND DESIGN, BY AMENDING SECTION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI FAMILY APARTMENT UNITS, SPECIFICALLY PROJECTS OF 10 DWELLING UNITS OR LESS; CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 2 PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES; AND MAKING VARIOUS TECHNICAL CORRECTIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That Section 18.02.080 of the Carson City Municipal Code is hereby amended as follows:

18.02.080 Special Use Permit (Conditional Uses).

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a Special Use Permit for any conditional use.

2. Application Requirements. Before a Special Use Permit may be considered for approval:

   a. The applicant shall file with the Planning [~~and Community Development Department~~] **Division** plans showing the applicant's intent and meeting the

requirements for a complete application, including a signature of at least one owner of record of the subject property. The detailed site plan will include a landscaping plan conceptually designed in accordance with the requirements listed in Division 3, Landscaping, of the Development Standards.

b. The proposed use shall be listed as a conditional use in the land use district or shall be a similar use not listed. The Director shall determine whether or not a use not included as a conditional use is a similar use that does not deviate from the pattern of other conditional uses in that land use district and complies with that district's purpose statement.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this Title.

4. Hearing.

a. The Commission shall hold a public hearing, not later than 65 days after acceptance of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to Title 18 (Notice).

b. The Commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed Special Use [~~p~~] **P**ermit.

5. Findings. Findings from a preponderance of evidence must indicate that the proposed use:

a. Will be consistent with the objectives of the Master Plan elements;

b. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity;

c. Will have little or no detrimental effect on vehicular or pedestrian traffic;

d. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements;

e. Meets the definition and specific standards set forth elsewhere in this Title for such particular use and meets the purpose statement of that district;

f. Will not be detrimental to the public health, safety, convenience and welfare; and

g. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.

h. The applicant for a Special Use Permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed Special Use Permit. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission and the Board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this Section.

6. Decision.

a. Following the public hearing, the Commission shall determine if there is a preponderance of evidence in the record to support the findings required by this Section and shall approve, conditionally approve, modify, continue within allowed time frames or deny the Special Use Permit request.

b. The applicant may request a continuance of any application for a Special Use Permit to a future meeting. A continuance suspends the time lines established in NRS and this code.

7. Conditions of Approval. The Commission, in approving any Special Use Permit, may require certain conditions under which the lot or parcel may be used or the building constructed if, in such Commission's opinion, the use will otherwise be incompatible with other existing and potential uses within the same general area or will constitute a nuisance or will overburden public services, improvements or facilities. Standard Conditions of Approval are found in section 18.02.105.

8. Expiration; Revocation.

a. Where a use permitted by an approved Special Use Permit is not made on the property within 12 months from the date of approval, **unless additional time is granted by the Commission based upon consideration of the specific circumstances of the project,** then without further action, the Special Use Permit shall be null and void and such use shall not be made of the property except upon the granting of a new Special Use Permit.

b. A Special Use Permit is void one year after the activity granted by such Special Use Permit is discontinued.

c. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Special Use Permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request [~~one single~~] **an** extension of the expiration date [~~for a period of not to exceed 12 calendar months from the original date of expiration~~]. The written request for an extension shall be received by the Planning [~~and Community Development Department~~] **Division** 30 days prior to the expiration date **and shall state the reason for the extension**. The Director may approve a one year extension **from the original date of Special Use Permit expiration** with the option of Commission review. **The Commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the Special Use Permit and may be subject to the imposition of additional conditions by the Commission to ensure that the**

activity permitted by the Special Use Permit does not adversely impact other properties in the area or the public interest.

d. A Special Use Permit shall be, upon violation, subject to revocation or amendment by the Commission.

SECTION II:

That Section 18.02.085 of the Carson City Municipal Code is hereby amended as follows:

18.02.085 Variances.

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a Variance.

2. Application Requirements.

   a. Any person requesting a Variance shall file a complete application signed by at least one owner of record of the subject property with the Planning [~~and Community Development Department.~~] **Division.** Such application shall include the information, site plans and other materials determined by the Director to be necessary to support the requirements of this Section.

   b. The applicant for a Variance shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed Variance. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission and, if on appeal, by the Board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this Section.

   c. The Commission and Board shall determine if the information presented by a preponderance of the evidence supports their decisions.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this Title.

4. Hearing.

   a. The Commission shall hold a public hearing, not later than 65 days after the acceptance of the complete application.

   b. The Commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the Variance.

5. Findings.

   a. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of

privileges enjoyed by other properties in the vicinity or under identical zone classification;

b. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant;

c. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

6. Decision.

a. Following the public hearing, the Commission shall determine if there is adequate evidence in the record to support the findings required by this Section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the Variance request.

b. The applicant may request a continuance of any application for a Variance to a future meeting. A continuance suspends the time lines established in NRS and this code.

7. Conditions of Approval.

a. The Commission, in approving any Variance, may require conditions under which the lot or parcel may be used or the building constructed which, in such Commission's opinion will prevent material damage or prejudice to adjacent properties. Standard Conditions of Approval are found in section 18.02.105.

b. Before a Variance shall be granted, the applicant shall sign an agreement to fulfill all conditions established by the City.

8. Expiration.

a. Where an approved Variance is not developed or exercised within 12 months of the date of approval, **unless additional time is granted by the Commission based upon consideration of the specific circumstances of the project,** then without further action, the permit shall be null and void and such development activity shall not be made of the property except on the granting of a new Variance permit.

b. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Variance conditions and construct or commence the project prior to the expiration date, the applicant may request in writing [~~one single~~] **an** extension of the expiration date [~~for a period of not to exceed 12 calendar months from the original date of expiration~~]. The written request for an extension shall be received by the Director 30 days prior to the expiration date **and shall state the reason for the extension**. The Director may approve a one year extension **from the original date of Variance expiration** with the option of Commission review. **The Commission may approve additional extensions of**

time subject to the consideration of the continued appropriateness of the Variance and may be subject to the imposition of additional conditions by the Commission to ensure that the project permitted by the Variance does not adversely impact other properties in the area or the public interest.

9. Limitations on Variances.

No variance shall be granted that allows a land use prohibited in the zoning district in which it is located or that changes any boundary of the district; nor shall any variance be granted that changes the permitted residential density of a zoning district.

SECTION III:

That Section 18.05.055 of the Carson City Municipal Code is hereby amended as follows:

18.05.055 Accessory Structures.

1. It shall be unlawful to construct, erect or locate in any residential district, private garages or other accessory buildings without a permissive main building, except: a temporary building may be constructed and occupied as a legal use pending the construction of a permanent use providing that no permit shall be issued for such temporary structure unless a permit also be issued at the same time for the permanent building. If it be proposed to convert said temporary structure to a permissive accessory use upon completion of the main structure, said conversion shall occur upon completion of the final structure or be removed at that time or within a period of one year from the date of issuance of original permit.

2. A detached accessory structure not exceeding 120 square feet in area and not exceeding 15 feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A within required side and rear yard setbacks provided such structure, eaves and other projections are at least three feet from property line, and the accessory structure is allowed in the zoning district where it is proposed.

3. A detached accessory structure 120 square feet in area up to 400 square feet in area and not exceeding 15 feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A, within required side and rear yard setbacks, provided such structure, eaves and other projections are at least five feet from property lines, and the accessory structure is allowed in the zoning district where it is proposed. All accessory structures exceeding 400 square feet in area in all residential districts must meet standard zoning setback requirements.

4. On a corner lot facing two streets, no accessory building shall be erected so as to encroach upon the front or street side yard setbacks.

5. If an accessory building is connected to the main building by a breezeway or other structure, which is not habitable space as defined by the Building Code currently adopted by Carson City, each structure shall meet full yard setback requirements for that

district and shall be considered an accessory building and a main structure for calculation of square footage of accessory structures.

6. A detached accessory structure shall be located not closer to any other building on the same or adjoining lot than allowed by the Building Code and Fire Code as currently adopted by Carson City.

7. The cumulative square footage of the accessory building(s) or accessory structure(s) is limited to 50[~~-75~~]% of the total square footage of the primary building excluding the basement. [~~, unless otherwise approved by Administrative Permit.~~] **If the cumulative square footage of the accessory building(s) or accessory structure(s) is more than 50% and not greater than 75% of the total square footage of the primary building excluding the basement approval by Administrative Permit is required.** If the cumulative square footage of the accessory building(s) or accessory structure(s) exceeds 75% of the total square footage of the primary building excluding the basement approval by Special Use Permit is required. Accessory farm building(s) or structure(s) may be excluded from additional review as provided under Title 18.05.050 Accessory Farm Structures.

8. Accessory structure(s) shall not exceed 5% of the parcel size on parcels 21,000 square feet or larger, unless approved prior to issuance of a building permit by Special Use Permit.

9. Accessory Farm Structures exceeding 5% of the parcel size on parcels zoned one acre or larger may be exempted under Title 18.05.050 Accessory Farm Structures from Special Use Permit approval requirements.

10. A maximum of five parking bays within detached accessory structure(s) are allowed on the same lot unless approved prior to issuance of a building permit by approval of a Special Use Permit.

SECTION IV:

That Section 1.17 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

1.17 Multi-Family Apartment Development Standards.

The following standards are intended to establish minimum standards for residential development within the Multi-Family Apartment (MFA) zoning district.

1. Maximum permitted density:

    a. For one-bedroom or studio units, one unit per 1,200 square feet of area.

    b. For two or more bedroom units, one unit per 1,500 square feet of area.

2. Maximum building height: 45 feet.

3. Setbacks:

   a. Front yard: 10 feet, plus an additional 10 feet for each story above two stories; minimum driveway approach from property line to garage doors is 20 feet.

   b. Side yard: 10 feet for external project boundaries; minimum 10 feet between residential structures for internal setbacks. Where a side yard is adjacent to a single-family zoning district, an additional 10 feet is required for each story above one story.

   c. Street side yard: 10 feet, plus an additional 5 feet for each story above two stories; minimum driveway approach from property line to garage doors is 20 feet.

   d. Rear yard: 20 feet. Where a rear yard is adjacent to a single-family zoning district, an additional 10 feet is required for each story above one story.

4. Required parking: Two spaces per dwelling unit; and in compliance with the Development Standards Division 2, Parking and Loading.

5. Open Space:

   a. A minimum of 150 square feet per dwelling unit of common open space must be provided. **For projects of 10 or more units,** [~~Areas~~] **areas** of common open space may **only** include contiguous landscaped areas with no dimension less than 15 feet**,** [~~.~~] **and** [~~A~~] **a** minimum of 100 square feet per unit of the common open space area must be designed for recreation, which may include but not be limited to picnic areas, sports courts, a softscape surface covered with turf, sand or similar materials acceptable for use by young children, including play equipment and trees, with no dimension less than 25 feet.

   b. A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or [~~included in the~~] common open space [~~area~~].

   c. Front and street side yard setback areas may not be included toward meeting the open space requirements.

6. Landscaping. Landscaping shall comply with the Development Standards Division 3, Landscaping.

SECTION V:

That Section 1.18 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

1.18 Residential Development Standards in Non-Residential Districts.

The following standards are intended to establish minimum standards and Special Use Permit review criteria for residential development within the Neighborhood Business (NB), Retail Commercial (RC), General Commercial (GC), Residential Office (RO) and General Office (GO) zoning districts.

1. Permitted uses. Residential uses are only allowed as permitted by Chapter 18.04, Use Districts, as a primary or conditional use in the applicable zoning districts.

2. Maximum permitted density. There is no maximum residential density within non-residential zoning districts subject to meeting the height, setback, parking and open space requirements of this chapter.

3. Maximum building height shall be the maximum height established by the zoning district in which the project is located.

4. Setbacks. Minimum setbacks shall be those established by the zoning district in which the project is located, subject to the following:

    a. In the NB, RC, GC and GO zoning districts, a minimum setback of 20 feet is required adjacent to a residential zoning district, with an additional 10 feet for each story above one story if adjacent to a single-family zoning district.

    b. A minimum setback of 10 feet is required from the right-of-way of an arterial street as identified in the adopted Transportation Master Plan, excluding the Downtown Mixed-Use area.

5. Required parking: Two spaces per dwelling unit; and in compliance with the Development Standards Division 2, Parking and Loading.

6. Open Space.

    a. A minimum of 150 square feet per dwelling unit of common open space must be provided. **For projects of 10 or more units,** [~~Areas~~] **areas** of common open space may **only** include contiguous landscaped areas with no dimension less than 15 feet**,** [~~.~~] **and** [~~A~~] **a** minimum of 100 square feet per unit of the common open space area must be designed for recreation, which may include but not be limited to picnic areas, sports courts, a softscape surface covered with turf, sand or similar materials acceptable for use by young children, including play equipment and trees, with no dimension less than 25 feet.

    b. A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or [~~included in the~~] common open space [~~area~~].

    c. Front and street side yard setback areas may not be included toward meeting the open space requirements.

7. Landscaping. Landscaping shall comply with the Carson City Development Standards Division 3, Landscaping.

8. Special Use Permit review standards. Where a residential use is a conditional use within a given zoning district, the Planning Commission shall make two of the following findings in the affirmative in the review of the Special Use Permit in addition to the required findings of Section 18.02.080 of the Carson City Municipal Code.

    a. The development is not situated on a primary commercial arterial street frontage.

    b. The development is integrated into a mixed-use development that includes commercial development

    c. The applicant has provided evidence that the site is not a viable location for commercial uses.

    d. The site is designated Mixed-Use Commercial, Mixed-Use Residential or Mixed-Use Employment on the Master Plan Land Use Map and the project meets all applicable mixed-use criteria and standards.

SECTION VI:

That Section 2.3 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

2.3 General Parking Requirements.

1. Any off-street parking area which abuts or faces a single-family, two-family, or multi-family residential district or residential use shall provide screening meeting the Director's approval along the side abutting or fronting on such residential district or use.

2. In residential and office districts, required parking for residential uses may be located within the front and/or street side yard setback outside of sight distance clearance area. All other uses may provide parking lots in the front or street side yards, provided said parking lot is located at least six feet behind the front and street side property lines, meets sight distance requirements, and provided the area between the parking lot and the property line is landscaped and is not surfaced in whole or in part with concrete, asphalt or other surface material except to provide driveway access to the parking area and walkways. In all other zoning districts, parking lots are not required to be set back from property lines unless required to do so by use or variance permit conditions. Sight distance requirements must be met in all zoning districts.

3. Businesses with parking lots are required to provide a lot with a hard surface such as asphalt, concrete, turf stone type pavers or other material approved by the Director. Gravel and other similar materials are permitted for storage and display areas only.

4. If there is no parking area available on the building site, off-street parking as required by this Division may be provided on a parcel within 300 feet of the building site upon first securing a Special Use Permit in each case. Upon submittal of accredited

documentation (e.g. ITE or the latest version of Smart Growth Parking Best Practices), the Director may accept a modification of the distance criteria as specified herein and parking solution provided, or may request Commission approval of such a modification.

5. Parking areas shall be used solely for automobile parking with no permanent sales, storage of inoperable, unlicensed vehicles, repair work, dismantling or servicing of any kind. Parking areas shall not be used for overnight sleeping or camping.

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.

7. When the required number of off-street spaces results in a fractional space, fractions up to one-half shall be disregarded, and fractions one-half and over shall require an additional space.

8. Open parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking of guests.

9. No truck, commercial trailer or vehicular equipment of a commercial or industrial nature shall be parked in any district except:

    a. Where permitted as a use in a zoning district; or

    b. A commercial panel van or pickup truck, when used for personal transportation;

    c. On residential parcels one acre or larger in size, a commercial panel van or pickup truck is permitted with height not to exceed 10 feet; length not to exceed 22 feet; and shall not be parked within a setback area. Vehicles shall be screened from view from any sidewalk, roadway or adjacent parcel;

    d. When a person is engaged in the restoration of a vehicle of historic significance and that vehicle is not being used for commercial purposes.

    e. For the purpose of active loading and unloading passengers, materials or merchandise, or for a lawful construction project or professional service or maintenance within the immediate vicinity during active construction, service or maintenance.

10. No parking of trailers or vehicles larger than a commercial panel van or pickup truck within a public right-of-way shall be permitted within any district, except as specified in 9, directly above.

11. Owners of public and private parking lots shall not allow recreational vehicles to park and to be occupied for living and/or sleeping purposes.

12. Recreational vehicles shall not be parked for living purposes except in approved recreational vehicle parks or where authorized in accord with CCMC 18.05 (Trailers, Mobilehomes, RV's and Commercial Coaches).

13. When an existing building or buildings within the Residential Office, General Office or Redevelopment District are converted to a use requiring more parking than the existing use, on-street curb parking may be considered as part of the required parking, provided all of the following are met:

    a. Adequate off-street space is not available, or the Commission determines that strict compliance with requirements would adversely affect the character of the neighborhood;

    b. At least 50% of the required parking shall be provided off street;

    c. Allowable on-street parking shall be restricted to 50% curb parking space adjacent to the exterior boundaries of the subject property;

    d. On-street parking may not be deducted from the total off-street parking requirements for car, truck or trailer rental agencies or property zoned air industrial park;

    e. Allowable on-street parking may not be located upon streets which are designated as arterials in the Master Plan;

    f. All required parking for new construction must be located off street.

14. When ongoing maintenance requires the restriping or altering of a parking lot, no changes shall be allowed without the approval of the Director.

SECTION VII:

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.

NOTE: POST-P.C. MEETING COMMENTS REC'D 10/30/08

From: John Eiche <eiche@charter.net>
To: <JPruitt@ci.carson-city.nv.us>, <LPlemel@ci.carson-city.nv.us>, <WSulliv...
Date: 10/30/2008 1:38 PM
Subject: Carson City Municipal Code Amendment

To: Ms. Jennifer Pruitt, Principal Planner; Mr. Walter Sullivan, Development Services Director, Mr. Lee Plemel, Carson City Planning Division Director

* Please consider this email notification that correspondence from me or returned to me shall be addressed to:* eiche@charter.net <mailto:eiche@charter.net>.

*Recently I was informed not to use State Equipment for none official business. This was a result of comments I sent to Jennifer Pruitt regarding the recently proposed amendment modification (Title 18 Zoning), the comments were sent using the NDOT mail Server. Gregory Petersen (Petersen Plumbing) called the Director of NDOT, Susan Martinovich, and informed her of my inappropriate use of the equipment. I am in no way downplaying my lack of integrity nor the fact that I should not have used State Equipment to communicate with the **Carson City** Planning Division.

*

*This is another example of Mr. Petersen retaliating against me for submitting written complaints to Carson City Code Enforcement demanding Mr. Petersen obey the Municipal Codes of Carson City and not park the Petersen Plumbing truck illegally in the residential neighborhood. As retaliation to my written complaint, Mr. Petersen called my wife at work, threatening her with the statement "your life will get worse before it gets better if you don't have your husband withdraw the complaint against me having my truck parked in the neighborhood". **Eventually Mr. Petersen was served with a citation and fined $150** for illegally parking his truck and was also served an Extended (1 year) Stalking and Restraining Order, for harassing my wife. Mr. Petersen has continued to cause turmoil in the neighborhood; he'll be in court again for charges of "Disturbing the Peace" and "**Battery**" against me.

*

*I'm afraid that the proposed change to the Municipal Code (an exception to commercial vehicle parking in residential districts for deliveries and similar activities) requested by Mr. Sullivan and Mr. Plemel at Mr. Petersen's request would or could renew the parking of his commercial vehicle in the neighborhood again. I certainly hope this is not true. It's been a pleasure to come home and not see the billboard that is painted on the side of Petersen Plumbing's truck parked in front of my house or hearing the Petersen Plumbing truck driving by our house all hours of the day or night. I did not attend the Planning Commission meeting held on October 29^th , I felt that if the proposed amendment was backed by Mr. Sullivan and Mr. Plemel, my voice wouldn't have mattered. *

*This email was not meant for anyone to pick sides; it was intended to make all of you aware of this man's determination to disrupt the lives

of anyone who gets in his way.
*

*Thank you for time,
*

*John Eiche
1100 Crain Circle
Carson City, NV
720-2070
*

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: October 29, 2008 **AGENDA ITEM NO.: H-5**

APPLICANT(s) NAME: Carson City **FILE NO. ZCA-08-095**
PROPERTY OWNER(s): N/A

ASSESSOR PARCEL NO(s): N/A
ADDRESS: N/A

APPLICANT'S REQUEST: Action to consider an ordinance amending the Carson City Municipal Code Title 18 Zoning, Chapter 18.02.080 Special Use Permit (Conditional Uses), to allow the Planning Commission to extend the expiration date of Special Use Permit approvals; amending Chapter 18.02.085 Variances, to allow the Planning Commission to extend the expiration date of Variance approvals; amending Chapter 18.05 General Provisions, Section 18.05.055 Accessory Structures, to clarify when an Administrative Permit is required; amending Chapter 18.16 Development Standards Division 1 Land Use Site and Design, Section 1.17 Multi-Family Apartment Development Standards to modify and clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 or more units; amending Development Standards Division 1.18 Residential Development Standards in Non-Residential Districts to modify and clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 or more units; amending Development Standards Division 2 Parking and Loading, Section 2.3 General Parking Requirements to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities; and making various technical corrections and other matters properly related thereto.

COMMISSIONERS PRESENT: [X] PEERY [X] KIMBROUGH [X] BISBEE

[X] MULLET [X] REYNOLDS [X] VANCE [X] WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt/Lee Plemel **[X] REPORT ATTACHED**
STAFF RECOMMENDATION: [X] APPROVAL
APPLICANT REPRESENTED BY: Staff

_X_ APPLICANT/AGENT WAS PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE/SHE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

No persons spoke in favor or in opposition of the proposal.

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Michael Alonzo: Would like clarification that the Planning Commission could approve an extension with the original approval.

Jed Block: Concern with extending standard Special Use Permit/Variance approval times.

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED

MOVED: Reynolds **SECOND:** Wendell **PASSED:** 7/AYE 0/NO 0/ABSTAIN 0/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS **DATE:** November 20, 2008

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF OCTOBER 29, 2008

FILE NO: ZCA-08-095 **AGENDA ITEM: H-5**

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

APPLICANT: Carson City Planning Division

SUBJECT: A Zoning Code Amendment to modify the Carson City Municipal Code (CCMC) Title 18, Title 18 Zoning, Chapter 18.02.080 Special Use Permit (Conditional Uses), Chapter 18.02.085 Variances, Chapter 18.05 General Provisions, Section 18.05.055 Accessory Structures, Chapter 18.16 Development Standards Division 1 Land Use Site and Design, Section 1.17 Multi-Family Apartment Development Standards, Development Standards Division 1.18 Residential Development Standards in Non-Residential Districts and Development Standards Division 2 Parking and Loading, Section 2.3 General Parking Requirements.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-08-095, a Zoning Code Amendment amending various portions the Carson City Municipal Code, Title 18, including amendments relating to the provisions for Special Use Permits, Variances, Accessory Structures, Multi Family Apartment Development Standards, Multi Family Apartment Development Standards in Non-Residential Districts, General Parking Requirements and including various technical corrections, as published on the agenda, based on the findings contained in the staff report."

DISCUSSION:
The purpose of the above mentioned Zoning Code Amendment is to accomplish the following:

1. To allow the Planning Commission to extend the expiration date of Special Use Permit (SUP) approvals;

    - This amendment will add a procedure to the CCMC that will permit the Planning Commission to extend the expiration date of a Special Use Permit approval on a case by case basis. Currently the CCMC has no mechanism to allow for an extension other than the one year extension identified in the municipal code. Such an extension may be necessary in some instances, such as when a Special Use Permit application is processed concurrently with a subdivision map that may extend beyond two years.

2. To allow the Planning Commission to extend the expiration date of Variance approvals;

    - This amendment will add a procedure to the CCMC that will permit the Planning Commission to extend the expiration date of a Variance approval on a case by case basis. Currently the CCMC has no mechanism to allow for an extension other than the one year extension identified in the municipal code. Such an extension may be necessary in some instances, such as when a Variance application is processed concurrently with a subdivision map that may extend beyond two years.

3. To clarify when an Administrative Permit is required as it related to accessory structures;

- This amendment will clarify the language associated with accessory structures and when an Administrative Permit is required. The amendment will not result in a change of policy or an additional review process associated with accessory structures.

4. To modify and clarify the required open space criteria for Multi Family Apartment units, specifically for projects of 10 dwelling units or less.

   - The proposed amendment will allow for flexibility of the dimension criteria for the smaller project projects of 10 dwelling units or less. The current dimensional standard has been proven to be impracticable and in conflict with the open space criteria for a project of 10 dwelling units or less. Smaller projects require smaller opens space and the dimensional criteria can be unachievable. This amendment will **not** result in a reduction of the overall required open space for a multi family project.

5. To modify and clarify the required open space criteria for Multi Family Apartment units in Non-Residential Districts, specifically for projects of 10 dwelling units or less.

   - The open space requirement for non-residential districts is proposed to change consistent with the above-noted change to the MFA standards.

6. To add an exception to commercial vehicle parking in residential districts for deliveries and similar activities.

   - This amendment will add language to the CCMC that will allow for parking of truck, commercial trailer or vehicle equipment of a commercial or industrial nature in residential districts for deliveries and similar activities. Currently the CCMC has no mechanism to allow for such parking, specifically for the active loading and unloading of passengers, (materials or merchandise) or for construction projects or professional services or maintenance within the immediate vicinity during the active construction, service or maintenance.

The proposed amendments make several points of clarification to Title 18 and Development Standards of the Carson City Municipal Code as identified in the attached draft ordinance. The Planning Division staff has thoroughly reviewed the Carson City Municipal Code in its entirety and prepared this Zoning Code Change which will result in a code that is consistent in the language specific to Special Use Permits, Variances, when accessory structures require Administrative Permits, Multi Family Open Space Criteria and an exception to commercial vehicle parking in residential districts for deliveries and similar activities.

PUBLIC NOTIFICATION REQUIREMENTS: 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 October 29, 2008, 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 other city department comments were received.

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

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments and Zoning Code Amendments.

The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment shall make the following findings of fact:

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 providing clarification of the provisions of the specific sections of the code and better facilitating the review of Planning Division applications and process.

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 changed to the code that would have an impact on permitted uses. The proposed changes are for code clarification and are primarily procedural in nature. Therefore, the proposed amendments will have no detrimental impacts 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 amendments will have no impact on existing or planned public services or facilities since the changes are merely administrative in nature and will have no impact on any physical facilities within the city.

Attachment:
1) Draft ordinance

Respectfully Submitted,
DEVELOPMENT SERVICES, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

BILL NO. _____ DRAFT

ORDINANCE NO. 2008-_____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, BY AMENDING SECTION 18.02.080, SPECIAL USE PERMIT (CONDITIONAL USES), TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF SPECIAL USE PERMIT APPROVALS; BY AMENDING SECTION 18.02.085, VARIANCES, TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF VARIANCE APPROVALS; CHAPTER 18.05, GENERAL PROVISIONS, BY AMENDING SECTION 18.05.055, ACCESSORY STRUCTURES, TO CLARIFY WHEN AN ADMINISTRATIVE PERMIT IS REQUIRED; CHAPTER 18.16, DEVEPLOPMENT STANDARDS DIVISION 1 LAND USE SITE AND DESIGN, BY AMENDING SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI FAMILY APARTMENT UNITS, SPECIFICALLY PROJECTS OF 10 DWELLING UNITS OR LESS; CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 1 LAND USE SITE AND DESIGN, BY AMENDING SECTION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI FAMILY APARTMENT UNITS, SPECIFICALLY PROJECTS OF 10 DWELLING UNITS OR LESS; CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 2 PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES; AND MAKING VARIOUS TECHNICAL CORRECTIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That Section 18.02.080 of the Carson City Municipal Code is hereby amended as follows:

18.02.080 Special Use Permit (Conditional Uses).

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a Special Use Permit for any conditional use.

2. Application Requirements. Before a Special Use Permit may be considered for approval:

   a. The applicant shall file with the Planning [~~and Community Development Department~~] **Division** plans showing the applicant's intent and meeting the

requirements for a complete application, including a signature of at least one owner of record of the subject property. The detailed site plan will include a landscaping plan conceptually designed in accordance with the requirements listed in Division 3, Landscaping, of the Development Standards.

b. The proposed use shall be listed as a conditional use in the land use district or shall be a similar use not listed. The Director shall determine whether or not a use not included as a conditional use is a similar use that does not deviate from the pattern of other conditional uses in that land use district and complies with that district's purpose statement.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this Title.

4. Hearing.

a. The Commission shall hold a public hearing, not later than 65 days after acceptance of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to Title 18 (Notice).

b. The Commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed Special Use [~~p~~] **P**ermit.

5. Findings. Findings from a preponderance of evidence must indicate that the proposed use:

a. Will be consistent with the objectives of the Master Plan elements;

b. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity;

c. Will have little or no detrimental effect on vehicular or pedestrian traffic;

d. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements;

e. Meets the definition and specific standards set forth elsewhere in this Title for such particular use and meets the purpose statement of that district;

f. Will not be detrimental to the public health, safety, convenience and welfare; and

g. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.

h. The applicant for a Special Use Permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed Special Use Permit. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission and the Board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this Section.

6. Decision.

a. Following the public hearing, the Commission shall determine if there is a preponderance of evidence in the record to support the findings required by this Section and shall approve, conditionally approve, modify, continue within allowed time frames or deny the Special Use Permit request.

b. The applicant may request a continuance of any application for a Special Use Permit to a future meeting. A continuance suspends the time lines established in NRS and this code.

7. Conditions of Approval. The Commission, in approving any Special Use Permit, may require certain conditions under which the lot or parcel may be used or the building constructed if, in such Commission's opinion, the use will otherwise be incompatible with other existing and potential uses within the same general area or will constitute a nuisance or will overburden public services, improvements or facilities. Standard Conditions of Approval are found in section 18.02.105.

8. Expiration; Revocation.

a. Where a use permitted by an approved Special Use Permit is not made on the property within 12 months from the date of approval, then without further action, the Special Use Permit shall be null and void and such use shall not be made of the property except upon the granting of a new Special Use Permit.

b. A Special Use Permit is void one year after the activity granted by such Special Use Permit is discontinued.

c. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Special Use Permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request [~~one single~~] **an** extension of the expiration date [~~for a period of not to exceed 12 calendar months from the original date of expiration~~]. The written request for an extension shall be received by the Planning [~~and Community Development Department~~] **Division** 30 days prior to the expiration date **and shall state the reason for the extension**. The Director may approve a one year extension **from the original date of Special Use Permit expiration** with the option of Commission review. **The Commission may approve additional extensions of time subject to the consideration of the Commission of the continued appropriateness of the Special Use Permit and may be subject to the imposition of additional conditions by the Commission to ensure that the activity permitted by the Special Use Permit does not adversely impact other properties in the area or the public interest.**

d. A Special Use Permit shall be, upon violation, subject to revocation or amendment by the Commission.

SECTION II:

That Section 18.02.085 of the Carson City Municipal Code is hereby amended as follows:

18.02.085 Variances.

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a Variance.

2. Application Requirements.

   a. Any person requesting a Variance shall file a complete application signed by at least one owner of record of the subject property with the Planning [~~and Community Development Department.~~] **Division.** Such application shall include the information, site plans and other materials determined by the Director to be necessary to support the requirements of this Section.

   b. The applicant for a Variance shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed Variance. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission and, if on appeal, by the Board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this Section.

   c. The Commission and Board shall determine if the information presented by a preponderance of the evidence supports their decisions.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this Title.

4. Hearing.

   a. The Commission shall hold a public hearing, not later than 65 days after the acceptance of the complete application.

   b. The Commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the Variance.

5. Findings.

   a. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification;

b. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant;

c. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

6. Decision.

a. Following the public hearing, the Commission shall determine if there is adequate evidence in the record to support the findings required by this Section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the Variance request.

b. The applicant may request a continuance of any application for a Variance to a future meeting. A continuance suspends the time lines established in NRS and this code.

7. Conditions of Approval.

a. The Commission, in approving any Variance, may require conditions under which the lot or parcel may be used or the building constructed which, in such Commission's opinion will prevent material damage or prejudice to adjacent properties. Standard Conditions of Approval are found in section 18.02.105.

b. Before a Variance shall be granted, the applicant shall sign an agreement to fulfill all conditions established by the City.

8. Expiration.

a. Where an approved Variance is not developed or exercised within 12 months of the date of approval, then without further action, the permit shall be null and void and such development activity shall not be made of the property except on the granting of a new Variance permit.

b. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Variance conditions and construct or commence the project prior to the expiration date, the applicant may request in writing [~~one~~ single] **an** extension of the expiration date [~~for a period of not to exceed 12 calendar months from the original date of expiration~~]. The written request for an extension shall be received by the Director 30 days prior to the expiration date **and shall state the reason for the extension**. The Director may approve a one year extension **from the original date of Variance expiration** with the option of Commission review. **The Commission may approve additional extensions of time subject to the consideration of the Commission of the continued appropriateness of the Variance and may be subject to the imposition of additional conditions by the Commission to ensure that the project**

permitted by the Variance does not adversely impact other properties in the area or the public interest.

9. Limitations on Variances.

No variance shall be granted that allows a land use prohibited in the zoning district in which it is located or that changes any boundary of the district; nor shall any variance be granted that changes the permitted residential density of a zoning district.

SECTION III:

That Section 18.05.055 of the Carson City Municipal Code is hereby amended as follows:

18.05.055 Accessory Structures.

1. It shall be unlawful to construct, erect or locate in any residential district, private garages or other accessory buildings without a permissive main building, except: a temporary building may be constructed and occupied as a legal use pending the construction of a permanent use providing that no permit shall be issued for such temporary structure unless a permit also be issued at the same time for the permanent building. If it be proposed to convert said temporary structure to a permissive accessory use upon completion of the main structure, said conversion shall occur upon completion of the final structure or be removed at that time or within a period of one year from the date of issuance of original permit.

2. A detached accessory structure not exceeding 120 square feet in area and not exceeding 15 feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A within required side and rear yard setbacks provided such structure, eaves and other projections are at least three feet from property line, and the accessory structure is allowed in the zoning district where it is proposed.

3. A detached accessory structure 120 square feet in area up to 400 square feet in area and not exceeding 15 feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A, within required side and rear yard setbacks, provided such structure, eaves and other projections are at least five feet from property lines, and the accessory structure is allowed in the zoning district where it is proposed. All accessory structures exceeding 400 square feet in area in all residential districts must meet standard zoning setback requirements.

4. On a corner lot facing two streets, no accessory building shall be erected so as to encroach upon the front or street side yard setbacks.

5. If an accessory building is connected to the main building by a breezeway or other structure, which is not habitable space as defined by the Building Code currently adopted by Carson City, each structure shall meet full yard setback requirements for that district and shall be considered an accessory building and a main structure for calculation of square footage of accessory structures.

6. A detached accessory structure shall be located not closer to any other building on the same or adjoining lot than allowed by the Building Code and Fire Code as currently adopted by Carson City.

7. The cumulative square footage of the accessory building(s) or accessory structure(s) is limited to 50[~~-75~~]% of the total square footage of the primary building excluding the basement. [~~, unless otherwise approved by Administrative Permit.~~] **If the cumulative square footage of the accessory building(s) or accessory structure(s) is more than 50% and not greater than 75% of the total square footage of the primary building excluding the basement approval by Administrative Permit is required.** If the cumulative square footage of the accessory building(s) or accessory structure(s) exceeds 75% of the total square footage of the primary building excluding the basement approval by Special Use Permit is required. Accessory farm building(s) or structure(s) may be excluded from additional review as provided under Title 18.05.050 Accessory Farm Structures.

8. Accessory structure(s) shall not exceed 5% of the parcel size on parcels 21,000 square feet or larger, unless approved prior to issuance of a building permit by Special Use Permit.

9. Accessory Farm Structures exceeding 5% of the parcel size on parcels zoned one acre or larger may be exempted under Title 18.05.050 Accessory Farm Structures from Special Use Permit approval requirements.

10. A maximum of five parking bays within detached accessory structure(s) are allowed on the same lot unless approved prior to issuance of a building permit by approval of a Special Use Permit.

SECTION IV:

That Section 1.17 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

1.17 Multi-Family Apartment Development Standards.

The following standards are intended to establish minimum standards for residential development within the Multi-Family Apartment (MFA) zoning district.

1. Maximum permitted density:

    a. For one-bedroom or studio units, one unit per 1,200 square feet of area.

    b. For two or more bedroom units, one unit per 1,500 square feet of area.

2. Maximum building height: 45 feet.

3. Setbacks:

a. Front yard: 10 feet, plus an additional 10 feet for each story above two stories; minimum driveway approach from property line to garage doors is 20 feet.

b. Side yard: 10 feet for external project boundaries; minimum 10 feet between residential structures for internal setbacks. Where a side yard is adjacent to a single-family zoning district, an additional 10 feet is required for each story above one story.

c. Street side yard: 10 feet, plus an additional 5 feet for each story above two stories; minimum driveway approach from property line to garage doors is 20 feet.

d. Rear yard: 20 feet. Where a rear yard is adjacent to a single-family zoning district, an additional 10 feet is required for each story above one story.

4. Required parking: Two spaces per dwelling unit; and in compliance with the Development Standards Division 2, Parking and Loading.

5. Open Space:

a. A minimum of 150 square feet per dwelling unit of common open space must be provided. **For projects of 10 or more units,** [~~Areas~~] **areas** of common open space may **only** include contiguous landscaped areas with no dimension less than 15 feet**,** [~~.~~] **and** [A] **a** minimum of 100 square feet per unit of the common open space area must be designed for recreation, which may include but not be limited to picnic areas, sports courts, a softscape surface covered with turf, sand or similar materials acceptable for use by young children, including play equipment and trees, with no dimension less than 25 feet.

b. A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or [~~included in the~~] common open space [~~area~~].

c. Front and street side yard setback areas may not be included toward meeting the open space requirements.

6. Landscaping. Landscaping shall comply with the Development Standards Division 3, Landscaping.

SECTION V:

That Section 1.18 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

1.18 Residential Development Standards in Non-Residential Districts.

The following standards are intended to establish minimum standards and Special Use Permit review criteria for residential development within the Neighborhood Business (NB), Retail Commercial (RC), General Commercial (GC), Residential Office (RO) and General Office (GO) zoning districts.

1. Permitted uses. Residential uses are only allowed as permitted by Chapter 18.04, Use Districts, as a primary or conditional use in the applicable zoning districts.

2. Maximum permitted density. There is no maximum residential density within non-residential zoning districts subject to meeting the height, setback, parking and open space requirements of this chapter.

3. Maximum building height shall be the maximum height established by the zoning district in which the project is located.

4. Setbacks. Minimum setbacks shall be those established by the zoning district in which the project is located, subject to the following:

    a. In the NB, RC, GC and GO zoning districts, a minimum setback of 20 feet is required adjacent to a residential zoning district, with an additional 10 feet for each story above one story if adjacent to a single-family zoning district.

    b. A minimum setback of 10 feet is required from the right-of-way of an arterial street as identified in the adopted Transportation Master Plan, excluding the Downtown Mixed-Use area.

5. Required parking: Two spaces per dwelling unit; and in compliance with the Development Standards Division 2, Parking and Loading.

6. Open Space.

    a. A minimum of 150 square feet per dwelling unit of common open space must be provided. **For projects of 10 or more units,** [~~Areas~~] **areas** of common open space may **only** include contiguous landscaped areas with no dimension less than 15 feet**,** [~~,~~] **and** [~~A~~] **a** minimum of 100 square feet per unit of the common open space area must be designed for recreation, which may include but not be limited to picnic areas, sports courts, a softscape surface covered with turf, sand or similar materials acceptable for use by young children, including play equipment and trees, with no dimension less than 25 feet.

    b. A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or [~~included in the~~] common open space [~~area~~].

    c. Front and street side yard setback areas may not be included toward meeting the open space requirements.

7. Landscaping. Landscaping shall comply with the Carson City Development Standards Division 3, Landscaping.

8. Special Use Permit review standards. Where a residential use is a conditional use within a given zoning district, the Planning Commission shall make two of the following findings in the affirmative in the review of the Special Use Permit in addition to the required findings of Section 18.02.080 of the Carson City Municipal Code.

   a. The development is not situated on a primary commercial arterial street frontage.

   b. The development is integrated into a mixed-use development that includes commercial development

   c. The applicant has provided evidence that the site is not a viable location for commercial uses.

   d. The site is designated Mixed-Use Commercial, Mixed-Use Residential or Mixed-Use Employment on the Master Plan Land Use Map and the project meets all applicable mixed-use criteria and standards.

SECTION VI:

That Section 2.3 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

2.3 General Parking Requirements.

1. Any off-street parking area which abuts or faces a single-family, two-family, or multi-family residential district or residential use shall provide screening meeting the Director's approval along the side abutting or fronting on such residential district or use.

2. In residential and office districts, required parking for residential uses may be located within the front and/or street side yard setback outside of sight distance clearance area. All other uses may provide parking lots in the front or street side yards, provided said parking lot is located at least six feet behind the front and street side property lines, meets sight distance requirements, and provided the area between the parking lot and the property line is landscaped and is not surfaced in whole or in part with concrete, asphalt or other surface material except to provide driveway access to the parking area and walkways. In all other zoning districts, parking lots are not required to be set back from property lines unless required to do so by use or variance permit conditions. Sight distance requirements must be met in all zoning districts.

3. Businesses with parking lots are required to provide a lot with a hard surface such as asphalt, concrete, turf stone type pavers or other material approved by the Director. Gravel and other similar materials are permitted for storage and display areas only.

4. If there is no parking area available on the building site, off-street parking as required by this Division may be provided on a parcel within 300 feet of the building site upon first securing a Special Use Permit in each case. Upon submittal of accredited

documentation (e.g. ITE or the latest version of Smart Growth Parking Best Practices), the Director may accept a modification of the distance criteria as specified herein and parking solution provided, or may request Commission approval of such a modification.

5. Parking areas shall be used solely for automobile parking with no permanent sales, storage of inoperable, unlicensed vehicles, repair work, dismantling or servicing of any kind. Parking areas shall not be used for overnight sleeping or camping.

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.

7. When the required number of off-street spaces results in a fractional space, fractions up to one-half shall be disregarded, and fractions one-half and over shall require an additional space.

8. Open parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking of guests.

9. No truck, commercial trailer or vehicular equipment of a commercial or industrial nature shall be parked in any district except:

    a. Where permitted as a use in a zoning district; or

    b. A commercial panel van or pickup truck, when used for personal transportation;

    c. On residential parcels one acre or larger in size, a commercial panel van or pickup truck is permitted with height not to exceed 10 feet; length not to exceed 22 feet; and shall not be parked within a setback area. Vehicles shall be screened from view from any sidewalk, roadway or adjacent parcel;

    d. When a person is engaged in the restoration of a vehicle of historic significance and that vehicle is not being used for commercial purposes.

    e. For the purpose of active loading and unloading passengers, materials or merchandise, or for a lawful construction project or professional service or maintenance within the immediate vicinity during active construction, service or maintenance.

10. No parking of trailers or vehicles larger than a commercial panel van or pickup truck within a public right-of-way shall be permitted within any district, except as specified in 9, directly above.

11. Owners of public and private parking lots shall not allow recreational vehicles to park and to be occupied for living and/or sleeping purposes.

12. Recreational vehicles shall not be parked for living purposes except in approved recreational vehicle parks or where authorized in accord with CCMC 18.05 (Trailers, Mobilehomes, RV's and Commercial Coaches).

13. When an existing building or buildings within the Residential Office, General Office or Redevelopment District are converted to a use requiring more parking than the existing use, on-street curb parking may be considered as part of the required parking, provided all of the following are met:

    a. Adequate off-street space is not available, or the Commission determines that strict compliance with requirements would adversely affect the character of the neighborhood;

    b. At least 50% of the required parking shall be provided off street;

    c. Allowable on-street parking shall be restricted to 50% curb parking space adjacent to the exterior boundaries of the subject property;

    d. On-street parking may not be deducted from the total off-street parking requirements for car, truck or trailer rental agencies or property zoned air industrial park;

    e. Allowable on-street parking may not be located upon streets which are designated as arterials in the Master Plan;

    f. All required parking for new construction must be located off street.

14. When ongoing maintenance requires the restriping or altering of a parking lot, no changes shall be allowed without the approval of the Director.

SECTION VII:

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.