

**City of Carson City
Agenda Report**

Date Submitted: August 11, 2009

Agenda Date Requested: August 20, 2009

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: Action to introduce, on first reading, Bill No._____, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, to modify the definitions of “truck, pickup” and other trucks and vehicular equipment of a commercial nature; and amending Chapter 18.16, Development Standards, Division 2.3, General Parking Requirements, relating to the parking of pickup trucks, panel vans and other trucks, commercial trailers or vehicular equipment of a commercial nature within residential zoning districts, and other matters properly related thereto. (ZCA-09-057) (Lee Plemel)

Summary: The primary purpose of this amendment is to clarify the distinctions between personal vehicles and pickup trucks versus other commercial-type vehicles for the purposes of parking and storing such vehicles in the residential neighborhoods.

Type of Action Requested:

☐ Resolution

☒ Ordinance-First Reading

☐ Formal Action/Motion

☐ Other (Specify)

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

Planning Commission Action: Recommended approval on July 29, 2009 by a vote of 6 ayes, 0 nays and 1 absent.

Recommended Board Action: I move to introduce, on first reading, Bill No._____, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, to modify the definitions of “truck, pickup” and other trucks and vehicular equipment of a commercial nature; and amending Chapter 18.16, Development Standards, Division 2.3, General Parking Requirements, relating to the parking of pickup trucks, panel vans and other trucks, commercial trailers or vehicular equipment of a commercial nature within residential zoning districts, and other matters properly related thereto.

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 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) Do not introduce the ordinance (leave the code requirements the same as they are now).

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

Prepared By: Janice Brod, Management Assistant V

Reviewed By:

Jenny Krunt
(Planning Division Director)
[Signature]
(Public Works Director)
[Signature]
(City Manager)
Melanie Buketta
(District Attorney's Office)

Date: 8.11.09

Date: 8/11/09

Date: 8/11/09

Date: 8-11-09

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. ____

ORDINANCE NO. 2009-__

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, BY AMENDING THE DEFINITIONS OF "PANEL VAN" AND "TRUCK, PICKUP;" AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO MODIFY THE SIZE AND NATURE OF PICKUPS TRUCKS AND PANEL VANS PERMITTED IN RESIDENTIAL DISTRICTS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That the Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, is hereby amended, in part, by amending the definitions of "Panel Van" and "Truck, Pickup," as follows:

18.03.010 Words and Terms Defined.

Panel Van means a van not exceeding ~~[seven]~~ eight feet in height, 20 feet in length and maximum MGVS rating 9500 pounds or less. Panel vans have a continuous body style with interior access connecting the cab to the rear van storage area and with the rear wheels partially covered by a wheel well that is part of the body of the panel van. The definition does not include vehicles of a commercial nature including, but not limited to cutaways, bobtails, or buses.

Truck, Pickup means a vehicle with a maximum height of ~~[10]~~ eight feet and length of 22 feet, with the capacity to carry a maximum of six passengers and containing an attached sided but unenclosed cargo area. Pickup trucks ~~[have the capacity to carry an enclosed camper in the unenclosed cargo area.]~~ have the appearance of a continuous body style connecting the cab to the truck bed and have the rear wheels partially covered by a wheel well that is part of the body of the pickup truck. This definition does not include vehicles of a commercial nature including, but not limited to dump trucks, stake-beds, flat-beds, tow trucks or wreckers.

SECTION II:

That the Carson City Municipal Code Chapter 18.16, Development Standards, Section 2, Parking and Loading, Subsection 2.3, General Parking Requirements, 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] c. 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] d. When actually and expeditiously engaged in the loading or unloading of merchandise or when such vehicle is being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood.

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 III:

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

PROPOSED on _____, 2009.

PROPOSED BY Supervisor _____

PASSED _____, 2009.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, 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 2009.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: July 29, 2009

AGENDA ITEM NO.: H-4

APPLICANT(s) NAME: N/A
PROPERTY OWNER(s): N/A

FILE NO. ZCA-09-057

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

APPLICANT'S REQUEST: Action to make a recommendation to the Board of Supervisors on an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, to modify the definitions of "truck, pickup" and other trucks and vehicular equipment of a commercial nature; and amending Chapter 18.16, Development Standards, Division 2.3, General Parking Requirements, relating to the parking of pickup trucks, panel vans and other trucks, commercial trailers or vehicular equipment of a commercial nature within residential zoning districts.

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ MULLET ☒ BISBEE
☒ DHAMI ☒ REYNOLDS ☒ VANCE ☐ WENDELL

STAFF REPORT PRESENTED BY: Lee Plemel ☒ REPORT ATTACHED
STAFF RECOMMENDATION: ☒ APPROVAL
APPLICANT REPRESENTED BY: N/A

1 PERSONS SPOKE IN FAVOR OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Richard Schneider: supported ordinance, these things do not need to be parked in a residential lot.

Mullet: Does not believe tool-box pick-up trucks should be permitted.

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AS ENUMERATED ON THE STAFF REPORT

MOVED: Reynolds SECOND: Bisbee PASSED: 6/AYE 0/NO 0/ABSTAIN 1/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: August 20, 2009

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JULY 29, 2009

FILE NO: ZCA-09-057

AGENDA ITEM: H-4

STAFF AUTHOR: Lee Plemel, Planning Director

APPLICANT: Carson City Planning Division

SUBJECT: Action to make a recommendation to the Board of Supervisors regarding a Zoning Code Amendment application amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, by amending the definitions of “panel van” and “truck, pickup;” and amending the Development Standards, Division 2, Parking and Loading, Section 2.3, General Parking Requirements, to modify the size and nature of pickup trucks and panel vans permitted in residential districts, and other matters properly related thereto.

RECOMMENDED MOTION: “I move to recommend to the Board of Supervisors the approval of ZCA-09-057, an ordinance amending the Carson City Municipal Code Title 18, Chapter 18.03, and the Development Standards, Division 2, Parking and Loading, amending the provisions relating to parking of panel vans and pickup trucks in residential districts as recommended by staff, based on the findings contained in the staff report.”

BACKGROUND:

In early 2009, the Board of Supervisors amended the Development Standards Section 2.3 (General Parking Requirements) regarding the parking of commercial vehicles in residential districts for deliveries, service calls, etc. During the discussion with the Board of Supervisors, residents expressed concerns about the types of vehicles that are permitted to be parked in residential neighborhoods, specifically as it pertained to the definitions of a pickup truck and a panel van.

The Board of Supervisors adopted the amendment regarding deliveries, as proposed, but directed Planning staff to return to the Planning Commission for discussion regarding an ordinance to address the permitted size of vehicles that may be parked in residential neighborhoods. The purpose of this item and the proposed ordinance is to address this issue. Planning staff worked with the District Attorney’s office and residents supporting changes to the existing code to develop the draft ordinance.

DISCUSSION:

Following are the proposed amendments (see the attached draft ordinance for complete code section verbiage):

18.03.010 Words and Terms Defined.

Panel Van means a van not exceeding ~~[seven]~~ eight feet in height, 20 feet in length and maximum MGWV rating 9500 pounds or less. Panel vans have a continuous body style with interior access connecting the cab to the rear van storage area and with the rear wheels partially covered by a wheel well that is part of the body of the panel van. The definition does not include vehicles of a commercial nature including, but not limited to cutaways, bobtails, or buses.

Truck, Pickup means a vehicle with a maximum height of ~~[10]~~ eight feet and length of 22 feet, with the capacity to carry a maximum of six passengers and containing an attached sided but unenclosed cargo area. Pickup trucks ~~[have the capacity to carry an enclosed camper in the unenclosed cargo area.]~~ have the appearance of a continuous body style connecting the cab to the

truck bed and have the rear wheels partially covered by a wheel well that is part of the body of the pickup truck. This definition does not include vehicles of a commercial nature including, but not limited to dump trucks, stake-beds, flat-beds, tow trucks or wreckers.

2.3 General Parking Requirements.

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] c.~~ 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] d.~~ When actually and expeditiously engaged in the loading or unloading of merchandise or when such vehicle is being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood.

Definition Modifications (18.03.010):

The general purpose of the modifications to the definitions of “Pickup Truck” (“Truck, Pickup”) and “Panel Van” is to provide clarification on what type of vehicles are permitted within residential districts. Panel vans and pickup trucks are exempt from parking prohibitions in residential districts, even though they may be used for “commercial” purposes, for example by a construction contractor, landscaper or painter. As shown in Attachments A and B, the proposed definitions and dimensions are intended to accommodate vans and pickup trucks that are typically owned by general residents, usually for non-commercial purposes, while prohibiting commercial vehicles.

2.3 General Parking Requirement Modifications:

Paragraph 9(b) of the Development Standards Division 2.3 is proposed to be modified by deleting the qualifier “commercial” from the terms panel van and pickup truck. “Panel van” and “pickup truck” are clearly defined and the additional term “commercial” is unnecessary as it pertains to this parking exception.

The deletion of subparagraph 9(c) is intended to make it clear that the standards for parking of vehicles in residential neighborhoods are the same for all residential zoning districts, regardless of parcel size. As written presently, subparagraph 9(c) has the same limitations for pickup trucks on parcels larger than one acre as on smaller residential parcels but allows an increase in panel van height from seven feet to 10 feet. Deleting subparagraph 9(c) would keep the standards the same for pickup trucks in all residential districts just as the present code requires, and it would allow no additional height for panel vans on parcels larger than one acre as the current code permits.

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 July 22, 2009, no written comments have been received either in support or opposition of this

amendment. 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 maintaining the character of established neighborhoods (Goal 9.3). Prohibiting commercial vehicles in residential neighborhoods protects the aesthetic quality of neighborhoods and protects property values.

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

Rationale: The proposed amendment is intended to ensure that the use of property is consistent with and compatible with adjacent uses by prohibiting the parking of commercial vehicles in residential neighborhoods.

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.

Attachments:

- A) Sample Van and Truck Dimensions
- B) Sample Photos
- C) Draft ordinance

Respectfully Submitted,
PLANNING DIVISION

Lee Plemel, AICP
Planning Director

Van and Truck Dimensions

Below is a sampling of information regarding the dimensions of various 2009-model vans and pickup trucks. Bold text indicates a dimension that would not meet the current or proposed standard for that dimension, and therefore would be prohibited in residential districts.

Vans:

Chevrolet Express 1500: Height: 6'-10"; Length: N/A; GVWR*: 7,300 lbs.

Chevrolet Express 2500: Height: 6'-10"; Length: N/A; GVWR: 8,600 lbs.

Chevrolet Express 3500: Height: 6'-10"; Length: N/A; GVWR: **9,600 lbs.**

Chevrolet "Cut-away" van: Height: N/A; Length: N/A; GVWR: **12,300 lbs.**

Dodge Sprinter 2500: Height: 8'-0"; Length: 19'-4.5"; GVWR: 8,550 lbs.

Dodge Sprinter 3500 High Roof: Height: **8'-11.5"**; Length: 19'-4.5"; GVWR: 8,550 lbs.

Ford E-350 Super Duty Ext. Length Wagon: Height: 6'-10.3"; Length: 19'-8.7"; GVWR: N/A

Pickup Trucks:

Chevrolet Silverado 1500 Crew Std. Bed LT: Height: 6'-1.7"; Length: 19'-2.1".

Chevrolet Silverado 2500 Crew Ext. Bed LT: Height: 6'-4.9"; Length: 21'-6.5".

Chevrolet Silverado 2500 Ext., Ext. Bed LT: Height: 6'-5.2"; Length: 19'-11.9".

Chevrolet Silverado 3500 Std., Ext. Bed LT: Height: 6'-3.6"; Length: 18'-8.8".

Chevrolet Silverado 3500 Crew Ext. Bed LT: Height: 6'-3.9"; Length: 21'-6.8".

Dodge Ram 1500 Quad Cab: Height: 6'-2.8"; Length: 19'-1".

Dodge Ram 2500 Quad Cab: Height: 6'-6.9"; Length: 18'-11.7".

Dodge Ram 3500 Quad Cab: Height: 6'-7.1"; Length: 18'-11.7".

Ford F-150 Super Crew 6.5' Bed: Height: 6'-4.4"; Length: 20'-3.7".

Ford Super Duty Crew: Height: 6'-7.4"; Length: 20'-6.5".

* GVWR = Gross Vehicle Weight Rating

Source: Manufacturers' websites



Chevrolet 3500
(Exceeds MGWR of 9,500 lbs.)



Dodge Sprinter 3500 High-Roof
(Exceeds proposed maximum height of 8 feet)



Ford Super Duty
(Meets proposed standards)



Chevrolet Silverado 3500
(Meets proposed standards)

Sample Vehicle Types Under Proposed Ordinance

VANS:



Panel Van



'09 GMC Savana Passenger
Panel Van



'09 Chevy Express Cutaway
Not a Panel Van



Not a Panel Van

PICKUP TRUCKS:



Pickup Truck



'09 GMC Sierra CC
Pickup Truck



'09 Chevy Silverado CC
Not a Pickup Truck



'09 GMC TopKick
Not a Pickup Truck

Carson City Code prohibits vehicles of a commercial nature in residential neighborhoods with the exception of pickups and panel vans as they are widely used for personal use. As you can see from the city staff quote and the photo, existing code allowed some unintended consequences:

"Subject truck meets the definition of a pickup truck per CCMC because it does not exceed 22 feet in length or 10 feet in height and has an unenclosed cargo area (and it is used for personal transportation)."



Residents and homeowners expect their surroundings to be tranquil and well maintained. Residential neighborhoods are places where people live, not work. Commercial or industrial activities in residential neighborhoods; such as auto repair, storage of materials and equipment, deliveries, or parking for employees and commercial vehicles; violates the intended purpose of the zoning laws. The noise, fumes, and negative visual impact created by oversized commercial vehicles detracts from the serenity of a residential neighborhood. Visible and intrusive commercial activity affects neighborhood pride and signals the beginning of economic decline, overcrowding of housing, crime and poor property maintenance.