

Item # 17

**City of Carson City
Agenda Report**

Date Submitted: November 10, 2009

Agenda Date Requested: November 19, 2009

Time Requested: 5 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 Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl," and other matters properly related thereto. (ZCA-09-072) (Lee Plemel)

Staff Summary: The primary purpose of these minor modifications is to be consistent with the recently amended Carson City Municipal Code, Chapter 7, Animals, relating to the keeping of animals and fowl in residential areas.

Type of Action Requested:

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

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on October 28, 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, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl", 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

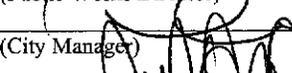
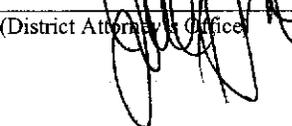
Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review
2) Do not introduce the ordinance

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

Prepared By: Janice Brod, Management Assistant V

Reviewed By: 
(Planning Director)

(Public Works Director)

(City Manager)

(District Attorney's Office)

Date: 11/9/09
Date: 11-9-09
Date: 11-9-09
Date: 11/9/09

Board Action Taken:

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

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2009-____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ANIMAL AND FOWL", 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 definition of "Animals and Fowl," as follows:

18.03.010 Words and Terms Defined.

Animals and Fowl means the keeping of horses, swine, fowl, sheep or other animals of a similar nature. Notwithstanding the zoning regulations of this title, the keeping of animals [are] is regulated and further defined under Carson City Municipal Code Title 7, Animals.

SECTION II:

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: October 28, 2009

AGENDA ITEM NO.: H-1

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

FILE NO. ZCA-09-072

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, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl".

COMMISSIONERS PRESENT: DHAMI KIMBROUGH STOCKTON
 MULLET REYNOLDS VANCE WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt **REPORT ATTACHED**
STAFF RECOMMENDATION: **APPROVAL**
APPLICANT REPRESENTED BY: N/A

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

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

N/A

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

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

MOVED: Bill Vance **SECOND:** Steve Reynolds **PASSED:** 6/AYE 0/NO 0/ABSTAIN 1/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: November 11, 2009

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF OCTOBER 28, 2009

FILE NO: ZCA-09-072

AGENDA ITEM: H-1

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

APPLICANT: Carson City Planning Division

SUBJECT: Action to recommend to the Board of Supervisors the approval of ZCA-09-072, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl" in regards to residential areas and other matters properly related thereto.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors the approval of ZCA-09-072, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl" based on the findings contained in the staff report."

DISCUSSION:

The primary purpose of this minor modification is to eliminate any inconsistencies that may occur from old outdated language in Chapter 18, Zoning, which may conflict with the provisions of the recently amended Carson City Municipal Code (CCMC) Title 7 Animals, Chapter 7.13, Licenses and Regulations. The CCMC Title 7 was revised and adopted by the Board of Supervisors on July 02, 2009. See the attached excerpt of the ordinance that amended Chapter 7.13.

On December 20, 2001 the Carson City Municipal Code, Title 18 Zoning was modified to eliminate the references of animal units, i.e. the number of specific types of animals that are permitted on residential properties. At that time, a majority of the references to animals was removed from Chapter 18 Zoning and incorporated into Title 7. It was determined that the Health Department was the proper Department for the regulation of animals and by amending the CCMC; it would eliminate CCMC inconsistencies.

At this time, the Planning Division is seeking this modification to the CCMC Title 18, Zoning, to eliminate the possibility of conflicting regulations regarding animals. Title 18, Zoning identifies animals as accessory permitted uses incidental to primary permitted uses. Chapter 7.13.190 clearly references Carson City Zoning regulations and specific zoning designations as they relate to animals. It is also important to note that the existing approved CCMC, Title 7; Animals will not be impacted negatively by the adoption of to ZCA-09-07, as it offers clarification that the Title 18, Zoning does not supersede the regulations identified in Title 7 Animals.

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 09, 2009, no written comments have been received from the general public, 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.

Parks and Recreation Department:

- No comment regarding the proposed Zoning Code Amendment.

Building & Safety Division:

- No concerns regarding the proposed Zoning Code Amendment.

Animal Services:

- No concerns regarding the proposed Zoning Code Amendment.

Health Department:

- No concerns regarding the proposed Zoning Code Amendment.

Engineering Division:

- No concerns regarding the proposed Zoning Code Amendment.

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 complying with the provisions of NRS requirements. The purpose of this ZCA is to be consistent with the recently amended Title 7 Animals.

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: This Zoning Code Amendment will allow for consistencies for Animal uses as they are related to the Title 7 Animals.

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.

Respectfully Submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachment:

- 1) Draft ordinance
Chapter 7.13.190 Impounding of animals in zoned area
Parks and Recreation comments
Animal Control comments

7.13.190 Impounding of animals in zoned areas.

1. It shall be unlawful for any person to keep or cause to be kept any animal in violation of Carson City zoning regulations.

2. Animals and Fowl.

a. Except as provided in subsection B and C; horses, swine, fowl, sheep or other animals of a similar nature shall not be maintained on any lot or parcel other than a lot or parcel zoned agriculture (A), conservation reserve (CR), single family one acre (SF1A), single family two acre (SF2A) or single family five acre (SF5A). All parcels containing animals, not meeting these requirements at time of code adoption, shall be considered an approved nonconforming use and are restricted by the nonconforming use portion of Section 18.03.010.

b. On residentially zoned properties requiring less than one (1) acre in land area, a maximum of two (2) rabbits, two (2) potbelly pigs, that weigh less than 150 pounds each, and four (4) female chickens or female ducks may be kept on any single family residential parcel if used as a pet or an educational project.

c. Formal youth education groups such as 4H or Future Farmers of America can apply for special use permits to have livestock on residential lots.

3. Animal Units. The keeping or raising of livestock and other farm animals as allowable under this section shall be permitted in accordance with the table of animals units and density standards described as follows:

Animal Types	Animal Unit Equivalent (A.U.E)
(1) Horse, Mule or Donkey	1.00
(1) Cow, Steer, or Bull	1.00

(1) Pig, Llama, or Alpaca	1.00
(1) Pony or Burro	1.00
(1) Sheep, Goat or Mini Horse	0.50
(1) Rabbit, Chinchilla, or Fowl	0.20

4. Animal Density. Livestock and farm animal numbers may be established at the density of one animal unit for each seven thousand (7,000) square feet of lot area. All fractional densities are to be rounded down to the nearest whole number.

Example: On a one (1) acre parcel (43,560 square feet), six (6) animal units would be allowable. For every residential parcel larger than one (1) acre in size and zoned single family two acre (SF2A) or single family five acre (SF5A), only two (2) A.U.E. may be added per additional acre up to five (5) acres unless disallowed by CC&R's.

5. Calculations. For allowable animals, animal categories may be combined to total an allowable animal unit density:

Example: On a one (1) acre parcel where six (6) A.U. are allowed:

3 horses	(3x1.00)	3.00 AUE
+4 sheep	(4x0.50)	2.00
+5 chickens	(5x.020)	1.00
Total Animal Unit Density		6.00

6. The offspring of animals are allowable and not to be counted until they are weaned or self-sufficient.

7. Any person permitted under this section to have livestock as defined in Title 7 shall maintain them in such a way to assure they do not encroach upon or damage the property of others. The living area with respect to sanitation shall conform with restrictions set forth in Title 7 of the CCMC animal control ordinance and Section 9 of the CCMC health department regulations.

8. Slaughter of animals shall not be permitted within any residential district in Carson City, but may be an accessory use to an agricultural use in the conservation reserve (CR) and agricultural (A) districts.

9. Keeping of hazardous or offensive animals prohibited. No person shall keep, maintain or have in his possession or permit on any property owned or controlled by him any household pet or pets or any other animal or animals in such manner, number or kind as to cause damage or hazard to persons or property in the vicinity or to generate offensive noise, dust or odor. Wild animals will be administered in accord with Title 7 by the animal regulation department and Title 9 of the health department regulations.

10. Bees may be kept on large parcels provided:

- a. The parcel on which the bees are kept shall be at least one (1) acre in size, and a special use permit is obtained for parcels under five (5) acres in size;
- b. The number of colonies or nuclei shall not exceed one (1) per acre;
- c. Adequate freshwater supply shall be available for bees on the subject property at all times;

d. The location shall be not less than two hundred feet (200') from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property;

e. Approval by appropriate state agencies shall be obtained.



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

RECEIVED
OCT 06 2009
CARSON CITY
PLANNING DIVISION

MEMORANDUM

TO: Lee Plemel, Planning Director
Jennifer Pruitt, Senior Planner (Hardcopy and Email)

FROM: Roger Moellendorf, Parks and Recreation Director
Vern L. Krahn, Park Planner

DATE: October 6, 2009

SUBJECT: Parks and Recreation Department's comments for the Wednesday,
October 28, 2009, Planning Commission meeting.

ZCA-09-072	No comments.
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From: Pat Wiggins
To: Plemel, Lee
Date: 9/30/2009 9:18 AM
Subject: Re: Title 18 Minor Amendment

Hi Lee,

Sounds right to me.

Pat

>>> Lee Plemel 9/30/2009 8:41 AM >>>
Larry and Andy,

Now that Title 7 (Animals) has been revised relating to keeping certain animals on less than one acre, we'd like to bring a minor amendment to the definition of "Animals and Fowl" in Title 18 (Zoning) to be consistent with Title 7. In working with Joel Benton, our proposed amended definition is as follows:

Animals and fowl means the keeping of horses, swine, fowl, sheep or other animals of a similar nature. Notwithstanding the zoning regulations of this title, the keeping of animals and fowl is regulated and further defined under Carson City Municipal Code Title 7, Animals.

Prior definition: [Animals and fowl are regulated and further defined under Carson City Municipal Code Title 7 Animals.]

Our rationale:

- Title 7.13.190(1) states that animal keeping must comply with zoning. So I think we need to keep reference to in Title 18, not delete it entirely.
- The first part of the definition above is taken from 7.13.190(2), Animals in Zoned Areas. We need to define what we mean by animals and fowl in Title 18. (Note, this is the definition for animals in fowl for Title 18 only; there may be additional definitions of what it means in Title 7.)
- Title 18 allows "animals and fowl" as an accessory use on residential parcels of one acre or larger. However, there are exceptions to this in Title 7.13.190, and other general regulations throughout Title 7. In discussing this with Joel, we think it's best to just refer any questions regarding additional regulations or exceptions to Title 7, in general. We don't want to duplicate the exceptions for pot belly pigs, etc., in the Title 18. That way, it is clear enforcement lies under Title 7 and we don't have to change Title 18 every time Title 7 regulations change.

Do you want me to present this proposed ordinance at the CM staff meeting for discussion or should we just move forward with it? It seems to be minor, to me.

Pat: Do you have any comments or suggestions regarding this?

Thank you for reviewing this.

Lee Plemel, AICP, Planning Director
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