

**City of Carson City
Agenda Report**

Date Submitted: April 23, 2013

Agenda Date Requested: May 2, 2013

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: For Possible Action: To provide direction to staff regarding possible amendments to Title 18, Zoning, Chapter 18.03, Definitions, and Chapter 18.04, Use Districts, regarding the number of dogs that constitute a "kennel" for the purpose of zoning regulations. (Lee Plemel)

Summary: The Animal Control Division is proposing revisions to Title 7 Animals, which include amendments regarding the number of dogs that may be kept without being considered a commercial kennel. Depending on the action taken on the Title 7 amendments, Title 18 may need to be amended to provide consistency with the regulations pertaining to kennels and the number of dogs that may be kept at a residence.

Type of Action Requested:

☐ Resolution
☒ Formal Action/Motion

☐ Ordinance
☐ Other (Specify)

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

Recommended Board Action: I move to direct staff to proceed with amendments to Title 18 regarding the number of dogs that constitute a kennel for the purposes of zoning regulations consistent with the Amendments to Title 7.

Explanation for Recommended Board Action: The Planning Commission must review and make a recommendation on all amendments to Title 18 before final action can be taken by the Board of Supervisors to adopt such amendments. Staff recommends that the Title amendments be consistent with regulations adopted within Title 7.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Recommend no changes to Title 18.



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

MEMORANDUM

Board of Supervisors Meeting of May 2, 2013

TO: Board of Supervisors

FROM: Lee Plemel, AICP, Planning Director

DATE: April 19, 2013

SUBJECT: Title 18 consistency amendments with Title 7 regarding "Kennels"

The purpose of this item is to allow an opportunity for the Board of Supervisors to provide direction to staff regarding Carson City Municipal Code Title amendments that are intended to result in consistency with Title 7 (Animals) regarding to the number of dogs that may be kept on a property without be considered a "kennel." The Board may provide direction to staff, as applicable, based upon the discussion and action taken regarding the proposed Title 7 amendments.

It was previously suggested that these Title 18 amendments be brought to the Board of Supervisors for approval concurrently with the amendments to Title 7. However, amendments to Title 18 require a recommendation from the Planning Commission. With the ongoing debate over the number of dogs that may constitute a kennel, staff concluded that the amendments to Title 7 should be resolved before bringing an item to the Planning Commission for final action on Title 18 amendments.

The draft ordinance (attached) redefines the term "kennel" to be consistent with the definition and of a kennel in Title 7 and in NRS 574.280. A kennel—i.e. the keeping of 10 or more dogs—would not be permitted by either Title 7 or Title 18 in residential zoning districts, except as currently allowed as a conditional use in the Single Family Five Acre (SF5A) zoning district. The keeping of between four and nine dogs in any district would be regulated solely by the Animal Control Division, per the proposed Title 7 amendments.

No changes are proposed as to where a "kennel" would be permitted or conditionally permitted with a Special Use Permit. A kennel is permitted in the SF5A and Retail Commercial zoning districts only by approval of a Special Use Permit. A kennel is permitted by right in the General Commercial, Limited Industrial, and General Industrial zoning districts.

Please contact Lee Plemel at 283-7075 or lplemel@carson.org if you have any questions regarding this item.

Attachments:

- 1) Draft Ordinance, Title 18 amendments

BILL NO. ____

ORDINANCE NO. 2013-__

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, AMENDING THE DEFINITION OF "KENNEL" TO INCREASE THE NUMBER OF DOGS DEFINED AS CONSTITUTING A KENNEL FROM 4 TO 10; AMENDING CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.040, SINGLE FAMILY FIVE ACRE, TO ADD THE TERM "KENNEL" FOR CODE CONSISTENCY; AND AMENDING SECTION 18.04.130, RETAIL COMMERCIAL, TO ADD THE TERM "KENNEL" FOR CODE CONSISTENCY, 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, be modified, in part, as follows (added text is underlined, deleted text is bracketed and stricken [-]):

18.03.005 – Definitions generally.

Except where specifically defined herein, all words used in this title shall carry their customary meanings as defined in Webster's dictionary. Words used in the present tense include the future, and the plural includes the singular; the word "shall" or "must" is always mandatory; the word "may" denotes a use of discretion in making a decision.

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 is regulated and further defined under Carson City Municipal Code Title 7, Animals.

~~["Kennel" means more than 3 dogs. 1 litter of unweaned pups is exempt.]~~

"Kennel" means a place where 10 or more dogs of not less than six months of age are kept, harbored, boarded, or maintained at any given time.

SECTION II:

That the Carson City Municipal Code, Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.040, Single-family 5 acre (SF5A), be modified as follows:

18.04.040 – Single-family 5 acre (SF5A).

The purpose of the SF5A district is to provide for low-density residential units located on large lots and conveying a rural environment. These districts are consistent with the policies of the rural residential category of the master plan.

1. The primary permitted uses in the SF5A district are this list plus other uses of a similar nature:

Single-family dwelling;
Agricultural use;
Park.

2. The accessory permitted uses in the SF5A district are this list and other uses of a similar nature:

Accessory farm structure;
Accessory structure;
Animals and fowl;
Barn or stable;
Crop storage;
Farm equipment storage;
Guest building;
Home occupation;
Recreation (swimming pool, tennis court) for individual or subdivision use.

3. The conditional uses in the SF5A district which require approval of a special use permit are:

Animal shelter;
Bed and breakfast inn;
Cemetery;
Child care facility (accessory to residential use);
Church;
~~[Commercial dog kennel]~~ **Kennel** (within a building);
Commercial stable/riding academy;
Country club;
Golf course and driving range;
Health and fitness club;
Municipal well facility;
Nursery;
Ranch and farm hand living quarters/bunkhouses including seasonal housing;
School, K-12;
Utility substation;
Veterinary clinic;
Winery.

SECTION III:

That the Carson City Municipal Code, Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.130, Retail Commercial (RC), be modified as follows:

18.04.130 Retail Commercial (RC). The purpose of the RC District is to preserve a commercial district limited primarily to offices and retail sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some service uses which are compatible with the zone. All uses within the RC District shall be conducted within a building, and aside from display windows, be screened from view. Outdoor display and storage of autos, recreational vehicles, or mobilehomes in conjunction with an existing business with sales of autos, recreation vehicles and mobilehomes is allowed in accordance with Division 2 of the Development Standards and provided the vehicles or mobilehomes do not encroach into City or State Right-of-Way without an approved encroachment permit and are screened from adjacent parcels. Temporary outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director subject to Title 18.02.115.8 (Outdoor Sales and Activities).

1. The Primary Permitted Uses in the RC District are this list, those uses allowed in 18.04.120 Neighborhood Business, except those uses appearing in Section 18.04.130.3 Retail Commercial as Conditional uses which require a Special Use Permit, plus other uses of a similar nature:

Accounting and Bookkeeping
Alcoholic Beverage Sales (accessory to a restaurant)
Amusement Devices, Sales and Service
Apparel Shop
Appliances
Art Studio
Artist, Commercial
Astrology Parlor/Fortune Telling/Clairvoyance and Palmistry
Automobile Parts, Tires and Accessories
Automobile Rental
Automobile Retail New or Used
Automobile Service (automobile gas, maintenance and repair service, no body repair)
Bible and Church Supplies
Blood Bank
Blueprint and Photocopy Services
Boarding and Rooming House
Body Piercing
Bowling Alley
Brew Pub
Cafeteria
Candy and Confectionary, Retail
Carpet and Floor Coverings
Caterer
Ceramics, Ceramic Products with Kiln
Chemist, Analytical and Consulting
Christmas Tree Sales
Clock, Retail and Repair

Club, Supper and Amusement
Collectible Store
Computer Sales and Repair
Copy Center
Costumes, Party and Wedding Supplies and Rental
Credit Bureau
Delivery Service
Department Store
Detective or Private Investigation Agency
Draperies, Blinds and Window Coverings
Drugstore and Pharmacy
Dry Goods Store
Electrical Appliances, Retail
Embroidery Shop
Employment Agency
Engraver (trophies, jewelry, home plates) (no chemical or sandblasting processes permitted)
Factory Outlet Store
Fraternal Association
Furniture and Home Furnishings, Office and Home, including Retail
Furs and Leather Goods
Garden Supplies
Grocery Store
Gun Store
Gunsmith
Herbs, Retail
Hotel
Juice Bar
Lapidary Service
Magazine Sales
Mail Order House
Mail Services, Parcel Post, Post Boxes
Market (Mini-Market, Food-Market, Super-Market)
Mobilehome Sales, (Office)
Motel
Motorcycle Sales, Service and Accessories
Office Supplies
Optician
Photographic Finishing, Supplies and Picture Framing
Pumpkin Sales
Radio, Stereo Store
Radio Studio (no antennas)
Recreational Vehicle and Trailer Sales (including Rental)
Rubber and Metal Stamp, Retail (shop accessory)
Satellite Equipment Sales
Security Service
Stained Glass
Stamp Shop
Taxi Cab Stand
Telephone Sales Office
Television Repair Store

Theater
Wedding Chapel

2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the RC District are:

Home Occupation
Outside Storage, limited by and to subject to Development Standards Division 1 and 1.12
Outside Storage
Storage containers (temporary) subject to Division 1 and 1.10 Personal Storage of the
Development Standards
Temporary Outdoor Display and Sales subject to Title 18 (Outdoor Sales and Activities)

3. The Conditional Uses in the RC District which require approval of a Special Use Permit are:

Amusement Arcade

[Animal Boarding Facility/Kennel]

Bar

Bed and Breakfast Inn (only within the Historic District, and limited to Single Family 6000,
Residential Office and Retail Commercial zoning districts, subject to the provisions of
Title 18 Development Standards Division 1.7 Bed and Breakfast Inns)

Building Materials (indoor only)

Bus Passenger Depot

Child Care Facility

Community/Regional Commercial or Office Center

Congregate Care Housing/Senior Citizen Home

Facial Cosmetic Shading, Permanent

Farmers Market

Funeral Home, Mortuary

Gaming (unlimited)

Golf Course and Driving Range

Hospital

Hotel Residence

Janitorial and Building Cleaning Service

Kennel

Miniature Golf Course

Mobilehome Park

Municipal Well Facility

Newspaper Print Office

Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)

Personal Storage/Retail/Office Complex subject to Division 1 and 1.10 Personal Storage of the
Development Standards

Printer and/or Publisher

Recreational Vehicle Park

Schools, K-12, College, University or Vocational

Single Family, Two-Family and Multi-Family Dwelling

Skating Arena

Storage containers (permanent) subject to Division 1 and 1.10 Personal Storage of the
Development Standards

Street Vendors are limited to the DT-MU and RC zoning districts, subject to Division 1 and 1.11
Street Vendors of the Development Standards

Tennis or Swimming Facility

Trailer or Truck Rental

Utility Substation

Veterinary Clinic

Youth Recreation Facility

SECTION IV:

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

PROPOSED on _____, 2013.

PROPOSED BY Supervisor _____

PASSED _____, 2013.

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 20__.