

**City of Carson City
Agenda Report**

Date Submitted: June 11, 2013

Agenda Date Requested: June 20, 2013

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: For Possible Action: To introduce, on first reading, Bill No. _____, 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. (ZCA-13-034) (Lee Plemel)

Summary: The Board of Supervisors recently approved revisions to Title 7 related to permitting the keeping of more than three dogs. The Title 7 provisions require a person to get a permit from the Animal Services Division for the keeping of more than three dogs. With the proposed change to the definition of "kennel," 10 or more dogs could not be kept on a property except as permitted in certain zoning districts per CCMC Chapter 18.04. The proposed revisions are intended to make the provisions of Title 18 related to animal keeping consistent with the provisions of Title 7 and NRS.

Type of Action Requested:

☐ Resolution

☐ Formal Action/Motion

☒ Ordinance-First Reading

☐ Other (Specify)

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

Planning Commission Action: Recommended approval on May 29, 2013 by a vote of 7 ayes and 0 nays.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, 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.

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 to the Planning Commission 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

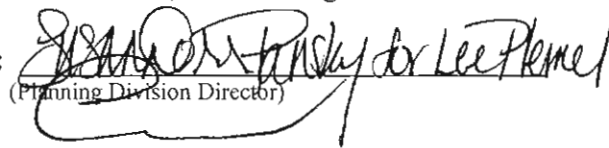
Funding Source: N/A

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, Grants Program Coordinator

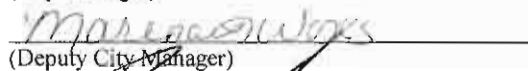
Reviewed By:


(Planning Division Director)

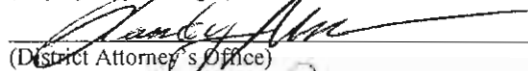
Date: 6.11.13


(City Manager)

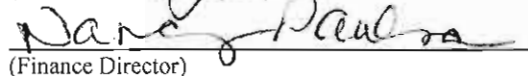
Date: 6/11/13


(Deputy City Manager)

Date: 6-11-13


(District Attorney's Office)

Date: 6/11/13


(Finance Director)

Date: 6/11/13

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

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.

~~["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 within a building];~~
Commercial stable/riding academy;
Country club;
Golf course and driving range;
Health and fitness club;
Kennel (within a building)
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__.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: May 29, 2013

AGENDA ITEM NO.: G-5

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

FILE NO. ZCA-13-034

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

APPLICANT'S REQUEST: For Possible Action: To make a recommendation to the Board of Supervisors regarding a Zoning Code Amendment application to amend 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.

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ ESSWEIN ☒ SATTLER
 ☒ DHAMI ☒ STEELE ☒ VANCE ☒ WENDELL

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

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

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

N/A

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

MOVED: Esswein SECOND: Steele PASSED: 7/AYE 0/NO 0/ABSTAIN 0/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: June 20, 2013

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF MAY 29, 2013

FILE NO: ZCA-13-034

AGENDA ITEM: G-5

STAFF AUTHOR: Lee Plemel, AICP, Planning Director

REQUEST: Action to recommend to the Board of Supervisors approval of an ordinance amending Title 18, Zoning, to modify the definition of a "kennel" to increase the number of dogs that constitute a kennel from 4 to 10, and other associated code consistency cleanups relating to kennels.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of 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."

DISCUSSION:

The purpose of the proposed amendments to Title 18 are intended to result in consistency with Title 7 (Animals) and NRS (Nevada Revised Statutes) regarding the number of dogs that may be kept on a property without being considered a "kennel." Kennels are currently permitted in the Single Family Five Acre and Retail Commercial zoning districts with approval of a Special Use Permit, and are permitted by right in the General Commercial, Limited Industrial, and General Industrial zoning districts. The keeping of more than three dogs is currently prohibited in all other zoning districts, including all residential zoning districts except SF5A as noted above.

Presently, the Title 18 definition of "kennel" is "more than three dogs." The proposed definition would read:

"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.

This definition is primarily intended to bring the zoning definition in line with the NRS definition, which reads:

NRS 574.280 "Kennel" defined. *"Kennel" means a place where at least 10 dogs of not less than 6 months of age are kept, harbored or maintained for:*

- 1. Boarding;*
- 2. Training; or*
- 3. Breeding for sale to a retailer or dealer.*

For the purposes of this section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by persons with disabilities, including, but not limited to, dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained.

Title 7, Animals, was recently amended by the Animal Services Division after numerous public hearings and workshops, with much discussion with dog owners and other Carson City

residents regarding issues related to the number of dogs that may be kept at a residence. As a result of this process, the newly revised Section 7.13.050(1) of the Animal Code, Title 7, states:

1. No person shall keep more than three dogs over six months of age or three cats over six months of age, at any place, or on any premises, or in any one residence without first obtaining a permit to have more than the allowed number of animals from Animal Services.

Per this new code section, a permit from Animal Services is required for the keeping of more than three dogs. A copy of Animal Services' permit policies and procedures is attached for reference. The policies and procedures include the conditions under which such a permit would be denied.

No changes to Title 18 are proposed as to where a "kennel" would be permitted or conditionally permitted. The combination of the amendments to Title 7 and Title 18 noted above would result in the following regulations for keeping dogs:

1. Up to three dogs may be kept on any property (all dogs must be licensed).
2. Between four and nine dogs may be kept on any property subject to approval of a permit from the Animal Services Division.
3. Ten or more dogs are considered a "kennel" and may only be kept on properties where permitted by zoning, which may include approval of a Special Use Permit in certain districts, and would also require a permit/approval from Animal Services.

For more information on the complete Title 7 amendments recently approved by the Board of Supervisors, contact the Animal Services Division or refer to the Board of Supervisors meeting packet from May 16, 2013, at www.carson.org/agendas.

Please contact Lee Plemel in the Planning Division at 887-2180 with questions regarding the proposed amendments to Title 18.

Attachments:

- A) Draft Ordinance
- B) Animal Services Permit policies for keeping more than three dogs

Permit

POLICY STATEMENT

Carson City Animal Services (C.C.A.S.) is responsible to provide a process for the public to apply for a permit to keep more than the allowed amount of animals.

PURPOSE

To comply with the Carson City Municipal Code (CCMC)

PROCEDURE

- Any person requesting to keep more than the allowed amount of animals on their property shall complete and sign a Permit Application.
- The applicant will be required to pay a non-refundable application/inspection fee as provided in the CCMC.
- Once the application and fee has been received by CCAS, an Animal Services Officer will be assigned a permit case in Petpoint.
- The officer will:
 1. Investigate any prior complaints or citations.
 2. Require approval in writing from the property owner (if applicable).
 3. Perform an inspection of the location where the animals will be kept.
- A permit will not be granted if there is record of any prior complaints or citations regarding the applicant.
- A permit will not be granted if the property owner disagrees.
- A permit will not be granted if the Officer fails the inspection of the property.
- No person shall be issued a permit to have more than 9 (nine) dogs without obtaining approval from the Carson City Planning/Zoning Department.
- If the permit is for dogs, each dog will be required to be licensed prior to the issuance of a permit.
- The permit, when approved will be signed and dated by the Officer and will be valid for 1 (one) year.
- The applicant will be notified by the Officer that the Permit is ready for pick up and that the applicant will be responsible to pay the appropriate fee as provided in the CCMC.
- A person issued a permit will be responsible to renew the permit each year at the time of expiration and pay applicable fees as provided in the CCMC.
- Prior to a yearly permit renewal, CCAS will inspect the property free of charge.
- Any permit may be revoked by CCAS in the event that the applicant is in violation of any CCMC.
- If a permit is denied, the applicant may re-apply in 1 year from date of initial application.

RECORDS TO BE KEPT

Each person applying for a permit will be recorded in Petpoint with all related and required information. The original signed and dated Permit Application will be kept on file.

REFERENCES

CCMC

FORMS TO BE USED

Permit Application

Permit Template