



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** July 6, 2017

**Staff Contact:** Hope Sullivan (hsullivan@carson.org)

**Agenda Title:** For Possible Action: To adopt Bill No. 115, on second reading, Ordinance No. 2017-\_\_\_\_\_ an ordinance amending Title 18, Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.17, Multi-Family Apartment Development Standards, and Section 1.18, Residential Development Standards in Non-Residential Districts, to clarify that single family residential and two family dwellings may comply with open space requirements either through common or private open space. (ZCA-17-024 Revised) (Hope Sullivan, hsullivan@carson.org)

**Staff Summary:** The referenced portions of the Development Standards mandate common open space as a derivative of the number of residential units provided. The Development Standards, as written, apply this requirement to all residential development including single family residential and duplexes. The proposed amendment will clarify that single family residential development and duplexes may meet the open space requirement either through private open space or common open space.

**Agenda Action:** Ordinance - Second Reading

**Time Requested:** 5 Minutes

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## **Proposed Motion**

I move to approve Bill No. 115, on second reading, Ordinance No. 2017 - \_\_\_\_\_, an ordinance amending Title 18, Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.17, Multi-Family Apartment Development Standards, and Section 1.18, Residential Development Standards in Non-Residential Districts, to clarify that single family residential development and two family dwellings may comply with open space requirements either through common or private open space, based on the findings contained in the staff report.

## **Board's Strategic Goal**

Sustainable Infrastructure

## **Previous Action**

The Board of Supervisors introduced the ordinance on June 15, 2017 by a vote of 5 ayes to 0 nays.

At its meeting of April 20, 2017, the Board of Supervisors introduced a similar Ordinance that limited the requirement for open space in non-residential zoning districts or Multi-Family Apartment zoning districts to multi-family residential development. That version of the Ordinance was never scheduled for second reading.

At its meeting of May 24, 2017, the Planning Commission recommended approval of the proposed, revised Zoning Code Amendment by a vote of 4 ayes, 0 nays and 2 absent.

**Background/Issues & Analysis**

The Board of Supervisors, pursuant to the Carson City Municipal Code, is required to take final action on all zoning code amendments. This is the first of two reading to amend the Title 18 by ordinance. Please see the complete staff report to the Planning Commission for more information.

Of note, when this amendment was initially considered by the Board in April, staff advised that it was not necessary to subject single family residential development or two-family dwellings to the open space requirements as such development would be subject to a minimum lot size. Therefore, each lot would accommodate its own private yard. Staff failed to recognize that townhouse development is considered single family development, and typically would not meet the minimum lot size. Staff finds that townhouse development, and similar single family products should be subject to the open space requirements. However, staff finds that it is consistent with the intent of the code for single family residential development or two-family dwellings to have the ability to meet the open space requirements either through private or common open space. The proposed amendment, as revised, does not exempt single family or two-family dwellings from the open space requirements, but rather allows for single family and two-family dwellings to meet the open space requirements either through private or common open space.

Attachments:

- 1. Ordinance
- 2. Planning Commission Staff Report of May 24, 2017

**Applicable Statute, Code, Policy, Rule or Regulation**

CCMC 18.02.075 (Zoning Code Amendments)

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

**Alternatives**

- 1. Do not adopt the proposed ordinance.

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

SUMMARY: An ordinance clarifying the applicability of certain development standards to single-family and two-family residential development.

BILL NO. 115

ORDINANCE NO. 2017 - \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, AND SECTION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO CLARIFY THAT SINGLE-FAMILY RESIDENTIAL AND TWO-FAMILY DWELLINGS MAY COMPLY WITH OPEN SPACE REQUIREMENTS EITHER THROUGH COMMON OR PRIVATE OPEN SPACE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.17 (Multi-Family Apartment Development Standards) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**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. **For Multi-Family Residential development, 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 of common open space may only include contiguous landscaped areas with no dimension less than 15 feet, and 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. **For Multi-Family Residential development, a** A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or common open space.
  - c. **For Single-Family Residential development or Two-Family Residential development, a minimum of 250 square feet of open space must be provided for each unit either as private open space or common open space.**
  - e.d. 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 II:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.18 (Residential Development Standards in Non-Residential Districts) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

### 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. **For Multi-Family Residential development, 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 of common open space may only include contiguous landscaped areas with no dimension less than 15 feet, and 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. **For Multi-Family Residential development, a** A minimum of 100 square feet of additional open space must be provided for each unit either as private open space or common open space.

**c. For Single-Family Residential development or Two-Family Residential development, a minimum of 250 square feet of open space must be provided for each unit either as private open space or common open space.**

e. **d.** 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 III:**

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

PROPOSED on \_\_\_\_\_, 2017.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2017.

VOTE: AYES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
NAYS: \_\_\_\_\_

\_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
ROBERT L. CROWELL, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN MERRIWETHER, Clerk-Recorder

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF MAY 24, 2017

**FILE NO: ZCA-17-024 (REVISED)**

**AGENDA ITEM: F-6**

**STAFF AUTHOR:** Hope Sullivan, Planning Manager

**REQUEST:** To make a recommendation to the Board of Supervisors regarding an ordinance amending Title 18, Zoning, Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.17, Multi-Family Apartment Development Standards, and Section 1.18, Residential Development Standards in Non-Residential Districts, to clarify that single family residential and two family dwellings may comply with open space requirements either through common or private open space. (Hope Sullivan)

**APPLICANT:** Carson City Planning Division

**RECOMMENDED MOTION:** "I move to recommend to the Board of Supervisors approval of ZCA-17-024, an ordinance amending Title 18, Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.17, Multi-Family Apartment Development Standards, and Section 1.18, Residential Development Standards in Non-Residential Districts, to clarify that single family residential and two family dwellings may comply with open space requirements either through common or private open space; and providing other matters properly relating thereto."

**LEGAL REQUIREMENTS:** CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments); NRS 278.260.

### **KEY ISSUES:**

The proposed ordinance would clarify that when land in the Multi-Family Apartment (MFA) zoning district or in a non-residential zoning district are being developed for either single family residential development or two family dwellings, the requirements for common open space may be met through either private or common open space.

### **DISCUSSION:**

Per CCMC Section 18.04.105, a single family dwelling and a two-family dwelling are allowed uses in the Multi-Family Apartment (MFA) zoning district. Nonresidential zoning districts including Residential Office (RO), General Office (GO), Neighborhood Business (NB), Retail Commercial (RC), and General Commercial (GC) each allow a single family dwelling or a two-family dwelling as either an allowed use or a conditional use.

Section 1.17 of the Carson City Development Standards identifies minimum standards for residential development in the Multi-Family Apartment (MFA) zoning district. These standards include a minimum of 150 square feet per dwelling unit of common open space be provided.

Similarly, Section 1.18 of the Carson City Development Standards identified minimum standards for residential development within the Neighborhood Business (NB), Retail Commercial (RC), General Commercial (GC), Residential Office (RO) and General Office (GO) zoning districts. These standards include a minimum of 150 square feet per dwelling of common open space be provided.

The result of these provisions is that any single family residential development or two-family dwelling would be required to provide for common open space, thus would need to include a



Homeowner's Association or similar instrument. It is appropriate to require common open space in the case of multi-family residential development, as each unit tends to be limited to a patio or balcony. The common open space allows for shared yard space in cases where residents don't have private yard.

When this amendment was initially proposed, staff advised that this rationale does not apply to single family residential development or two-family dwellings as in each of the applicable zoning districts, the minimum lot size of 6,000 square feet is required. Therefore, each lot will accommodate its own private yard. However, in the original version of the proposed text amendment, staff failed to recognize that townhouse development is considered single family development. Staff finds that townhouse development, and similar single family products should be subject to the open space requirements. However, staff does find that compliance with the open space requirements through private open space such as a private backyard is appropriate and consistent with the intent of the code.

Staff believes that the provisions of 1.17 and 1.18 of the Development Standards were adopted in anticipated that the contemplated development would be multi-family residential. The proposed text amendments are intended to clarify that single family residential and two family dwellings may comply with open space requirements either through common or private open space.

The following text amendments are proposed. (*Proposed additional wording is bolded and underlined.*)

### **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. **For Multi-Family Residential development, 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 of common open space may only include contiguous landscaped areas with no dimension less than 15 feet, and 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 common open space.
  - c. **For Single-Family Residential development or Two-Family Residential development, a minimum of 250 square feet of open space must be provided for each unit either as private open space or common open space.**
  - de. 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.

#### **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. **For Multi-Family Residential development, 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 of common open space may only include contiguous landscaped areas with no dimension less than 15 feet, and 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 common open space.
  - c. **For Single-Family Residential development or Two-Family Residential development, a minimum of 250 square feet of open space must be provided for each unit either as private open space or common open space.**
  - d. 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.

#### **PUBLIC COMMENTS:**

Public notice of this proposed Zoning Code Amendment was published in the newspaper and posted on the City's website pursuant to the provisions of NRS and CCMC. As of the writing of this staff report, no public comments were received. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

#### **FINDINGS:**

The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment, shall make the findings of fact found in CCMC 18.02.075(5). The following findings are recommended by staff:

- 1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.**

*The proposed amendment is in substantial compliance with the Master Plan. Policy 2.2a: Variety of Housing Types states the City shall “encourage a mix of housing models and densities for projects within the urbanized areas based upon their size, locations, surrounding neighborhood context, and applicable land use policies.” The proposed amendment will allow for single family residential and two-family residential development that is consistent with the single family residential and two-family residential development currently in the City. The proposed amendment does not change land use designations, densities, or policies of the Master Plan. All Master Plan goals and policies will continue to be in effect. The amendment will allow for future single family residential development or two-family residential development to provide for open space as either common open space or private open space.*

- 2. That 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.**

*The proposed amendment will not change the type of land use permitted per the Zoning Ordinance, therefore it will not create incompatible land uses.*

- 3. That 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.**

*The proposed amendment will allow development of single family residential and two-family residential development without a requirement for common open space. Instead, this type of development will be allowed to meet the open space requirement either utilizing private open space or common open space. The proposed amendment will not negatively impact existing or planned public services or facilities, nor will it adversely impact public health, safety and welfare.*

Attachment:

- 1) Draft ordinance