



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** September 17, 2020

Staff Contact: Lee Plemel, AICP, Director

Agenda Title: For Possible Action: Discussion and possible action regarding a proposed emergency ordinance establishing provisions extending the period of use of a storage container or metal storage container under certain circumstances. (Lee Plemel, lplemel@carson.org)

PURSUANT TO ARTICLE 2 OF THE CARSON CITY CHARTER, THIS ORDINANCE MUST BE ADOPTED BY A UNANIMOUS VOTE OF THE BOARD OF SUPERVISORS.

Staff Summary: Currently, Carson City Municipal Code ("CCMC") provisions require a special use permit for the use of a storage container or metal storage container on commercially zoned property for more than 90 days. Due to COVID-19 emergency directives issued by the Governor, businesses are required to provide physical space for social distancing, which has resulted in some businesses needing to temporarily remove items from within their businesses and store them elsewhere to create the required social distancing space. If adopted, this proposed ordinance would authorize the Director of the Department of Community Development to authorize the extended use of such containers beyond 90 days without a special use permit for the duration of the COVID-19 state of emergency.

Agenda Action: Formal Action / Motion **Time Requested:** 5 Minutes

Proposed Motion

I move to adopt Bill No. _____, Ordinance No. 2020 - _____.

Board's Strategic Goal

Efficient Government

Previous Action

None.

Background/Issues & Analysis

As a result of the State's declared COVID-19 state of emergency and emergency directives issued by the Governor, some businesses have needed to remove items from within their businesses to create the required physical social distancing space. As an example, Gold Dust West Casino needed to temporarily remove some machines and furnishings to make room for social distancing of customers. They have received approval from the Department of Community Development for the placement of a storage container for up to 90 days in accordance with the CCMC Title 18 Development Standards, Division 1.10.9, which allows the use of a storage container for up to 90 days, after which a special use permit is required. However, due to the continued social distancing requirements mandated by the Governor's directives, the temporary storage will likely remain necessary beyond the initial 90 days.

Staff recommends providing an exemption to the requirement for a special use permit for temporary storage containers for so long as the Governor’s COVID-19 state of emergency is in place. This would allow businesses to conveniently and efficiently store items that must be removed due to restrictions but may also be important for easy access for business operations. As proposed, this emergency ordinance would expire upon the expiration of the COVID-19 state of emergency, after which a business would have 90 days to remove any container that was approved for an extended use under the ordinance.

Ordinarily, a proposed ordinance is required to have two readings along with the publication of a notice of filing before adoption. However, art. 2, sec. 2.110(3) authorizes the Board of Supervisors to take final action immediately, by unanimous consent, on the adoption of an ordinance in cases of emergency without two readings and publication of the notice. Furthermore, because this proposed ordinance relates to zoning, it is exempted from the requirement of a business impact statement that would otherwise have to be prepared under NRS Chapter 237.

If you have questions regarding this item, contact Lee Plemel, Community Development Director, at 283-7075 or lplemel@carson.org.

Attachments:

- 1) Draft Ordinance

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.075 (Zoning Code Amendments); NRS Chapter 244; Article 2 of the Carson City Charter.

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not adopt the ordinance or provide alternative direction to staff.

Attachments:

[Ord. Storage Containers_Extended Use.docx](#)

Board Action Taken:

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

(Vote Recorded By)

Summary: Establishes provisions extending the period of use of a storage container or metal storage container under certain circumstances.

BILL NO. _____

ORDINANCE NO. 2020 - _____

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 18 APPENDIX (CARSON CITY DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN), BY ADDING THERETO A NEW SECTION 1.105 (EXTENDED USE OF STORAGE CONTAINER OR METAL STORAGE CONTAINER IN DECLARED STATE OF EMERGENCY) TO AUTHORIZE THE EXTENDED USE OF A STORAGE CONTAINER OR METAL STORAGE CONTAINER IN A COMMERCIAL USE DISTRICT DURING A DECLARED STATE OF EMERGENCY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 Appendix (CARSON CITY DEVELOPMENT STANDARDS), Division 1 (LAND USE AND SITE DESIGN), is hereby amended by adding thereto a new Section 1.105 (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

1.105 – Extended use of storage container or metal storage container during declared state of emergency. [Effective until the date upon which the Declaration of Emergency for COVID-19, issued by the Governor on March 12, 2020, expires.]

1. Notwithstanding any other provision of CCMC limiting the period during which a storage container or metal storage container may be located in a commercial use district, a person may apply for the extended use of such a container by filing with the Director an application on a form prescribed by the Department.

2. The Director:

(a) Shall, as soon as reasonably practicable after receiving an application filed in accordance with subsection 1, approve or deny it and notify the person who filed the application of the approval or denial; and

(b) Shall not charge a fee to review or issue a decision on an application.

3. The approval or denial of an application pursuant to this section is at the sole discretion of the Director and may not be appealed.

4. A storage container or metal storage container that is approved for an extended use in accordance with this section must be removed not later than 90 days after the date on which the extended use expires.

5. As used in this section:

(a) “Storage container” has the meaning ascribed to it in CCMC 18.03.005.

(b) “Metal storage container” has the meaning ascribed to it in CCMC 18.03.005.

SECTION II:

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

PROPOSED on _____, 2020.

PROPOSED by _____.

PASSED _____, 2020.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

ROBERT L. CROWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk-Recorder

This ordinance shall be in force and effect from and after the 19th day of the month of September of the year 2020.