



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** April 6, 2023

**Staff Contact:** Hope Sullivan, Community Development Director

**Agenda Title:** For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 106, a proposed ordinance repealing provisions governing certain common open space development in Carson City. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: This is the second reading of a proposed ordinance which, if adopted, will repeal chapter 17.10 of the Carson City Municipal Code ("CCMC") in its entirety, thereby removing provisions governing certain common open space development in Carson City.

**Agenda Action:** Ordinance - Second Reading      **Time Requested:** 5 minutes

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### **Proposed Motion**

I move to adopt, on second reading, Bill No. 106, Ordinance No. 2023 - \_\_\_\_\_.

### **Board's Strategic Goal**

Efficient Government

### **Previous Action**

March 16, 2023 (Item 14A): The Board of Supervisors ("Board") introduced the ordinance on first reading.

March 3, 2023 (Item 5A): During the joint work session meeting of the Board and the Planning Commission, the District Attorney's Office was directed to work with Community Development Department staff to take appropriate legal action to implement the immediate suspension of CCMC chapter 17.10 with the intended purpose of repealing those provisions as soon as possible.

### **Background/Issues & Analysis**

Pursuant to direction from the Board and the Planning Commission during their joint meeting on March 3, 2023, this proposed ordinance repeals CCMC chapter 17.10 in its entirety. Because a full repeal of CCMC chapter 17.10 was feasible and able to be prepared in time for the first meeting of the Board of Supervisors following the joint meeting on March 3, 2023, a temporary suspension of the application of that chapter by way of a moratorium was unnecessary. As introduced, this ordinance: (1) removes all local regulatory provisions currently set forth in CCMC chapter 17.10 and which govern certain common open space development; (2) makes conforming changes to CCMC 17.17.050; and (3) provides that any application that is filed before the effective date of this ordinance pursuant to CCMC 17.10.015 for open space development under the provisions proposed to be repealed is deemed to be denied by the Planning Commission unless the application was filed before March 3, 2023, the date on which the joint meeting of the Board of Supervisors and the Planning Commission was held and when direction was given to suspend and/or repeal CCMC chapter 17.10.

On March 16, 2023, when introducing the ordinance on first reading, the Board of Supervisors gave direction - upon recommendation from the District Attorney's Office - to amend the ordinance by including an additional

transitory provision in Section IV of the draft to expressly provide that the disposition of any application for common open space development that was filed before March 3, 2023, would be controlled by the applicable sections of CCMC chapter 17.10 as they existed before the repeal of those provisions by this ordinance. This updated ordinance reflects that change.

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

NRS Chapters 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?**

**Explanation of Fiscal Impact:**

**Alternatives**

Do not adopt the proposed ordinance on second reading, modify the proposed ordinance and/or provide alternative direction.

**Attachments:**

[Ord\\_2023\\_ch\\_17.10\\_repeal\\_second\\_reading\(2\).docx](#)

**Board Action Taken:**

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

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

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

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Summary: an ordinance repealing provisions governing certain common open space development in Carson City.

BILL NO. 106

ORDINANCE No. 2023 - \_\_\_\_\_

AN ORDINANCE RELATING TO LAND USE PLANNING; REPEALING PROVISIONS GOVERNING CERTAIN COMMON OPEN SPACE DEVELOPMENT IN CARSON CITY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 17 (DIVISION OF LAND, SUBDIVISION OF LAND), Chapter 17.10 (COMMON OPEN SPACE DEVELOPMENT) is hereby repealed as follows:

**Chapter 17.10 [~~COMMON OPEN SPACE DEVELOPMENT~~] Repealed.**  
**(Editor's note: Ord. No. 2023 - \_\_\_\_\_, § I, adopted \_\_\_\_\_, 2023, repealed CCMC chapter 17.10 – COMMON OPEN SPACE DEVELOPMENT.)**

SECTION II:

That Title 17 (DIVISION OF LAND, SUBDIVISION OF LAND), Chapter 17.17 (RESIDENTIAL CONDOMINIUMS), Section 17.17.050 (Amenities) is hereby amended (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

**17.17.050 - Amenities.**

Condominium projects should comprise a comprehensive, integrated design which provides open space and the amenities associated with [~~Chapter 17.10 of~~] this title and the Carson City design standards, Divisions 1 and 3. All owners of units in a condominium project shall have an undivided ownership interest in the common areas and amenities. All amenities of a condominium project and the provision of limited common elements shall be subject to special use permit review at the time of conversion or prior to new project construction or project expansion, except where an established association makes minor additions or modifications to a project area that has been previously approved.

SECTION III:

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

SECTION IV

1. Notwithstanding any other provision of CCMC, an application filed before the effective date of this ordinance pursuant to CCMC 17.10.015, as that section existed before the effective date of this ordinance, shall be deemed to be denied by the Planning Commission unless the application was filed before March 3, 2023.

2. The amendatory provisions of this ordinance repealing chapter 17.10 of CCMC do not apply to an application filed before March 3, 2023, and the disposition of such an application must be controlled by the applicable sections of CCMC as they existed before the effective date of this ordinance.

PROPOSED on \_\_\_\_\_, 2023.

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

PASSED on \_\_\_\_\_, 2023.

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

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

Lori Bagwell  
Mayor

ATTEST:

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William Scott Hoen  
Clerk-Recorder

This ordinance shall be in force and effect from the 9th day of the month of April of the year 2023.

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TEXT OF REPEALED SECTIONS

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~~**[17.10.005 – Purpose.**~~

~~The purpose of this chapter is to set forth regulations to permit variation of lot size, including density transfer (cluster) subdivisions, in order to preserve or provide open space, protect natural, cultural and scenic resources, achieve a more efficient use of land, minimize road building and encourage stable, cohesive neighborhoods offering a mix of housing types.~~

~~**17.10.010 – Applicability.**~~

~~Common open space development may be allowed in any residential zoning district.~~

~~**17.10.015 – Applications.**~~

~~If the provisions of this chapter are utilized, the application and process for a tentative subdivision map, as provided in Title 17 of the CCMC, shall be utilized and state that a common open space development is proposed.~~

~~**17.10.020 – Non-residential uses.**~~

~~Non-residential uses that serve the residents of a common open space development may be allowed provided they are allowed by, and meet the requirements of Chapter 18.04 (Use Districts) and are designed to be an integral part of the project.~~

~~**17.10.025 – Density and intensity standards.**~~

- ~~1. Residential. The total number of dwelling units in the proposed common open space development shall not exceed the total number of dwelling units allowed by the underlying zoning district(s). The gross site area may include more than 1 parcel and it is not mandatory that the parcels be contiguous, although they must be located in the same geographical vicinity, as determined by the director.~~
- ~~2. Non-Residential. The total amount of non-residential space shall not exceed the amount of space allowed by Title 18 (Use Districts). The amount of non-residential space may be further restricted if the commission finds that such restriction is necessary to preserve the primary residential character of the development.~~

3. ~~General. All development shall comply with the height standards in Title 18, (Use Districts) for the zoning district of the property.~~

**17.10.030 – Lot and yard standards.**

~~The minimum lot size, lot width, and setback requirements applicable to the base zoning district may be reduced for better utilization of the land and to produce a housing environment of stable and desirable character consistent with the objectives of this chapter and the master plan, or as an alternative, typical building envelopes shall be shown on the tentative subdivision map or parcel map.~~

1. ~~Minimum Lot Area.~~

- a. ~~Within the SF1A, MH1A and SF2A zoning districts, a lot may be reduced to no less than 33 percent of minimum lot size allowed by the applicable zoning district.~~
- b. ~~Within the SF5A, CR and A zoning districts, a lot may be reduced to no less than three acres.~~
- c. ~~Within all other underlying zoning districts there is no minimum required lot area.~~

2. ~~Minimum lot width and setbacks within the SF1A, MH1A, SF2A, SF5A, CR and A underlying zoning districts shall be established as part of the tentative map approval in accordance with the following table:~~

Lot Size	Minimum Setbacks				
	Minimum Lot Width	Front	Side	Street Side	Rear
2 acres or larger	200 ft.	50 ft.	20 ft.	20 ft.	30 ft.
1 acre up to 2 acres	120 ft.	30 ft.	15 ft.	20 ft.	30 ft.
Less than 1 acre	80 ft.	20 ft.	10 ft.	15 ft.	20 ft.

- 3. ~~Except as provided in subparagraph 2 above, there are no minimum lot width or internal setback requirements provided that a minimum of 10 feet between structures is maintained. All applicable internal setback requirements shall be established as part of the tentative map approval.~~
- 4. ~~Project periphery boundary setbacks shall be those established for yard areas by the underlying zoning district.~~
- 5. ~~All setbacks shall meet minimum building and fire code requirements.~~

**17.10.035 – Site analysis to determine common open space and lot size variations.**

~~A site analysis showing development opportunities and constraints shall be prepared as a key consideration, along with the project design objectives, to determine the total area covered by lots and roads, lot areas and the total area to be designated as common open space. The site~~

analysis shall include information and maps, including a site opportunities and constraints map, describing all significant physical and contextual features or factors which may affect the development of the property. The elements of the site analysis shall include, as a minimum, the following information:

1. ~~Location Map. A general location map providing the context of location and vicinity of the site.~~
2. ~~Land Use and Zoning. Current and planned land use and adopted zoning on the site and adjacent adopted zoning and current, planned and approved, but unbuilt land uses.~~
3. ~~Existing Structures. A description of the location, physical characteristics, condition and proposed use of any existing structures.~~
4. ~~Existing Vegetation. A description of existing vegetation, including limits of coverage, and major tree sizes and types. In the instance of heavily wooded sites, typical tree sizes, types and limits of tree coverage may be substituted.~~
5. ~~Topography. An analysis of slopes on the site, and adjacent to the site, using a contour interval of 5 feet, or at a contour interval appropriate for the site and agreed to by the director, identifying areas with 15 percent or greater slope, areas with 33 percent or greater slope and areas identified as "skyline" on the adopted Carson City skyline map.~~
6. ~~Soil. An analysis of the soil characteristics of the site using Soil Conservation Service (SCS) information.~~
7. ~~Natural Drainageways. Identification of natural drainageways on and adjacent to the site.~~
8. ~~Wetlands and Water Bodies. Identification of existing or potential wetlands and water bodies on the site.~~
9. ~~Flood Hazards. Identification of existing and potential flood hazards using Federal Emergency Management Agency (FEMA) information.~~
10. ~~Seismic Hazards. Identification of seismic hazards on and/or near the site, including location of any Holocene faults.~~
11. ~~Easements. A description of the type and location of any easements, public and/or private, on the site.~~
12. ~~Utilities. A description of existing or available utilities, and an analysis of appropriate locations for water, power, sanitary sewer and storm water sewer facilities.~~
13. ~~Appropriate Access Points. An analysis of appropriate access points based upon existing and proposed streets and highways and site opportunities and constraints.~~

#### **17.10.040 – Roads.**

~~To the extent possible, common roads and driveways shall be used for access. The roads shall be aligned to follow natural features and topography.~~

#### **17.10.045 – Parking.**

~~The parking requirements of Division 2, Parking and Loading, of the development standards shall apply.~~

#### **17.10.046 – Open Space.**

A minimum of 250 square feet of open space per dwelling unit shall be provided, which may include private open space and/or common open space subject to the following provisions:

1. ~~Private Open Space. Private open space may include private yard areas with no dimension less than 15 feet.~~
2. ~~Common Open Space. Common open space may include common areas with no dimension less than 25 feet and:
  - a. ~~Shall serve those lots developed with less than the minimum per lot open space requirement; and~~
  - b. ~~At least 100 square feet of common open space per residential unit shall 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 a slope of 5 percent or less.~~~~

#### **17.10.050 – Conditions of approval.**

Provisions for the common open space development shall be conditioned upon approval of the tentative subdivision or parcel map and shall, at a minimum, include the following:

1. ~~Three Year Maintenance Plan. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, at a minimum, address the following:
  - a. ~~Vegetation management;~~
  - b. ~~Watershed management;~~
  - c. ~~Debris and litter removal;~~
  - d. ~~Fire access and suppression;~~
  - e. ~~Maintenance of public access and/or maintenance of limitations to public access; and~~
  - f. ~~Other factors deemed necessary by the commission or the board.~~~~
2. ~~Permanent Preservation and Maintenance. Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to the city.~~
3. ~~Screening and Buffering of Adjoining Development. Provisions shall be made to assure adequate screening and buffering of existing and potential developments adjoining the proposed common open space development.~~
4. ~~Common Open Space Restrictions. Designated common open space shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.]~~