

City of Carson City
Agenda Report

Item # 7

Date Submitted: May 29, 2007

Agenda Date Requested: June 7, 2007

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Planning Division / Development Services Department

Subject Title: Action to adopt, on second reading, **Bill No. 113**, Ordinance No. _____, an ordinance amending Carson City Municipal Code Title 17, Subdivision of Land, Chapter 17.09, Planned Unit Development, and Chapter 17.10, Common Open Space Development, making various amendments to the provision for lot size, setbacks, open space and other provisions relating to such subdivisions; amending the Residential Districts Intensity and Dimensional Standards tables of Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.190, Residential Districts Intensity and Dimensional Standards, and Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, modifying requirements for setbacks and open space in the Multi-Family Apartment (MFA) zoning district and modifying required setbacks within the Residential Office (RO) zoning district; amending the Non-residential Districts Intensity and Dimensional Standards tables of Chapter 18.04, Use Districts, Section 18.04.195, Non-Residential Districts Intensity and Dimensional Standards, and Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, modifying setback requirements for Residential Office (RO) and General Office (GO) zoning districts; amending Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, Section 1.14, Cornices and Uncovered Porches, requiring minimum setbacks for front porch projections into setbacks; and amending Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, adding Section 1.17, Multi-Family Apartment Development Standards, and adding Section 1.18, Residential Development Standards in Non-Residential Districts, to provide for consolidated development standards for multi-family residential development in Multi-Family Apartment zoning districts and other non-residential (commercial) zoning districts relating to setbacks, open space and other development standards, and other matters properly related thereto. (File ZCA-07-045)

Staff Summary: The proposed ordinance affects provisions for the development of certain types of subdivisions, specifically Planned Unit Developments and Common Open Space Developments, with regards to required open space, minimum lot size and other provisions. The ordinance also provides for revised open requirements for multi-family apartment development, as well as revised setbacks for Multi-Family Apartment (MFA), Residential Office (RO) and General Office (GO) setbacks.

Type of Action Requested:

- Resolution Ordinance (Second Reading)
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval April 25, 2007, by a vote of 6 Ayes, 0 nays, and 1 Absent.

Board of Supervisors Action: Recommended approval May 17, 2007, by a vote of 5 Ayes, 0 Nays.

Recommended Board Action: I move to adopt, on second reading, **Bill No. 113**, Ordinance No. _____, an ordinance amending Carson City Municipal Code Title 17, Subdivision of Land, Chapter 17.09, Planned Unit Development, and Chapter 17.10, Common Open Space Development, and amending Title 18,

Zoning, Chapter 18.04, Use Districts, Section 18.04.190, Residential Districts Intensity and Dimensional Standards, Section 18.04.195, Non-Residential Districts Intensity and Dimensional Standards, and Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, as published on the agenda.

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.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

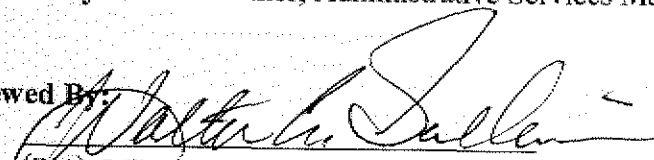
Funding Source: N/A

Alternatives: 1 Refer the matter back to Planning Commission for further review, or 2) Deny the ordinance

Supporting Material: Ordinance

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:



(Walter Sullivan, Planning Director)

Date: 5/30/07



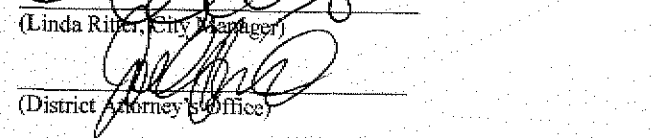
(Larry Werner, Development Services Director/City Engineer)

Date: 5/30/07



(Linda Ritter, City Manager)

Date: 5/29/07



(District Attorney's Office)

Date: 5/29/07

Board Action Taken:

Motion: _____

1) _____	Aye/Nay
2) _____	_____

(Vote Recorded By)

BILL NO. 113

ORDINANCE NO. 2007-

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, SUBDIVISION OF LAND, CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, AND CHAPTER 17.10, COMMON OPEN SPACE DEVELOPMENT, MAKING VARIOUS AMENDMENTS TO THE PROVISION FOR LOT SIZE, SETBACKS, OPEN SPACE AND OTHER PROVISIONS RELATING TO SUCH SUBDIVISIONS; AMENDING THE RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS TABLES OF TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.190, RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, MODIFYING REQUIREMENTS FOR SETBACKS AND OPEN SPACE IN THE MULTI-FAMILY APARTMENT (MFA) ZONING DISTRICT AND MODIFYING REQUIRED SETBACKS WITHIN THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT; AMENDING THE NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS TABLES OF CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.195, NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, MODIFYING SETBACK REQUIREMENTS FOR RESIDENTIAL OFFICE (RO) AND GENERAL OFFICE (GO) ZONING DISTRICTS; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.14, CORNICES AND UNCOVERED PORCHES, REQUIRING MINIMUM SETBACKS FOR FRONT PORCH PROJECTIONS INTO SETBACKS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, ADDING SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, AND ADDING SECTION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO PROVIDE FOR CONSOLIDATED DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN MULTI-FAMILY APARTMENT ZONING DISTRICTS AND OTHER NON-RESIDENTIAL (COMMERCIAL) ZONING DISTRICTS RELATING TO SETBACKS, OPEN SPACE AND OTHER DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 17.09 (Planned Unit Development) of Title 17, Subdivisions of Land, of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

Chapter 17.09
PLANNED UNIT DEVELOPMENT

Sections:

17.09.005	Statement of Objectives for Planned Unit Developments
17.09.010	Definitions
17.09.015	Permitted Uses
17.09.020	Timing of Development
17.09.025	Density of Land
17.09.030	Expeditious Processing
17.09.035	Preliminary Review of Conceptual Plan
17.09.040	Application for Tentative Approval
17.09.045	Hearing on Application
17.09.050	Approval or Denial of Application
17.09.055	Time Limits for Filing Application for Final Approval
17.09.060	Final Approval
17.09.065	Options Where Plan is Not in Substantial Compliance
17.09.070	Certification of the Final Development Plan
17.09.075	Amendments After Final Recording
17.09.080	Abandonment of Final Plan
17.09.085	Judicial Review
17.09.090	Design Standards - Generally
17.09.095	Specific Design Standards
17.09.100	Open Space
17.09.105	Common Open Space and Other Common Properties — Dedication or Organization of Ownership
17.09.110	Failure of an Organization to Act
17.09.115	Action by Carson City
17.09.120	Maintenance for Succeeding Years
17.09.125	Expenses of Maintenance

17.09.005 Statement of Objectives for Planned Unit Developments. In order that the public health, safety and general welfare of the residents of Carson City be furthered in an era of increased urbanization, growing demand for housing of all types and desire for attractive commercial and industrial developments, there is enacted an ordinance controlling Planned Unit Developments. The purpose of the ordinance codified in this chapter, in addition to the above, is to encourage more efficient use of the land and of public and private services in Carson City; to reflect the changes in technology of land development so the resulting economies benefit Carson City, **and to preserve or provide open space, protect natural, cultural and scenic resources, minimize road building and encourage stable, cohesive neighborhoods offering a mix of housing types.**

It is the intention of this chapter to produce developments which meet or exceed the city standards of open space, access to light and air, pedestrian and vehicular circulation and produce a variety of land uses which complement each other and harmonize with the existing and proposed land uses in the vicinity. Additionally, this chapter insures increased flexibility of substantive regulations over land development and that is administered in such a way as to encourage land development without undue delay, while controlling development in the best interests of the ecology, economy, public health, safety, morals, and general welfare

of the citizens of Carson City.

17.09.010 Definitions.

1. "Board" means Carson City Board of Supervisors.
2. "Commission" means Carson City Planning Commission.
3. "Director" means the Director of the Planning Division and Community Development Department or his designee.
4. "Landowner" means the legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development. The holder of an option or contract of purchase, a lessee having a remaining term of not less than thirty years, or another person having an enforceable proprietary interest in such land is a landowner for the purposes of this chapter.
5. "Plan" means the provisions for development of a Planned Unit Development, including a plan of land division, all covenants relating to use, location, and size of buildings and other structures, intensity of use or density of development, private streets, sidewalks, bike paths, and parking facilities, private and common open space, and public facilities and utilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this chapter.
6. "Planned Unit Development" means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling, commercial, and/or industrial units, the plan for which does not correspond in lot size, height, or size of dwelling, density, lot coverage, and required open space of the regulations established in any one use district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.
7. **"Zero lot line home" means a single-family detached residence with a zero or reduced setback on one or more property lines.**

17.09.015 Permitted Uses.

1. Uses permitted in a residential Planned Unit Development are limited to the following:
 - a. Any residential family dwelling unit, including mobilehomes provided they are used as a single-family residence and each unit is located on a separate lot or parcel of land and on a permanent foundation, **and including a variety of housing types including, but not limited to, detached or attached single-family homes with a variety of lot configurations and setbacks, townhouses, cluster units, condominiums and zero lot line homes.**
 - b. Parks, playgrounds, swimming pools and other recreational areas.
 - c. Non-residential buildings and structures if designed and used for the development as clubhouses, social halls, laundry, storage and utility facilities.
 - d. Recreational vehicle and boat storage **accessory to a residential use.**
 - e. Streets and parking areas.

None of the above shall be used or operated as a business, except as temporary tract sales offices and approved home occupations, but shall be used only in connection with the overall development of the Planned Unit Development.

2. Uses authorized in commercial and industrial Planned Unit Developments shall be limited to permitted uses within the underlying zoning district.

17.09.020 Timing of Development. The construction and development of all approved amenities, including open space and support facilities shall occur no later than the construction or development of ~~[twenty-five]~~ **25** percent of the dwelling units.

Phased construction and development of approved amenities and support facilities may be authorized at the time of tentative approval.

17.09.025 Density of Land.

1. The maximum residential density of a Planned Unit Development shall be determined by the underlying zoning classification and shall be calculated by multiplying the gross area of the site by the following density formula:

Applicable Zoning Classification	Maximum Permitted PUD Density (Units Per Acre)
SF6 - MH6	8.0
SF12 - MH12	4.0
SF21	2.3
SF1A - MH1A	1.1
SF2A	<u>0.55</u>
SF5A, CR, A	<u>0.22</u>
MFD	[13-20] <u>15.0</u>
MFA	[26-50] <u>29.0 for two or more bedroom units</u> <u>36.0 for studios or one bedroom units</u>

If the above formula results in a fraction of .5 or above, it shall be rounded off to the next highest whole number. If the fraction is less than .5, it shall be rounded off to the next lowest whole number.

If the density of the proposed development exceeds the factor described above for the underlying zoning classification or if the placement of mobilehomes is contemplated in a zone other than a mobilehome zone, then ~~[consideration of a Change of Land Use]~~ a Zoning Map Amendment is ~~[first]~~ required as part of the Planned Unit Development application.

- ~~[2. The maximum lot density (amount of total gross square footage of the commercial or industrial use) of a commercial or industrial Planned Unit Development can be increased up to twenty-five percent.]~~

17.09.030 Expeditious Processing. In order to provide an expeditious method for processing a tentative Planned Unit Development under the terms of this chapter and to avoid the delay of securing of approvals by a multiplicity of local procedures with regard to the division of land, ~~[change in land use]~~ Zoning Map Amendment, and regulations otherwise applicable to the property, it is, therefore, declared to be in the public interest that all procedures with respect to the approval or disapproval of a Planned Unit Developments be applied for under a single application.

The processing of a Planned Unit Development is completed in three stages. Stage one is the preliminary review of the conceptual plan. Stage two is the application for tentative approval of a Planned Unit Development to the Commission and approval by the Board. Stage three is final approval of the Planned Unit Development by the City.

17.09.035 Preliminary Review of Conceptual Plan. The initial step to be taken by the developer is to submit general conceptual plans to the Planning Division ~~[and Community Development]~~. The plan shall include: maps and drawings showing proposed land uses and land use on adjacent property, location of existing and proposed buildings and parking areas, proposed circulation, drainage water and sewer systems and existing topography. Also, an indication of residential densities, a schedule of development, and any additional information which may be required to determine if the proposed development conforms to the City master plan, the Planned Unit Development ordinances and objectives.

Within ~~[thirty (30)]~~ days after submission of the conceptual plan, the Planning Division ~~[and Community Development]~~ staff shall meet with the applicant and review the proposal. The Director shall determine whether the proposal conforms to the master plan and if it complies with all applicable codes.

17.09.040 Application for Tentative Approval.

1. An application for tentative approval of a Planned Unit Development shall be filed by or on behalf of the landowner. The application shall be filed with the Planning Division ~~[and Community Development]~~ on forms approved by the ~~[department]~~ division and accompanied by the payment of all applicable fees. Fees are set by resolution of the Board. Neither the Board, Commission, or any City department shall undertake a review of the proposed development until all fees have been paid in full and the complete application package has been received.
2. The Planning Division ~~[and Community Development]~~, after submittal of the complete package, shall *circulate for review and comment the proposed development plans. These plans will be reviewed by City, State, and Federal agencies for compliance with applicable laws. The agencies shall then respond, in written form, as to the conditions to be imposed upon the proposed development. These comments and conditions will be incorporated into the staff report and relayed to the landowner prior to the public hearing before the Commission.*
3. The complete application package must contain the fee payment, the application form, the appropriate number of prints, and informational booklets. The term "print" shall mean a blueprint, which is reproduced exactly from the original drawing. Print size shall be ~~[twenty-four] 24~~ by ~~[thirty-six] 32~~ inches ~~[(24"x36")]~~ with a marginal line drawn completely around each sheet, leaving an entirely blank margin of one-half ~~[(1/2")]~~ inch at the top, bottom, and right edges, and of two ~~[(2")]~~ inches at the left edge along the ~~[twenty-four] 24~~-inch ~~[(24")]~~ dimension for Tentative Maps and final improvement plans. Print size for final plat maps shall be ~~[twenty-four] 24~~ by ~~[thirty-two] 32~~ inches ~~[(24"x32")]~~ with a marginal line drawn completely around each sheet, leaving an entirely blank margin of one inch ~~[(1")]~~ at the top, bottom, and right edges, and of two ~~[(2")]~~ inches at the left edge along the ~~[twenty-four] 24~~-inch ~~[(24")]~~ dimension. Maps shall be of scale large enough to show clearly all details. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.
4. The prints and informational booklets shall include the following criteria:
 - a. A map showing the location and size of the project site, all public utility easements, and the lot layout and lot line dimensions. A legal description of the land described by forty-acre

subdivision, section, township, and range; and the landowner's interest in the land proposed to be developed by an affidavit of ownership; a north arrow, scale, and all sheets numbered.

- b. The density of the land to be developed and described in terms of units per acre (gross and net buildable areas); and a tabulation of the total land area and the acreage and percentages designed for the various uses.
- c. A topographic map with contour intervals of two and one-half feet [~~(2.5')~~] for slopes of less than [~~ten percent (10%)~~] 15 percent and five feet [~~(5')~~] for slopes of 15 percent or greater [~~than ten percent (10%)~~], 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; the location of natural features, including trees, may be required, the proposed grading plan, a soils report including soils types, seasonal high-water table, and percolation rates; an erosion control plan including, if necessary, stream protection, road drainage erosion prevention, and prevention of untreated discharge into streams; and maps showing the [~~one hundred (100)~~] year flood plain as determined by FEMA Flood Insurance Rate Maps for those areas subject to flooding and possible earthquake faults passing through the proposed development.
- d. The proposed circulation system showing all public and private streets, sidewalks, and bikeways, the widths of all streets, a proposed grading plan for all streets, the provisions for vehicular parking, all boat and RV storage, the layout of the water, sewer, and storm drainage system, and an indication as to the type of water system to be used, its source, and engineering data on fire flows. Also to be included is the method of sewage disposal and solid waste (refuse) provisions.
- e. The use, height, size, and location of all structures, walls, and fences; character of materials, the texture of the buildings and grounds (color perspective) and elevation perspectives of structures in relation to adjacent buildings shall also be indicated.
- f. The location and size of any common and private open space, the substance of the conditions, covenants, and restrictions imposed upon the use of the land and structures and the form of organization proposed to own and maintain the open space and other common properties, and the proposed landscaping plan.
- g. The required modifications in Carson City's land use regulations otherwise applicable to the subject property, a master plan for potential development of the property in the area of the proposed Planned Unit Development, and in the case of plans, which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the Planned Unit Development are intended to be filed. Other information as required by Carson City.
- h. The ratio of residential to non-residential uses, areas of land, proposed setbacks.

17.09.045 Hearing on Application

1. The Commission shall hold a public hearing, not later than [~~sixty-five (65)~~] days after the filing of the application, and shall give notice of time and place and purpose thereof by mailing a notice, not less than [~~ten (10)~~] days prior to the date of such hearing to the applicant and the owners of property any part of which lies within [~~three hundred~~] 300 feet [~~(300')~~] from any point on the exterior boundary

of the parcel(s) for which the Planned Unit Development is sought, as shown on the records of the Assessor. Notice by mail to the last known address of the real property owners as shown on the Assessor's records, shall be sufficient.

2. The Commission may continue a hearing to a specific time and may refer the matter to the Planning Division [~~and Community Development~~] staff for further study. In any event, however, the public hearings shall be concluded within [~~sixty~~-(60)] days after the date of the first public hearing unless the landowner consents in writing to an extension of time within which such hearings shall be concluded.
3. The Commission shall consider all such evidence as presented by staff and the landowner and shall make such findings of fact relative to the Tentative Map. Findings of fact shall not be inconsistent with the laws of the State or with a recommendation to the Board within [~~thirty~~-(30)] days. The Commission shall recommend disapproval or conditional approval on every Tentative Map if the map does not disclose full compliance with CCMC or NRS.
4. Recommendation of approval by the Commission of Tentative Maps shall impose no obligation on the part of the Board to approve the Tentative Map or to accept any public dedication shown thereon.
5. The Board shall consider the Commission's report and any new evidence as presented by the staff and the landowner. The Board may continue a hearing to a specific time and may refer the matter back to staff or the Commission for further study. In any event, however, the public hearings shall be concluded within [~~sixty~~-(60)] days after receipt of the Commission report.
6. The Board shall, after the conclusion of public hearings by minute action, grant tentative approval, tentative approval subject to specific conditions, or denial of a tentative plan. When tentative approval is granted, the Board shall specify the maps, drawings, specifications, and form of performance bond that shall accompany the application for final approval. If approval is granted subject to conditions, the landowner shall, within [~~twenty-one~~-(21)] days after receiving the approval from the Board or by special agreement from the Board, a set period of time to notify the Director of their acceptance of or their refusal to accept all of the stated conditions. Failure to respond to the Director, within the established time limits, shall void all prior proceedings. If the landowner refuses to accept all of the conditions, tentative approval of the plan is automatically rescinded.
7. This section does not prevent the Board and the landowners from mutually agreeing to modify such conditions and the Board may, at the request of the landowner, extend the time during which the landowner is required to notify of his acceptance or refusal to accept the conditions.

17.09.050 Approval or Denial of Application. The approval or denial of a tentative Planned Unit Development plan shall be by minute action and shall set forth the reasons for the approval or for the denial, and in the case of approval, shall set a specific date for the filing of a Final Map, or in the case of phase development over a period of years, shall set the specific dates for the filing of the Final Map phases or units. The minutes shall also set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to, findings of fact, conclusions of law on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of the Planned Unit Development ordinance;

2. The extent to which the plan departs from zoning and Planned Unit Development regulations otherwise applicable to the property, including but not limited to density, size and use, and the reasons such departures are or are not deemed to be in the public interest;
3. The purpose, location and amount of the open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development;
4. A physical design of the plan and in the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, parking requirements, and further the amenities of light and air, recreation and visual enjoyment;
5. The relationship, beneficial or adverse, of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established;
6. In the case of a plan which proposes a development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the Planned Unit Development in the integrity of the plan.

17.09.055 Time Limits for Filing Application for Final Approval.

1. When the landowner has been granted tentative approval of a Planned Unit Development, the landowner shall file an application for final approval, for the first phase or unit, on or before a date set at the discretion of the Board or within two ~~(2)~~ years from the time of tentative approval as granted by the Board. Specific Final Map filing dates for all phases may be extended, upon application to the Board, but in no event shall the dates exceed ~~[twelve-(12)]~~ months from the previously established final filing date. Tentative approval of a plan does not qualify a plat of the Planned Unit Development for recording or authorize development or the issuance of any building permits.
2. Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:
 - a. The landowner elects to abandon the plan or any part thereof, and so notifies the Director in writing; or
 - b. The landowner fails to file application for the final approval within the required time.

17.09.060 Final Approval.

1. An application for Final Map and ~~[Change of Land Use]~~ Zoning Map Amendment approval shall be made for all the land included in a plan or to the extent set forth in the tentative approval for a section thereof. Such application shall be made to the Planning Division ~~[and Community Development Department]~~ within the time specified by the minutes granting tentative approval. Development Engineering and the Planning Division ~~[and Community Development Department]~~ shall review, within ~~[thirty-(30)]~~ days, the Final Map for compliance with the ~~[tentatively]~~ approved tentative map. If any errors or omissions are found on the prints of the Final Map submitted to the City for checking, the map shall be returned to the subdivider or his engineer for correction. When the corrected map has been received and approved by Development Engineering, the City Engineer shall

then notify, by certified mail, the land owner if his map is in compliance. The [thirty-(30)] day review period shall be extended by the number of days it takes to get the map corrected. The applicant shall then have [ninety-(90)] days, upon receipt of the City's letter, to record the Final Map, if the plan is in substantial compliance with the plan that had been granted tentative approval.

2. Contents of Application. The application shall include such maps, drawings, specification, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of tentative approval.
3. Hearing. A public hearing on an application for Final Map and [Change of Land Use] Zoning Map Amendment approval of the plan or any part thereof, shall not be required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan that had been granted tentative approval. The plan submitted for final approval shall be in substantial compliance with plans previously approved if modifications by the landowner do not:
 - a. Vary the proposed gross residential density or the number of units proposed;
 - b. Involve a reduction of the area set aside for common or private open space or modify the maintenance agreements;
 - c. Increase the total ground coverage of buildings or involve a substantial change in the height of buildings;
 - d. Vary circulation, drainage, or utility patterns;
 - e. Vary the substance of the covenants, conditions, and restrictions.
4. Only when final approval has been granted and the map recorded shall the notation of this fact be placed on the zoning map. If construction of the approved development has not begun within one year of the recording of the Final Map, the Final Map shall expire and the base zoning of the site shall be enforced.
- ~~5. An inspection fee of one percent of the utility construction costs shall be charged for utilities construction off-site and extending to the site before the Final Map has been accepted by Carson City.]~~
5. [6:] All final maps will comply with CCMC, Chapter 17.06, where applicable.

17.09.065 Options Where Plan is Not in Substantial Compliance.

1. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the Director shall, within [thirty-(30)] days of the date of the filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance. Thereupon, the landowner may:
 - a. Treat such notification as a denial of final approval;
 - b. Refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or

- c. File a written request with the Department that the Board hold a public hearing on his application for final approval.

If the landowner elects the alternatives set out in subsections b or c above, he must refile his plan or file a request for a public hearing on or before the last day of the time within which he was authorized to file for final approval, or ~~thirty-(30)}~~ days from the date he receives notice that his plan is not in substantial compliance, whichever is later. Failure to refile a request or public hearing within such time period shall constitute an abandonment of the plan by the landowner.

2. The burden shall be upon the landowner to show the Board good cause for any variation between the plan as tentative approved and the plan as submitted for final approval.
3. Any such public hearing shall be held by the Board within ~~thirty-(30)}~~ days after the request for the hearing is made by the landowner. The Board shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matters required with respect to an application for tentative approval by Chapter ~~[17-69]~~ 17.09.050. The Board may continue the hearing, but in no case shall action on the map exceed ~~[sixty-(60)}~~ days from the first hearing date.

17.09.070 Certification of the Final Development Plan. Approval of a plan, or any part thereof, which has been given final approval, shall be certified without delay by the proper authorities and shall be filed within ~~[ninety-(90)}~~ days of final approval in the office of the recorder in and for Carson City before the issuance of any building permits for the development. The Recorder shall collect a fee pursuant to NRS.

17.09.075 Amendments After Final Map Recording. Minor amendments to the final map may be authorized by both the Director and the City Engineer providing there is not an increase in the density of a project or a decrease in the amount of open space.

17.09.080 Abandonment of Final Plan. No further development shall take place on the property **included in the final plan until the property is resubdivided and is reclassified by a Zoning Map Amendment** if:

1. The landowner abandons any or all such plans or any or all sections thereof as finally approved and gives written notification thereof to the Director. Written notification can be any application filed with Carson City indicating that the landowner is abandoning or modifying the provisions of the finally approved map; or
2. The landowner fails to begin the Planned Unit Development within the prescribed period of time after the final approval has been granted.

17.09.085 Judicial Review. Any decision of the Board under this chapter granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in a properly presented case.

17.09.090 Design Standards — Generally.

1. The standards of development for the location, design, construction, width, course, and servicing of public and private streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, street signage, street drainage, parks, playgrounds, open space, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection

and treatment for Planned Unit Developments shall meet existing codes, requirements, and standards as adopted by Carson City.

2. The Board may grant a modification to the provisions of this chapter after considering the statement of objectives regarding Planned Unit Developments and including, but not limited to, adjoining neighborhood factors, project density, open space, and where a practicable and beneficial result will be obtained. Exceptions are grants or easements relating to the service or equipment of a public utility.

17.09.095 Specific Design Standards.

1. **Minimum Site Area.** The minimum site area shall not be less than five [(5)] acres, except that the Board may [modify] waive this requirement when proper planning justification is presented by the landowner pursuant to the objectives of the Planned Unit Development ordinance, including but not limited to encouraging more efficient use of the land and services; utilization of new technologies in land development so the resulting economies benefit Carson City; preserving or providing open space; protecting natural, cultural and scenic resources, achieving a more efficient use of land; minimizing road building; and encouraging stable, cohesive neighborhoods offering a mix of housing types.
2. **Minimum Number of Units.** The minimum number of units in a Planned Unit Development shall be not less than five [(5)] dwelling units.
3. **Lot Area and Width, Height, Size, and Setback Requirements.** 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.

a. Minimum lot area.

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

b. 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:

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

- c. Except as provided in subparagraph (b) 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.
- d. All setbacks shall meet minimum building and fire code requirements.
- e. No structure or part of a structure except fences shall be located within [twenty] 20 feet [(20')] of an adjacent property at a periphery boundary of the Planned Unit Development. Setbacks at the periphery boundary abutting a street or right-of-way shall be the front and street side yard setbacks as established by the underlying zoning district. The periphery setbacks may constitute part of the open space requirement, excluding periphery front yard areas. [Setbacks of structures and other site restrictions at intersections of public or private streets shall meet the requirements of CCMC (Title 18) and the Development Standards.]
- f. Any structure, whether for residential or non-residential use, shall not be greater in height than the underlying zoning district requirement unless a Special Use Permit is granted by the Planning Commission for such height increase.

The provisions of the plan relating to the use of land and the height, size, use, and location of buildings and structures, and quantity and location of open space, and the intensity of use and the density of residential units shall run in favor of Carson City and shall be enforceable in law and equity by Carson City, without limitations on any powers of regulation otherwise granted to Carson City by law.

4. Parking Standards. As required by Division 2 of the Development Standards.
5. Storage Areas. Storage areas may be provided in the plan. Storage areas shall be screened from adjacent streets and commercial and residential properties, to a height of six feet[-(6')]. There shall be no [No] storage of items above six feet[-(6')] except for RV storage.
6. Sidewalks. Sidewalks [~~may be required on private streets; however, sidewalks shall be required in and to open space areas~~] shall be required on all public and private streets in accordance with city standards.
7. Separate Services. Whenever more than one [(+)] dwelling unit is contained within a building and ownership of the separate dwelling units will be in fee simple or in any ownership other than joint ownership, separate services such as water, power, and sanitary sewer, shall be provided to each dwelling unit.

8. Utilities. Underground utilities (water, sewer, gas, electricity, telephone, cable television) shall be required in all Planned Unit Developments, prior to any street paving.
9. Landscaping. Landscaping plans shall be a requirement of submittal and shall meet Carson City standards.
10. Bike Paths. Bike paths may be required to be incorporated into the overall development of the plan **in accordance with the Carson City Unified Pathways Master Plan**. Bike path design and construction shall be in accordance with the Development Standards of Carson City.
11. Wellhead Protection and Watershed Protection. As required in Chapter 12.05.
12. Drainage. Drainage on the internal private and public streets shall be as required by the Development Engineering Department. All common driveways shall drain to either storm sewers or a street section.
13. Fire Hydrants and Lanes. Fire hydrants shall be provided and installed as required by the Fire Department. Fire lanes shall be provided as required by the Fire Department. ~~[Fire lanes may be grass areas.]~~

17.09.100 Open Space.

1. All Planned Unit Developments shall set aside a minimum of ~~[thirty]~~ **30** percent ~~[(30%)]~~ of the gross area of the site for open space. The location of any open space shall be determined individually for each Planned Unit Development and shall be based upon geographic and topographic characteristics of the site **or other factors to meet the objectives of the Planned Unit Development ordinance.**
2. Open space in residential Planned Unit Developments shall not include streets **or alleys** (public or private), **sidewalks adjacent to streets, driveways,** parking areas, storage, laundry or utility facilities, RV and boat storage areas, or areas covered by residential structures. **Front or street side yard setback areas may only be counted as open space area if it contains no dimension less than 20 feet.** Open space in commercial/industrial Planned Unit Developments may include parking areas and utility facilities; however, the above areas shall not constitute more than ~~[twenty-five]~~ **25** percent ~~[(25%)]~~ of the total open space area.
3. At least ~~[twenty-five]~~ **25** percent ~~[(25%)]~~ of the required open space shall have a slope of five percent ~~[(5%)]~~ or less and shall be landscaped with appropriate trees, shrubs, grass, or desert landscaping, **with no dimension less than 25 feet. A minimum of 100 square feet 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 five percent or less and no dimension less than 25 feet, inclusive of the required landscaped area.** Not more than ~~[fifty]~~ **50** percent ~~[(50%)]~~ of the required open space shall consist of land, with a slope in excess of ~~[fifteen]~~ **15** percent ~~[(15%)]~~.
4. "Open Space" shall mean:
 - a. A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a Planned Unit Development, which is designed and intended for the

general use or enjoyment of the residents of residential developments and land occupants in commercial/industrial developments. Common open space may contain such complementary structures and improvements (clubhouses/social halls) as are necessary and appropriate for the benefit and enjoyment of such residents. Perimeter setbacks may be included in common open space; or

- b. "Private Open Space" means open space which is designed and maintained for the sole and exclusive use of the occupants of not more than one dwelling unit in a residential development or land occupants in commercial/industrial developments and may include private land areas, patios, and/or decks. Private open space [~~shall not constitute~~] may not be applied towards more than [~~twenty-five~~] 25 percent of the total open space requirement [area];
- c. Lands dedicated to Carson City.

17.09.105 Common Open Space and Other Common Properties — Dedication or Organization of Ownership.

Any time after a Planned Unit Development is given final approval, the Board may accept dedication of all or part of the common open space and other common property for public use and maintenance. Other common property can be streets, alleys, driveways, bike paths, sidewalks, or other such improvements. The dedication of common open space shall not be a condition of approval.

If dedication of any common open space or other common property is not accepted, the developer shall provide for and establish an organization for the ownership and maintenance for any and all common open space and other common property which shall include the following:

1. The form of document or covenant that will legally create an automatic membership, nonprofit homeowners or occupants association.
2. The style of ownership in the common open space and other common properties.
3. Restrictions on the use of such common open space and other common properties.
4. System for the operation and maintenance of the common open space and other common property.
5. The system of charges or assessments on each owner or occupant for the maintenance of the common open space and other common property, which will assure sufficient funds to operate and maintain the common open space and other common properties.
6. Residents or occupants of Planned Unit Developments may, to the extent and in the manner expressly authorized by the provisions of their conditions, covenants, and restrictions modify or remove their rights to enforce the provisions or their conditions, covenants, and restrictions, but no such action may affect the right of Carson City to enforce the provisions of this chapter.
7. The documents and/or forms shall be reviewed by the District Attorney and Planning Division prior to [~~tentative~~] final approval. All documents required by Carson City shall be in a form that may be enforced by Carson City.

17.09.110 Failure of an Organization to Act.

1. Prior to establishing an organization that will provide for the ultimate ownership and maintenance of any common open space and other common property, the landowner shall be responsible for the proper operation and maintenance of such properties. Proper operation and maintenance shall constitute full compliance of the plans and schedules for such areas as approved by the Board. The landowner shall remain responsible for the ownership, operation, and maintenance of the common open space and other common property until a minimum of ~~[forty]~~ **40** percent of the total units have been sold to individual buyers and the responsibility of the common areas has been transferred to the organization.
2. If an organization established by a landowner to provide for the ownership and maintenance of any common open space and other common property, at any time after the reestablishment of a Planned Unit Development, fails to maintain the common open space and other common property in reasonable order and condition in accordance with the development plan, Carson City may serve written notice upon such organization or upon the residents of the Planned Unit Development, setting forth the manner in which the organization has failed to maintain the common open space or other common property in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within ~~[thirty-(30)]~~ days of the receipt of such notice and shall state the date and place of a hearing before the Board, which shall be within ~~[fourteen-(14)]~~ days after the expiration of the ~~[thirty-(30)]~~ day's notice. At the hearing, the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.

17.09.115 Action by Carson City. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the ~~[thirty-(30)]~~ day period, or any extension thereof, **the Carson City Board of Supervisors**, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent a common open space and other common property from becoming a public nuisance, may direct City Departments or their designee to enter the common open space or other common properties and maintain it for a period of one ~~(1)~~ year or less. This, however, does not release the organization, residents, or occupant of Planned Unit Developments from any liability which they would otherwise have.

17.09.120 Maintenance for Succeeding Years. Before the expiration of the period of maintenance as hereinabove set forth, the Board shall upon its own initiative, call a show cause public hearing upon notice to such organization or to the residents of the Planned Unit Development. At this hearing, the organization, residents, or occupants of a Planned Unit Development shall show cause why such maintenance by the organization or residents of the Planned Unit Development cannot be continued for the succeeding years. If the Board determines that such organization is ready and able to maintain the common open space or other common property in a reasonable condition, Carson City shall cease its maintenance at the end of the year. If the Board determines that such organization is not ready and able to maintain the common open space or other common properties in a reasonable condition, Carson City may, at its discretion, continue the maintenance of the common open space or other common property during the succeeding years.

17.09.125 Expenses of Maintenance. The cost of any and all such maintenance and operations undertaken by Carson City as hereinabove described, shall be assessed proratably against all properties in the Planned Unit Development and it shall be a tax lien upon such properties.

SECTION II:

That Chapter 17.10 (Common Open Space Development) of Title 17, Subdivisions of Land, of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

Chapter 17.10
COMMON OPEN SPACE DEVELOPMENT

Sections:

17.10.005	Purpose
17.10.010	Applicability
17.10.015	Applications
17.10.020	Non-Residential Uses
17.10.025	Density and Intensity Standards
17.10.030	Lot and Yard Standards
17.10.035	Site Analysis to Determine Common Open Space and Lot Size Variations
17.10.040	Roads
17.10.045	Parking
17.10.050	Conditions of Approval

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 a **sense of community 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 one ~~(+)~~ 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 complete common open space development must comply with the minimum lot width, front yard setbacks, side yard setbacks, and rear yard setbacks in Title 18.04, Use Districts] 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 [where these standards are proposed to be varied below the minimum standard].

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:

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

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 five feet [(5th)], 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 five 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.

SECTION III:

That the Residential District Intensity and Dimensional Standards tables of Section 18.02.190 (Residential Districts Intensity and Dimensional Standards) of Chapter 18.04 (Use Districts) and of Chapter 18.16 (Development Standards), at the end of Division 1 (Land Use and Site Design) of the Carson City Municipal Code are hereby amended, in part, modifying the requirements for development within the Multi-Family Apartment (MFA) zoning district and Residential Office (RO) zoning district as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

Zoning Districts	Site Development Standards								
						Minimum Setbacks (Feet)			
	Minimum Lot Area (Acres or Sq Ft)	Maximum Density	Minimum Lot Width (Feet)	Maximum Lot Depth (Feet)	Maximum Height * (Feet)	Front	Side	Street Side	Rear
MFA ⁽⁷⁾	6,000 SF	29-36 1,200 SF of land area/1 bedroom units or studios and/or 1,500 SF of land area/2 bedroom or more units	60 ⁽⁸⁾	150	45	[20] <u>10⁽⁹⁾</u>	10 ^(3,4,2)	[45] <u>10⁽¹⁰⁾</u>	20 ⁽⁶⁾
RO ⁽¹⁾	6,000 SF	7.26	60 ⁽⁸⁾	150	35	[20] <u>10⁽⁹⁾</u>	10 ⁽³⁾	[45] <u>10⁽¹⁰⁾</u>	20

Additional Requirements or Allowances:

* Additional height allowed in all residential use districts, after approval by special use permit

- (1) Only one main building or home is allowed per one parcel.
- (2) All portions of a structure exceeding 20 feet in height must be a minimum of 20 feet from the rear property line.
- (3) Side setback may be waived if two adjacent structures are connected by a parapet firewall.
- (4) For each story above one story, add 10 feet if adjacent to a Single Family district.
- (5) Park perimeter only; see Division 10 of the Development Standards for interior space/setback requirements.
- (6) Maximum lot depth is three times the minimum lot width except as necessary to meet minimum parcel size.
- (7) ~~[Open Space—Each parcel of land must contain a single, continuous tract of land designated as an open area of not less than 150 square feet per dwelling unit, reserved exclusively for the common recreational use of the tenants on such parcel. Fifty percent of the required common open space shall be softscape as listed in definitions. Only 25% of the total required open space requirement may be within an enclosed recreation facility. The required open space must not be contained within any of the required front yard or side yard setback abutting a street. In addition, there must be an open space area at least 100 square feet in size either contiguous to each dwelling unit for the exclusive use of the resident of that dwelling unit, or that space added to the requirements of this section.]~~
See Development Standards Division 1.17 for open space requirements and additional standards. Side setback: 10 feet for external property boundaries and minimum 10 feet between residential structures for internal setbacks.
- (8) 54 feet minimum lot width on cul-de-sac.
- (9) **An additional 10 feet is required for each story above two stories.**
- (10) **An additional 5 feet is required for each story above two stories.**

SECTION IV:

That the Non-Residential District Intensity and Dimensional Standards tables of Section 18.02.195 (Non-Residential Districts Intensity and Dimensional Standards) of Chapter 18.04 (Use Districts) and of Chapter 18.16 (Development Standards), at the end of Division 1 (Land Use and Site Design) of the Carson City Municipal Code are hereby amended, in part, modifying the requirements for development within the Residential Office (RO) and General Office (GO) zoning districts as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

Zoning Districts	Site Development Standards							
					Minimum Setbacks (Feet)			
	Minimum Area ¹³ (SF or AC)	Minimum Lot Width (Feet)	Maximum Lot Depth (Feet)	Maximum Height (Feet)	Front	Side	Street Side	Rear

RO	6,000 SF	60 ¹²	150	35 ¹	[20] 10 ^{8,14}	10 ⁵	[15] 10 ^{8,15}	20 ⁸
GO	6,000 SF	60	150	50 ¹	[15] 10 ^{8,15}	10	10 ⁸	20 ^{8,8}

Additional Requirements or Allowances:

- 1 Additional height allowed by Special Use Permit.
- 2 In accordance with the restrictions outlined in the Downtown Master Plan Element for building heights of structures located within 500 feet of the State Capitol.
- 3 Building height, building setbacks, minimum area, minimum lot width and maximum lot depth to be determined by Special Use Permit.
- 4 For each main structure.
- 5 Side setback may be waived if two adjacent structures are connected by a parapet fire wall.
- 6 Rear yard shall be increased by 10 feet for each story above two stories. Where the rear yard abuts a commercial district, the setback is zero feet.
- 7 Adjacent to Residential District 30 feet is required. Corner lots require setback for sight distance.
- 8 Business Arterial landscape setback requirement = 10 feet (average)
- 9 Adjacent to Residential District, 10 feet required. Corner lots require setback for sight distance.
- 10 Fifty feet adjacent to Residential District.
- 11 If adjacent to Limited Industrial (LI) District, side and rear yard setbacks may be reduced to zero subject to applicable building and fire codes.
- 12 Fifty-four feet minimum street frontage at the end of a cul-de-sac
- 13 Except in the CR, A, P, PN, PC and PR zoning districts, minimum area includes all common areas, parking, landscaping and building areas associated with a project for the purposes of creating building envelopes or condominium units where common access is provided to the project site. Minimum Lot Width (Feet) and Maximum Lot Depth (Feet) requirements may be waived.
- 14 An additional 10 feet is required for each story above two stories.**
- 15 An additional 5 feet is required for each story above two stories.**

SECTION V:

That Section 1.14 (Cornices and Uncovered Porches) of Division 1 (Land Use and Site Design) of Chapter 18.16 (Development Standards) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

1.14 Cornices, ~~[and Uncovered]~~ Porches and Projections into Setbacks.

1. Cornices, eaves, canopies, fireplaces, decks 30 inches high or less, bay windows and similar architectural features, but not including flat walls, may extend into any required setback a distance not to exceed two feet.
2. Uncovered porches, landing places or outside stairways may project not more than three feet into any required side yard setback, and not more than six feet into any required front or rear yard setback. Unenclosed covered porches **with decks 30 inches high or less** may project into the front yard setback no more than eight feet **provided they are no less than five feet from a front or street side property line[-];** and ~~[shall]~~ **do** not impede sight distance area. All construction must comply with the Building Code currently adopted by Carson City.

SECTION VI:

That Division 1 (Land Use and Site Design) of Chapter 18.16 (Development Standards) of the Carson City Municipal Code is hereby amended to add Section 1.17 (Multi-Family Apartment Development Standards), as follows:

1.17 Multi-Family Apartment (MFA) 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. A minimum of 150 square feet per dwelling unit of common open space must be provided. Areas of common open space may include contiguous landscaped areas with no dimension less than 15 feet. 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 included in the common open space area.
 - c. 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 VII:

That Division 1 (Land Use and Site Design) of Chapter 18.16 (Development Standards) of the Carson City Municipal Code is hereby amended to add Section 1.18 (Residential Development Standards in Non-Residential Districts), as follows:

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. A minimum of 150 square feet per dwelling unit of common open space must be provided. Areas of common open space may include contiguous landscaped areas with no dimension less than 15 feet. 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 included in the common open space area.
 - c. 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 VIII:

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

PROPOSED on May 17, 2007.

PROPOSED BY Supervisor Robin Williamson

PASSED June 7, 2007.

VOTE: AYES: _____

 NAYS: _____

 ABSENT: _____

MARV TEIXEIRA, 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 2007.