

Item # 4A

## City of Carson City Agenda Report

**Date Submitted:** March 25, 2008

**Agenda Date Requested:** April 3, 2008

**Time Requested:** 5 minutes

**To:** Mayor and Board of Supervisors

**From:** Development Services - Planning Division

**Subject Title:** Action to adopt Bill No. 113, on second reading, Ordinance No. \_\_\_\_\_, an ordinance amending Carson City Municipal Code Title 17, Division of Land, Subdivision of Land at Chapter 17.03 Parcel Maps, Lot Line Adjustments and Deletions, Reversion to Acreage Maps, and Merger and Resubdivision of Land Section, 17.03.020 Lot Line Deletions by adding the requirement for a legal description of property (Metes and Bounds description); Title 18, Zoning, Chapter 18.02 Administrative Provisions, Section 18.02.055 Fees and Service Charges for Changes including correcting the name Change of Land Use to Zoning Map Amendment, adding and clarifying fees and service charges including adding costs and fees for processing of a Minor Administrative Variance, Recreational Vehicle Park, and Manufactured Home in Single Family Zoning; Chapter 18.03 Definitions at 18.03.010 Words and Terms Defined to add the definition of Medical Durable Goods used as assistive devices used to aid the disabled; 18.04.110.3 Residential Office Conditional Uses to add Medical Durable Goods to conditional uses; Title 18.16, Development Standards, Division 1 Land Use and Site Design at Section 1.6 Child Care Facilities Performance Standards to clarify areas of responsibility for State of Nevada Division of Child and Family Services and Carson City Health Division, including all concerns must be satisfied prior to activation of a Special Use Permit; Section 1.9 Wireless Telecommunication Facilities and Equipment to clarify requirements adding the word Freestanding to say that "Freestanding" facilities shall not exceed 120 feet in height above grade and "Freestanding" facilities and equipment shall be located no closer than four times the facility height from any residentially zoned property, and add an Administrative Permit or Special Use Permit may be required for facilities which exceed the height restrictions of the zoning district where the facility is proposed; typographical corrections and other matters properly related thereto. (ZCA-07-172)

**Staff Summary:** This ordinance included minor modifications to Title 17 and Title 18 of the CCMC to add a requirement for Lot Line Deletion applications to include legal description (Metes and Bounds description) prepared by a licensed surveyor; add and clarify fees, service charges, correct name and add service fees; add a definition for Medical Durable Goods used as assistive devices used to aid the disabled; add Medical Durable Goods as a conditional use in the Residential Office (RO) zoning district; clarify areas of responsibility for the State of Nevada Division of Child and Family Services and Carson City Health Department in Child Care Facilities and that they must be satisfied prior to activation of the Special Use Permit; clarify text regarding freestanding telecommunication equipment and facilities and when additional review is required for height.

**Type of Action Requested:**

Resolution  
 Formal Action/Motion

Ordinance -Second Reading  
 Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Planning Commission Action:** Recommended approval February 27, 2008, by a vote of 7:0.

**Recommended Board Action:** I move to adopt Bill No. 113, on second reading, Ordinance No. \_\_\_\_\_, an ordinance amending Carson City Municipal Code, Title 17 and Title 18, to clarify various provisions 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. The Board introduced the ordinance on March 20, 2008, and approved the subject ordinance on a vote of 5:0.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC 18 Zoning, Section 18.04.175 (Zoning Code Amendments).

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

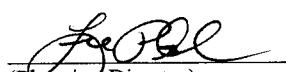
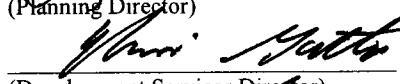
**Funding Source:** N/A

**Alternatives:** 1) Refer the matter back to Planning Commission for further review.  
2) Deny the amendment

**Supporting Material:** 1) Ordinance

**Prepared By:** Rose Mary Johnson, Management Assistant III

**Reviewed By:**

  
(Planning Director)  
  
(Development Services Director)  
  
(City Manager)  
  
(District Attorney's Office)

Date: 3/25/08

Date: 3-25-08

Date: 3/25/08

Date: 3-25-08

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Vote Recorded By)

BILL NO. 113

ORDINANCE NO. 2008-\_\_\_\_\_

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND AT CHAPTER 17.03 PARCEL MAPS, LOT LINE ADJUSTMENTS AND DELETIONS, REVERSION TO ACREAGE MAPS, AND MERGER AND RESUBDIVISION OF LAND, SECTION 17.03.020 LOT LINE DELETIONS BY ADDING THE REQUIREMENT FOR A LEGAL DESCRIPTION OF PROPERTY (METERS AND BOUNDS DESCRIPTION); TITLE 18, ZONING, CHAPTER 18.02 ADMINISTRATIVE PROVISIONS, SECTION 18.02.055 FEES AND SERVICE CHARGES FOR CHANGES INCLUDING CORRECTING THE NAME CHANGE OF LAND USE TO ZONING MAP AMENDMENT, ADDING AND CLARIFYING FEES AND SERVICE CHARGES INCLUDING ADDING COSTS AND FEES FOR PROCESSING OF A MINOR ADMINISTRATIVE VARIANCE, RECREATIONAL VEHICLE PARK, AND MANUFACTURED HOME IN SINGLE FAMILY ZONING; CHAPTER 18.03 DEFINITIONS AT SECTION 18.03.010 WORDS AND TERMS DEFINED TO ADD THE DEFINITION OF MEDICAL DURABLE GOODS USED AS ASSISTIVE DEVICES USED TO AID THE DISABLED; SECTION 18.04.110.3 RESIDENTIAL OFFICE CONDITIONAL USES TO ADD MEDICAL DURABLE GOODS TO CONDITIONAL USES; TITLE 18.16, DEVELOPMENT STANDARDS, DIVISION 1 LAND USE AND SITE DESIGN AT SECTION 1.6 CHILD CARE FACILITIES PERFORMANCE STANDARDS TO CLARIFY AREAS OF RESPONSIBILITY FOR STATE OF NEVADA DIVISION OF CHILD AND FAMILY SERVICES AND CARSON CITY HEALTH DIVISION, INCLUDING ALL CONCERN MUST BE SATISFIED PRIOR TO ACTIVATION OF A SPECIAL USE PERMIT; SECTION 1.9 WIRELESS TELECOMMUNICATION FACILITIES AND EQUIPMENT TO CLARIFY REQUIREMENTS BY ADDING THE WORD "FREESTANDING" TO SAY THAT "FREESTANDING" FACILITIES SHALL NOT EXCEED 120 FEET IN HEIGHT ABOVE GRADE AND "FREESTANDING" FACILITIES AND EQUIPMENT SHALL BE LOCATED NO CLOSER THAN FOUR TIMES THE FACILITY HEIGHT FROM ANY RESIDENTIALLY ZONED PROPERTY, AND ADD AN ADMINISTRATIVE PERMIT OR SPECIAL USE PERMIT MAY BE REQUIRED FOR FACILITIES WHICH EXCEED THE HEIGHT RESTRICTIONS OF THE ZONING DISTRICT WHERE THE FACILITY IS PROPOSED; TYPOGRAPHICAL CORRECTIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 17 Division of Land at 17.03.020 Lot Line Deletions of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to add a requirement to Lot Line Deletions to require a Metes and Bounds description with application:

17.03.020 Lot Line Deletions.

1. Application and Review.

- a. All applications for Lot Line Deletions shall be submitted to the Carson City Assessor's Office. Lot Line Deletions which do not result in the creation of any additional parcels shall be forwarded to the Director for review and approval. Applications shall meet all submittal requirements.
- b. Applications for Lot Line Deletions shall be submitted with the appropriate number of maps and signatures from the appropriate utility companies.
- c. The applicant shall be required to prove that no taxes are delinquent on the subject property by submitting a certificate from the City Treasurer.
- d. Lot Line Deletions must comply with NRS 278, where applicable.
- e. The applicant shall pay an appropriate fee as set by resolution of the Board.
- f. **Applicant shall provide a Metes and Bounds legal description prepared by a licensed surveyor, to be submitted with the original application.**

2. **Action by the Director.** The Director shall review all Lot Line Deletions and, within ~~{thirty}~~ ~~{ } 30 { }~~ days after submittal, shall approve or disapprove the application, unless the time is extended by written agreement by the applicant.
3. **Appeal.** If the applicant disagrees with any decision of Director concerning the Lot Line Deletion, the applicant has ~~{ten }~~ ~~{ } 10 { }~~ days in which to file an appeal with the Commission. The Commission shall make a decision within ~~{forty-five }~~ ~~{ } 45 { }~~ days from the date the appeal was filed. If the applicant disagrees with the Commission's action, then he may appeal to the Board as provided in Chapter 18.02. (Appeals) of CCMC.

**SECTION II:**

That Chapter 18.02 (Administrative Provisions), Section 18.02.055 (Fees and Service Charges) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to add fees and charges and change the name Change of Land Use to Zoning Map Amendment :

18.02.055 Fees and Services Charges.

Before accepting any application required by this Title, fees adopted by the Board, including service charges, shall be charged, collected and deposited with the Planning Division of the Development Service Department. A fee sheet is available to the general public at the main desk of the Planning Division.

1. Zoning Application Fees.

Administrative Permit	\$750 + \$60/hr over 10 hours
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Appeal	\$250 + \$60/hr over 4 hours
<u>[Change of Land Use] Zoning Map Amendment</u>	\$2,450
Continuance	\$600
Historic Resources Review	No Charge
Major Project Review	No Charge
Master Plan Amendment	\$3,050
<b><u>Minor Variance</u></b>	<b><u>\$500 + \$60/hr over 4 hours</u></b>
Mobile Home Park Review	\$2,300
<b><u>Recreational Vehicle Park Review</u></b>	<b><u>\$2,300</u></b>
Special Use Permit - Minor(conditional uses or height use permit within any residential zoning district)	\$2,200
Special Use Permit - Major(all special use permits not considered minor)	\$2,450
Temporary Use Permit	\$750 + \$60/hr over 10 hours
Variance	\$2,150
Zoning Code Amendment	\$3,250

2. Division of Land Fees Pursuant to Title 17.

Land Division Map	\$750
Land Division Map Recording	\$50 for the 1 <sup>st</sup> sheet of the map +\$10 for each additional sheet (NRS 278.4725)
Lot Line Adjustment or Deletion	\$500 + \$60/hr over 4 hours
Parcel Maps	\$2,750
Parcel Map Recording	\$17 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278.468)
Plat Amendment	\$2,550
Planned Unit Development - Tentative	\$3,450
Planned Unit Development - Final Map	\$3,550 per Phase
Planned Unit Development - Final Map Recording	\$50 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278A.570)
Subdivision - Tentative	\$3,500
Subdivision - Final	\$1,800 per Phase
Subdivision Map Recording	\$50 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278.450)
Merger and Re-subdivision - same as applicable Parcel Map, Subdivision Map or Planned Unit Development	See fees above

4. General Planning Division Fees.

<b>Manufactured Home in Single Family Zoning</b>	<b>\$500</b>
Private Activity Bond Volume Cap Allocation/Review of Application	\$500
Public Utility Easement Abandonment	\$1,850
Research Fee	Per City Policy
Right-of-Way Abandonment	\$2,450

5. All fees are non-refundable except for recording fees when there is no actual recording.
6. Unless a continuance is requested by the Planning Commission or Board of Supervisors with the applicant's concurrence, a continuance of a Planning Commission agenda item to a later meeting is subject to the following:
  - a. Any application that has been placed on the published agenda for the Planning Commission or Board of Supervisors, and which is requested by the applicant to be continued after the posting of the notice of public hearing, shall pay the fee listed above.
  - b. The requests for continuances shall be granted or denied by the Planning Commission or Board of Supervisors at the time set for consideration of the application. If the request for continuance is denied, the fee shall be refunded and the hearing conducted in accordance with the posted agenda.
7. No part of a filing fee will be refunded in the event that an application is not approved.
8. All application costs shall be paid in US cash or by check payable to Carson City.

**SECTION III:**

That Chapter 18.03 (Definitions), at 18.03.010 (Words and Terms Defined) and Chapter 18.04 (Use Districts), of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to add a definition for Medical Durable Goods:

18.03.010 Words and Terms Defined.

**Medical Durable Goods: Includes crutches, walkers, wheelchairs, canes, power and manual wheelchairs, scooters, patient lift devices, hospital beds and other assistive devices used to aid the disabled.**

**SECTION IV:**

That Chapter 18.04 (Use District), at 18.04.110.3 (Residential Office Conditional Use Districts), of the Carson City Municipal Code is hereby amended as follows (**bold, underlined**

text is added, ~~[stricken]~~ text is deleted) to add the conditional use of Medical Durable Goods:

18.04.110 Residential Office (RO). The purposes of the RO District are to preserve the desirable characteristics of the residential environment insofar as possible while permitting selected, nonresidential uses; to promote the development of offices in appropriately located areas in the vicinity of commercial zones and multiple family residential zones, along major thoroughfares, or in other portions of the city in conformity with the Master Plan; and to preserve adequate usable open space for benefit of the occupants within the area and to ensure appropriate development of sites occupied by other uses in a manner comparable to and harmonious with the residential uses in the area or district.

1. The Primary Permitted Uses in the RO District are this list plus other uses of a similar nature:

Art Gallery  
Massage Therapy  
Museum  
Office  
Park  
Single Family, Two-Family Dwelling  
Tea House

2. The Accessory Permitted Uses in the RO District are:

Automobile Parking Lot or Garage (Commercial or Public)  
Home Occupation

3. The Conditional Uses in the RO District which require approval of a Special Use Permit are:

Bed and Breakfast Inn (only within the Historic District, and limited to Single Family 6000, Residential Office and Retail Commercial zoning districts, subject to the provisions of Title 18 Development Standards Division 1.7 Bed and Breakfast Inns)

Child Care Facility (accessory to residential use)  
Church  
Clinic  
Funeral Home, Mortuary  
Laboratory (Medical, Optical, Dental and Veterinarian)

**Medical Durable Goods**

Multi-Family Dwelling  
Municipal Building  
Municipal Well Facility  
Pharmacy  
School, K-12  
Temporary Tract Sales Office  
Utility Substation

**SECTION V:**

That Chapter 18.16 (Development Standards), at Division 1 Land Use and Site Design at 1.6 Child Care Facilities Performance Standards of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to clarify that the Carson City Health Department as well as the State of Nevada Division of Child and Family Services must review and approve their appropriate areas of concern regarding Child Care Facilities:

#### 1.6 Child Care Facilities Performance Standards.

The following performance standards shall be used in review of individual Special Use Permit requests for child care facilities in addition to other standards of this title.

1. The size, client density and operational characteristics, including, but not limited to the number of employees, hours of operation and loading/unloading area of a proposed Child Care Facility within a residential zoning district shall be compatible with and shall not adversely affect adjacent residents pursuant to the requirements of this chapter. Consideration shall be given to the following:
  - a. With the construction of, or approval of, new facilities, the facility shall be similar in scale, bulk and site coverage with that of the immediate neighborhood;
  - b. The availability of public facilities, services and utilities;
  - c. Emphasis on maintaining the residential neighborhood character;
  - d. The generation of traffic and the capacity and physical character of surrounding streets.
2. Parking shall meet the requirements of Division 2, Parking and Loading, of the Development Standards.
3. Landscaping. In the design of parking area landscaping, considerations shall be given to the retention of existing trees and shrubbery.
4. Signs. This section shall apply exclusively to signs for Child Care Facilities located within a residential zoning district. Compliance with Division 4, Signs, of the Development Standards shall not be required for a child care facility. The Board finds and declares that an on-site sign to "advertise or promote" the facility is not necessary. On-site identification of the address and logo no greater than two ~~{(2)}~~ square feet in size distinctive to a particular child care facility used as a public convenience in identifying the site for the public shall be permitted.
5. If the facility's structure is located within the Historic District, then design and material shall require review and approval by the HRC.
6. Open Space. Open space requirements shall be designated and regulated by the Carson City Health Department or State of Nevada Division of Child and

**Family Services** prior to approval of the Special Use Permit.

7. Interior Space Requirement for Children. The interior space requirements shall be designated and regulated by the Carson City Health Department **or State of Nevada Division of Child and Family Services** prior to approval of the Special Use Permit.
8. **All concerns of the Carson City Health Department and State of Nevada Division of Child and Family Services must be addressed during the Special Use Permit process and resolved prior to the activation of the use.**
- [8] 9. Child care facilities may be established in the General Industrial (GI) zoning district only as an accessory use to a permitted primary use.
- [9] 10. In residential zoning districts, a child care facility may only be established as an accessory use to the residential use of the structure, and the residence must be occupied by the operator as a primary residence.

## **SECTION VI:**

That Chapter 18.16 (Development Standards), at Division 1 Land Use and Site Design at 1.9 Wireless Telecommunication Facilities and Equipment of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted) to clarify requirements for telecommunication facilities and equipment:

### 1.9 Wireless Telecommunication Facilities and Equipment

Regulations and standards set forth in this section are designed to address wireless telecommunication facilities and equipment used for the commercial broadcasting/receiving of transmissions regulated under the Telecommunications Act of 1996. Definitions for the various uses and terms referenced in this section are included in the Section 18.03 (Definitions). Electrical or mechanical equipment that creates video or audio interference in customary residential electrical appliances or causes fluctuations in line voltage outside the dwelling unit is prohibited.

1. Location and placement standards.
  - a. Facilities and equipment shall be located according the following priorities, (#1 is the most acceptable, #5 is the least acceptable):
    - 1) Concealed within an existing structure.
    - 2) Camouflaged or screened within an existing structure.
    - 3) Camouflaged or screened on an existing structure, particularly existing telecommunications facilities, utility poles and towers, water towers, and commercial, industrial or public facility buildings.
    - 4) Co-located with existing wireless communication service facilities.
    - 5) Erection of a new, freestanding facility subject to other requirements of this section and where visual impact can be minimized and/or mitigated.

- b. The applicant shall adequately justify the location proposed based on a consideration of the above priorities.
- c. Placement on existing structures shall not jeopardize the character and integrity of the structures as determined by the building and/or engineering department.
- d. If ground mounted, facilities and equipment shall not be located in the front yard portion of a parcel with an existing structure.
- e. Either the applicant or co-applicant must be a carrier licensed by the Federal Communications Commission and submit documentation of the legal right to install and use the proposed facility.

2. Height and dimensional standards.

- a. The height of the facility shall include any antenna, array or other appurtenances.
- b. **Freestanding** facilities shall not exceed 120 feet in height above grade. The applicant must provide a written justification for the proposed use and adequately demonstrate that the proposed height is necessary, including co-location opportunities. The applicant shall submit a report from an independent, accredited source providing justification for the proposed height or an alternative lower height.
- c. **An Administrative Permit or Special Use Permit may be required pursuant to Carson City Municipal Code Title 18.015.025 for facilities which exceed the height restrictions for the zoning district where the facility is proposed in accordance with Section 18.15.025.**

3. Setbacks.

- a. All facilities, equipment and equipment shelters shall comply with the building setback provisions of the zoning district in which they are located.
- b. Roof mounted facilities shall be stepped back from the front facade in order to limit their impact on the building's silhouette and/or concealed camouflaged or screened.
- c. **Freestanding** facilities and equipment shall be located no closer than four times the facility height from any residentially zoned property.

4. Design standards.

- a. Ground mounted facilities and equipment not camouflaged by design, existing buildings or structures shall be screened according to adopted Carson City standards, including landscaping and screen walls.

- b. Facilities and equipment that are side mounted on buildings shall be consistent with the architectural style and color of the building on which it is mounted.
- c. Ground and roof mounted facilities shall be painted a non-glossy color that blends with the surrounding natural and built environment.
- d. Equipment shelters not placed underground shall be appropriately screened according to adopted Carson City standards.
- e. New, stand-alone facilities shall be designed to allow additional wireless service providers to co-locate antennas on the structure.
- f. The exterior of facilities and equipment shall not be lighted unless required by the Federal Aviation Administration (FAA) with the exception of manually operated emergency lighting.
- g. All ground mounted facilities and equipment shall be surrounded by a security barrier. The barrier shall contain adequate controlled access and be posted with a one square foot sign indicating the facility owner(s) and a 24-hour emergency telephone number.

#### SECTION VII:

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

\_\_\_\_\_ PROPOSED on \_\_\_\_\_, 2008.

PROPOSED BY Supervisor

PASSED \_\_\_\_\_, 2008.

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 2008.