

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF JUNE 27, 2018

FILE NO: ZCA-18-091

AGENDA ITEM: E.6

STAFF CONTACT: Lee Plemel, Community Development Director

**AGENDA TITLE:** For Possible Action: To make a recommendation to the Board of Supervisors regarding an ordinance amending Title 18 (Zoning), Chapter 18.03 (Definitions) of the Carson City Municipal Code to amend the definition of "guest building"; and amending Title 18 (Zoning), Appendix A (Development Standards), Division 1 (Land Use And Site Design), Section 1.4 (Guest Building Development) of the Carson City Municipal Code to delete the restriction limiting the occupancy of a guest building to family members and non-paying guests, and providing other matters properly related thereto.

**STAFF SUMMARY:** A "guest building" is a secondary residential unit on a residential property. Guest buildings are permitted on residential properties subject to certain requirements, including limitations on size. Current regulations limit the use of guest buildings to the primary residents' family members and non-paying guests. The proposed amendment would eliminate the limitation on who may occupy a guest building and, therefore, allow an accessory dwelling unit to be occupied by non-family members.

**PROPOSED MOTION:** "I move to recommend to the Board of Supervisors approval of an ordinance amending Title 18, Chapter 18.03, and Title 18 Appendix, Development Standards Division 1.4 related to guest building development as published on the agenda."

**LEGAL REQUIREMENTS:** CCMC 18.02.075 (Zoning map amendments and zoning code amendments).

### KEY ISSUES:

At the Board of Supervisors' strategic planning session on February 5, 2018, the Board discussed workforce housing and the impediments to the creation of workforce housing. One issue identified was the code restriction on the ability to rent out guest buildings. Based on recommendations from an internal city workforce housing committee, the Board of Supervisors directed staff to explore allowing guest buildings to be rented to address a small portion of the community's housing needs. Guest buildings are generally smaller than primary residences and, therefore, can be an affordable housing alternative.

### DISCUSSION:

A "guest building" is defined in the Carson City Municipal Code (CCMC) as follows (emphasis added):

*"Guest building" means a dwelling unit on the same lot as the primary dwelling unit and ancillary to the primary dwelling unit. A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and includes habitable detached structures that may or may not include cooking facilities **and which is used exclusively for housing the family members of the primary residence and their non-paying guests.** A manufactured or mobilehome is not considered a guest building in SF6, SF12, SF21, SF1A, SF2A, or SF5A zoning districts. A recreational vehicle is not allowed as a guest building in any zoning district.*

Guest buildings are regulated under the CCMC Development Standards Division 1.4. As highlighted in the definition above, current regulations restrict the use of guest buildings to family members and non-paying guests, prohibiting the occupancy of guest buildings by non-family members such as caregivers or non-family renters. For guest buildings that have been approved under the current requirements, a deed restriction has also been required to be recorded on the property regarding this limitation.

The proposed ordinance, attached, would change the regulations to eliminate the limitation on the use of guest buildings to family members and non-paying guests, thereby allowing the occupancy of guest buildings by non-family members. Planning records indicate there have been 16 guest buildings approved under this requirement. Upon passage of this ordinance, City staff will notify those property owners and coordinate the recording of the appropriate document to rescind the restriction on those properties.

The Development Standards limit the size of guest buildings to 700 square feet in the Single Family (SF) 6,000 and SF 12,000 zoning district, which make up most of the single-family residential areas in the City. In other zoning districts, including SF 21,000, SF One Acre and SF Two Acre, the size of guest buildings is limited to 1,000 square feet. These size limitations are proposed to remain in place.

Guest buildings must also meet the same property line setbacks and height limits as a primary residence. Therefore, they do not encroach towards neighboring properties any more than a primary residence.

The current standards also require one on-site parking space per guest building bedroom, in addition to the two on-site parking spaces required for the main residence. This mitigates additional impacts guest building occupants can have on neighborhood parking.

Furthermore, enforcement of the current limitation on the occupancy of a guest building is difficult, at best. It is hard to catch such a violation and hard to prove that a resident is not renting some portion of their residence or guest building out to a non-family member.

With the above-noted development standards, guest building development generally does not negatively impact neighboring properties any more than someone adding to their main residence or having a larger family in the main residence.

Refer to the attached ordinance for the details of the proposed Development Standards changes.

If you have questions regarding this item, contact Lee Plemel at [lplemel@carson.org](mailto:lplemel@carson.org) or 283-7075.

#### **PUBLIC COMMENTS:**

As of the writing of this staff report, no public comments were received. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

#### **FINDINGS:**

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

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

*Staff response: The proposed project is implements the following goal of the Master Plan:*

*Goal 2.2(C) – Accessory Dwellings. Encourage opportunities for accessory dwelling units as a means of promoting affordable housing opportunities and increasing citywide housing diversity. Accessory dwellings should be limited in size and should be designed to be compatible with the primary dwelling and the surrounding neighborhood context.*

*The Development Standards provide for limited accessory dwelling size and compatible design.*

2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

*Staff response: The proposed ordinance and the existing Development Standards regarding guest building development provide for uses and design that are compatible and consistent with existing neighborhoods. The standards include compatibility in appearance and setbacks, and requires additional on-site parking to mitigate potential negative impacts.*

3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

*Staff response: The proposed ordinance does not allow any additional development that is not already allowed, it only changes who can occupy guest buildings. The construction of a guest building requires the applicant to meet all applicable codes, including provisions for water and wastewater connections.*

Attachments:

- 1) Draft ordinance

Summary: An ordinance related to zoning regulations for guest buildings.

BILL NO. \_\_\_\_

ORDINANCE No. 2018 - \_\_\_\_

AN ORDINANCE RELATING TO GUEST BUILDINGS; AMENDING TITLE 18 (ZONING), CHAPTER 18.03 (DEFINITIONS) OF THE CARSON CITY MUNICIPAL CODE TO AMEND THE DEFINITION OF "GUEST BUILDING"; AND AMENDING TITLE 18 (ZONING), APPENDIX A (DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN), SECTION 1.4 (GUEST BUILDING DEVELOPMENT) OF THE CARSON CITY MUNICIPAL CODE TO DELETE THE RESTRICTION LIMITING THE OCCUPANCY OF A GUEST BUILDING TO FAMILY MEMBERS AND NON-PAYING GUESTS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.03 (Definitions), Section 18.03.010 (Words and terms defined) is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**18.03.010 Words and Terms Defined.**

"Abandoned" means concerning a building or use, not having been developed or maintained for a stated period of time.

"Abutting commercial and industrial corridors to Carson City" means all portions of property within 200 feet from U.S. Highway 50 East; William Street; U.S. Highway 395 or Carson Street lying between the Carson City county lines and the designated Carson City redevelopment area boundary.

"Access" means a clear and unobstructed usable approach of not less than 12 foot width (residential), 15 foot width (one way commercial), or 24 foot minimum width (two-way) to a legally dedicated public way.

"Accessory building" or "accessory structure" means a detached usual and customary building or structure associated with a permitted or conditional use, subordinate to the primary use on the same lot, including but not limited to storage, tool shop, children's playhouse, guest building, greenhouse, garage, swimming pools or similar structures 30 inches or more above ground. In calculating the size of an

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Pages 2-23 of the proposed ordinance contain definitions that are not amended  
and are not included in the Planning Commission packet to save paper.  
Refer to CCMC 18.03 for the complete list of definitions.

"Grade, natural" means the average proposed level of the finished surface of the ground adjoining a building prior to site development work.

"Grading" means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

"Grandfathered" means the use was legally in existence at the time of the adoption of the original Carson City land use ordinance, this title, or any amendment hereto.

"Greenhouse" means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such green house, but can be sold directly from such lot at wholesale or retail.

"Grocery store" means a building used for the sale primarily of food products and which specifically excludes the sale of specialty products as a principal use.

"Gross land area" means the total square footage or acreage of a parcel of land prior to subdivision, development, or offer of or acceptance of dedication of land area for access drainage and/or public utility easements and/or rights-of-way.

"Guest building" means a dwelling unit on the same lot as the primary dwelling unit and ancillary to the primary dwelling unit. A guest building may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and includes habitable detached structures that may or may not include cooking facilities ~~and which is used exclusively for housing the family members of the primary residence and their non-paying guests~~. A manufactured or mobilehome is not considered a guest building in the SF6, SF12, SF21, SF1A, SF2A, or SF5A zoning districts. A recreational vehicle is not allowed as a guest building in any zoning district.

"Gun club, skeet or target range" means a facility for the sport of shooting at targets to test accuracy in rifle, pistol or archery practice owned or operated by a corporation, association, or individuals.

"Gun store" means a retail establishment in which small hand held pistols to large piece artillery in addition to ammunition are sold.

"Gunsmith" means a maker or repairer of firearms.

"Guyed tower" means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

"HRC" means the historic resources commission.

"Habitable space" means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

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Pages 25-52 of the proposed ordinance contain definitions that are not amended

and are not included in the Planning Commission packet to save paper.

Refer to CCMC 18.03 for the complete list of definitions.

"Yard, rear" means a yard between the main building and the rear lot line and extending across the full width of the lot or parcel. The rear yard of a corner lot is that portion of the lot opposite to the front.

"Yard, street side" means a yard, abutting a street and lying between the street side lot line and the main building and extending from the front yard line to the rear yard line.

"Yards" means an open space on the same lot or parcel with a building and extending from the building to the nearest lot line.

"Youth recreation facility" means an indoor or outdoor facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual youth recreation activities. Programs designed for the users may include leadership programs, education and career guidance, health and life skills, arts, sports, fitness, recreation, and other specialized youth programs.

"Zoo" means a park where live wild animals from different parts of the world are kept in cages or enclosures for people to come and see, and where they are bred and studied by scientists.

## SECTION II:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.4 (Guest Building Development), is hereby amended as **bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

### 1.4 Guest Building **or Accessory Dwelling** Development.

“Guest building” refers to a dwelling unit on the same lot as the primary dwelling unit and ancillary to it. A guest building may provide complete, independent living facilities for ~~4~~ **one** or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. Typical uses include guest houses, second units, extended family housing and caretaker's quarters.

#### 1.4.1 A site plan shall be submitted indicating the following:

- a. ~~Location of primary residential structure with setback distances, distance to guest building and other accessory structures.~~  
**Location of the guest building showing setback distances from the property lines, the primary residential structure, and other accessory structures.**
- b. Location of all public and private utilities and/or well and septic tank/leach field.
- c. Access to primary residential structure and guest building.
- d. Zoning, size of lot, ~~assessors~~ **Assessor's** parcel number, north arrow, scale, location of other outbuildings.

~~[1.4.2 Recordation. The property owner shall, prior to the issuance of a certificate of occupancy for the building permit, record a deed restriction against the subject property with the city recorder's office stating the guest building occupation limitations contained in Section 1.4.10.]~~

1.4.2[3] Existing Guest Buildings. Existing guest buildings may expand to include a kitchen facility only upon full compliance with the provisions of this division. Approval of a building permit is required if the structure itself is being altered.

1.4.3[4] Maximum Size. Guest building living space gross floor area shall not exceed 50 percent of the assessed floor area of the main residence, excluding garages, basements and other accessory structures, or the following limitations, whichever is less:

- a. In the SF6, MH6, SF12 and MH12 zoning districts, a maximum of 700 square feet;
- b. In all other single family residential districts, a maximum of 1,000 square feet.

1.4.4[5] Required Setbacks. All guest buildings shall meet the same setbacks as required for the primary residence on the lot, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.5[6] Maximum Building Height. The guest building shall meet the maximum height requirements of the zoning district in which it is located, provided that second story elements of a guest building are a minimum of 20 feet from all property lines.

1.4.6[7] Required Parking. A minimum of [+] one off-street parking space or, for guest buildings with multiple bedrooms, [+] one parking space per bedroom shall be provided outside of the required front-yard setback area in addition to the required parking for the main residential use. In the SF6, MH6, SF12 and MH12 zoning districts, the guest parking must be provided on a paved surface.

1.4.7[8] Site Design.

- a. Architectural design and materials for a guest building shall be consistent and compatible with the design and materials of the main structure, including but not limited to roof pitch, roof materials, siding materials and color, and other architectural features;
- b. Only one entrance may be visible from the street frontage.

1.4.8[9] Modifications to These Provisions.

- a. The above guest building provisions relating to size, height and site design may only be modified by approval of a special use permit;
- b. The above guest building provisions relating to setbacks and parking may only be modified by approval of a variance.

~~[1.4.10 Guest Building Occupation. A guest building may only be occupied by the family members of the primary residence, as defined by Title 18 of the Carson City Municipal Code, and their non paying guests. Guest buildings may not be rented as secondary dwelling units.]~~

## SECTION II:

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

PROPOSED on \_\_\_\_\_, 2018.

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

PASSED \_\_\_\_\_, 2018.

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

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

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\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

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SUE MERRIWETHER  
CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2018.