



Meeting Date: January 16, 2019

Mission Statement

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play.

Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council

REPORT THRU: Daphne Hooper, City Manager

REPORT BY: **Tim Thompson, Planning Director**

REVIEWED BY: Brent Kolvet, Deputy City Attorney

REVIEWED BY: Denise Lewis, Finance Director

AGENDA ITEM: **Public Hearing, Second Reading, Bill #272**, - Discussion and possible action to adopt Bill #272, an ordinance amending Title 32, Chapter 28 of the Fernley Municipal Code to modify the standards associated with multi-family dwellings to allow for a maximum density of thirty (30) dwelling units per acre in conformance with the adopted master plan; modification to lot size, setbacks, parking, and landscape requirements; inclusion of design standards for multi-family residential developments; and other matters properly related thereto.

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

RECOMMENDED ACTION BY CITY COUNCIL

"I move to adopt Bill #272, an ordinance amending Title 32, Chapter 28 of the Fernley Municipal Code to modify the standards associated with multi-family dwellings to allow for a maximum density of thirty (30) dwelling units per acre in conformance with the adopted master plan; modification to lot size, setbacks, parking, and landscape requirements; inclusion of design standards for multi-family residential developments; and other matters properly related thereto."

Key Points:

1. Based on the recent adoption of the City of Fernley's updated master plan, the City must now update the City's Development Code. Specifically, the amendment will bring the City's development code into conformance with the updated master plan by increasing the maximum density in the NR-2 zoning district to 30 du/ac.
2. While it is staff's intent to bring forward a more comprehensive amendment to Development Code, there have been several requests of late to update the maximum density allowed for multiple family residential developments along with some related development standards.
3. In addition to changing the maximum density, staff is also proposing to modify and improve other requirements (i.e. lot size, landscaping/open space, setbacks, parking, etc.) which make it challenging to construct a project that would allow for the greatest development potential. It is important to point out, the proposed changes would only affect the NR-2 zoning district.

POLICY REFERENCE

Nevada Statutes: NRS 278
Fernley Municipal Code: FMC Title 32
Policies & Procedure Manual: N/A
Community Assessment: N/A
City of Fernley Development Code: Chapter 28

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact?	<u>No</u>
2. Is it Currently Budgeted?	<u>N/A</u>
3. If Budgeted, Which Line Item/Account?	<u>N/A</u>

FISCAL SYNOPSIS:
N/A

BACKGROUND INFORMATION

The City has been contacted by several potential developers who are interested in constructing multiple family (workforce) housing within the City of Fernley. These potential developers have indicated the maximum density of 21 dwelling units per acre (du/ac) is a barrier to constructing additional housing in the City.

Based on this input, the City increased the maximum density to 30 du/ac when the updated master plan was adopted in August 2018. For developers to take advantage of this increase in density, the City’s Development Code (Fernley Municipal Code Title 32) must be updated.

PRIOR COUNCIL ACTION/REVIEW

The Planning Commission and City Council periodically review adopted codes and update when deemed necessary.

ANALYSIS

Nevada State Law requires a City’s Development Code be in conformance with a City’s adopted master plan. Although staff intends on proposing a more comprehensive update to the development code, staff has deemed it necessary to move forward this particular proposal.

Per the updated master plan document, adopted in August 2018, the maximum density for properties with a land use designation of Multi-Family Residential (MFR) is 30 du/ac. Currently, the development code permits a maximum density of 21 du/ac for projects within the NR-2 (Multiple Family Residential) zoning district. The proposed modification to increase the density will bring the development code into conformance with the master plan. In addition to this change, there are other requirements (i.e. lot size, landscaping/open space, setbacks, parking, etc.) which make it challenging to construct a project that would allow for the greatest development potential. It is important to point out, the proposed changes would only affect the NR-2 zoning district.

Summary of proposed changes:

- **Density** - Increasing density from 21 du/ac to 30 du/ac. This will bring the code into conformance with the recently adopted master plan. The amendment also sets forth a minimum density of 10 du/ac within the NR-2 zoning district.
- **Lot size** - The minimum lot size remains at 8,000 square feet; however, the minimum lot size may be waived if five or more lots are created and the maximum density is not exceeded. This would potentially allow for lots smaller than 8,000 square feet through the tentative map process.
- **Setbacks** – The proposal includes reducing the front yard setback from 25 feet to 20 feet. In addition, a note has been added which clarifies that the listed setbacks are to the perimeter of the project and that internal setbacks may include zero-lot lines. In this case, the adopted building code would determine what the setback or distance separation must be.
- **Parking** – The proposal keeps the existing language regarding the number of parking spaces required but allows an applicant to propose alternative parking standards based on analytical studies.
- **Landscaping** – The current code includes landscaping and open space requirements. This standard is very cumbersome. Staff is proposing a minimum of 20% of the site to be landscaped. This will allow greater flexibility in site design and a more practical approach to providing sufficient open space areas.
- **Design Standards** – The amendment includes minimum design standards for multiple family residential developments. Currently, the city has no design standards. Staff believes it is necessary to establish an expectation to ensure projects are of quality design. These standards include site design, parking and circulation, community amenities, and building architecture.

Staff and the Planning Commission recommends the City Council approve the Code Amendment as submitted.

ATTACHED INFORMATION

1. **Bill #272** - Ordinance amending Title 32, Chapter 28 of the Fernley Municipal Code to modify the standards associated with multi-family dwellings

BILL #272
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 28 OF THE FERNLEY MUNICIPAL CODE TO MODIFY THE STANDARDS ASSOCIATED WITH MULTI-FAMILY DWELLINGS TO ALLOW FOR A MAXIMUM DENSITY OF THIRTY (30) DWELLING UNITS PER ACRE IN CONFORMANCE WITH THE ADOPTED MASTER PLAN; MODIFICATION TO LOT SIZE, SETBACKS, PARKING, AND LANDSCAPE REQUIREMENTS; INCLUSION OF DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS; AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter “the Council” DO HEREBY ORDAIN:

Section 1. Section 32.28.50(a) - Non-rural residential zoning districts is hereby repealed as follows:

(a) Zoning and site development standards.

<i>Minimum Development Standards</i>	<i>NR-1 Single-Family 6,000 SF</i>	<i>NR-2 Multiple-Residence 8,000-SF</i>	<i>NR-3 Single-Family 9,000 SF</i>	<i>E-1 1st Estates Residential 12,000 SF</i>	<i>E-2 2nd Estates Residential One-Half Acre</i>
<i>Setbacks</i>					
<i>Front (1)</i>	<i>20 feet</i>	<i>25 feet</i>	<i>20 feet</i>	<i>25 feet</i>	<i>25 feet</i>
<i>Side (3)</i>	<i>5 feet (2)-7.5 & 12.5 feet</i>	<i>10 feet (2)-7.5 & 12.5 feet</i>	<i>10 feet (2)-7.5 & 12.5 feet</i>	<i>10 feet (2)-7.5 & 12.5 feet</i>	<i>10 feet (2)-7.5 & 12.5 feet</i>
<i>Rear</i>	<i>10 feet</i>	<i>20 feet</i>	<i>20 feet</i>	<i>20 feet</i>	<i>20 feet</i>
<i>Corner Parcel</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>
<i>Maximum Height</i>	<i>35 feet</i>	<i>45 feet</i>	<i>35 feet</i>	<i>35 feet</i>	<i>35 feet</i>
<i>Minimum Distance Between Buildings</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>	<i>10 feet</i>
<i>Average Lot Width</i>	<i>60 feet</i>	<i>80 feet</i>	<i>65 feet</i>	<i>70 feet</i>	<i>80 feet</i>
<i>Corner Lot Width</i>	<i>65 feet</i>	<i>80 feet</i>	<i>65 feet</i>	<i>70 feet</i>	<i>80 feet</i>
<i>Minimum Lot Size (Net; excluding road rights-of-way or road easements)</i>	<i>6,000 square feet (2)-8,000 square feet</i>	<i>8,000 square feet</i>	<i>9,000 square feet</i>	<i>12,000 square feet</i>	<i>½ acre</i>

~~(1) Front yard setback may be reduced by five feet for the front wall, covered porch or entryway of the house, if the front wall of an attached or detached garage is recessed a minimum of ten feet behind the front area (wall, porch, columns, etc.) of the house.~~

~~(2) For any lot or parcel recorded prior to July 1, 2016, or was included with a tentative map or parcel map application deemed complete or that was approved by the city prior to July 1, 2016.~~

~~(3) The larger setback shall be located on the side of the house closest to the garage.~~

Section 2. Section 32.28.70.70 – Residential is hereby repealed as follows:

~~Multi-family dwelling.~~

~~(1) Definition: A building or buildings on a single parcel which are occupied or which are arranged, designed, and intended to contain more than one dwelling unit, but not including hotels, motels, boarding houses or as otherwise provided accessory dwellings.~~

~~(2) Parking requirements: Two spaces per unit, one of which must be covered, and one guest space per four units.~~

~~(3) Density: Minimum 5.4 dwelling units per acre. Maximum of 21 dwelling units per acre.~~

~~(4) Municipal services are required.~~

~~(5) Additional provisions:~~

~~a. All multi-family developments with 12 or more dwelling units shall provide 25 percent of the project site as useable open space for passive and active recreational uses. Useable open space areas shall not include rights of way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, setbacks, patios or private yards.~~

~~b. Each dwelling unit shall have a private, walled patio or balcony not less than 64 square feet.~~

~~c. Multi-family developments shall provide recreational amenities within the site which may include a swimming pool, spa, club house, tot lot with play equipment, picnic shelter or barbecue area, court game facilities such as tennis, basketball, or racquetball, improved softball or baseball fields, or, day care facilities. The type and number of amenities shall be approved by the director and provided according to the following schedule:~~

Units	Number of Amenities
0—4	0
5—50	1
51—100	2
101—200	3
201—300	4

~~One amenity shall be added for each 100 additional units or fraction thereof.~~

~~d. Off street parking spaces for multi family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.~~

~~e. Each dwelling unit shall be provided an enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.~~

~~f. If common laundry facilities are provided, they shall be centrally located within the complex and of sufficient number for the number of living units.~~

~~g. May be located in C2 zoning district subject to the following criteria:~~

~~1. Minimum site area: five acres.~~

~~2. Located in the Central Fernley Planning Area only.~~

~~3. Shall not be located adjacent to industrial land use or zoning.~~

~~4. A special use permit is required.~~

Section 3. Section 32.28.50(a) - Non-rural residential zoning districts is hereby added as follows:

(a) Zoning and site development standards.

Minimum Development Standards	NR-1 Single-Family 6,000 SF	NR-2 Multiple Residence 8,000 SF	NR-3 Single-Family 9,000 SF	E-1 1st Estates Residential 12,000 SF	E-2 2nd Estates Residential One- Half Acre
Setbacks					
Front (1)	20 feet	20 feet (4)	20 feet	25 feet	25 feet
Side (3)	5 feet (2) 7.5 & 12.5 feet	10 feet (4)	10 feet (2) 7.5 & 12.5 feet	10 feet (2) 7.5 & 12.5 feet	10 feet (2) 7.5 & 12.5 feet
Rear	10 feet	20 feet (4)	20 feet	20 feet	20 feet
Corner Parcel	10 feet	10 feet (4)	10 feet	10 feet	10 feet
Maximum Height	35 feet	45 feet	35 feet	35 feet	35 feet
Minimum Distance Between Buildings	10 feet	10 feet	10 feet	10 feet	10 feet
Average Lot Width	60 feet	80 feet	65 feet	70 feet	80 feet
Corner Lot Width	65 feet	80 feet	65 feet	70 feet	80 feet
Minimum Lot Size (Net; excluding road rights-of-way or road easements)	6,000 square feet (2) 8,000 square feet	8,000 square feet (5)	9,000 square feet	12,000 square feet	½ acre

- (1) *Front yard-setback may be reduced by five feet for the front wall, covered porch or entryway of the house, if the front wall of an attached or detached garage is recessed a minimum of ten feet behind the front area (wall, porch, columns, etc.) of the house.*
- (2) *For any lot or parcel recorded prior to July 1, 2016, or was included with a tentative map or parcel map application deemed complete or that was approved by the city prior to July 1, 2016.*
- (3) *The larger setback shall be located on the side of the house closest to the garage.*
- (4) *Setbacks listed are intended to create a building envelope. Development within the envelope may create zero lot line development.*
- (5) *Minimum lot size may be waived if five or more lots are created and the maximum density is not exceeded.*

Section 4. Chapter 32.28.70.70 – Residential is hereby added as follows:

Multi-family dwelling.

- (1) *Definition: A building or buildings on a single parcel which are occupied, or which are arranged, designed, and intended to contain more than one dwelling unit, but not including hotels, motels, boarding houses or as otherwise provided accessory dwellings.*
- (2) *Parking requirements: Two spaces per unit, one of which must be covered, and one guest space per four units. The Administrator may approve the use of alternative parking space requirements based on Urban Land Institute, American Planning Association, Institute of Transportation Engineers or other analytical studies approved by the Administrator, that take into account monthly, hourly and weekly variation; peaking characteristics, ride share programs, proximity to transit stops and shared uses. The applicant shall justify the use of and appropriateness of alternative parking number calculations.*
- (3) *Landscape requirements: a minimum of 20% of the site.*
- (4) *Density: Minimum ten (10) dwelling units per acre. Maximum of thirty (30) dwelling units per acre.*
- (5) *Municipal services are required.*
- (6) *Design Standards.*

Purpose: *These design standards maximize flexibility in the design of multi-family residential developments and encourage a variety of product types, while protecting the community and its environmental resources. These standards encourage well-designed developments that: (1) provide high quality front elevations, (2) promote pedestrian activity, (3) create functional and visual diversity, (4) provide community open space; and (5) protect significant features of the natural environment. The intent of these design standards is to allow maximum flexibility in the design of multi-family housing or attached single-family (such as condominiums and townhomes) and to encourage a variety of product types, while protecting the aesthetic value of the community, both the built and natural environments.*

(a) *Site Planning Standards.*

1. *Site Character.*

- a. *Natural site features shall be preserved and become part of the new project, whenever feasible. The applicant shall replace natural features that are removed with similar feature of same or greater visual or ecological value.*
- b. *Natural features such as mature trees, creeks, riparian corridors and similar features unique to the site shall be preserved and incorporated into development proposals.*

2. *Building Orientation.*

- a. *Buildings shall be generally oriented with varying setbacks to provide visual interest and varying shadow patterns.*
- b. *Buildings shall be oriented in such a way as to create courtyards and open space areas. Clustering of multi-family units shall be consistently planned throughout the development.*
- c. *To provide indoor privacy between living spaces, there should be distance separations, buffering or changes in the angle of units. Private outdoor space shall be designed with maximum consideration for privacy, such as separations and orientation of the outdoor space. Building orientation shall provide opportunities for public spaces, for recreation and general open space. Public spaces shall be accessible to the majority of the surrounding units. The common area shall be useable areas and not steep slopes or riparian areas.*

(b) *Parking and Circulation.*

1. *Entry Driveways shall have a sidewalk on both sides and shall include two of the following:*

- a. *Monuments;*
- b. *Pavers;*
- c. *Stamped concrete;*
- d. *Landscaping;*
- e. *Decorative paving; or*
- f. *Any similar material approved by the Administrator.*

2. *Parking.*

- a. *Parking spaces include carports, garages or surface parking.*
- b. *Carports and garages shall be designed as an integral part of the architecture of the development. They shall be similar in materials, color and detail to the principal buildings of the development. Carports shall be designed to complement the architecture of the main buildings.*

3. *Pedestrian Circulation.*

- a. *All multi-family/attached single-family developments shall incorporate pedestrian connections to adjoining residential, recreational and commercial uses.*
- b. *Sidewalks along public streets shall have a minimum width of four feet.*

c. *The parking area shall be designed in a manner which links it to the building and sidewalk network as an extension of the pedestrian system. The pedestrian system shall be designed within the development to connect the buildings and open space/recreational facilities. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures and/or landscaping treatment.*

(c) *Community Amenities.*

1. *Multi-family/attached single-family developments shall have useable community amenities, whether common or private, for recreation and social activities.*
2. *Multi-family developments shall provide recreational amenities according to the following schedule:*

Units	Number of Amenities
0—4	0
5—50	1
51—100	2
101—200	4
>200	6

3. *Developments shall choose from the following recreational facilities:*

- *swimming pool*
- *tennis courts*
- *horseshoes*
- *spa*
- *exercise equipment*
- *game room*
- *community room*
- *par course*
- *walking trails (minimum one-quarter mile in length)*
- *picnic areas to include tables with barbeques*
- *volleyball court*
- *basketball*
- *court and lawn areas for field games*
- *Play structure*
- *Dog Park*
- *Or similar amenities of scale as approved by the Administrator*

4. *To ensure that recreational facilities are conveniently located, the facilities shall:*

- a. *Be located within 1,000 feet from any dwelling unit; and*
- b. *Connected to residential buildings by sidewalks, trails, or open space.*

5. *All living units shall have a private open space (i.e., decks or patios) and shall be contiguous to the units with a minimum of 25 square feet.*

(d) *Building Architecture.*

1. *Building Design.*

- a. *There is no specific architectural "style" required for multi-family residential structures. Within a development, the architecture shall include building style, form, size, color, material and roof lines that are complementary.*
- b. *In order to avoid boxy and monotonous facades that lack a sense of human scale, buildings shall incorporate articulation with no flat wall planes, exceeding 50 feet vertically or horizontally, unless approved by the Administrator.*
- c. *The following standards apply:*
 - 1) *The architectural character (i.e., exterior materials, window trims, cornices, arches, etc.) of the exterior elevations shall be consistent on all sides of the building(s) that are visible from a public right of way.*
 - 2) *Roofs shall have variations in plane accomplished by changes in plane or by the use of traditional roof forms such as dormers (pitched, shed-roof or eyebrow), gables, hipped roofs and variations in pitch. When a flat roof is used, it must relate to the architectural style as approved by the Administrator.*
 - 3) *Stairs shall be compatible with the architecture of the buildings and integrated into the design of the building.*
 - 4) *Access points to units shall be clustered. Use of distinctive architectural elements and materials shall be used to denote entrances.*

2. *Building Materials.*

- a. *Exterior elevation shall demonstrate a logical use of materials, unified appearance and complementary materials and colors. The materials shall be architecturally related and avoid frequent changes in materials. Expanses of uninterrupted single exterior materials without planar or color changes are not allowed.*
- b. *Change of materials or color shall occur at changes in plane or at a logical break point. Accent colors can be used for shutters, trim, balcony rail, stucco recesses, or cornice bands and shall relate to the architectural character of the building.*
- c. *Building materials and color schemes shall be consistent with the chosen architectural style. For example, stucco buildings and mission tile roofs are consistent with Spanish style homes.*
- d. *Materials such as brick and stone shall be left in their natural colors.*

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

Section 7. This ordinance shall become effective upon passage, approval and publication.

Section 8. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

Section 9. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 10. The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL # 272 BEING HEREBY PROPOSED on the 2nd day of January 2019.

BILL # 272 BEING HEREBY PASSED, APPROVED and ADOPTED this 16th day of January 2019, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____
Roy Edgington, Mayor

Date: _____

Attest By: _____
Kim Swanson, City Clerk

Date: _____