



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: February 19, 2020

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

FINANCIAL IMPACT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CURRENTLY BUDGETED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	FUND/ACCOUNT:
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ACTION REQUESTED:	<input type="checkbox"/> Consent	<input type="checkbox"/> Motion	<input checked="" type="checkbox"/> Ordinance
	<input type="checkbox"/> Presentation	<input type="checkbox"/> Receive/File	<input type="checkbox"/> Resolution

AGENDA ITEM: Staff Report (For Possible Action): First Reading, Introduction Bill #283 (CA 2020-001) – Consideration and possible action to Introduce Bill #283, An Ordinance amending Title 32 - Zoning of the Fernley Municipal Code in its entirety and providing other matters properly relating thereto.

AGENDA ITEM BRIEF: In August 2018, the City updated the City’s master plan. As a result of this update, staff identified an opportunity to revise the City’s development code which governs zoning and development (Title 32). Title 32 regulates the use and improvement of land while controlling the location, soundness and use of structures located thereon. This Code Amendment is the culmination of more than 18 months of work to create the revised Title 32 (development code) which will replace the existing development code in its entirety.

RECOMMENDED MOTION:
Read bill by title and schedule 2nd reading, public hearing, and possible adoption of Bill #283 for the regularly scheduled meeting on February 19, 2020.

“I move to introduce Bill #281 and set the public hearing for the February 19, 2020 City Council Meeting.”

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is Not Required because:

this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B);

See Attached Report for Background/Analysis/Alternatives.

PROJECT SUMMARY/POLICY REFERENCE

Nevada Statutes: NRS 278.250

Fernley Municipal Code: FMC Title 32

Policies & Procedure Manual: N/A

Community Assessment: N/A

Fernley Development Code: N/A

Other:

BACKGROUND

The objective of this update was to reformat the structure of Title 32 to improve its “user friendliness” and organization. To meet these objectives, the team needed to incorporate current best practices in zoning and facilitate appropriate uses and development. This included the creation of a new master table of permitted uses, several new zoning classifications, a redistribution of permitted uses across the zoning districts, and the limitation on certain uses or addition of new uses to districts.

Over the past several years, one of the primary goals of the planning department has been to “*promote efficient and sustainable land development and redevelopment.*” In order to achieve this goal, staff set forth several Objectives:

1. Revise zoning/development code to implement master plan.
2. Streamline the development review process.
3. Provide a timely, orderly, and efficient arrangement of adequate public facilities and infrastructure that support existing and planned land use patterns and densities.
4. Provide Support to the Fernley Redevelopment Agency

The revised development code will implement the City’s master plan, streamlines the development review process, and requires that infrastructure be provided concurrent with development to support existing and planned land use patterns and densities.

This department goal is derived from several Strategic Goals outlined in the City’s strategic plan.

“Strategic Goal: To explore and promote economic development and planned redevelopment opportunities consistent with the community’s historical and current identity.

Strategic Goal: To promote citizen engagement and build strong alliances with other government entities, private sector partners, and community members.

Strategic Goal: To improve the quality of life enjoyed by the community’s residents and enhance continued maintenance and reconstruction of the City’s infrastructure with an emphasis on sustainability.”

The revised development code will help the City of Fernley meet these established goals by encouraging smart growth with design-based zoning that allows flexibility but is also predictable.

ANALYSIS

The first noticeable change to the development code is the organization. The current code has more than 40 chapters. Staff consolidated chapters that were related, for example, the various processes have been combined into a single chapter called Administration. Although, it was not practical to have all sections in alphabetical order, several sections were alphabetized for ease of use.

Chapter 32.01

This chapter establishes the purpose of the code; addresses the applicability and jurisdiction of the code; states the code is consistent with the City's master plan; includes the saving clause, right to farm regulations, enforcement authority and the authority to establish fees; and requires the payment of taxes.

Chapter 32.02

This chapter includes the bulk of the definitions included in the code along with rules of interpretation. Many codes relegate definitions to the end of the document. Staff believes the definitions provide a significant foundation for the code in the ensuing chapters. Hence, the placement of this section at the beginning of the code.

Also included in this chapter is the rules for computation of time, the rounding of quantities, zoning district boundaries, severability, and relationship to other laws.

Chapter 32.03

The Administration chapter defines the decision making bodies and sets forth common review procedures such as noticing and public hearing requirements. This chapter also describes the individual processes for annexations, master plan amendments, zoning map amendment, conditional use permits, administrative reviews, temporary use permits, land division applications, modifications and appeals to name a few.

There are several significant changes included in the proposed code. The first change is renaming Design Review and Special Use Permits to Administrative Review and Conditional Use Permits, respectively. The goal is to reduce confusion when discussing processes.

The current code does not include processes for annexing property into the City or for changing the master plan land use designation. These processes are outlined in Nevada Revised Statutes; however, staff has included these processes in the updated development code.

Next, staff is proposing the creation of a new process called *Major Deviation*. Variances by their very nature, as defined in state law, rely upon hardships, it can be difficult for a property owner to seek relief from code requirements. This process will allow for special exceptions greater than 10% and less than 50% from development standards that can be quantified.

Staff has also included a process for development agreements, the creation of landscape maintenance districts, distance separation analysis, and reasonable accommodation.

Lastly, staff is proposing to extend additional authority to the Planning Commission regarding conditional use permits and major deviations. Currently, the Planning Commission serves in an advisory capacity to the City Council for use permits. The updated code allows the planning commission to be the final decision maker for use permits and major deviations unless appealed to or called up by the City Council.

Table 32.03.020-1 clarifies the roles of each decision-making body and identifies the public hearing and noticing requirements for each process.

Chapter 32.05

This chapter defines the types of violations, the enforcement of the code, and the penalties for any code violation.

Chapter 32.06

Chapter 32.06 defines the various zoning districts, requires the creation of a zoning map, includes the dimensional standards within each district, and contains the use table.

Section 32.06.020 establishes the zoning districts within the City. Staff is proposing to change the name of many of the districts to minimize confusion and more clearly identify each category. To do this, staff has included a conversion table in Section 32.06.030.

The current code includes numerous rural residential zoning districts. Staff is proposing to consolidate several of these districts. When looking at the existing use table and dimensional standards, the most substantial difference is the lot size.

Staff is also proposing to create several new zoning classifications which were necessary to implement the master plan. Specifically, there was a need to create a new zoning district that is associated with the Mixed Residential land use designation. Staff created the MDR14 (medium density residential, 14 dwelling units per acre) to address the need for “missing middle” housing identified in the master plan.

Mixed use (MU) and Employment Center (EC) classifications were also created.

Staff is proposing to repeal the /PUD and /T overlay districts. A base Planned Development (PD) zoning district is proposed in favor of the overlay. The /T or trailer (mobile home) overlay will no longer exist in the City. The revised code would allow mobile homes only in manufactured/mobile home parks.

This chapter includes a summary of each zoning classification and locational criteria.

Also included in this chapter are design standards for new development. Within the single family residential, multi-family residential, mixed use, commercial, and industrial zoning districts, design standards including but not limited to site design, building placement, and architectural design have been incorporated.

Lastly, this chapter includes the use table and establishes a process for unlisted uses. The use table identifies what uses are allowed in each zoning district.

Chapter 32.07

Some uses in the use table have specific standards associated with them. For example, in-home child care facilities are permitted in residential zoning districts by right provided an applicant meet the use criteria listed in this chapter.

This chapter includes regulations, for accessory dwellings, home occupations, wireless telecommunications facilities, manufactured and mobile homes, mini-warehouse projects, and recreational vehicle storage to name a few.

Chapter 32.08

This chapter defines and regulates non-conforming uses, non-conforming lots, and substandard developments. A process for the alteration, extension, or expansion of a substandard development is also set forth in this chapter. Lastly, the chapter includes a section addressing the damage or destruction of a non-conforming use, non-conforming lot, or substandard development.

Chapter 32.09

The Development Standards chapter includes design and construction regulations for development projects. To address concerns regarding different uses on adjacent properties, adjacency standards have been added to the development code. The adjacency standards will provide for a transition and appropriate buffering between uses.

The water dedication, drainage, flood plain management, grading, landscaping, lighting, parking, roadway, and utility requirements can be found in this chapter.

The City's master plan requires the city to development a hillside development ordinance. This chapter details the process and requirements associated with development on slopes, hilltops, and ridges. Any development project on property with slopes of 10% or greater over 25% or more of the property are subject to the hillside development regulations.

Chapter 32.10

The most important factor related to the revised sign code is content neutrality. Signs are regulated by time, place, and manner in which the sign is displayed.

Chapter 32.12

This chapter is a result of Resolution #17-020 which was adopted in November 2017. This resolution established polices related to new development and the timely, orderly, and efficient arrangement of adequate public facilities and infrastructure that support existing and planned land use patterns and densities and which preserve the quality of available water resources. These policies were also addressed in the City's 2018 master plan update. This chapter codifies these policies and requires the necessary infrastructure to serve the development be provided concurrently with the new development. In addition, this chapter requires new subdivisions and new commercial and industrial developments to connect to the city's water and wastewater systems. City staff will determine whether adequate public facilities exist based on adopted levels of service.

The last section of this chapter codifies the requirement for an area plan for those areas designated as *Future Development Areas* in the City's master plan.

Chapter 32.13

This chapter addresses impact fees, reimbursement agreements, and improvements, securities, and inspections related to public infrastructure.

This chapter obligates developers to construct, dedicate, and provide a security to the city for public improvements. There are several options for developers to provide security to the city. Of note, a surety bond may only be used for up to 50% of the total bond amount. This change is a result of the many bonding companies that failed during the Great Recession and the city's inability to collect on surety bonds.

Appendix A

The appendix chapter includes general information related to fees and application submittal requirements for the various processes included in Chapter 32.03 – Administration, and a few specific uses.

Staff recommends the Planning Commission forward a recommendation for approval to the City Council for the proposed code amendment. Staff believes the proposed amendments are consistent with the City's Comprehensive Master Plan and Nevada Revised Statutes. The amended Development Code will promote the public health, safety, convenience and general welfare of the community.

ATTACHMENTS:

1. Bill #283
2. Exhibit "A" – Title 32 – Zoning
3. Exhibit "B" – Zoning Map