

Item # 11A

**City of Carson City
Agenda Report**

Date Submitted: June 10, 2008

Agenda Date Requested: June 19, 2008
Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, by modifying the definition of Child Care Facility, and other matters properly related thereto. (ZCA-08-041)

Staff Summary: In order to create consistency with the Carson City Building Code as well as other northern Nevada counties, staff is proposing a change to the Carson City Municipal Code to allow up to and including six children to be allowed in home child care without obtaining a Special Use Permit. Currently, the code allows up to and including five children.

Type of Action Requested:

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

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval May 28, 2008, by a vote of 5 Ayes, 0 Nays and 2 Absent.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, by modifying the definition of Child Care Facility, and other matters properly related thereto

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 18 Zoning, Section 18.04.175 (Zoning Code Amendments).

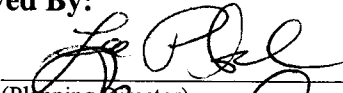
Fiscal Impact: N/A
Explanation of Impact: N/A
Funding Source: N/A

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

Supporting Material: 1) Ordinance
2) Case Record
3) Staff Report

Prepared By: Rose Mary Johnson, Management Assistant III

Reviewed By:



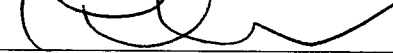
(Planning Director)

Date: 6-10-08



(Development Services Director)

Date: 6-10-08



(City Manager)

Date: 6-10-08



(District Attorney's Office)

Date: 6-10-08

Board Action Taken:

Motion: _____

1) _____ Aye/Nay
2) _____

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2008-_____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, BY MODIFYING THE DEFINITION OF CHILD CARE FACILITY, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Chapter 18.03 (Definitions), section 18.03.010 (Words and Terms Defined) of the Carson City Municipal Code is hereby amended, in part, by modifying the definition of "Child Care Facility" as follows (stricken text is deleted, underlined text is added):

18.03.010 Words and Terms Defined.

Child Care Facility means any place, home, institution or establishment in which more than ~~five~~ six children are received, cared for or maintained for any period of time with or without compensation.

SECTION II:

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.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: 5-28-08

AGENDA ITEM NO.: G-2

APPLICANT(s) NAME: Carson City Planning
PROPERTY OWNER(s): N/A

FILE NO. ZCA-08-041

ASSESSOR PARCEL NO(s): N/A
ADDRESS: N/A

APPLICANT'S REQUEST: Action to consider an ordinance to amend the Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Child Care Facility, to change the permitted number of children in a residential child care facility from five children to six children.

COMMISSIONERS PRESENT: PEERY KIMBROUGH BISBEE
 MULLET REYNOLDS VANCE WENDELL

STAFF REPORT PRESENTED BY: Consent Agenda
STAFF RECOMMENDATION: APPROVAL
APPLICANT REPRESENTED BY:

REPORT ATTACHED
 DENIAL

___ APPLICANT/AGENT
PRESENT

___ APPLICANT/AGENT
SPOKE

___ APPLICANT/AGENT
NOT PRESENT

___ APPLICANT/AGENT
DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE/SHE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

0 PERSONS SPOKE IN FAVOR OF THE PROPOSAL

0 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL OF ZCA-08-041

MOVED: Reynolds **SECOND:** Wendell **PASSED:** 5 /AYE 0 /NO /ABSTAIN 2 /ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: June 19, 2008

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF MAY 28, 2008

FILE NO: ZCA-08-041

AGENDA ITEM: G-2

STAFF AUTHOR: Heidi Eskew-Herrmann, AICP, Assistant Planner

SUBJECT: A Zoning Code Amendment to modify the definition of a "Child Care Facility" from "more than five children" to "more than six children" in the Carson City Municipal Code, Title 18 (Zoning), Chapter 18.03 (Definitions), Section 18.03.010 (Words and Terms Defined).

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-08-041, a Zoning Code Amendment to the Carson City Municipal Code Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, by modifying the definition of a Child Care Facility from "more than five children" to "more than six children" based on the findings contained in the staff report."

BACKGROUND:

The Carson City Municipal Code defines a Child Care Facility as "any place, home, institution or establishment in which more than five children are received, cared for or maintained for any period of time with or without compensation." *CCMC 18.03.010*

In 2007, Planning Division staff amended the zoning code to allow five children instead of four children to be cared for in a residential zoning district without requiring Special Use Permit approval. This amendment was in keeping with the Carson City Building Division requirements. It has recently come to staff's attention that the Building Division has again amended its code (Section 305.2 Day Care) to allow six children to be cared for in a residential home without changing the occupancy from R3 to Group E (educational). Therefore, Planning staff is initiating a Zoning Map Amendment to remain consistent with Building Division codes.

DISCUSSION:

Attached is a draft ordinance for consideration. Staff recommends maintaining consistency with the state regulations, surrounding city and county regulations, and Carson City Building Division requirements.

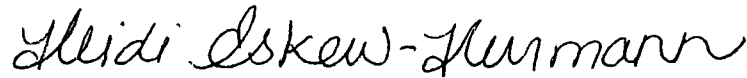
Child Care in Nevada is regulated by the State of Nevada Bureau of Services for Child Care. According to Lisa Roberts, Child Care Development Surveyor II with this bureau, the state licenses Family Care Homes, which allow care for up to and including six children.

Washoe County, City of Sparks, City of Reno, Lyon County and Douglas County all recognize the State of Nevada's definition for Family Care Homes, and allow them outright in all residential zoning districts.

This Zoning Code Amendment is brought to the Planning Commission today to maintain consistency between the Building Division, Fire Department and Planning Division codes. It is not the result of any problems or issues with the code.

PUBLIC NOTIFICATION REQUIREMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of May 16, 2008, no written comments have been received either in support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Heidi Eskew-Herrmann".

Heidi Eskew-Herrmann, AICP
Assistant Planner