

Item # 9B

**City of Carson City  
Agenda Report**

**Date Submitted:** October 9, 2007

**Agenda Date Requested:** October 18, 2007

**Time Requested:** 5 minutes

**To:** Mayor and Board of Supervisors

**From:** Development Services - Planning Division

**Subject Title:** Action to adopt Bill No.135, on second reading, Ordinance No. \_\_\_\_\_ an ordinance amending Carson City Municipal Code Title 18 Zoning Chapter 18.04 Use Districts, Section 18.04.030.2, Nonconforming Uses -Expansion of a Nonconforming Building, to amend the section addressing expansion of nonconforming buildings to clarify when a special use permit is required, and other matters properly related thereto. (File ZCA-07-133)

**Staff Summary:** This ordinance would modify the Carson City Municipal Code to clarify when the expansion of a nonconforming building will require Special Use Permit approval. This clarification will assist staff and the general public with these expansions..

**Type of Action Requested:**

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

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

**Planning Commission Action:** Recommended approval September 26, 2007, by a vote of 4:0:3

**Recommended Board Action:** I move to adopt Bill No. \_\_\_\_\_, on second reading, Ordinance No. \_\_\_\_\_, an ordinance amending Carson City Municipal Code Title 18 Zoning Chapter 18.04 Use Districts, Section 18.04.030.2, Nonconforming Uses -Expansion of a Nonconforming Building, to amend the section addressing expansion of nonconforming buildings to clarify when a special use permit is required, 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 18.04 Use Districts, Section 18.04.030.2 Expansion of Nonconforming Building.

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

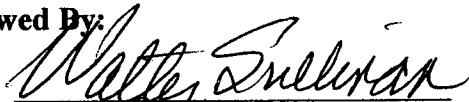
**Funding Source:** N/A

**Alternatives:** 1) Refer the matter back to Planning Commission for further review, or, 2) Deny with appropriate findings.

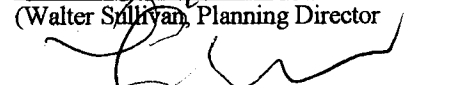
**Supporting Material:** 1) Ordinance

**Prepared By:** Donna Fuller, Administrative Services Manager

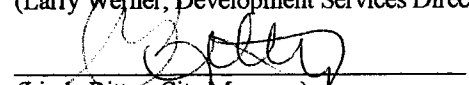
**Reviewed By:**

  
\_\_\_\_\_  
(Walter Sullivan, Planning Director)

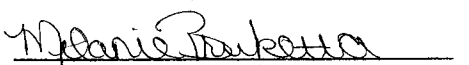
Date: 10-23-07

  
\_\_\_\_\_  
(Larry Werner, Development Services Director/City Engineer)

Date: 10/23/07

  
\_\_\_\_\_  
(Linda Ritter, City Manager)

Date: 10-23-07

  
\_\_\_\_\_  
(District Attorney's Office)

Date: 10-23-07

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.030.2, NONCONFORMING USES - EXPANSION OF A NONCONFORMING BUILDING, TO AMEND THE SECTION ADDRESSING EXPANSION OF NONCONFORMING BUILDINGS TO CLARIFY WHEN A SPECIAL USE PERMIT IS REQUIRED, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.04 (Use Districts), Section 18.04.030.2 (Nonconforming Uses - Expansion of Nonconforming Building) of the Carson City Municipal Code is hereby amended, in part, to modify the text as follows (underlined text is added, stricken text is deleted):

**18.04.030 Nonconforming Uses**

1. **Continuation of Nonconforming Use.** A lawful use of land or buildings not in conformance with the regulations herein prescribed, legally existing at the time of the adoption of the Carson City Zoning Ordinance, this title, or any amendment hereto, may be continued.
2. **Expansion of Nonconforming Building.**
  - A nonconforming use of land [~~or building~~] shall not be extended or expanded except by Special Use Permit.
  - A nonconforming building may be extended or expanded to the extent that any additions meet current code requirements and that such additions do not increase the parking requirement unless all required parking for the entire building can be provided.
  - A building that is nonconforming in setbacks may be extended or expanded along the existing nonconforming setbacks only upon Special Use Permit approval.

- A building that is nonconforming in setbacks may be extended or expanded further into the setbacks only upon approval of both a Special Use Permit and Variance.
- Minor modifications and maintenance necessary to said continuing condition is permitted.
- 3. **Abandonment of Nonconforming Use.** A lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of ~~twelve~~ {12} consecutive months or more shall not be resumed.
- 4. **Exceptions.** Nonconforming buildings which have been damaged or destroyed by natural calamity may be repaired, reconstructed, moved or altered within one ~~{1}~~ year from the date of damage provided the repaired building is proportionate to the previous use.
- 5. **Nonconforming Parcels.** All existing legally created parcels of less square footage than required within a use district are considered legal nonconforming parcels but must meet all code requirements in that district.

SECTION II:

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

PROPOSED on October 18, 2007.

PROPOSED BY Supervisor Shelly Aldean

PASSED \_\_\_\_\_, 2007.

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 2007.