

**STAFF REPORT FOR THE PLANNING COMMISSION WORKSHOP OF
SEPTEMBER 26, 2019**

FILE NO: Title 18 Workshop – Chapter 18.05

AGENDA ITEM: D.1

STAFF CONTACT: Lee Plemel, AICP, Community Development Director

AGENDA TITLE: Discussion only regarding possible amendments to the Carson City Municipal Code (CCMC), Title 18, Zoning.

STAFF SUMMARY: The Planning Commission is in the process of reviewing Title 18 for possible amendments. The focus is this workshop will be CCMC Chapter 18.05 (General Provisions). The Planning Commission will review various sections of Title 18 and the Development Standards over several months and conduct public workshops before making recommendations to the Board of Supervisors.

PROPOSED MOTION: [No action; discussion only.]

DISCUSSION:

This workshop is part of a series of workshops that will be conducted with the Planning Commission to review Title 18 and the Development Standards in anticipation of a comprehensive update of those sections of the Carson City Municipal Code. The focus of this workshop will be to review Chapter 18.05 (General Provisions), which encompasses several zoning topics. The purpose of the workshop is to give an overview of how this Chapter is applied and how it fits into the overall Title 18 zoning standards, and to take feedback on how to proceed with possible amendments to the Chapter. Staff has previously reviewed Chapters 18.02 (Administration), 18.03 (Definitions) and 18.04 (Use Districts) at prior workshops.

Staff will review Chapter 18.05 with the Planning Commission at the workshop. In order to facilitate the review and discussion at the workshop, staff offers the following discussion regarding the various sections of this chapter that will be covered.

18.05.005 – Applicability

This section establishes that the provisions of the chapter are applicable in all zoning districts. Also note that it says the process-oriented standards are contained in this chapter while design-oriented standards are contained in the Title 18 Appendix, Development Standards. This is generally true of all section of Title 18.

18.05.010 – Parking

Refers to the parking requirements in the Development Standards Division 2.

18.05.015 – Trash, refuse and recycled material storage

Requires trash containers for all types of uses except single-family residential.

18.05.020 – Landscaping

Refers to the parking requirements in the Development Standards Division 3.

18.05.025 – Temporary construction containers

This section allows metal storage containers for active construction sites, which are otherwise regulated under Section 18.05.030 and the Development Standards.

18.05.030 - Trailers, mobilehomes, recreational vehicles, commercial coaches and storage containers

This section covers various uses and provisions for storage related to different types of temporary structures. Generally, the section could use some reorganization. Following are the specific provisions that are contained in the section.

1. This subsection prohibits the use of various types of commercial vehicles for storage, and prohibits certain commercial vehicles to be stored in residential zoning districts.
2. Provisions for mobilehomes (subsection 2[a]) should be moved to subsection 4 with other mobilehome provisions. This section also prohibits the use of recreational vehicles for living purposes except for in RV parks and under certain conditions to care for someone who is infirm at a single-family residence. (Note: This provision to allow the use of an RV to care for the infirm was added in 2007 for a specific case and has not been used since.)
3. A “commercial coach” is generally used as a temporary office trailer. This subsection establishes when a commercial coach may be used.
4. This subsection establishes when a mobilehome may be used for living purposes and for temporary living quarters. Note that a subparagraph needs to be added here to state that a mobilehome may be used as a single-family residence in any single-family zoning district subject to the provisions of 18.05.075 (see below) and the Development Standards Division 1.15. (Per State law, mobilehomes must be allowed in any district in which a single-family residence is allowed, with certain provisions.)
5. Contains provisions for the storage of mobilehomes and RVs.

18.05.035 – Watchman's quarters

This section contains the provisions under which watchman’s quarters are allowed. Watchman’s quarters are a distinct use in the code and permitted within certain zoning districts. “Caretaker’s quarters” are defined separately and only referenced regarding the use of a “guest building” or in an RV park.

Section 18.05.035(4) requires the Planning Division to review approved watchman’s quarters every two years. Staff recommends removing this requirement, as it is unnecessary for the enforcement of the provisions and just requires extra “paperwork” by Planning staff.

18.05.040 – Heliports

This section contains the provisions regarding heliports.

18.05.045 – Home occupations

This section contains the conditions under which a person may have a home-based business. Generally, the provisions are such that a home may be used as a personal office, but customers or clients cannot come to the house.

18.05.050 – Accessory farm structures

“Accessory farm structures” are distinguished from other “accessory structures” (see 18.05.055) primarily because accessory farm structures are exempt from size regulations that require either an Administrative Permit or Special Use Permit approval. Also, accessory farm structures are permitted without a primary dwelling in the Agriculture and Conservation Reserve zoning districts in order to allow agricultural storage.

Staff recommends removing the distinction between accessory farm structures and other accessory structures. The distinction is ambiguous and only differentiated by what is stored inside the structure—accessory farm structures are “for the housing of farm equipment or animals usually associated with a farm, including cows, horses, chickens, pigs, sheep, etc.” It is not feasible for the City to regulate what is stored inside storage buildings. Properties with animal keeping or agricultural uses often have very nice storage buildings in which farm-related equipment is stored. But these buildings can also be used for storage of on non-farm-related equipment, such as old cars or other general household equipment. The City cannot feasibly monitor and control what someone stores in an accessory building.

Staff would recommend regulating “accessory farm structures” as “accessory structures,” and continue to allow accessory structures without a primary structure in Agricultural and Conservation Reserve zoning districts. Staff would further recommend increasing the size of permitted accessory structures as discussed in the next section below.

18.05.055 – Accessory structures

This section contains various provisions related to detached accessory structures, such as sheds, garages and guest buildings, including special setbacks for accessory structures based on the size of the accessory structure. The provisions related to accessory structures have generally worked well, but staff would like the Planning Commission to consider changes to the provisions related to permitted accessory structure size and area.

Current accessory structure regulations:

Parcel Size	Accessory Structure Size ¹	Required Approval ²
All parcels	Less than 50% of primary structure	Building Permit
All parcels	More than 50% and up to 75% of primary structure	Administrative Permit
All parcels	More than 75% of primary structure	Special Use Permit
½-acre or larger	More than 5% of the parcel area	Special Use Permit
All parcels	Any size with more than five parking bays	Special Use Permit
1 acre or more	All “accessory farm structures” of any size	Building Permit

1. Accessory Structure Size includes the size of all detached accessory structures combined.
2. Highest level of approval required; all structures over 200 sq. ft. require a Building Permit.

Special Use Permits for accessory structures have become relatively routine, particularly on parcels of one-acre or larger where they are ubiquitous throughout the neighborhoods. Staff would like the Planning Commission to discuss and consider amending the code to:

1. Increase the permitted size of accessory structures that require an Administrative Permit or a Special Use Permit. The Commission may also consider setting a minimum size of accessory structure that may be constructed on a parcel without additional approvals—e.g. up to 1,000 square feet on parcels one acre or larger and up to 500 square feet on all other parcels.
2. Delete the size regulation related to accessory structures that occupy more than 5% of the parcel area. This regulation only applies to parcels of approximately ½-acre or larger, and staff believes issues related to overall coverage and size are addressed through the other size limitations. Special Use Permit applications for accessory structures that exceed this requirement have almost (if not) always been in conjunction with a request to exceed the permitted percentage of the primary dwelling.
3. Delete the limitations on the number of “parking bays” that require approval of a Special Use Permit. Staff believes potential issues are covered through the other size limitations.
4. Delete any exemptions from size limitations for “accessory farm structures” and treat all accessory structures the same (see discussion in Section 18.05.050 above).

To help the Commission understand the suggested changes and facilitate discussion regarding these changes, staff offers the following table on how the regulations could be modified:

Potential accessory structure regulations for discussion and consideration:

Parcel Size	Accessory Structure Size ¹	Required Approval ²
Less than 1 acre	Up to <u>500</u> s.f. or <u>75%</u> of the primary structure, whichever is larger.	Building Permit
1 acre or larger	Up to <u>1,000</u> s.f. or <u>75%</u> of the primary structure, whichever is larger.	Building Permit
All parcels	More than <u>75%</u> and up to <u>100%</u> of primary structure	Administrative Permit
All parcels	More than <u>100%</u> of primary structure	Special Use Permit

1. Accessory Structure Size includes the size of all detached accessory structures combined.
2. Highest level of approval required; all structures over 200 sq. ft. require a Building Permit.

All accessory structures are still subject to setback and height limitations per this section of the code and the applicable zoning district.

18.05.060 – Accessory use

This section has provisions specifically for when the term “accessory use” refers to the sale of used items. This reference should be incorporated into the definitions of Chapter 18.03 and this section should be deleted.

18.05.070 – Uses required to be within a structure

This section generally requires commercial uses, with certain exceptions, to be conducted within a building. This prevents sales of items or other commercial uses from being conducted on a vacant lot. Other provisions of the code provide for certain temporary outside display and sales of merchandise.

18.05.075 – Manufactured home installation within a single-family zoning district

State law (NRS 278.02095) requires all local governments to include in their definition of “single-family residence” a manufactured home (or “mobilehome” as used in Title 18), which means a manufactured home must be allowed anywhere a single-family residence is allowed. The provisions of NRS allow local governments to implement certain standards when a manufactured home is placed in single-family residential zoning, which are incorporated into this section of the Carson City Municipal Code.

18.05.080 – Private use wind energy conversion systems

State law (NRS 278.02077) contains provisions prohibiting local governments from prohibiting or “unreasonably restricting the use of systems for obtaining wind energy” (i.e. wind turbines). This section of NRS was adopted in 2009, and the City subsequently implemented the standards contained in this section of the Carson City Municipal Code to be in compliance with NRS.

Since these standards were implemented, Carson City has approved two applications for residential wind turbines. One was removed by the owner after a couple of years because it did not produce the energy he expected. The second is still in use, but the owner once told staff he wished he didn't erect it because the return was not what was promised. However, the provisions for wind turbines remain in NRS and the City code needs to continue to have standards to allow such facilities.

Please contact Lee Plemel in the Planning Division at 283-7075 or lplemel@carson.org if you have any questions regarding this item.

Use the link below to go to the web-based Municipal Code to view the code in its entirety.
https://library.municode.com/nv/carson_city/codes/code_of_ordinances

Attachments:

- 1) CCMC Chapter 18.05 (General Provisions)

Chapter 18.05 - GENERAL PROVISIONS

Sections:

18.05.005 - Applicability.

The provisions of this chapter apply in all land use districts to every building erected and land use established after the effective date of the ordinance codified in this chapter unless indicated otherwise for a particular district. Process-oriented standards are contained in this section. Design-oriented standards are contained in the development standards which are parallel in authority to this section.

(Ord. 2001-23 § 2 (part), 2001).

18.05.010 - Parking.

Each use shall provide at least the minimum number of off-street parking spaces required by the standards set forth in Division 2, Parking and Loading, of the development standards.

(Ord. 2001-23 § 2 (part), 2001).

18.05.015 - Trash, refuse and recycled material storage.

Trash, refuse or recycled material storage containers are required within office, commercial, industrial or multi-family districts.

(Ord. 2001-23 § 2 (part), 2001).

18.05.020 - Landscaping.

Each use shall provide at least the minimum required landscaping as required by the standards set forth in Division 3 of the development standards.

(Ord. 2001-23 § 2 (part), 2001).

18.05.025 - Temporary construction containers.

Temporary construction containers are permitted by temporary use permit or in conjunction with an active building permit in all zoning districts within Carson City. Temporary construction containers must be directly associated with construction activity and must be shown on the site plan submitted for a building permit. Up to 3 containers may be utilized to house fixtures, materials or merchandise pertaining to the construction per construction site. On job sites exceeding 5 acres or 50,000 square feet of building area, the number of temporary construction containers may be increased at the discretion of the director. Upon completion of the project and prior to issuance of a final certificate of occupancy, all construction containers must be removed from the construction site.

(Ord. 2005-25 § 1, 2005; Ord. 2001-23 § 2 (part), 2001).

18.05.030 - Trailers, mobilehomes, recreational vehicles, commercial coaches and storage containers.

1. Except as otherwise provided in this section:
 - a. No automobile, recreational vehicle, tent, train, boxcar, semi-truck trailer, passenger coach, bus, streetcar body or similar enclosure may be used or erected for storage or occupied for living or sleeping purposes in any use district.
 - b. Tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock are prohibited in all residential zoning districts.
2.
 - a. A mobilehome may be used for permanent living or sleeping quarters only in a mobilehome park or mobilehome subdivision, and for temporary living quarters, where authorized by the commission.
 - b. A recreational vehicle may be used for temporary living or sleeping quarters only in a recreational vehicle park or where permitted by Title 10 and Title 13 of the Carson City Municipal Code. Parking lots are not considered recreational vehicle parks.
 - c. Special Exception: Where approved by the director pursuant to this section and requirements of NRS 278.315, a recreational vehicle may be used for temporary occupancy accessory to a single-family residence for the care of a person who has been documented as infirm, subject to the following conditions:
 - (1) Submittal of an application on a form approved by the director, by a property owner desiring such a use.
 - (2) Submittal, in writing, of the results of an independent medical examination, of the infirm person, conducted by a physician licensed to practice in Nevada, who has not treated the infirm person in the last 12 months prior to the date of the application, establishing, to the satisfaction of the director, that the infirm person is in need of care which can be facilitated by the placement of a recreational vehicle on a site under this section and that this section provides a temporary living location for a caregiver of or a person with a medically certifiable, handicapping, debilitating, or end of life issue that constitutes a serious infirmity.
 - (3) A recreational vehicle used for this purpose must be self-contained or connected to city utilities pursuant to subsection (5) below, and must have been manufactured within 15 years prior to the application unless otherwise approved by the director.
 - (4) A recreational vehicle used for this purpose must meet all standards established by the state of Nevada for such recreational vehicles and must be placed in the side or rear yard of a lot providing screening, from the rights-of-way, easements and adjacent properties, providing fencing and screening to facilitate, preserve and protect privacy of adjacent neighbors.

The subject parcel must be a minimum of 12,000 square feet and the self-contained travel trailer or recreational vehicle must meet all yard setback requirements as required by Carson City Municipal Code for the applicable zoning district or by this section and must be placed in the side or rear yard of the property. The rear yard setback requirement, for applications under this section, in the single family 6,000 (SF6) and mobilehome 6,000 (MH6) zoning districts shall be a minimum of 20 feet. The director, on a case by case basis, may vary the lot size requirement, to a minimum of 6,000 square

feet, based upon additional information submitted by the applicant requesting a variance to land area and without any opposition by the adjacent neighbors.

- (5) All utility connections for the recreational vehicle shall be accomplished to the satisfaction of the Carson City building and safety division and public works division prior to occupancy. No generators are allowed to be utilized.
 - (6) Any recreational vehicle used for the purposes described in this section must be equipped with a functioning smoke detector, and if applicable, a propane gas detector. These detectors must be in compliance with the state of Nevada Manufactured Housing Division pursuant to Nevada Revised Statutes 489.701.
 - (7) Upon receipt of an application for the use described in this section, the director shall give written notice of the application pursuant to NRS 278.315. The notice shall contain a description of the proposed use, and include time, date and location of the hearing at which the director will consider the application.
 - (8) At the hearing conducted to consider the application, the director shall receive and consider public comment, whether written or oral, in rendering his decision.
 - (9) The purpose of the use described in this section is to mitigate a hardship resulting from a documented infirmity. Financial hardship is not itself a sufficient basis for approving said use.
 - (10) The decision of the director may be appealed as provided in Carson City Municipal Code Title 18.
 - (11) The director's approval for the use of the self-contained travel trailer or recreational vehicle unit can be authorized for one year and upon submittal of an extension request prior to the first years expiration, may be continued. Should a change occur in the condition of the infirm for whom the care is being provided, or if the infirm ceases to reside at the subject property, or if the required documentation is not submitted in a timely fashion, then the authorization for the use of the unit for the infirm will be automatically cancelled. Upon cancellation of the authorization, the temporary unit must be removed from the site within 30 days after notification of the cancellation by the planning division and utility disconnection shall be accomplished to the satisfaction of the Carson City building and safety division and public works division.
- d. A storage container or other similar enclosure is only allowed in the industrial districts, pursuant to Division 1 (Storage Containers) of the Development Standards.
 - e. Parking lots are not considered recreational vehicle parks.
3. A commercial coach may be used for an office with the approval of a special use permit. A special use permit is not required when a commercial coach is used:
 - a. As a construction office only at or within 100 feet of the site of a construction project and for the duration of the building permit. The applicant must obtain all required building permits for the proposed construction prior to the placement of a construction office. Where applicable, sewer/septic and water/well must be in service prior to use of the construction office. The placement of the construction office must meet applicable setback requirements. The construction office must not be utilized as living quarters. This authorization is valid for 1 year, but may be extended by the director for 1 additional year upon the granting of a building

permit renewal. The request for the additional time must be submitted prior to the expiration of the original permit time frame;

- b. As a temporary office space when accessory to an established business and in accordance with current adopted standards and:
 - (1) It will not be used for living quarters,
 - (2) The applicant must obtain all required building permits for the proposed construction prior to the placement of the temporary office coach,
 - (3) The authorization is only effective until permanent office space can be constructed and in no even longer than 1 year,
 - (4) The placement of the temporary office coach must meet all setback requirements, and
 - (5) The authorization for the temporary office coach may be revoked by the director for breach of any of the above conditions.
4. A mobilehome may be used:
 - a. As living quarters when the applicant is constructing a residence on the same parcel;
 - b. As a temporary living quarters for miners or stockmen in conservation reserve and agricultural districts. Placement of the mobilehome must meet the requirements of the fire, planning and community development and other relevant departments. Authorization for this use is valid for 1 year from date of approval and may receive a single 1 year renewal by the director.
5. The storage of an unoccupied mobilehome or recreational vehicle is permitted only on appropriate commercial or industrial zoned land. Storage of a recreational vehicle in an unoccupied state will also be permitted on the land of the legal owner of the recreational vehicle in any residential zone.

(Ord. 2007-35 § 1, 2007; Ord. 2004-31 § 1, 2004; Ord. 2004-2 § 1, 2004; Ord. 2001-23 § 2 (part), 2001).

18.05.035 - Watchman's quarters.

In order to provide increased security within the industrial, commercial, agriculture and conservation reserve districts, a watchman's quarters may be provided as an accessory use under the following conditions:

1. The watchman's quarters must clearly be accessory to the main use;
2. There shall be no payment of rent by the occupant of the quarters;
3. The quarters are limited to 1 family:
4. The quarters will be reviewed every 2 years for compliance with this code by the director and if no longer necessary, or not in compliance, the quarters will be removed or corrected. The quarters may be required to be removed at anytime if not in compliance with any conditions of approval.
5. Additional conditions of approval may be required by the director to insure compatibility with adjacent uses.
6. Watchman's quarters can be a manufactured home or a site constructed home. A recreational vehicle shall not be allowed as a watchman's quarters.

(Ord. 2004-20 § 7, 2004: Ord. 2001-23 § 2 (part), 2001).

18.05.040 - Heliports.

1. No area of land, water, parking lot, rooftop or other site or structure within Carson City will be used as a heliport without approval of a special use permit issued in accordance with the provisions of this chapter.
2. As used in this chapter, "heliport" means any area of land, water, parking lot, rooftop or other site or structure which is regularly or permanently used for the landing and takeoff of helicopters or other rotary wing aircraft.

(Ord. 2001-23 § 2 (part), 2001).

18.05.045 - Home occupation.

Uses which shall not be permitted as home occupations include barber and beauty shops, food processing or packaging, real estate and law offices, restaurants, cabinet shops, adult entertainment businesses, kennels (except for certified training of three (3) or fewer service animals), vehicle repair or similar uses.

All home occupations shall be subject to and must comply with the following provisions of this Section:

1. Business license requirements. All home occupations must obtain a Carson City business license and meet the requirements of this Section.
2. Sale of merchandise. Sale of goods, samples, materials, equipment or other objects on the premises is not permitted. Home occupations shall not conduct business in person with clients at the home address, with the exception of federally licensed gun dealers, required by federal regulations to conduct firearm sales at their home location.
3. Size Limits. No more than twenty percent (20%) of the total ground floor area of the dwelling and accessory structure may be used for home occupation.
4. Employees. No on-site office staff or business personnel shall be permitted in any home occupation unless the employees are members of the resident family and reside on the premises.
5. Character. The characteristics of the structure shall not be altered, nor shall the occupation within the dwellings be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or by signs, or the emission sounds, noises, dust, odors, fumes, smoke, electrical disturbance or vibrations, or disturbs the peace and general welfare of the area.
6. Traffic. Pedestrian and vehicular traffic shall be limited to that normally associated with residential districts. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.
7. There shall be no outside storage of materials or equipment; no storage of toxic or hazardous materials, including ammunition and gunpowder; not shall merchandise be visible from outside the dwelling.

8. Location. The home occupation shall be confined within the main building and/or accessory structure as a secondary use of the residential use. When conducted in a garage, the home occupation shall not permanently eliminate the use of the garage as a parking space for a car, nor shall the bay door be open while the home occupation is conducted within the garage.
9. Use of facilities and utilities. The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.
10. Advertising. There must not be any public advertising which calls attention to the fact that the dwelling is being used for business purposes. Telephone listings, business cards, or any other advertising of the business, shall not include the dwelling address. The name, telephone, and purpose of the home occupation may be advertising on not more than one vehicle which is operated by the resident or residents of the dwelling in conjunction with the business. The home address may appear on letterhead and invoices when the home address is also the business address.
11. Electromagnetic interference. Electrical or mechanical equipment which creates video or audio interference in customary residential electrical appliances or causes fluctuations in line voltage outside the dwelling unit is prohibited.
12. Fire safety. Activities conducted and equipment or material used or stored shall not adversely change the fire safety of the premises.
13. Parking. No parking or placement of commercial vehicles such as trucks, trailers, equipment or materials except one (1) panel van or pickup truck, when used for personal transportation.

(Ord. 2004-20 § 8, 2004: Ord. 2001-23 § 2 (part), 2001).

([Ord. No. 2008-33, § X, 9-4-2008](#))

18.05.050 - Accessory farm structures.

In SF5A, SF2A, SF1A and MH1A zoning districts the cumulative square footage of accessory farm structures in excess of 50% of the primary building shall be approved by the director prior to issuance of a building permit. Agriculture (A) and conservation reserve (CR) zoned parcels do not require a primary building.

(Ord. 2004-20 § 9, 2004: Ord. 2001-23 § 2 (part), 2001).

18.05.055 - Accessory structures.

1. It shall be unlawful to construct, erect or locate in any residential district, private garages or other accessory buildings without a permissive main building, except: a temporary building may be constructed and occupied as a legal use pending the construction of a permanent use providing that no permit shall be issued for such temporary structure unless a permit also be issued at the same time for the permanent building. If it be proposed to convert said temporary structure to a permissive accessory use upon completion of the main structure, said conversion shall occur upon completion of the final structure or be removed at that time or within a period of one (1) year from the date of issuance of original permit.

2. A detached accessory structure not exceeding 120 square feet in area and not exceeding fifteen (15) feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A within required side and rear yard setbacks provided such structure, eaves and other projections are at least three (3) feet from property line, and the accessory structure is allowed in the zoning district where it is proposed.
3. A detached accessory structure one hundred twenty (120) square feet in area up to four hundred (400) square feet in area and not exceeding fifteen (15) feet in overall height may be built in all residential districts except SF5A, SF2A, SF1A and MH1A, within required side and rear yard setbacks, provided such structure, eaves and other projections are at least five (5) feet from property lines, and the accessory structure is allowed in the zoning district where it is proposed. All accessory structures exceeding four hundred (400) square feet in area in all residential districts must meet standard zoning setback requirements.
4. On a corner lot facing two (2) streets, no accessory building shall be erected so as to encroach upon the front or street side yard setbacks.
5. If an accessory building is connected to the main building by a breezeway or other structure, which is not habitable space as defined by the Building Code currently adopted by Carson City, each structure shall meet full yard setback requirements for that district and shall be considered an accessory building and a main structure for calculation of square footage of accessory structures.
6. A detached accessory structure shall be located not closer to any other building on the same or adjoining lot than allowed by the Building Code and Fire Code as currently adopted by Carson City.
7. The cumulative square footage of the accessory building(s) or accessory structure(s) is limited to fifty percent (50%) of the total square footage of the primary building excluding the basement. [If the cumulative square footage of the accessory building(s) or accessory structure(s) is more than fifty percent (50%) and not greater than seventy-five percent (75%) of the total square footage of the primary building excluding the basement approval by administrative permit is required. If the cumulative square footage of the accessory building(s) or accessory structure(s) exceeds seventy-five percent (75%) of the total square footage of the primary building excluding the basement approval by special use permit is required. Accessory farm building(s) or structure(s) may be excluded from additional review as provided under Title 18.05.050 Accessory Farm Structures.
8. Accessory structure(s) shall not exceed five percent (5%) of the parcel size on parcels twenty-one thousand (21,000) square feet or larger, unless approved prior to issuance of a building permit by Special Use Permit.
9. Accessory Farm Structures exceeding five percent (5%) of the parcel size on parcels zoned one (1) acre or larger may be exempted under Title 18.05.050 Accessory Farm Structures from Special Use Permit approval requirements.
10. A maximum of five (5) parking bays within detached accessory structure(s) are allowed on the same lot unless approved prior to issuance of a building permit by approval of a Special Use Permit.

(Ord. 2004-6 § 12, 2006: Ord. 2004-20 § 10, 2004: Ord. 2001-23 § 2 (part), 2001).

([Ord. No. 2008-37, § III, 12-4-2008](#))

18.05.060 - Accessory use.

When the term "accessory use" refers to the sale of used items, the accessory use must not exceed 40 percent of the gross floor area or 40 percent of the stock. The term "accessory use" is defined in Title 18 (Definitions).

(Ord. 2001-23 § 2 (part), 2001).

18.05.065 - Uses required to be within a structure.

In all office, commercial and industrial districts, all uses must be conducted within a fully enclosed structure, except that automobile sales, boat sales, large equipment sales, Christmas trees, pumpkins, or other large equipment for sale or rent, may be displayed outdoors by sales or rental businesses, or businesses determined by the Director to be of a similar nature or circumstance.

(Ord. 2001-23 § 2 (part), 2001).

([Ord. No. 2008-33, § XI, 9-4-2008](#))

18.05.075 - Manufactured home installation within a single-family zoning district.

1. The placement of a manufactured home in accordance with this section must apply under the requirements of this chapter and Division 1 of the development standards.
2. For the purpose of this chapter, the term "primarily" shall mean "51 percent" and the term "immediate vicinity" shall mean "within 300 feet" of the subject parcel, excluding commercial, multi-family and industrial development.
3. The owner/owner's agent shall satisfy the requirements of providing written and photographic documentation indicating the manufactured home has siding and roof pitch/slope and covering consistent with what is primarily used in the immediate vicinity.
4. The owner/owner's agent shall satisfy the requirements of providing documentation indicating that the foundation of the manufactured home will be masked architecturally with materials primarily used by other structures in the immediate vicinity.
5. The owner/owner's agent shall provide a copy of the purchase agreement, with elevations and floor plans of the unit including proper dimensions.
6. The owner/owner's agent shall provide the appropriate fee for the pre-permit submittal.
7. The placement shall comply with all covenants, conditions and restrictions (CC&R's) of the subdivision/PUD where the manufactured home is proposed to be located.
 - a. The owner/owner's agent shall provide a copy of CC&R's or written documentation of the nonexistence of CC&R's within the subject area.
8. The owner/owner's agent shall arrange for a pre-placement inspection appointment prior to placement of the manufactured home on the subject site.

(Ord. 2001-23 § 2 (part), 2001).

18.05.080 - Private use wind energy conversion systems.

To balance the need for clean, renewable energy resources against the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems (WECS) for the production of electricity for use on the subject site and for net metering through the power company.

(1) Applicability and Definition.

- a. Private use wind energy conversion Systems (WECS). A private use wind energy conversion system consists of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principle use. A system having a rated capacity of ten (10) kilowatts (kW) or less for residential use or one hundred (100) kW or less for non-residential uses shall be considered a private system for the purposes of these regulations. Not more than one (1) machine shall be allowed per parcel of land when the size of the parcel is less than one (1) acre in size. WECS are considered accessory uses as stated in CCMC 18.03.010 (Words and Terms Defined), Accessory Building or Accessory Structure and Accessory Use, and are allowed in all zoning districts.
- b. Wind Machine. The individual component of a wind energy conversion system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the towers or supporting structures.
- c. Building Code(s). All codes, ordinances, policies and procedures, and standards adopted and enforced by the Carson City Building Division.
- d. Fire Code(s). All codes, ordinances, policies and procedures, and standards adopted and enforced by the Carson City Fire Department.
- e. FAA. The use of this acronym shall denote the Federal Aviation Administration or any other applicable authority that regulates air safety within the Carson City jurisdiction.
- f. Private use wind energy conversion systems shall be allowed as accessory uses in all public zoning districts without the requirement of special use permit approval provided the system meets all other requirements of this section.
- g. All proposed private use wind energy conversion systems located within the Carson City Historic District must receive review and approval from the Historic Resources Commission, in addition to any other required approvals, prior to submission of a building permit.

(2) Standards. All wind energy conversion systems are subject to and must comply with the following provisions of this section:

- a. Location. A minimum parcel size of one (1) acre is required for the placement of any horizontal axial wind turbine. Vertical axial wind turbines are permitted on any parcel. No part of a wind energy conversion system shall be located within or over drainage, utility or other established easements.
- b. Number per parcel. A maximum of one (1) wind machine per parcel is permitted on parcels less than one (1) acre in size; a maximum of one (1) wind machine per acre is permitted on parcels greater than one (1) acre in size.

- c. Setbacks. Minimum setbacks for private use wind machines shall be:
 - i) A minimum of 1.1 times the total extended height from the project property lines adjacent to a residential, conservation reserve or agricultural zoning district.
 - ii) Guy wire anchors may not extend closer than ten (10) feet from any property line.
 - iii) A ten-foot minimum setback from any part of the machine, rotors or guy wires to the property line of any other non-residential zoning district.
 - iv) Wind machines shall not be located within the front yard setback nor within the street-side setback of any parcel of land in residential zoning districts.
- d. Height. The total extended height of a wind energy conversion system must not exceed the maximum height allowed for a structure in the zoning district in which the system is located, unless a special use permit is issued.
 - i) Tower height shall mean the height above adjacent grade of the fixed portion of the tower, excluding the wind turbine itself.
 - ii) Total extended height shall mean the height above adjacent grade to a blade tip at its highest point of travel and including any other portion of the wind energy conversion system.
- e. Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.
- f. Access. All wind machine towers must comply with the following provisions:
 - i) The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of twelve (12) feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and
 - ii) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- g. Rotor Safety. Each wind machine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation. The minimum distance between the ground and any protruding blades utilized on a private wind machine shall be ten (10) feet as measured at the lowest point of the arc of the blades.
- h. Noise. All wind machines shall comply with the noise requirements in this section. These levels, however, may be exceeded during short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.
 - i) No wind machine or combination of wind machines on a single parcel shall create noise that exceeds a maximum of twenty-five (25) decibels (dBA) at any property line where the property on which the wind machine is located or the abutting property is

one (1) acre or less or a maximum of fifty (50) decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods. Any wind machine(s) exceeding these levels shall immediately cease operation upon notification by Carson City and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by an independent third party inspector, approved by Carson City, at the property owner's expense. Upon review and acceptance of the third party noise level report, Carson City will allow operation of the affected wind machine(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by Carson City, after a period established by Carson City.

- ii) Sound below twenty (20) Hertz. No wind machine or combination of wind machines shall be operated so that impulsive sound below twenty (20) Hertz adversely affects the habitability or use of any off-site dwelling unit, hospital, school, library or nursing home.
 - i. Aesthetics and Maintenance.
 - i) Appearance. Wind machines, unless subject to any applicable standards of the FAA, shall be a non-reflective, non-obtrusive color such as tan, sand, gray, black or similar colors. Galvanized steel or metal is acceptable for the support structures. Any painting or coating shall be kept in good repair for the life of the wind machine. In addition, any changes to the approved color shall result in notification by Carson City that the affected wind machine(s) shall cease operation until a color correction has been made. If the affected wind machine(s) are not repainted, using an approved color, within the period established by Carson City, the owner shall remove the affected Wind Energy Conversion System(s).
 - ii) Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
 - iii) Maintenance. Wind machines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards, and shall be free from rust.
 - j. Signs/Labels. The only advertising sign allowed on the wind machine shall be a manufacturer's label, not exceeding one (1) square foot in size, located on the generator housing.
 - k. Compliance with FAA Regulations. All wind machines shall comply with applicable FAA regulations, including any necessary approvals for installations.
 - l. Ice Throw. The potential ice throw or ice shedding from the proposed wind machine shall not cross the property lines of the site.
 - m. Certified Safe. Evidence shall be submitted with a building permit application that the wind machine has been constructed in accordance with accepted industry standards and certified safe.
- (3) Repair and Removal of Wind Machines. Any wind machine found to be unsafe by an official of the Carson City Building Division shall immediately cease operation upon notification by Carson City and shall be repaired by the owner to meet federal, state, and local safety

standards or be removed within six (6) months. Wind machines that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind machine.

a. When a wind machine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind machine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind machine is no longer connected to the public utility electricity distribution system.

(4) Mounting of Wind Machines. Attachment of the wind machine, including any support or structural components, to any building or structure shall be in strict compliance with regulations of the Carson City Building Division.

(5) Additional Safety Restrictions. An application for the issuance of a special use permit that is submitted pursuant to this Title for the installation of a private use wind energy conversion system:

a. May not be denied solely because of the proposed height of the system.

b. May, in accordance with NRS 278.023077, be denied if it is determined, based on the size, height or configuration of the system, that installation of the system:

i) Represents a danger to the health, safety or welfare of the public; or

ii) Is not compatible with the character of the area in which the system is located. (5)

(6) Compliance with Regulations.

a. All systems shall comply with applicable fire and building codes.

b. All standards are absolute. Once wind machines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind machine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one (1) or more wind machines.

c. Variations to the regulations and standards of this section may only be permitted by special use permit, approval of which shall be pursuant to Title 18, Section 18.02 (Special Use Permits).

([Ord. No. 2009-14, § III, 7-2-2009](#); Ord. No. 2017-30)