

BILL NO. 2694

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

CA-2-15 - City of Sparks

AN ORDINANCE BY THE CITY OF SPARKS AMENDING TITLE 20 TO INCLUDE STANDARDS FOR URBAN AGRICULTURE AND OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1: Chapter 20 (Zoning and Land Use Controls) of the Sparks Municipal Code is hereby amended by adding a component regarding Urban Agriculture as depicted in Exhibit 'A'.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 4: This ordinance shall become effective upon passage, approval, publication.

SECTION 5: The provisions of this ordinance shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6: If any subsection, phrase, sentence or portion of this section 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 7: 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.

PASSED AND ADOPTED this _____ day of _____, 2015, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____ day of _____, 2015 by:

GENO MARTINI, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Teresa Gardner, City Clerk

CHESTER H. ADAMS, City Attorney

Exhibit 'A'

Chapter 20.02 Use Table to be amended as follows:

P = Permitted by right ; C = Conditional Use; * = Use regulations apply; AR = Administrative Review; L = Locationally Restricted in the "I" District

Use Category	Use Type	A-40	A-5	SF-40	SF-20	SF-15	SF-12	SF-9	SF-7	SF-6	MF-2	MF-3	MF-4	MF-5	MU-C	MR	DT/VS	RN	C1	C2	TC	PO	I	PF	
	Transfer Station																								
Agriculture																									
	Farm or ranch	P	P																						
	Winery	P	P																						
	Urban agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P

Chapter 20.03 “Urban Agriculture” to be amended as follows:

20.03 Urban Agriculture

⇔ *Use Category: Agricultural*



This section:

- *Allows residents access to healthy, local food,*
- *Accommodates a growing demand nationwide for small scale agricultural activities in residential neighborhoods,*
- *Clarifies that the limited agricultural production is allowed as an accessory use to residential uses, or as a primary use in residential neighborhoods;*
- *Establishes standards to ensure that neighborhood scale agricultural practices are compatible with residential neighborhoods.*

A. Applicability

1. This section applies to any zoning district except A40 and A5 where there is a desire to conduct Urban Agriculture as a **Principal** use and/or as an accessory use.
2. This section does not exempt an Urban Agriculture use from complying with the “Animal” ordinance of this Title.

B. Standards

1. When operating Urban Agriculture as a **Principal Use** the following standards apply:
 - a. Business License is obtained for the use.
 - b. The site has a zoning designation which includes MF, SF, MUD (RN) and MUD (MR).

- c. On site sales do not occur.
 - *May be permitted by Conditional Use Permit.
- d. All structures are in compliance with the lot and building setback standards for the respective zoning district.
- e. All chemicals, fuels and farm equipment shall be stored in an enclosed, locked structure.
- f. The site must be designed and maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt or mud across or onto adjacent lots, properties, and or public right of way.
- g. A residential use may be permitted as accessory to urban agriculture; the residential structure shall comply with the respective zoning districts setbacks for a primary structure.
- h. The operation of the urban agriculture use shall control fugitive dust generated from the urban agriculture operation.
- i. Shipping containers/Conex boxes are prohibited.
- j. Livestock is prohibited except allowed by "Animals" section of this Title.
- k. Any lighting shall be shielded and directed downward to avoid spilling onto adjacent property.
- l. The operator of the Urban Agriculture use shall erect an informational sign a minimum of 2 feet by 3 feet in size at the main entrance to the project site with the operator's contact information.
- m. Composting for use on site shall:
 - (1) Not emit an excessive odor,
 - (2) Have a minimum 20 foot setback from any property line, and
 - (3) Be limited to 7.5% of the parcel size.
- n. Mechanized equipment shall not be operated on Sundays or outside the hours of 7 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 5 p.m. Saturday.
 - *May Be permitted by Conditional Use Permit.

- 2. Chickens may be kept in any zoning district as an accessory use if the following standards are complied with:

- a. Roosters are prohibited
 - b. Slaughter of chickens on site is prohibited.
 - c. The keeping of chickens is limited based on parcel size:
 - (1) Parcel size between 0 and 2000 square feet may keep up to 2 hens
 - (2) Parcel sizes between 2001 and 6000 square feet may keep up to 4 hens
 - (3) Parcel sizes between 6001 and 10,000 square feet may keep up to 5 hens
 - (4) Parcel sizes greater than 10,000 square feet may keep up to 2 hens for every 2,000 square feet of parcel size, not to exceed 16 hens
 - d. Chickens shall be restricted from accessing the front yard.
 - e. The site shall be free of excessive hen droppings and dead chickens.
 - f. The chickens shall be provided a covered enclosure (coop) and must be kept in the covered enclosure. The enclosure size must accommodate 10 square feet per hen and no closer than 10 feet from the main structure. The coop must be a minimum of 5 feet from any property line, remain within the rear yard and maintain a ten foot setback from the main structure
 - (1) Coop shall be clean and odor free.
 - (2) Construction of a chicken coop is exempt from the Administrative Review process.
 - g. If the City receives a complaint, and after being given at least 24 hours' notice, a property owner that exercises the privilege of keeping chickens on their property agrees to allow inspections by the Administrator for compliance with the standards of this Title.
3. Apiary uses are allowed as an accessory use when the following conditions are complied with:
- a. No hive shall exceed 20 cubic feet in volume.
 - b. No more than 2 hives are allowed per parcel.
 - c. No hive shall exceed five feet in height.
 - d. No hive shall be located closer than 5 feet from the property line.
 - e. A constant supply of water shall be provided for all hives.
 - f. A flyway shall be provided.

- C. Exceptions: Legally and lawfully established urban agriculture use which comply with the use standards are exempt from the landscaping and parking chapters of the Title 20 ordinance.