



**CITY COUNCIL AGENDA STAFF REPORT**  
**MEETING DATE: January 28, 2013**

<b>Title:</b> Consideration and possible direction to City staff regarding the City’s advance planning program, including possible amendments to Title 20 of the Sparks Municipal Code and the Sparks Master Plan.
<b>Petitioner:</b> City of Sparks <b>Presenter:</b> Jim Rundle, Senior Planner
<b>Recommendation:</b> Endorse the proposed advance planning work program.
<b>Financial Impact:</b> NA
Business Impact (Per NRS 237) <input type="checkbox"/> A Business Impact Statement is attached. <input checked="" type="checkbox"/> A Business Impact Statement is not required because this is not a rule. <input type="checkbox"/> A Business Impact Statement is not required. This is a rule but does not impose a direct and significant economic burden on a business, or directly restrict the formation, operation or exemption of a business. <input type="checkbox"/> A Business Impact Statement is not required. Thus is a rule but emergency action is necessary to protect the public health and safety (requires a unanimous vote of the City Council and cannot be in effect for more than six months).
<b>Agenda Item Brief:</b> At the October 22, 2012 and November 5, 2012 Sparks City Council workshops, the Council and Mayor provided direction to staff on possible amendments to the City’s zoning code (Title 20 of the Sparks Municipal Code). This agenda item summarizes the City Council’s direction, recommendations in the consultant-prepared zoning code analysis and existing efforts. The result is a proposed advance planning work program for approximately the next 18-24 months. Staff is seeking City Council endorsement of, or alternative direction regarding, the proposed work program.

**BACKGROUND:**

The City of Sparks elected to conduct an analysis of its zoning code to identify potential barriers to development with the goal of identifying ways in which these barriers may be addressed through subsequent updates to the zoning code.

Staff initiated a three track approach in response to this direction. Phase one (note: while we’ve said this phase is complete in the past, in a sense we are still completing quick fixes) analyzed and made “quick fixes” to the code. Phase two, now completed, was undertaken with the help of an outside consultant team, CFA of Reno and Clarion Associates. Phase three would be a comprehensive overhaul of regulations affecting development.

**ANALYSIS:**

Last July, Clarion presented to the City Council their analysis and recommendations on how to remove barriers to development in the zoning code. This presentation was followed by a zoning code assessment report which the Council discussed in two workshops that occurred on October 22 and November 5. At these two workshops, the City Council engaged in a robust and

thorough discussion and provided considerable direction to staff. Staff would like to ensure the direction of the City Council is being followed. This staff report summarizes the direction as understood by staff, the recommendations from the Clarion report and existing efforts in the form of an advanced planning work program. The proposed work program is presented and depicted in Tables 1 and 2 that accompany this staff. Table 3 list activities that have been discussed but are not in the work program. The remainder of this staff report highlights selected aspects of the proposed work program or for a couple of items, why they were not included in the work program.

The Council has or will soon see code amendments which are a direct result of the direction previously provided. These amendments include rezoning the Conductor Heights area to Industrial, reduction of the 21 day appeal period, and extending the expiration date of a special Use Permit from one year to two years. While such amendments require significant staff time, they are categorized as “quick fixes” and are in addition to the multiple amendments done in 2012.

Progressing past these “quick fixes” a detailed analysis of the Sparks zoning code was undertaken. The Zoning Code Analysis provided by Clarion Associates indicated that the Sparks zoning code should be modernized. The modernization process could include: a new master table of permitted uses similar to that in the current TOD manual; creation of a new consolidated definitions list; consolidation of multiple documents into one document; and, general reorganization.

As the zoning code is reconstructed, consideration of allowing more uses through administrative approval versus the Special Use Permit process should occur. This would potentially lead to redistribution of uses throughout the zoning districts. Significant changes to the code will create inefficiency initially in that those familiar with the existing code will need to adjust to the new code. To help with the transition, development of an administrative manual may be appropriate. An administrative manual will also help those who are new to Sparks and simply need help navigating its zoning code.

Specific concepts identified in the Zoning Code Analysis which Sparks does not practice currently but could be considered in an “overhaul” of the code include an alternative equivalent compliance tool. This may help when a specific standard cannot be met but the applicant’s proposal seems to meet the intent. Such flexibility would, however, require significant foresight in development of zoning standards and for this reason, is not proposed for inclusion in the work program.

Many developers desire both flexibility and predictability. Requiring discretionary approvals such as Special Use Permits can however inhibit development. If the effort to reformat the zoning and development code is undertaken, converting more discretionary permits to administrative permits may help with reducing time and providing a more predictable outcome.

Conversely, there are occasions where a property owner or prospective tenant wants to establish a use at a location where the zoning does not permit such a use. At the November 5<sup>th</sup> Council workshop, staff discussed the possibility of expanding the Special Use Permit process to permit such uses on a case-by-case basis. The City Council’s direction to staff was to not proceed with this potential change to the zoning code. Instead, the Council indicated that staff should restart the process of updating the City’s Master Plan. The City initiated the process to renew the Master Plan a few years back. The process has been on hold for some time now as the City’s priorities have changed. With the flexibility that the proposed zoning codes will provide, it will be imperative have to a Master Plan that supports the goals of the City Council. Making completion of the Master Plan a priority will help support the ultimate intent of the previously discussed code amendments, which is to provide flexibility while promoting a sustainable City which attracts new investment.

These amendments proposed in this work program could provide for a more succinct development code but will take 18 months to two years to complete and require consultant support. The attached tables below summarize the amendments which have been discussed, a priority level, and whether additional resources will be required.

Table 1 reflects activities that are currently in progress and/or are understood to be directed as a high priority to the City Council. The activities listed in Table 1 are activities staff can develop and bring to the Council without the necessity for outside assistance.

**TABLE 1 (These Activities are in progress or can be done internally by City staff)**

Activity	Description	Priority
Reduction of Appeal Periods for Special Use Permits and Site Plan Reviews	This amendment has received a recommendation of approval from Planning Commission. It should be reviewed by City Council in February 2013.	“High”
Rezoning of “Conductor Heights” to Industrial	This amendment will allow property owners to conduct uses permitted by right in the Industrial zoning district as opposed to having the current requirement for each use to obtain a Special Use Permit. The rezoning received a recommendation of approval by the Planning Commission and will be in front of the City Council in February 2013.	“High”
Extension of expiration date of a Site Plan Review or Special Use Permit from one year to two years.	Currently the expiration date of a Special Use Permit/Site Plan Review is one year.  This amendment has received a recommendation of approval from the Planning Commission and should be reviewed by City Council in February 2013.	“High”
TOD amendments	These amendments have already included the removal of the	“High”

	Employment district, but could further include modifications to standards such as commercial floor area ratios.	
Major deviations	This amendment could allow developers to request relief from standards exceeding 10% without having to prove a “hardship;” as is required for a variance.	“High”
Add “Parking” as a permitted use in the Industrial area	Adding parking as “permitted” may allow for property owners to utilize a separate parcel to accommodate parking demands of a use which has insufficient parking on its own parcel.	“High”
Sign code amendment	Revisions to the Sign Code to make for easier interpretation by those utilizing the code.	“High”
Master Plan Update	The Master Plan update has been on “hold.” With contemplated revisions to the Zoning Code it will be even more important to complete the Master Plan.	“High”
RV length of stay in RV Park	Citizens have requested the Council extend the amount of time a Recreational Vehicle can stay at a site within a RV Park.	“Medium”
Urban Agriculture	This amendment could allow for limited agricultural activities as a permitted use in certain zoning districts.	“Medium”

Table 2, below, identifies potential changes to the zoning code that the Council supported, but will require outside planning support. The Council has previously appropriated funding for retaining a planning consultant. Staff intends to draft a scope of work, issue the scope, and bring Council a consultant contract to help with Phase III of the process to eliminate barriers to development prior to the end of this fiscal year (June 2013).

**Table 2 (Activities requiring the support of outside planning consultant)**

<b>Activity</b>	<b>Description</b>	<b>Council Priority</b>
New “Master Table” of Permitted Uses	“One Use” table for the entire zoning code. Currently each specific zoning district has a permitted use section found in different sections of the Municipal Code.	“High”
New definitions section for permitted uses.	Current use definitions are very specific and often “limit” a planner from working with a business owner to place a project in a zoning district. Redefining the current definitions of certain uses may allow for future flexibility.	“High”

Reduce number of uses requiring a Special Use Permit	Certain uses which currently require a Special Use Permit could be governed through Use Standards as opposed to requiring a public hearing. Removing the requirement for a Special Use Permit may enable a business to establish a business more quickly.	“High”
Redistribution of uses across Zoning districts	Certain uses are currently allowed in certain zoning districts and not permitted in similar districts where the use may be appropriate. Redistributing permitted uses creates a more consistent and predictable zoning code.	“High”
Administrative Manual for “new” zoning code	Significant changes to the zoning code can result in inefficiencies as users are unfamiliar with the new standards and/or policy for new standards.	“Medium”

Table 3 lists activities that were discussed at the previous Council workshops and which staff understands are a low priority or are premature to undertake in the next 18-24 months. At this time staff does not intend to move these concepts forward.

**Table 3 (Concepts from Zoning Analysis the Council has not directed Staff to work on)**

<b>Activity</b>	<b>Description</b>
Auto oriented use policy along Prater and Victorian	Previously discussed at Council workshop. Staff understands the current policy of phasing out Auto Oriented uses along these corridors is to remain in place.
Alternative Compliance Tool	This concept was discussed in the Zoning Code Analysis. It is a tool that could provide flexibility in the zoning code but that will be difficult to design and apply consistently.
Create industrial design standards	The design standards provide direction on commercial and residential building construction. Creation of design standards for industrial construction would provide standards tailored to industrial buildings as opposed to the current practice of modifying commercial standards to apply to industrial buildings.

Review parking standards	Certain parking standards in the current municipal code may not provide the desired flexibility. Revisiting the standards provides the opportunity to amend these standards to be more applicable.
Amend landscape standards	The current landscape standards may require “too much” landscaping in places such as the industrial area. The landscape standards have not been revisited for some time and therefore do not address concepts such as Xeriscape and/or less water intensive materials.

**SUGGESTED MOTION:**

**I move to endorse the work program as outlined by staff.**