

SPARKS, NEVADA Zoning Code Assessment



July 2012

Zoning Code Assessment

- **Recommended code improvements to reduce barriers to development and investment:**
 - Short-term improvements
 - Mid- to long-term improvements (six months +)
- **Based on:**
 - Clarion review of Title 20 and other regulations
 - Interviews with code users and stakeholders

Stakeholder Interviews

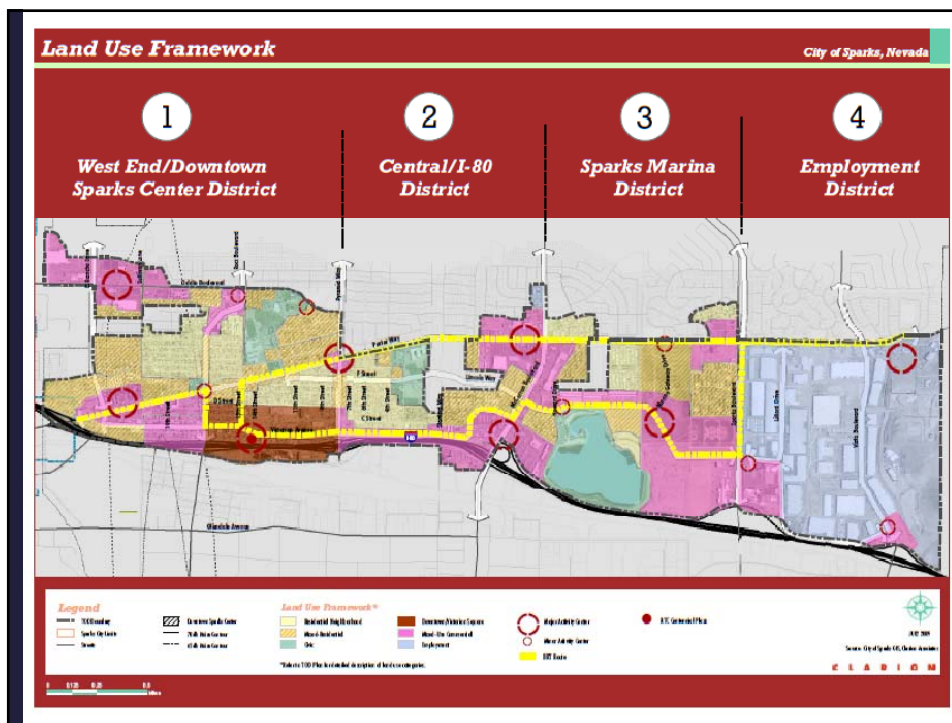
- **City Council members**
- **Planning Commission members**
- **Code users (developers, builders, planners, architects)**
- **Chamber of Commerce**
- **Real estate brokers**
- **Sign industry representatives**

Refine the TOD

- **Issues**
 - **There is a general belief that TOD is inhibiting development in Sparks.**
 - District boundaries too broad
 - Standards too ambitious/strict (especially parking location, build-to lines, mix of uses, minimum densities)
 - **Concerns exist despite:**
 - Standards are tailored, with most intense standards reserved for “major activity centers”
 - TOD manual has variety of incentives and optional menus
 - Some anecdotes related to Reno, not Sparks

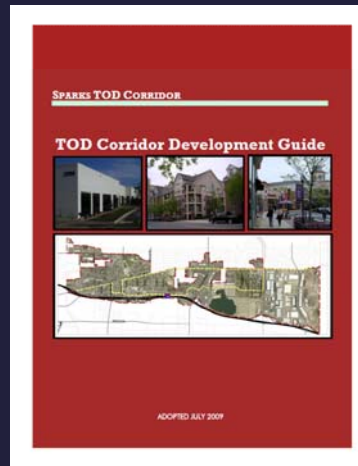
Refine the TOD

- **Short-Term:**
 - Remove the area east of Sparks Boulevard from the TOD Overlay District



Refine the TOD

- **Short-Term**
 - Broaden the use of Minor Deviations for TOD projects
 - Supplement TOD Development Guide with additional materials to emphasize available incentives and flexibility



Refine the TOD

- **Mid- to Long-Term**
 - **Consider targeted TOD amendments**
 - Reduce *minimum densities* (though already below regional minimums)
 - Require minimum *mix of uses* only to larger parcels (or set as ranges)
 - Reduce where *build-to zones* apply
 - **Consider additional adjustments to TOD boundary**
 - **Reevaluate city policy for auto-oriented uses along corridors**

New Tools for Flexibility and Creativity

- **Issues**

- **Current code allows flexibility through:**

- Minor Deviations (10% adjustment)
 - Planned Development
 - Variances (only if hardship demonstrated)

- **However:**

- Little awareness of the Minor Deviation tool
 - General perception that code is a barrier to development: unnecessarily rigid and doesn't allow creativity

New Tools for Flexibility and Creativity

- **Short-Term**

- **Broaden the awareness of and use of the Minor Deviation tool.**

STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT
Minimum lot width, minimum lot coverage, and minimum setbacks	10%
Maximum height	
Maximum setback encroachment	10%
Minimum required number of off-street parking spaces, loading, or stacking spaces	10%
Maximum number of off-street parking spaces	10%
Minimum planting rate	10%
Minimum perimeter landscaping strip width	10%
Minimum perimeter buffer width	10%
Minimum streetscape planting rate	10%
Minimum screening height	1 ft
Maximum fence height	1 ft
Maximum lighting height	10%
Maximum light levels	10%

Sample table from another jurisdiction

New Tools for Flexibility and Creativity

- **Mid- to Long-Term**
 - **Consider allowing major deviations through a SUP or other tool**
 - Bigger than a Minor Deviation (= greater than 10%)
 - Different from a Variance (= no hardship required)
 - Public hearing required
 - **Consider authorizing Alternative Equivalent Compliance**
 - For creative applications that meet the spirit, but not the strict letter, of the code
 - Public hearing required
 - Best for design-oriented standards (parking, design, landscaping, etc.)
 - Require compensating public benefit (extra open space, etc.)
 - Requires careful drafting to consider acceptable alternatives in advance

Streamline Code Procedures

- **Issues**
 - **Consider other opportunities to streamline code procedures and administration to improve efficiency and reduce potential barriers to investment in Sparks.**
 - **Look for ways to reduce discretionary review and uncertainty.**

Streamline Code Procedures

- **Short-Term**
 - **Allow administrative approval of minor amendments to approved permits**
 - Thresholds set in code (originally administrative approval? no additional dwelling units or square footage, etc.)
 - **Clarify appeals procedures and consider shorter appeal times**
 - Consider all administrative appeals going to Board of Appeals
 - Require 10 days for appeal filing (versus current 21)
 - **Extend permit approval times**
 - SUP: Change from one year to two or three years

Streamline Code Procedures

- **Mid- to Long-Term**
 - **Simplify the amendment process for PD Handbooks**
 - Establish a clear process in the code
 - Distinguish major from minor amendments
 - Fewer public hearings
 - No changes recommended to original approval process
 - **Reduce the amount of discretionary review**
 - Additional uses by right, versus SUP
 - Establish call-up procedure to provide for council oversight of administrative decisions
 - **Adjust information submission requirements by application type**

Improve the Code's Organization and Format

- **Issue:**

Look for ways to improve the formatting, organization, and clarity of the code, which will increase predictability and confidence in the system.

Revamp the Use Classification System

- **Short-Term**

- Develop a single master table of allowed uses
- Define all land uses
- Consider administrative approval for additional SUPs

Table 2: Permitted/Prohibited Uses
P = Permitted; X = Not Allowed; S = Special Use Permit Required

Type of Use	Land Use Category				
	MU-C	MR	DT/VS	RN	EMP
Residential					
Bed and breakfast inn	P	P	P	S	X
Boarding and rooming house	P	P	P	P	X
Dwelling, single family	P	P	P	P	X
Dwelling, two-family	P	P	P	P	X
Dwelling, multi-family	P	P	P	P	X
Home occupations	P	P	P	P	X
Live/work dwelling	P	P	P	S	P
Office/Professional					
Banks and other similar financial institutions (drive-thru)	S	S	S	X	P
Banks and other similar financial institutions (no drive-thru)	P	P	P	X	P
Offices	P	P	P	X	P
Medical offices and medical clinics	P	P	P	X	P
Commercial/Service/Retail					
Adult care	P	P	P	S	X
Adult day care	P	X	X	S	P
Animal shelter	X	X	X	X	P
Assisted living facilities	P	P	P	S	S
Automobile service station	S	X	S	X	S
Child care facility requiring more than one caregiver	P	S	P	S	S

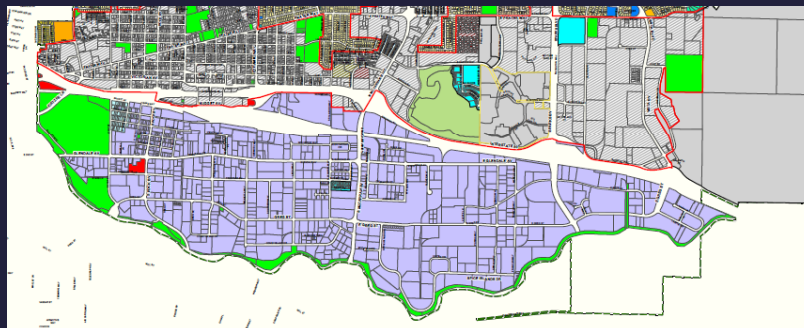
Revamp the Use Classification System

- Mid- to Long-Term
 - Improve the use classification system
 - Reevaluate uses for each district

TABLE OF ALLOWED USES Sample from Another Community												
P = Permitted C = Conditional Use		Residential				Mixed-Use			Non-Residential and Other			
Use Category	Use Type	R A	R T	R 1	R 2	R 3	M U R	M U C	M U T C	C L	O S	P S
RESIDENTIAL USES												
Household Living	Dwelling, duplex		C	P	P	P	P					4.2.1.A.
	Dwelling, multi-family					P	P	P				4.2.1.C.
	Dwelling, single-family detached	P	P	P	P	P						
Group Living	Group living facility, large/special							C	C	C		
	Group living facility, small				C	C	P	P	C	C		
	Temporary employee housing									C	P	4.2.1.D

Revamp the Use Classification System

- Mid- to Long-Term
 - Reevaluate city policy for industrial uses and the industrial district



Improve the Code's Organization and Format

- **Consolidate multiple documents into a new unified ordinance**

- Title 20 (Zoning)
- Title 17 (Subdivision)
- TOD
- Design Standards Manual

EXISTING TITLE 20 STRUCTURE	RECOMMENDED NEW STRUCTURE
20.01 General Provisions and Regulations	1. General Provisions
20.02 Zoning Districts	2. Zoning Districts and Dimensional Standards
20.03 Zoning Map	3. Use Regulations
20.04 Zoning Ordinance	4. Development Standards
20.05 Zoning Ordinance	5. Review and Decision-making Bodies
20.06 Zoning Ordinance	6. Review and Approval Procedures
20.07 Zoning Ordinance	7. Violations, Enforcement, and Penalties
20.08 Zoning Ordinance	8. Definitions and Interpretation
20.09 Zoning Ordinance	9. Appendices

Improve the Code's Organization and Format

- **Establish standard review procedures**

(public hearing only required for some projects)



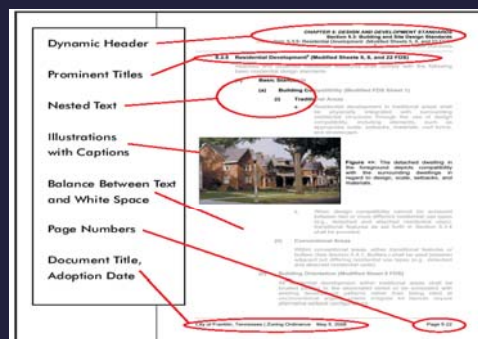
Improve the Code's Organization and Format

SAMPLE (from another community) Table 1131-1: Summary Table of Review Bodies


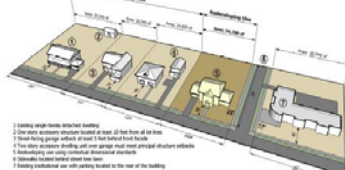
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required)		D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals) R = Recommendation (Responsible for Review and a Recommendation)			
Procedure	Section	Town Council	Planning Commission	Board of Zoning Appeals (BZA)	Planning Department
Zoning Code Text or Map Amendment	1132.05	H-D	M-R		R
Site Plan Review	1132.06		M-D		R
Conditional Use Review	1132.07		H-D		R
Certificate of Appropriateness	1132.08		M-D		R
Appeals	1132.11			H-A	
Dimensional Variance	1132.09			H-D	R
Nonconforming Use Review	1132.10			H-D	R
Minor Administrative Modification	1132.12				D
Zoning Permit	1132.13				D
Certificate of Occupancy	1132.14				D

Improve the Code's Organization and Format

- Create a consistent, consolidated definitions list
- Improve document formatting
- Create a separate user's guide



ARTICLE 65 1-3 ZONING DISTRICTS Section 65-1-3.3 Residential Row Zoning District Subsection (C) Neighborhood Residential (NR) District			
(C) Neighborhood Residential (NR) District			
PURPOSE AND INTENT The Neighborhood Residential (NR) district is established to accommodate single-family detached residential dwellings of row densities. District regulations are intended to encourage any use that is consistent with the development of single-family detached dwellings or that is detrimental to the development of the district. The district also accommodates accessory dwelling units and complementary uses usually found in residential settings such as parks, open space, community gardens, and minor utilities. Religious institutions, elementary schools, family care homes, small day care facilities, golf courses, country clubs, and major offices are allowed subject to a use permit (see Section 65-1-3.3.2 Use Permit).		TYPICAL BUILDING TYPES	
DIMENSIONAL STANDARDS			
STANDARD	RESIDENTIAL USES	INDUSTRIAL USES	
Lot Area	1.5, (not applicable if construction of use standards are used)	N/A	
Lot Width	The width of 30-700 ft. at the average front yard set back within 300 feet along the same block face, provided there are 3 or more lots within the 300-foot area.	30-700 ft.	
Lot Depth	The width of 150 feet at the average lot width of lots within 300 feet along the same block face, provided there are 3 or more lots within the 300-foot area.	150 ft.	
Building Coverage	40%		
Front Yard	The depth of 40 ft. at the average front yard set back within 300 feet along the same block face, provided there are 3 or more lots within the 300-foot area.	40 ft.	
Side Yard	The width of 10 ft. at the average side yard set back within 300 feet along the same block face, provided there are 3 or more lots within the 300-foot area.	10 ft.	
Back Yard	The depth of 40 ft. at the average rear yard set back within 300 feet along the same block face, provided there are 3 or more lots within the 300-foot area.	40 ft.	
Corner			
City of Portsmouth, Virginia - Zoning Ordinance			

ARTICLE 65 1-3 ZONING DISTRICTS Section 65-1-3.3 Residential Row Zoning District Subsection (C) Neighborhood Residential (NR) District				
STANDARD		RESIDENTIAL USES	INDUSTRIAL USES	TYPICAL LOT PATTERN
BASIC FORM	Accessory Structures	10 ft. 200 ft. of in size or smaller; otherwise same as principal use (1) (2)		
	Garage	2 feet behind front facade		
	Height	30 ft.	30 ft.	
	Setback	400 square feet (4)		
NOTES	<p>(1) A square foot "ft" is less than "ft" in dwelling units. "AC" is acre.</p> <p>(2) Accessory structures are prohibited within front or corner side yards.</p> <p>(3) Accessory structures of less than 100 square feet shall meet the minimum lot area requirements for principal uses.</p> <p>(4) See Section 65-1-3.3.2 Use Permit. Accessory dwelling units for accessory dwelling units are prohibited.</p>			
	<p>TYPICAL DEVELOPMENT CONFIGURATION</p>  <ul style="list-style-type: none"> 1. Existing garage located rearward building 2. One story accessory structure located rear of lot and rear of lot 3. One story accessory building and one garage not meet principal structure setbacks 4. Main building on one corner of lot 5. One story accessory building located rear of lot 6. One story accessory building located rear of lot 			

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Summary of Recommendations

ISSUE	SHORT-TERM	MID/LONG-TERM
Refine the TOD	- Remove employment district	- Make additional targeted amendments to standards and boundaries - Reevaluate policies for auto-oriented uses on corridors
Allow Flexibility and Creativity	- Broaden awareness of minor deviations, subject to clear standards	- Consider major deviations - Consider alternative equivalent compliance
Streamline Procedures	- Allow admin. approval of minor amendments to approved permits - Shorten appeals timeframe - Extend permit approval times	- Simplify amendment process for PD handbooks - Reduce amount of discretionary review - Adjust submittals by application type
Make Other Substantive Changes	- Complete sign updates	- Compare landscaping standards to surrounding jurisdictions and revise if necessary

Summary of Recommendations

ISSUE	SHORT-TERM	MID/LONG-TERM
Revamp Use Classification System	<ul style="list-style-type: none"> - Develop single master use table - Define all land uses - Consider admin. approval for more SUPs 	<ul style="list-style-type: none"> - Improve the use classification system - Evaluate use mix in all districts - Reevaluate use policies in industrial district
Improve Overall Organization and Format		<ul style="list-style-type: none"> - Consolidate documents into UDO - Reorganize code - Edit procedures to eliminate redundancies - Consistent, consolidated definitions - Improve formatting - Create User's Guide

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