



**CITY COUNCIL AGENDA STAFF REPORT**

**MEETING DATE: August 11, 2014**

<p><b>Title:</b> FIRST READING. CA-5-14, Bill No. _____, an ordinance amending Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and Chapter 20.35 (Recreational Vehicle Storage) of the Sparks Municipal Code and other matters properly related thereto.</p>
<p><b>Petitioner:</b> Community Services Department <b>Presenter:</b> Armando Ornelas, City Planner</p>
<p><b>Recommendation:</b> First Reading of the ordinance</p>
<p><b>Financial Impact:</b> Adoption of these code changes is anticipated to result in additional code enforcement activity. The City Council approved a third code enforcement position as part of the City’s budget for 2014/15.</p>
<p><b>Business Impact (Per NRS 237)</b></p> <p><input type="checkbox"/> A Business Impact Statement is attached.</p> <p><input checked="" type="checkbox"/> A Business Impact Statement is not required because this is not a rule.</p> <p><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.</p> <p><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).</p>
<p><b>Agenda Item Brief:</b> In November 2013, the City Council directed staff to work on a limited set of property conservation/ maintenance amendments to the Sparks Municipal Code to address some of the most common complaints (e.g., inoperable vehicles in front and side yards, dirt front yards, boarded windows) the City currently receives but lacks sufficient authority in the code to effectively mitigate. Changes are proposed to S.M.C. Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and to Chapter 20.35 (Recreational Vehicle Storage). The draft amendments were disseminated and public input was solicited, received and shared with the City Council. The draft code changes were revised and presented to the Sparks Planning Commission on July 17, 2014. The Planning Commission recommends that the City Council approve the proposed amendments.</p>

**BACKGROUND:**

In November 2013, the City Council directed staff to work on a limited set of property conservation/ maintenance amendments to the Sparks Municipal Code to address some of the most common complaints (e.g., inoperable vehicles in front and side yards, dirt front yards, boarded windows) the City currently receives but lacks sufficient authority in the code to effectively mitigate. Staff presented the draft amendments to the Sparks Citizens Advisory Committee (SCAC) on April 10, 2014. The SCAC endorsed the proposed amendments. Staff also held a public informational meeting on May 6, 2014 in the Legislative Building that was attended by over 125 people. Notices for that meeting were sent to all Sparks property owners as inserts in the April sewer bills and the meeting was widely publicized through local media, including advertorials in the *Reno Gazette Journal* and local television news stories. As a result, in addition to robust attendance at the May 6<sup>th</sup> workshop, the City received numerous emails regarding the draft code amendments.

The public’s input was provided to the City Council at a workshop on May 27, 2014. At this meeting staff requested direction regarding possible revisions to the draft code amendments. Based on this

discussion a revised set of amendments were prepared and presented to the Sparks Planning Commission on July 17, 2014. The Planning Commission recommends that the City Council approve the proposed amendments.

**ANALYSIS:**

The proposed amendments are to S.M.C. Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and to Chapter 20.35 (Recreational Vehicle Storage). This Analysis section notes the proposed changes to the code and summarizes what the S.M.C. would allow, and subject to what conditions, if amended as proposed.

The proposed code changes may be summarized as follows:

- New definition of “minor vehicle repair” as limited to regular maintenance items such as tune-ups, oil changes, fluid replacements, brake replacement and tire changes. As proposed, minor vehicle repair may only be performed on vehicles registered to an occupant of the residential address where the work is being performed.
- New definition of “major repair work” as including but not limited to major mechanical or body repairs, replacements and/or dismantling of any motorized or non-motorized vehicles, boats, campers or trailers and major repair work is categorized as a nuisance.
- Redefines “wrecked and/or junked items/vehicles” and categorize these items as nuisances unless they are stored:
  - In a conforming, completely enclosed structure; and/or
  - In the rear yard out of public view – i.e., behind a six foot high opaque fence or comparable landscaping – and if it does not create a health or safety hazard.
- New definition of “inoperable vehicles” and categorize them as nuisances unless they are stored:
  - In a conforming, completely enclosed structure. And/or,
  - If in the front yard if screened from public view with an opaque cover manufactured specifically for the purpose and in subject to the following provisions –
    - ✓ in permitted driveways with an approved curb cut from the City provided the driveway has a surface of concrete, asphalt, and/or paving stones;
    - ✓ in the area between the driveway and the nearest side yard lot line provided the entire area underneath the vehicle has a surface of concrete, asphalt, paving stones or 9/16 inch (minimum size) gravel or drain rock; and
    - ✓ in the area opposite the driveway located adjacent to the front wall of the main structure, within twelve feet (12’) of the side yard lot line and a minimum of fifteen feet (15’) from the front property line, provided the entire area underneath the vehicle has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock.
  - In rear and side yards if vehicles are screened from public view with an opaque cover manufactured specifically for the purpose, or behind a six foot high opaque fence or comparable landscaping.
- Redefines “recreational vehicle” more broadly to mean boats, other watercraft, all-terrain vehicles, motorbikes for off-road use, motor homes and camper homes, snowmobiles and similar types of motorized machinery for similar recreational purposes. Recreational vehicle storage is permitted as follows:
  - In a conforming, completely enclosed structure.
  - In the front yard the total number of recreational vehicles may not exceed two (2).
  - If in the front yard recreational vehicles may be parked:

- ✓ in permitted driveways with an approved curb cut from the City provided the driveway has a surface of concrete, asphalt, and/or paving stones;
- ✓ in the area between the driveway and the nearest side yard lot line provided the entire area underneath the vehicle has a surface of concrete, asphalt, paving stones or 9/16 inch (minimum size) gravel or drain rock; and,
- ✓ in the area opposite the driveway located adjacent to the front wall of the main structure, within twelve feet (12') of the side yard lot line and a minimum of fifteen feet (15') from the front property line, provided the entire area underneath the vehicle has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock.
- Outside storage of up to two (2) recreational vehicles is permitted in the side or rear yard. Additional recreational vehicles are permitted in side or rear if screened from public view with a six-foot-high opaque fence or six foot high landscaping providing comparable sight obstruction.
- Categorizes structures with unsecured windows and doors as nuisances and require that they be secured in the following manner:
  - Windows in public view must be covered with carbonated clear plastic or plywood painted to match dominant exterior color of façade.
  - Doors in public view must be secured with wood painted to match dominant exterior color of façade.
- Categorizes fences and similar types of structures that are in an unsafe condition or in disrepair as nuisances.
- Categorizes front yards with dirt on more than 25% of the front yard (and exterior side yards of a corner lot) on a developed residential lot as a nuisance. The proposed code changes would require that ground covers be applied to bare dirt in the front yard or front and exterior side yards on lots with more than one frontage, as follows:
  - 75% of the front yard is to be covered in living and/or non-living ground covers. The areas of the front yard where inoperable and recreational vehicles may be parked, as described above, are exempt when calculating this requirement.
  - Living plants include ground covers, shrubs, vines, hedges and trees that are drought tolerant and low-water use varieties.
  - Non-living ground covers include rock, bark and decomposed granite.

The primary changes made based on the City Council's May 27<sup>th</sup> discussion are the addition of a third area for parking vehicles, including recreational vehicles, in the area of the front yard opposite the driveway located adjacent to the front wall of the main structure. Vehicles may be parked in this area subject to certain restrictions, including that the entire area underneath the vehicle has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock.

Staff recommends that the ordinance (i.e., the proposed code changes) take effect on January 1, 2015 to provide City staff the opportunity to conduct a public education campaign targeting property owners and property managers about these code changes.

**ALTERNATIVES:**

First Reading but the City Council could choose to provide direction to staff.

**RECOMMENDED MOTION:**

None - First Reading.