

## STAFF REPORT

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**Date:** February 11, 2020

**To:** Mayor and City Council

**Thru:** Sabra Newby, City Manager

**Subject:** **B.1. Staff Report (For Possible Action): Workshop for review of preliminary draft ordinances for the RENOvation Development Code Update, including direction to staff.**

**From:** Arlo Stockham, Community Development Director

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**Summary:** The February 11, 2020 workshop is for Council review of the draft RENOvation Development Code Update and direction to staff. The Planning Commission held a similar workshop on January 21, 2020 and provided recommendations for Council consideration.

This is the first round of review for the draft ordinance language. Draft ordinances were prepared in accordance with the general direction received during Planning Commission and Council review of a *Targeted Code Assessment Report* and a series of “*Issue Sheets*”.

Public feedback on the draft ordinances was solicited through mailed notifications to all property owners in the City, periodic email outreach to a ±770 member stakeholder list, presentations at Neighborhood Advisory Boards, numerous stakeholder meetings, a project website with review and commenting tools ([www.Reno.gov/Zoning](http://www.Reno.gov/Zoning)), and regular meetings of a Technical Working Group. The recommendations outlined in this staff report address input received through the public review process and general direction received during the *Issue Sheet* review process.

This staff report mirrors the Planning Commission staff report, with input from the Planning Commission noted in each section [in blue text](#). Further review of the major discussion topics is scheduled with the Technical Working Group and the Planning Commission between publication of this staff report and the February 11 Council workshop.

[At the Planning Commission workshop, key topics of discussion included:](#)

- [Development review process options, including land use and site plan review processes and thresholds for public hearings;](#)
- [Parking standards; and](#)
- [Site and building design standards.](#)

The Planning Commission recommended a number of targeted refinements and expressed support for the general direction and approach of the draft ordinances. The overall emphasis is to have more comprehensive development standards with a more predictable and efficient development review process. Ordinance changes address master plan implementation priorities, including housing affordability and sustainable design principles.

The staff report focuses on the major amendments and significant discussion topics that have emerged, including:

- The Code Update Process and Scope of Amendments
- Land Use Table (Housing)
- Grading and Hillside Development
- Parking
- Landscaping
- Site and Building Design Standards
- Residential Adjacency Standards
- Historic Preservation
- Application Review Processes and Decision Making Bodies
- Processes for Flexibility and Relief
- Application Review Findings

An assortment of less controversial topics have been discussed and addressed during the drafting and community outreach processes. More detailed information is provided in the digital attachments.

- **Attachment A** is an updated list of potential amendment topics that are outside the scope of the draft code amendments and may be considered through separate processes.
- **Digital Attachments B1-B3** include the preliminary draft ordinances (Modules 1, 2 and 3).
- **Attachment C** is a ±45 page working document of the Technical Working Group that lists each substantive amendment topic, along with suggested modifications based on public input and/or Technical Working Group review.
- **Digital Attachment D** is a compilation of input received during the public review process. The substantive topics raised are addressed in this staff report and/or Attachment C.
- **Attachment E:** Planning Commission meeting minutes.

#### **Previous Council Action:**

- December 11, 2019 - Council received a summary of the draft code modules.
- October 23, 2019 - Council provided direction on Issue Sheet 3A related to administration and procedures. Council also approved an amendment to the consulting agreement.

- August 14, 2019 - Council provided direction on Issue Sheet 2B related to site and building design standards.
- July 31, 2019 - Council provided direction on Issue Sheet 2A related to development standard update topics.
- June 5, 2019 – Council provided direction on Issue Sheet 1C related to residential zoning districts.
- May 8, 2019 – Council provided direction on Issue Sheets 1A and 1B related to nonresidential and mixed use zoning districts.
- March 27, 2019 – Council reviewed process options for the code update.
- January 29, 2019 – Council and the Planning Commission provided direction on recommended approaches for drafting updated zoning districts and land uses, development standards, and procedures in Title 18.
- October 10, 2018 – Council provided input on the recommendations in the Annexation and Land Development Code Targeted Assessment Report.
- August 22, 2018 – Council approved a consulting agreement with Clarion Associates for services related to the comprehensive code update.
- April 25, 2018 – Staff presented an overview of plans to update the City’s zoning code.

**Background:** Updating the Land Development Code (RMC Title 18) is a Council priority and a priority implementation initiative in the City’s Master Plan, which was adopted in December 2017.

The code update is scheduled to be complete in summer 2020. The key objectives of the update are to:

- Implement the updated Master Plan;
- Make the code more user-friendly; and
- Establish a more predictable and transparent review process.

**Discussion:** Significant amendment and discussion topics are summarized below. Draft ordinances are presented sequentially based on the organization of the updated code. Workshop discussion is planned to be organized similarly, with a focus on the eleven key topics.

Feedback received during Council review will be reflected in the consolidated draft code. Additional phases for the code update are noted on the graphic below. Alternatively, some reviewers have suggested that the consolidated draft and adoption processes could be combined to expedite project completion.



Scope of Code Amendments: **\*\* [Key Discussion Topic #1: Code Update Process and Scope of Amendments]\*\*** During the Issue Sheet review process, the scope of amendments for the Title 18 update project was discussed and refined. Amendments to certain major topics were not included in the scope of the project, but were identified on a list of potential future initiatives to be considered separately (Attachment A). Some of these initiatives are complete or underway. Stakeholders have generally supported the process of addressing certain complex topics through focused processes. Of the topics not being updated with this process, feedback received focused on updating the City’s flood hazard, wetland and/or major drainageway ordinances; as well as additional efforts related to housing affordability and economic sustainability, such as increased density and greater allowances for accessory dwelling units. Significant interest in code updates related to low impact development (LID) was also expressed and the topic has been added to Attachment A.

Zoning Map Amendments: Targeted zoning map amendments will be needed for implementation of the Master Plan and certain text amendments. Public notification of draft district boundaries is planned to be provided in late March or early April. Map amendments will be proposed for:

- The mixed use district consolidations in the Downtown area and urban corridors.
- Targeted zoning map changes to conform with approved master plan land uses changes. These generally include certain Mixed Use areas being rezoned to Industrial or Mixed Employment in the North Valleys and certain Mixed Use areas being rezoned to Residential near the University and Meadowood Mall.
- Targeted zoning map changes from the IB and GO districts.

Zoning outside these areas is recommend to remain unchanged pending completion of future neighborhood engagement processes. Potential map adjustments based on public input will be considered with review of the consolidated draft code.

Neighborhood engagement process for zoning and public improvements: The updated Master Plan promotes a greater diversity of housing types, land uses and transportation options in and around Reno’s neighborhoods. A neighborhood engagement process is planned following the code update to consider parcel level zoning changes in consultation with the affected residents and businesses. Potential zoning map amendments and multi-modal capital improvements will be evaluated and discussed with stakeholders in each neighborhood.

Neighborhood Plans with neighborhood specific zoning overlay districts have been adopted in certain areas. Many of the topics covered by the existing neighborhood standards are also addressed in the updated design standards. Potential sun-setting or modification of the existing neighborhood overlay district standards will be considered with the neighborhood engagement process following the code update. In the interim, neighborhood plan standards will continue to apply.

Planning Commission discussion included:

- [Support for the Code Update Process and the Scope of Amendments as proposed.](#)

Chapter 18.01 General Provisions: [Module 3] Significant amendments and feedback include:

- Some relaxation of restrictions on the expansion of nonconforming uses and structures.
  - General support
- Provisions for the transition from prior ordinances.
  - No significant concerns

Chapter 18.02 Zoning Districts: [Module 1] Significant amendments and feedback include:

- **Simplified Zoning for Mixed-Use Areas:** The existing mixed-use zoning framework for Reno’s Downtown and Urban Corridors is simplified and updated. The draft code reorganizes and maintains the Downtown districts and the two midtown districts. New Mixed Use Urban (MU) and Mixed Use Suburban (MS) districts replace 24 overlay districts for the remainder of the Virginia Street, Fourth Street and Mill Street corridors. Amendments also address the consolidated development standards for the new MU, MS and ME districts,
  - General support
- **Downtown Area Zoning:** The existing overlay zoning districts for the Downtown area are reorganized into six base zoning districts with existing provisions generally retained. Master Plan land use and intensity guidelines are reflected, with provisions for reduced intensities in certain situations. Allowed density and intensity is reduced in the Powning

district, in conjunction with development of a conservation/historic overlay district. Uses in the University district are somewhat more restrictive.

- General support.
- Recommendations to not reduce intensity as much in the Powning District and allow intensity transitions adjacent to other downtown districts.
- General Commercial (GC) district: Consolidate the existing AC (Arterial Commercial) and CC (Community Commercial) zoning districts into a new GC (General Commercial) district.
  - General support
- Update employment area districts: The code update eliminates GO (General Office) and IB (Industrial Business) and establishes a new ME (Mixed Employment) district that allows offices, light commercial uses, flex space, and similar uses.
  - General support
- Residential Districts: Residential zoning districts are proposed to be maintained with generally unchanged standards for density, lot sizes, building height, setbacks, etc. Targeted amendments reduce setbacks adjacent to alleys, establish height/setback standards, and refine standards for accessory structures.
  - Significant input promoting the preservation of neighborhood character.
  - Significant input in support of targeted zoning intensification.
  - Recommendations to narrow expanded allowances for height and setback encroachments.

Chapter 18.03 Use Regulations: [Module 1] Significant amendments and feedback include:

- Targeted Changes to Land Uses Table: Allowed land uses are generally retained with minor changes to include additional non-residential uses in the MF-21 and MF-30 districts, allowances for open lot parking use, opportunities for expanded home occupations in all districts, the consolidation of similar districts and land use categories, and the addition of newer land use types.
  - General support
  - Recommendations to refine certain use regulations.
- Establish Historic/Conservation Overlay Zoning districts: Placeholders for Historic / conservation overlay districts are included for the Powning, Newlands Heights and Wells Avenue Conservation districts. Specific standards will be prepared through the neighborhood engagement process following the code update.
  - General support
- Targeted changes to Use Regulations: Changes include standardizing requirements for auto-oriented uses (gas stations, auto sales, drive through restaurants, etc.) and outdoor storage.
  - General support

- Multi-family density increases for projects with smaller unit size: This was a supplemental recommendation following publication of the planning commission staff report. Projects in multifamily districts could increase density up to 20 percent with smaller unit sizes.
  - General support

Planning Commission discussion included:

- Suggestion for more significant multifamily density increases with smaller unit sizes.
- Desire for further review of Powning District building height provisions in relation to existing development patterns.
- Mixed input on potential new single family land use allowances (duplexes, etc.). Overall support for draft ordinances, which do not intensify single family districts with the code update process. Support to consider targeted changes with future neighborhood outreach and/or housing initiatives.
- Support for the mixed use district consolidation and other amendments.

Chapter 18.04 Development Standards: [Module 2] Chapter 18.04 is the most complex and lengthy chapter of the updated code. This staff report addresses each Article separately.

Chapter 18, Article 1 Natural Resource Protection Standards: Significant amendments and feedback include:

- Major Amendments for environmental ordinances are planned to be considered separately.
  - General support for the process
  - Continued interest in additional amendment topics, including flood hazard, wetland, and drainageway ordinances.
- Codify 1.3:1 stormwater retention standard in closed basin areas
  - General support with some concern related to State water rights.
- New Source Water Protection ordinance (notification requirement)
  - General support

Chapter 18, Article 2 Grading, Erosion Protection, and Sedimentation Control and Article 3 Hillside Development: **\*\* [Key Discussion Topic #2: Grading and Hillside Development] \*\***

Significant amendments and feedback include:

- Reno relies heavily on special use permits for the management of site grading and hillside development. The code update expands construction standards for grading and slopes, while relaxing special use permit requirements to generally reflect existing procedures in the City of Sparks. Grading-related special use permits would not be required for cuts and fills or for hillside developments under ten acres in size. Many common project review considerations and conditions of approval are proposed as code standards. Key changes

establish new limitations on the scale, location and design of finished slopes to address engineering and aesthetic topics.

- Significant support for the concept, combined with concerns from designers that the standards could be overly restrictive and may not allow for the best grading plans. Ongoing discussions are recommended to refine the standards and clarify the process and criteria to consider exceedances and alternative designs.

Planning Commission discussion included:

- Mixed input on the process streamlining and expanded grading standards. One member supported additional public hearing requirements. Majority support to proceed as recommended with process streamlining and new grading standards generally retained - and a public hearing process to consider grading exceedances.
- Suggestion to consider a generally applicable sustainability ordinance in Article 1. This topic is addressed with Articles 8-10 below.

Chapter 18.04 Article 4 *Streets, Utilities, and Services*: Significant amendments and feedback include:

- Increased residential sidewalk width (from four to five feet), to be implemented in conjunction with reduced road pavement width.
  - General support pending technical review of updates to the Public Works Design Manual.
- Clarified criteria and process for review of sidewalk waivers
  - General support.
- Related topics such as sidewalk designs, street trees, parkways, etc. are addressed in later Articles.

Chapter 18.04 Article 5 *Access, Connectivity, and Circulation*: Significant amendments and feedback include:

- New street connectivity standards, including a standard for through access to adjacent private lands every 1,500 feet, with certain exceptions.
  - Some concern about the standards being too rigid. Recommendations for technical review and refinement.
- New pedestrian and bicycle connectivity standards
  - General support with some clarification and refinement of the new standards.

Chapter 18.04 Article 6 *Off-Street Parking and Loading*: **\*\* [Key Discussion Topic #3:**

**Parking]** **\*\*** Significant amendments and feedback include:

- Minimum Parking rates: The City has minimum parking requirements that significantly exceed contemporary professional recommendations and have been cited as a primary

regulatory impediment for infill development projects. Reducing and repurposing parking lots is also a priority of the *Sustainability and Climate Action Plan*.

The existing code includes parking reductions in certain infill development areas or in any location when “a report based on the Institute of Transportation Engineers (ITE) Manual, or another nationally accepted authority is submitted which substantiates/validates the use of a different standard.” The code update recalibrates and generally reduces minimum parking standards to reflect modern best practice recommendations.

Three “tiers” of minimum parking standards are proposed. Discretionary (aka voluntary) parking minimums are proposed to be expanded to all uses in the Downtown area. Parking is currently discretionary for all uses in the California Avenue district and for retail, restaurant and entertainment uses throughout the downtown area. Level 1 parking is for the urban corridors and is not significantly changed from the already reduced parking standards in these areas. Level 2 parking rates apply to the remainder of the city and are reduced.

The City is also working on a comprehensive parking management strategy, which these regulatory adjustments are a component of. Additional strategies include the potential expansion of public and shared parking facilities, updates to the parking meter and parking permit programs, and funding strategies. The general emphasis is moving away from reliance on the site specific provision of parking to an area-based approach that is less costly to maintain and less environmentally impactful.

Additional amendments in Article 6 are intended to further support this transition and include transitional parking rate areas, expanded allowances for off-site and shared parking, expanded eligibility for affordable housing parking incentives, and elimination of maximum parking regulations.

- Parking is a primary topic for public input, with many suggesting more aggressive parking reductions and others voicing concern about the availability of parking spaces. Overall, the majority of input has favored parking reductions as aggressive as or more aggressive than the proposed standards. Specific suggestions include the following:
  - Consider the further reduction or elimination of on-site parking standards in areas that are outside the downtown area, but served by rapid transit. This could include Midtown and the University area.
  - Consider use of American Planning Association recommendations for Level 2 off-street parking. These generally require less parking than the ITE recommendations and assume some parking congestion is desired.
- Staff is requesting feedback from the Planning Commission and Council regarding the general direction for parking standards.

- Recommendation to utilize City of Sparks standards (reduced) for Level 2 parking rates.
- A suite of refinements and clarifications are also proposed.
- A draft trip reduction program is also included in this Article.
  - Recommendation to expand and refine the program to address travel distances rather than number of trips, to apply more broadly, and to have a menu of compliance options from which projects could choose some. Model ordinances to be referenced.

Planning Commission discussion included:

- General support for the tiered parking approach and most amendments.
- Mixed input on minimum parking standards. General support for the technical working group recommendations. Interest in further parking reductions in the Midtown Commercial area. Support for targeted reductions to tier 2 commercial parking standards, to generally align with the City of Sparks.
- Recommendation for enhanced bicycle circulation standards in Article 5.
- Support for an expanded trip reduction program. Suggestions to further explore approaches from other communities, including an evaluation of options that focus on vehicle miles travelled (VMT) or number of trips.
- Support for expanded traffic analysis provisions addressing off-site impacts.
- Mixed input on recommendations to eliminate maximum parking requirements.

Chapter 18.04 Article 7 *Landscaping, Buffering, Screening and Fencing*: \*\* [Key Discussion Topic #4: Landscaping] \*\* Significant amendments and feedback include:

- The draft ordinances include modest amendments to refine and clarify the mixed use district landscape standards, along with certain technical amendments.
  - General support for proposed changes.
  - Some Landscape Architect professionals convened a working group and recommended further amendments to promote the growth and survival of urban trees. Recommendations are being vetted with builders and engineers, with the concepts generally supported by staff and the technical working group. Key amendments include:
    - Reduce required tree sizes at planting (to 2 inch / 6 foot) to reduce costs and increase survival and growth rates.
    - Establish tree well and soil preparation standards to better promote tree growth.
    - Update standards for landscaped islands in parking lots.
    - Other technical refinements.
  - The Landscape Architect group also voiced support for new Low Impact Development (LID) standards. Targeted updates may be identified in ongoing

discussions, but major updates are not recommended for the code update. The topic has been added to the potential future amendment list (Attachment A).

Planning Commission discussion included:

- General support for the staff and Landscape Architect group recommendations.
- Suggestion to explore expanded tree canopy standards, possibly combined with reduced landscaped area standards.
- Input that drought tolerance is important and other features can provide shade without irrigation needs.
- Support for expanded links between landscaping and site and building design standards, such as options for additional landscaping for screening and land use compatibility.

Chapter 18.04 Articles 8, 9 and 10 Site and Building Standards for Residential, Mixed Use and Nonresidential Districts: \*\* [Key Discussion Topic #5: Site and Building Design

**Standards]\*\*** Significant amendments and feedback include:

- New site and building design standards focus on multi-modal connectivity, active streetscapes, efficient circulation, site layout, building orientation and building design. Architectural and landscape style is generally left to the designer's discretion.
- Separate Articles apply to Residential (Article 8), Mixed-Use (Article 9) and Nonresidential (Article 10) districts.
- Standards for nonresidential uses in and adjacent to Residential districts are further addressed in Chapter 13 *Residential Adjacency Standards*.
- Additional standards to improve industrial/residential compatibility are outlined in Article 10.
- More prescriptive standards are proposed with provisions for variability and flexibility.
- Each article includes supplemental standards for certain zoning districts, which generally retain existing code standards.
  - This is a significant topic for public input and discussions. Most reviewers appear to generally support the framework and the topics addressed. Numerous suggestions for refinement have been received.
  - Input focused on the appropriate balance between having specific development standards “with teeth” and having sufficient flexibility to address a variety of different sites and circumstances. Sections with alternative design provisions or a choice of compliance options from which to choose were generally well received, although some concern was expressed for the use of “loopholes”.
  - Approaches for these Articles and for the process alternatives in Chapter 18.08 are inter-related. Proposed processes for flexibility and relief could be used to provide relief from the more detailed design standards.

- Staff supports suggestions to generally maintain the level of specificity, to refine language in coordination with key stakeholders and to more clearly specify criteria and considerations for the approval of exceptions.
- Recommendation to relocate *Additional Setbacks and Stepbacks for Compatibility* from 18.02.707 and 18.04.1305(e) to Article 8. These are new standards applicable to all uses in certain residential districts. General support has been expressed for amendments.

Planning Commission discussion included:

- General support for the standards and the suggested refinements - including the focus on bulk and intensity considerations and the “menu of options” approach for certain development standards.
- Significant discussion of sustainability ordinances, with general support to explore an expanded sustainability ordinance that requires additional sustainability features; but also provides reasonable flexibility, includes incentives, and is sensitive to compliance costs. Staff will be discussing options with the technical working group and planning commission, including an approach modeled after existing ordinances in Henderson, NV.
- Suggestions to reduce options for alternative design features that may be approved administratively.
- Discussion and mixed input on establishing a design review committee for project review. No consensus to modify the draft.
- Support for refining the nonresidential district building articulation standards, while making sure to maintain a minimum standard for design at least comparable to the current ordinance.

Chapter 18.04 Article 11 *Improvement Standards for New Development*: [no substantive amendments].

Chapter 18.04 Article 12 *Exterior Lighting*: Significant amendments and feedback include:

- The code update includes more detailed lighting standards that address different types of lighting and dark sky lighting requirements. Current standards are general in nature.
  - General support with continued technical review and possible refinement.

Chapter 18.04 Article 13 *Residential Adjacency Standards*: \*\* **[Key Discussion Topic #6: Residential Adjacency]** \*\* Significant amendments and feedback include:

- The code update proposes enhanced residential adjacency standards addressing a broader range of potential impacts when nonresidential development occurs within or adjacent to residential areas. Expanded standards address use limitations, grading, site and building orientation, signage adjacent to residential, spillover lighting, noise, odor, off-street parking, cut-through traffic, use of alleys, and loading activities.

- Process modifications are proposed to modestly streamline the project review process. Site plan reviews replace special use permits and would apply to all nonresidential development within 150 feet of a residential zoning district and nonresidential development over one acre in size within 300 feet of a residential zoning district. Development across major arterial roadway or freeway would not require a site plan review. Process changes are addressed in Chapter 18.08 below.
  - Input generally supported the enhanced residential adjacency standards and focused on the details of certain standards and the appropriate level of specificity.
  - Recommend retaining the site plan review process for large (over 10 acre) nonresidential projects that are adjacent to residential zoning but across a major arterial or freeway.

**Planning Commission discussion included:**

- General support for the updated residential adjacency standards and the suggested refinements.

Chapter 18.04 Article 14 *Skyways*: [no substantive amendments].

Chapter 18.04 Article 15 *Safe Scope Regulations*: [no substantive amendments].

- This material may be moved to another Title of the Reno Municipal Code to reflect its broader use for public safety and code enforcement purposes.

Chapter 18.05 *Signs*: [Module 2] Minor amendments to temporary sign standards are proposed to maintain compliance with new case law (*Reed v Gilbert*). Broader amendments are on the potential future project list (Attachment A).

- Amendments merge the standards for temporary real estate signs and temporary political signs. Where existing standards for size or duration differ, the less restrictive standard is applied.
  - General support

Chapter 18.06 *Land Division*: [Module 2] No substantive amendments.

Chapter 18.07 *Historic Preservation*: [Module 2] \*\* **[Key Discussion Topic #7: Historic Preservation]** \*\* Significant amendments and feedback include:

- Streamlined procedure for designation and zoning of historic resources.
- Historic Resource Commission review of projects adjacent to historic resources.
- Expanded mitigation measures for the demolition of historic resources, including donation of a resource if other mitigations are not completed.
- Preliminary review of certificates of appropriateness with opportunities for waivers of further review.

- Maintenance obligation and “demolition by neglect” provisions.
  - Review by the Historic Resource Commission is scheduled on January 15 (following staff report publication). Input will be summarized at the workshop.
  - Key issues include demolition permits, including if the City should assume the right to deny a demolition permit for a designated historic resource. Input also addressed ways to expand historic preservation efforts beyond the listed properties and historic overlay districts.
  - Some commenters suggested that documentation and/or mitigation should be applied more broadly when older structures are proposed for demolition.

Planning Commission discussion included:

- General support for the standards and the suggested refinements.
- Suggestion to consider additional incentives for designating historic resources.
- Suggestion to consider expanded documentation of older structures with demolition permits.
- Suggestion to consider expanding historic resource commission reviews to include work on properties listed on a state or national listing of historic properties (vs the Reno register only).

Chapter 18.08 Administration and Procedures: [Module 3] Chapter 18.08 addressed four distinct (but related) amendment topics. These are summarized separately.

Procedure Topic A: Development review process improvements **\*\* Key Discussion Topic #8: Application Review Processes and Decision Making Bodies \*\***

- The code update streamlines the approval process for relatively minor decisions. Development processing costs can be significant barriers for small businesses and are a substantial expense for the City. Changes include:
  - Reduce reliance on special use permits and increase use of site plan reviews for small projects and design review processes. Both applications involve discretionary approvals with notification requirements for nearby properties and appealable decisions, but site plan reviews are simpler applications with lower costs and an initial administrative decision in 30 days.
  - Distinguish between major and minor site plan reviews and further streamline application requirements for minor site plan reviews.
  - Modify site plan review appeal procedures to include review by the Planning Commission instead of the Hearings Examiner.
  - Expand exceptions to special use permit and site plan review requirements to include:
    - Hillside developments less than 10 acres in size.

- Grading with cuts over 20 feet or fills over 10 feet.
  - Nonresidential developments that are adjacent to residential zoning - but only across a freeway or major arterial.
  - Administrative approval of additions to existing development up to 20 percent in size (increased from 10 percent).
  - Administrative approval of certain amendments to Planned Unit Developments up to 10 percent.
- A Land Use Hearing Examiner process is being considered for expeditious review of certain flexibility and relief applications (discussed below). This process involves mailed project notices and a public hearing overseen by a land use professional (staff or appointed). This concept could be expanded to include other categories of applications, modified to include a small panel of experts, or not utilized at all.
  - Significant input was received on the process and administrative topics. Discussion topics include:
    - Some input expressed opposition to process streamlining, citing the increased potential for impactful development activities.
    - Other input, including from real estate professionals and preliminary discussions at the technical working group, expressed interest in further streamlined processes. Suggestions include a process for administrative use permits and minor site plan reviews with administrative discretion for approval, but no public notification or hearing process. Certain elements of this recommendation are currently in place in Sparks, Carson City and other communities.
      - The appropriate level of public notification and involvement is a policy decision warranting discussion at public workshops. This is a key decision that could influence approaches to other decision topics. With expanded development standards, staff is comfortable with a variety of procedural options, including more significant streamlining and delegation.
    - Recommendations from land use professionals also addressed a desire to more clearly differentiate land use decisions from decisions related to physical development. Business licenses and various forms of “Use” permits would be required for certain land uses. Building permits and various forms of “Site Plan” permits would be required for development meeting certain dimension, size or location criteria. Approval findings would be different for the different application types. Some elements of this suggestion are reflected in the increased use of site plan review processes.

- Staff thinks this suggestion has some merit and could be implemented in different ways depending on the desired level of discretionary review. Alternatively, the blending of “land use” reviews and “site plan” reviews is commonly used and retaining that framework is also acceptable from the staff perspective. In practice, issues related to project reviews often involve a combination of land use and site design considerations.
  - Feedback regarding the land use hearings examiner options has been mixed. There is interest in the process simplification and potential for increased predictability, but also uncertainty if benefits outweigh the costs of implementing an additional review process and periodic meetings.
    - Recommend refinement or possible elimination of this proposal, with specific approaches considered in light of other discretionary review decisions.
- Discussion at the January 21 Technical Working Group meeting focused on:
  - General support for differentiating land use from site plan review processes.
  - General support for additional targeted process streamlining, including the relaxation of public hearing thresholds for multi-family and other uses to reflect ordinances in City of Sparks.
  - Recommendation for a “single-step” appeal process for site plan reviews and other discretionary administrative decisions.
  - Recommendation to develop criteria for appeals to limit appeal rights for people not directly impacted by a project decision and to require that noticing costs for appeal hearings be paid by the appellant.

Planning Commission discussion included:

- General support for the streamlined processes, with mixed input on more significant streamlining.
- Support for further differentiating land use approvals from site plan approvals. Options will be further reviewed with separate administrative and public hearing processes for applications related to land use, site design, and flexibility and relief.
- Discussion of appropriate thresholds for public hearings. Some support for further streamlining processes if the exceptions allowed for development standards can be tightened up.
- Support for “single-step” appeal processes, including direct appeals to the City Council for discretionary administrative decisions such as site plan reviews.
- No significant Planning Commission input on establishing criteria for appeals.

Procedure Topic B: New Tools for Design Flexibility **\*\*Key Discussion Topic #9: Processes for Flexibility and Relief\*\***

- The code update includes new tools and approaches for design alternatives and flexibility.
  - Minor Deviations: The code update expands use of minor deviations to the maximum allowed by state law. This process applies to deviations not exceeding 10 percent with written consent from affected property owners.
  - Major Deviations: The City of Sparks uses Major Deviations to review applications for deviations of code standards up to 50 percent. A similar ordinance is proposed for Reno. Approval would require public notice, a public hearing, and a finding of no significant impact.
  - Alternative equivalent compliance: Similar to major deviations, the code update includes an alternative compliance provision that allows deviations from design-based standards (versus quantifiable standards like setbacks and height) with public notice, a public hearing and a findings generally requiring that the project be as good or better than would be provided under standard code provisions.
  - A Land Use Hearing Examiner process is being considered for expeditious review of Major Deviations and Alternative Compliance applications. This process involves mailed project notices and a public hearing overseen by a land use professional (staff or appointed). This concept could be expanded to include other categories of applications, modified to include a small panel of experts, or these applications could be processed with a planning commission public hearing similar to the current process for special use permits and variances.
  - Design Review Committee (DRC): The code update considered the establishment of a DRC. This is not proposed in the draft ordinances, but could be considered in conjunction in the future or as an alternative to the Land Use Hearings Examiner.
  - Feedback related to these concepts has been generally positive. Discussion has focused on details of each process and the type of public input process that is appropriate for each application.
    - Based on input received to date, staff is leaning towards utilizing a standard Planning Commission public hearing process for Major Deviations and Alternative Compliance applications. Planning Commission meetings agendas have been relatively light and should be lighter following approval of other process changes. Additionally, planning commissioners currently have the type of expertise desired for a land use hearings examiner or design review committee. This could be supplemented with further delegation of authority for small projects.
    - Recommend continued refinement in accordance with general policy direction provided by Planning Commission and City Council.

- The Technical Working Group expressed support for the new process options.

Planning Commission discussion included:

- General support for the new processes (major deviations and alternative compliance applications) and the suggested refinements.
- Given discussion related to process options, the Land Use Hearing Examiner option is not recommended.

Procedure Topic C: Application Review Findings **\*\*Key Discussion Topic #10: Application Review Findings\*\***

- The draft ordinances include revised application review findings that are more closely related to the specific types of application.
  - Review considerations include general criteria applicable to all application types (18.08.304(e)), as well as updated findings for specific application types.
  - Findings specified in State Law are retained.
  - As drafted, findings for site plan reviews and special use permits are the same. Draft findings address land uses and site plan considerations as components of an integrated project review. If changes are made to differentiate site plan and land use review processes, findings should be updated accordingly.
    - Recommend continued refinement in accordance with general policy direction provided by Planning Commission and Council.
- The Technical Working Group generally supported the new findings with further review following City Council direction on process options.

Procedure Topic D: Planned Unit Developments, Specific Plan Districts and Development Agreements

- The draft ordinances include targeted changes to requirements for the Planned Unit Development (PUD) district. Policy direction from Council was to clarify standards for Planned Unit Developments, but not to discourage the use of PUD zoning. Key changes include:
  - Requirements for a fiscal analysis.
  - Provisions for reconsideration of PUD zoning if development does not begin within ten years of approval or if the project is less than half built within 20 years of approval.
  - Provisions for minor amendments to approved PUDs (10 percent or less) to be reviewed administratively, subject to criteria.
  - Updated Findings.

- The draft ordinances propose reinstating the Special Plan District (SPD) zoning district as a tool to establish supplemental land use limitations and development standards in certain areas.
  - Format and content criteria for SPDs should be expanded.
- The draft ordinances propose the elimination of some limitations for the use of Development Agreements to allow increased use of Development Agreements.
  - Requirements for Development Agreements to be associated with a special use permit or PUD are removed.
  - Subject to additional legal review, requirements limiting development agreements to be used only for projects of regional significance are also proposed to be removed.
  - Changes will allow the City to enter into development agreements with a broader range of projects, including urban developments that may not require special use permit review and may not meet the size criteria to be classified as Projects of Regional Significance.
- Feedback related to these amendments has been generally positive.
  - Recommend continued refinement.
- The Technical Working Group generally supported the changes and recommended refinements to the new PUD criteria to have findings for approval of minor amendments and expiration decisions and to allow administrative approval of updates to architectural standards.

**Planning Commission discussion included:**

- [General support for the amendments and the suggested refinements.](#)

**Financial Implications:** None at this time.

**Legal Implications:** Review of the draft ordinances by the City Attorney’s Office will continue through adoption.

**Recommendation:** The City Council should review the draft ordinances and provide direction to staff.

**Proposed Motion:** I move to direct staff to proceed with the Code update process with the following Council direction: *(insert direction to staff)*.

**Attachments:**

- Attachment A - potential future projects - 2020-01-13 (PDF)
- Attachment B1 - Module 1 - Zoning Districts and Uses - Public Draft (electronic attachment only; hard copy on file with City Clerk) (PDF)

- Attachment B2 - Module 2 - Development Standards - Public Draft-clean (electronic attachment only; hard copy on file with City Clerk) (PDF)
- Attachment B3 - Chapter 18.07 - Administration - Public Draft - clean (electronic attachment only; hard copy on file with City Clerk) (PDF)
- Attachment C - Code Review - TWG Input - 2020-01-21 (PDF)
- Attachment D - Zoning Code Update - Public Comment 1-13-20 (electronic attachment only; hard copy on file with City Clerk) (PDF)
- January 21, 2020 - PC Workshop Meeting Minutes - DRAFT (PDF)