

**PLANNING COMMISSION
STAFF REPORT**

Date: March 20, 2024

To: Reno City Planning Commission

Subject: Staff Report: Case No. TXT23-00005 (Title 18 Zoning Code Clean-Up) – Initial review of Reno Municipal Code Title 18 Annexation and Land Development Chapters 18.01 through 18.03; together with matters which pertain to or are necessarily connected therewith.

From: Angela Fuss, Assistant Director of Development Services

Ward #: City-wide

Case No.: TXT23-00005

Applicant: City of Reno

APN: N/A

Request: Review of Reno Municipal Code Title 18 Annexation and Land Development Chapters 18.01 through 18.03 as part of the zoning code clean-up.

Location: City-wide

Proposed Motion: Staff recommends Planning Commission review the proposed changes and provide feedback.

Summary: In January of 2021 the City of Reno adopted a new zoning code, and as part of that adoption it was always anticipated that some code clean-up would be necessary. In June of 2022, City Council initiated a text amendment to the Title 18 Annexation and Land Development Code, to address those outstanding zoning code clean-up items including grammatical errors, inconsistencies with regulations, and unintended deletions or insertions. The draft changes have been reviewed through a technical advisory committee and through a series of stakeholder and public outreach meetings. The proposed changes identified with this staff report are related to Chapters 18.01 through 18.03.

Background: Council adopted a new Title 18 Annexation and Land Development Code (i.e. Zoning Code RENOvation) on January 13, 2021. The key objectives of the update were to implement the Master Plan, make the code more user-friendly, and establish a more predictable and transparent review process. During the adoption process, staff acknowledged that future code clean-ups would be needed and a follow up process was to take place at a future time. Since the

adoption, City staff has been keeping a log of those clean-up items and the list encompasses over 400 changes.

Discussion:

Council adopted a new Title 18 Annexation and Land Development Code (i.e. Zoning Code RENOVation) on January 13, 2021. The key objectives of the update were to implement the Master Plan, make the code more user-friendly, and establish a more predictable and transparent review process. During the adoption process, staff acknowledged that future code clean-ups would be needed and a follow up process was to take place at a future time. Since the adoption, City staff has been keeping a log of those clean-up items and the list encompasses over 400 changes.

On June 8, 2022, City Council initiated a text amendment to address those clean-up items including grammatical errors, inconsistencies with regulations and unintended deletions or insertions within the zoning code. Staff has prepared the draft code clean-up changes and engaged the public and stakeholders in the review those changes.

In the summer/fall of 2023, staff held a series of seven technical advisory committee (TAC) meetings, where each of the proposed code clean-up edits was discussed. A group of 29 individuals were identified to serve on the technical advisory committee. The composition of the committee was based on individuals that use the City of Reno Title 18 Annexation and Land Development Code on a regular basis and have experience processing either building permits or entitlement applications through the City of Reno. This group of technical experts included land use planners, architects, engineers, landscape architects, designers and City staff. Based on feedback from the TAC, additional edits were made to the zoning code and the draft document was then sent out for public review and feedback.

Between the months of October through December of 2023, nine separate public stakeholder meetings were held. Four of the meetings were held in person at different locations across the City. Five of the meetings were held virtually. Meeting dates were posted on the City's social media including Facebook, Twitter, Instagram, and Spanish Facebook. The December meeting dates were also shared through Nextdoor.com and through a separate press release that went out in late November. Attendance was small at each of the meetings with anywhere from 0-15 participants.

Generally, the public comments included:

- Concerns with measurement of noise in the downtown area
- Need for more affordable housing
- Need to encourage more housing
- Concerns with too much development
- Requests to simplify standards
- General concerns with change
- Other technical changes

Analysis:

This staff report provides a general overview of the proposed changes to Chapters 18.01 through 18.03. Specific redlines with annotations explaining the changes in more detail are provided in the attached **Exhibit A – Draft Title 18 Annexation and Land Development Code (3 7 24)**.

Chapter 18.01 General Provisions:

- Added authority for the Administrator to correct scrivener’s errors to the zoning code and master plan. This includes misspelling, grammatical errors, numbering errors, cross-referencing errors or inconsistency with rules of styles.
- Included clarification that a nonconforming use approved through a conditional use permit approval can only apply if there is documentation that the nonconforming use was at one time legally established.
- Section 18.01.404 is specific to nonconforming structures. Existing code language was cleaned up to specify that this section of code addresses “structures” and is not applicable to a nonconforming “use.”
- Section 18.01.405 is specific to nonconforming site improvements. Additional language was added to clarify how routine maintenance of a nonconforming site improvement, such as restriping a parking lot, is exempt from being considered alternation or expansion of nonconforming site improvements. Language was also added to require a minor site plan review when a nonconforming site is expanded or altered.

Chapter 18.02 Zoning Districts:

- Table 2-1: City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning was updated to add missing zoning and/or land use categories. This table provides the conversion from Washoe County zoning and land uses to a City of Reno zoning and land use at the time of annexation.
- The term “Mixed Use Districts” is used throughout the code. This term includes all the different zoning districts that allow for a mix of uses (i.e. Mixed-Use Urban, Mixed-Use Suburban, General Commercial, Neighborhood Commercial, etc.). This term is confusing because there are also many different zoning districts with the terminology “Mixed Use” in their name, such as Mixed-Use Downtown Entertainment District, Mixed-Use Downtown Innovation District, Mixed-Use Downtown Riverwalk District, Mixed-Use Urban, etc. The term “Mixed Use Districts” has been replaced with “Urban Districts.”
- The term “Nonresidential Districts” is used throughout the code. The term includes all the different zoning districts that include industrial (i.e. Industrial, Industrial Commercial, Mixed Employment, Mixed-Use Airport). The term is confusing because “nonresidential” implies anything that’s not residential. The term “Nonresidential” has been replaced with “Employment Districts.”
- Many of the zoning districts have a maximum building height and a maximum number of stories permitted. Several zoning districts reference a maximum number of stories of 2.5.

The maximum number of stories was removed throughout, leaving building height to remain as the measurable standard. Having two sets of standards that conflict with each other is difficult to interpret, especially when having to interpret what's considered to be a half story.

- Several residential zoning districts require a minimum usable yard square footage. The standards require that usable square footage have a maximum slope and a minimum width. The maximum slope and minimum width requirement have been removed because it is difficult to measure and the standards don't seem to be based on anything logical. The minimum usable yard square footage has not been changed.
- The SF-11 zoning district has a maximum building height of 30 feet. All other single-family zoning districts have a maximum building height of 35 feet. The SF-11 district was changed to 35 feet to be consistent with all the other single-family districts.
- Several lot and building standards in the multi-family zoning districts have been deleted or modified for better clarity. Side setbacks remained untouched. However, side setbacks specific to projects with two or more units and adjacent to a single-family zoning district were deleted. This continues to be an impediment to infill development and additional standards have been added in other sections of the code requiring additional stepback requirements for buildings taller than 24 feet.
- A regulation was added in the Mixed-Use Riverwalk District specifying that a major site plan review is required for buildings taller than 45 feet. This requirement was included in another section of the zoning code, but it was difficult to find the location and made more sense under the "lot and building standards."
- The Mixed-Use Suburban zoning district purpose statement has been expanded to better clarify where the district is appropriate and intended to be located.
- The Professional Office zoning district allows for increased building height from 35 feet up to 55 feet but only in very specific locations or with site limitations. This does not follow any logic and has been expanded to allow for buildings up to 55 feet in height with the approval of a minor site plan review across the broader Professional Office zoning district.
- Maximum building height was increased in the Industrial Commercial zoning district from 45 feet to 55 feet to be consistent with the other industrial zoning districts.
- Buildings exceeding 500,000 sq. ft. in the Industrial Commercial zoning district currently require approval of a conditional use permit and are required to have multiple tenants. This standard was modified to now require a minor site plan review, instead of a conditional use permit, and is no longer required to be designed for multiple tenants. The Industrial Commercial zoning district is intended for warehousing and manufacturing type buildings and the existing regulations are an impediment to the intended use.
- Table 2-37: Sign Regulations for Gaming Overlay District identifies specific sign regulations for the Gaming Overlay District. There are broader portions of the City that are within the Gaming Overlay District and do not include a gaming establishment. Language

was added to specify that the additional sign regulations only apply to the actual gaming establishment and not to other types of uses.

- Clarification has been added to the parking standards within the Wells Avenue Neighborhood Planning Area.

Chapter 18.03 Use Regulations:

- The Table of Allowed Uses has been modified to provide more clarity. The multiple designations of P, P2, P3, etc. are unnecessary and have caused confusion. Any item warranting enhanced review, public hearing, or location specific are now denoted with an asterisk in the table, and the additional use standards can be referenced to determine additional level of review.
- Per NRS, manufactures homes are to be considered a single-family residence and are to be permitted in the same zoning districts. The Table of Allowed Uses has been updated to reflect the change.
- The use of a Major Government Facility has been expanded to be allowed in the Industrial and Public Facility zoning districts with the approval of a conditional use permit.
- The Religious Assembly use has been expanded to the Professional Office district.
- The Childcare Center use has been expanded to be allowed in additional single-family and multi-family zoning districts with the approval of a conditional use permit.
- School uses have been expanded to be consistent, regardless of primary or secondary school type. This is more consistent with other jurisdictions who often do not differentiate.
- Bars have been modified to go from a conditional use permit to permitted by-right in the General Commercial zoning district.
- Hotels and motels are two different use types and are currently allowed in different zoning districts. Both uses were expanded to be permitted in additional zoning districts.
- The Outdoor Amusement or Recreation use has been expanded to be allowed in additional zoning districts.
- Communication Facility Equipment was expanded to be allowed by-right in residential zoning districts. Use standards are in place that require additional review under certain circumstances.
- Minor Utilities as a use has been expanded to being permitted in the Unincorporated Transition zoning districts.
- Hazardous Waste Facility has been taken out of the majority of Urban zoning districts and limited to the Employment zoning districts with the approval of a conditional use permit.
- Indoor Manufacturing, Processing, Assembly or Fabrication has been amended to require approval of a conditional use permit in Urban zoning districts where it was previously permitted by-right.

- A new use category for a Data Center has been added to the Use Table with associated use standards and parking requirements.
- Warehouse/Distribution Centers have been modified to require additional entitlement review in certain zoning districts.
- Childcare uses have been updated to better align with Washoe County Human Services, which handles the licensing.
- Use standards specific to Assisted Living Facilities have been modified to be less restrictive.
- Flexibility for Minor Government Facilities has been added to allow the Administrator to modify standards specific to fencing, landscaping, lighting, setbacks, screening, parking and sidewalks if the design changes are based on safety and security.
- Use standards for Schools has been updated to better align with Washoe County and the City of Sparks. In accordance with NRS, all three jurisdictions are supposed to follow the same set of standards. Additional regulations have been added to require schools to show how the site will accommodate loading and unloading of students.
- Limitations on the maximum number of students permitted in certain zoning districts has been modified from 200 to 300 students per school to address the communities growing number of charter schools and their needs.
- Use standards for Animal Clinics, Shelters, Hospitals, Boarding Kennels, or Training Facilities has been expanded to require a conditional use permit when associated with outdoor activities.
- Use standards for Auto Service and Repair were modified to require service bays to face streets rather than residents.
- Use standards for Car Wash uses have been added to mitigate impacts (noise, lights, traffic, etc.) on neighboring properties.
- Use standards for Electric Generating Plants and Electric Utility Substations have been modified to provide more clarity. In reviewing the use standards, it was determined that these uses are often unique and require review based on the project and public utility specific concerns, thus it was determined that the conditional use process, already required, would be best to addresses appropriate mitigation requirements and development standards.
- Use standards for crematorium have been modified to account for new processes outlined in NRS. Per NRS 451.635, a crematorium that proposes to cremate the remains only through alkaline hydrolysis or natural organic reduction in which City Council approval is needed and written notice from the City Council to the Nevada Funeral and Cemetery Services Board consenting to the proposed location of the crematorium is required.
- Use standards for Outdoor Storage have been modified for clarity and ease of administering. Additional screening requirements have been added.

- Use standards for Warehouse or Distribution Centers have been added to mitigate impacts on neighboring properties. This includes the location of loading docks and screening requirements.
- Use standards for Drive-Through Facilities have been expanded to address vehicle stacking and screening.
- Use standards for Live Entertainment have been added to provide clarity on how measurements to and from sensitive uses are determined.
- Use standards for Open Lot Parking areas have been condensed and simplified. The existing standards have conflicting regulations for temporary parking lot requirements.
- Use standards for Stockpiling have been modified to better align with industry standards. Key differences include creating a single set of standards regardless of the zoning district, deleting requirements for noticing neighbors, limiting stockpiling activities to 12 months with a 12 month administrative extension, removing limitations on stockpile heights and removing limitations on construction hours.

Recommended Conditions of Approval: Staff recommends Planning Commission review the proposed changes and provide feedback.

Findings:

General Review Criteria: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve and application that provides a public benefit even if the development is contrary to some of the foals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed of the project, and shall not depend on subsequent phases for those improvements.

Amendments to Text of Title 18: Text amendments shall be in substantial conformance with the statement of purpose and intent for this Title, as set forth in Chapter 18.01 Article 2, *Purpose*, and the Master Plan:

- The general purpose of this Title is to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development and use of lands in Reno, while also protecting the rights of property owners. This Title also is intended to:
 - (a) Implement the policies, goals, and strategies adopted by the City of Reno, including those set forth in the Reno Master Plan and other adopted plans;
 - (b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;
 - (c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed-use, and urban character of Downtown Reno, and promote its role as regional government, civic, entertainment, and tourist center;
 - (d) Promote economic development and the improvement of property, with priority given to adaptive reuse and redevelopment projects in Downtown Reno and urban mixed-use areas;
 - (e) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
 - (f) Encourage innovative, affordable, and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
 - (g) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;
 - (h) Facilitate adequate provision of transportation, water, wastewater, electricity, gas, communications, schools, parks, trails, stormwater management, and other public requirements; and
 - (i) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

Attachments:

Exhibit A – Draft Title 18 Annexation and Land Development Code (3 7 24)

Exhibit B - Public Comment