

**PLANNING COMMISSION
STAFF REPORT**

Date: April 3, 2024

To: Reno City Planning Commission

Subject: Case No. TXT23-00005 (Title 18 Zoning Code Clean-Up) – Initial review of Reno Municipal Code Title 18 Annexation and Land Development Chapter 18.04 (Development Standards); together with matters which pertain to or are necessarily connected therewith.

From: Angela Fuss, Assistant Director of Development Services

Ward #: 1, 2, 3, 4, and 5

Case No.: TXT23-00005

Applicant: Cit of Reno

APN: N/A

Request: Review of Reno Municipal Code Title 18 Annexation and Land Development Chapter 18.04 (Development Standards) 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. Review of the proposed changes has been broken down into several Planning Commission meetings. The proposed changes identified with this staff report are related to Chapter 18.04 (Development Standards).

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: 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 of 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 Chapter 18.04 (Development Standards). 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 18.04 Development Standards:

Article 1 - Natural Resource Protection

- Changes made to floodproofing requirements to be consistent with Federal Emergency Management Agency (FEMA) definitions.
- Included verbiage to better define major drainageways that are not within a floodplain.
- Tree Protection purpose statement, applicability, and exemptions added from recent tree ordinance work. Verbiage includes a focus on increasing the tree canopy and establishing criteria for replacement of mature trees.
- Additional requirements and specificity for Feral Horse management was included to address ongoing issues, including adding a boundary that is consistent with the Nevada Department of Wildlife (NDOW). Verbiage memorializes requirements that were being included in entitlements in the affected area already, as well as additional verbiage suggested by wild horse advocates to better mitigate interface issues.

Article 3 – Grading, Erosion Prevention, and Sedimentation Control

- Wording was amended to clarify the major site plan review requirements and findings relating to grading and ensure that it was clear that the standards apply to all projects that go through a discretionary review.
- Added flexibility regarding re-vegetation after grading.

Article 4 – Hillside Development

- Added verbiage allowing the density bonus allocation found in Article 15 to be applied to hillside development projects.

Article 5 – Streets, Utilities, and Services

- Clarification added regarding timing relating to sidewalk requirements and the measurement used for sidewalk waivers.
- Allowing additional flexibility with regards to undergrounding power lines for public roadway improvements.
- The Truckee Meadows Regional Plan requires there to be a setback from designated Regional Utility Corridors and verbiage was added to address the requirement.

Article 6 – Access, Connectivity, and Circulation

- Amended the “parking area” reference to clarify that this is in reference to driveways.

- Added language to ensure consistency with Public Works and Engineering requirements and clarification regarding driveway requirements.
- Removed the requirement for alley access due to insufficient maintenance of alleys.
- Verbiage was added to support multimodal transportation with regards to Traffic Impact Analysis requirements.

Article 7 – Off-Street Parking and Loading

- Flexibility added for change of use with regards to parking requirements, as oftentimes a change of use may not require additional parking. Verbiage includes a relaxation of minimum parking with a parking demand study, which is intended to encourage adaptive reuse.
- Included specific use types in Table 4-6 to ensure consistency with Table 3-1 (Table of Allowed Uses).
- Amended the Automobile, Truck, Mobile Home, RV, Boat, and Trailer Sales or Rental use type parking requirements to be based on the building area, as it was previously more difficult to administer and apply.
- Accessible parking requirements were amended to be consistent with the building code requirements related to accessible parking. This is intended to avoid conflicts in the requirements and during the review process.
- Added bicycle parking requirements to provide a minimum for public uses, reduced the maximum requirement, and allows for bicycle parking to be reviewed on a case-by-case basis to allow for flexibility and alternatives.
- An increase to the percentages of allowed on-street parking and compact parking was included to encourage infill development.
- The excess parking requirements were removed, which will better allow for parking rates that are more dependent on market conditions.
- Included parking area construction material requirements, as it was inadvertently left out from previous code.

Article 8 – Landscaping, Buffering, Screening, and Fencing

- The landscaping requirements for existing uses were simplified to encourage updating and maintenance of buildings and sites.
- Clarified requirements or included requirements where they were unintentionally left out.
- Removed parking structure landscaping requirements to allow this use to follow the same requirements as all other structures.
- Included verbiage to prohibit spray irrigation within 18 inches of right-of-way to address pavement maintenance and runoff issues.
- With regards to screening standards, the existing table was altered to be based on use versus zoning, as utilizing zoning was difficult to implement and caused potential compatibility issues particularly in the mixed-use areas. Redlines also allowed for alternative screening and exemptions where necessary.

- Requirements for screening types were clarified and included additional clarity for the number of required bushes and increased tree frequency. Certain sections related to screening were conflicting and removed for clarity.
- The fences and walls section was reorganized to make it more comprehensible, and included more language to clarify requirements and remove contradictions including fence height conflicts, retaining wall clarification, and battery charges/electric fencing allowance was addressed per NRS.

Article 9 – Site and Building Standards for Residential Districts

- Included items that were unintentionally left out or required clarification. Additionally, inconsistencies were removed including those with regards to Public Works standards.
- Language altered to allow for more than one driveway in cases where requirements can still be met, consistent with the Public Works Design Manual.
- Additional flexibility with regards to front yard setbacks for infill lots was included.
- To increase compatibility between residential uses and adjacent buildings with regards to height, “Stepback” requirements were clarified, as they were difficult to administer.
- Large vehicle parking requirements were unclear, and clarification was added to better define which vehicles would be subject to the requirements.

Article 10 – Site and Building Standards for Mixed Use Districts

- Requirements for minimum densities and floor area ratios are often difficult to meet and hinder development in areas we desire development. Additional language included regarding the modification of the standards through a minor site plan review will enable staff to review appropriate densities and intensities when necessary.
- Building height and access standards were clarified for the Downtown Riverwalk District.

Article 11 – Site and Building Standards for Nonresidential Districts

- Duplicative truck loading standards were removed, as they are addressed more in detail in other portions of the development code.
- Screening requirements for trash and loading areas were removed from this section of code, as they are addressed more appropriately in the screening section.
- Removed requirements for parking structures in an attempt not to over-regulate and make parking structures more expensive, as they are desired over large open lots. Structures must still follow building articulation, and pedestrian amenity requirements in certain districts.
- Verbiage addition allows for modification of loading dock screening standards through minor site plan review process.

Article 12 – Improvement Standards for New Development

- No substantive changes were made.

Article 13 – Exterior Lighting

- Amended and clarified the threshold for exterior lighting requirements.
- Standards were generally reorganized, unnecessary language was removed and condensed for ease of understanding.
- Removed the regulation for lumens, as this is not something that can be enforced since we do not have the equipment to measure. Two lighting related measurement types are still required: foot candles measure the amount of spillover lighting at property lines, and Kelvins measure the temperature (warm white versus cool white) of lighting which can have a direct effect on perceived brightness.
- Spillover requirements were expanded to all properties versus only when adjacent to residential properties.
- Verbiage included regarding light fixtures within 100 feet of a residentially zoned property or within a residential zone to not exceed 18 feet in height was included to better protect residential properties from light pollution.

Article 14 – Residential Adjacency

- The applicability with regards to residential adjacency requirements was expanded to include nonresidential development on properties within a larger distance from residential zoning districts, in an effort to better address compatibility issues. Verbiage was also added to address an existing exemption for properties and clarify that they must be less than 35 feet in height and separated by residentially zoned property or a freeway.
- Verbiage regarding drive-through use was removed, as it is addressed more specifically in the drive-through use additional standards.
- Clarification was included regarding illumination of signs.
- Spillover lighting was removed from this section, as it is addressed in the amended Exterior Lighting section of code.

Article 15 – Housing

- Currently, all new residential and mixed-use development must be in conformance with this article and with applicable City codes. Verbiage added to clarify that this also applies to existing development that adds new units.

Article 16 – Skyways

- Updated skyway standards to reflect modern application practices.

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 13 24)

Exhibit B - Public Comment