

STAFF REPORT

Date: August 28, 2024

To: Mayor and City Council

Through: Jackie Bryant, Interim City Manager

Subject: Staff Report (For Possible Action): Case No. TXT23-00005 (Title 18 Zoning Code Clean-Up) – Presentation, discussion, and potential direction to staff regarding TXT23-00005 Reno Municipal Code (RMC) Title 18 Annexation and Land Development to address clean-up refinements including grammatical errors, inconsistencies with regulations and unintended deletions or insertions, together with matters which pertain to or are necessarily connected therewith.

From: Angela Fuss, Assistant Director of Development Services

Department: Development Services

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, 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 (TAC) and through a series of stakeholder meetings, public outreach meetings, and with the Planning Commission. Prior to moving forward with a formal final draft, staff is seeking input from Council on the proposed changes. Upon feedback from Council, staff will prepare a draft ordinance for review by the Planning Commission and ultimately for approval by Council. Staff recommends Council review the proposed changes and provide feedback.

Alignment with Strategic Plan:

Economic and Community Development

Infrastructure, Climate Change, and Environmental Sustainability

Previous Council Action:

June 8, 2022 – Council initiated a text amendment to update the zoning code to address the clean-up items.

January 13, 2021 – Council adopted Ordinance #6587 – Title 18 Annexation and Land Development Code of the City of Reno.

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, Council initiated a text amendment to address the code 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 TAC meetings, where the proposed code clean-up edits were discussed. A group of 29 individuals were identified to serve on the TAC. The composition of the committee was based on individuals who 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, and the draft document was then sent out for public review and feedback.

Between October and 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.

During March/April 2023, three workshops were held with the Planning Commission to go over redline changes and seek feedback.

The full Title 18 document containing redline changes with annotations is included for review. A separate spreadsheet is also attached that summarizes the changes and notes why they were made. Staff is seeking input from Council on the entire redline Title 18 document. In addition, the

table below outlines several of the specific topics or policy issues that staff is seeking feedback on from Council. The next steps will be to incorporate Council feedback and then move the text amendment forward as an ordinance for the Planning Commission to review and recommend to Council.

Topic	Reason for the Discussion	Direction Needed from Council
Expand where tattoo parlors are allowed	Tattoo parlors are currently a separate use in the Title 18 Use Table. Based on public feedback and discussion by the Planning Commission, there is interest in modifying the definition of Personal Service and allowing tattoo parlors in more zoning districts. The Personal Service use category currently allows for a mix of businesses including barber/beauty salons, massage parlors, shoe repair, copy centers, house cleaning services, psychics, etc.	Seeking direction from Council to add tattoo parlors to the definition of Personal Service, which could expand the zoning districts where a tattoo parlor business could be located.
Updates to tree protection standards	The proposed staff changes are based on the previous Tree Ordinance discussions that took place with the Urban Forestry Commission. The changes are specific to the items that were not contentious and are intended to provide clarification and more specificity on when tree protection standards are applicable. A summary of the proposed changes includes:	Seeking direction from Council to modify the tree protection standards.

	<ul style="list-style-type: none">• Addition of a purpose statement, applicability, and exemptions to the Tree Protection section of Reno Municipal Code (RMC).• Clarified that tree protection standards (construction and lands disturbing activities) apply to on-site private trees with a minimum caliper size of 2 ½ inches. Specifically, all trees measuring larger than 2 ½ inches in size are to be shown on building permit drawings and identified as either staying or being removed. For trees that are to be saved, the construction drawings shall identify how they will be protected during grading/construction activities. It should be noted that only trees located either within the front building setback area or with the public right-of-way are subject to a tree penalty if removed. Any trees located outside of this area would not be subject to the tree penalty requirements.• The following tree protection exemptions have been added:<ul style="list-style-type: none">(1) Individual single-family or duplex homes or lots in any zoning district	
--	---	--

	<p>(2) Vegetation thinning or removal required as part of a Reno Fire Department-approved defensible space plan in high or extreme fire risk Wildland-Urban Interface (WUI) areas</p> <p>(3) Trees that present an imminent safety threat, including to overhead power lines</p> <p>(4) Trees that have been deemed a public nuisance and that the Urban Forester has ordered removed per RMC 8.32.140</p> <p>(5) Trees on the city’s prohibited tree species list</p> <ul style="list-style-type: none"> • Created a table with examples of how to calculate tree credits. • Added language that says no protected tree shall be damaged or pruned in a manner that impairs the health of the tree. 	
<p>Update standards to require a Conditional Use Permit for all new schools with more than 400 students</p>	<p>The current zoning code regulations allow for schools in most zoning districts with the approval of a Minor Conditional Use Permit, which is only reviewed by staff. The proposed changes would modify the standards to require approval of a Conditional Use Permit for all schools exceeding 400 students. This would require review and approval by the Planning Commission.</p>	<p>Seeking feedback from Council on requiring a Conditional Use Permit for all schools that exceed 400 students.</p>
<p>Update standards to</p>	<p>The current zoning code regulations allow certain types of industrial uses,</p>	<p>Seeking feedback from Council on requiring a Conditional Use</p>

require a Conditional Use Permit for all industrials operations that want to operate between the hours of 11 p.m. and 6 a.m.	such as warehouse and distribution operations to operate 24 hours a day. Proposed changes would trigger a Conditional Use Permit and approval by the Planning Commission if they wanted to operate between 11 p.m. and 6 a.m. This is based on challenges when residential development is located next to warehouses that operate with trucks coming and going all night.	Permit for warehousing/distribution types of uses that want to operate past 11 p.m.
Update requirements for the protection of neighborhoods	As the City continues to grow, infill development continues to be a priority, as outlined in the Master Plan. Several changes are proposed to the zoning code to better protect existing neighborhoods from new development.	Seeking feedback from Council on increased regulations for the protection of neighborhoods including setback requirements, added compatibility regulations, and additional use standards for more intense uses when adjacent to residential development.
Creation of a downtown noise ordinance	Residents living in downtown Reno have expressed concerns with the noise levels in downtown Reno. This includes noise from crowds, bars, nightclubs, outdoor concerts, stereos, vehicles/motorcycles, and generally intoxicated individuals.	Seeking direction from Council if they would like to move forward with a noise ordinance specific to downtown Reno. This would need to be formally initiated at a future Council meeting and processed as a separate text amendment.

Financial Implications:

None at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council provide feedback and direction regarding the proposed changes to TXT23-00005 (Title 18 – Zoning Code Clean-Up).

Proposed Motion:

I move to direct staff to move forward with the text amendment based on feedback from Council.

Attachments:

Exhibit A – Summary of Title 18 Proposed Changes and Reason for Recommendation

Exhibit B – Title 18 Redline Document