



**PLANNING COMMISSION AGENDA
REGULAR MEETING**

**LARGE CONFERENCE ROOM, 401 CALIFORNIA AVENUE,
BOULDER CITY NV 89005**

**Wednesday
March 20, 2019 – 7:00 PM**

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. EACH PERSON HAS UP TO FIVE MINUTES TO SPEAK. IF AN AGENDA ITEM IS ALSO LISTED AS A PUBLIC HEARING, PERSONS MAY WAIT TO SPEAK UNTIL THAT PARTICULAR ITEM.

AGENDA

1. For possible action: Approval of the Minutes of the January 16, 2019 regular meeting
2. For possible action: Discussion on approaches to amending the various standards in Title 11 related to multi-family development and planned unit developments (PUDs)
3. Monthly Progress Report on Development Allotments
4. Public Comment

No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to five minutes to speak at the discretion of the Chair. Comments made during the Public Comment period of the agenda may be on any subject. All remarks shall be addressed to the Planning Commission as a whole, not to any individual member of the Planning Commission, of the audience, or of the City staff. There shall be no personal attacks against the Chair, members of the Planning Commission, the City staff, or any other individual. No person, other than members of the Planning Commission and the person who has the floor, shall be permitted to enter into any

discussion, either directly or through a member of the Planning Commission without the permission of the Chair or Presiding Officer.

All decisions for action items on this agenda are final by the Planning Commission, unless they are recommendations to the City Council, or appealed to the City Council. Appeals must be filed within seven (7) calendar days of the decision in accordance with Chapter 11-34 of the Boulder City Code.

Supporting material is on file and is available for public inspection at the City Clerk's Office, 401 California Avenue, Boulder City, Nevada 89005 and the Boulder City website at www.bcnv.org, as per NRS 241. To request supporting material, please contact the City Clerk Lorene Krumm at (702) 293-9208 or lkrumm@bcnv.org.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Clerk by telephoning (702) 293-9208 at least seventy-two hours in advance of the meeting.

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at the following locations:

Boulder City Hall, 401 California Avenue
United States Post Office, 1101 Colorado Street
Boulder City Senior Center, 813 Arizona Street
Boulder City Parks & Recreation, 900 Arizona Street
www.bcnv.org
<https://notice.nv.gov/>

Item 1 - Minutes

SUBJECT:

For possible action: Approval of the Minutes of the January 16, 2019 regular meeting

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
☐ Minutes	Backup Material

DRAFT

PLANNING COMMISSION REGULAR MEETING
 January 16, 2019
 (Agenda previously posted in accordance with NRS 241.020.3(a))

CALL TO ORDER

The regular meeting of the Boulder City Planning Commission was called to order by Chairman McDonald at 7:00 p.m. Wednesday, January 16, 2019, in the Council Chamber, City Hall, 401 California Avenue, Boulder City, Nevada, in accordance with the Commission's Rules of Procedure, with the following members present:

Present: Chairman Fritz McDonald
 Commissioner Ernest Biacsi
 Commissioner Cokie Booth
 Commissioner Nate Lasoff
 Commissioner Paul Matuska
 Commissioner Steve Rudd
 Commissioner Steve Walton

Absent: None

Also present: City Planner Susan Danielewicz
 Community Development Director Michael Mays
 Deputy City Clerk Tami McKay

PLEDGE OF ALLEGIANCE

Chairman McDonald welcomed new commissioner, Steve Rudd.

PUBLIC COMMENT

Chairman McDonald noted this was the public comment period for matters pertaining to the agenda. No comments were offered.

1. For possible action: Election of Officers

A staff report had been submitted by City Planner Susan Danielewicz and included in the agenda packet.

Member Booth nominated Member McDonald as Chairman.

Member Lasoff nominated Member Booth as Vice Chairman.

No further nominations were offered.

Member McDonald elected Chairman and Member Booth elected Vice Chairman by acclamation.

2. For possible action: Approval of the Minutes of the December 19, 2018 regular meeting.

Motion: Approve the Minutes.

Moved by: Member Biacsi

Seconded by: Member Booth

Vote:

AYE: Chairman Fritz McDonald, Member Cokie Booth, Member Ernest Biacsi, Member Nate Lasoff, Member Paul Matuska, Member Steve Rudd, Member Steve Walton (7)

NAY: None (0)

Absent: None (0)

The motion was approved.

3. For possible action: AM-19-338 – Resolution No. 1172 – City of Boulder City: A public hearing and recommendation to the City Council on an application to amend Title 11, Chapter 27 of the City Code, Historic Resources, for changes relative to the Certified Local Government program

A staff report had been submitted by City Planner Susan Danielewicz and included in the agenda packet.

City Planner Danielewicz provided a brief explanation about the proposed amendment to the Historic Resources zoning chapter so the City can be eligible for the Certified Local Government (CLG) program. She noted CLG was a partnership program between the National Park Service (NPS), State Historic Preservation Offices (SHPO), and local governments to support local historic preservation programs. She noted CLG status would open up grant opportunities through the Nevada SHPO for many preservation activities. She noted very minimal text amendments were required in order to comply with the CLG requirements.

In response to questions by Chairman McDonald, City Planner Danielewicz replied that there were no impacts to Boulder City by not having automatic designation of federal listings to the local registry, as the City's code has a separate designation process. She noted local governments would be notified of properties nominated to the national register. She also noted maintaining a five-member Historic Preservation Committee had never been an issue.

In response to Chairman McDonald, City Planner Danielewicz said the SHPO responded verbally and in writing that "voluntary" language included in the Boulder City Code for compliance with the Secretary of the Interior's (SOI) standards was not an issue. She

said it was made clear that compliance did not have to be mandatory. She said if desired, mandatory language could be added at a later time.

Member Booth thanked Member Rudd for the pertinent questions he submitted to City Planner Danielewicz via email. She said the answers had been informative.

Member Rudd read aloud the questions and answers for the benefit of the audience. (The hand-out was added to the agenda packet in the City's repository.)

Member Walton asked if SHPO grant funds were considered federal money which require compliance with the SOI standards?

City Planner Danielewicz said it was dependent upon how the funds were used. She said if funds were used for physical rehabilitation, it would require following federal regulations. She said if the funds were used for things such as updating the current inventory, training or consultants, it would be considered administrative in nature which wouldn't trigger the SOI rehabilitation standards.

Member Walton said the Certified Local Government Program was a fantastic idea. He suggested the public become aware of the process.

Member Matuska asked if the City was willing to meet potential dollar matching requirements?

Community Development Mays said he did not foresee any problems and it would be addressed in the Strategic Plan.

Chairman McDonald asked if any projects have been identified if the CLG status is approved?

Community Development Director Mays said initial funds would likely be used for updating the 1983 survey and to provide training opportunities for staff.

Member Biacsi asked if the SHPO would monitor the work?

City Planner Danielewicz said most grants are based on a reimbursement basis, so the projects are not typically monitored during the process.

In response to Member Rudd, City Planner Danielewicz said staff would prepare the grant applications.

Member Booth said with respect to the historic preservation survey, she said it was easy to answer "agree" to everything. Other questions she would like asked about making the historic code stronger were: how would that affect costs to owners, and how willing are the people in the historic district to go along with it?

Chairman McDonald noted this was the time and place scheduled to conduct a public hearing and asked for public input.

Judy Dechaine said she hoped the Commission would approve the resolution and forward the recommendation to the City Council. She said the CLG program had been talked about for a long time by the Historic Preservation Committee and it was much needed.

Alan Goya said the survey was originally completed in 1983 and had never been updated. He said it was important to know what the City has so they don't lose anymore historic properties. He said the Historic Preservation Committee and Planning Commission will work together to ensure its success. He said participation will be key when reviewing the history of the ordinances pertaining to historic preservation. He said he was looking forward to solutions.

James Adams spoke in favor of the CLG program and said it's a great first step. He said preservation was part of the City's Strategic Plan which is a win-win. He said preserving history was important.

Glenn Feyen said he concurs with previous comments. He said it was a great first step to show they want to protect the City's history.

Neal Siniakin said all of the comments about the CLG program have been positive. He said he had talked to someone with the SHPO one year ago and they said they didn't know why it hadn't been done earlier. He said the biggest urgency was the old Water and Power building and the Water Filtration Plant. He said funding should not be used for training. He said he was amazed the City had not applied for CLG status earlier.

No further comments were offered and the hearing was declared closed.

Motion: Approve Resolution No. 1172.

Moved by: Member McDonald

Seconded by: Member Lasoff

Vote:

AYE: Chairman Fritz McDonald, Member Cokie Booth, Member Ernest Biacsi, Member Nate Lasoff, Member Paul Matuska, Member Steve Rudd, Member Steve Walton (7)

NAY: None (0)

Absent: None (0)

The motion was approved.

4. Monthly Progress Report on Development Allotments

A staff report had been submitted by City Planner Susan Danielewicz and included in the agenda packet.

No comments.

5. Public Comment

Glenn Feyen thanked the Commission for their vote tonight and for recommending against the Land Management Plan request at its previous meeting.

Alan Goya thanked the Commissioners, noting that pursuing CLG status was the first priority of the Historic Preservation Committee.

Kiernan McManus said he was speaking as a resident and not as a Council member. He also stated Alan Goya had spoken as a resident and not as the Chairman of the Historic Preservation Committee. He said there had been comments that the survey was not scientific, but the survey results were very clear. He said the survey process had taken more than 2 years to develop and complete. He said it was important that the Planning Commission consider the comments of the community and not just their own opinions. He said he was happy it was moving forward.

Neal Siniakin said someone could be hired to write grants or the City could ask Brok Armantrout to do it because he was previously in charge of writing grants.

There being no further public comments, Chairman McDonald adjourned the meeting at 7:41p.m.

Frederick McDonald, Chairman

ATTEST: _____
Tami McKay, Deputy City Clerk

Minutes Approved: _____

Item 2 - Multi-family discussion

SUBJECT:

For possible action: Discussion on approaches to amending the various standards in Title 11 related to multi-family development and planned unit developments (PUDs)

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
Item 2 report	Cover Memo
Attachment 1 - R3 code	Backup Material
Attachment 2 - PUD code	Backup Material
Attachment 3 - examples	Backup Material
blank page	Backup Material



Agenda Item No. 2 Planning Commission Meeting March 20, 2019

Staff Report

BOULDER CITY
PLANNING COMMISSION

CHAIRMAN:
FRITZ MCDONALD

MEMBERS:
ERNEST BIACSI
COKIE BOOTH
NATE LASOFF
PAUL MATUSKA
STEVE RUDD
STEVE WALTON

TO: Planning Commission

FROM: Susan Danielewicz, City Planner
Community Development Department

DATE: March 14, 2019

SUBJECT: Discussion on approaches to amending the various standards in Title 11 related to multi-family development and planned unit developments (PUDs)



MEETING LOCATION:
COUNCIL CHAMBERS
401 CALIFORNIA AVENUE
BOULDER CITY, NV 89005

Action Requested: That the Planning Commission discuss this item and provide input to staff.

WEBPAGE:
WWW.BCNV.ORG

Information: As the Commission is aware, the City’s zoning chapter for “R3” multi-family development (Ch. 11-5, Attachment 1) is inadequate in that it doesn’t address certain types of attached housing. While it works for multiple units on the same property (apartments and condominiums), it doesn’t work when attached units are on separate lots (townhomes). For the two most recent townhome projects, multiple variances for lot area, lot width and setbacks were needed, whereas those variances would not have been necessary if the same project were condos or apartments instead.



CITY MANAGER:
ALFONSO NOYOLA, ICMA-CM

DEPUTY CITY CLERK:
TAMI MCKAY, CMC, CPO

COMMUNITY DEVELOPMENT
DIRECTOR:
MICHAEL MAYS, AICP

CITY PLANNER:
SUSAN DANIELEWICZ, AICP

On a related matter, the City has a zoning chapter for planned unit developments (PUDs) as an overlay zone (Ch. 11-26, Attachment 2). The intent of PUD regulations is to offer flexibility in certain zoning standards (dimensions as well as uses) in exchange for benefits such as common open space, or simply in order to achieve a better product and design as compared to rigid adherence to code requirements. PUDs are a common feature in many codes and also reduce the need for variances. In Boulder City PUDs have been used in single-family and mobile home estate zones, in addition to the R3 zone. However, this chapter has aspects which are also in need of amendment.

Types / History: To summarize the typical forms of multi-family ownership:

- Apartments are rented by tenants; all units are on a single property owned by a landlord. For zoning purposes, setbacks are measured to

boundary property lines. Buildings contain multiple units, and there are minimum distances between buildings.

- Condominium *units* are individually owned; all *land* is commonly owned and under the control of a homeowners' association (all owners have an "undivided interest in common" in the land). However, "exclusive use" areas (whether balconies or yard areas) can be assigned on a subdivision map to specific units. Depending on the design of the development, the "exclusive use" yard areas associated with a unit can be enclosed yards, similar to those for single-family homes. Units are typically attached, but can also be detached. Because the ownership of each unit is legally separate from ownership of the land, units can be on top of each other, in addition to detached or side-by-side. Condominiums can be applied to any type of development – housing, storage units, boat slips, and so on. (This is why it's said that condos are a form of ownership, not a particular building style.) For zoning purposes, setbacks (unless specified otherwise) are measured to boundary property lines because the land is legally one parcel. Buildings can contain one or more units, and there are minimum distances between buildings.
- Townhomes are individually owned; each unit is on its own lot. Homes are typically attached, but can also be detached. Because each unit is on its own lot, townhomes can only be side-by-side or detached. For zoning purposes, setbacks and distances between buildings *should* be the same as for condominiums, and not measured to the lot lines between attached units. (Many condo developments are designed with side-by-side units so they appear to be townhomes. There shouldn't be different zoning requirements because one development is legally a condo instead of a townhome.) The current R3 chapter does not technically allow for this.

In reviewing State law (Nevada Revised Statutes), condominiums were originally the only legal option for people to own an individual multi-family unit (for units on top of each other), per Chapter 117 established in 1963. In 1991 NRS Chapter 116 was adopted (Uniform Common-Interest Ownership Act), which allows for any type of common-interest ownership community. However, townhome communities were in existence prior to 1991, simply approved per NRS as a standard subdivision with individual lots. (Whether units are attached at the sides is not an NRS mapping issue; it is a local zoning issue.)

Not all R3 developments are in subdivisions; apartments are typically on a single unsubdivided property. If an apartment complex is at or under the R3 density allowed by right, the only matter that would come to the Planning Commission and City Council would be the allotment request under the growth control ordinance. Under the current R3 code, the allowed "by right" density is under 11 units per net acre; a conditional use permit (CUP) is required for higher density up to the maximum permitted (currently 17.4 units per acre). Some older projects have higher densities, as the code used to allow this.

There are many multi-family development styles in Boulder City, approved under different mechanisms:

- Traditional apartment complexes (e.g. Cherry Lynn, Casa de Alicia) – no subdivision map required

- Traditional condominium developments, in attached-unit, apartment-style multi-family buildings (e.g. Boulder Square, Boulder Hills, Spanish Steps)
- Condominiums in a townhome side-by-side style without private enclosed yards (e.g. Lakeview Terrace)
- Condominiums in a townhome side-by-side style with private enclosed side/rear yards (e.g. Regatta Pointe)
- Condominiums in a townhome cluster style with private enclosed yards (e.g. La Dolce Vita)
- Condominiums with detached units and private enclosed side/rear yards (e.g. Key Largo, Summer Shores/Water's Edge)
- Townhomes with attached units as part of a single-family PUD and extensive common areas (e.g. Laketree, Lake Terrace No. 1)
- Townhomes with attached units and private enclosed side/rear yards but less common area, approved as part of a PUD with a variance from minimum PUD size but no other lot dimension/interior setback variances (e.g. Villa Florence)
- Townhomes with attached units and private enclosed side/rear yards but less common area, not within a PUD or condo so lot dimension/setback variances were required (e.g. The Cottages)
- Townhomes with detached units, private enclosed side/rear yards and no other common area, RV parking on individual lots (e.g. Briar Stone). The interpretation at the time was to treat lot dimensions/setbacks like condos, so variances were not required.
- Townhomes utilizing attached duplexes with each unit on its own lot, private enclosed side/rear yards and no other common area; variances obtained for lot/setback dimensions and no RV parking (e.g. Our Place at Cottonwood)

Refer to the attached table (Attachment 3) for a similar comparative list, with locations listed in case Commissioners would like to drive by. (The table has some of the communities above, in addition to other communities.)

Code Issues: Regarding code requirements, there are various issues to be addressed, affecting various chapters including parking and landscaping:

- As noted, the R3 chapter doesn't adequately address townhome and detached condo developments properly. Townhomes are affected by "lot" area, width, setback and other requirements which apply legally as if the lots were in a single-family subdivision, and which are inappropriate for a multi-family density project. Although condos aren't affected the same way (there are no lots), and there is a 'front' setback requirement of 15' to private streets, the code is subject to interpretation as to where setbacks are or should be measured to (external property lines or to boundaries of exclusive use yard areas).
- The code doesn't distinguish whether "open space" must be within common areas of the community or whether it can be within private yard areas. As a result, there are examples in the City which have one or the other, and some with both.
- The R3 standards in the landscape chapter are written to address typical multi-family buildings only, and do not accommodate townhome or detached condo developments properly. Example: the code requires the 'minimum front yard' of 15' to be landscaped. The definition of front yard applies to lot lines, which doesn't apply to condos. Even if the code is amended to clarify that there be a

15' landscaped yard between the home and a public or private, internal or external street, the code wouldn't prevent a developer or owner from enclosing that 'front' yard with a fence or wall, making it a private yard area. This may or may not be acceptable, and may depend on whether there is a requirement for a certain amount of landscaped open space or other amenities.

- The code should address minimum setbacks to internal streets, regardless of whether there is a property line at the front of the internal street. At a minimum, garages which front onto internal streets should have a 20' setback, but allowing less area for the remainder of the front yard may be desired. (The current R3 front setback to property lines is 15'.) Depending on the building design and layout, not all units "face" the internal street, so setbacks of less than 15' can also be found (e.g. The Cottages with variances, or some condo projects which didn't need variances).
- The code needs to require guest parking spaces, including handicap spaces, for R3 developments. It is necessary for developments with open parking lots as well as projects where each unit has its own garage. However, guest parking may not necessarily be needed if there is a full-depth driveway pad in front of each garage, similar to a single-family neighborhood. In that case the difference may depend on whether parking is allowed or prohibited on internal streets, which is dependent on whether private streets are approved and at what width.

Regarding the PUD chapter, Sec. 11-26-5 allows flexibility regarding dwelling unit size, density, yard spaces, building height and distance between buildings, but still requires that the standards "in the aggregate, be at least equivalent to the requirements prescribed by the regulations of the underlying zone." While this seems reasonable, there are some aspects that should be discussed to determine if they should remain or be changed:

- The code doesn't specify any minimum or maximum thresholds. For example, if the underlying zone is R1-7, can some lots be only 2,500 s.f. in size as long as the average is 7,000 s.f.? Does it matter, considering the overall design is evaluated by the Planning Commission and City Council for approval? The purpose of a PUD is to allow for flexibility and more innovative project design, including providing for a variety of housing types. However, some PUD regulations have thresholds such as "not to exceed X% above or below the minimum/maximum."
- Even though the code language states that density can be varied, in reality density cannot exceed the maximum for the underlying zone, as the code specifies that "in the aggregate" the standards must comply with the underlying zone. Given that the code requires a minimum of 15% of the project to be in common open space, this could be perceived as a detriment if some other benefit (typically a slight increase in density) is not offered as an inducement to encourage PUDs. Alternatively, it can be argued that the flexibility in lot width, size and other factors is enough of an inducement to counteract the open space requirement. The question is whether a developer finds it more appealing to provide the open space vs. seeking variances for a non-PUD.
- The minimum site area for a PUD is 40 acres. The City may wish to amend this to allow PUDs on smaller sites. At least one variance has been granted from this requirement (Villa Florence), but a prior version of the code required a 15 acre minimum site area.

Questions: To guide staff on how to proceed with proposed amendments, staff has the following questions of the Commissioners:

1. Based on existing multi-family development in Boulder City, what design elements do you see as positive?
2. Should City staff explore proposed changes to the PUD chapter to allow for greater flexibility in multi-family design?
3. What elements would you like to see incorporated into the R3 district requirements?

Attachments:

Attachment 1: Existing R3 chapter, 11-5

Attachment 2: Existing PUD chapter, 11-26

Attachment 3: Sample table of info for MF communities

CHAPTER 11-5

(Updated 12/02/2010)

"R3" MULTIPLE-FAMILY RESIDENTIAL ZONE

11-5-1	SCOPE
11-5-2	PURPOSE
11-5-3	PERMITTED USES
11-5-4	CONDITIONAL USES
11-5-5	MINIMUM LOT SPACE REQUIREMENTS
11-5-6	MINIMUM LOT AREA PER DWELLING UNIT
11-5-7	MINIMUM DWELLING UNIT SIZE
11-5-8	MINIMUM YARD SPACE REQUIREMENTS
11-5-9	HEIGHT AND BULK REQUIREMENTS
11-5-10	VEHICLE PARKING
11-5-11	SIGNS
11-5-12	LANDSCAPING
11-5-13	GENERAL PROVISIONS RELATING TO USES; YARD REGULATIONS; WALLS, FENCES AND HEDGES; VISION, CORNER LOTS; LOT AREA REDUCTION; AND STRUCTURES PERMITTED ABOVE HEIGHT LIMIT
11-5-14	SUBSTANDARD LOTS OF RECORD
11-5-15	GATED COMMUNITIES PROHIBITED

11-5-1 SCOPE

The following regulations shall apply to the "R3" Multiple-Family Residential Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-5-2 PURPOSE

The "R3" district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate, by location and character, for occupancy by low or high-density, multi-family dwellings. (Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-3 PERMITTED USES

- A. Any use permitted in the "R1" Single-Family Residential Zone.
- B. Two-family dwellings: (Ord. 841, 2-23-1988, eff. 3-23-1988).
- C. Multiple-family dwellings when the proposed density is less than eleven (11) units per net acre (excluding areas within overhead utility easements). (Ord. 874, 8-28-1990, eff. 9-19-1990).
- D. Dwelling groups. (Ord. 841, 2-23-1988, eff. 3-23-1988)
- E. Temporary subdivision tract offices, if located on the same property as the subdivision. Such use shall be required to comply with all applicable State and local laws and regulations, including but not limited to the following:
 1. The unit must be a commercial coach approved by the State of Nevada and the City.
 2. The unit shall be connected to all available utilities including, but not limited to, public water, sewer and electricity.
 3. The site of the temporary use shall be landscaped in accordance with the provisions of Chapter 11-25.
 4. Off-street parking shall be provided in accordance with the provisions of Chapter 11-23.

5.
 - a. The use shall be approved for one (1) year from the date of issuance of a State of Nevada State Safety Certificate for Mobile Home Installation by the City Building Official or until the lot upon which the unit is placed is sold or developed, or the remainder of the lots in the subdivision are sold, whichever is sooner.
 - b. No more than two (2) extensions of the time period may be granted by the Building Official. Any additional applications for extensions of the time period shall be considered and acted upon by the Planning Commission under the provisions of Section 11-4-4(I) as a Conditional Use. (added Ord. 973, 11-14-1995, eff. 12-6-1995)

F. Accessory uses and structures customarily incidental to any permitted residential use. Accessory buildings shall be subject to the provisions as set forth in Section 11-20-2(B) of this Title. (added Ord. 973, 11-14-1995, eff. 12-6-1995)

G. Community residences for people with disabilities provided (1) they are located more than 660 linear feet from the closest existing community residence as measured from front door to front door and (2) the operator or applicant is licensed or certified by the State of Nevada to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. (added Ord. 1422, 11-09-2010, eff. 12-02-2010)

11-5-4 CONDITIONAL USES

The following uses are subject to a conditional use permit, as provided in Chapter 30 of this Title.

- A. Public and quasi-public buildings and uses;
- B. Private schools;
- C. Uses of an educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards, warehouses or vocational schools that require mechanical operations. (Ord. 973, 11-14-1995, eff. 12-6-1995)
- D. Public and private recreational areas and facilities, such as country clubs, golf courses and swimming pools.
- E. Social halls, lodges, fraternal organizations and clubs, except those operated for a profit.
- F. Rest homes.
- G. Boarding or rooming houses.
- H. Multiple-family dwellings with neighborhood-type service facilities designed for the use of the inhabitants and not the general public. (Ord. 874, 8-28-1990, eff. 9-19-1990)
- I. Temporary subdivision tract offices, if not located on the same property as the subdivision for which the office is requested, or if more than two (2) extensions of the time period have been granted by the Building Official pursuant to the provisions of Section 11-4-3(E) as a Permitted Use. (Ord. 973, 11-14-1995, eff. 12-6-1995)
- J. Multiple-family dwellings when the proposed density is eleven (11) units or greater per net acre (excluding areas within overhead utility easements). (Ord. 874, 8-28-1990, eff. 9-19-1990).
- K. Community residences for people with disabilities proposed to be located within 660 linear feet of the closest existing community residence as measured from front door to front door.

L. Community residences for people with disabilities for which a license or certification by the State of Nevada is not required, for which certification from an appropriate national accrediting agency is not required, or which has not been recognized nor sanctioned by Congress. (added Ord. 1422, 11-09-2010, eff. 12-02-2010)

11-5-5 MINIMUM LOT SPACE REQUIREMENTS

- A. Lot Area:
- | | |
|----------------------------|--------------------|
| 1. Single-family dwellings | 7,000 square feet |
| 2. Two-family dwellings | 8,000 square feet |
| 3. Other permitted uses | 10,000 square feet |
- B. Lot Width:
- | | |
|-----------------|---------|
| 1. Interior Lot | 70 feet |
| 2. Corner Lot | 75 feet |
- C. Lot Depth: None shall be less than one hundred feet (100').

11-5-6 MINIMUM LOT AREA PER DWELLING UNIT

- A. The minimum lot area for each single-family dwelling shall be seven thousand (7,000) square feet.
- B. The minimum lot area for each dwelling unit in a two-family dwelling shall be four thousand (4,000) square feet.
- C. The minimum lot area for each dwelling unit in a multiple-family dwelling or dwelling group shall be two thousand five hundred (2,500) square feet, excluding that area within any overhead utility easement.

11-5-7 MINIMUM DWELLING UNIT SIZE

- A. One thousand (1,000) square feet for each single-family dwelling, exclusive of garages, porches, eaves or similar features.
- B. Eight hundred (800) square feet for each dwelling unit in a two-family dwelling, exclusive of garages, porches, eaves or similar features.
- C. Six hundred (600) square feet for each dwelling unit in a multiple-family dwelling or dwelling group, exclusive of garages, porches, eaves or similar features. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-5-8 MINIMUM YARD SPACE REQUIREMENTS

- A. Front Yard: The minimum front yard shall be fifteen feet (15'). This requirement shall also apply to private streets and shall be measured from the back of the curb or edge of the roadway. (Ord. 973, 11-14-1995, eff. 12-6-1995)
- B. Side Yard:
1. Interior Lots: There shall be two (2) side yards totaling twenty feet (20') with a six foot (6') minimum on one side. (Ord. 841, 2-23-1988, eff. 3-23-1988)

2. Corner Lot:

- a. Side yard abutting the street: Fifteen feet (15'). (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)
- b. Interior side yard: Six feet (6') (Ord. 841, 2-23-1988, eff. 3-23-1988).

3. Exceptions: On any residential lot recorded prior to the effective date of Ordinance 841 (March 23, 1988), the minimum side yard setbacks are reduced to the following:

- a. Interior Lot: There shall be two (2) side yards totaling twenty feet (20') with a five foot (5') minimum on one side. (Ord. 841, 2-23-1988, eff. 3-23-1988)

b. Corner Lot:

- 1. Side yard abutting the street: Fifteen feet (15'). (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)
- 2. Interior side yard: Five feet (5'). (Ord. 912, 1-26-1993, eff. 2-17-1993)

C. Rear Yard: Twenty feet (20'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

D. Additional setback information relating to accessory buildings, uncovered porches, attached patio covers, carports, etc.: Subject to the provisions as set forth in Chapter 20 of this Title. (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-9 HEIGHT AND BULK REQUIREMENTS

- A. Structure Height: The height of a structure shall not exceed twenty-five feet (25').
- B. Number of Stories: The number of stories in a building shall not exceed two (2) stories.
- C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Distance Between Buildings: The minimum distance between buildings on the same lot shall be twelve feet (12'). (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-5-10 VEHICLE PARKING

Off-street parking spaces shall be provided in accordance with the provisions of Chapter 23 of this Title. (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-11 SIGNS

Subject to the provisions as set forth in Chapter 24 of this Title. (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-12 LANDSCAPING

Subject to the provisions as set forth in Chapter 25 of this Title. (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-13 GENERAL PROVISIONS RELATING TO USES; YARD REGULATIONS; WALLS, FENCES AND HEDGES; VISION, CORNER LOTS; LOT AREA REDUCTION; AND STRUCTURES PERMITTED ABOVE HEIGHT LIMIT

Subject to the provisions as set forth in Chapter 20 of this Title. (Amend Ord. 973, 11-14-1995, eff. 12-6-1995)

11-5-14 SUBSTANDARD LOTS OF RECORD

When a lot has an area, width or depth less than required by this title, and when said lot was held under separate ownership or was of record at the time this Title became effective, such lot may be occupied by any use permitted in the zone, subject to the regulations as set forth in Chapter 21 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988, amend Ord. 973, 11-14-1995, eff. 12-6-1995, amend Ord. 991, 11-26-1996, eff. 12-18-1996)

11-5-15 GATED COMMUNITIES PROHIBITED

Residential developments of more than one lot or unit shall not have gates across streets, whether the streets are publicly or privately owned and/or maintained. This restriction shall not apply to a secondary street which is designed for emergency vehicle access only, or to areas within the development designed exclusively for storage of recreational vehicles and the like. (Ord. 1287, 4-11-2006, eff. 5-3-2006)

CHAPTER 11-26

PLANNED UNIT DEVELOPMENTS

11-26-1	PURPOSE
11-26-2	ZONES
11-26-3	PERMITTED USES
11-26-4	MINIMUM SITE AREA
11-26-5	STANDARDS AND CONDITIONS
11-26-6	CONCEPT MAP
11-26-7	APPLICATION FOR TENTATIVE APPROVAL
11-26-8	PUBLIC HEARING FOR TENTATIVE APPROVAL
11-26-9	APPLICATION FOR FINAL APPROVAL
11-26-10	FINAL PLAN NOT IN SUBSTANTIAL COMPLIANCE
11-26-11	CHANGE IN THE UNDERLYING ZONE
11-26-12	SUBSTANTIAL PLAN CHANGE
11-26-13	ABANDONMENT OR FAILURE TO CARRY OUT APPROVED PLAN
11-26-14	TIME LIMIT OF CONSTRUCTION

11-26-1 PURPOSE

In certain instances, the purpose of the zoning regulations and zones, as set forth in this Title, may be achieved by the development of planned units which do not conform in all respects with the use patterns designated on the zoning map or with the zoning regulations prescribed therefor. A planned unit development may include a combination of different dwelling types and/or a variety of land uses, including public, quasi-public, commercial or industrial uses, as separate or combined developments, which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide for the locations of well-planned developments which conform with the purpose of this Title, although they may deviate in certain respects from the zoning regulations otherwise applicable to the site, the City Planning Commission may recommend and the City Council may approve planned unit developments as overlay zones. Such developments shall meet the objectives of the community development expressed in the Comprehensive Plan of the City.

11-26-2 ZONES

A. The establishment of a planned unit development for only residential purposes may be accomplished in an "R" or "ME" Zone and not in any other zone.

B. The establishment of a planned unit development for residential purposes that includes public, quasi-public and/or commercial areas may be accomplished in any combination of "R", "ME", "C1" or "G" Zones, as required to permit the proposed uses and not in any other zone.

C. The establishment of a planned unit development for only commercial or industrial purposes, or for combined commercial/industrial purposes may be accomplished in any combination of "C2" or "CM" Zones as required to permit the proposed uses and not in any other zone.

11-26-3 PERMITTED USES

The use regulations for the underlying zone or zones shall determine the uses permitted in a planned unit development. The proposed uses shall be located in the zone in which they are specifically permitted, except that uses listed as conditional uses need not be subject to procedures set forth in Chapter 30 of this Title.

11-26-4 MINIMUM SITE AREA

A planned unit development shall contain an area of not less than forty (40) acres.

11-26-5 STANDARDS AND CONDITIONS

A. Standards of lot area and dimensions, minimum dwelling unit size, site density, yard spaces, height of buildings and structures, number of stories in a building and distances between buildings shall, in the aggregate, be at least equivalent to the requirements prescribed by the regulations for the underlying zone.

B. Common open spaces shall be provided in an amount equivalent to not less than fifteen percent (15%) of any area designated for residential purposes. The location of the common open space shall be such that it may be incorporated as an integral part of the design concept of the residential area it is intended to serve. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development. "Common open space" shall not include:

1. Areas reserved for the exclusive use or benefit of an individual owner or tenant; nor
2. Street, alley easements, drainage easements, overhead utility easements or other public right of way; nor
3. Vehicular drives, parking, loading and storage areas.

C. The amount of area designated for commercial, industrial or other nonresidential uses shall, in the aggregate, not exceed ten percent (10%) of the area designated for residential purposes.

D. Off-street parking shall be provided in an amount as specified for individual uses in Chapter 23 of this Title. The conversion of a private garage accessory to any dwelling or dwelling group shall not be permitted.

E. All buildings shall set back at least twenty feet (20') from the perimeter property lines. The minimum distance between buildings shall be twelve feet (12').

F. The design standards of the planned unit development, including all streets, shall conform with the subdivision design standards set forth in Section 11-39-7 of this Title. All private streets shall be designed and built to City Standards.

G. No use shall be permitted and no process, equipment or materials shall be employed which are found to be objectionable by reason of odor, dust, smoke, noise, vibration, illumination, glare or unsightliness.

H. The planned unit development and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to other supervisory lease or ownership control as may be necessary to carry out the purpose of regulations relating to the planned unit development.

11-26-6 CONCEPT MAP

A. A property owner or agent thereof may first submit a concept map for review by the Planning Commission, together with preliminary plans showing exterior elevations; the use or uses and the location of proposed buildings and structures; areas to be reserved for vehicular and pedestrian circulation; parking, public and quasi-public uses; architectural sketches depicting the design, bulk and character of the proposed structures and uses, and their physical relationship. Such other pertinent information shall be included as may be necessary to determine that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title.

B. The Community Development Director shall refer the contemplated planned unit development to the various departments deemed advisable, requesting their findings and recommendations.

C. The submission and review of a concept map and the other plans shall in no way be interpreted as official approval and shall in no way be interpreted to mean that such review satisfied the requirements of a tentative map submission or approval.

11-26-7 APPLICATION FOR TENTATIVE APPROVAL

The application for tentative approval of the planned unit development shall include a tentative map prepared pursuant to Section 11-39-4 of this Title and a fee in the amount established by resolution of the City Council, and such other information as is reasonably necessary to disclose the following:

- A. The location and size of the site and the nature of the property owner's interest in the land proposed to be developed.
- B. The density of land use to be allocated to parts of the site to be developed.
- C. The location and size of any common open space, including the landscaping thereof, the proposed recreation areas and facilities, and the form of organization proposed to own and maintain any common open space.
- D. The organization for maintaining the common open space, the procedures for collecting fees to maintain the common open space and assessing liens to enforce collection of the maintenance fees, and in the event that the organization fails to maintain the common open space, the procedures for the City to undertake the maintenance and assess the properties for the cost.
- E. The use and approximate height, bulk and location of buildings and other structures.
- F. The ratio of residential to nonresidential use.
- G. The proposed grading and drainage pattern.
- H. The proposed method of water supply and proposals for the disposition of sanitary waste and storm water.
- I. The substance of conditions, covenants, grants or easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities. The conditions, covenants and restrictions (CC&R's) shall restrict the repair, dismantling or servicing of vehicles, require that privately-owned areas as well as designated "common open space" be maintained in good condition, free of weeds, dust, trash and debris; and provide that any private streets and other paved areas be maintained in good condition free of all holes or other defects, trash or dangerous materials.
- J. The provisions for parking of vehicles and the location and width of proposed streets and public ways, including the status of street ownership and extra parking for recreational vehicles, and the location of any bicycle pathways and pedestrian walkways.
- K. The relationship of the proposed development to the surrounding area and Comprehensive Plan, and the required modifications in the zoning regulations otherwise applicable to the subject property.
- L. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.

11-26-8 PUBLIC HEARING FOR TENTATIVE APPROVAL

After it has been determined that an application for tentative approval of the planned unit development has been filed in the manner prescribed in Section 11-26-8 of this Chapter, the Planning Commission shall hold a public hearing thereon in accordance with public hearing procedures as set forth in Chapter 35 of this Title. The Planning Commission may continue the public hearing from time to time, but the public hearing shall be concluded within sixty (60) days after the initial hearing date unless the property owner or agent thereof consents in writing to an extension of the time within which the public hearing shall be concluded.

Following conclusion of the public hearing, the Planning Commission may recommend tentative approval of the plan as submitted; recommend tentative approval subject to specified conditions not included in the plan as submitted; or recommend denial of tentative approval of the plan. The tentative approval or denial recommendation shall set forth the reasons therefor, including what respects the plan would or would not be in the public interest and findings on the following:

A. In what respects the plan is or is not consistent with the statement of objectives of the planned unit development.

B. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the site, including, but not limited to, density, bulk and use and the reasons why these departures are or are not deemed to be in the public interest.

C. The ratio of residential to nonresidential use in the planned unit development.

D. The purpose, location and amount of common open space in the planned unit development, the reliability of the proposals from maintenance and conservation of the common open space, and adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

E. The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

F. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

G. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public residents and owners of the planned unit development in the integrity of the plan.

After conclusion of public hearing, and a recommendation of tentative approval by the Planning Commission, the application for tentative approval and accompanying tentative map, shall be transmitted, via the Citizens Development Allotment Evaluation Committee when applicable, to the City Council for review and action. The City Council shall sustain, modify, reject or overrule any recommendation of the Planning Commission and may make such additional findings that are consistent with this Title. If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the City Council shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

11-26-9 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all the area included in a planned unit development or to the extent set forth in the tentative approval for a section thereof. Such application shall be accompanied by a final map prepared pursuant to Section 11-39-5 of this Title, and a fee in the amount established by resolution of the City Council.

An application or applications for final approval shall be submitted in accordance with the time schedule approved in granting tentative approval. The accompanying information shall include the drawings, specifications, covenants, easements, conditions and form of performance bond as was set forth by the City Council in granting tentative approval of the planned unit development.

A public hearing on the application for final approval of the planned unit development, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval. The plan submitted for final approval is in substantial compliance with the plan previously given approval, if any modification of the final plan does not:

A. Vary the proposed gross residential density or intensity of use;

- B. Vary the proposed ratio of residential to nonresidential use;
- C. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
- D. Substantially increase the floor area proposed for nonresidential use;
- E. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings;
- F. Substantially modify the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

The application for final approval, and accompanying plan, shall be considered by the Planning Commission to determine if the plan substantially complies with the plan given tentative approval. Having made its determination based upon a finding of facts, the Planning Commission shall make a recommendation to the City Council.

The City Council shall approve an application for final approval of the planned unit development, if after a finding of facts, it is found that the plan is in substantial compliance with the plan given tentative approval.

11-26-10 FINAL PLAN NOT IN SUBSTANTIAL COMPLIANCE

If the plan, as submitted for final approval, is not in compliance with the plan given tentative approval, the City Clerk shall, within thirty (30) days of the date of the filing of application for final approval, notify the property owner or agent thereof in writing, setting forth the reasons why the final plan is not in substantial compliance. The property owner or agent thereof may:

- A. Consider such notification as a denial of final approval;
- B. Refile the final plan in a form which is in substantial compliance with the plan as tentatively approved; or
- C. File in writing with the City Clerk a request that the City Council hold a public hearing on the application for final approval.

If a property owner or agent thereof elects to refile the final plan or request public hearing, he may do so on or before the last day of the time within which he was authorized by the granting tentative approval to file for final approval, or thirty (30) days from the date of receipt of such refusal, whichever is the later. The public hearing shall be held within thirty (30) days after the request for public hearing is made by the property owner or agent thereof, and notice thereof shall be given and public hearing shall be conducted in the manner prescribed for the initially submitted application in Chapter 35 of this Title. Within twenty (20) days after conclusion of the public hearing, the City Council shall either grant final approval or deny final approval of the plan. The decision shall be based upon a finding of facts as set forth in Section 11-26-7 of this Chapter. An approved planned unit development shall be identified on the land use zoning map in addition to the underlying zone or zones.

11-26-11 CHANGE IN THE UNDERLYING ZONE

Any planned unit development that includes uses requiring a change in the underlying zone or zones shall be accompanied by an application to amend the land use zoning map. The two (2) applications may be reviewed and heard concurrently and no additional fee need be charged for the zoning map amendment application.

11-26-12 SUBSTANTIAL PLAN CHANGE

Any request or application for a substantial plan change as described in Section 11-26-9 of this Chapter, shall be processed in the same manner as the initial application and the plan to develop the site as a planned unit development.

11-26-13 ABANDONMENT OR FAILURE TO CARRY OUT APPROVED PLAN

No further development may take place on the site included in the planned unit development until after the site is resubdivided as prescribed in Chapter 39 of this Title, and is reclassified by an enactment of an amendment to the land use zoning map as prescribed in Chapter 33 of this Title, if:

A. The planned unit development, or a section thereof, is given approval and thereafter, the property owner or agent thereof abandons the plan or the section thereof as finally approved; or

B. The property owner or agent thereof, fails to carry out the planned unit development within the specified period of time after final approval has been granted.

11-26-14 TIME LIMIT OF CONSTRUCTION

Upon approving a planned unit development, construction shall proceed as soon as practicable, and if reasonable progress is not being made within a period of one year ending after the date of such approval by the City Council, the Planning Commission may have the owners/developers of the planned unit development explain the delay, and if reasonable progress is not being made within a period of two (2) years ending after the date of said approval, the Planning Commission may initiate proceedings to rezone the area of the planned unit development to the zone or zones in existence prior to the adoption of the planned unit development, or to such other zone or zones as it may deem suitable and appropriate. (Ord. 841, 2-23-1988, eff. 3-23-1988)

Examples of different R3 development styles in Boulder City

This is not a comprehensive list. Projects have been organized by location first. There will be other R3 developments in the same vicinity that are not on this list.

Legal Type	Style	Details	Projects / Location
Near School area South of Adams Blvd.			
Condo	Attached, SF	Townhome cluster style (4-plex), enclosed yards, open parking (to rear), minimal common areas	La Dolce Vita Unit 1 / South of Adams between Capri & Georgia, and west side Capri
Condo	Attached, SF	Townhome cluster style (4-plex), open yards, open parking (to rear), common areas	La Dolce Vita Unit 2 / West side of Capri, east side of Darlene, north of Christina
Condo	Attached, MF	Apartment style, multiple units per bldg with units above, open parking, common area	Spanish Steps / 700 & 701 Capri Drive
Apartment	Traditional (multiple units per bldg)	General common areas (parking, landscaping)	Casa de Alicia / 1307 Darlene
Hemenway Valley			
Condo	Detached, SF	Enclosed side/rear yards, garages, minimal common areas	Water's Edge (Summer Shores) / Pacifica Way & Water's Edge Drive
Townhome	Attached, PUD	Garages, no enclosed yards, common areas	Laketree & Lake Terrace No. 1 / Keys Drive & Woodcrest Drive
Condo	Attached, MF	Townhome style, garages but no driveways, common area, limited guest parking (older area closest to Ville)	Spanish Steps Lakeside & Park View Estates / Ville Drive & Big Horn Drive
Condo	Attached, MF	Townhome & Apartment style, with units above, but with full driveways and add'l guest parking	Spanish Steps Lakeside No. 2 (to the rear of the above)
Condo	Detached, SF	Enclosed side/rear yards, garages, common areas	Key Largo / Ville Drive & Key Largo Drive
Condo	Attached, SF	Townhome style, some w enclosed yards, garages, no common areas except along public street	Marina Cove / Marina Drive & Marina Cove
Condo	Attached, SF	Townhome style, no enclosed yards, open parking, common areas	Lakeview Terrace / 683-687 Marina Drive
Condo	Attached, SF	Townhome style, enclosed yards, garages, common areas	Regatta Pointe / Lake Mountain Drive & Freedom Lane
Townhome	Attached, PUD	Garages, enclosed yards, common areas	Villa Florence / Lake Mountain Drive & Florence Drive

Condo	Attached, SF	Townhome style, no enclosed yards, garages, common areas	Boulder Landing / Lake Mountain Drive at Boulder Landing Lane
Condo	Attached, MF	Townhome & Apartment style, multiple units per bldg with units above, garages, common area	Bay View / Lake Mountain Drive at Bay View Drive

Other areas in the City:

(All with garages)

Townhome	Attached, duplex	Enclosed yards, no common areas	Our Place at Cottonwood / Cottonwood Street at Tiger Cove
Townhome	Detached	Enclosed yards, no common areas	Briar Stone / North of Adams, between Buchanan and Walnut
Townhome	Attached	Enclosed yards, common areas	The Cottages / S. of Boulder City Pkwy, east of Yucca Street off Tilman Lane

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Item 3 - Monthly Allotment Report

SUBJECT:

Monthly Progress Report on Development Allotments

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
📎 Item 3 report	Cover Memo



Agenda Item No. 3 Planning Commission Meeting March 20, 2019

Staff Report

TO: Planning Commission

FROM: Susan Danielewicz, City Planner, Community Development Department

DATE: March 14, 2019

SUBJECT: Monthly Progress Report on Development Allotments (*February & March*)

As per the current Controlled Growth Management Plan, Section 11-41-13: "The Planning Commission shall review, on a monthly basis, a report...on each proposed development having an allotment award... Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within one (1) year of the award of the allotments."

As per a determination by previous City Attorney Andrews, projects for which no building permit for a property has been obtained within one year of the award are subject to expiration. If there are multiple buildings on the same property, and at least one permit has been obtained, then the remaining allotments will not automatically expire. (Condominiums are multiple units on a single property; townhomes are individual units on individual properties.)

CY = Construction Year (July 1 through June 30) CO = Certificate of Occupancy

ALLOTMENTS FOR DEVELOPERS (for residential units unless noted *otherwise*):

AFDA-18-191, FULLER / EHLLI, 941 VILLA GRANDE WAY

Council approved 1 SF allotment for CY 17-18 on 05/08/2018. Permit issued on 09/19/2018. Work progresses.

AFDA-17-190, DOUGHERTY, 495 RAILROAD AVENUE

Council approved 1 SF allotment for CY 17-18 on 02/13/2018. Permit issued on 11/29/2018. Work progresses.

AFDA-17-188, BOULDER HILLS ESTATES - BC NO. 113, ADAMS & BRISTLECONE

(60 SF allotments approved for CY 16-17 and CY 17-18, plus 30 reservations for CY 18-19; application made prior to 06/30/2017; Council approved on 04/24/2018. C of O's issued previously: 3 from CY 16-17)

Certificates of Occupancy issued for 4 homes:

1522, 1526 Bryce Canyon – 01/16/2019

1530 Bryce Canyon – 01/24/2019

1519 Bryce Canyon – 03/05/2019

Work progresses on 12 homes:

Bryce Canyon Street: 1515, 1523, 1527, 1536, 1539, 1542, 1543, 1546, 1547, 1548, 1552, 1556

No progress on the following 1 home, permit issued 09/27/2018:

Bryce Canyon Street: 1507

Expiration date for issuance of remaining 40 permits: 04/24/2019.

AFDA-90-63, BOULDER LANDING - BC NO. 65, LAKE MOUNTAIN DRIVE

(30 allotments: CY 90-91; 29 CO's previously issued)

Plans under review for remaining 1 allotment.

Expiration date for issuance of permits: None (condominiums).

ALLOTMENTS FOR OWNER-BUILDERS: The effective date for the most recent adoption of Chapter 11-41, Controlled Growth Management Plan, is 11/05/1996. As per the new Sections 11-41-14 and 11-41-15 of the City Code, building permits for owner-builders who are building on lots created after the effective date of this code (11/05/1996) are counted towards the total number of available allotments that Construction Year. Such owner-builders are exempt from the allotment process, so long as each owner-builder does not request more than one owner-builder permit on applicable lots during a three-year period.

To date there have been only three residential subdivisions recorded after 11/05/1996 where there could be permits obtained by owner-builders: BC No. 86 - Lake Mead View Estates No. 3, BC No. 88 - Arctic Desert View Estates (built out), and BC No. 96 - Alpine Estates. Otherwise, the only other applicable sites are parcels created after 11/05/1996 which are not within subdivisions.

New Owner-Builder Allotments, permits issued during CY 2018-19:

None this past month.