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~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

**Summary:** *Amends the Washoe County Code at Chapter 110 (Development Code) by updating the standards in Section 110.406.05 to add a requirement regulating setbacks on non-conforming lots and removing the side yard setback requirements for lots created prior to May 26, 1993.*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to add a requirement to Section 110.406.05 for determining

setbacks on lots which are nonconforming for parcel size; and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-12 on May 7, 2019 creating Development Code Amendment Case Number WDCA19-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0001 on May 7, 2019, and adopted Resolution Number 19-12 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS; therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 406.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: (1) when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (2) when a Washoe County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback shall be

measured from the edge of the road. **If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot does meet minimum size for lots in that zone.**

SECTION 2. Section 110.406.35(e) of the Washoe County Code is hereby amended to read as follows:

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- ~~(e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.~~

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance

are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

**DRAFT: May 24, 2019**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Vaughn Hartung, Chair  
Washoe County Commission

This ordinance shall be in force and effect from and after the  
\_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

